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23 June 2009

To: Chairman – Councillor Mrs PS Corney
Vice-Chairman – Councillor RJ Turner
All Members of the Planning Committee - Councillors Mrs VM Barrett,
Mrs PM Bear, BR Burling, Mrs JM Guest, Mrs SA Hatton, SGM Kindersley,
MB Loynes, CR Nightingale, Mrs DP Roberts, Mrs HM Smith, PW Topping and
JF Williams, and to Councillor NIC Wright (Planning Portfolio Holder)

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, 1 JULY 2009 at 2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
GJ HARLOCK
Chief Executive

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Important information for non-committee members, parish councils and members of the public wishing to speak at the meeting

The document called 'Public Speaking at meetings of the Planning Committee' (April 2009) is available by following this link.

[Public speaking at meetings of the Planning Committee](#)

AGENDA

PAGES

PUBLIC SPEAKING

Those non-Committee members wishing to address the Planning Committee should first read the Public Speaking Protocol.

PROCEDURAL ITEMS

1. Apologies

To receive apologies for absence from committee members.

2. **General Declarations of Interest** 1 - 2

3. **Minutes of Previous Meeting**

To authorise the Chairman to sign the Minutes of the meeting held on 10 June 2009 as a correct record. The minutes are available on the Council's website at www.scambs.gov.uk/meetings and by following the appropriate links.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

4. **S/0506/09/F - Great Wilbraham & West Wrattling, (Camgrain APC Site, London Road)** 3 - 22

5. **S/0580/09/F - Coton, (54 High Street)** 23 - 28

6. **S/0695/09/F - Bassingbourn-cum-Kneesworth, (104 North End)** 29 - 34

7. **S/0209/04/F - Steeple Morden (Ashwell Road, Steeple Morden - Provision of affordable housing)** 35 - 40

A site plan is attached to the paper copy of the agenda. Further documents referred to in the report are attached to the website version of the agenda.

8. **S/0251/09/F - Cottenham, (Land to the Southeast of 2 Eversley Close)** 41 - 48

9. **S/0666/09/F - Oakington & Westwick, (Land to the South of, Oakington Business Park, [Formally Phypers Farm, Dry Drayton Road])** 49 - 56

10. **S/1352/06/RM - Girton, (Land of Wellbrook Way)** 57 - 66

11. **S/0547/09/F - Longstanton, (Land to the East of 'Lyndhurst', Station Road)** 67 - 74

12. **S/1702/08/F - Willingham, (Aspinalls Builders Yard, 2 Station Road)** 75 - 88

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INFORMATION ITEMS

The following items are included on the agenda for information and are, in the main, available in electronic format only (at www.scambs.gov.uk/meetings and in the Weekly Bulletin dated 24 June 2009). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

14. **Appeals against Planning Decisions and Enforcement Action**

Contact officers:

Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155

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

15. Enforcement Action

Contact Officer: Charles Swain, Enforcement Officer
Tel: 01954 713206

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"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) 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(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

Notes

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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South Cambridgeshire District Council

Planning Committee – 1 July 2009 – 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:

Reason:

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:

Reason:

Please return the completed form to ian.senior@scambs.gov.uk prior to the meeting, or leave it with the Democratic Services Officer in the Chamber, or leave it with the Democratic Services Section.

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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Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0506/09/F – GREAT WILBRAHAM & WEST WRATTING
Extension to Camgrain APC Comprising Additional Grain Storage Facilities and Ancillary Works Including Drainage Proposals, Landscaping and Highway Improvements – Land adjacent to Wilbraham Chalk Pit for Camgrain Stores Limited****Recommendation: Delegated Approval****Date for Determination: 9th July 2009****Notes:**

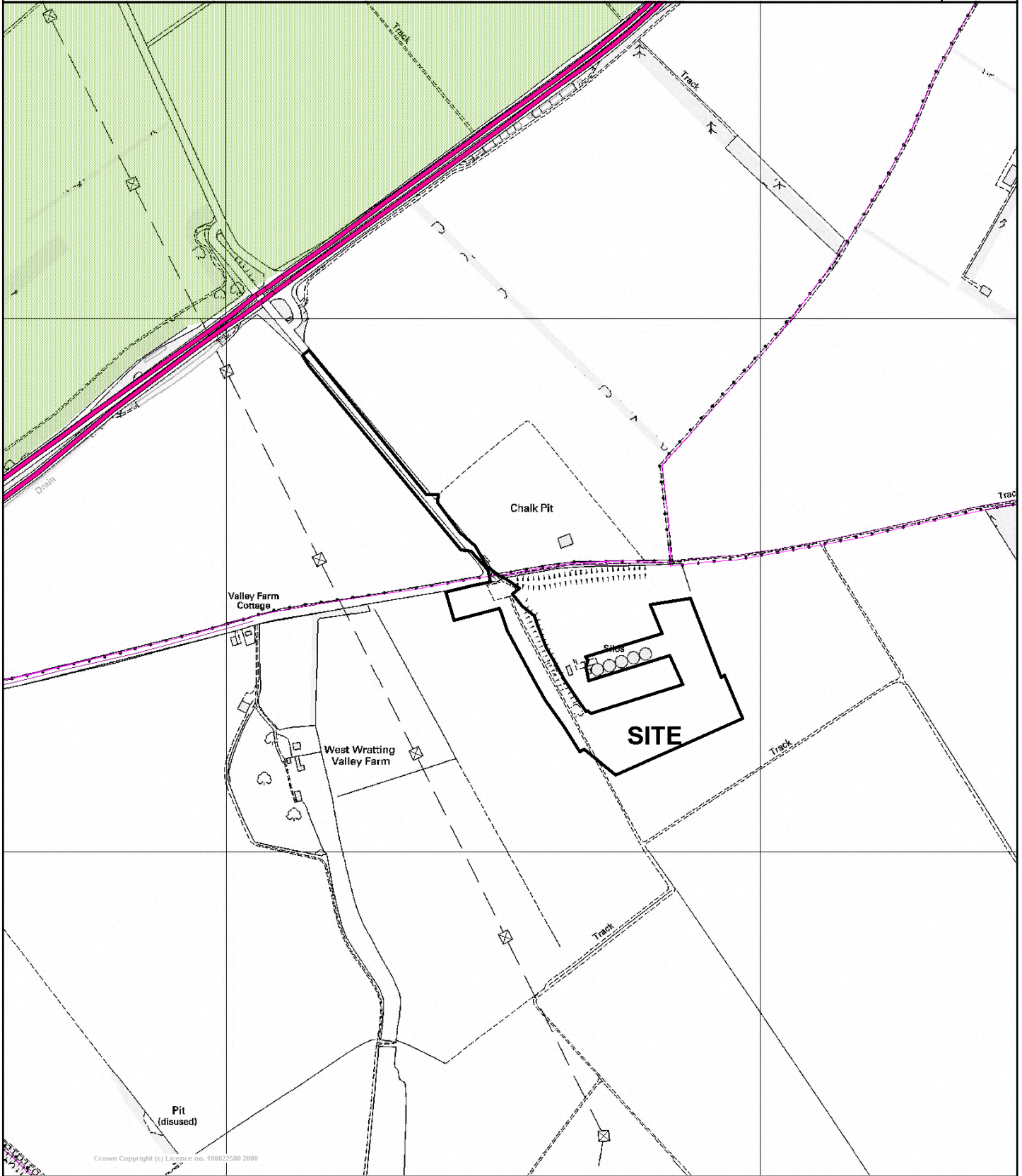
This Application has been reported to the Planning Committee for determination because the recommendation is contrary to the recommendation of West Wrattling, Great Wilbraham, and Weston Colville Parish Councils.

Members of Committee will visit the site on Wednesday 1st July 2009.

Major Application**Site and Proposal**

1. The application site is an approximately 11.3 hectare area of land situated in the countryside on the south-east side of the A11 trunk road, some 600 metres away from the A11 Wilbraham interchange. The site is occupied by a 90,000 tonne grain storage facility for which planning permission was granted in 2006.
2. Along the northern boundary of the site is a footpath and byway beyond which lies a working chalk pit. The land on the site rises to the east and south. Some 400 metres to the west are two residential properties, West Wrattling Valley Farm and Valley Farmhouse. Approximately 3 kilometres to the north, beyond the A11, is the village of Great Wilbraham, whilst Balsham village lies approximately five kilometres to the south-east. Access to the site is from Mill Road, which leads to the A11.
3. The full application, received on 9th April 2009, proposes an expansion of the existing Camgrain site in order to increase the capacity for grain storage from 90,000 tonnes to 300,000 tonnes. The proposal comprises:
 - (a) A 3,000 square metre extension to the east side of the flat store building;
 - (b) Four extra bulk bins;
 - (c) Sixty additional storage silos;
 - (d) Six extra holding bins;
 - (e) Plant house;
 - (f) Four driers.
4. Further landscaping would be added to the eastern and western boundaries, and the extension would be cut into the existing landscape, with the new silos being located behind the existing silos.

S/0506/09/F - Gt Wilbraham



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July Planning Committee

5. The accompanying planning statement explains that Camgrain was founded in 1983 to provide grain storage for local and regional farmers, and has become a leading farmer-owned storage cooperative with 175,000 tonnes of storage available to around 300 members. The advantages of centralised storage over individual farm grain stores include: speed of harvest; ability to process all crops regardless of impurities; provides facilities for processing grain to standards required by food and drink processors; ability to open up new markets for growers; unprecedented hygiene standards.
6. Demand for centralised grain storage continues to grow and to outstrip supply, and it is anticipated that the 90,000 tonne storage capacity at the existing premises will be reached by harvest time this year. In November 2007, Sainsburys announced it would use flour from traceable UK farms, and this flour is to be solely sourced from Camgrain. A further two year contract with Camgrain was announced on 15th June 2009. In addition, the company has also been awarded a £4million grant by EEDA for the development of the site. The statement argues that the benefits of central grain storage, together with the EEDA grant and Sainsbury's contract, underlines the success and significance of the company.
7. The application has been accompanied by a number of supporting statements:
8. The planning statement includes a letter of support from Robert Sturdy MEP who considers the application represents a great step forward for the Eastern Region at a time when world stocks, agriculture and food security are under pressure. Also letters of support are included from the English Farming and Food Partnerships Ltd (who state that Camgrain exemplifies the benefits a cooperative approach can deliver to suppliers and customers, that many on-farm grain storage facilities are unable to cope, and that investment in grain storage is urgently required) and the National Farmers Union (who state the proposal is in line with government thinking on farm restructuring and co-operation).
9. The Design and Access Statement explains that the landscape assessment carried out on behalf of the Council in connection with the original application concluded that, if the proposed facility was needed, this is a good site as it sits within a contained compartment, with the landscape mitigation being effective and appropriate to local character. The currently proposed silos would be sited behind the existing on a level site cut into the rising land. As such, it is argued the impact would not be much greater from these viewpoints.
10. The accompanying Transport Assessment proposes to widen Mill Road for some 120m to provide sufficient room for a lorry exiting the site to pass another lorry using the road. Traffic counts of the local road network were undertaken in November 2008. The predicted volume of HGV movements has been based on the existing maximum number of HGV movements (150), increased on a pro rata basis (by 3.33) to reflect the increase in capacity from 90,000 to 300,000 tonnes, resulting in a projected maximum of 500 two-way movements per day. It is argued that the existing junctions have ample capacity to accommodate the traffic likely to be generated by the development.
11. The Landscape Assessment concludes that the low level of available viewpoints and intervening rolls in landform combine to preclude visibility of the site from much of the surrounding area.
12. The Habitat Survey and Ecological Appraisal states that the site has limited potential to be used by nesting birds and brown hare. Proposed mitigation involves deterring ground nesting birds and brown hares from using the site. It is considered the ecological enhancement achieved as part of the development would be secured

through the development of a soft landscaping scheme resulting in an increase in habitat diversity.

13. The Flood Risk Assessment explains that surface water will be formally drained via surface water sewers to infiltration/detention basis. The development will not increase foul water discharge.
14. The Noise Assessment explains that a detailed continuous 24 hour noise survey was undertaken, with the results being used to determine the applicable daytime and night-time noise limits. The noise mitigation scheme includes: - increasing the height of the western boundary bund to 4 metres; the storage silo aeration units and grain dryer aeration fan units directed towards the east away from West Wratting Valley Farmhouse; all plant building roof fans and dust filters located on eastern façade plant building so they are acoustically screened by the plant building; all grain intake filter exhausts located on eastern façade of grain intake building and directed east; and air outlets for three diesel generators to face east. With these measures, it is argued the noise limits derived at the neighbouring property would be met.
15. External Lighting will be incorporated into the development, and will follow the nature of the existing lighting approved in connection with the previous development. It is anticipated final details will be secured by condition as per the previous permission.
16. A proposed deed of variation to the existing planning obligation, to account for the projected increase in traffic movements to 500 two way movements per day, has been enclosed with the application.

Planning History

17. **S/0623/03/F** – Application for a 30,000 tonne grain store on this site. The Highways Agency raised concerns in respect of the adequacy of the A11 junction to cater for the increase in traffic and stated that modifications would need to be carried out to the junction. The costs of carrying out these modifications meant that the 30,000 tonne facility would not be a financially viable option. The application was withdrawn.
18. **S/2494/04/F** – Members may recall that, following consideration at Planning Committee meetings held in March 2005 and July 2006, planning permission was granted on this site for a 90,000 tonne grain storage facility. The approved development consisted of a grain store, office building (incorporating offices, laboratory and administration floorspace and meeting room), weighbridge and approximately 20 silos. The total approved floorspace (excluding the silos) amounted to 9392m², comprising 8550m² of grain storage and 842m² offices. Following concerns from the Highways Agency and Local Highways Authority about the adequacy of the road network, the permission was conditional upon improvements being carried out to the slip lanes on and off the A11 trunk road and traffic lights being installed on the bridge over the A11. In addition, a planning obligation restricted HGV movements to 150 two-way movements per day and put in place a routeing agreement to ensure lorries delivering grain do not use roads through nearby villages. Consent was granted in January 2007 and work subsequently began on site. It is anticipated that the development approved under this consent will be completed later this year.

Planning Policy

19. **Planning Policy Statements:**

PPS1 – Delivering Sustainable Development

PPS 7 – Sustainable Development in Rural Areas

20. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
ET/5 Development for the Expansion of Firms
NE/1 Energy Efficiency
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/8 Groundwater
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/16 Emissions
CH/2 Archaeological Sites
TR/1 Planning for More Sustainable Travel
TR/3 Mitigating Travel Impact

21. **Circular 05/2005 – Planning Obligations** – states that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respect.

22. **Circular 11/95: The Use of Conditions in Planning Permissions** – states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

23. **West Wrattling Parish Council** recommends refusal, stating:

“A count of traffic was done in Nov. '08 and the advised peak period of activity and hence traffic is at harvest time. This would normally be July/August. The long standing count just south near Worsted Lodge shows July and August shows some 11% more traffic in July and August than November.

Conclusion: The Worsted Lodge traffic data available from Highways Agency or County Council should be used in preference to the November count. Alternatively the November data should be factored up by 11% to equate to July/Aug. traffic levels.

It is normal practice of HA to require a developer to assess traffic, not at the year of survey but at an assessed future year. This may be 5 years after the date of any planning application. Quite clearly the development will not exist at the date of application, it would take time to construct and make fully operational. At this future time it is to be expected that traffic-flows on a trunk road, such as A11, will have increased. The HA normally requires certain standard factors (referred to as TEMPRO and NRTF) to be used. The future year selected by HA may be more than 5 years from application but is seldom more than 10 years after the completion of the development. Given the A11 is being dualled to Norwich and given the growth of the population in the Eastern Region (again Policy led) there is a strong case for looking 10 years ahead rather than just 5. If the A11 were to need improvement after (say) 8 years due to this development and policy-led growth it would be very expensive to complete and would not in economic terms justify the development here proposed.

The development already permitted has not yet been fully completed. Hence the Road Safety Review does not look at the safety situation reasonably after all the present consent has been completed and is operational. Further for the first development WS Atkins had concerns when they did a Safety Audit for SCDC – who then wanted an independent audit completed. It is not clear that the WSP Safety Review is a full AUDIT undertaken by a recognised safety audit engineer. There is no indication of J Colron's qualifications in this respect. An independent SAFETY AUDIT by an independent company should be a requirement before consent is given.

The recommended maximum speed for taking the turns off the A11 is (for the moment from North off A11) only 20mph. To achieve this speed any fully loaded grain lorry will have to slow considerably within the main carriageway of the A11, due to the very short deceleration lanes. This form of junction is suited to low-flow interchanges where normally the HGV flow would be low – possibly 5-10% of the total. THIS IS NOT THE CASE HERE. The HGV content of this interchange will inevitably be extremely high requiring many vehicles to slow excessively within the carriageway of the main A11. This is potentially very dangerous as it will not be expected by other drivers on the A11. As the A11 gets busier – it already has over 40,000 vehicles per day (24 hours) this could lead to front/rear collisions or side impacts as a vehicle quickly changes lane to miss a slowing lorry. The junction is the wrong junction for this type of large vehicle traffic, even when the total flow is quite low.

It is felt that an Environmental Statement is needed as pointed out to SCDC when the application was first received.

There is no mention of money for the local community projects.

An increase to 60 silos and associated buildings in an area of 11.3 hectares is huge and is not in keeping with policy NE/4 – landscape areas. This is the countryside, not an industrial park. The landscape photos were either taken in the dark or with a useless camera.

Is the capacity of 300,000 tonnes to be the final figure? Will further applications be made later for more?"

24. In addition, the Chairman of West Wrating Parish Council has sought the advice of planning Counsel, who has drawn the Parish Council's attention to a recent case. This concluded that part of Schedule 2 of the 1999 Environmental Impact Assessment regulations did not properly implement the EIA Directive 86/337 as it sought to limit the application of the threshold to the further development rather than assess the cumulative effect of development. In addition, regulation 4(8) of the procedure did not comply with Article 10a of the Directive as there was no requirement or obligation provided for concerned members of the public to be informed of their right to address the Secretary of State. In these circumstances, the Parish Council states that, as a matter of law, the Council must insist on an environmental statement before it can properly assess the planning application.
25. **Great Wilbraham Parish Council** recommends refusal, commenting that Members have considerable concerns about the proposal:

"Firstly on the overdevelopment of the site. The tonnage of storage would more than triple and the resultant number of silos would be six times the original application made in 2006. Members feel that the reasons behind this vast expansion have not been fully justified or indeed are necessary at this stage. It could potentially set a precedent for additional industrialisation of this area.

Members feel that there is insufficient screening of the silos, the measures detailed in the application concentrate on only one viewpoint direction.

Members feel that there is insufficient information of the noise pollution. A council member with knowledge of this issue has experience that the impact of noise cannot be assessed on a site which has not yet been constructed.

Members are concerned about the light pollution caused by the proposed lights reflecting off the highly reflective surface of the silos and the increased lighting needed for security on the site.

Finally there are major concerns about the transport issues raised by the application and whether the figures given are realistic. The vast increase in vehicle movement per day gives concern to the validity of any previous study done on this junction, particularly in the summer when traffic on the A11 can be very busy. Members and the public are seriously concerned about the impact of very large heavy lorries, potentially queuing, on the bridge over the A11 which was initially constructed for light farm vehicle and village traffic use only. And despite the minor improvements resulting from the previous application members believe that the slip roads are inadequate for where the traffic joins the A11. Members feel that the risk of serious accidents will be greatly increased.

Members of Great Wilbraham Parish Council feel that if this proposal went ahead it would be to the detriment of safety and would have a severe impact on the environment of the village and locality. They therefore recommend refusal.”

26. **Weston Colville Parish Council** recommends refusal, stating:

“We consider the access from the A11 to be completely inadequate for the increased traffic. If substantial improvements were proposed we would like to be able to re-consider our recommendation.”

27. **Balsham Parish Council** makes no overall recommendation.

28. **Little Wilbraham and Six Mile Bottom Parish Council** recommends approval:

“No objections provided strict control of large trucks en route to the site is maintained and landscaping is carefully adhered to.”

29. **Linton Parish Council** recommends approval.

30. **The Landscape Design Officer** states that landscaping proposals are required for the scheme. These should include:

- (a) Proposals for reinstatement of planting lost during the widening of the access road, together with any supplementary planting;
- (b) Proposals to show how the large areas of extended bunding will link with the existing scrub, young woodland and grassland (planted in 2007 and establishing well) and how the existing planting will be protected during construction;
- (c) Proposals (including sections etc) for the large swale/wetland adjacent to the public by-way to the north of the site;
- (d) Although acknowledged that there are limited views to the site from the south, the scale of the extension, made apparent by the separation of the tall plant houses, will mean that some landscaping will be needed to the southern boundary of the site;

- (d) Details of plant species, sizes, planting rates, grass mixtures etc. Suggest that these are similar to the existing establishing planting;
 - (e) Details of any slope grading or terracing, planting methods, depths of soil, and any additives (water retention granules etc) to show how the planting can be successfully established in a fairly harsh environment.
31. **The Ecology Officer's** comments will be reported verbally at the Committee meeting.
32. **The Environmental Health Officer** requests the submission of further information before being able to give final comments on the application:
- (a) The report seeks to provide measurements and makes predictions for noise levels to West Wrattling Valley Farmhouse, which is the nearest dwelling to the development. This is a major extension to the size of the store and the positioning of the equipment, fans, driers and exhausts all point away from this dwelling to ensure the noise levels calculated in the report can be achieved. There are other houses further away that the report feels need not be considered. However, I am concerned that noise levels may be more elevated at other dwellings and therefore need assurance that levels from the whole site will not exceed the applicable noise criteria to 10 other dwellings in the area;
 - (b) Operational noise predictions assume that, as a worst case scenario, only 50% of the fixed aeration units on the storage silos and 40% of the roof fan units on the flatstore buildings will be operational at any one time. Is this assumption directly derived from experience at Camgrain's existing site in Linton?
 - (c) Background noise levels appear to be increasing during the night-time period from 33.9 in 2003, 35.5 in 2005 to 38.2 in 2009. However, these levels do not alter the noise criteria for this period;
 - (d) How will the 4m noise bund be consolidated to ensure it does not slump over time?
33. **The Local Highways Authority's** comments will be reported verbally at the Committee meeting.
34. **The Highways Agency** which is responsible for the A11 Trunk Road, states that, following a review of the Transport Assessment, a number of issues have arisen which require further clarification. Firstly, the additional traffic generation figures for the development proposals included in the report are assumed and based on a planning condition associated with the existing consent stating "...no more than 75 HGV movements or 150 two way HGV movements in any day." This figure has been increased on a pro-rata basis in respect of the proposed increase in grain storage capacity. The capacity increases by 3.33. Furthermore, it is disappointing that traffic surveys were not carried out at the Camgrain site access during the harvest months of July, August and September, as this would have provided a more precise basis for the factoring up exercise. For the purposes of peak period assessment, WSP's account of traffic generation associated with the development is 'approximate' and therefore requires revisiting.

To understand the present conditions at the A11/Mill Road junction, the Highways Agency considered it necessary to verify the design flow theoretical capacity of a compact grade separated junction. For purposes of clarification, the theoretical capacity of a compact grade separated junction is difficult to quantify categorically given the infinite combinations of traffic flows which may occur on the mainline and side roads. However, the DMRB states such junctions appear to be suitable where mainline flows are between 12,500-30,000 AADT and are normally associated with very low flows on the minor road.

The 2008 traffic flow diagrams presented by WSP appear to indicate junction flows would be within these parameters. However, their own road safety review highlights that mainline flows are already approaching the upper limit. No future year assessments have been provided by WSP. This should be provided to determine traffic demands at the A11/Mill Road junction under future year conditions.

There may well be potential for HGV's queuing to join the mainline of the A11. The introduction of traffic signals is likely to have had a positive effect with regard to shuttle operation on the bridge, increasing HGV flows could lead to instances whereby HGV's would stack at the signals and then cross over the bridge in convoy – potentially then proceeding through the junction to attempt to join the A11 simultaneously. This may result in HGV's queuing to join the A11 from a standing start. This issue must be considered.

The Council must not determine the application until the Highways Agency has had the opportunity to evaluate and respond to such additional information. Would not object to the planning committee considering the application and determining its views on all other aspects of the application.

35. **The Environment Agency** advises that the submitted Flood Risk Assessment satisfactorily demonstrates that the proposed extension is acceptable. However, there are a few concerns about the surface water drainage proposals. Conditions requiring the submission of a surface water drainage scheme and a pollution control scheme should therefore be added to any permission.

