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24 November 2009

To: Chairman – Councillor Pippa Corney
Vice-Chairman – Councillor Robert Turner
All Members of the Planning Committee - Councillors Val Barrett, Trisha Bear, Brian Burling, Janice Guest, Sally Hatton, Sebastian Kindersley, Mervyn Loynes, Charles Nightingale, Deborah Roberts, Hazel Smith, Peter Topping and John Williams, and to Councillor Nick 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, 2 DECEMBER 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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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

General declarations of interest should be made at this stage. Interests relating to specific items on the agenda should be declared immediately after the Chairman introduces those items or as soon thereafter as a declarable interest becomes apparent.

3. Minutes of Previous Meeting

To authorise the Chairman to sign the Minutes of the meeting held on 4 November 2009 as a correct record. These minutes are available online by following the links from www.scambs.gov.uk/meetings

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 4. | S/1371/92/O - Cambourne (Sports Centre site, Back Lane, Great Cambourne) | 3 - 12 |
| 5. | S/1521/09/F - Fen Drayton (32 Cootes Lane) | 13 - 18 |
| 6. | S/1480/09/f - Sawston (A Henry & Co, Portobello Lane) | 19 - 28 |
| 7. | S/1260/09/RM - Waterbeach (Land Between Bannold Road and Orchard Drive) | 29 - 42 |
| 8. | S/1308/09/F - Willingham (Land to the South of 3 Meadow Road) | 43 - 50 |
| 9. | S/1297/09/F - Willingham (3 Meadow Road) | 51 - 58 |
| 10. | S/1465/09/F - Hauxton (Land to the West of 33 High Street) | 59 - 68 |
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| 13. | C/6/9/1A - Histon And Impington (Station Road) | 83 - 88 |
| 14. | S/1071/09/F - Melbourn (Building 1 and 2 Whiting Way) | 89 - 98 |
| 15. | Appeal relating to decision S/1018/06/F (West Wrattling) and its implications, if any, on the appeal against the Council's non-determination of an application for seven wind turbines on land at Little Linton Farm, Linton.
Appendix 1 is attached to the electronic version of this agenda on the Council's website. | 99 - 104 |
| 16. | Review of Chairman's Delegation Meeting - revised delegation scheme | 105 - 114 |

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 25 November 2009). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

17. 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

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Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

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The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"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'.

South Cambridgeshire District Council

Planning Committee – 2 December 2009 – Declaration of Interests

Councillor

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:

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Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Village:

Reason:

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Personal / Personal and Prejudicial [delete as appropriate]

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

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

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

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

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

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

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Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 nd December 2009
AUTHOR/S:	Executive Director (Operational Services)/ Corporate Manager (Planning and Sustainable Communities)	

S/1371/92/O - CAMBOURNE**Proposal to Vary Section 106 Agreement Requiring Provision of Sports Centre by 2000 Occupations**

Recommendation: Approve Variation to Trigger Point in S106 Agreement to 1st December 2011, and Authorise Injunctive Proceedings if Timetable for Provision is Not Met.

Date for Determination: N/A

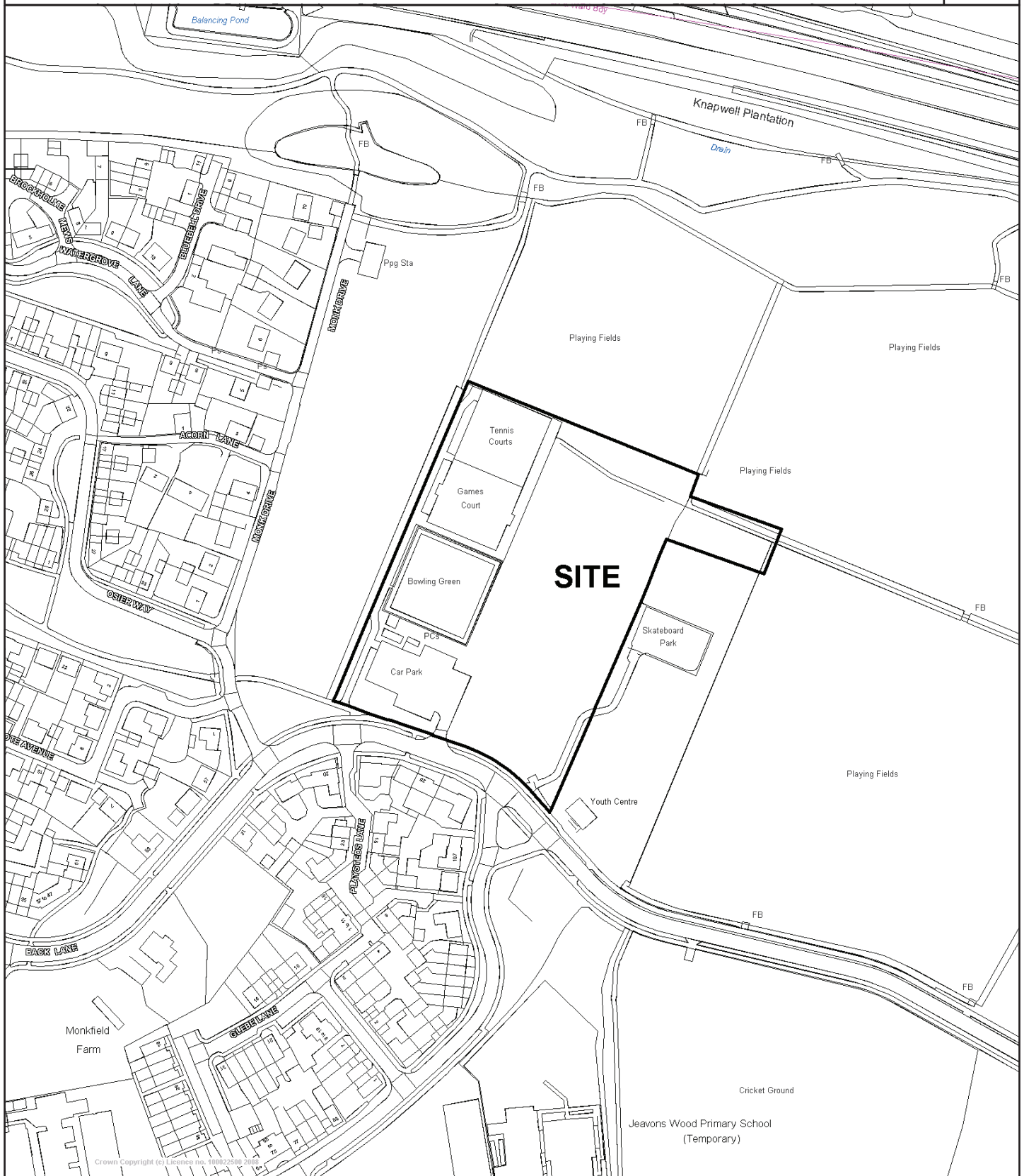
Notes:

This Application has been reported to the Planning Committee for determination because there are no delegated powers to amend the Section 106 Agreement.

Site and Planning History

1. The site comprises the land allocated for a sports centre within the wider sports area north of Back Lane. It lies to the rear (north) of the existing car park, which is to be extended to provide a total of 146 spaces.
2. The outline permission for Cambourne (**S/1371/92/O**) includes the requirement for a sports centre within its associated Section 106 Agreement. The trigger point for provision was the 2000th house occupied, which was reached in 2006. There are now approximately 2750 houses occupied.
3. At the Planning Committee meeting of 5th April 2006, members agreed to change the specification of the sports centre as laid out in the Section 106 Agreement to a more up-to-date one (for example not including the squash courts but instead providing more fitness facilities). At the August 2006 meeting members also agreed to change the trigger point to a date, being 31st December 2007, since it would not be possible to obtain planning permission, let a contract and build the centre before then. Unfortunately, the likely provider of the sports centre (Xpect Leisure) pulled out of the deal with the developers in March 2007 and the Variation to the S106 Agreement was not finalised.
4. The developers then spent some time finding another provider, Leisure Connection, working in partnership with Relkin Construction. They made a planning application (**S/6427/07/RM**) for a larger sports centre, including a swimming pool, which was granted in September 2007. That permission was subject to the S106 Agreement being further varied to accommodate elements of the new specification. Clearly, it was not possible to meet the build deadline of December 2007, so at their meeting of 7th November 2007, Members agreed to a new trigger date of 31st March 2009.

S-1371-92-0



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December 2009 Planning Committee

5. During 2008, the developers and the sports centre provider continued to negotiate with each other and the Council over the wording of the S106 Agreement. Meanwhile several planning conditions were discharged by the applicant in order to be ready to start building. However, Leisure Connection's bank which was financing part of the scheme raised concern that as work had not started on site due to delays in negotiations, their client (Leisure Connection) would be vulnerable to enforcement action once the 31st March 2009 trigger point was met since it was clear the building would not be completed by then. The Cambourne Consortium therefore formally requested a further change to the trigger date to 31st December 2009, to allow for a 12-month build contract commencing at the beginning of this year. This was agreed by Members at their 5th November 2008 planning committee. However, Leisure Connection's bank announced at Christmas 2008 that it had changed its mind and would no longer fund Leisure Connection.
6. Since then, officers have met with MCA developments on a regular basis to pursue the sports centre, obtaining updates and attempting to help find alternative funding, etc. Leisure Connection eventually withdrew from the project in Spring 2009. The process has also not been helped by a change in staff at MCA, since the original project director for Cambourne was made redundant and a new one established from an existing post within Wimpey Homes (which is one of the Consortium members along with Bovis Homes).