The site is on high ground with land falling steeply towards the A11. Failure of the infiltration drainage or saturation of soil layers could cause problems for third party properties or the carriageway. The FRA has used theoretical coefficients. Any drainage system must utilise on-site porosity tests and investigate local geology to ensure no failure of the system. The design calculations may not reflect recent rainfall trends. The 1 in 100 year critical rainstorm volumes must be checked for this catchment. Existing impermeable areas are shown to connect to the new infiltration system so it is important that the existing and proposed drainage systems cater for current design guidance and assumptions are not made regarding the adequacy of the existing system. The submitted drawing appears to show a retention basin and not an infiltration basin. It also only caters for a 1 in 30 year return period storm. Failure of an infiltration system can render the owner liable for any resulting damage. All systems must therefore be adopted or demonstrate their maintenance will be formally established in perpetuity with the development.

36. **East of England Development Agency (EEDA)** explains that its role is to improve the region's economic performance and its main focus in responding is to address:
- (a) Whether the proposal will help further sustainable economic development and regeneration in the East of England, and in particular,
 - (b) The ability of the proposals to help deliver the Regional Economic Strategy (RES)

The RES sets out the objectives and long term vision for the region's economy, and includes a series of priorities that are particularly relevant to this development and site. These include: strengthening the region's enterprise and improving enterprise performance through business support; to develop innovation and creativity; to improve resource efficiency; to support economic participation; and to ensure physical development meets the needs of a changing economy. Strategic ambitions for the rural economy include maintaining the East of England as the UK's leader in the agriculture and food sector.

Camgrain is a cooperative providing grain storage to local and regional farmers. The application proposes the extension of an Advanced Processing Centre (APC) which would become the largest and greenest processing centre in the UK for wheat, barley and other crops. In addition to storage, there are drying facilities and laboratory testing facilities to ensure the quality of the crops is consistent. Granting planning permission would enable Camgrain to maintain supplies in response to increasing demand and ensure that local farming remains competitive and responsive to the market. There are significant operational benefits to farmers and their customers in processing their grain through the cooperative, and the operation of the grain store facility is essential to the success of local farming activities and is of regional agricultural importance. The centralised facility enables farmers to keep pace with modern combine outputs, to process all combinable crops regardless of moisture content, enables access to new markets, gives greater hygiene standards, and the centralised activity is more economical and easily monitored.

EEDA has supported Camgrain through its Rural Development Programme with a £4 million grant. The application is considered to be broadly consistent with the Regional Economic Strategy and particularly the strategic ambitions for rural areas which seeks to support rural businesses and promote a strong rural economy. By raising productivity and being innovative, Camgrain will play a vital role in helping the region's food and drink sector be more competitive in the global market place and help to safeguard and provide local jobs.

37. **The Ramblers Association's** comments are awaited and will be reported verbally at the Committee meeting.
38. **The County Council Countryside Access Team** raises no objections, but points out that Public BOAT No.20 is located adjacent to the site. Informatives drawing the applicant's attention to points of law relating to the byway should be added to any consent.
39. **The County Archaeologist** states that records indicate the site lies in an area of high archaeological potential. It is considered likely that important remains survive on the site and would be severely damaged or destroyed by the proposed development. The area of the application lies directly south of known undated cropmarks comprised of ring ditches and enclosures. Adjacent to the eastern bounds of the proposed development, an evaluation undertaken prior to a windfarm proposal revealed Neolithic flint extraction quarries and associated flint working, and early Iron Age remains. The site is also located 1km east of Fleam Dyke, a known Saxon monument, and some contemporary remains may be present in the application area. The site should be subject to a programme of archaeological investigation, to be secured by planning condition.

Representations

Letters of Objection

40. Letters of objection have been received from 11 local residents, most of whom live within Great Wilbraham. The main points raised are:
 - (a) When permission was granted two years ago, Camgrain must have known it intended to expand further;
 - (b) If approved, this application would lead to a precedent for further development of this nature;

- (c) Due to the size of the extension, the development would have a significant impact on the landscape, which would not be adequately screened by the proposed landscaping;
- (d) The proposal will result in a huge increase in lorry movements;
- (e) It is believed the bridge over the A11 has a 17.5 tonne weight restriction. Will the development lead to stacking on the bridge thereby adding more weight?
- (f) Camgrain has stated that traffic will not go through the villages and that contracts will be cancelled if they do. This should apply to construction traffic as well;
- (g) The proposal would result in significant noise and light pollution;
- (h) There is a railway line less than 1 mile away. It would be more sustainable to move the tonnage by rail rather than road;
- (i) Great Wilbraham is unlikely to expand much in the future, reducing the possibility of securing S106 funding to help towards the maintenance of the community building. A contribution should be sought from this development.

41. The owner of Valley Farm Cottage, the nearest dwelling to the site, approximately 500 metres away, argues that the submitted transport assessment is deeply flawed. The single track part of Mill Road between the grain store and the A11 will not be able to cope with the peak flows of two way HGV traffic proposed. The only way traffic will flow is if stopped vehicles allow multiple vehicles to pass in the opposite direction. This will lead to 'platooning' where groups of HGV's join the A11 giving rise to a serious road hazard. The report doesn't include any analysis of the significant bottleneck in traffic flow that Mill Road presents. Platooning is acknowledged as a serious problem that needs dealing with but no measures are put forward to control it. The only way to resolve this would be to make Mill Road two way from the A11 junction to the site. It is further argued that an independent traffic report should be commissioned. It should include traffic models that are based on actual traffic flow data from harvest time. Traffic does not flow in an orderly way, but tends to have periods of no flow followed by gluts. Poisson statistics deal with such random events. Instead of using a realistic statistical analysis based on poisson statistics, the report estimates peak traffic based on making assumptions that HGV's will leave the site at exactly equal intervals. This greatly underestimates the peak flow of traffic.

There are no road markings at the entrance to Camgrain indicating that traffic needs to give way to traffic from London Road. In addition, the road surface condition has deteriorated since Camgrain opened, and that there is inadequate drainage leading to pooling of water.

The owner of Valley Farm Cottage also expresses concern about the noise impacts of the development. Construction has been ongoing 7 days a week, often very early in the morning. The proposals state the working hours are unknown, and HGV's will access the site 24 hours during the harvest months. Empty grain lorries are noisy when exiting the site. The conveyors are also noisy. The noise report was carried out on two of the coldest days of the year. The noise assessment states readings should not be carried out when temperatures are less than 3 degrees C. On the days of the survey, the lowest temp was -6 and the highest 2.4. Noise survey data should be discounted until a new survey has been carried out. The Linton site has led to regular noise complaints from residents. The operation of the site should not be allowed to be 24 hours for delivery of grain and certain equipment such as dryers and conveyors should not be used when there is a north-easterly/easterly wind.

This neighbouring property also states that the night sky has been adversely affected by lighting from Camgrain. High level lighting on the silos casts diffuse light over a large area, and security spotlights point in a westerly direction.

42. A West Wrattling Parish Councillor has submitted further concerns in respect of the Transport Assessment. This argues that the base traffic flow on the A11 should have been assessed in July or August 2008. The County Council Annual Traffic Monitoring Report for Worsted Lodge, just 2.5 miles along the A11 from the site, shows that the 24 hour AADT is always above 30,000 vehicles, with July and August flows being approximately 11% above November flows. Any assessment using November flows should include an 11% uplift to replicate harvest time levels of traffic. There should also be an assessment of forecast demand, normally for a period of 10 years. The County Monitoring Report indicates continuing growth over the 2005-8 period, and any further traffic from committed developments should be added. The outcome is believed to be 10 year forward forecast flow of close to 45,000 AADT. This is way above the level of this form of junction. The A11 junction is a compact junction, and the flows and turning movements for this larger scheme are not appropriate for such a small junction. It is noted that W S Atkins raised concerns about the junction in respect of the previous proposal. The anticipated 500 daily HGV movements would also be well in excess of what would normally occur at a minor road. The design of the junction should therefore reflect forecast movements in 10 years and allow for the unusually high proportion of HGV traffic, much of it loaded with grain and therefore accelerating slower and braking over a longer length of road than normal traffic.

Letters of Support

43. 23 letters of support have been received predominantly from Camgrain members based in Cambridgeshire, Hertfordshire, Suffolk and Essex. The main points raised are:
- (a) Camgrain collects, cleans, stores, and arranges sales of crops for many small farmers who would otherwise have nowhere to store their grain at harvest;
 - (b) Camgrain provides cost effective and efficient storage whilst enhancing the marketability of crops through contacts with end users such as Sainsbury's;
 - (c) Without Camgrain's help, the quality of many farms' grain would have been lost during last year's harvest. Indeed, some businesses would not have been able to survive without Camgrain;
 - (d) Camgrain makes economic sense for business, removes noisy and dusty grainstores from villages, and reduces tractor and lorry movements close to residential areas;
 - (e) Centralised storage is more efficient than on farm storage and uses less energy;
 - (f) There is an increased demand and urgent need for additional local central storage, as farmers need to comply with more demanding regulations;
 - (g) Unless the agricultural sector keeps ahead of demand, the food industry will face major supply problems;
 - (h) The development would help to maintain a sustainable countryside environment and rural economy;
 - (i) The existing site is excellent with its direct access onto the A11 (avoiding the need to go through villages) and its remoteness from any residential area.
44. One of the letters is from the Chairman of Camgrain, highlighting reasons why the application is so important in helping to deliver a healthy and competitive agricultural sector. Arable farmers in Cambridgeshire are exposed to a global market place for combinable crops at a time when commodity prices have been low and consumer demands for safe food have never been more demanding. As a result, farmers have looked to Camgrain to meet these market conditions and, when their on-farm stores are due for replacement, they have increasingly looked to central storage. The success of this route to market is demonstrated by the Sainsbury's contract. In today's competitive market, farm businesses need to adapt and structure themselves

to be as efficient and competitive as possible. Camgrain has helped make their farmers some of the most efficient and successful in the world. This process has been helped and recognised by the support that EEDA have given the company through the award of European funding. For this reason, Camgrain, who are experiencing continued demand from local farmers and the wider marketplace, requires the application to be granted.

Additional Noise and Traffic Information

45. Further to comments made by the Highways Agency and the Council's Environmental Health Officer, additional information has been provided in respect of highways and noise issues respectively.

Noise

46. The applicant's noise consultants, WSP Acoustics, have responded to the concerns raised by the Environmental Health Officer and the owner of West Wratting Valley Farm Cottage.
47. In order to consider the noise impact on an additional ten properties in the area, further fixed plant noise predictions have been undertaken at the specified locations. This concludes that, with final mitigation measures in place such that the plant noise emission levels/limits specified within the original noise assessment report are achieved, the applicable fixed plant noise limits would be met at each of the identified receptor locations.
48. Noise level predictions for HGV movements on the access road have also been repeated at the additional locations. The assessment concludes that these are of a relatively low level at all receptors, and are expected to be significantly lower than those associated with other ambient noise sources. Noise levels predicted at West Wratting Valley Cottage are only marginally greater than those predicted at the nearby farmhouse but, as this property is located closer to the A11, current ambient noise levels will be slightly higher at this location.
49. It is confirmed that assumptions have been directly derived from experience gained from the operation of the Linton site including the 2008 harvest. It is also acknowledged that background noise levels appear to be increasing during the night time period. This could be due to differences in intervening topography between the 2005 and 2009 assessment points or to natural road traffic growth. Although there has been an increase in measured ambient noise levels, there has been no change to the adopted assessment criteria.
50. Finally, it has been confirmed that the 4m noise bund will be compacted using the same method as agreed for the previous noise bund construction. The required height will be achieved and will not be compacted over time.
51. With regards to the concerns raised by the owner of West Wratting Valley Farm Cottage, an additional assessment of predicted HGV noise levels on the site access and haul routes has been undertaken drawing upon the 2003 baseline noise survey results. This predicts that only minor noise level increases at worst are expected during the night-time period, and argues that predicted worst case noise levels would be below the World Health Organisation guidelines for community noise. It is acknowledged that the 2009 measurements were undertaken during cold weather conditions. The Environmental Health Officer has been provided with further information about the reliability of the plant source noise data, which argues that the prevailing cold weather conditions did not significantly influence the measurement

results, and that the meter used for the survey provides accurate results at temperatures of between –10 and +50 degrees Celsius. With regards to the issue of construction noise, the consultants acknowledge that it is inevitable there will be some disturbance but, given that the nearest property is some 500 metres away, it is expected that any noise disturbance can be addressed through the adoption of best practice techniques.

52. The Environmental Health Officer has responded in respect of the additional noise information as well as the concerns raised by the owner of West Wratting Valley Farm Cottage. It is considered that issues relating to temperatures when background levels were taken and HGV noise from empty vehicles were adequately considered in WSP's response. It is therefore considered that a further noise report is not required. Lighting standards have been discussed with Camgrain – most general lighting is pointing downwards and the only lighting above the horizontal would be for safety reasons and maintenance access and these are to be on short timers. With regards to the Linton site, this has been in operation for about 25 years and very few complaints have been received (approximately 6 since 2002). Approval is now recommended subject to the following conditions:
- (a) The site shall be constructed and operated to conform to the predicted noise levels submitted with the application, as amended by WSP's subsequent information;
 - (b) A method statement for the construction of the noise barrier to be submitted and agreed and the noise barrier constructed before commencement of development;
 - (c) No external lighting other than in accordance with a previously agreed scheme;
 - (d) Restricted hours of operation of power operated machinery during the construction period;
 - (e) It may also be prudent to include a condition requesting details/locations of any further plant installed on the site.

Traffic/Highways Issues

53. Further to the holding objection raised by the Highways Agency, the applicants have provided the Highways Agency with further information and technical notes.
54. Technical Note 1 deals with the Highways Agency's query as to why the prediction of peak hour traffic was not based on observed movements during the summer 2008 harvest period. It explains that a traffic count of the Great Wilbraham junction was undertaken in August 2008 during the peak harvest period. However, the grain store was not operating under normal harvest conditions due to the unusually wet summer. The approved grain drying facilities were not then implemented, this resulted in additional HGV movements as wet grain was delivered then sent offsite to be dried and subsequently returned to site. The August 2008 traffic count was not therefore representative and not appropriate to use as a basis for prediction of HGV movements. Nonetheless, to assure the HA that the TA does not underestimate peak traffic generation, the August data (taken on the second busiest day of the year) has now been used. This demonstrates that the predicted peak hour traffic flow associated with the proposed expansion to 300,000 tonnes is a considerable overestimate.
55. Technical Note 2 assesses the predicted traffic flows to the year 2019 during the harvest season with the 300,000 tonne expansion and concludes that the existing junction will be capable of accommodating the increase in HGV movements arising from the proposals.

56. Technical Note 3 deals with the issue of convoys joining the A11. This concludes that even during the busiest day of the harvest season, there is very little likelihood that more than one HGV will join the A11 at a time.
57. In addition, the applicants have submitted details of the sequence of events through the weighbridge operation, and have clarified that the management of transport on site through the weighbridge exit ensures that no more than 1 HGV can exit each minute.
58. Following receipt of this further information, the Highways Agency has removed its holding objection subject to the following condition:

“All vehicles hauling grain shall egress the site through a single weighbridge, which shall be maintained in working order at all times.

Reason – To prevent haulage vehicles leaving the site in platoons, in order to ensure that the A11 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.”

Planning Comments – Key Issues

59. The key issues to consider in the determination of this application are:
- (a) The justification/need for the development;
 - (b) The need for an Environmental Impact Assessment;
 - (c) Visual impact;
 - (d) Highway safety and traffic issues;
 - (e) Residential amenity issues including noise and light pollution;
 - (f) Ecological Issues;
 - (g) Flooding/drainage issues;
 - (h) Archaeology;
 - (i) Community obligations.

Principle of development and need

60. The site lies within the countryside where planning policies state that development must be restricted to that which requires a rural location and that is essential to the operation of farming. Additionally, Planning Policy Statement 7 supports development that delivers diverse and sustainable farming enterprises, and that enables farmers and farming to become more competitive, to adapt to new and changing markets and to comply with changing legislation.
61. The principle of siting such a facility in the countryside was thoroughly explored by this Authority in the consideration of the original application, as a result of which it was accepted that the operation of grain storage is essential to the success of farming and requires a rural location. It is clear from the numerous letters of support received from local farmers and farming bodies, from the EEDA grant and Sainsbury's contract secured by Camgrain, and from the response received by EEDA in connection with the current proposal, that the expansion of Camgrain's existing centralised grain storage facility is essential for the continued effectiveness and success of the farming industry.

Environmental Impact Assessment

62. A request for an Environmental Impact Assessment Screening Opinion was submitted to the Council prior to the submission of the application. This Authority concluded that the proposal falls within Schedule 2 of the Regulations. This comprises classes of projects

where the planning authority is required to consider whether the project is likely to have a significant effect on the environment. Having regard to the criteria and defined lists of environmental factors in Schedule 3 to the Regulations, noting the size of the development and cumulative impact of new development plus the existing development, the proposal was not considered to have more than local importance, to affect a particularly environmentally sensitive or vulnerable location, or to have unusually complex or potentially hazardous environmental effects. On this basis, this Authority concluded that the proposal was not considered to constitute EIA development.

63. West Wrattling Parish Council has insisted that an EIA be required for this application. This issue is presently the subject of discussion with the Council's Legal Officer, West Wrattling Parish Council, and the applicant's solicitors, and Members will be updated on any progress at the Committee meeting.

Landscape and visual impact

64. In its consideration of the original application, an assessment of the visual impact of the development within the landscape was carried out on this Authority's behalf by David Brown Landscape Consultants. This assessment admitted that the impact on the immediate landscape, when viewed from Mill Road bridge and from the footpath/byway that runs along the northern edge of the site, would be severe, but considered that these impacts could be ameliorated by the proposed landscaping and soil bunding. Due to the lie of the land and the fact that the site sits in a valley, the report also concluded that there would be no material harm to the longer distance views of the site.
65. As acknowledged in David Brown's original assessment, the present development is most prominent from the Mill Road bridge over the A11, and from the bridleway that runs directly adjacent to the northern boundary of the site. From the bridge, the flat shed and silos are prominent. The proposals seek to extend the flat shed on its eastern side and to site the additional silos behind the existing silos on a level site that cuts into the gradually rising topography. As such, whilst the proposal represents a significant extension to the existing facility, the vast majority of the additional bulk will be concealed by the already permitted development.
66. The landscaping measures approved in connection with the previous application have already been carried out, and these have helped to minimise the visual intrusion of the development in the landscape, particularly when viewed from the bridleway to the north, from where high bunding largely conceals views of the development. The current proposal seeks to add new bunding and planting on the western and eastern boundaries in order to further minimise the visual impact of the development. The Landscape Design Officer has raised no in-principle objections to the landscaping proposals for these boundaries, subject to the submission of further details. The application, however, makes no provision for landscaping along the southern boundary of the site, arguing that this is unnecessary due to the topography of the site. However, whilst there are limited views to the site from the south, the Landscape Design Officer has stressed that some landscaping will be required for this boundary. I am seeking clarification as to whether this would necessitate any increase in the site area, and will update Members verbally at the Committee meeting.

Highways Issues

67. Significant concerns have been raised by West Wrattling and Great Wilbraham Parish Councils, by the Highways Agency and by local residents in respect of the traffic implications of the proposal.

68. As part of the original application for the 90,000 tonne storage facility, the applicants were required to upgrade the existing A11 junction, by increasing the length of the northbound slip road from 77m to 130m and the southbound slip road from 95m to 130m, and to provide traffic signals at the A11 overbridge. The Highways Agency considered the proposals would bring the junction up to the required standard and raised no objections at the time subject to the tonnage of grain being restricted to 90,000 tonnes and to vehicle movements being restricted to 150 two way movements per day. These improvements have since been carried out.
69. The Highways Agency initially raised a holding objection to the current proposal, and requested the submission of further information prior to the application being determined. This information and the Highways Agency's response are set out in paragraphs 53-58. In summary, following the receipt of this additional information, the Highways Agency now considers the proposal to be acceptable, subject to a condition requiring vehicles to egress the site through a single weighbridge, together with the proposed deed of variation to the existing legal agreement.
70. As a result of considerable concerns about the highway safety implications of the development, the previous application was deferred at Committee to enable independent highways advice to be sought from Atkins. Atkins raised concerns about the proposed modifications to the junction and felt a parallel diverge/merge layout would reduce conflict on the A11, but acknowledged this would be over and above the standards. The Highways Agency also stated that such an arrangement couldn't be insisted upon on highway safety grounds. The outcome of seeking Atkins advice was that the proposals were ultimately deemed to be acceptable, in accordance with the Highways Agency's original assessment of the application. Given that the Highways Agency's concerns in connection with the current proposal have now been fully resolved and its holding objection removed, I do not consider the commissioning of a further independent assessment (as requested within a number of responses to the application) to be necessary in this instance.
71. The comments of the Local Highways Authority in respect of the proposed widening and improvements to Mill Road, as well as in respect of any weight limits affecting the bridge over the A11, are awaited and will be reported verbally at the Committee meeting.

Noise and Light Pollution Issues

72. Following concerns raised by the Council's Environmental Health Officer and by the owner of West Wratting Valley Farm Cottage, further noise assessments have been carried out (see paragraphs 46-51).
73. The Environmental Health Officer's subsequent response is in paragraph 52 of this report. This concludes that issues relating to the impact of the development upon the amenities of nearby residents have now been adequately considered, and recommends approval subject to a number of conditions being added to any planning permission.

Ecological Issues

74. The application has been accompanied by an Ecological Assessment and I am presently awaiting the Ecology Officer's comments, which will be reported verbally at the Committee meeting.

Flooding/drainage issues

75. The application has been considered by the Environment Agency who has raised no in-principle objections, subject to conditions being added to any permission requiring

the submission of surface water drainage and pollution control schemes prior to the commencement of any development.

Archaeology

76. Following the comments received from the County Archaeologist, any permission should be subject to a condition requiring an archaeological investigation to be carried out prior to the commencement of any development.

Community Obligations

77. West Wrattling Parish Council has queried whether the developers could be required to contribute towards local community facilities. Circulars 05/2005 and 11/95 make it clear that any requirements encompassed within legal agreements or conditions, respectively, must be necessary and relevant to planning. As this development could not be argued to increase demand for local services and facilities, I consider that any requirement for a financial contribution towards village community facilities could not be justified.