Background

7. The new project director is keen to work with us, and work to progress the sports centre is now being led by the Group Strategic Land Director at Bovis. The delivery of the sports centre has been badly affected by the recession, since eventual operators are working within a tighter financial environment. Rather than handing over the land and funding to an operator to design and build, MCA has now had to revisit this delivery model, and will now need to design the building in collaboration with its preferred operator, build it first and then hand it over, with the assurance of a back-up plan whereby the Parish Council could step in if necessary.
8. The letter and update at Appendices 1 and 2 have been submitted by the Group Strategic Land Director of Bovis. They outline the current situation and suggest a possible time-line towards a realistic delivery date, by way of justification for a further change to a new S106 trigger date of 1st December 2011. A new operator has now been chosen by MCA: Active Nation, a registered charity focussed on persuading communities to be active, formerly known as Community Leisure Services Ltd (CLS). It has been in business for over 10 years and runs 10 facilities for local authorities and one school. Active Nation would submit a new planning application, providing the specification required by the s106 (as already agreed to be amended) and providing further facilities (possibly a swimming pool) in addition to that specification, but in a phased way, so that the basic requirement can be fulfilled as soon as possible but at some future date an enhanced facility can be achieved. Active Nation has said it will wish to own the freehold of the sports centre since this would allow them to borrow against its value. MCA has carefully scrutinised Active Nation to ensure the business is robust, and the Parish Council has also confirmed its willingness to take ownership of the centre at some time in the future should this become necessary.
9. Whereas the last change to the trigger point was due to a delay in commencement, there was at least a sports centre operator associated with the development. The loss of that operator has caused significant further delay and the developers have been careful to find a company this time that they believe will be more robust. Active

Nation has now met with the Parish Council and will be commencing pre-application discussions with SCDC planners, thereby already moving forwards with the timetable.

Planning Comments – Key Issues

10. Provided there are no financial or contractual problems this time, the proposed new trigger point is realistic, since it reflects the likely timescale for preparing and submitting a new planning application, working up detailed working drawings for tender, going through the tendering and procurement process, letting a contract, preparing the site, and a one-year build programme including fit-out.
11. Being asked to agree yet another new trigger date is a very unfortunate situation since the residents of Cambourne will have to wait longer than agreed for their sports centre. However, not agreeing to the new date will not achieve the centre any more quickly, and will indeed make it impossible for an operator to sign up to a S106 Variation which it will automatically be unable to comply with.
12. The sports centre is one of the last community facilities under the Cambourne 3300 outline permission. It will play a crucial role in the health and social well being of this community, and will provide a positive focal point for particular groups such as young people.
13. The outstanding facilities include play areas in Upper Cambourne which are due to be delivered this winter, a play area at the sports centre, a sports pavilion at Great Cambourne cricket pitch (currently the subject of pre-application discussions), and the fire station which is likely to be the subject of a planning application by the date of this meeting.
14. The developers have been warned that a lack of success in achieving the sports centre will make it difficult for the Planning Committee to take seriously their application for 950 additional dwellings when it comes to be reported for decision. Officers consider that this has been a main factor in MCA's attempts to try and be more robust in their choice of operator in spite of the difficult financial climate. Nevertheless, pressure should be kept on the developers to deliver this facility, by ensuring that a strict timetable is adhered to regarding the making of the planning application, submitting tenders, starting on site, etc. without slippage between each stage.
15. In the past, Planning Committee has resolved not to grant planning permission for market housing parcels until progress has been made on certain facilities. However there are no market housing parcels within the outline permission which do not have the benefit of reserved matters consent. Therefore, and appropriate to today's financial climate with sales just starting to pick up and a stock of new homes for sale, it is recommended that authority is given for Officers to instruct Counsel to prepare injunctive proceedings, and that such proceedings are issued to prevent house occupations if each stage is not reached by an agreed time, as follows:
16. Authority is sought to instruct Counsel to prepare papers to cover the issue of Injunctive proceedings and to cater for each of the following (subject to any particular points of advice from Counsel):
 - (a) New planning application for revised sports centre design. If the Land Owners do not make a new planning application for a revised sports centre within 8 weeks of the December planning committee, injunctive proceedings are prepared to prevent any occupations of new dwellings until an application has been submitted and registered;

- (b) Approval of new application. If the application is not approved within 13 weeks, injunctive proceedings are prepared to prevent occupations of new dwellings until such application is successfully amended and determined, or an appeal is lodged;
 - (c) Submission of tender. If evidence is not provided within 4 weeks of planning permission being granted that the Owners have gone out to tender, and with a tender period of no more than 6 weeks, for the build of the sports centre (and within a build period of no more than 12 months from the tender date) injunctive proceedings are prepared to prevent occupations of new dwellings until a tender has been accepted by the Land Owners;
 - (d) Start on site. If works on site do not start within 8 weeks of the closing date of the tender, injunctive proceedings are prepared to prevent occupations of new dwellings until a start on site has substantially commenced;
 - (e) Continuing works. If works on site slip by more than 8 weeks by the Construction Programme that will form part of the tender, injunctive proceedings are prepared to prevent occupations of new dwellings until the works are back to within 4 weeks of the original Construction Programme.
17. Agreeing the proposed new trigger date for the completion of the sports centre will support MCA and Active Nation to provide the sports centre as soon as practically possible within a robust legal timeframe which is essential now given the time that has elapsed since it was first expected to be delivered. It is reassuring that the Parish Council is willing to step in and take over the building if any problems occur in the future.

Recommendation

18. a) Agree a new Deed of Variation to include a new trigger date of 1st December 2011.
b) Authorise Injunctive proceedings in each circumstance noted in paragraph 16 above in the event that the timetable for each or any of those circumstances is not met.

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

- Reports to Planning Committee (and its predecessor) meetings of April and August 2006, November 2007 and November 2008.
- Planning file ref: S/6427/07/RM – sports centre, grounds maintenance building and extended car park.
- Section 106 Agreement dated 20th September 1994.
- Cambourne sports centre update 5-11-09 (see appendix 1)
- Letter from Bovis Group Strategic Land Director (see appendix 2)

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

Presented to the Planning Committee by: Kate Wood

Appendices follow on next pages.

Appendix 1

“Cambourne Sports Centre Update from MCA Developments Ltd 5th November ‘09

The Consortium (MCA) have appointed ‘Active Nation’ (AN) as the preferred partner to assist develop and operate the Sports Centre

Cambourne’s Project Director is contacting five of AN’s clients for references (details attached) and proposes to visit and meet the Project Managers together with staff to discuss and understand performance

AN have submitted more detailed proposed Heads Of Terms to MCA for consideration and have arranged to make a presentation to the Parish Council on 11th November

AN business is to act as an Operator, not a Developer and therefore MCA will project manage the construction process to an agreed design and specification.

AN have proposed contributing the sum of £200k towards the project but as a prerequisite of their involvement (whether or not they make a contribution) they require the completed buildings and freehold title to be transferred to them to assist their overall business expansion aspirations as it will allow them to borrow funds, secured against a potentially valuable asset

AN have also proposed the following ‘time line’ for delivery of the completed Sports Centre:

- AN to issue revised floor plans and consultants’ fee proposals by Friday 06 November 2009
- AN to meet the parish Council on 11 November 2009
- Heads of Agreement to be agreed by Friday 20 November 2009
- Consultation with SCDC and Cambourne Parish Council in week beginning 23 November 2009
- Pre-application meeting with SCDC and Sport England in early December 2009
- Planning Application formally submitted by Friday 15 January 2010
- Planning application determined – Mid April 2010
- Working drawings prepared and out for tender by end of April 2010 [NB. Subject to MCA’s agreement that preparation of documents can take place during planning application consultation / determination period.]
- Contractor appointed – by end of June
- Start on site – 01 August 2010
- Completion of buildings – end of April 2011
- Opening of Sports Centre – summer 2011

MCA consider this programme should include at least, a 6 month contingency until further work and a more detailed 'time line' has been prepared and agreed.

For reporting purposes to SCDC's committee, we would therefore suggest at the earliest, winter 2011 for a targeted Sports Centre opening date.

The above is also subject however, to making quick progress with AN to resolve the 'key' issue of the transfer of title and therefore completed Sports Centre to AN

MCA will require that there are appropriate guarantees to operate and successfully manage together with some form of 'buy-back provision' in the event that AN enter into receivership etc. Further discussions are currently taking place with AN to find a suitable solution

With regard to SCDC's request for a supplemental S106 Agreement, MCA suggest that the design and drawings for the Sports Centre are progressed and following informal approval by SCDC, Sports England and the Parish Council, the plans could then be incorporated within a new S106 with an appropriate date for an agreed completion, potentially, say, no later than 1st December 2011.

N C Smith
Bovis Group Strategic Land Director
6th November 2011"

Appendix 2

(follows on the next page)



Bovis Homes Limited
Central Region
Bromwich Court
Highway Point
Gorsey Lane
Coleshill B46 1JU

Telephone: 01675 437000
Direct Line: 01675 437130
Facsimile: 01675 437121

Kate Wood BA (Hons) MRTPI AMInstLM
Principal Planning Officer: Major Developments
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

19th November 2009
Our Ref: NCS/DMW

Dear Kate,

I refer to my email dated 9th November and as discussed, MCA would now like to formally apply to amend the trigger date in respect of our requirement to provide a 'Sports Centre', to the 1st December 2011.

As you will appreciate from the numerous discussions and meetings we have had on the subject, we have been working hard to find a solution following the withdrawal of Leisure Connection's developer and therefore funding, at the eleventh hour, last December.

You will recall that all the legal paperwork had been in place ready for execution on 22nd December 2008 when the developer's bank decided in view of the economic climate to withdraw from the scheme.

Following this set back, we worked closely with Leisure Connection in their attempts to raise funds from other banks, whilst at the same time as also discussing the project with other interested developers, e.g. Xpect Leisure, Odyssey and LEA Investments.

We were subsequently able to progress matters with LEA Investments, working in conjunction with Leisure Connection. Separate meetings were then held during April with the District Council, the Parish Council and Andrew Lansley MP, to provide an update on progress as MCA clearly understood and shared the concerns and disappointment of the resultant further delays in the provision of the Sports Centre.

Matters seemed to be progressing well, however, on 8th May, Leisure Connection's advised us that in the light of the economic climate, their Board had decided to withdraw their interest.

We continued to discuss matters with LEA Investments and another interested party, Nuffield Leisure, whilst at the same time as carrying out a full review of the situation with our advisor's, RAE Sports and Leisure Consultants.

As you are aware, further meetings were held with the District Council to discuss potential new designs and specifications for a Sports Centre that complied with the original S106 requirements but that could also be enhanced, with the addition of a swimming pool at some later stage, if and when, the market for such uses had improved.

We also met with Sports England to seek their views in respect of the type of facility that may be viable to run in the light of the current economic climate and this assisted the design process.

Other potential interested parties had also contacted our consultants but as little solid progress was being made we formally contacted all concerned and advised that we had set a dead line for submissions/offers, providing them with a detailed specification and brief to ensure they complied with the requirements as discussed with both Sports England and the District Council.

Disappointingly however, only two parties, LEA Investments and Active Nation actually submitted firm proposals to us and as you are aware we decided to proceed with the latter as we were still concerned with LEA's ability to raise suitable funding.

We are now discussing detailed 'Heads of Terms' with Active Nation whilst at the same time liaising closely with the Parish Council, as in the event that Active Nation do not proceed to contract, MCA would appoint a contractor to build the Sports Centre and transfer the completed project to the Parish Council. A suitable sports and leisure operator will also have been appointed to manage the facility.

We are however hopeful that legalities will be concluded with Active Nation as they seem an ideal partner for the project being a charity, whose objective is to assist in the delivery of the government's agenda for helping communities to become fitter and more active.

I hope the above is a useful summary of activity since the beginning of the year and naturally, we will continue to update you on progress and can discuss matters further at the meeting arranged with the Council for 3rd December.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N C Smith', with a long horizontal line extending to the right.

N C Smith
Director MCA

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee2nd December 2009**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1521/09/F – FEN DRAYTON**Replacement Dwelling at 32 Cootes Lane, Fen Drayton for Mr & Mrs S Jardine****Recommendation: Refusal****Date for Determination: 25th December 2009****Notes:**

This Application has been reported to the Planning Committee for determination following a request by the Local Member.

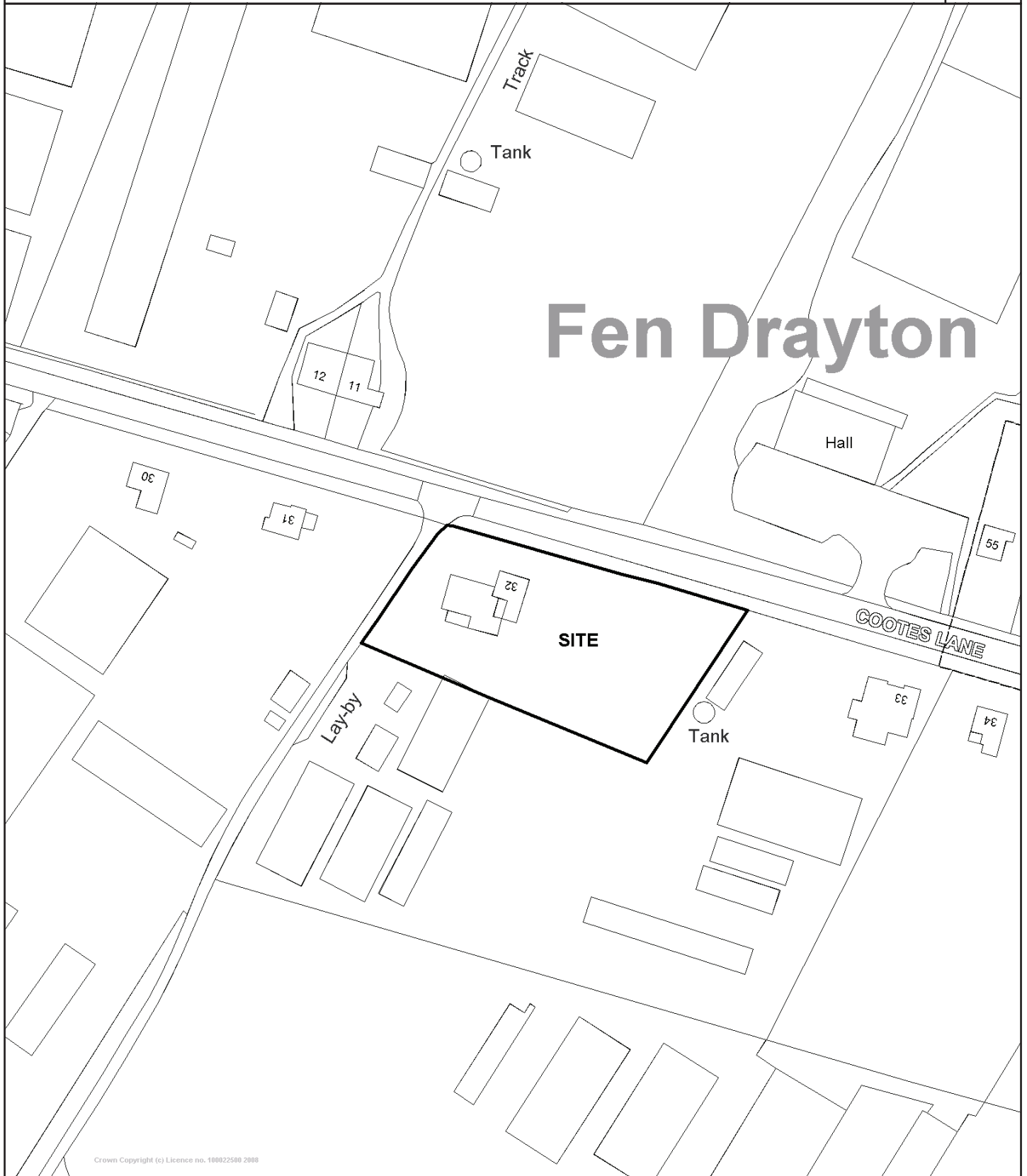
Site and Proposal

1. The full application, received on 20th October 2009, relates to the detached two-storey property on the site. The proposal seeks removal of the existing dwelling, and replacement with a new dwelling, the main two-storey element of which would have the same footprint as the existing. The site is within the former Fen Drayton Land Settlement Association land, and is outside of the designation Fen Drayton village framework.
2. The existing dwelling has a span of 8.3m across the plot, and a depth of 6m, with a small single storey extension to the rear. The two-storey element measures 2.8m and 7.5m to the eaves and roof ridge respectively. The dwelling is set back approximately 7.5m from the front hedge along Cootes Lane. The site is a large plot, the existing dwelling being located 18.5m from Middleton Way to the west and approximately 44m from the shared boundary with no. 33 Cootes Lane to the east. It is also approximately 13m from the southern boundary, beyond which are a number of greenhouses and outbuildings. There are some large trees along the access from Middleton Way, and some good screening along the east boundary.
3. A small garage sits to the west of the dwelling, close to Middleton Way. The frontage boundary is a 2m high hedge, in front of which stands a small ditch and grass verge leading to Cootes Lane. The site lies in flood zone 1 of the Environment Agency matrix only, and a flood risk assessment is not required. A Design and Access Statement does form part of the application.

Planning History

4. Application **S/1380/09/LDC** was submitted for an outbuilding to the property. This has been written up for approval, and is currently with the Legal Team prior to the issuing of the certificate.
5. Application **S/0804/09/F** was submitted for a replacement dwelling on site. It was refused dated 12th August 2009 as it represented a 110% increase in volume against

S-1521-09-F



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December 2009 Planning Committee

the existing dwelling. Application **S/1001/09/F** was withdrawn on 3rd September 2009 for a replacement dwelling.

6. Following refusal of application **S/0486/08/F**, application **S/0887/08/F** was approved dated 14th July 2008 for extensions to the existing dwelling. Condition 1 states development must commence before the expiration of three years from the date of the consent. The scheme extends the floor area of the existing (original) dwelling by 50%, and work has yet to commence.

Planning Policy

7. South Cambridgeshire Local Plan 2004 Saved Policies: **Policy Fen Drayton 1**. This policy will be superseded by **Policy SP/9** of the draft Local Development Framework Site Specific Policies Development Plan Document. Adoption is anticipated in January 2010.
8. Local Development Framework Core Strategy 2007: **ST/6** – Group Villages.
9. Local Development Framework Development Control Policies 2007: **DP/1** – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **HG/7** – Replacement Dwellings in the Countryside & **NE/15** – Noise Pollution.
10. **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

11. **The Local Highways Authority** request information regarding vehicle parking, turning, loading and unloading during construction, a method statement for demolition, a plan showing manoeuvring areas, and parking space dimensions.
12. Consultations have been sent to **Fen Drayton Parish Council** and the **Ecology Officer** and no responses have been received. Members will be updated on any responses.
13. **Cllr Wright** requested the scheme be referred to Planning Committee if officers recommend refusal. He adds it would be helpful to have the committee's opinion on the new Land Settlement Association policy.

Representations

14. The occupiers of no. 33 Cootes Lane support the scheme, and wish to speak at the planning meeting. Letters of support have been received from the occupiers of 29 Cootes Lane, 18 Vermuyden Way and 2 Mill Road, all in Fen Drayton. Members will be updated on any further comments received.

Planning Comments – Key Issues

15. The key issue regarding the scheme is the principle of development given the size of the replacement dwelling when compared to the existing dwelling and that granted approval under S/0887/08/F.