Recommendation

78. Subject to no material objections being raised by the Ecology Officer or the Local Highways Authority, delegated powers are sought to approve the application, as amended by Highways Technical Notes 1, 2 and 3 dated 4th June 2009, and additional noise assessment information in WSP's letters dated 3rd, 8th and 10th June 2009, subject to a deed of variation to the existing legal agreement to restrict development generated traffic to 500 two-way movements per day, and to the following additional 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 full details of both hard and soft landscape works, including details of protection of existing planting, details/sections of the swale, and details/cross sections of mound construction angles and heights of the spoil bunds, have been submitted to and approved in writing by the Local Planning Authority. These details 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. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007);
 - (3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation (Reason - To ensure the development is satisfactorily assimilated into the area and

enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007);

- (4) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007);
- (5) Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority (Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007);
- (6) During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007);
- (7) Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions (Reason - To protect the occupiers of adjoining dwellings from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007);
- (8) The site shall not be constructed or operated other than in accordance with the predicted noise levels submitted with the planning application and prepared by WSP Environmental UK Reference 12103446 and dated 20th March 2009, as amended by letters from WSP dated 3/06/09, 8/06/09 and 10/06/09 (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007);
- (9) A method statement for the construction of the noise barrier shall be submitted to and agreed in writing with the Local Planning Authority and the noise barrier constructed before commencement of the development hereby permitted (Reason – To ensure that the noise barrier provides mitigating effects to reduce noise and dust emissions from the site in accordance with Policy NE/16 of the adopted Local Development Framework 2007);

- (10) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007);
- (11) The development, hereby permitted, shall not commence until the improvements to Mill Road have been carried out and completed in accordance with the approved details specified on drawing number 1122/SK/01 Rev A (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007);
- (12) All vehicles hauling grain shall egress the site through a single weighbridge, which shall be maintained in working order at all times (Reason – To prevent haulage vehicles leaving the site in platoons, in order to ensure that the A11 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road);
- (13) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority (Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007);
- (14) No more than 300,000 tonnes of grain shall be stored on the site at any one time (Reason – The application has been assessed on the basis of the number of HGV movements associated with the storage of 300,000 tonnes of grain);
- (15) For a period of 10 years from the date of first bringing into use the development, hereby permitted, if the site ceases to be used for the purposes described in the application for a continuous period of 12 months, all buildings, silos and associated works (including hardstandings and boundary structures) shall be demolished and removed from the land, and the land restored in accordance with a scheme and timescale that shall previously have been submitted to and approved in writing by the Local Planning Authority (Reason – To ensure the removal of the structures if no longer required for the purposes, hereby permitted, in order to protect the character and appearance of the countryside in accordance with Policies DP/2 and NE/4 of the adopted Local Development Framework 2007);

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

Planning Policy Statements 1 and 7
South Cambridgeshire Local Development Framework (LDF) 2007;
Circular 05/2005 – Planning Obligations
Circular 11/95 – The Use of Conditions in Planning Permissions
Planning application references: S/0506/09/F, S/2494/04/F, S/0623/03/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**Ref.S/0580/09/F – COTON
Extensions at 54 High Street
for Mr Heslop****Recommendation: Approval****Date for Determination: 7th July 2009****Notes: The planning application is within a Conservation Area.****Members will visit this site on 1st July 2009.****Site and Proposal**

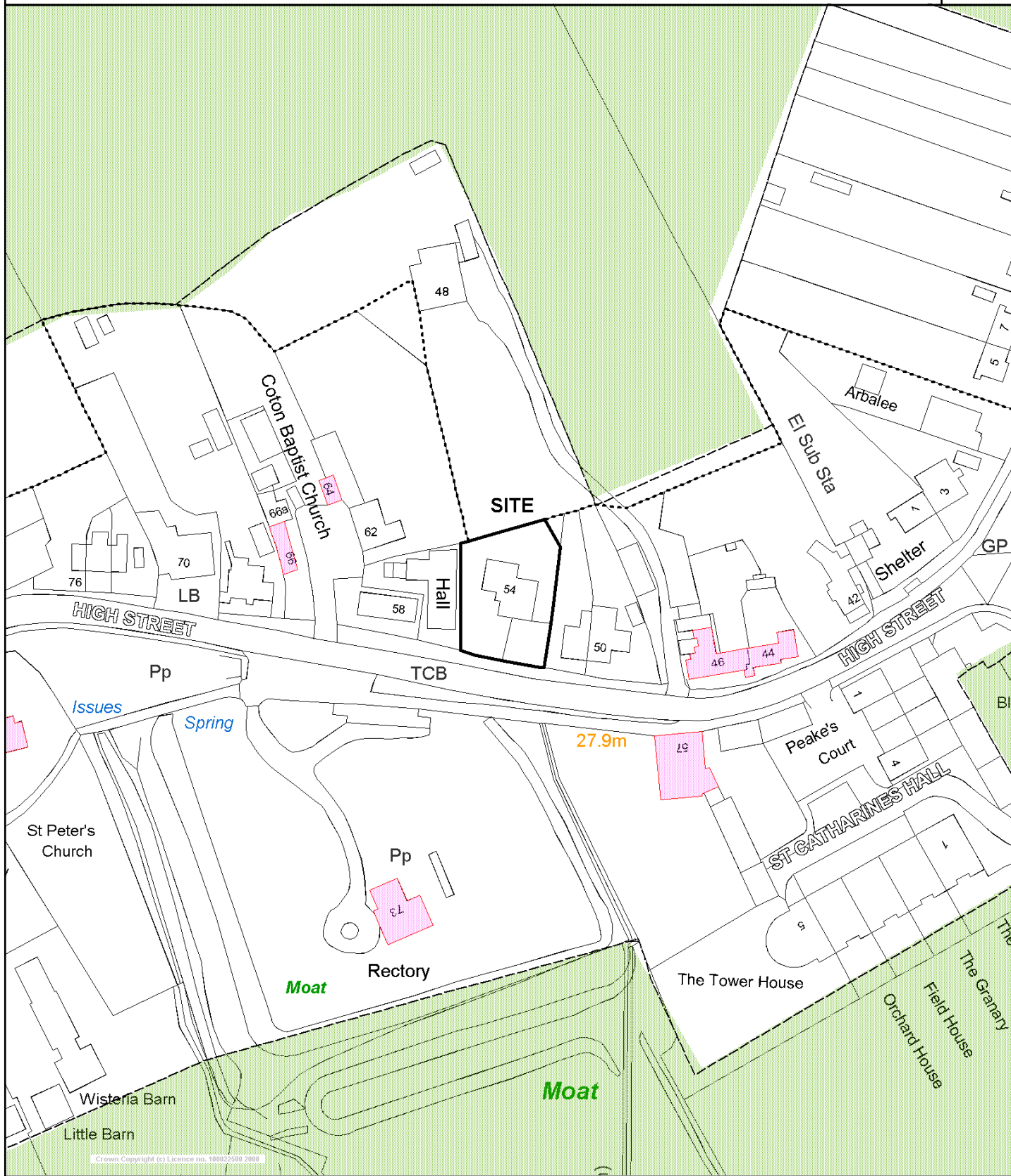
1. The site measures approximately 0.065 hectares. It is located within Coton's Conservation Area and opposite The Rectory, a Grade II Listed Building, the curtilage of which is a Protected Village Amenity Area. The dwelling has been designed around a central atrium space and has series of mono-pitched roofs that present a series of angular forms, leading to an articulate built form. It is due to this uniqueness of the building and importance of this example of modern architecture on the streetscene that a site visit by Councillors is suggested. The west side and rear boundary treatment is a 1.8 metre high wooden fence with a 2 metre high hedge going along the eastern boundary.
2. The dwelling is set between the Woman's Institute Hall to the west and the property of No.52 set 5 metres to the east. A woodland area is located at the rear of the property. The dwelling is set back approximately 9.5 metres from the road.
3. The application received 28th April 2009 proposes a first floor front extension maximum measurements are 1.2 metres x 3.2 metres, with a height of 6.7 metres to extend a bedroom, a rear two storey extension measures 5.3 metres x 5.5 metres, with a maximum height of 6.8 metres (Please note that amended plans have been asked for that will reduce the size of the extension from having a width of 5.5 metres to approximately 5.3 metres) and a rear conservatory measures 3.6 metres x 3.6 metres, with a maximum height of 4.1 metres.

All the proposed external materials will match those of the existing dwelling. The application is accompanied by a Design and Access Statement.

Planning History

4. The existing dwelling was approved in the 1970s under planning application **S/0501/73/D**. The applicant applied to extend the dwelling in 2008 under planning application **S/1548/08/F**. This application was refused on conservation grounds due to the design not being sympathetic to the character of the existing building.

S-0580-09-F Coton



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Scale 1/1250 Date 17/6/2009

Centre = 541012 E 258926 N

July 2009 Planning Committee

Planning Policy

South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007:

5. **DP/2** (Design of New Development), **DP/3** (Development Criteria), **CH/5** (Conservation Areas).

South Cambridgeshire Local Development Framework (LDF)

6. Development Affecting Conservation Areas (Supplementary Planning Document), Adopted January 2009. Extensions should be subservient to the original structure and be proportionate. Scale, form and massing of an extension should acknowledge the original structure, along with the original roof form.

Consultation

7. **Coton Parish Council** – Recommends refusal due to it being too big, domineering, and will cause lack of light & privacy on neighbouring dwellings.
8. **Conservation Officer** – ‘54 High Street dates from the early/mid 1970s and is within the Coton Conservation Area and adjacent a number of Listed buildings. The house is of an innovative design and the aim of pre-application negotiation following previous refusal has been to provide extensions in sympathy with this.

The submission is in accordance with the advice given and therefore in principle would not harm the interests of this building and this part of the Conservation Area. However, the side elevation facing east (towards 52 High Street) should be more articulated, with the Bed 1 extension set in from the existing wall by approximately 300-500mm. The varying positions of elements of the elevations is a significant part of the original design and breaks down the apparent bulk of the building to spans that are characteristic of the adjacent more traditional buildings in the Conservation Area. The set-back would also reduce the impact on the adjoining buildings.

The set-back and obscured glass to the proposed ensuite would also reduce overlooking of the adjacent properties.

I therefore recommend approval subject to the above amendments and conditions as follows:

No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)’

Representations

9. **62 High Street** – Wishes to retain their privacy and that the materials used should match the existing.
10. **52 High Street** – (Occupant). Objects to the proposed development due to it not being modest in size. States that it will lead to a significant loss of privacy and loss of afternoon/late evening light in the rear garden of No. 52.

11. **52 High Street** – (Owners). They object to the proposed development, although would not object to a single storey extension at the rear. They comment that it will lead to a loss of privacy.

(Privacy)

12. At present two small side bedroom windows and three small rear windows overlook their rear garden, patio area and kitchen/dinning area windows. If the development is allowed their rear garden would be overlooked by two existing small side bedroom windows and four new large rear bedroom windows on the first floor. Two extra ground floor side windows to an extended kitchen and new study would also face directly onto a patio seating area of No. 52.

(Loss of Light)

13. They believe that the proposed development will cause considerable loss of afternoon and evening light, especially in winter and will double the amount of their garden in shadow.

(Incompatible scale, mass, form, siting and proportion in relation to the surrounding area).

14. They state that the extension will be overbearing on adjacent properties and lead to the side elevation of unbroken mass increasing from 9.25 metres to 14.55 metres, an increase of 5.3 metres or 57%. The extended side wall would overshadow 63% of the rear garden of No. 52 compared to 40% currently. They believe that the unbroken scale and mass of the two-storey rear extension would have an adverse impact upon the character and appearance of the Conservation Area.

For these reasons the development is contrary to the Local Development Framework Policies DP/2 and CH/5 and the Supplementary Planning Document on Development Affecting Conservation Areas.

(Conservation Area)

15. They believe that the development would impede the view from the High Street of the woodland behind 54 High Street.

(Errors)

16. They state that the Design and Access states the property mentions the wrong address and that the property is a detached not a semi-detached house.

(Conclusion)

17. They argue that the extension would have a significant and negative impact by loss of character of the areas, loss of privacy, and the overbearing nature of the extension.

(These objections are supported by figures 1-6 submitted by the owners of No.52).

Planning Comments

18. The main planning considerations for this development are does it preserve or enhance the character and appearance of the Conservation Area and does it have a detrimental impact upon the amenities of neighbouring properties.

19. **Impact upon the Conservation Area** – The proposed scheme has been designed in consultation with Conservation Team in order to maintain its fairly unique roof pattern and articulate form; the design submitted is based upon

Conservation's comments. The proposed development follows the same pattern of built form as the existing dwelling and maintains most of its unique and important features. The roof pattern on the proposed extensions has been carefully designed in order to replicate those of the existing dwelling. The proposed development will also use matching materials for the external appearance of the development, thus preserving the Conservation Area.

20. The applicant has been asked to indent the eastern kitchen/breakfast and bedroom wall, in order to further improve the built form of the development. This indentation would further improve the proposed development and help to emphasise the break in the height of the eaves. In reply to the owners of No. 52 point regarding loss of views through the gap between buildings, it is Officers' view that with the extension (as originally submitted) being built in line with the existing eastern two storey wall, there will be no loss of view from the streetscene to the trees at the rear of the property. A gap of approximately 4 metres would remain to the side eastern boundary. The amendment if received would improve this further by being indented inwards; the two storey rear extension would not be able to be seen from the public footpath.
21. ***Impact upon Neighbours Amenity*** - The proposed development will have little impact upon the Institute Hall to the west. The two storey element is set on the other side of the property, the garden room is only one storey in height and the extension to the front bedroom only brings the mass 1.1 metres closer to the hall. It is, therefore, considered that the development will not have any detrimental overbearing impact upon the hall or cause significant loss of morning light. The hall will likely receive an increase in privacy due to the loss of the first floor balcony and bedroom windows that look directly towards the side windows of the Hall.
22. The proposed development is also considered to increase the privacy of No. 52. The existing dwelling currently has 3 bedroom windows and two bathroom windows facing towards the property of No.52. The proposed development will lead to only one bedroom window and three bathroom windows facing No. 52. The new en-suite window could be conditioned in order to be permanently maintained with obscure glazing and a further condition can be added to ensure no new windows are placed on the eastern side of the two storey extension, thereby preventing future possible overlooking. The two additional ground floor side windows will not cause any significant loss of privacy, due to the existing hedge approximately two metres in height.
23. The proposed development is not considered to cause any significant loss of light to the property of No.52. The two storey extension to the west of No.52 is no higher than the existing dwelling and although it extends 5.35 metres further back than the existing rear wall, it will be some 4 metres from the eastern boundary. It is considered that the proposed extension will only lead to loss of light between 6 and 7 pm. It is considered by Officers that the proposed two rear extension will lead to only a small loss of sunlight and that this will not be detrimental to residential amenity.
24. The proposed development is not considered to be overbearing upon the property of No. 52 due to it being set away from the boundary by approximately four metres and the existing two metre planting breaks up the mass of the extension. The proposed roof slopes away from No.52 further reducing the impact upon this neighbour. The amended plans that have been requested would further break up the mass of the development by indenting it away from the neighbour.

25. The rear facing windows are located approximately 8 to 9 metres away from the rear boundary; none of these windows are facing towards the dwelling of No.62 and there is natural screening on this boundary.

Recommendation

26. Approve, subject to the following conditions
1. SC1 Full Planning Permission, Time Limit (3 years)
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 that have not been acted upon.)
 2. SC30 Permitted Development – Windows
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the eastern side elevation of the extensions, hereby approved, at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 3. SC31 Glazing
Apart from any top hung vent, the proposed first floor window for the new en-suite in the east side elevation, shall be fitted and permanently glazed with obscure glass.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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) and SPD Development affecting Conservation Areas (adopted January 2009)
- Planning Files Ref: S/0580/09/F, S/1548/08/F and S/0501/73/D.

Contact Officer: Andrew Phillips, Planning Officer
Telephone: 01954 713169

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0695/09/F – BASSINGBOURN CUM KNEESWORTH
Extensions and Associated Alterations (Revised Application),
at 104 North End, for Mr and Mrs McCraith**

Recommendation: Approval

Date for Determination: 14th July 2009

Notes:

This Application has been reported to the Planning Committee for determination because the applicant is an elected member of South Cambridgeshire District Council.

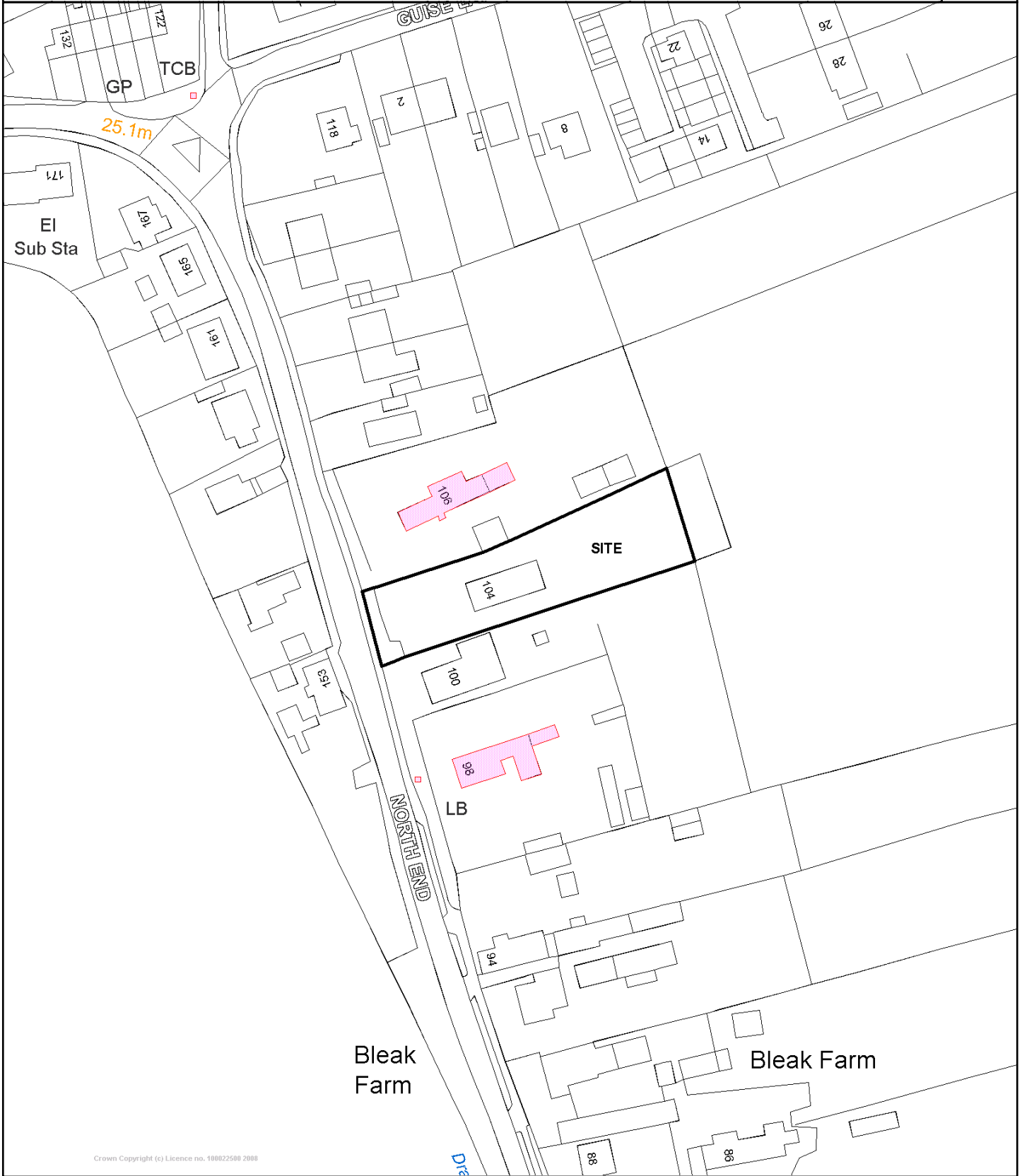
Site and Proposal

1. Number 104 North End is a two-storey detached property set back from the roadside and characterised by a gable front, tiled roof and white rendered walls. The site is demarcated by a combination of fencing and hedging, and vehicular access and parking is located to the south side of the dwellinghouse. The application site lies outside the village framework of Bassingbourn, and is sited between the residential properties of 100 and 106 North End, with paddock and agricultural land to the east. The application site also falls within the setting of a listed building at 106 North End.
2. The householder application, registered on 19th May 2009, seeks retrospective approval for a revised scheme for extensions and alterations previously approved under planning application S/1807/07/F. The approved scheme proposed an extension to the northern side of the dwellinghouse by way of a single storey lean-to element that continued the existing northern roof slope down to an eaves height of 2.6 metres. A two-storey gable-end was also proposed in the centre of the north elevation that had a ridge height of 8 metres and eaves height of 4.5 metres. This scheme has now been constructed and incorporates the following revised elements that are included in the current application:
 - (a) the retention and alteration of an existing first floor dormer window in the northern elevation (to serve the proposed ensuite bathroom), and
 - (b) the narrowing of the proposed two-storey gable end from a width of 6.4 metres to 6.2 metres.

Planning History

3. Outline planning consent was originally granted for the property at 104 North End at appeal in 1990 (**S/2049/89/O**), with the reserved matters application gaining approval in 1991 (**S/0096/91/D**). Planning application for extensions and associated alterations to the property was granted on 5th December 2007 (**S/1807/07/F**). Planning Committee considered this application at meetings on 7th November and 5th December 2007, following a site visit.

S-0695-09-F Bassingbourn



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Scale 1/1250 Date 17/6/2009

Centre = 532965 E 244809 N

July 2009 Planning Committee

Planning Policy

Local Development Framework Development Control Policies (Adopted July 2007):

4. **DP/1** (Sustainable Development), **DP/2** (Design of New Development), **DP/7** (Development Frameworks), **HG/6** (Extensions to Dwellings in the Countryside), **CH/4** (Development Within the Curtilage or Setting of a Listed Building).
5. **Circular 11/95: The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation

6. **Bassingbourn Parish Council** – Recommends approval.
7. **Conservation Officer** – The extension, which was approved in 2007, comprises a single storey lean-to element with a two-storey wing at right angles to the main house. This two-storey element has been sited to sit behind the garage of the adjacent dwelling, thereby minimising its impact on the setting of the listed building. The current proposal is to regularise the minor alterations made on site and reflect that which was built. There are no significant changes to the approved scheme and no objection to the scheme as built. Recommendation – Approve.

Representations

8. None, although the adjoining neighbours at No. 106 North End had expressed concern about the retention of the dormer window in lieu of an approved rooflight, overlooking from ground floor north facing windows and non-compliance with approved boundary treatment on the north boundary.

Planning Comments – Key Issues

9. The size and scale of the development has already been judged to accord with Policy HG/6 of the South Cambridgeshire Local Development Framework (LDF) under the last application, and the current proposal represents a minor change to the overall volume and gross internal floor area of the extension. Therefore the key issue to be judged in determining the revised scheme is whether the development would adversely impact upon the setting of the adjacent listed building and whether it would have an unacceptable impact upon neighbour amenity.

Impact upon the setting of the adjacent listed building

10. The existing dwellinghouse at 106 North End is Grade II Listed and is sited approximately 10 metres from the northern boundary of the application site. The development has extended the dwelling at 104 North End within two metres of the boundary of the listed building. However, the existing tall ridged roof of the double garage at 106 North End does help to mitigate the impact of the development on the setting of the listed building by screening a large extent of the built two storey gable end. The development is considered subservient in height to the existing dwellinghouse and compatible in form and, given the degree of visual separation with 106 North End, the development is not considered to adversely impact upon the setting of the Grade II listed building.

Impact upon neighbour amenity- Overbearing

11. As previously noted, a large amount of the development is screened by the neighbouring garage at 106 North End and the separation between the neighbouring dwellinghouse and the application site helps to mitigate any overbearing impact, particularly from the two storey element. The rest of the development is single storey and is largely screened by an existing hedge and two-metre high fence, on top of which is to be attached a 0.3 metre high trellis, approved in order to discharge condition 4 of planning permission ref. S/1807/07/F.

Overlooking

12. The built extension has windows that face east, west and north. Of these openings the one with the greatest potential to overlook the neighbouring property at 106 North End is the study window in first floor northern elevation. Views from this study window would be dominated by the roof of the neighbouring garage, which has a ridge running from east to west. Any views of the front and rear of the neighbouring curtilage would only be possible at an acute angle but, given the distance between the first floor windows of both properties, it is considered appropriate that this opening be conditioned to remain permanently glazed with obscure glass. This window formed part of the approved scheme (ref. S/1807/07/F) and was conditioned to be obscured glass.
13. The retained first floor ensuite bathroom window in the northern elevation has been altered in position and moved 0.6 metres to the rear of the dwellinghouse. The window opening would appear to reflect an existing arrangement and is obscure glazed to maintain privacy.
14. Views from the ground floor windows in the north elevation of the development are limited by the existing neighbouring garage and the existing side hedge and 2 metre high fence. Notwithstanding existing screening, the ground level of the application site would appear to be slightly raised compared to the neighbouring site to the north and, as a result, the top of the ground floor playroom and utility room windows are visible to the neighbour at 106 North End. Although overlooking is not considered significant, the proposed small trellis to be attached on top of the existing fence would help to alleviate the perception of overlooking and the concern shown previously by the immediate neighbour.

Other Matters

15. The submitted plans do show a discrepancy in the positioning of the first floor ensuite bathroom window in the northern elevation and amended plans are, at the time of writing, being prepared for submission.

Recommendation

16. Subject to the receipt of an accurate drawing of the first floor ensuite bathroom window in the north elevation, that the application be approved, subject to the following conditions:
 1. The first floor window in the north elevation of the extension, hereby permitted, shall be permanently fitted and maintained with obscure glass. (Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

2. Within 28 days of the date of this Decision Notice or at such time as shall have been previously agreed in writing by the Local Planning Authority, the approved northern boundary treatment shall be fully completed in accordance with drawing LS/1.
(Reason – To prevent overlooking of the adjoining property and to ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 and DP/3 of the adopted Local Development Framework 2007.)

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

- Circular 11/95 – Use of Conditions in Planning Permissions
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.
- Planning File Refs: S/2049/89/O, S/0096/91/D, S/1807/07/F and S/0695/09/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 1 July 2009
AUTHOR/S: Executive Director / Corporate Manager (Planning and Sustainable Communities)/Principal Solicitor

**DEVELOPMENT AT ASHWELL ROAD, STEEPLE MORDEN (S/0209/04/F)
PROVISION OF AFFORDABLE HOUSING
REQUEST TO VARY PLANNING OBLIGATION TO COMMUTE ON-SITE
PROVISION INTO FINANCIAL CONTRIBUTION**

Purpose

1. To report a difficulty in delivering the affordable housing envisaged by the planning obligations relating to the development by Marchfield Developments Limited at Ashwell Road, Steeple Morden, and to consider a request for this to be addressed by means of varying the obligation requiring on-site provision to one requiring payment of a financial contribution.

Information

2. The Marchfield Developments scheme at Ashwell Road is substantially complete and comprises four large detached open market dwellings (of which one remains unsold and unoccupied), and a pair of smaller semi-detached units intended to serve as affordable housing. The entire scheme is accessed from Ashwell Road via a shared private driveway in the order of 120m length and up to 5m width that is hard surfaced feature with services within (copy layout plan appended).
3. Planning permission for the development, under reference S/0209/04/F, was secured at appeal (disposed of by public inquiry), following a refusal at first instance by the Council for reasons of being out of character with the village and inadequacies in access arrangements, impacting on highway safety. A copy of the appeal decision is appended to this report.
4. At the inquiry, and relied upon by the Inspector in allowing the appeal, a unilateral undertaking under section 106 Town and Country Planning Act 1990 was submitted, which created planning obligations to make an education contribution for the benefit of Bassingbourn Village College, and the on-site provision of two semi-detached affordable dwellings to be transferred to a Registered Social Landlord at market value for such use (copy appended).
5. The obligation requiring the education contribution has been discharged. That requiring the affordable housing provision was stated

in terms including that no more than 75% of the market dwellings shall be occupied before the transfer to the Registered Social Landlord is completed, and that six months be allowed for such transfer to occur following the market value having been settled. This obligation is expressly qualified to the extent that, unless due to the default of the developer, failure of the transfer to complete within this window will extinguish the obligation (i.e. the affordable units will then be open for disposal as market units).

6. In early March 2008, an approach was made by solicitors acting for the developer, asserting that as a then interested RSL, Wherry Housing Association Limited, had not completed a transfer to it despite having agreed a value prior to August 2007 when a draft contract was provided to its solicitors, the affordable housing obligation should be regarded as having expired.
7. As resulting investigation by officers revealed that there had been significant delays on the part of the developer in dealing with reasonable conveyancing enquiries raised by the Association's solicitor and that the developer had also sought to increase the sale consideration as late as at the end of February 2008, this approach was rejected. The developer was informed that the Council was content the planning obligation remained extant and capable of enforcement.
8. Notwithstanding that detailed legal exchanges continued around this stance being disputed, the developer then advised in November 2008 that a sale to an alternative RSL, Cambridge Housing Society, had been agreed subject to Council approval. Such approval was duly given.
9. However, by January 2009, it became clear that this disposal was also to prove abortive. Solicitors for the Society had identified that the access arrangements for the two affordable units were perceived as being deficient in terms of providing a legal mechanism for the owner/occupiers of those units to require the shared driveway to be put back into repair if/when deterioration occurred. Although the affordable unit proprietors would be obliged to contribute to the cost of any repairs undertaken, there was no corresponding covenant on the part of the driveway owners to carry out necessary repairs. Given the length and nature of the driveway as a significant engineered feature, the Society took the view that it could not properly proceed in view of this risk and the developer, despite the issue being explored, was apparently unwilling to try and legally rectify the problem with the driveway owners (the proprietors of the two market units that had by then been sold).
10. Once again, it was asserted that time was of the essence for the purposes of the six month transfer window provided by the planning obligation. The developer promoting a view that the Society was overstating the risks associated with accepting these arrangements;

the Society preferring a position that there should be certainty for itself and occupiers that the lengthy driveway could always be required to be kept in repair.

11. Similarly, as a result of this assertion, the Council again adopted a stance that the obligation was not defeated and that the restriction upon the remaining market unit being occupied remained effective.
12. Recognising that something of a legal impasse now existed, negotiations commenced between the developer and Council with a view to exploring alternative ways forward other than an application to the Court either for a declaration on the continuing validity of the planning obligation and/or for an injunction restraining sales in breach as the Council would perceive. In the circumstances of the matter, litigation is likely to be lengthy, costly and with no certain outcome given the complexity of the issues and the construction of the Unilateral Undertaking.
13. As a result of this dialogue, the developer, through its agent Bidwell Faulkner, made an offer to pay a commuted sum of £50,000 for alternative affordable housing provision in return for the existing obligation (requiring on-site provision) to be extinguished. The agent's letter of 6 April setting this offer out is now appended.
14. After consideration of this and the cited justification for it, and after informal consultation with the Chair, Deputy Chair, portfolio holder and local member, a counter offer was issued that indicated any consideration for the release sought should not be less than £120,000. As will be discerned from the copy of the Senior Lawyer's letter of 12 June now also appended that sets this out, the stated amount is believed to be that which currently equates to the amount necessary to make equivalent affordable housing provision as part of an alternative scheme elsewhere.
15. In the event, subject to provisos as to timing and payment being by instalments linked to the sales of the plots released upon the obligation being varied that are thought to be reasonable, this counter offer has been confirmed as being acceptable. Again, the agent's letter in this respect is appended.

Options

16. Instead of approving the actions recommended by this report, members could seek a higher commuted payment although it is not considered that valuation justification exists to support this and officers are satisfied £120,000 represents an appropriate payment so as to realise an equivalent off-site benefit in policy terms.
17. Alternatively, committee could resolve not to vary the obligation; effectively sterilising three units (including those intended as the

affordable units) until either another RSL is persuaded to take a transfer or until the matter is litigated as previously described (as is more likely).

Consultations

18. In addition to the informal consultations described at paragraph 14. above, a copy of this report has been provided to Steeple Morden Parish Council and the Chairman of that Council has been briefed as to the matters under consideration. Any observations received will be reported to Committee at the meeting on 1 July.

Recommendation

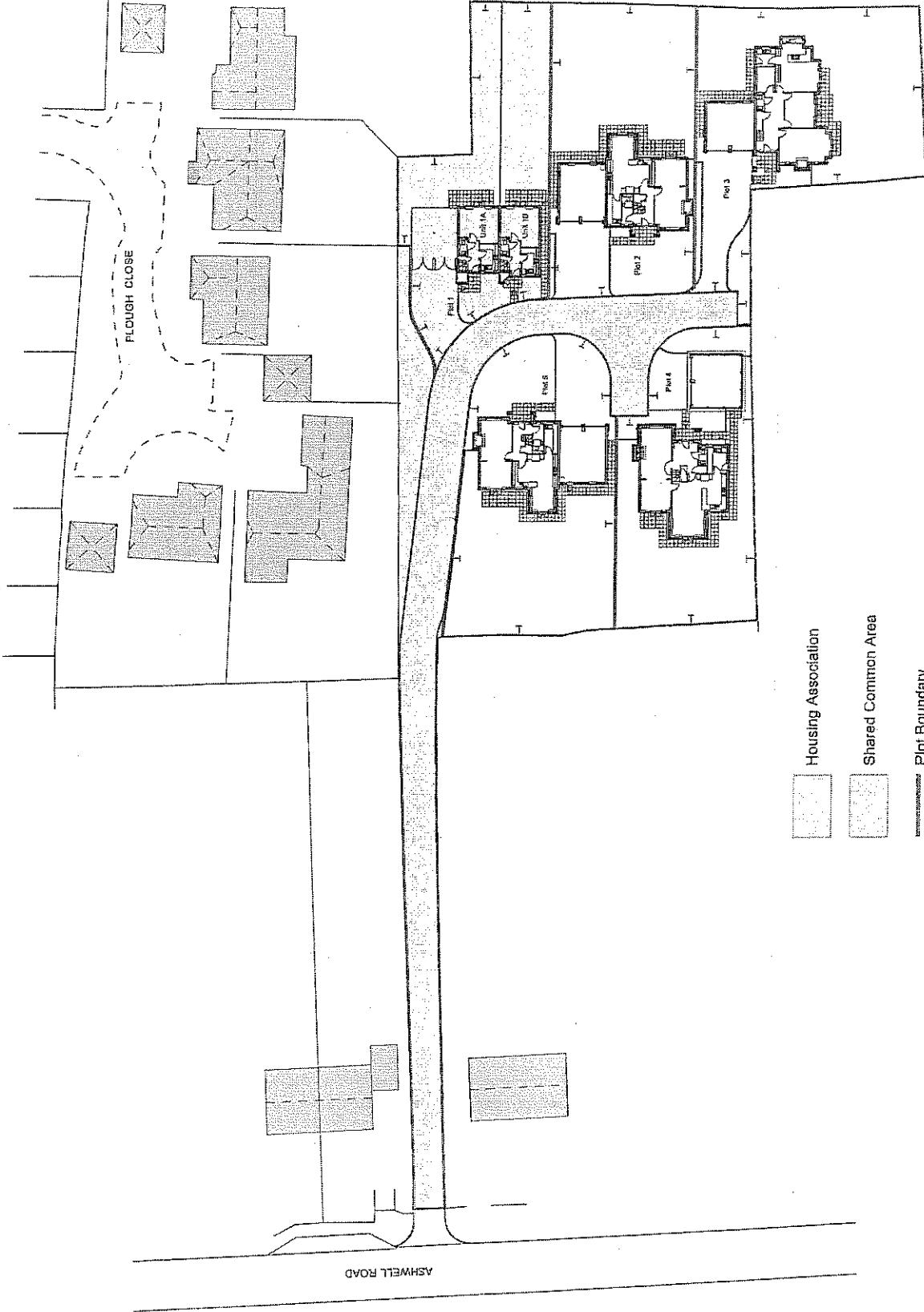
19. That the committee:
- a. notes the events described in this report and endorses the actions taken by officers, and;
 - b. authorises officers to execute a deed of variation releasing the planning obligation as to affordable housing as is contained in the Unilateral Undertaking dated 14 July 2006, and to secure a commuted payment of £120,000 to be used for the alternative provision of off-site affordable housing.

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

- Planning application file S/0209/04/F
- Appeal decision W0530/A/05/1181688
- Unilateral Undertaking dated 14 July 2006
- Legal case file PLASEC.2876 (may be exempt from disclosure)

Contact Officer: Gareth Jones – Corporate Manager (Planning and Sustainable Communities) - 01954 713151

Gary Duthie – Senior Lawyer - 01954 713022



PROJECT TITLE
 Residential Development at
 Ashwell Road, Steeple Morden,
 Nr Royston, Herts SG8 0NZ

DRAWING TITLE
 Composite Conveyance Plan

SCALE
 1:500

DATE
 22.11.06

DRAWN BY
 BH

MARCHFIELD
 DEVELOPMENTS LTD
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 Telephone: 01438 711441 Fax: 01438 711443
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PROJECT NO
 1216

DRAWING NO
 1057

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0251/09/F – COTTENHAM**Change of Use of Garden Land to Sui Generis Use and Erection of Shed (Retrospective) for Purposes of Hobby Craft at Land to the Southeast of 2 Eversley Close for Mr John Wynn****Recommendation: Approval****Date for Determination: 20th April 2009****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to Parish Council's recommendation and because the site is located within the Conservation Area.

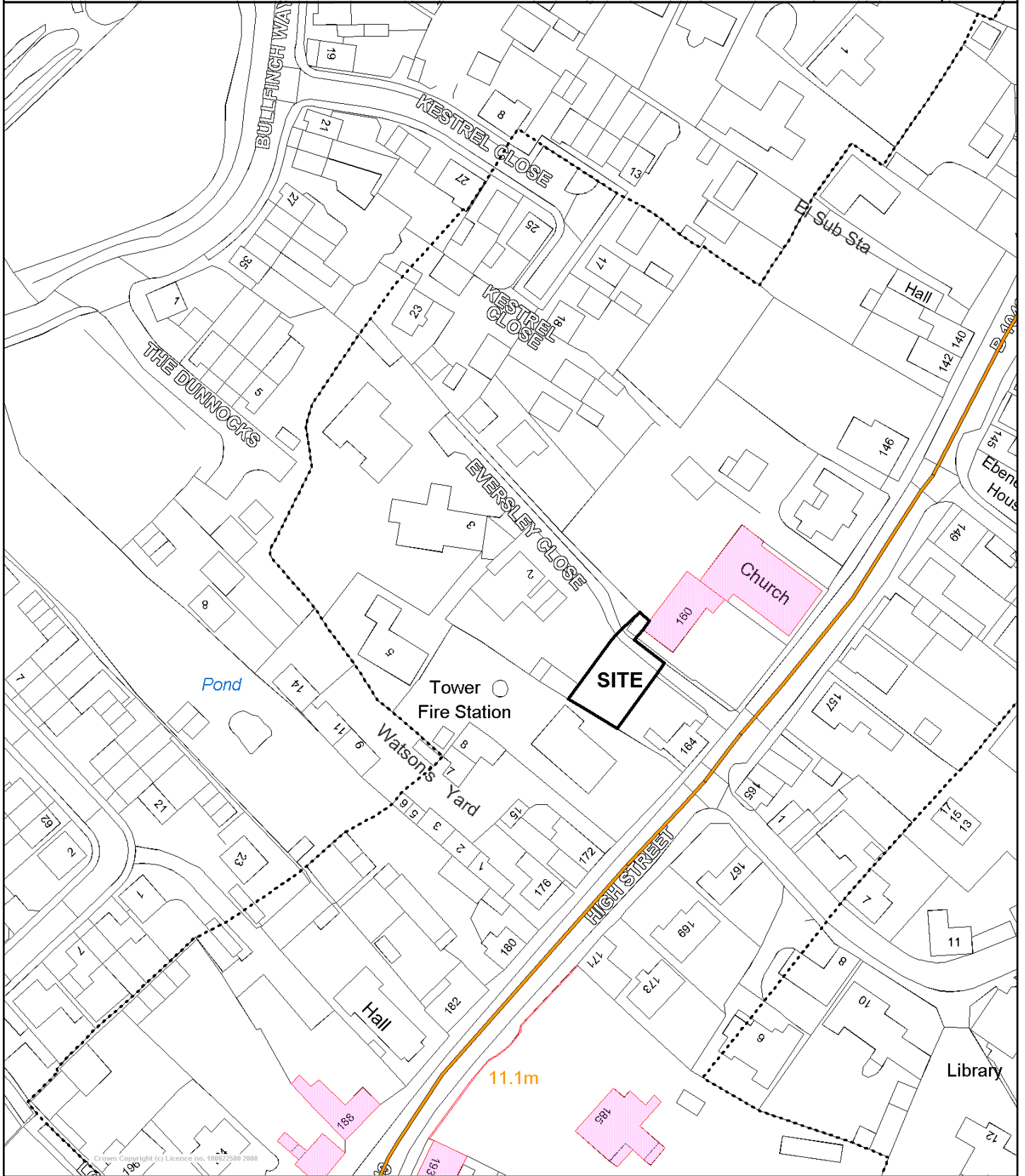
Conservation Area**Site and Proposal**

1. Eversley Close is off High Street and comprises a group of four dwellings. The application site measures approximately 14m x 15.4m which was part of the garden land for No 164 High Street. The site is between the garden areas of No 164 High Street and No 2 Eversley Close. To the southeast is No 164 High Street. It is a 2 storey house with a garden shed and boundary fencing along the rear boundary. No 2, to the northwest of the site, is a single storey dwelling with hedges and fencing along the southeast side boundary. The sitting out area at No 2 is set away from the common boundary with the application site. The site falls within the Conservation Area and opposite a group of Listed Buildings comprising the Baptist Chapel and No 160 High Street.
2. The full application, submitted on 23rd February 2009 following advice from the Council's Enforcement Officer, seeks permission for change of use of garden land to sui generis use and to retain a shed for purposes of hobby craft. The shed has been erected but yet to be finished during officers' site visits in March 2009. The shed measures 3.66m x 6.16m, 2.15m to the eaves and 3.65m to the ridge. It is positioned along the common boundary with No 2 Eversley Close with a gable facing Eversley Close and set back from the landscaped front boundary. The proposed materials would be feather edge boards and grey/ green mineral felt roof. The shed would be used for purposes of hobby craft to renovate old model aircraft engines and models. The application is accompanied by a Design and Access Statement.

Planning History

3. **C/0258/67/D** – Planning application for erection of two houses and garages after demolition of existing at No 164 High Street was refused

S/0251/09/F - Cottenham



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Scale 1/1250 Date 15/6/2009

Centre = 545046 E 267928 N

July Planning Committee

Planning Policy

4. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
 - **DP/1** - Sustainable Development;
 - **DP/2** - Design of New Development;
 - **DP/3** – Development Criteria
 - **DP/7** – Development Frameworks
 - **NE/6** – Biodiversity
 - **NE/14** – Lighting Proposals
 - **NE/15** – Noise Pollution
 - **NE/16** – Emissions
 - **CH/4** – Development Within the Curtilage or Setting of a Listed Building
 - **CH/5** – Conservation Areas
5. **South Cambridgeshire Local Development Framework Development Affecting Conservation Areas Supplementary Planning Document 2009:** Emphasises new structures to have an appropriate mass and form, and in order for new developments to preserve or enhance a Conservation Area it is important that they are constructed of appropriate material.
6. **South Cambridgeshire Local Development Framework Cottenham Village Design Statement Supplementary Planning Document 2007:** States that new developments should acknowledge their Cottenham context and avoid pattern-book designs. Respect local characteristics and context of the particular site. Use good quality materials – whether modern or traditional – which are appropriate to Cottenham.
7. **Circular 05/2005 – Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects.
8. **Circular 11/95: The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

9. **Cottenham Parish Council** recommends refusal on the following grounds:
10. The application site is not garden land. It is a separate piece of land which is not owned by any of the adjacent properties.
11. It would not be appropriate that a building which in essence will be separate industrial unit be located within the Conservation Area and adjacent to a listed building, No 160 High Street.
12. The proposed shed is visible from High Street and its design, height and mass does not sit well within the existing street scene which is a Conservation Area.
13. There is an issue in regard to noise nuisance and light pollution, whilst it may be stated that the machinery will not cause a noise nuisance the actual model aircraft engines are very noisy and any 'testing' of these engines will cause a noise nuisance

and the proposed shed is adjacent to residential properties. Again the proposed use of large windows aligned with the use of strip lighting will cause light pollution to adjacent properties.

14. While the plans show the shed to be located away from the roadway, it is actually located close to the roadway. The proposed up and over door will need various shrubs to be removed to gain access. The removal of these shrubs again increases the visibility of this building to both the street scene and to neighbouring properties which is unacceptable within a Conservation Area.
15. **Cottenham Village Design Group** considers that this is a significant new structure that is sited in a Conservation Area location, visible from High Street. The materials specified, while suitable for a normal sized shed, are unsuitable for a building of this size in this location. It is suggested that more appropriate roofing and glazing materials should be specified.
16. **Conservation Manager** has no objection subject to condition on materials to achieve pantiles, slate or oak shingles colouring of weatherboarding, and side hung natural timber boarded doors.
17. **Landscape Design Officer** has no objections to the proposal provided that the existing planted boundary to the road is maintained to partially screen the shed.
18. **Trees and Landscape Officer** has no objection.
19. **Corporate Manager (Health and Environmental Services)** originally raised concerns about the use of machinery to carry out work on engines, and renovating model aircraft engines that may cause noise disturbance to nearby residential properties. Odour nuisance may be an issue from the possible use of chemicals e.g. use of solvents, cleaning products, paints and thinners etc. He was also concerned that the proposal would be an almost light industrial use in a residential area.
20. Having considered the additional information provided by the applicant relating to details of power-operated machinery and the proposed activities to be carried out at the shed, the Chief Environmental Health Officer has no objection to the proposal in terms of noise and environmental pollution and recommends conditions be imposed preventing the use of power tools outside the building, keeping doors shut and limiting hours on power operated machinery.

Representations

21. Residents at Nos 160 and 164 High Street, and No 2 Eversley Close object to the proposal on the following grounds:
 - a) Close proximity of the shed to No 164 High Street; and being obtrusive to a bedroom window at No 160 that represents a significant loss of amenity;
 - b) The proposed building has more the characteristics of a workshop and appears incongruous in a Conservation Area; the design and use of materials are not in keeping with the surrounding area;
 - c) Noise nuisance;
 - d) Resident at No 2 Eversley Close prefer a flat roof and low-level building for personal safety reason so that her neighbours at No. 164 can still see whether her curtains are drawn;
 - e) The up-an-over door in the north elevation of the shed is presumably needed for the ingress of large machinery. Any use of the door will require the removal of

the shrubs fronting the road and this will prevent any effective screening of the building from No 160; and

- f) Neighbours consider that the Design and Access Statement gives an impression that this application represents a relocation of the proposed activities from the outbuilding at the garden of No 2 Eversley Close. The fact is that the applicant moved away from No 2 Eversley Close over 30 years.

Representations by the Applicant

22. Additional information submitted by the applicant to explain the details of power operated machinery and clarification on the activities to be carried out:

Power operated machinery:

- a) Power operated machinery includes Southbend lathe, Delapena hone, Kerry pillar drill, Boxford 3" capstan lath and Burdett surface grinder;
- b) Any noise that may emit from the shed is likely to be less than any ordinary household sewing machine; only a Henry type vacuum cleaner will be used to collect small amount of dust and shavings generated when building models;
- c) The building will be insulated with either rigid foil clad cellotex or similar insulation between the studs or rafters;
- d) There will not be engines run either inside or outside the building and therefore no problem of noise or fumes;
- e) The aircrafts vary from Gliders rubber powered to engine powered and some are electric powered;
- f) The main source of noise is likely to be generated from cutting the lawn or hedges around the building;

Odour and light pollution

- a) Chemicals to be used: small quantities of lubricating oil, PVA and superglue model taunting dope and cellulose thinners will be used; therefore, no odour nuisance would be caused;
- b) The applicant is prepared to blank out any light source

Activities

- a) The shed would not be used 24/7 and the applicant will be flying the models at other venues; all testing is done outside the shed and in the countryside or on a farm away from residential properties;
- b) No trade or business will be carried out in the building as the use would be purely as a hobby; and
- c) The number of aircraft is approximately 50 and varies from 12 inches to 120 inches in wingspan; this number may increase but some do get lost or destroyed.

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application are:
- a) Character and appearance in the Conservation Area, and wider setting of adjacent Listed Buildings;
 - b) Noise disturbance and environmental pollution; and
 - c) Residential amenity interests

Conservation Area and setting of adjacent Listed Buildings

24. It is considered that the shed is modest in scale and it does not form a prominent feature in the street scene. The site is set back from and can be seen from High Street. It is considered that the erection of the shed would not harm the interests of the Conservation Area or the wider setting of the adjacent listed buildings. The details of the materials to be used in the construction of the external surfaces of the shed, including colours and the doors can be conditioned so to ensure that the appearance of the site does not detract from the character of the area. The applicant is prepared to roof the shed in pantiles.
25. The site has existing landscaped frontage with shrubs, and leylandii hedges within the site and adjacent to a car parking area. The character of the area can be safeguarded by imposing a condition to retain existing hedges along the front boundary.

Noise disturbance and environmental pollution

26. It is noted that the noise generated from the use of the shed would be minimal. The power-operated machinery is small in scale and the proposal would not have engines running either inside or outside the building. All flying and testing will be carried out off site. There would only be small quantities of chemicals used and these would not cause unacceptable odour nuisance. Having considered the additional information from the applicant in response to concerns about noise disturbance and environmental pollution to neighbours from the use of machinery, I am satisfied that the associated activities would be limited to hobby craft that would not cause serious noise disturbance and environmental pollution.
27. Conditions can be imposed to any planning consent to prevent the use of power tools outside the building, keeping doors shut, limiting hours of power operated machinery, acoustic insulation, and no external lighting.

Residential amenity interests

28. The shed is set away from the sitting-out areas at neighbouring properties at Nos 160 and 164 High Street and No 2 Eversley Close. The size and scale of the shed is modest. It is 3.65m high to the ridge, set approximately 10 m from the first floor bedroom window at No 160 High Street, I do not consider that the shed would be obtrusive or cause serious harm to residential amenity interests of occupiers at No 160 High Street.
29. I do not consider that the personal safety concern from the owner/ occupier at No 2 Eversley Close is a material planning consideration.
30. In light of the above, it is considered that the proposed scheme is acceptable and the application is recommended for approval.