The Principle of Development

16. The site lies outside the Fen Drayton village framework, and as such is within the countryside. Policy HG/7 of the Local Development Framework Development Control Policies 2007 relates specifically to the replacement of dwellings in the countryside. It states that one for one replacements would only be permitted for a maximum enlargement of 15% in volume, and also states the dwelling should not be abandoned, should be in scale and character with that it is intended to replace and in character with its surroundings, and that it should not materially increase the impact of the site on the surrounding countryside. The supporting text states that a new dwelling is likely to have a greater impact upon the countryside than the dwelling it replaces, and therefore replacements should be similar in size and height to the original structure.
17. The existing dwelling has a volume of approximately 344 cubic metres, and the single storey rear element is included in this figure. The extant consent for extensions (S/0887/08/F) increases the volume to approximately 455 cubic metres, a 32% volume increase from the original.
18. The proposed plans under application S/1521/09/F have an approximate volume of 884 cubic metres. This would represent an increase in volume of 156% from the existing dwelling, and a 94% increase in volume from the extant planning S/0887/08/F. This is considered to be excessive and unsatisfactory given the 15% requirement within the policy. The application is therefore considered to be contrary to Policy HG/7 and its aim of protecting the countryside for its own intrinsic value.
19. Since the previous refusal on the site, the application for a Certificate of Lawfulness (S/1380/09/LDC) has been submitted for a proposed outbuilding on the site. Given its proposed incidental use, it is considered to be permitted development. This outbuilding has a volume of 520 cubic metres in itself, and is shown to provide a games room, gym and home office. When added to the volume of the existing dwelling, this gives the site potential for 864 cubic metres without any additional planning permission. The outbuilding is also considered permitted development if the extensions approved under application S/0887/08/F are constructed. This would give the site a volume of 975 cubic metres.
20. There are changes to the layout of the Certificate of Lawful Development outbuilding and the main dwelling from what has consent. The outbuilding has slightly reduced in size, but it is no longer to be used for "incidental" uses ancillary to the main dwelling. The proposed layout shows it would be used as a kitchen, dining room and living room, and as a result, it would require planning permission now in its own right. The lounge would remain in the main two-storey element, which would then be principally used for the four bedrooms.
21. Policy HG/7 does not allow for flexibility for such volume increases and the proposal remains contrary to the wording and aims of the policy. Members will have to decide how much weight is given to the extant permission and the Certificate of Lawful Development against the aims of the policy. I consider the wording of the policy is still relevant given the aims of the policy in protecting the countryside. The changes to the proposed layout, in particular with the outbuilding, also significantly alter the proposal. The application is therefore recommended for refusal.

Other Matters

22. There are specific planning policies relating to the former Land Settlement Association land in Fen Drayton. Policy Fen Drayton 1 has been saved from the South Cambridgeshire Local Plan 2004, and states that planning permission will not be granted for housing unless it is directly related to uses appropriate to a rural area. The policy does not seek to impose agricultural occupancy controls on dwellings. Historic agricultural restrictions on occupation of dwellings have been lifted, and therefore I do not consider the policy relevant for a replacement dwelling. It would be appropriate to any proposed new dwellings. Policy HG/7 is still pertinent to the site.
23. The policy is soon to be superseded by Policy SP/9 of the Site Specific Policies Development Plan Document. This states planning permission for change of use or redevelopment of existing buildings will be permitted for on-site experimental or other ground breaking forms of sustainable living, provided that development would not occupy a larger footprint than existing buildings. It does however, only relate to buildings no longer needed for agricultural purposes, and does not restrict replacements. Again, I consider Policy HG/7 would hold more weight. Members should be aware the proposal is being designed as an “eco” home, and would meet the carbon neutral aims of Policy SP/9.
24. Given the size of the plot, there would be no serious impacts upon the occupiers of adjacent dwellings. Members will be updated on comments made from the Parish Council who did not object to the previous two applications for replacement dwellings on the site. Members will also be updated on any comments from the Ecology Officer.
25. I note the comments from the Local Highways Authority regarding the scheme. Conditions could be added regarding provision during construction and manoeuvring areas. The parking spaces are scaled on the plan and a condition is unnecessary. A method statement for construction should be agreed directly with the Local Highways Authority and would not be required as a planning condition.

Recommendation

26. Recommend refusal.

The site is located approximately 100m to the west side of the Fen Drayton village framework, and therefore is located in the countryside. The existing dwelling has a volume of approximately 344 cubic metres. An extant permission for extensions to the dwelling increases this to approximately 455 cubic metres. The proposal has a volume of approximately 884 cubic metres. This would represent a volume increase of 156% above the existing dwelling, and a 94% increase above the size of the extant permissions for extensions. The outbuilding considered to be permitted development (S/1380/09/LDC) would allow a similar volume to the replacement dwelling, but would significantly increase the living area and would no longer be “incidental” to the main dwelling. The proposal represents a disproportionate increase in the size of the dwelling and the increase in scale and bulk would have a greater impact upon the countryside than the dwelling it replaces.

The proposal is therefore contrary to Policy HG/7 of the Local Development Framework Development Control Policies adopted July 2007, which permits one-for-one replacement of dwellings in the countryside so long as the replacement dwelling is in scale with the dwelling it is intended to replace and it would not materially increase the impact of the site on the surrounding countryside.

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

- Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007).
- South Cambridgeshire Local Plan 2004 Saved Policies.
- Planning Files Ref: S/1521/09/F, S/1380/09/LDC, S/1001/09/F, S/0804/09/F, S/0887/08/F & S/0486/08/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

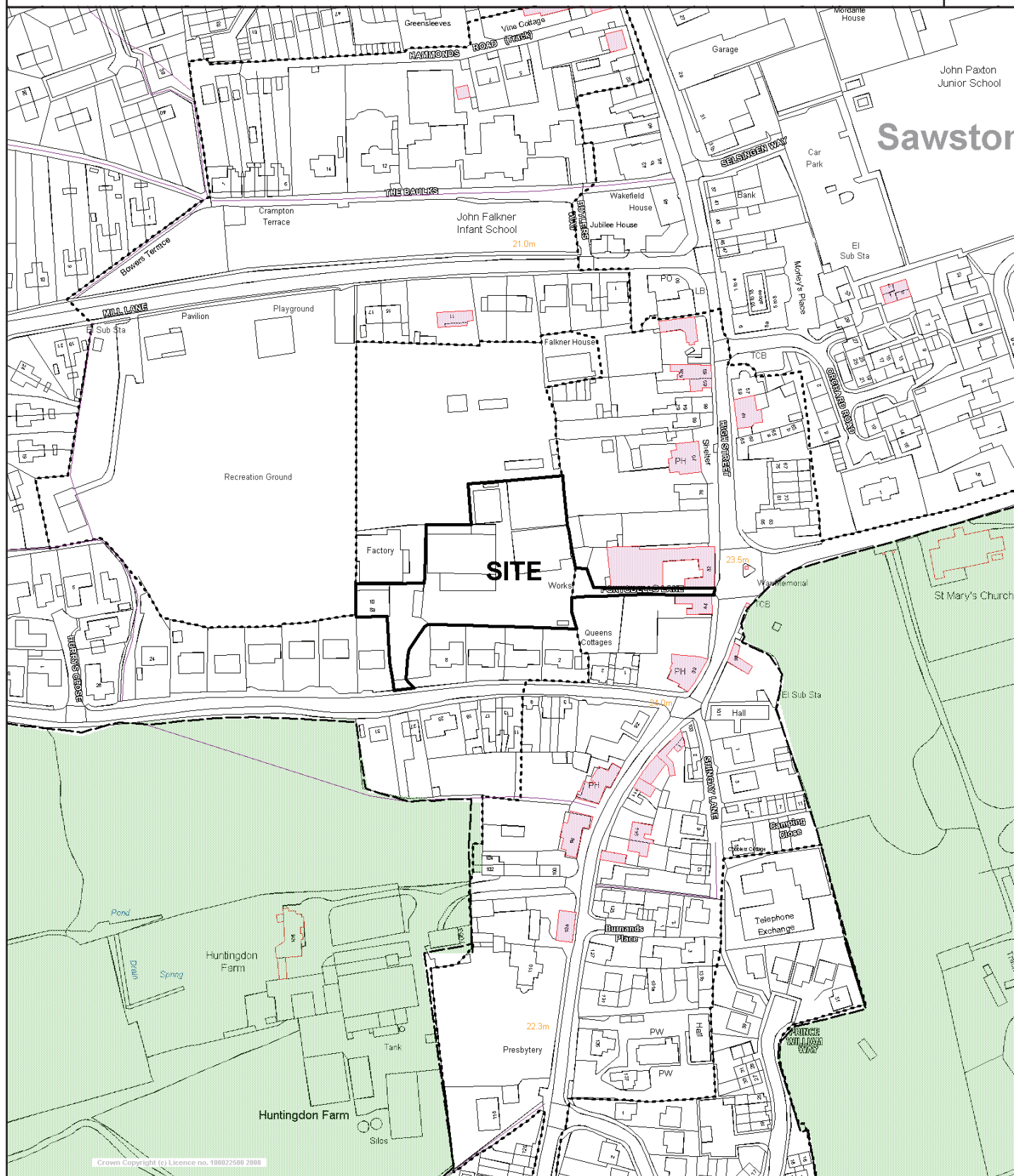
REPORT TO: Planning Committee2nd December 2009**AUTHOR/S:** Executive Director (Operational Services)
Corporate Manager (Planning and Sustainable Communities)

S/1480/09/F – SAWSTON**Erection of Industrial Building (for Processing of Skins and Hides) Following
Demolition of Existing at A Henry & Co, Portobello Lane for A Henry & Co****Recommendation: Approval****Date for Determination: 8th December 2009****Notes:**

This Application has been reported to the Planning Committee for determination as it does not accord with the development plan and there have been objections received.