Recommendation

Approve

Conditions

1. No power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
2. The use of power operated machinery shall not take place anywhere on the site except within the shed. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
3. No materials or equipment shall be stored on the site outside the buildings save that waste materials may be kept in bins for removal periodically. (Reason - In the interests of visual/residential/rural amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Before the use, hereby permitted, commences the building(s) shall be acoustically insulated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. (Reason - In order to secure a reduction in the level of noise emanating from the building in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
5. The doors in the east and north elevations of the shed, hereby permitted, shall be shut during the hours of operation. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
7. No trade or business shall be carried on from the shed, hereby permitted, or the application site. (Reason – In order to limit the impact of the development on the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. The existing hedge on the front boundary of the site shall be retained except at the point of access or existing car parking area as shown on the 1:250 scale block plan; and any trees or shrubs within it which, within a period of five years from the completion or occupation of the building, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. (Reason – RC9)

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

- South Cambridgeshire Local Development Framework (LDF) 2007
- South Cambridgeshire Local Development Framework: Development Affecting Conservation Areas Supplementary Planning Document 2009
- South Cambridgeshire Local Development Framework: Cottenham Village Design Statement Supplementary Planning Document 2007
- Circular 05/2005 – Planning Obligations
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning application references and C/0258/67/D and S/0251/09F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

S/0666/09/F – OAKINGTON & WESTWICK

Retrospective Change of Use of Pasture Land to Land to be Used for Public Car Boot Sales and Associated Parking on Saturdays and Bank Holidays between 7am and 2pm at Land to the South of, Oakington Business Park, (Formally Phypers Farm, Dry Drayton Road) for Bedford Markets

Recommendation: Approval

Date for Determination: 10th July 2009

Notes:

This Application has been reported to the Planning Committee for determination because of the recommendation of refusal by Oakington and Westwick Parish Council differs to that of officers.

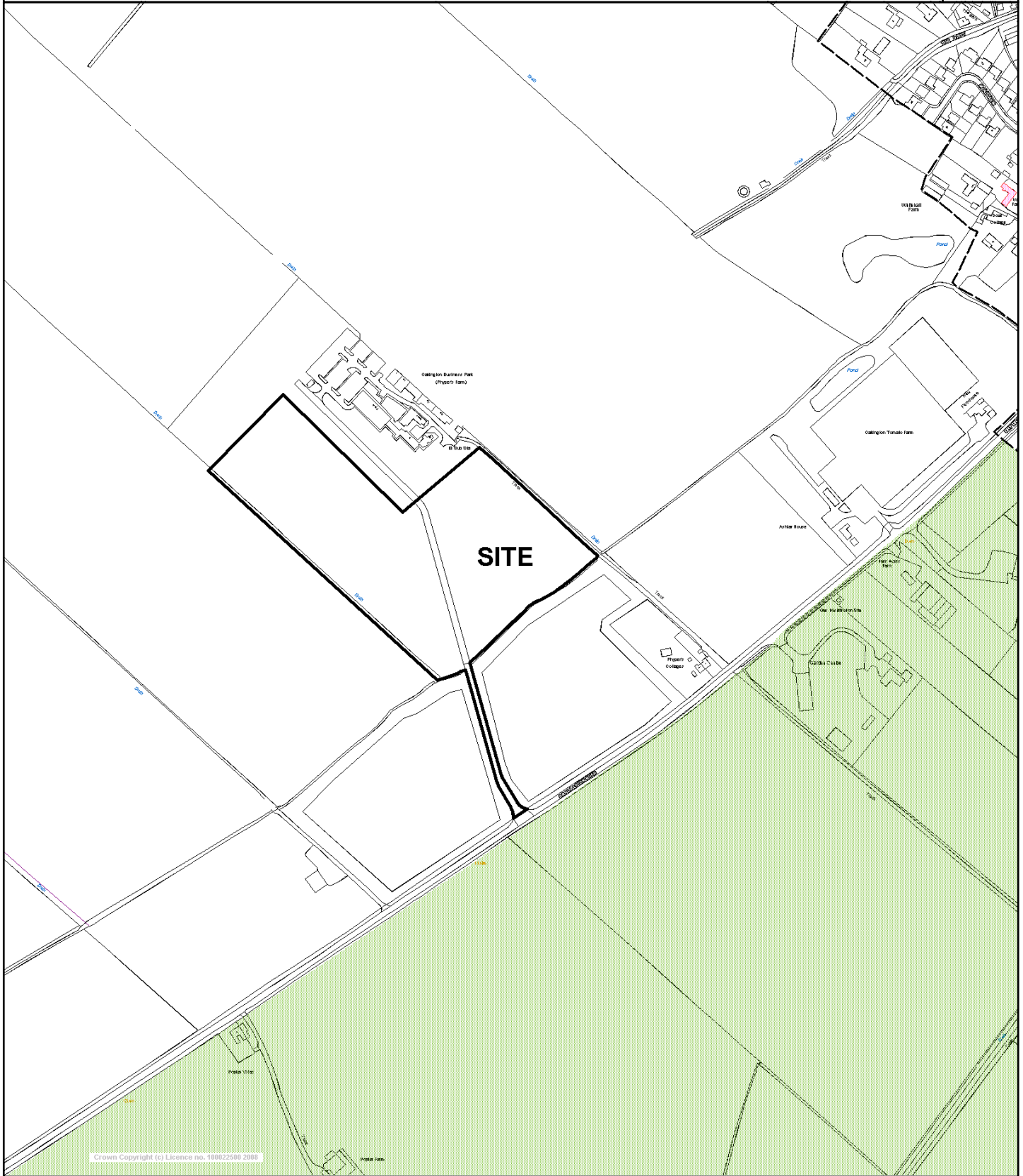
Site and Proposal

1. The application site consists of a series of paddocks of grade II agricultural pastureland upon Phypers Farm, a former working farm, which now makes up the surrounding landscape southwest of the Oakington Business Park (an established employment site).
2. The site of an area of 4 hectares is located outside of the Oakington Development Framework within the open countryside. The site is accessed via the Dry Drayton road, with a hard surfaced approach road leading to the business park. Large sections of the site are within flood zones 2 and 3.
3. This land is currently being used as a Saturday car boot market in a sporadic fashion outside of 14 days per calendar year. The proposal seeks permanent consent for the use of this land upon Saturdays and Bank Holidays from 7am to 2pm for the purpose of carrying out public car boot sales and associated car parking.
4. In use the site can accommodate parking of up to 600 vehicles (including traders) and provides two port-a-loos on site for the duration of the market. There is no provision for further landscaping or refuse collection as traders are expected to take their own waste home.
5. A design and access statement, flood risk assessment, highway junction assessment report, traffic assessment report and an event management plan accompany the application.

Planning History

6. Planning Application **S/1900/08/F** for the change of use of pasture land to land to be used for public car boot sales and associated parking on Saturdays and Bank Holidays between 7am and 2pm (Retrospective) was withdrawn.

S/0666/09/F - Oakington & Westwick



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7. Planning Application **S/1218/08/F** for the change of use of pasture land to land to be used for public car boot sales and associated parking on Saturdays and Bank Holidays between 7am and 2pm (Retrospective) was withdrawn.
8. Planning Application **S/1252/07/F** for the change of use of pasture land to land to be used for public car boot sales and associated parking on Saturdays and Bank Holidays between 7am and 2pm (Retrospective) was withdrawn.

Planning Policy

East of England Plan 2008:

SS1 Achieving Sustainable Development

South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted January 2007:

DP/1 Sustainable Development

DP/2 Design of New development

DP/3 Development Criteria

DP/7 Development Frameworks

NE/11 Flood Risk

NE/17 Protecting High Quality Agricultural Land

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

Consultation

9. **Oakington & Westwick Parish Council** – Recommends refusal on the following grounds:
 - (a) The traffic assessments submitted ignore the significant points raised by the Parish Council upon the previous planning applications;
 - (b) The road is frequently used both formally and informally as a diversionary route when there are accidents or road works on the A14. This not only produces much higher numbers of vehicles, but significantly it includes large numbers of heavy goods vehicles;
 - (c) This situation is compounded by the fact that many diverted drivers are foreign driving left hand drive vehicles who are not familiar with the local highway network;
 - (d) Future major construction works to the upgrade of the A14 will most definitely increase the use of this diversionary route on a daily basis, throughout the day and night;
 - (e) It would be prudent to delay approval of this application until such highway improvements are made;
 - (f) The construction of the new road to Northstowe will also greatly increase the use of the Dry Drayton road and therefore it is a factor that should be considered within the transport assessment submitted with this application;
 - (g) It is understood that there are badgers in the adjoining brook and we ask that officers provide a ruling with justification on this matter.
10. **Environment Agency** - The proposed development would only be acceptable if the measures detailed within the submitted Flood Risk Assessment (GCB/Hodson dated December 2008) are implemented and secured by way of a planning condition. The Agency considers that flood/bad weather contingency plans should be incorporated into the event management plan.

11. **Local Highway Authority** – The Highway Authority seek that event signage is to be of a standard font and height of 65mm to be black upon yellow as per The Traffic Signs Regulations and General Directions Act 2002 and should be approved by the Local Highway Authority.
12. **Corporate Manager (Health and Environmental Services)** – There are no objections to this application from the pollution section of the council's health and environmental service as I understand this activity has been taking place for some time and I am not aware of any complaints in respect of this matter.
13. **Landscape Design** – No objections in principle. The following suggestions are made:
 - a) The Hedge planting within the site is bulked up where necessary to ensure only the desired entrances and exits are used.
 - b) Where necessary the planting at entrances and exits has some protection to avoid compaction or damage by vehicles.
 - c) Consideration is given to some protection/reinforcement to prevent damage particularly heavily used areas of the ground in wet conditions.
14. **Ecology Officer** – Previous comments stand, I have previously visited the site and have found no evidence of badgers within the vicinity of the application site.

Representations

15. 2 Letters of objection have been received, from companies located at the Oakington Business Park; their reasons are:
 - (a) Security is a worry as there is no barrier or means to deter market users accessing the business park and many units have been burgled recently;
 - (b) Some staff do work at the site upon weekends and they are unable to enjoy, easy, unfettered and safe access to our offices due to the volume of traffic entering and exiting the site;
 - (c) There is often unauthorised car parking of vehicles within the business park;
 - (d) Litter is mostly removed from the site, however, some does get blown onto the business park during the course of the day;
 - (e) The application forms and transport assessment of the amount of vehicle parking within the site differ greatly;
 - (f) The assessment of potential retailers present changes throughout the report from 90 expected at peak times to 137 as actually recorded on the day the assessment was taken;
 - (g) Health and safety is also of concern where the market organisers clearly struggle to cope at peak times with stationary vehicles, pedestrian movements and vehicle movements within a confined space with no hard standing;
 - (h) Congestion at the junction of the Business Park and the Dry Drayton Road will increase the propensity of road accidents.
16. One letter from another business on the Business Park has no objections. During the course of the markets past operations the company has not experienced any negative impact. The operation seems to be well organised, no difficulties have been experienced entering and leaving the site on event days and the estate is left clean and tidy after the event.

17. The site notice is due to expire on June 19th and therefore it is expected that further letters of representation are to be received. These shall be added as an update to the committee report at a later date.

Planning Comments – Key Issues

18. The key considerations in the determination of this planning application are the impact that the change of use of land would have upon the character of the surrounding countryside, flood risk, highway safety and ecology.

Countryside

19. The proposed use would constitute at most 61 days a year where the site would be occupied for the purposes of car boot sales. Therefore the site would remain as agricultural land 84% of the time throughout the year. This would represent a minor change of use of the land and as no permanent construction or development would take place as a consequence of the use, I am of the opinion that the proposal would not harm the appearance and character of the countryside, particularly as a belt of tree planting some 120m wide has been implemented between the site and the Dry Drayton Road.

Highway Safety

20. The application is accompanied by a junction assessment and traffic report. Both have been undertaken with the advice of the Local Highway Authority. The peak capacity analysis carried out on the junction with the Dry Drayton Road suggests that the level of likely traffic using the site would not exceed that which is normally acceptable for a right turn lane. Furthermore the capacity flows for the peak flow of the site would not warrant any junction improvement. Accident records show only one accident upon the Dry Drayton Road over the past 5 years. The Local Highway Authority concurs, that this information is correct and that the likely accident rate is low and within the usual parameters for a rural straight through road.
21. The traffic assessment has taken into consideration not only the sites junction with the Dry Drayton Road, but also the crossroads junction within the centre of Oakington and the A14 interchange junction. The access road is considered more than adequate with a 7.3m wide access point with 15m kerb radii, the access roads narrows to 6.5m in width 40m into the site. This road is hard surfaced and the sites frontage benefits from a bridleway linking the site to the public footpath into the village of Oakington located on the opposite side of the road. The Dry Drayton Road is a single carriageway road of national speed limit restriction. The peak activity for the market is identified as being 10.30am and the surveys undertaken were carried out between 9am and 1pm.
22. The intensity of the car boot sales is dependant on the weather and time of the year with an average of 90 retailers in good conditions to 70 in fair to bad conditions. At the time of the survey the weather was good with dry, warm and sunny conditions upon the back of a long spell of poor weather. This saw the activity of retailers boom to 137 with 331 parked customer vehicles by 8.45am. By 12:45 numbers reduced to 53 customer vehicles and 100 retailers in situ.
23. A survey of the usual peak midweek two-way flow along the Dry Drayton Road past the site concluded 1076 vehicle movements per hour. The same study upon a Saturday during a market day concluded results 30% lower in both directions. This would suggest that the use of the site upon Saturdays would not be as intense as the usual midweek traffic flows.

24. Whilst the Local Highway Authority concurs with the findings of the traffic assessments submitted it has requested revisions to the proposed event signage so that they meet the required standards for highway signage. This detail has been requested from the agent and shall be included within an update to this report. It is acknowledged that the application forms state a differing number of vehicles parked within the site to that of the traffic assessment. Nevertheless, the Local Highway Authority has based its opinion on the data within the traffic assessments.

Ecology

25. The Ecology officer upon previous planning applications has visited the site and found no evidence of badgers or any other protected species. The proposal would not consist of any built development or ground disturbance that would affect such a species and therefore the proposal is not considered to conflict with local biodiversity.

Flood Risk

26. Large proportions of the site are within medium and high risk flood zones two and three with a designated main river, Oakington Brook, flowing along the southeast boundary of the application site. Due to the proposal not comprising of any built development or ground disturbance the proposal would not increase flood risk for the area. However, due to the large amounts of people occupying the site during markets there is a risk upon public safety. The Flood Risk Assessment identifies the need to submit a flood risk contingency plan along with onsite signage to address this issue. In addition the sites owners will be required to register with the Environment Agencies flood line service in order to receive flood warnings. In conclusion the detail within the submitted FRA is deemed acceptable by the Environment Agency on the grounds that a contingency plan incorporated within the event management plan is submitted prior to occupation of the site.

Public Health & Environmental Pollution

27. Although full comments are awaited from the Environmental Health, it is apparent that Environmental Health has not received any complaints over the last year in relation to the use of this for car boot sales. Further comments will be made available via an update to this report.

Security

28. Issues have been raised over the security of the adjacent business park, as the control gate located at the bridge over the brook would be permanently open on market days. However, this gate to my knowledge is not closed on weekdays and as employees do on the odd occasion work on Saturdays I am of the opinion that the gate may also be open then. Notwithstanding this issue the car boot sales upon Saturdays would allow large amounts of people to have access to the Business Park. This in my opinion is a matter for the landowners to dispute in relation to rights of access and adequate security measures.

Recommendation

30. Approval

Conditions

1. The use, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:

- (i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority an event management scheme including the provision of flood risk contingency and landscape protection methods. The said schemes shall include a timetable for their implementation.
 - (ii) Within 11 months of the date of this decision, the event management scheme including the provision of flood risk contingency and landscape protection methods schemes shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such schemes, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
 - (iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted event management scheme including the provision of flood risk contingency and landscape protection methods schemes shall have been approved by the Secretary of State.
 - iv) All works comprised in the event management scheme including the provision of flood risk contingency and landscape protection methods schemes as approved shall have been implemented, and completed within the timetable set out in the approved schemes.
(Reason - To ensure that a scheme of flood risk contingency is implemented in accordance with Policy DP/1 and NE/11 of the adopted Local Development Framework 2007.)
2. The use hereby permitted, shall not take place other than between the hours 07.00 and 14.00 hours on Saturdays and Bank Holidays nor at any other time Sunday to Friday inclusive. (Reason - To safeguard the character and openness of the area in accordance with Policies DP/3 and DP/7 of the adopted Local Development Framework 2007.)
 3. No materials or equipment shall be stored on the site following the close of each market. (Reason - In the interests of visual amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 4. No external lighting shall be provided or installed within the site. (Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
 5. The development hereby permitted shall not be carried out other than in accordance with the approved Flood Risk Assessment "GCB/Hodson dated December 2008" and the following flood risk mitigation measures referenced within section 10.1. (Reason – To ensure safe use of the site during extreme circumstances and to ensure the floodplain regime is not compromised at this location in accordance with Policy NE/11 of the adopted Local Development Control Framework 2007.)
 6. No works, structures, fencing or ground works including the deposition of materials such as hardcore, shall take place within the flood plain unless otherwise agreed in writing by the Local Planning Authority; (Reason - To prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

Informatives

1. The applicant should be aware of his responsibility to ensure that the port-a-loos are discharged to the public foul water sewer and that the contents are not allowed to enter surface or ground waters. The port-a-loos shall not be sited within 10m of any watercourse or ditch, or 50m of any well or borehole.
2. Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the prior written Consent of the Environment Agency is required for any proposed works or structures in, under over or within 9 metres of the top of the bank of the designated main river, the Oakington Brook.
3. Any culverting or works affecting the flow of the watercourse requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent will not normally be granted except as a means of access.
4. The granting of planning approval must not be taken to imply that consent has been given in respect of the above.
5. The applicants attention is drawn to DETR Circular 03/99 which requires an applicant to demonstrate that a connection to the public foul sewer is not available. In the eventuality of a connection to the public foul sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority.

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)
- East of England Plan 2008
- Planning Application Files Reference: S/0666/09/F, S/1218/08/F and S/1252/07/F

Contact Officer: Mike Jones – Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

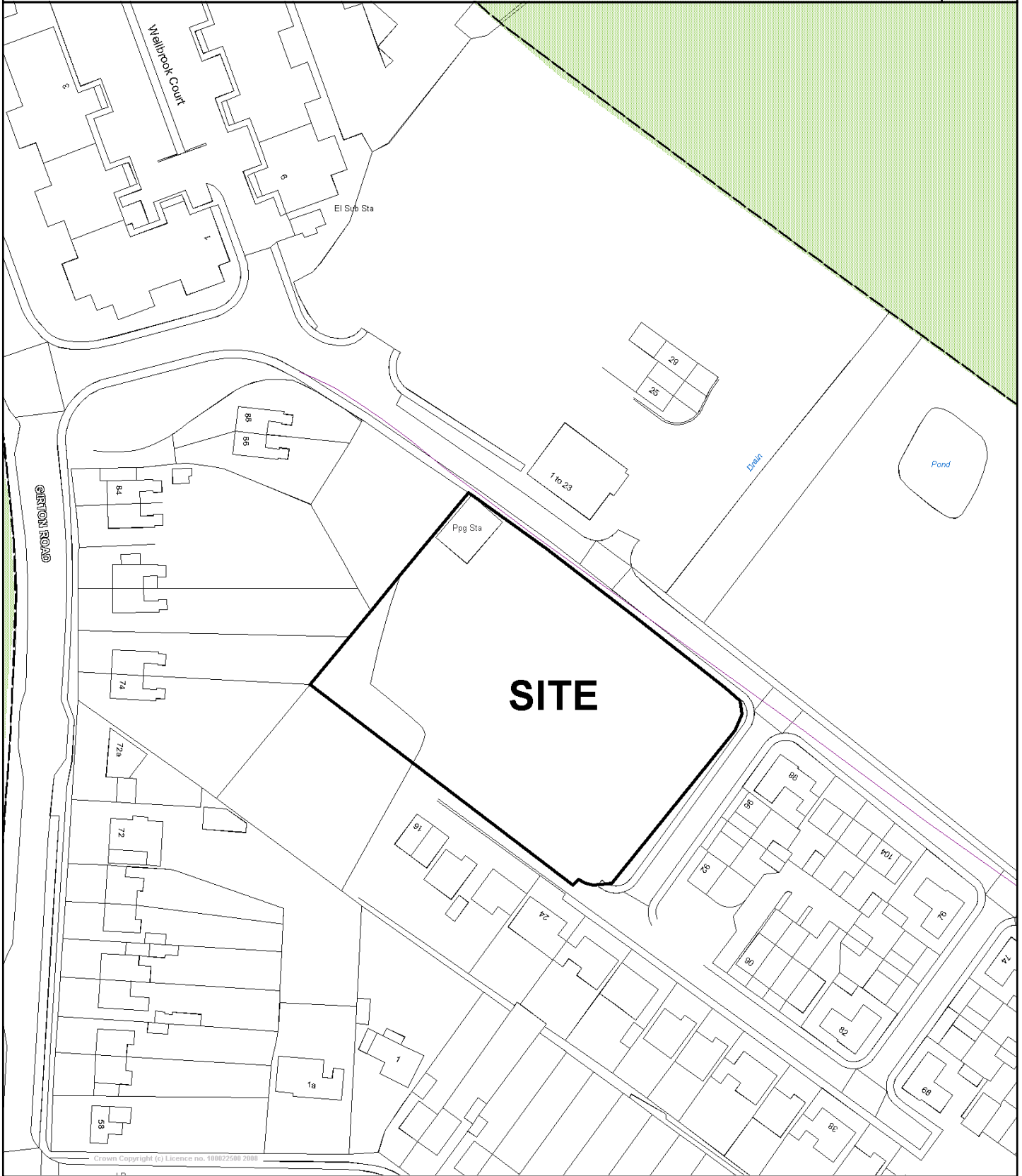
S/1352/06/RM - GIRTON**Play Area (LEAP) and Community Land (Bowling Green, Community Building, Associated Parking and Landscaping) to Serve Residential Development****Recommendation: Delegated Approval****Date for Determination: 6th October 2008****Notes:**

This Application has been reported to the Planning Committee for determination because of objections received from neighbouring residents.

Site and Proposal

1. The application site, measuring approximately 0.46 hectares (ha) (1.14 acres), is sited at the north-western end of a recent residential development at Wellbrook Way, Girton.
2. The site is adjoined by access roads with residential properties opposite to the north-east, south-east and south-west. To the north-west is an area of scrub that has planning permission to be developed for housing. A pumping station is sited at the north-western corner of the site.
3. The reserved matters application originally submitted in July 2006 but amended by landscaping proposals received 4th March 2009, seeks approval for layout and landscaping of the site.
4. It includes provision of a LEAP in the south-western corner of the site. It includes six pieces of play equipment (two sets of swings for 2-5 year olds and 5-12 year olds respectively, a 'Play Table', a Revolve Roundabout, a 'Haiti Multi Play' and a 'Glow Worm' see saw. In addition three metal seats and two bins. The play area will be turfed with wet safety surface beneath individual pieces of play equipment. Landscaping and railings are proposed to the boundaries.
5. A bowling green with turfed areas surrounding and hedged boundaries is proposed to the north-western end of the site. Four benches sited facing the green are included.
6. In the south-eastern corner of the site it is proposed to site a car park containing nineteen parking spaces. Two will be for disabled persons.
7. Between the car park and LEAP is to be sited a community building of approximately 300 sq metres footprint. The siting has been proposed, however full details of design and appearance are yet to be submitted and will be the subject of a separate planning application. The siting and landscaping are all that is to be determined at this stage.

S/1352/06/RM - Girton



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July Planning Committee

8. The road frontages are to be landscaped with hedges and trees, particularly to the main spine road serving Wellbrook Way, continuing an existing line of trees on this side of the road.
9. The development is proposed in three phases: (1) LEAP, (2) bowling green and (3) community building and car park.
10. The application was amended substantially following a submission in 2006, which had an alternative layout with a long and narrow LEAP to the south-eastern part of the site. The application site area has been increased to include the whole of the community land and associated proposals and not just the LEAP.

Planning History

11. An outline planning application (ref. **S/0175/99/O**) for residential development was considered by Planning Committee on 2nd June 1999 (item 2). Members agreed to grant outline consent subject to the prior signing of a Section 106 Agreement in respect to:
 - a) Provision of Social Housing
 - b) An Education Contribution
 - c) A Community Hall contribution and,
 - d) Maintenance of Public Open Space.All details required submission of reserved matters.
12. A subsequent outline application (ref: **S/1284/02/O**), submitted by George Wimpey was considered by Committee on 4th September 2002 (item 7). Although the application was in outline, full details were received in respect of layout, siting, means of access and landscaping. Members resolved to refuse this application.
13. These two outline applications were the subject of a call in Public Inquiry held on 10th September 2002. In respect of both applications the Secretary of State agreed with the Inquiry Inspector that the applications were compatible with the Development Plan. This was on the basis of the site accommodating up to 300 dwellings.
14. The Inspector noted: "In respect to the application B (S/1284/02), under which the current reserved matter planning application is made, a Section 106 planning obligation by way of a unilateral undertaking was agreed. This provides contribution for the whole site.
 - a) An establishment sum relating to public open space provision and landscaping strip, play area provision and landscaping strip, play area and informal areas).
 - b) Education contribution.
 - c) 60 dwellings or 30% affordable housing.
 - d) Community land and contribution of £100k.
 - e) Bus service contribution"
15. Outline planning application **S/1284/02/O** was granted for residential development, including close care flats, community facilities, public open space and associated highway infrastructure and landscaping.
16. Planning application ref. **S/0691/03/RM** subsequently approved reserved matters details of siting, design and landscaping of phase 1 subject to conditions.

17. A variation to the section 106 enabled the LEAP to be provided within phase 2 rather than phase 1.
18. Approved applications **S/2398/05/F** and **S/0061/06/F** vary condition 2 of planning permission S/2184/02/O to allow a further year (S/0061/06/F) and 3 years (S/2398/05/F) in which to submit details of reserved matters of siting, design and landscaping.
19. **S/0162/06/RM** granted permission for reserved matters in respect of siting, design and landscaping of phase 2 of the residential development including 72 dwellings, taking the total number of houses on site to 300.
20. **Circular 11/95: The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Planning Policy

21. **East of England Plan (Regional Spatial Strategy), adopted May 2008:**
 - a. **ENV7:** Quality in the Built Environment
22. **South Cambridgeshire Local Development Framework (LDF) Core Strategy DPD, adopted January 2007:**
 - a. **POLICY ST/6** Group Villages
23. **South Cambridgeshire LDF, Development Control Policies DPD, adopted January 2007:**
 - a. **POLICY DP/1** Sustainable Development
 - b. **POLICY DP/2** Design of New Development
 - c. **POLICY DP/3** Development Criteria
 - d. **POLICY DP/4** Infrastructure and New Developments
 - e. **POLICY NE/1** Energy Efficiency
 - f. **POLICY NE/6** Biodiversity
 - g. **POLICY NE/15** Noise Pollution
 - h. **POLICY TR/1** Planning for More Sustainable Travel
 - i. **POLICY TR/2** Car and Cycle Parking Standards
 - j. **POLICY SF/10** Outdoor Play Space Informal Open and New Development
 - k. **POLICY SF/11** Open Space Standards
24. **South Cambridgeshire LDF, Open Spaces in New Development SPD, adopted January 2009. This expands on open space policies in the above mentioned DPD and provides additional details on how they will be implemented. Children's play areas should be provided where they are accessible and visible and in locations to maximise community benefit.**

Consultation

25. In response to the amended proposals, the following responses were received:
26. **Girton Parish Council** – Recommend approval, noting only that it was “very pleased to received these plans”.

27. **Local Highway Authority** – made a number of requests in response to the proposed layout:

- a. Two 2.0 x 2.0 metres visibility splays should be provided and shown on the drawings. The splays are to be included within the curtilage of the new Play Area and Community Land. One visibility splay is required on each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.
- b. The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m with a 6m reversing space.
- c. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
- d. Prior to the commencement of the first use the vehicular access where it crosses the highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
- e. The vehicular access should be constructed using dropped kerbs rather than the radii ones as shown. The use of dropped kerbs reinforces the message that pedestrians have the right of way over the access and that vehicles entering or leaving the private property should give way.
- f. Please request that the applicant show covered and secure cycle parking in line with South Cambridgeshire District Councils policy of 1 space per 25m floor space and 1 per every 15 seats provided for spectators.

28. **Environmental Protection Team Leader** – Commented:

“If consent is granted in respect of the proposed development, it is recommended that the following condition be applied:

If it is proposed to locate a facility that will have a recreational use within 100 feet of the boundary of a residential property, the applicants should carry out a noise survey to assess the extent to which the use of the facility may impact on the occupiers of such a property and take appropriate measures to reduce any adverse impact accordingly”.

29. **Landscape Design Officer** – no comment received on the revised plans.

In response to an earlier amended landscape scheme of October 2008 the following comments were received:

1. “Suggest that the proposed close-board fence around the bowling green area should be replaced with a lesser amount of secure railings and gates so that the bowling green is visible and contributes to the landscape rather than being boxed off from it.
2. Trees and shrub planting on northern boundary should be simplified and used to form an entrance to the site in conjunction with the SUDS area opposite, create a pleasant internal space - seating and garden area etc, and to lessen the impact of parked cars.
3. Some of the planting around the bowling green could be fairly formal (hedges etc) setting off the garden planting. Hedges should not totally block views into the site.
4. The main area of outside seating/garden would be better in the area between the main hall and the bowling green.
5. If the whole area around the bowling green and building is secure then a separate boundary may not be needed around the LEAP.

6. Planting around the LEAP, building and car park may be best in bold blocks to define entrances etc”.
30. **Trees and Landscape** – no comment received on the revised plans.
31. **Ecology Officer** – Queried whether any consideration has been given to the roof of the community building; suggesting the use of a green roof.
32. **Cultural Services Manager** – no comment received on the revised plans.

Representations

33. A letter of objection has been received from an occupier at 92 Wellbrook Way on the following grounds:
 - a. Noise pollution resulting from the community building due to proximity of dwellings, especially if it is used in evenings and at weekends. This is currently a very quiet residential area. The community building will attract an increased number of cars and people to the development.
 - b. Proximity to dwellings of a commercial use and that it will potentially result in loss of light into a lounge window from the building.
 - c. Adequacy of car parking levels, as this could lead to increased on road parking resulting in access problems.
 - d. The site may attract groups of youths in the evening and at weekends, which may lead to anti-social behaviour and further noise pollution. They query if the play area and car park will be locked in the evenings.
34. A further objection on devaluation grounds is not a material planning consideration. The occupier of 80 Girton Road, whose garden ends directly behind the fence to the West of the bowling green, has commented that “...before Wimpey fenced it they removed the mature trees which I thought were mine thus destroying the natural screen. I see there is provision for planting on the North, East and South sides of the green. Would it not be beneficial for the users of the Green, my family, and for local birds and wildlife, to replace the natural screen by including the planting of a narrow hedge on the West side of the Green?”

Planning Comments – Key Issues

35. The key issues in determining this application are whether the LEAP meets the requirements of the section 106 Agreement, whether the layout, landscaping, access and parking are acceptable, whether harm will be caused to neighbouring amenity through noise disturbance, loss of light, privacy or overlooking, whether the proposals will enhance biodiversity in the area and whether the proposals are sustainable?

Does the LEAP meet the requirements of the section 106?

36. The area for the community land and LEAP were established through the approved layout under application ref. **S/0162/06/RM**. This application simply seeks to approve the details of the area. The requirements for the LEAP are established through a variation, dated 24th May 2004, to the original section 106. Such requirements include, amongst others:
 - a. A play area with a minimum of 400 square metres of equipped activity area. surrounded by landscaping and appropriate buffer zone within the retained land.
 - b. Retained land means an area shown for a Super LEAP on the accompanying plan.

- c. Specifications for the Play Area and buffer zone will be based on NPFA (Six Acre Standard 2001) for a Local Area of Equipped Play (LEAP), suitable for 4-6 year olds but will also be extended to include at least 3 pieces of equipment for children under 4 years. A wet pour safety surface will be provided beneath and around the play equipment and the area will be fenced to prevent access by dogs with two gates. It will provide seating for parents and carers and one rubbish bin. The design and specification will be agreed with the Council.
 - d. Appropriate directional and other signage including warning or 'no responsibility' signs.
37. It is noted that plan attached with this variation does not show the current, approved location and a further variation of the Section 106 may be required. Legal advice has been sought.
38. The 2001 NPFA standard requires equipment to include '...at least 5 types of play equipment, of which at least two are individual pieces rather than part of a combination. Each item is designed to stimulate one of the following: balancing, rocking, climbing or agility, sliding, and social play. Additional items might focus upon rotating, swinging, jumping, crawling, viewing, counting or touching'.
39. Based upon the above, it is concluded that in its current form, the proposal does not meet the required standard in terms of the equipment proposed. Officers have sought alternative provision on several occasions with no success. The provision of six pieces of equipment falls short of the required 5 pieces to serve 4-8 year olds and 3 additional pieces to serve under 4 years olds. Notwithstanding, the mix of equipment does cater for under 4s as well as over 4 year olds. Confirmation is to be sought as to whether further equipment is necessary to meet the terms of the Section 106 Legal Agreement and whether it provides an adequate mix and number of equipment, despite its seeming short fall.

Layout

40. The layout responds to the site constraints with good links between the various uses. The play area is located more than 10 metres from dwelling facades, as required by the NPFA standard.

Access from Wellbrook Road and car parking

41. The Local Highway Authority's comments have been put to the developer and a revised plan will be sought.
42. The proposed car park includes nineteen spaces. Based on the adopted standard 13 are required for the meeting hall. Although there appears to be a surplus it is reasonable to agree a higher level of provision as these are likely to be taken up by the LEAP and bowling club uses.
43. The size and layout of the parking area is acceptable. It includes two disabled spaces close to the building's entrance.

Lack of cycle parking

44. Cycle parking has not been provided. A minimum of four covered and secure spaces is required. A higher level may be appropriate given the number of uses on the site. The developer has been requested to indicate how this requirement is to be met.

Noise disturbance

45. The detailed design of the building has not been submitted as part of this application. Concerns relating to noise can be addressed by way of a planning condition, as it specifically relates to the design of the building.

Loss of light to neighbouring properties

46. Without detailed drawings it is not possible to assess the light impact on neighbouring properties. Notwithstanding, the building is sited to the north-west of the closest properties with a separation of at least 16 metres. It is considered unlikely that any loss of sunlight or daylight will result from a single storey building on this location.

Biodiversity

47. An informative in relation to the use of green roofs can be added to the decision. As this is a reserved matters application for siting only it is not possible to make this a requirement. In order to accord with PPS7 the scheme should enhance biodiversity however and this is a possible means of achieving this aim. The design of the building will be the subject of a separate application.

Sustainability

48. The detailed design will need to meet sustainable design objectives. In terms of location it minimises the need to travel and is accessible by non-car modes due to its siting in relation to the built area, public rights of way, the public highway and public transport.

Is the layout likely to result in anti-social behaviour?

49. Surrounding dwellings overlook the site, providing a high level of natural surveillance. It is not conducive to anti-social behaviour. The plans do not indicate gates to the access, however as the car park is to serve a community facility it is likely to be used in the evenings. The suggestion has been put to the developer and Parish Council for their response and an update will be provided.

Recommendation

50. Delegate approval to allow officers to address outstanding issues relating to the equipment proposed within the LEAP and cycle provision.

Conditions

1. **Prior to the submission of a detailed design for the community building a noise survey to assess the extent to which the use of the facility may impact on the occupiers of neighbouring residential properties shall be undertaken. The detailed design of the building shall include appropriate measures to reduce any adverse impact to an appropriate level to be agreed with the Local Planning Authority. The building shall be constructed in accordance with the approved measures.**
(Reason: To minimise noise emanating from the building in the interests of neighbouring amenity, in accordance with Policy NE/15 of the adopted Local Development Framework 2007).
2. **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority. If within a**

period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

3. **The bowling green and community building, hereby permitted, shall not be occupied until parking, turning, loading and unloading space has been laid out within the site in accordance with the approved details.**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. **The bowling green and community building, hereby permitted, shall not be used or occupied until covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.**
(Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
5. **Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.**
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. **No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority.**
(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
7. **No external lighting shall be provided or installed within the site other than in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.**
(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
8. **No development involving the construction of the community building shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage shall be completed before the community building is occupied in accordance with the approved scheme and shall thereafter be retained.**
(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. **No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:**
 - i) **Contractors' access arrangements for vehicles, plant and personnel;**

- ii) **Contractors' site storage area(s) and compounds(s);**
 - iii) **Parking for contractors' vehicles and contractors' personnel vehicles;**
- Development shall not be carried out other than in accordance with the approved details.**

(Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

Informatives

1. A scheme of ecological enhancement may include a green roof.

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

- East of England Plan (Regional Spatial Strategy), adopted May 2008
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted January 2007)
- South Cambridgeshire LDF, Open Spaces in New Development SPD, adopted January 2009.
- Planning Files Ref: S/1352/06/RM, S/0162/06/RM, S/1284/02/O, S/0691/03/RM, S/0175/99/O, S/2398/05/F and S/0061/06/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

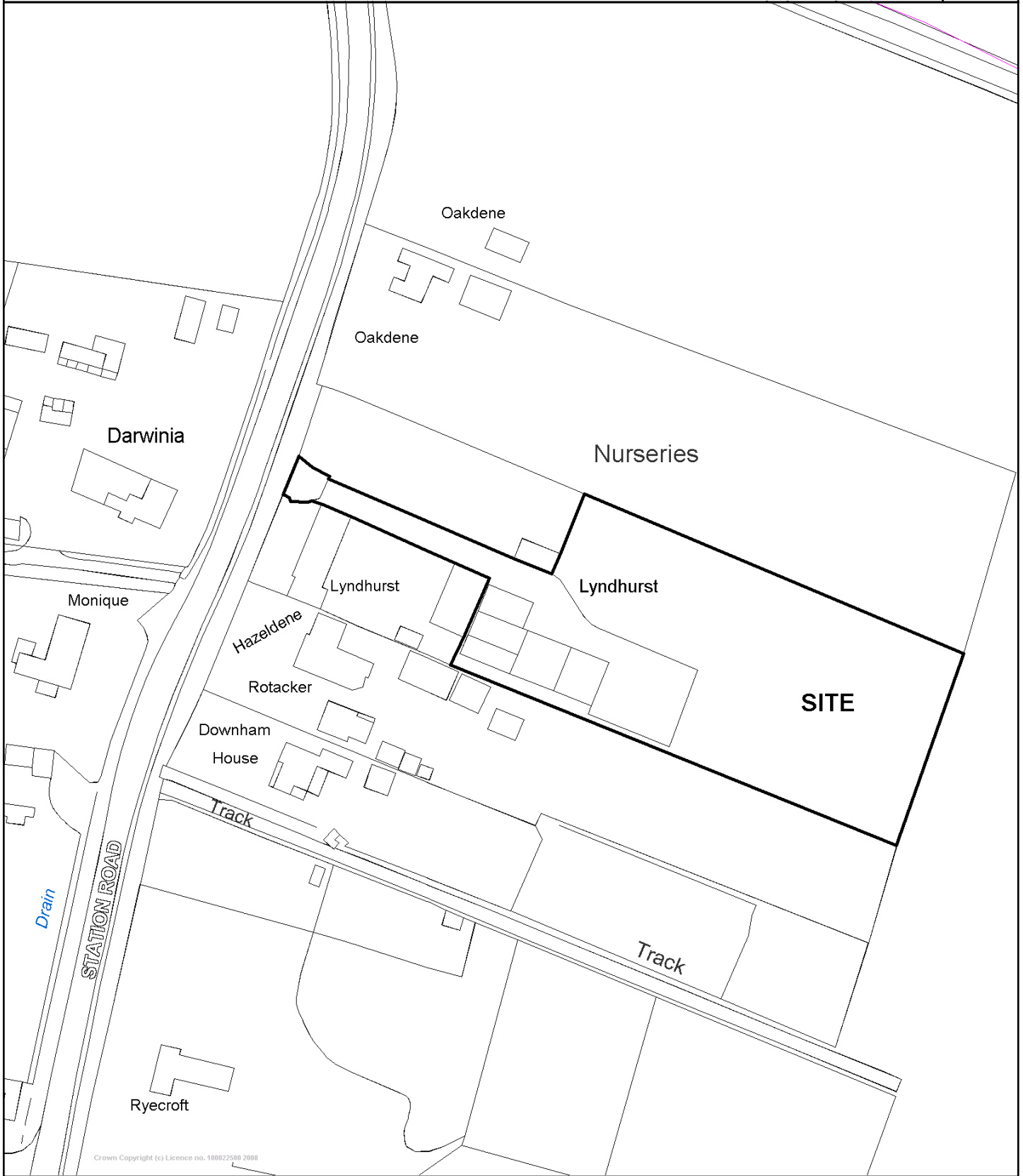
S/0547/09/F- LONGSTANTON**Change of Use to Builders Merchants, Erection of Workshop with Ancillary Parking and Landscaping****At Land to the East of 'Lyndhurst', Station Road for Aspinalls Builders Merchants Ltd****Recommendation: Refusal****Date for Determination: 10th June 2009****Notes:**

This Application has been reported to the Planning Committee for determination because it is a Departure from the Development Plan.

Site and Proposal

1. The application site is 0.5 hectares in size and located outside the village framework for both Longstanton and Willingham. The site is located closer to Willingham but in the Parish of Longstanton, approximately 0.7 kilometres south of the Willingham village framework boundary.
2. The site is located to the rear of the dwelling house named Lyndhurst (owned by the applicants) and sited on the B1050 road running between Longstanton and Willingham. The buildings on site currently have a footprint of approximately 230m². The building to be built as approved under S/0429/07/F includes an additional 192m² (this is 16m x 12m, not 12 x 22.5 as indicated on application drawing P03 C). The units are single storey and located close to the southern boundary of the site to the rear of Lyndhurst and the neighbouring property Hazeldene. To the north of the site runs a thick band of leylandii screening the neighbouring property called Oakdene and views of the surrounding countryside. To the east of the site, furthest from the road the area is currently used for growing Christmas trees. This area is to be replaced with an area of hard standing for the storage of building materials and parking of vehicles. A brick wall with railings and piers defines the west boundary of the site. The site is accessed from this boundary via a large entrance gate and tegula paved hard standing.
3. The site is currently used for horticultural purposes and the ancillary retailing of Christmas trees. There are storage buildings on site also. Neighbouring properties are loosely arranged to the north and south on large plots (ribbon development).
4. The full application received 15th April 2009 seeks consent for the change of use to Builders Merchants with erection of a 13m x 8m (104 sq.m) workshop with ancillary parking and landscaping. The workshop is for a separate company called Universal Fencing that operates under Aspinalls Builders Merchants. The application is accompanied by:
 - (a) Design and Access Statement
 - (b) Planning Statement

S-0547-09-F Longstanton



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Scale 1/1250 Date 17/6/2009

Centre = 540020 E 268626 N

July 2009 Planning Committee

The application seeks the relocation of the applicant's yard from their existing site on Over Road, Willingham. Existing employees (8 full-time and 3 part-time) will be retained with an opportunity to expand employment numbers.

Planning History

5. **C/0404/67/D** – Erection of Glasshouse and Boiler Houses - Approved.
6. **S/2383/88/F** – Extension - Approved.
7. **S/1465/91/F** – Front Wall and Piers – Approved.
8. **S/1071/91/F** – Storage Building – Approved.
9. **S/0051/02/F** – Agricultural Dwelling – Withdrawn.
10. **S/0429/07/F** – Storage Building following Demolition of Existing – Approved.
11. **S/01703/08/F** – Change of Use to Builders Merchants – Withdrawn

Planning Policy

Planning Policy Statements:

12. **PPS1** (Delivering Sustainable Development)
13. **PPS 7** (Sustainable Development in Rural Areas)
14. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

South Cambridgeshire Local Development Framework Development Control Policies 2007

15. **DP/1** (Sustainable Development)
16. **DP/3** (Development Criteria)
17. **DP/7** (Development Frameworks)
18. **ET/5** (Development for the Expansion of Firms)
19. **NE/9** (Water and Drainage Infrastructure)
20. **TR/1** (Planning for More Sustainable Travel)
21. **TR/2** (Car and Cycle Parking Standards Consultation)

Consultations

22. **Longstanton Parish Council** – recommend refusal for the following reasons:
 - (a) Detrimental impact on neighbouring residents.
 - (b) Altering the character of the residential area.
 - (c) Increase noise levels from parking vehicles, commercial vehicles, turnover of tradesman, retail customers and workshop site equipment will reduce the peace and privacy for residents.
 - (d) Neighbouring gardens flooded in 2000 and 2001 therefore potential increase in flooding risk due to additional concrete areas.

- (e) Manoeuvring of vehicles causing an adverse effect on the safety and free flow of traffic, bus route schedules and cyclists using new cycle path adjoining the public highway.

The Design and Access Statement:

- (a) B7 refers to the area being outside the defined settlement boundary. There is no defined designation of a settlement boundary.
 - (b) The statement that the private owners have occupied the housing since 1999 is incorrect; there is a great deal of houses in the village under private ownership well before 1999.
 - (c) B26 referenced to the traffic congestion, we disagree that the new site will be any better than the existing site, as it is sited on a busy bus route road (B1050) and will cause inconvenience to neighbouring residents and motorists. It is unlikely that relocating to an extended site will be less of a nuisance.
 - (d) B.1 we question the designation of the site as being Brownfield as it is currently used for an agricultural purpose of growing Christmas trees.
23. **Local Highway Authority** – The proposed visibility splays to the south fall outside the requirements of the Design Manual for Roads and Bridges. However, the shortfall within the context of the overall splays is acceptable and the Highway Authority has no significant concerns relating to this matter.
24. The applicant must show the dimensions of the proposed car parking spaces which shall be 2.5m x 5m at a minimum, each space will also require a 6m manoeuvring space, this area however, may be shared between individual parking spaces.
25. The applicant should provide a swept path diagram showing the manoeuvring of a 40 tonne articulated vehicle enabling it to enter and leave in a forward gear.
26. The width of the access shall be 5m at a minimum and that the first 20m of the access shall be paved with a bound material to prevent debris from spreading onto the adopted public highway.
27. Two 2.0 x 2.0 metres visibility splays shall be provided and shown on the drawings. The splays are to be included within the curtilage of the application site. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.
28. The access to the site shall be constructed as a simple dropped kerb.
29. **County Archaeological Unit** – Recommends that any planning permission be subject to a negative condition requiring a scheme of archaeological work in advance of development.
30. **Corporate Manager (Health and Environmental Services)** – has raised no objection though has recommended conditions regarding external flood lighting, hours of work and pile foundations.
31. **Environment Agency** – The area is not in a flood risk area. Localised flooding is mentioned as a concern through neighbour objections though this could be alleviated through appropriate hard standing materials so as not to make surface water run off more problematic.

Representations

32. There have been 5 letters of objection received from neighbouring properties: Stanton Farm directly opposite; Hazeldene located to the south of the site; Oakdene to the north of the site; Downham House, neighbour south of Hazeldene; and Monique located opposite south west of the proposal site.

Objections are as follows:

- (a) Noise and disturbance from traffic.
 - (b) Noise and disturbance from workshop.
 - (c) Possibility that vehicle will have to wait on road as there are no passing areas.
 - (d) Increase in traffic.
 - (e) Traffic hazard.
 - (f) Concern about cycle lane across the front of the site.
 - (g) Large slow moving vehicles regularly opposed to during specific time of the year as at present.
 - (h) Already refused scheme for Berrycroft Stores to relocate along this stretch of road – traffic has increased so what has changed?
 - (i) The development of Northstowe increases everything.
 - (j) Development of the guided busway proposes a stop along Station Road
 - (k) High level of parking.
 - (l) Development in the countryside.
 - (m) Not in accordance with policy PPS7.
 - (n) Alternative use should be sought on business parks where there are plenty of open and empty units.
 - (o) Trees die and the trees to the south are not in the applicants control.
 - (p) Other sites are referred to as B8 uses and are actually agricultural land and private residential.
 - (q) The proposed workshop will be development on Greenfield land not Brownfield.
 - (r) Change to nursery with ancillary storage into large scale Brownfield site with increased traffic flow and retail for a non-rural use.
 - (s) Retail all year round at a high level.
 - (t) Introduction of a workshop is not B8.
 - (u) If minded to approve restrict trading hours, deliveries, hours of workshop, noise attenuation, sufficient landscaping and no more than 10% of the overall turnover being retail – retail being defined as any purchase by a person who does not derive their principal income from the building trade.
 - (v) When the A14 is congested many vehicles use this route.
 - (w) Sewerage removal by private contractors will mean more lorries.
 - (x) Limited site in Willingham does not mean a bigger site in Longstanton as this will increase movement more so.
 - (y) Soundproofing needed.
 - (z) Previous refusal for building, horticultural merchants refused along this stretch of road in 1989.
33. There has also been an email representation received that indicates the application fails to include the level of deliveries that Universal Fencing may propose, that they already have early morning deliveries at their current site and large lorries are regularly used. It is also pointed out that there is an alternative site in the village the applicants could use, though its location is not specified.