Departure**Site and Proposal**

1. The site is an existing industrial site set behind High Street and Common Lane and served off Portobello Lane, which varies in width from 3.5m to 4.5m over a distance of 60m and has an area of 0.53 hectares. Existing buildings on site are predominantly two storey buildings. Foundations for a replacement production and storage building located at the southeast of the site has been laid (planning permission was allowed by Planning Inspector on 7th August 2003). This application relates to a part 2 storey and part single storey situated on the site of the north-western building. The site is located adjacent to the Sawston Conservation Area. The existing industrial building is constructed of brick with a corrugated metal roof.
2. Residential properties lie between the south site boundary and Common Lane. Properties front High Street and to east of the site are restaurants, offices, shops and a bakery. The site is accessed either from Common Lane or via a gate facing Portobello Lane off High Street.
3. The full planning application, received on 13th October 2009, follows withdrawal of an earlier identical application. It proposes to replace an existing industrial building. The existing building has a floor area of 264m² and the new building would have a floor area of 217m². The ridge height of the new building would be 7.5m; the same height as the existing, while the eaves height would be increased from 3.8m to 6m. The new building would be moved closer to the north and west side boundaries. Information submitted does not specify that the level of use for the site would change with the replacement building given that the number of employees remains unchanged and floorspace is reduced.
4. The application is accompanied by an 'Environmental Desk Study' addressing possible land contamination issues.



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Scale 1/2500 Date 16/11/2009

Centre = 548549 E 249219 N

December Planning Committee 2009

Planning History

5. **S/0646/09/F** – This planning application for the erection of an industrial building (for processing of skins and hides) following demolition of existing building was withdrawn due to lack of information on ground contamination investigation.

S/0148/02/F – Planning application for replacement production and storage building was allowed by a Planning Inspector at appeal.

Planning Policy

6. **Planning Policy Guidance 15 – Planning and Historic Environment.**
7. **Planning Policy Guidance 16 – Archaeology and Planning.**
8. **Planning Policy Statement 23 - Planning and Pollution Control.**
9. **South Cambridgeshire Local Plan 2004 (saved policies):**
Policy Sawston 1: One area is allocated for residential development on the Sawston proposals map at Portobello Lane on the site of Henry & Co; the site is approximately 0.96ha in extent.
10. **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
ET/1 – Limitations on the Occupancy of New Premises in South Cambridgeshire
ET/5 – Development for the Expansion of Firms
NE/6 – Biodiversity
NE/14 – Lighting Proposals
NE/16 – Emissions
NE/15 – Noise Pollution
CH/4 – Development Within the Curtilage or Setting of a Listed Building
CH/5 – Conservation Areas
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
11. **South Cambridgeshire Local Development Framework Development Affecting Conservation Areas Supplementary Planning Document 2009.**
12. **South Cambridgeshire Local Development Framework Site Specific DPD Submission Draft 2006 (subject to statutory adoption in January 2010).**
Policy SP/6 – Housing Allocations in Rural Areas
13. **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.
14. **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 respect.

Consultations

15. **Sawston Parish Council** recommends approval.
16. **Conservation Manager** considers that the building to be demolished is one of the original 19th century buildings on the site and as such is of historic significance. Whilst the building is not listed, nor is directly in the Conservation Area, it is still a part of the history of the site and of the village, being one of two tanneries in Sawston. As a result, the team are willing to support the proposal to demolish it subject to a condition to be put on planning consent for the recording of the building. They advise that reference to an English Heritage guide be made in relation to the level of recording and that this should be agreed with officers prior to carrying out work.
17. **The Trees and Landscape Officer** has no objections.
18. **The Landscape Design Officer** has no objections.
19. **The Corporate Manager (Health and Environmental Services)** raises no objections in principle although concerns are expressed about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions and informatives be attached to any permission. He also considers neighbours' comments and has the view that the proposal is a replacement building of similar floor area and should not necessarily attract further lorries. The Council's Environmental Health Services would be aware of any environmental health problem caused by lorry parking and could investigate if necessary. A planning condition could be added to control vehicle parking.
20. **Scientific Officer (Contaminated Land)** – has considered the submitted environmental desk study and recommends a condition relating to contaminated land issues.
21. **Local Highway Authority (LHA)** – suggests adding a condition requiring that no demolition works shall commence on site until a traffic management plan has been agreed with the Highway Authority requiring that no demolition or construction vehicles use Portobello Lane.

Comments from LHA for the previous application reference S/0646/09/F are still considered relevant: "Condition C, paragraph 30 of Inspector's report for planning application reference S/0148/02/F is noted. It is considered that a practical way forward would be to install physical measures/ features within the applicant's site and not on the public highway therefore preventing anything other than domestic vehicles from using Portobello Lane for deliveries. LHA would also request the erection of flag type directional signs which would direct traffic to the main entrance from High Street and details to be agreed.

Comments from the neighbours have been considered in June 2009. LHA would not recommend any conditions that required the use of Portobello Lane as opposed to Common Lane having considered that: 1) HGV's should not be parked on the highway overnight due to licence reasons; and 2) accident records show that there have been three personal injury accidents in the vicinity of Portobello Lane over the last five years and none of them can be associated with the works within with the site, all involved a pedestrian crossing the road being struck by a car. Use of Portobello Lane for HGV's or similar is not encouraged; therefore, the use of Common Lane is inevitable to a limited extent."

22. **Environment Agency** – comments are awaited.

23. **Cambridgeshire Fire** – comments are awaited.

Representations

24. Residents at Nos. 12, 23 and 31 Common Lane object to the proposal on the following grounds:

- (a) The proposal would affect quality of life;
- (b) 40 tonne articulated lorries would arrive early in the morning or leave very late at night with drivers and lorries staying overnight;
- (c) Noise and disruption to residents at Common Lane; with heating generator of lorries causing health and safety problems, fire risk due to close proximity to residential properties;
- (d) The site appears to have less than 20 employees and the proposal to bring 20 employees would cause additional on-street parking;
- (e) The site has a long history of problems over years including recent continual trouble with trimmings from skins and hides being carried into a nearby yard in Common Lane, resulting in concerns about disease risk to Drivers Farms' fields;
- (f) Highway safety interests at Common Lane and consideration should be given to widening the entrance to Common Lane and entrance to the industrial site, losing one or both of the paths and no on-street residents' parking; and
- (g) The industry should be re-located elsewhere, away from residential properties.

25. Residents at No. 2 Common Lane have no objections to the proposal but have concerns about the increased volume of traffic that would be generated by the enlarged building, the already poor and damaged road surface of Common Lane, and noise. It is considered that Committee Members should have a site visit.

Planning Comments – Key Issues

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

- (a) Principle of the development;
- (b) Character and appearance in the Conservation Area, and wider setting of adjacent Listed Buildings;
- (c) Highway safety interests and
- (d) Environmental pollution.

Principle of the development

27. The application site falls within the housing allocation site of a saved policy: Policy Sawston 1 of the South Cambridgeshire Local Plan 2004. The saved policy explains that the site is used as a leather skin works which has caused environmental concerns to the surrounding properties. The Council considers that the removal of this use would provide considerable environmental benefits subject to consideration to be given to contaminated land issue and access for residential development via Common Lane.

28. The saved Policy Sawston 1 will soon be replaced by Policy SP/6 Housing Allocations in Rural Areas of the South Cambridgeshire Local Development Framework Site Specific DPD, subject to statutory adoption in January 2010.

Theoretically the proposed scheme for a replacement industrial building is contrary to the saved policy, however, little weight should be given to this saved policy because Inspectors issued on 28th September 2009, their final report on the Site Specific Policies DPD. They concluded that the Site Specific Policies DPD is sound subject to a number of changes being made. The Council can now proceed to statutory adoption which is anticipated to be in January 2010. Policy SP/6 of the Site Specific DPD does not include the site of A Henry & Co. Although the proposal would be contrary to the saved Policy Sawston 1, given the progress of the LDF and that the Site Specific Policies DPD will supersede Policy Sawston 1, officers support the proposed replacement industrial building under Policy SP/6. The replacement building will not result in the housing allocation being less likely to come forward and will not prejudice the housing allocation and the long term housing land supply for the district.

Character and appearance in the Conservation Area, and wider setting of adjacent Listed Buildings

29. The site is set back from High Street and the Conservation Area boundary runs along the eastern side boundary of the application site. The site is also adjacent to listed buildings, Nos. 70, 82, 84 and 90 High Street. Given the replacement building is set off from the Conservation Area boundary and adjacent listed buildings, it is considered that the replacement building would not harm the interests of the Conservation Area or the wider setting of the adjacent listed buildings.
30. The site is outside the Conservation Area. Given that the building to be demolished is one of the original 19th century buildings on the site and of historic significance, being part of the history of the site and of the village, it is considered that a condition be put on any planning consent requiring the recording of historic building according to English Heritage's guidance. Such a condition is in accordance with paragraph 3.23 of PPG15 and section 4 of PPG16.

Highway safety interests

31. The proposal is a replacement building and there would not be an increase in floor area and number of staff. There is also no indication that the proposal would result in an intensification of use of the site to increase traffic generation or result in detriment to highway safety. The traffic from the site would remain the same as the existing building. The proposal would not lead to material harm to the traffic flow around the Portobello Lane/High Street junction, Common Lane/ High Street junction and the residential properties fronting Common Lane compared to the existing situation. Comments from a Planning Inspector on planning application reference S/0148/02/F and the Local Highway Authority have been taken into consideration. Having considered that the width of Portobello Lane that the use of this public highway for large vehicles is not encouraged, there would be a benefit in restricting the access from the site to Portobello Lane to domestic vehicles only.

Environmental pollution

32. There were complaints relating to the business operating from the site in the past but the Council has not received any major complaints against the site from an environmental health viewpoint in the last 5-6 years. The Council's Environmental Health Officer raises no objection to the proposal subject to conditions to minimise the potential environmental impacts to nearby residents or occupiers. Regarding neighbours' concerns about disturbance and fire risk from the lorries, a condition on

controlling vehicle parking will be added to ensure a scheme of parking, loading and unloading within the site.

33. Relevant conditions relating to contamination would be added to the planning consent to ensure that contaminated land issues would be addressed.
34. In light of the above, it is considered that the proposed scheme is acceptable and the application is recommended for approval. The purpose of this application is for a one-for-one replacement building due to the deteriorated condition of the existing building. Having considered that the proposal, which is within the village framework and relates to an established company in Sawston, would not consolidate a non-conforming use or cause problems with traffic, noise and pollution. It is therefore in accordance with the aims of Policies ET/1 and ET/5 subject to conditions including a condition to the occupation of development for a period of 10 years from the first date of occupation.