Planning Comments – Key Issues

34. The key issues to consider in determining this application are Principle of Development, Design and Layout, Neighbour amenity, Drainage, Access, Car Parking, Landscaping and Archaeology.
35. **Principle of Development** – It is said that the site is partly 'Brownfield'. However, in light of the existing use of land and buildings, which is primarily for the purposes of growing Christmas trees, I am of the opinion this does not accord with the definition of 'previously-developed land' in Planning Policy Statement 3, Housing, which excludes land that is or has been occupied by agricultural and forestry buildings. The use of the site as existing is seasonal and low key. It is referred to in past applications as a 'horticultural holding'. The erection of the storage building under planning reference S/0429/07/F saw the applicant refer to a replacement building at the time for 'storage/fruit and veg'. The site is not an agricultural holding though has a storage use on site linked to the horticultural element of the land use.
36. The application is essentially for a change of use and the erection of an additional workshop and the development of buildings that differ from those already approved under the above-mentioned planning reference. This type of change in this countryside location is not supported anywhere in the Local Development Framework Policies. Policy DP7 limits development in the countryside to agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside.
37. The development around the site consists of loose ribbon of residential properties with properties in large plots either side and opposite rather than on all boundaries and in very close cramped proximity, as on the existing site in Willingham. Essentially the surrounding environment is much more rural in its character. The proposed commercial development, particularly extensive areas of hardstanding and store will detract from that character.
38. The applicant suggests that because a B8 use as a nursery and for the sale and distribution of Christmas trees is already located on the Longstanton site, the relocation of the builder's merchant to this site from the centre of Willingham helps to retain the local workforce, as it is a very short distance away and still easily accessible. It provides a larger site than one that the existing business has outgrown and it still benefits its users, as there is no loss of a village service. There is some merit in that argument and in that context Policy ET/5 of the adopted Local Development Framework does permit expansion of firms but only in amongst others, village frameworks or previously developed sites next to or very close to village frameworks. This site does not comply with that criteria.
39. **Design and Layout** – The design and layout involves changes which will have a major impact visually on the site. The removal of the plantation trees to the rear of the site and replacement with hard-standing will change the visual impact of this site on its wider setting, although the retention of boundary planting is important in protecting the wider setting of the countryside and acting as a buffer between neighbouring properties, all of which are residential.
40. The buildings proposed are in keeping with their surroundings and do not cause any concern with regard to potential harm. However the application does refer to the previous scheme under reference S/0429/07 to be built on site in accordance with the approved plans. What is being proposed in this application does not tally up with the aforementioned application and this would need to be addressed. Additionally a workshop is proposed to the rear of the site. More details regarding the need and elevations are required.

41. **Neighbour Amenity** – Corporate Manager (Health and Environmental Services) has raised no concern regarding the relocation of the use on grounds of potential noise pollution based upon the few complaints received from neighbouring residents in Willingham. The main bulk of the development is to the rear of the application site and this may benefit the immediate neighbours. However I am of the view that relocation will still have an adverse impact on neighbour amenity, by reason of disturbance likely to be caused by manoeuvring of vehicles, movement of equipment and goods on the site by vehicles and fork lift trucks and the inevitable need for lighting.
42. **Drainage** – The area is not in a flood risk area. Localised flooding is mentioned as a concern through neighbour objections though this could be alleviated through appropriate hard standing materials so as not to make surface water run off more problematic than it may already be
43. **Access and Car Parking** – Access is to remain the same. The Local Highway Authority has accepted the splays and the access as being acceptable. Parking facilities are provided towards the centre of the site for 28 vehicles. Given the footprint of the existing and proposed buildings on site the proposed parking spaces would equate to a maximum of 4 for a B8 use and 8 for a light industrial use. A further 7 for every 10 employees is required and 5% of which should be for disabled parking. Application drawing P03 C shows that the entire area to the rear is to be hard standing. If this is the case turning of vehicles on site to be able to enter and leave in forward gear and should not be problematic however details of this are not provided. The provision for parking for 28 spaces is considerably over the provision required, though that has to be balanced with the need to ensure that vehicles do not obstruct the flow of traffic on the B1050.
44. **Landscaping** – Some landscaping is proposed on the west edge of the hardstanding and this should reduce the visual impact of the proposed when viewing from the entrance of the site.
45. **Archaeology** – The site is in an area of high archaeological interest, which requires a programme of archaeological investigation to be undertaken. This is a matter which can be resolved by a condition on any consent.

Recommendation

46. Refuse.
1. Policy ET/5 of the South Cambridgeshire Local Development Framework Development Control Policies (SCLDFDCP) adopted 2007 supports the expansion of existing firms within village frameworks or on previously developed sites next to or very close to village frameworks. The application site is not previously developed land and is not either within a village framework or located very close to one. It is located within the countryside, where Policy DP/7 of the SCLDFDCP restricts development to agriculture, horticulture, forestry, outdoor recreation or other uses which need to be located in the countryside.
 2. The extent and nature of the proposed commercial use adjoining residential properties would cause disturbance to the occupiers of these properties, by reason of lighting and the movement of vehicles and equipment, particularly fork lift trucks, around the extensive area of open storage in a location where residents would otherwise expect to enjoy a quiet environment.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

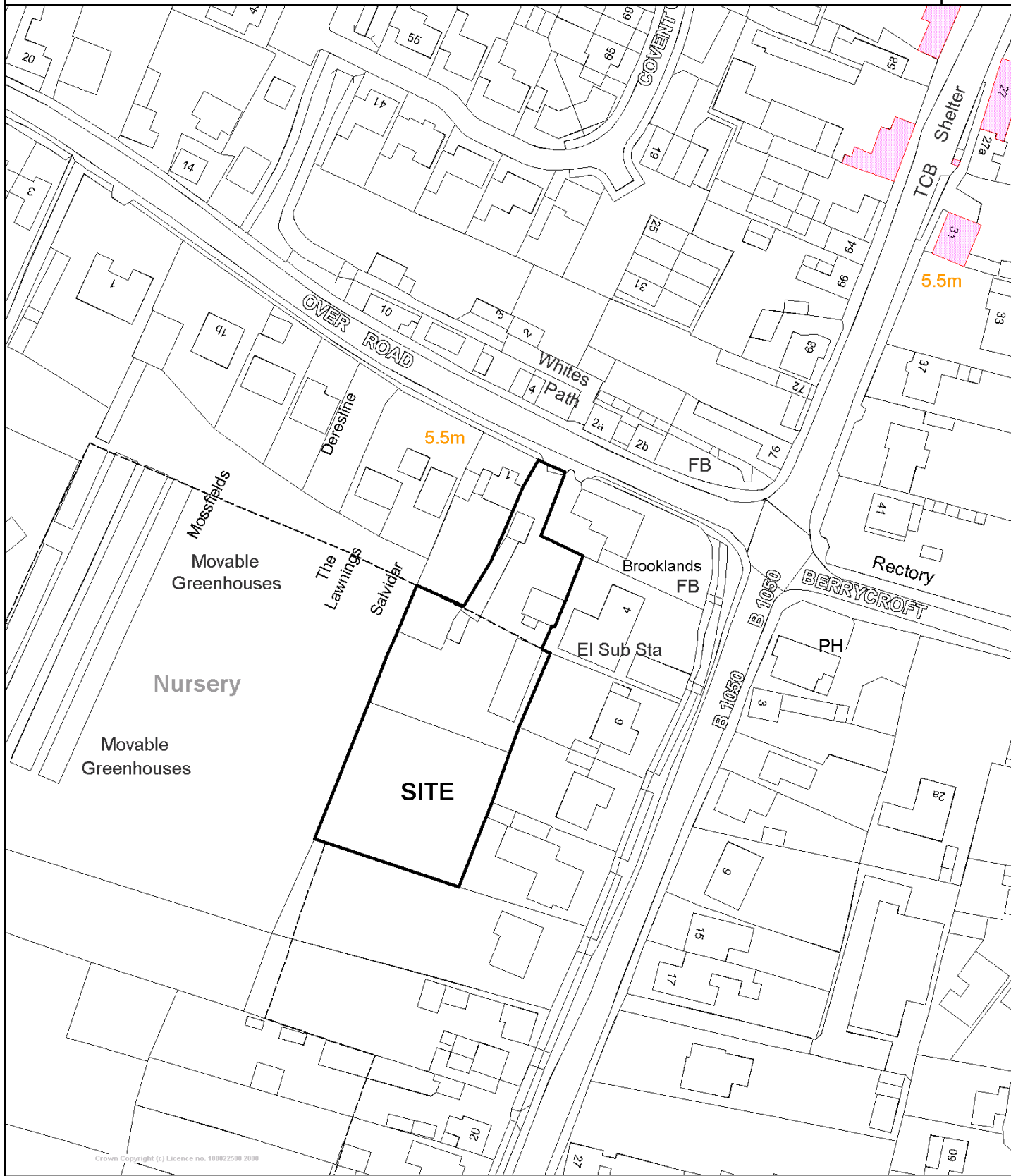
S/1702/08/F- WILLINGHAM**Erection of 12 Dwellings Following Demolition of Existing Buildings
At Aspinalls Builders Yard, 2 Station Road, for Aspinalls Builders Merchants Ltd****Recommendation: Refusal****Date for Determination: 14th July 2009 (Major Application)****Notes:**

This Application has been reported to the Planning Committee for determination because it is a Major application and a Departure from the Development Plan.

Site and Proposal

1. The application site is 0.28 hectares in size located partly within the village framework. It is approximately 3.5 kilometres from Longstanton, 2.9 kilometres from Rampton, 2 kilometres from Over and 2.3 kilometres from the proposed Northstowe site.
2. The site, which is located on the west side of the B1050 through road, comprises of a group of commercial buildings. The buildings on site have a footprint of approximately 456 m.sq. The units are predominately single storey though there is a taller timber building approximately 6/7 metres in height to the ridge and used for storage and retail. To the rear of the site is a thick band of leylandii screening the neighbouring properties to the southeast. To the west are open fields, to the east residential bungalows and to the north the site is accessed from Over Road. After closing it is enclosed with 2 metre wire fencing and double gates.
3. The site is currently used as builders' merchants and is surrounded by residential properties to the north, east and west located on Over Road and the B1050.
4. The full application received 20th January 2009 seeks consent for the erection of 12 dwellings following the demolition of the existing buildings. The application is accompanied by:
 - (a) Design and Access Statement
 - (b) Flood Risk Assessment
 - (c) Biodiversity Survey Report
 - (d) Planning Heads of Term
 - (e) Affordable Housing Statement
 - (f) Daylight and Sunlight Assessment (amended version received 5th June 2009)
 - (g) Utilities Statement
 - (h) Environmental Survey Report

S-1702-08-F Willingham



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Scale 1/1250 Date 17/6/2009

Centre = 540118 E 270010 N

July 2009 Planning Committee

Details of their content are explored further in the report under the relevant subheadings.

5. The scheme comprises 5 one-bedroom flats (affordable dwellings), 1 two-bedroom terrace dwelling, 2 three-bedroom terrace dwellings and 4 four-bedroom dwellings (one of which would be detached). 18 car parking spaces are proposed. A bike shed would provide six spaces. The density would be 43 dwellings per hectare.

Planning History

6. **C/0519/56** – Residential development – approved (Included units facing the B1050, Brooklands House, No. 4, 6, 8, and 10 Station Road).
7. **S/1293/74/F** – Siting of a caravan – approved.
8. **S/1104/89/F** – Amendment of condition to permit sales of building and plant equipment – approved.
9. **S/0807/04/F** – Change of Use from Garden land to open storage for builders plant and materials – Refused by LPA, allowed at Appeal.
10. **S/1017/99/F** – (Retrospective) Extension to concrete apron and erection of replacement storage and aggregate storage bins – approved.
11. **S/0277/07/F** – Erection of 10 dwellings - withdrawn.

Planning Policy

12. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
13. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respect.

South Cambridgeshire Core Strategy 2007

14. **ST/5 Minor Rural Centres** includes Willingham. Development or re-development up to a maximum scheme size of thirty dwellings is allowed within frameworks.

South Cambridgeshire Development Control Policies 2007

15. **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.
16. **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.
17. **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.

18. **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.
19. **DP/7 Development Frameworks** permits development within village frameworks provided that retention of the site in its present state does not form an essential part of the local character; it would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours; there is the necessary infrastructure capacity to support the development; and it would not result in the loss of local employment, or a local service or facility.
20. **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.
21. **HG/2 Housing Mix** - accommodation should provide a range of types, sizes and affordability to meet local needs. In developments of more than 10 dwellings a mix of units will be sought providing a range of accommodation, including one and two bedroom dwellings.
22. **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.
23. **SF/6 Public Art and New Development** states in determining planning applications the District Council will encourage the provision of publicly accessible art, craft and design works. The policy will apply to residential developments comprising 10 or more dwellings.
24. **SF/10 Outdoor Play Space, Informal Open Space and New Development** requires that all new residential development contribute towards outdoor space. Only family dwellings of two or more bedrooms will be requested to contribute to the provision of Children's Play Space. Contributions to off-site provision and maintenance of other types of open space will be expected in addition to this.
25. **SF/11 Open Space Standards** sets out minimum space requirements as follows:
2.8ha per 1000 people comprising
 1. 1.6ha per 1000 people outdoor sport;
 2. 0.8ha per 1000 people children's play space; and
 3. 0.4ha per 1000 people informal open space.
26. **NE/1 Energy Efficiency** requires development to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new and converted buildings. Developers are encouraged to reduce the amount of CO₂m³ / year emitted by 10%.

27. **NE/3 Renewable Energy Technologies in New Development** states all new development proposals greater than 10 dwellings will include technology for renewable energy to provide at least 10% of their predicted energy requirement.
28. **NE/6 Biodiversity** - New developments should aim to maintain, enhance, restore or add to biodiversity.
29. **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.
30. **NE/12 Water Conservation** states that for development of more than 10 houses all practicable water conservation measures will be required to be submitted in a water conservation strategy.
31. **TR/1 Planning for More Sustainable Travel** states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s). Opportunities to increase integration of travel modes and accessibility to non-motorised modes by appropriate measures will be taken into consideration. The Local Transport Plan road user hierarchy will also be taken into account in the determination of planning applications to ensure adequate emphasis has been placed on the relevant modes, although no modes should be promoted to the exclusion of others.
32. **TR/2 Car and Cycle Parking Standards** identifies maximum parking standards to reduce over-reliance of the car and to promote more sustainable forms of transport. Cycle parking should be provided in accordance with minimum standards.
33. **TR/3 Mitigating Travel Impact** requires applications for major residential development to be accompanied by a Transport Assessment
34. **TR/4 Non Motorised Modes** states that 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 leisure.
35. **Adopted Supplementary Planning Documents (January 2009), Open Space in New Developments and Public Art** provide details on how relevant Local Development Framework Policies will be implemented.

Consultation

36. **Willingham Parish Council** – Refuse. Whilst not opposed to development of this site per se, the Council considers that the proposals are not in keeping with a neighbourhood that is largely bungalows and is also an over development of the site.
37. **Local Highway Authority** – “The proposed visibility splays are acceptable to the Highway Authority.

Despite the fact that the proposed development serves more than 5 individual dwelling units the Highway Authority will not seek to adopt the development as its present layout is unacceptable. Please ensure that the developer is made aware of this situation.

The car-parking layout is constrained. The use of a proposed footway as a reversing space is a hazard (for the visually impaired and other disabled users in particular), which could be designed out.

The proposed location of the cycle parking for the houses is inconvenient. This would be better located to the front of the units to encourage the use of cycles within the village context where many services and commercial units are within easy cycling distance.

As part of earlier discussions with the Highway Authority the applicant demonstrated that the vehicle flows from the proposed development would be reduced from the present level. This information does not appear to from part of the planning documents and the Highway Authority would seek that these data are included in support of the application. (This has now been received 5th June 2009)

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that two 2.0 x 2.0 metres visibility splays be provided and shown on the drawings. The splays are to be included within the curtilage application site. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

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 a 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.”

38. **County Finance Officer** – with regards to the S106 primary school contributions it is calculated that a sum of £14,700 is requested.
39. **County Archaeological Unit** – recommends that any planning permission be subject to a negative condition requiring a scheme of archaeological work in advance of development.
40. **Cambridgeshire Fire and Rescue Service** – has not commented in the given timescale
41. **Anglian Water** – no objections. The foul sewerage network system has adequate capacity as does Over Sewage Treatment Works.
42. **Corporate Manager (Health and Environmental Services)** – Contaminated Land – has requested the site be investigated for contamination and has recommended a condition requiring this prior to development commencing.
Noise - no objection though has included conditions regarding external flood lighting, hours of work and pile foundations. Additionally it has also included the informative regarding the requirement of a Demolition Notice.
43. **Ecology Officer** - wishes to place a holding objection to the current proposal on the basis of incomplete assessment of the site in terms of its biodiversity. The application is supported by a Biodiversity Survey Report that was conducted in December 2008. It highlighted building 2 as having high potential for bats. This point should be re-assessed in the correct survey season (i.e. now). The survey also raised the issue of reptiles being present. There is a stream nearby that may act as a corridor for bats and grass snakes.

44. **Housing Development and Enabling Manager** - "The planning application provides an affordable housing statement, which has included provision for 5 affordable units. The applicant is providing five 1-bed apartments as the affordable element of this application. Four of these proposed units are quite small and only provide for an internal floor area of 41 sqm. Current guidelines determined by the Homes and Communities Agency (HCA) suggests that 1-bed flats should have an internal floor area of 45.5 sqm as a minimum. An initial discussion with one RSL has already indicated that they could not take the units on if they required grant funding from the HCA as they are below the Housing Quality Indicator Scores determined by the HCA, which allows them to apply for grant. They would also not get support from the Housing Strategy and Development team, which is also an essential part of any grant application to the HCA.

The applicant also fails to address the wider need for affordable housing in South Cambridgeshire by providing solely one bedroom apartments. The Housing Development team would prefer to see a better mix of affordable units offered by the applicant. The latest needs for South Cambridgeshire District indicate a large demand for 2 bed units (over 50% of the list is asking for 2 bed units). We would therefore be looking to the applicant to offer up some larger units to address the district wide needs".

45. **Urban Design Surgery**

Layout/spacing

Housing

- (a) Very tight development with little scope for alterations/manoeuvrability.
- (b) Unit 1 is too small as a dwelling unit and should be either removed or the single storey element included as part of unit 2 – this would move the development away from the boundary and provide an opportunity to reduce the built form so close to the neighbouring boundaries.
- (c) The removal of the strong tree boundary on the western boundary for unit 1 will introduce a totally unacceptable level of overlooking from 10 Station Road which has a first floor balcony metres from the shared boundary.
- (d) Overlooking from Unit 2 into No.6 and 10 Station Road.
- (e) Units 3 and 4 could be stepped forward slightly to create a focal point when entering the sight; additionally this will break up the front elevation of the units to create some interest.
- (f) Unit 4 has very little amenity space as a four-bed dwelling and is unacceptably close to unit 6. This should be removed.
- (g) Unit 4 also overlooks No 1 Over Road.

46. **Flats**

- (a) Floor area of units 8 –12 is too small.
- (b) Lacking in amenity space.
- (c) Overlooking of No 6 Station Road and Brooklands House.
- (d) Too close to No. 4 Station Road and Brooklands House.

Parking areas/amenity space/landscaping

- (a) Very tight development with little scope for alterations/manoeuvrability.
- (b) Parking facilities take up too much floor area and provide little scope for landscaping.

- (c) Parking spaces 13 and 14, though dimensions are correct, manoeuvrability is very restricted and reversing out of the site would take place.

47. **Materials**

- (a) The use of modern sustainable materials could add interest to this development.

48. **Suggestions**

- (a) Overall the design and the layout of the scheme are disliked for the above reasons. Reducing the number of dwellings and changing various elements as listed above could improve this.
- (b) If the site edged blue was included in the scheme it could improve the space within the site allowing for better manoeuvrability and a significant reduction in overlooking concerns.
- (c) There is also a fair amount of development proposed outside of the village framework, by including the blue edged site it could also address this area of concern.

Recommendation: Refuse

49. **Trees and Landscape Officer** – comments to be presented verbally.

50. **Landscape Design Officer** – comments to be presented verbally.

51. **Environment Agency** – comments to be presented verbally.

52. **Sustainability Officer** – has not responded within the given timescale. Comments to be presented verbally.

53. **Legal Services** - has not responded within the given timescale. Comments to be presented verbally.

54. **Awards Drain Manager** - comments will be presented verbally.

Representations

55. A copy of registered complaints regarding nuisance at the application site has been submitted by the agents as supporting evidence that the site is problematic under its existing use and therefore more suitable for residential development.

56. There have been 7 complaints in total about the site from 2001 regarding noise, atmospheric pollution, odours and light pollution. The reports from the EHO inform all matters were resolved and no further complaints have been received since February 2008. The incidences are briefly listed below:

- (a) Atmospheric 17/09/2001 – Fumes and Gases
- (b) Atmospheric – 17/01/2002 – Bonfires
- (c) Noise – 24/03/2001
- (d) Noise – 24/09/2003
- (e) Atmospheric – 26/02/2004 – Bonfires
- (f) Odour – 23/11/2004
- (g) Light Pollution 06/02/2008

57. Four letters of objection have been received from occupiers of surrounding properties, namely 8 and 10 Station Road and “Salvidar” and “The Lawnings” on Over Road. The objections are summarised below:
- (a) Concern as to why an application for 10 was withdrawn and an application for 12 dwelling submitted.
 - (b) Loss of trees to the rear of the site that afford good screening.
 - (c) Overdevelopment of the site.
 - (d) Not enough parking for residents let alone visitors.
 - (e) 3 storey units out of character with this part of the village.
 - (f) Flooding concerns.
 - (g) Loss of builders merchants in the village.
 - (h) School is at full capacity and reiterated in planning documents.
 - (i) Road safety concerns.
 - (j) Sunlight/daylight document shows considerable overshadowing to the rear of “Salvidar” on Over Road.
 - (k) Overlooking concerns regardless of frosted glass as properties are close together.
 - (l) Road safety on Over road as fear that lack of parking on site will spill out on to busy main road and very close to traffic light junction.
 - (m) Large percentage of future village development requirements presented on one site alone.
 - (n) Too squashed.
 - (o) High density.
 - (p) Design, height and balconies not in keeping with the area.
 - (q) Surface water run off concern.
 - (r) New development in Willingham has already caused flooding problems to the recreation ground this development will exacerbate the problem.
 - (s) Parking not sufficient.
 - (t) Noise and disturbance would be generated by amount of dwellings and cars both day and night.
 - (u) Over Road already very busy, new units would make this worse.
 - (v) Swallows and bats roost and nest in the barns on the building site and removal of these buildings would effect ecological habitats.
 - (w) Northstowe is proposing 10000 new dwellings half a mile away. 12 houses here are not needed.
 - (x) If approved density should be reduced.
 - (y) Serious affect on the lives of the neighbouring occupiers if granted approval.

Planning Comments – Key Issues

58. The key issues to consider in determining this application are Density and Principle of Development, Housing Mix, Affordable Housing, Design and Layout, Neighbour Amenity, Public Open Space, Drainage, Access, Car parking, Public Art, Biodiversity and Landscaping, Energy Efficiency and Renewable Energy Provision
59. ***Density and Principle of Development*** – The site is well related to the centre of the village and within easy reach of local services in the village. Although the scale of development accords with Policy ST/5 of the adopted Core Strategy, approximately 0.18 hectares of the site lies outside the village framework, albeit that approximately 50% of that land is presently in commercial use. The density requirement comprises the upper end of the density required. This figure does create a rather cramped development as proposed. Notwithstanding Policy DP/7 (Development Frameworks), I consider that part of this site is suitable for residential development of some kind. The application has been submitted alongside planning reference S/0457/09/F that

proposes a change of use to a site in Longstanton to Builders merchants and therefore merely relocating rather than losing a local business.

60. **Housing Mix and Affordable Housing** – The mix proposes 5 x 1 bed units for affordable housing, alongside 7 market dwelling comprising 1 x 2 bed, 2 x 3 bed and 4 x 4 bed units. The mix of units does not reflect the wording of the policy terms of meeting local needs for affordable housing. The Housing Enabling Officer does not support the tenure mix and the proposed affordable units are too small in footprint as they are below the Housing Quality Indicator scores. Additionally it fails to meet the wider needs of the SCDC housing requirements by proposing 5 x 1 bed units for affordable housing only. This could be revisited if the applicant provided a better mix of dwelling size. The applicant has indicated that it is willing to enter into an agreement regarding affordable housing.
61. **Design and Layout** – As shown in the comments regarding the Urban Design Panel meeting the design and layout is seen as needing considerable work. The agents were copied the notes and responded to the comments in a letter received 5th June. No changes to the design and layout are proposed by the agents.
62. They consider that overlooking from Unit 2 to No 6 Station Road is not detrimental and that there is sufficient distance between the rear of No 6 Station Road and the proposed Unit 2. The outlook of Units 1-6 would be very similar. The proposed boundary treatment would also afford an element of privacy to No 6 Station Road.
63. The response did not refer to the other points made regarding the impact on the other surrounding properties, in particular No. 8 and 10 Station Road, the lack of screening along the eastern boundary, the lack of manoeuvrability on the site to make changes, the proximity of units to each other, specifically the proposed 6 and 7, outlook from the proposed flats to Brooklands and No 6 Station Road, parking constraints and manoeuvrability and other such points raised by the Urban Design Panel. It is the opinion of the officers that the proposed design and layout of the units could be significantly improved. Officers did agree the principle of gardens extending beyond the village framework.
64. **Neighbour Amenity** – I consider there are various areas where neighbour amenity would be negatively impacted. It does not seem that the proposal has adequately addressed all of the concerns raised and there is further scope to negotiate a lesser impact on neighbour amenity if residential development is approved here.
65. **Public Open Space** – No provision has been made on site for Childrens Play Space “Due to the viability of the proposal”. The applicant is willing to enter into an agreement regarding off site contributions as required by SF/10 of the Development Control Policies. It has not been demonstrated that this required space couldn't be provided on site. The scheme proposals do not allow for any space to be considered on site and it is unlikely to be achieved due to the density of the site.
66. **Drainage** – The site is in high and medium Flood Risk zones 2 and 3 and residents around the site raise surface water flooding as a major concern. The Environment Agency and the Council's Land Drainage Manager's comments have not yet been received. These comments will be reported verbally to Committee and are of high importance. The submitted Flood Risk Assessment concludes that redevelopment should restrain discharge to 5 litres per second to the adjoining watercourse.

67. A Water Conservation Strategy is included in the submissions. This states that due to the nature of the application it is not possible to set out in any detail exactly what measures will be incorporated into the development. It does however propose dual flush toilets and consideration will be given to aerated taps and shower fittings. Water efficient appliances will be installed in the new flats if possible. Where possible it is proposed water butts will be provided on the rear elevations of the new dwellings. Foul water sewerage would be connected to the mains drainage system.
68. **Access and Car Parking** – The access is seen as acceptable to the Local Highway Authority. Further information received 5th June 2009 suggests the movement survey carried out clearly shows a high level of vehicular movement associated with the Builders Merchants use and there would be a reduction in traffic flow from the site if it were to be residential. The data collection provides information regarding traffic movement for the yard including staff, deliveries and visitors over a period of 1 week. It doesn't indicate at what level of residential occupation it was being assessed against and it can be only be assumed to be supportive of the 12 dwellings proposed.
69. The scheme provides an average 1.5 spaces per unit in line with the requirements of the Development Control Policies Parking Standards. However it has been noted that spaces 13 and 14 on drawing No. PO2 Rev C look difficult to manoeuvre out of and vehicles would have to reverse for some distance before being able to exit in forward gear. Additionally parking space No 8 could cause problems of conflict between users in the way they are positioned. These complications reduce the number of spaces that actually work and the scheme fails to meet the standards set. Parking numbers and spaces need to be re-visited and cycle parking for the housing referred to as 'inconvenient' by the Highway Authority. Parking has not been adequately addressed in the proposed scheme.
70. **Public Art** – No reference is made in the application to the provision of public art. C24 and C25 of the Heads of Term document states that no planning obligations are anticipated. The Policy is not obligatory.
71. **Biodiversity and Landscaping** – Comments are awaited in relation to Landscaping. With reference to Biodiversity the scheme is not supported as it uses old documentation. A new survey should be submitted during the correct season (now). The survey raises issues regarding reptiles and bats that need further consideration. The scheme as submitted does not meet the requirements of NE/6.
72. **Energy Efficiency and Renewable Energy Production** – the renewable energy statement in paragraph C2 states that due to the limited nature of the development it is not possible to state in any detail what the predicted energy requirements of the proposed development will be or how the 10% energy saving could be achieved. However it does include principles on which detailed assessment could be later agreed. It does not propose any within the scheme submitted, although the agent is not adverse to including and agreeing them at a later date.
73. Section C70 of the Sustainability report does run through the options of Renewable Energy technologies for the scheme. Out of the 6 discussed, solar hot water (SHW) and photovoltaic panels (PVP) are considered feasible subject to their impact on the roof appearance, viability assessment (given their long payback period) and effectiveness on 3 storey dwellings. I am not convinced this policy area has been fully addressed in the proposed scheme.

Recommendation

Refuse

1. The development proposes a significant element of new build outside of the village framework. Whilst it is agreed in principle that rear gardens could extend beyond the framework on this site, this scheme proposes 6 new units in the countryside and is therefore contrary to the aims of Policy DP/7 of the South Cambridgeshire Local Development Framework Development Control Policies (SC LDFDCP) adopted 2007 that restricts development in the countryside for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside.
2. The proposal is contrary to Policies DP/3, DP/4 and HG3 of the SC LDFDCP 2007 in that it fails to provide an acceptable mix of affordable housing to meet local needs.
3. The proposal is contrary to Policy NE/3 of the SC LDFDCP 2007 in that it does not demonstrate the inclusion of technologies for renewable energy to provide at least 10% of the developments predicted energy requirements, to the detriment of the sustainability of the site.
4. The proposal is contrary to Policy NE/6 of the SC LDFDCP 2007 in that the information provided is outdated and inadequate in meeting the requirements of the policy to the detriment of the biodiversity of the site.
5. In light of the difficulties around vehicular manoeuvrability on site and the loss of at least 3 of the designated spaces, the proposal is contrary to the requirements of Policies TR/2 and DP/3 of the SC LDFDCP 2007 in that the level of car parking provision would fall lower than that sought by Appendix 1 of the LDF policies. Insufficient evidence has been provided to ensure that this lower level of car parking provision will not give rise to overspill car parking occurring on neighbouring streets causing congestion and adversely affecting the free flow of traffic very close to traffic lights.
6. The proposal is contrary to Policy TR/2 (3) of the SC LDFDCP 2007 in that it has not demonstrated that an adequate level of cycle parking provision can be provided within secure buildings on site. Those shown are inconvenient both to use and gain access to and no visitor parking is provided. As such the cycle parking spaces are unlikely to be used leading to an undue reliance on the motorcar to the detriment of the sustainability of the site.
7. The proposed development by reason of its design and layout fails to respond to the local context of development and is therefore contrary to the requirements of Policies DP2 and DP/3 of the SC LDFDCP 2007, which aim to secure compatibility between existing development, landscape and new development.
8. The proposed development, by reason of its scale, siting and position of windows and balconies would give rise to harm to neighbouring amenity through undue overlooking, overshadowing and overbearing impact contrary to Policy DP/3 of the SC LDFDCP 2007 which aims to safeguard reasonable amenity in new development

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007) and Development Control Policies (adopted July 2007)
- Planning File Ref: S/1702/08/F and applications referred to in this report

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee1st July 2009**AUTHOR/S:** Executive Director / Corporate Manager – Planning and Sustainable Communities

S/2033/08/F - WILLINGHAM
Change of Use of Land for the Stationing of a Mobile Home
at Oasis Plant Nursery, Station Road
For Mr M Wright

Recommendation: Approval

Date for Determination: 23rd January 2009

Background

1. The above planning application was discussed at the Planning Committee Meeting held 1st April 2009. The outcome of which was as follows:

“The committee deferred the application in order to obtain an independent consultant’s report on the functional and financial need for a full-time worker to live on site. The committee gave officers delegated powers to refuse the application if the independent advice indicated that there did not exist a need for a temporary dwelling to be positioned on the site.”
2. The second independent consultants’ report to assess the Financial and Functional need for a mobile home at the above site was received on 11th June 2009.
3. The following is a summary of the report.

Evidence of Intention and Ability

4. The applicants have carried out the following, which are considered to be evidence of their intention to develop a full-time business:
 - (a) Purchasing the land when they were unable to develop land adjoining their previous dwelling
 - (b) Carrying out all of work needed by working long hours in free time
 - (c) Obtaining the necessary planning permissions so far (*except that he has erected a wooden structure for display and storage of plants without consent*).
 - (d) Investing £60,000 to date
 - (e) Sold home to fund enterprise could be argued to show firm intention
5. Overall in terms of the policy, I consider there is clear evidence of a firm intention.

S-2033-08-F Willingham



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Scale 1/1200 Date 17/6/2009

Centre = 539956 E 268971 N

July 2009 Committee

Functional Need for a Full-time Worker on Site

6. The majority of the plants propagated and reared at the nursery are either frost tender exotics or bedding plants, both of which need heat to germinate and grow, and then need warm conditions until outside conditions are free of frost and warm enough for plants to grow successfully unprotected.
7. At Oasis Plant Nursery a moveable, manually operated gas heater provides background heat. Poly tunnels lose heat rapidly once the source is removed, growth stops and if the temperature drops below freezing, plants will die. Hence the need to ensure there is no interruption from power cuts during propagation, or mechanical failure of the heaters. Degree of heat will also depend on outside conditions and appliances must be checked and adjusted as appropriate.
8. In the case of Oasis Plant Nursery, they have had thefts of machinery and there are police records to verify this. Therefore, persons living on site are the best deterrent, because most gates and fencing are vulnerable.
9. The business is based very much on retail sales from the premises. Although not a factor in husbandry side, it is important for one or both partners to be on site for very long periods, which is not conducive to family life when living accommodation is some distance away. It will also become necessary to employ part time staff to deal with sales when both partners are away at markets and events.
10. The applicants live in rented accommodation in Earith and through necessity have to leave the premises for considerable periods. As the enterprise develops living removed from the premises causes increasing difficulties and in particular significant risk to both successful propagation and growing but also in terms of security.
11. There is an essential functional need for at least one worker to be readily available at more times, if the business is to succeed.

Evidence of Sound Financial Planning

12. The Acorus appraisal provided comprehensive details and provided a good picture of the business as it develops over 3 years. It shows the annual cost of financing the business in the form of depreciation, interest on tenants capital and providing a permanent dwelling after three years. At this stage, the net projected profit would provide an adequate living of around £23,000 after allowing for the construction of a dwelling.
13. It is considered that the business has been planned on a sound financial basis. It is understood that in this first serious sales season, the projections are proving accurate, although it is too early to have any proper accounts or records available.

Could residential need be fulfilled by another nearby dwelling?

14. The applicants present rented accommodation is too far away to fulfil the need in the longer term and that a considerable financial risk is being run at present.

15. The dwelling immediately to the north would fulfil the need, but is not available.
16. The applicants previously owned no. 171 Station Road, Willingham about 90m north and on the opposite side of the road to the present nursery. It was not possible to acquire additional land at the rear. There is no doubt that the initial development could have been carried out from no. 171, the land clearance and construction, as in fact, I understand it was. In fact with some assistance from temperature alarms via a telephone, some of the husbandry problems and emergencies could be handled at such a distance. Although not ideal, I consider such an arrangement might allow growing to be carried on successfully.
17. However, the success of the business would be immediately jeopardised if a whole seasons work were to be lost through either a well-planned theft, or a vandalism incident, which tampered with the heating or the integrity of the poly tunnels. It would be impracticable to make the whole premises fully secure while keeping appearances acceptable for customer. It is normal in such cases to say that functional need is fulfilled if the living accommodation is within sight and sound of the working areas.
18. No. 171 does not fall within that criterion.
19. Husbandry considerations and security are both part of the functional need and in a business like this success is reliant on both.
20. Therefore, No.171 would not adequately fulfil the functional need of the business, except in the early development phase.

Conclusion of Report

- (a) After a development phase, the enterprise is now in its first full season of sales.
- (b) The applicants have demonstrated a firm intention through their investment and hard work. This is has been shown by early financial success of the enterprise, product quality, appropriate qualification and experience.
- (c) The functional need for a worker arises from careful husbandry is which is required in propagating and rearing tender plants, the need to deal with emergencies if power or heating fail or weather conditions change quickly and adequate security of the premises.
- (d) Sound financial planning has been demonstrated by the presentation of a well-considered business plan and its successful early implementation.
- (e) There is no available dwelling able to fulfil the functional need. Nor would no. 171 Station Road have been suitable to fulfil the need after the initial development phase.

Neighbour at 176 Station Road, Willingham – 6th June 2009

21. Some of the objections raised on the 6th June 2009 have been mentioned in the previous report to Committee on 1st April 2009. Below are the objections, which have not been raised before.

22. There has been another breach of planning rules with the erection of a very large wooden display structure. This construction has been built, completed, put into use, and effectively hidden behind the row of conifer hedge, without any application for planning permission. This is a blatant disregard for approval conditions
23. More and More display signs have been erected on both the pathway and the entrance to the site, daily as many as 8 large signs.
24. The site is totally unsuitable for this purpose, being at an extremely dangerous section of Station Road. Could result in traffic accidents.
25. Strangely, use of the front third of the land continues to be avoided, with all structures instead being developed behind the row of conifer hedge. Squashed onto the back two thirds of the site, is the steel container with canopy, now behind a long high wooden fence, storage shed, restricted area for the guard dog, the poly tunnels and the display structure under this retrospective application. Barely leaving room for adequate car turning and parking and most certainly does not allow room for any dwelling, although the planning application for change of use of land for the stationing of a mobile home is still under review.
26. This site is too small to accept all these structures – even without the first third of site being used.
27. The small size of the site makes it financially unsound for sales of these non-necessity luxury produce in this current difficult economic climate.

Planning Comments

28. Following the outcome of the second independent consultant report, I recommend this application for approval. I conclude that the financial appraisal has been thoroughly examined with the same outcome by two different independent consultants. It would appear that there is a functional need for a mobile home on site if the business is to succeed.
29. The second report states that the financial predictions of the appraisal are proving accurate, although it is too early to have any proper accounts or records available. There is evidence that the business has been planned on a sound financial basis.
30. The concern that the nursery could have been operated successfully from no. 171 Station Road, has proven not to be the case. Therefore, the proposal is not considered to be contrary to Policy HG/9(e) of the Local Development Framework, Development Control Policies adopted July 2007.
31. The neighbour has raised the point that the applicant has erected a wooden display structure without planning consent. This is correct and a retrospective application S/0626/09/F has been submitted and is currently being considered.

Recommendation

32. Approve

Conditions

1. Sc32 Agricultural dwelling. "The occupation of the mobile home, hereby permitted, shall (Rc32).
2. The use of the land for stationing of one mobile home, hereby permitted, shall be discontinued and the mobile home, hereby permitted, shall be removed and the land restored to its former condition on or before 30th June 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure the development is in accordance with PPS7 and Policy HG/9 of the South Cambridgeshire Local Development Framework, Development Control Policies, adopted July 2007, as a permanent dwelling would not be given approval unless it can be proved that the rural enterprise has been established for at least three years and is financially viable).
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than one caravan/mobile home at any time. (Reason - Rc32).
4. The use, hereby permitted, shall cease and the mobile home brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
 - i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority a scheme for the provision and implementation of foul water drainage and the said scheme shall include a timetable for its implementation.
 - ii) Within 11 months of the date of this decision, the foul water drainage scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such a scheme, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
 - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted foul water drainage scheme shall have been approved by the Secretary of State.
 - iv) All works comprised in the foul water drainage scheme as approved shall have been implemented, and completed within the timetable set out in the approved schemes.

(Reason - To ensure that a scheme of foul water drainage is implemented in accordance with Policy NE/10 of the adopted Local Development Framework 2007 in order to prevent the risk of pollution to the water environment.)

Additional Background Papers: the following background papers (additional to those referred to in the agenda report) were used in the preparation of this update:

- Independent Consultant Report Prepared by Peter Chillingworth – Oasis Plant Nursery, Station Road, Willingham – Change of Use for the Stationing of a Mobile Home dated 9th June 2009.

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INDEX OF CURRENT ENFORCEMENT CASES
1st July 2009

Ref No	Location	See Page No for full update	Remarks
18/98	Setchell Drove COTTENHAM	1 - 3	Plots 7, 7A and Four Winds being monitored.
34/98	Camside Farm Chesterton Fen Road MILTON	3 - 9	Defendants appeared before Cambridge Magistrates Court on 15 th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 th August 2008. Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed.
10/03	Plot 12 Victoria View, Smithy Fen COTTENHAM	9 - 11	Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18 th June 2007. Further assessment of the current occupants medical needs to be carried out in order that the Planning Sub-Committee can be informed of the current position at plot 12 Victoria View
15/03	Plots 1-11 Victoria View Smithy Fen COTTENHAM	12 - 14	Site subject of injunction. Dismissed by the Court of Appeal 28 th October 2008 – Injunction application stayed until the 2 nd January 2009 Appeals to the House of Lords dismissed. Committal hearing adjourned on 13 th March 2009 for two weeks. 27 th March 2009 Committal hearing found against the occupants and issued 4 arrest warrants, 6 suspended prison sentences and amended the injunction to allow the defendants 28 days to remove the three static caravans remaining on site. The deadline has now passed and authority has been given by the Planning Sub-committee to take direct action to remove the three static caravans that still remain on site and bund the area to prevent further unauthorised occupation.

Ref No	Location	See Page No for full update	Remarks
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	15 - 17	Application for injunction refused by the High Court, 5 th June 2008. Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. The planning officer has requested further information in order that the schemes relating to conditions can be discharged.
9/04	Land adjacent to Cow Fen Drove SWAVESEY	17 - 19	Defendant appeared at Cambridge Magistrates Court on 10 th January 2008. Each fined £700 with £200 costs. Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6 th January 2009 S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court. S/1834/07/F "Appeal A" allowed subject to conditions. Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	19 - 21	Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	21 - 22	Three year temporary planning permission granted for 3 plots. Injunction granted on 18 th November restricting development on plots 3 and 4. Planning application S/2330/06/F - Three-year temporary consent approved for plot no 5. Plots 3 & 4 continue to be monitored. Injunction breached for plot 3 - Defendant found guilty in the High Court and ordered to remove the unauthorised caravan and dayroom. Planning application S/1919/08/F unsuccessful - Appealed. Successful High Court application made to vary the injunction, to allow occupation of the land until the outcome of the planning appeal. Hearing date set for the 29 th July 2009.

Ref No	Location	See Page No for full update	Remarks
4/06	Plot 15 Water Lane Smithy Fen COTTENHAM	23 - 24	Appeal dismissed on 29 th January 2007. File submitted for an application for an injunction.
8/06	1 London Way Clunchpits MELBOURN	24 - 25	Appeal allowed in part and dismissed in part. Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly.
12/06	Unit J Broad Lane COTTENHAM	25 - 27	<p>Planning application S/0334/08/F refused and Appeal lodged. At Cambridge Magistrates Court on 29th May 2008 the defendant was fined £1,000 for breach of Enforcement Notice and £500 for Breach of Condition with costs of £300. Planning application S/1017/08/F refused at Planning Committee 3rd September 2008. Appeal Inquiry date 2nd & 3rd December 2008.</p> <p>Appeal allowed - Conditions to be monitored.</p>
7/07	The Drift Cambridge Road BARTON	27	Appeal dismissed on 1 st April 2008. Compliance date 1 st October 2008 Partial compliance. Discussions continue.
12/07	The Firs 117 Duxford Road WHITTLESFORD	28	<p>Enforcement Notice issued for unauthorised wall. Appeal dismissed. Planning application S/0360/08/F approved 25th April 2008. Monitoring planning conditions. Further planning application S/1701/08/F submitted. Refused at Chairman's Delegation 10th December 2008 – Enforcement Notice effective in three months unless a planning application is submitted that significantly lowers the height of the wall/fence, brick pillars and gates. Discussions relating to the submission of a further application currently taking place. Further Appeal submitted.</p>

Ref No	Location	See Page No for full update	Remarks
16/07	38 Silver Street WILLINGHAM	28 - 29	Enforcement Notice issued 28 th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10 th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19 th March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance.
18/07	North Hall Farm Barley Road GREAT CHISHILL	29	Enforcement Notice issued 6 th December 2007 for unauthorised use of farm offices. Enforcement Notice appealed. Appeal dismissed 7 th October 2008, 6 months compliance period. Notice complied with – Remove from active list.
1/08	7 Flitmead CAMBOURNE	30	Appeal dismissed 16 th June 2008. Enforcement Notice Compliance date 16 th July 2008 not complied with. Prosecution file submitted, hearing date to be advised. Defendants found guilty at Cambridge Magistrates Court. Further complaints received prosecution file to be submitted.
5/08	27/28 Newfields Fen Road Chesterton MILTON	30 - 31	Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6 th May 2009. Four months compliance period.
6/08	6 Sunningdale Fen Road Chesterton MILTON	31	Enforcement Notice appealed. Inquiry date 10 th February 2009 Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18 th August 2009
7/08	Lower Camps Hall Farm CASTLE CAMPS	31 - 32	Enforcement action authorised by Planning Committee. File submitted to Legal - Enforcement Notice issued. Enforcement Notice complied with - Remove from active list.

Ref No	Location	See Page No for full update	Remarks
8/08	43 Fowlemere Road HEYDON.	32	Enforcement action authorised by Planning Committee on 2 nd July 2008. File submitted to legal. Enforcement Notice issued 11 th November 2008 3 Months compliance period - Appealed. Site visit date still to be advised by the Planning Inspectorate.
10/08	Elizabeth House High Street HORNINGSEA	32	Enforcement Notice issued – Appealed. Appeal allowed in part. Compliance period three months i.e. by 27 th August 2009
11/08	5 Home Farm 89 High Street HARSTON	33	Listed Building Enforcement Notice issued – Appealed.
12/08	Plot 4 Moor Drove HISTON	33	Prosecution file submitted to Legal regarding failure to comply with a “Temporary Stop Notice” Enforcement Notice Issued. Retrospective planning application submitted. Approved at Committee 10 th June 2009 Conditions to be monitored.
13/08	49 High Street MELBOURN	33	Enforcement Notice issued. Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court. Enforcement Notice still not complied with. Further prosecution file submitted Hearing date set for 9 th July 2009
14/08	26 Granhams Road GREAT SHELFORD	34	Enforcement Notice issued Appealed. Appeal dismissed – Compliance to be monitored
01/09	82 High Street GREAT ABINGTON	34	Listed Building Enforcement Notice no 3342 issued 6 th January 2009 for unauthorised works on a Listed building. Compliance period 3 months. Appeal submitted out of time – revised scheme submitted S/0018/09/LB. Refused 27 th May 2009. Discussions continue.

Ref No	Location	See Page No for full update	Remarks
02/09	87 High Street HARSTON	34	Listed Building Enforcement Notice no. 3361 issued 5 th January 2009 for unauthorised installation of a satellite dish on a Listed building. Compliance period 2 months. Enforcement Notice complied with – Remove from active list.
04/09	1 Hinton Way GREAT SHELFORD	34	Enforcement Notice issued for unauthorised siting of a steel storage container – Compliance date 12 th July 2009.
06/09	16a Norman Way Industrial Units OVER	34	Enforcement Notice issued for change of use of premises without consent. Appealed
07/09	Great Eastern Drying Centre, 163 High Street SAWSTON	35	Listed Building Enforcement Notice issued for dismantling and removal works without authorisation – Grade11* Listed Appealed
09/09	White Horse Public House 12 Greenside WATERBEACH	35	Enforcement Notice issued in respect of an unauthorised smoking shelter Appealed.
10/09	8 Hardy Close LONGSTANTON	35	Enforcement Notice issued in respect of a change of use – Compliance period three months i.e. by 1 st October 2009