Other issue

35. It is noted that the application site boundary includes Portobello Lane (a public highway) which is different from previous applications. Clarification from the applicant's agent is awaited.

Recommendation

36. Approve

Conditions

1. Standard Condition 1 Full planning permission, time limit (3 years) (Reason - 1).
2. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) – for a period of ten years from the date of first occupation of each of the building hereby permitted, it shall only used and occupied as B2 (General Industrial) to a maximum planning unit size of 1,850 square metres of floorspace. (Reason – To comply with Policy ET/1 of the adopted Local Development Framework 2007 which limits employment development in the Cambridge area to uses that need to be located close to Cambridge.)
3. SC 13 Materials (Reason – RC 13).
4. SC 27 Contamination (Reason – RC 27a).
5. SC 41 Details of Power Driven Plant (Reason – RC 41).
6. During the period of demolition and 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 in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
7. SC58 – Lighting (Reason – RC58).

8. Details of measures to prevent all vehicles other than private cars from using Portobello Lane to access and egress the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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.)
9. During the period of demolition and construction no vehicular access shall be made to or from Portobello Lane. (Reason – In the interests of highway safety and residential amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. The building hereby permitted, shall not be occupied until parking, loading and unloading space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. (Reason - In the interests of highway safety and neighbour amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. The existing building should be fully recorded prior to demolition. The level of recording shall be agreed with the Council's Conservation Officer prior to any works taking place. (Reason – To secure the recording of the industrial building in accordance with section 4 of Planning Policy Guidance 16.)

Informatives

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During demolition and construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. The applicant's attention is drawn to Local Highway Authority (LHA) that a practical way to address Condition 6 of the planning consent would be to install physical measures/ features within the site and not on the public highway to prevent anything other than domestic vehicles from using Portobello Lane for deliveries. LHA would also request the erection of flag type directional signs which would direct traffic to the main entrance from High Street and details to be agreed.
4. The applicant's attention is drawn to the Council's Conservation Officer that the level of recording relating to Condition 7 should take reference of English Heritage's guidance – 'Understanding Historic Buildings; A Guide to Good Recording Practice 2006'.

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

- Planning Policy Guidance 15 Planning and Historic Environment
- Planning Policy Guidance 16 Archaeology and Planning
- Planning Policy Guidance 23 Planning and Pollution Control
- South Cambridgeshire Local Plan 2004 (saved policies)
- 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 Site Specific DPD Submission Draft 2006 (subject to statutory adoption in January 2010)
- Circulars 11/95 and 05/05
- Planning application references S/0148/02/F, S/0646/09/F and S/1480/09F

Contact Officer: Emily Ip – Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 nd December 2009
AUTHOR/S:	Executive Director (Operational Services) Corporate Manager (Planning and Sustainable Communities)	

S/1260/09/RM – WATERBEACH
The approval of Siting, Design, Appearance and Landscaping of 62 Dwellings
At Land Between Bannold Road and Orchard Drive
For Morris Homes Ltd

Recommendation: Delegated Approval

Date for Determination: 14th December 2009

Notes:

This Application has been reported to the Planning Committee as the Parish Council's recommendation of refusal differs to that of officers.

Site and Proposal

1. The application site comprises of approximately 2.6 hectares (ha) of the wider 4.23ha development site, located to the north side of Bannold Road, separating the village from Waterbeach Barracks to the north. The site is hidden from public view, being enclosed by existing residential development and substantial mature hedgerows. The site backs onto the residential properties to the south, which front Bannold Road. These comprise bungalows with the exception of detached houses in Bannold Court, the rear gardens of which are largely fenced or planted. Waterbeach Barracks adjoins the entire northern boundary. The barracks is enclosed by a post and wire security fence approximately 3m high with two sets of security lights approximately 1.5m and 6m high set at regular intervals. A service road runs along the boundary on the barracks site, with two storey service houses beyond. In between this boundary and the proposed northern boundary of the site is piece of amenity land owned by the MOD, which is landscaped at a low level.
2. The site's western boundary adjoins the vehicle access to the Barracks. Lawns flank the roadway and the shared boundary is planted with mature trees. To the east are arable fields and Cody Road beyond which provides access to the service houses. The boundary is planted with mature trees and hedges, which form an effective screen. The site's topography, like the adjoining area, is relatively flat. The application site has been cleared from its previous nursery use with the construction of 30 dwellings already having been started on the eastern side of the wider development site, as approved under planning application S/1737/07/RM. The proposed balancing pond has also been constructed and at present is full of water.
3. The current application proposes the approval of the siting, design, appearance and landscaping for a further 62 dwellings. The site benefits from outline consent under application S/1551/04/O for residential development and reserved matters consent under application S/1737/07/RM for no more than 100 dwellings, under which the 30 constructed dwellings have been built or are under construction within the eastern

section of the wider site. This revised proposal reduces the overall amount of housing by 8 to 92 dwellings.

4. The density of the application site over its developable area of 1.7ha would equate to 36 dwellings per hectare (dph). In turn this would result in an overall residential density of the total developable land of approximately 30dph. The proposed accommodation of this application would provide 61 units of the following mix:
 - (a) 2 Bedroom apartments – 7 (all affordable)
 - (b) 2 Bedroom Houses – 15 – (10 affordable)
 - (c) 3 Bedroom Houses – 16 – (7 affordable)
 - (d) 4 Bedroom Houses – 24 – (3 affordable)
5. The proposed layout provides a network of permeable routes and spaces including pedestrian and cycle routes linking the development to surrounding areas. The developed site will have a central village green, which will also form an area of leisure and play (LAP) with informal open space adjacent to the western and eastern boundaries, with the latter containing a kickabout area and an area of locally equipped area for play (LEAP).
6. Accompanying the reserved matters application is a design and access statement, a planning statement, landscape proposals, S106 deed of variation and a flood risk and drainage assessment.

Planning History

7. The application site was identified for residential development in the South Cambridgeshire Local Plan, 2004, under Policy Waterbeach 1. In conjunction with this a development brief (draft) for the site was published in 2003.
8. Planning Application **S/1551/04/O** was approved for residential development up to 100 dwellings including means of access, public open space and landscaping.
9. Planning Application **S/1737/07/RM** was approved for the siting, design, landscaping and appearance of 100 dwellings.

Planning Policy

10. East of England Plan, 2008:
SS1 Achieving Sustainable Development
11. South Cambridgeshire Local Development Framework Core Strategy, DPD, 2007:
ST/5 Minor Rural Centres
12. 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
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
SF/6 Public Art and New Development
SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/2 Renewable Energy
NE/3 Renewable Energy Technologies in New Development
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage - Alternative Drainage Systems
NE/11 Flood Risk
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
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact
TR/4 Non-motorised Modes

13. **Development Affecting Conservation Areas SPD, 2009.**
14. **Open Space in New Developments SPD, 2009.**
15. **Public Art SPD, 2009.**
16. **Biodiversity SPD, 2009.**
17. **Landscape in New Developments, 2009.**
18. **District Design Guide (draft), 2009.**
19. **Affordable Housing SPD (Draft), 2009.**
20. **Circular 11/1995** – 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.
21. **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 respect.

Consultation

22. **Waterbeach Parish Council** – Recommends refusal commenting:
 - (a) The previous approval for this site included the provision of a significant amount of public open space and a buffer zone between the site and the barracks to the north, whilst the current application does not;
 - (b) Building within close proximity of the barracks; and loss of open space is unsatisfactory; Building up to the barracks fence means development is now on Green Belt land;
 - (c) Historically village green areas cause issues between residents using such spaces and those living within close proximity;

- (d) The justification for larger family homes should not be given credence, there is a need for smaller homes for young people to be able to remain within the village, as evidenced by the Village Plan;
- (e) The provision of isolated parking will encourage street parking, leading to issues of neighbour annoyance and access for utility and emergency vehicles;
- (f) There is a concern about how surface water has been addressed. The size and depth of the balancing pond, along with its swales, will involve footpaths being flooded at times thus reducing the amount of open space, particularly the kickabout areas;
- (g) The outlet from the balancing pond to the private ditch adjacent to the site and the effect of the water table to the existing properties is of great concern;
- (h) The FRA states that the council will take responsibility for the open drainage facilities since they form an integral part of the amenity provided by the public open space. It was previously agreed that an independent flood risk and drainage assessment of the viability of the proposals would be carried out and paid for by Morris Homes and that SCDC would recommend firms to carry out such works;
- (i) The exclusion of the buffer zone, open space to the north of the site, removes the footpath links to the open space play areas, which will mean that children will have to cross roads to access the play areas.

23. **Waterbeach Internal Drainage Board** – “It is noted that PPS25 promotes SUDS drainage and that this is one reason that the developer is promoting an alternative solution. However, whilst we have given technical approval to the original scheme, we could only give a qualified approval for the alternative infiltration scheme, as there is insufficient information to be able to assess long-term performance.

In the absence of historic groundwater level information if development proceeds, there must be a remedy put forward by the developer to guarantee performance of the infiltration system under all conditions in the future.”

24. **Environment Agency** – “The site lies wholly within the Internal Drainage Boards area and the ultimate decision on surface water drainage proposals rest with the board. However, to prevent the risk of exacerbating any local drainage problems, we would recommend that a stop notice be considered on the development until a satisfactory scheme can be agreed with the board.”

25. **Housing Enabling Manager** – “The housing association, Jephson, have confirmed that the revised mix is now acceptable. This mix deviates from the previous approved reserved matters and represents a reduction in the original number of units approved. Nevertheless, the development team believe that this is a more sustainable mix than previously agreed with Morris Homes as it provides for larger units with a scheme to provide 18 units for rent a 9 for shared ownership, which would meet local need.

HCA funding for the affordable units on this scheme has been secured and it is essential that consent be achieved to enable a start on site with this development before 31st March 2010. If this is not achieved then the funding that has been secured will be lost and will be put towards other schemes in the sub-region. In this present climate it is extremely unclear as to whether or not the authority would be successful in a further funding round should the target not be met. It is important to

note that a new S106 will be required as soon as possible with triggers built in which are acceptable to allow the authority and Jephson to meet the funding targets defined by the HCA. A 'KickStart' bid from Morris Homes via the HCA which is a national initiative instigated by the HCA to help "kickstart" stalled development sites has been achieved. We are supporting Morris Homes in their application for financial assistance for this site."

26. **Urban Design Team** – "It is understood that part of the original approval the southeast part of the site has been partly constructed. The original approval allowed for 100 units but the change is the revised layout submitted by the applicant for the remaining unconstructed part of the site is been made for 61 units, reducing the units by 9 on the overall site.

The revised layout has rectified some fundamental flaws present in the original approved layout. For example the cul-de-sac pattern on the western part of the site has been changed to form a perimeter block, which aids permeability and proper circulation across the site. However the main change has been to the northern edge of the site, initially an elongated narrow open space envisaged as a LAP (spread from one end of the site to the other) has now been transformed into a row of houses plots 52-56 backing onto the Northern boundary (using the 'private backs & public fronts' principle of urban design) and imparting a comparably safe and secure edge to the development. In terms of location of the LAP, the Urban Design Team believes this could have been better located had the site not been partly constructed. At this stage, we do believe the proposed central location allows for better surveillance and integration with the development.

The Urban Design Team has been constrained in its input due the nature and stage of development that has already taken place. The main concern on this revised layout is that of safety and security in particular on the spaces adjoining plots 13 and 14-17. This is where the pedestrian link to Bannold Road connects into the site. There is a concern over pedestrian safety and lack of overlooking on this route. Though it is understood that there is some overlooking by the windows provided on the gable end of the elevations to plots 13 and 14-17. The Urban Design team believes that the scheme has changed considerably at this stage and has been improved in terms of the street pattern, connections, permeability, and block layout and has achieved an integrated development with secure yet permeable boundaries."

27. **Drainage Manager** – Supports the view of the Waterbeach Internal Drainage Board that there is insufficient information to support a SUDS scheme. The original surface water drainage proposals, as approved under the outline consent, should be implemented.
28. **Trees & Landscaping Officer** – Raises no objections.
29. **Landscape Design Officer** – Support the revised landscaping proposals in principle commenting that the landscape proposals are an improvement upon the previous approved reserved matters application. However, revisions are required to ensure that areas of public open space adhere to the design standards set out within the SPD for public open space within new developments. Furthermore, alternative planting methods and species have been advised to many areas and a revised planting scheme has been requested to address these issues.
30. **Strategic Sustainability Officer** – No comments have been received.
31. **Building Control Officer** – Raises no objections.

32. **Conservation Officer** – “The primary concern about the amended scheme is the extent of reduction of the green edge in this semi-rural treed context. It is important to retain a significant green edge in order to screen the proposed development from views between roadside buildings, to preserve the integrity of the development along the main road in the hierarchy of the village and to limit the apparent extent of modern development. The impact of the amended layout is greater on the conservation area than on the listed building, as Berry House is set back from the road frontage within trees and is therefore less affected by glimpses into the development site. I therefore recommend refusal due to the impact of the setting of the conservation area, by means of the loss of the green character and the increased visual impact of the proposed development. Nevertheless there is something to commend the principle to set the development around a green rather than the rather more haphazard central arrangement of the approved scheme. It is therefore possible that negotiation can follow in order to retain the green edge and the green and make more efficient use of the built-up area of the site to allow this.”
33. **Local Highway Authority** – “The Highway Authority will not adopt roads 2 and 3, as these roads serve no highway function and request clarification and dimensioned drawings illustrating the carriageways and footways on the shared surfaced areas. The developer will also need to enter into a Section 142 licence for planting depending on who will manage open spaces and landscaped areas. The Highway Authority would also request that the applicant use Cambridgeshire County Council specification for adoptable standards as per specification current at the time of application.”
34. **Public Art Officer** – “A Public Art Action Plan has been established with the Parish Council as part of the previously approved reserved matters application. It is envisaged that this work will continue in conjunction with the current application.”
35. **S106 Officer** – “The current application represents significant changes to that of the approved reserved matters application and S106 legal agreement signed in accordance with the approved outline application. As a consequence a new S106 agreement will be required to address these changes clearly defining housing numbers, affordable housing elements, areas of public open space in plan form including their maintenance along with offsite contributions towards education and public art. The deed of amendment submitted with this application does not adequately address the above and a revised S106 agreement will need to be sought and agreed within the applications determination period.
36. **Scientific Officer (Contaminated Land)** – “The above site is a former builders merchant and recycling centre. Site Investigation has been undertaken and identified the need for remediation of the site. A Remediation Method Statement (RMS), by GRM Development Solutions Ltd dated June 2009, was submitted, however, this RMS related to the previous site layout and the proposals do not relate to and are not applicable to the currently proposed design. Therefore, I recommend that no development approved by this permission shall be commenced until:
 - (a) Revised proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
 - (b) The works specified in the Remediation Method Statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority; in accordance with the approved scheme.

- (c) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.”
37. **Cambridge County Council’s Archaeology Unit** – The site has already been through a process of archaeological evaluation and we have no objection to the revised proposals.
38. **Ecology Officer** – “No objections to the proposals, however the species proposed/used will die unless completely submerged by water. Furthermore, the initial aftercare of the meadow is important and this should be addressed within a management statement. They should therefore be replaced with more robust species that will survive dry and wet conditions. The site also has the potential to provide bird next boxes.”
39. **Cambridgeshire Fire & Rescue Service** – Should the proposal benefit from planning permission then adequate provision should be made for fire hydrants, which may be way of Section 106 agreement or a planning condition.
40. **Architectural Liaison Officer (Cambridgeshire Constabulary)** – Comments that there have been 243 crimes reported over a 12-month period within the Waterbeach area, such as, burglary and vehicle crime which is generally low. He advises that:
- (a) Plots 14 to 32 will be affordable and probably the subject of a Secured by Design application:
1. Plots 6-13 overlook the village green.
 2. The entrance to the rear of plot 7 should be gated with key access for each property accessing, or top the fence with 600mm trellis to make climbing it more difficult.
 3. The parking court has no surveillance from the properties it serves.
- (b) Plots 14-32 have rear parking for residents and visitors and access to this is unlimited. With visitor parking in this area it cannot be gated and so allows open access to the rear of properties. Secured by Design requires all rear parking courts to be gated for this reason. Suggests instead:
1. On plot parking.
 2. Communal parking in small groups, close and adjacent to homes within view of routinely occupied rooms.
 3. If parking must be within internal courtyards these must be gated and abutting gardens appropriately fenced.
 4. Communal areas must be well-lit.
- (c) Plots 33-65 - the layout of this area is fine.
41. **SUSTRANS** - Would object to the proposals if the paths leading to the site’s western, and northern boundaries and public open spaces were not designated for shared cycle and pedestrian use. The village green would now seem to be a much better site for the equipped play area.
42. **Environmental Services** – No comments have been received.
43. **Anglian Water** – No comments have been received.

Representations

44. 4 letters have been received from local residents, which outline the following objections:
- (a) The proposal does not show the pathway leading alongside no.11 Bannold Road. Can it be secured that this remains the same as the previous approval, with bollards stopping vehicles using this entrance?
 - (b) The terrace at units 6-13 appear to have a higher ridge line to those units either side - how can this be justified when properties within Bannold Road have been denied such increases in ridge height?
 - (c) Care needs to be given towards street lighting to minimise glare and spill to neighbouring properties;
 - (d) The revised drainage proposals (Sustainable Urban Drainage System) appear to be contrary to the Flood Risk Assessment approved in the previous planning application;
 - (e) Due to the local risk of flooding the surface water drainage should be IDB maintained, running entirely within the public highway;
 - (f) Flooding in adjacent fields over the past 20 years would suggest that the area has a poor level of infiltration;
 - (g) Consent will be required by the IDB to discharge excess water from the balancing pond into the adjacent field and ditch;
 - (h) The culverted section under the garden of no.31 Bannold Road has been used by the developer to discharge excess water and was unsuccessful;
 - (i) The final agreement for surface water drainage will need to be available publicly before planning consent is given.

Planning Comments – Key Issues

45. The material considerations in the determination of this planning application are the impacts that the siting, design, appearance and landscaping proposals would have upon the following:
- (a) Character and appearance of the areas - including the Conservation Area and nearby Listed building;
 - (b) Highway safety;
 - (c) Public open space infrastructure;
 - (d) Affordable housing provision;
 - (e) Residential amenity;
 - (f) Drainage and flood risk;

Drainage & Flood Risk

46. The approved application proposed to provide a sustainable Urban Drainage System (SUDS) involving infiltration methods within the site to displace surface water via a balancing pond. Such a system was supported in principle, due to the environmental benefits such as natural drainage and biodiversity enhancement as a by-product. However, the eastern section of the wider development site is already under construction for the total of 30 dwellings, some of which have already been completed. Furthermore, the information on permeability testing has only been undertaken for part of the year, in what has been an extremely dry period.
47. The justification that a SUDS scheme would work is insufficient in terms of the site's permeability throughout the year and especially during wet months of the year. The information submitted also appeared to contradict that of the Flood Risk Assessment approved under previous consents, providing overflow methods that could not be supported due to issues of land ownership. As a consequence the applicant has withdrawn the SUDS scheme from this reserved matters application and will seek the implementation of the previous surface water drainage scheme, as conditioned by the outline consent. All surface water drainage would flow out into the public highway within Bannold Road in that approved scheme. Officers are currently working with the developer and the IDB to implement the previous proposals to ensure that an adequate system is in place to cope with the level of built development currently on site, although the developer has indicated that it hopes to continue to pursue an alternative SUDs proposal.

Housing Density

48. The design brief for the wider development site required a minimum density of 30dph for the entire site. This provided the disclaimer that no less than 84 units would be proposed. The outline consent restricted the maximum residential density to no more than 100 dwellings. The current proposal for 62 units would result in a total of 92 units for the entire site, which would accord with the design brief and outline consent. In addition, taking into consideration undevelopable land such as public open space, the development would provide an overall residential density of approximately 30dph, which although at the minimum threshold of Policy HG/1 '*Housing Density*' is considered acceptable for the status of Waterbeach as a Minor Rural Centre, as defined by Policy ST/5 of the Core Strategy.

Housing Mix

49. At the request of officers the amended plans now provide a wider mix of market housing than originally proposed. The applicant argues that the need for this revised reserved matters application is a result of the current financial crisis and in particular the trends within the current housing market. Housing Mix Policy HG/2 requires that in developments of more than 10 dwellings a mix of units will be sought providing a range of accommodation, including one and two bed dwellings, having regard to economic viability, the local context of the site and the need to secure a balanced community. This has been taken into consideration in arriving at the current proposed mix as well as the housing mix that was approved under the previous reserved matters application S/1737/07/RM. The amended housing mix is now considered to provide an acceptable mix of housing styles and types to meet local need, resulting in an improved scheme. It has been agreed that 1-bedroom housing should not be sought as part of this proposal as future occupiers may find these too restrictive e.g. if starting a family.

Affordable Housing

50. The development has been amended to address the requirements of local need and the viability of the scheme for the allocated housing association, Jephson. Whilst the overall amount of affordable units has been reduced by 3 from the previous scheme due to the overall reduction in housing, the percentage of affordable housing to market remains 30% (27 units), as indicated by the site's design brief and the approved outline planning consent S/1551/04/O. In addition the housing provided is considered to be an improvement in terms of its location and mix to that agreed under the previous reserved matters application S/1737/07/RM, mainly due to provision of 2 & 3 bedroom units replacing 1-bedroom accommodation. The tenure split of 30% shared ownership and 70% social rented is considered viable by the housing association and the authority has agreed to support the grant funding for Jephson in order to deliver this housing before March 2010. Whilst the affordable housing is not pepper-potted around the wider development, as previously approved, the cluster of development within the southwest corner of the site is considered more viable within the current financial climate for Jephson and better located in terms of access to public open space. In addition, the proposed house types are considered to be of a high quality, akin to the wider site, and would therefore be considered tenure blind, allowing the affordable element of the site to blend in with the surrounding market housing.

House Types

51. The development follows the design principles of the house types from the previously approved reserved matters application. These were considered to adhere to the design brief and follow elements of good architecture and vernacular of the village. The proposed corner properties allow enhanced legibility throughout the development, providing pleasant street patterns. The house types provide a variety and mix of coherent designs, sympathetic to the local vernacular. They are considered to achieve a sense of place due to the sympathy towards the semi-rural context of Waterbeach, such as local materials, variety in block forms and symmetrical patterns within elevations.

Housing Layout

52. The revised layout is considered an improvement upon the previous reserved matters approval, as it provides perimeter blocks that aid permeability and circulation across the site. The previous approved scheme provided a pattern of cul-de-sacs, limiting movement through the area. The most significant revision is the layout of housing rows on the site's northern boundary comprising private backs and public frontages, which is considered to provide a safe and secure edge to the site. In turn the now centrally located LAP within the village green is afforded better surveillance and improved integration within the development than the previous elongated open spaces around the site's periphery.
53. The amended drawings have addressed concerns over natural surveillance over the car parking courts serving the affordable housing as well as providing increased foot and cycle friendly routes adjacent to the village green and within close proximity to the northern boundary. The site's revised layout is not considered to result in a detrimental impact upon the village's historic built environment due to the distance of approximately 60m between the application site and the Conservation Area and the limited views that would be afforded outside of the development. The proposal is considered to provide a legible network of village-like streets and public spaces with good inter-relationships between its buildings and routes.

Landscaping

54. The revised landscaping proposals are considered acceptable, as they have incorporated the advice of the Landscape Design Officer. These proposals are considered to be an improvement on the previous approved reserved matters application, as they provide more opportunities for planting throughout the development rather than planting being pushed to the site's peripheries. This is emphasised by the provision of a central green within the development and landscaped foot and cycle paths leading to the wider public open space. All details of species and planting methods will be agreed prior to approval under delegated powers.

Public Open Space

55. The proposed LEAP within the northeast corner of the site would not wholly accord with the standard guidelines set out with the supplementary planning guidance. This element of formal play space would not provide a buffer of 20m from nearby residential properties, as stated within the guidance, to minimise noise disturbance. However, this area would be overlooked providing a good level of natural surveillance and it would be within close proximity to the built-up area of development in terms of access to this public space. The proposed LEAP under the previous approval was not overlooked and was located further away in terms of access. In this instance it is considered that natural surveillance is a priority and that a buffer of approximately 10m is an acceptable compromise. The correct level and type of equipment within the LEAP will be agreed prior to approval.
56. The proposal would contain two LAPS, one in the approved and already built section of the site, which would now benefit from the planting of a significant Oak Tree specimen and hedgerow enclosure as it is no longer required to provide vehicle visibility splays as well. The other more substantial area of formal play space will be located within the central village green area, defined by a spherical planting pattern and seating. This area is considered to be well located for access for a wide range of surrounding properties.
57. Overall the development would provide a sufficient amount of on-site public open space, including formal and informal children's play space and generic informal open space. Based on the housing mix for the wider development site a commuted sum of £210,005.08 (index-linked) would be required for off-site provision and maintenance. If the Parish Council agrees that responsibility for the open space can lie with the developer then the sum for commuted maintenance would no longer be required. In either event the sum will be secured via the signing of a revised S106 legal agreement.

Section 106

58. The outline planning permission was approved with a comprehensive Section 106 agreement, completed on 20th April 2007, which included planning obligations in relation to affordable housing, education, highways, kickabout area, public open space, Laps (x2), local equipped area for play, shed for the storage of maintenance equipment, off-site contributions for open space, commuted maintenance payments and public art. The obligations for education, public art and highways have now been fully satisfied via off-site payments. No other obligations have been met as relevant trigger points are yet to be reached.

59. Prior to the occupation of 30 dwellings the applicant is to provide the kickabout area and LEAP. As the revised application seeks to vary these obligations, the existing development should be restricted to not exceed this amount of occupations. The current Section 106 agreement also restricts the development site by clearly identifying the areas that are designated as public open space i.e. areas are specified on a plan that forms part of it.
60. The revised proposal substantially affects the Section 106 agreement in the following areas:
- (a) **Affordable housing** – Whilst the original agreement secured the provision of 30 units, officers have worked with the appointed RSL to negotiate an improved and more suitable housing mix, whilst accepting a reduced number of units. The proposed number of social houses is now 27, resulting in a loss of 3 units overall.
 - (b) **Open space** – The applicant is proposing a reduction in the total area for public open space, in line with the adopted Open Space in New Developments SPD. The houses would now be on land that the existing Section 106 agreement allocates as public open space.
 - (c) **Open space management** – The applicant has also proposed that the open space will be transferred to a management company rather than the Parish Council for long-term maintenance. The land was to be transferred with a commuted sum for maintenance.
 - (d) **Off-site open space contributions** – The applicant has offered to increase the off-site contribution for public open space in line with the adopted open space in new developments SPD.
 - (e) **Education** – The original agreement secured obligations to the index-linked value of £2,450.00 per dwelling. The revised application should result in a back payment to the developer in lieu of the contributions paid for 100 units. It should be noted, however, that the applicant has not presently requested that this money is repaid.
61. Throughout the application process, Waterbeach Parish Council, District Councillors and County Councillors have been invited to, and attended meetings held at South Cambridgeshire District Council in relation to the proposals. Officers are currently in negotiation with the applicant to revise the original Section 106 agreement, via a deed of variation, to address all outstanding issues. Such issues rely on the involvement of external bodies. The Parish Council, for example are required to formally comment in relation to the proposed deviation in public open space management. Issues with the deed of variation, received by the District Council on 15th October, has resulted in a failure to address all relevant terms in time for the planning committee report, although officers continue working with the aim to do so within the application deadline. In the event of a final Section 106 agreement, or deed of variation, not being resolved within the 13 week deadline, planning conditions requiring schemes could reasonably be imposed.

Recommendation

62. **Delegated Approval**, as amended, subject to the following conditions and revisions to the Section 106 being secured by way of a signed agreement or additional planning conditions:

Conditions

1. Prior to any development commencing on site, the following details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details:
 - (a) Samples of the proposed materials for facing walls and roofs;
 - (b) Lighting of the:
 - footways
 - cycle ways
 - roads
 - parking courts
 - open spaces
2. The proposed access, turning and parking spaces for each dwelling, hereby permitted, shall be provided before each dwelling is occupied and thereafter permanently maintained. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

1. The granting of planning permission does not constitute a permission or licence 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. The developer should contact the Highway Authority to arrange such works.
2. Due to the omission of the proposed SUDS from this planning application if an alternative scheme is proposed, this will need to be approved and provided prior to further works commencing on site pursuant to Condition 6b) of planning application S/1551/04/O. Such a scheme should be agreed in partnership with the Local Authority and the Waterbeach Internal Drainage Board.

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

- East of England Plan (2008).
- South Cambridgeshire Local Plan, 2004.
- South Cambridgeshire Local Development Framework Core Strategy DPD (2007).
- South Cambridgeshire Local Development Framework Development Control Policies DPD (2007)
- Circular 11/1995
- Circular 05/2005
- Department for Transport, Manual for Streets (2007).
- Bannold Road, Waterbeach Development Brief Draft, November 2003.
- Planning files ref: S/1551/04/O, S/1737/07/RM, S/1260/09/RM.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee2nd December 2009**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

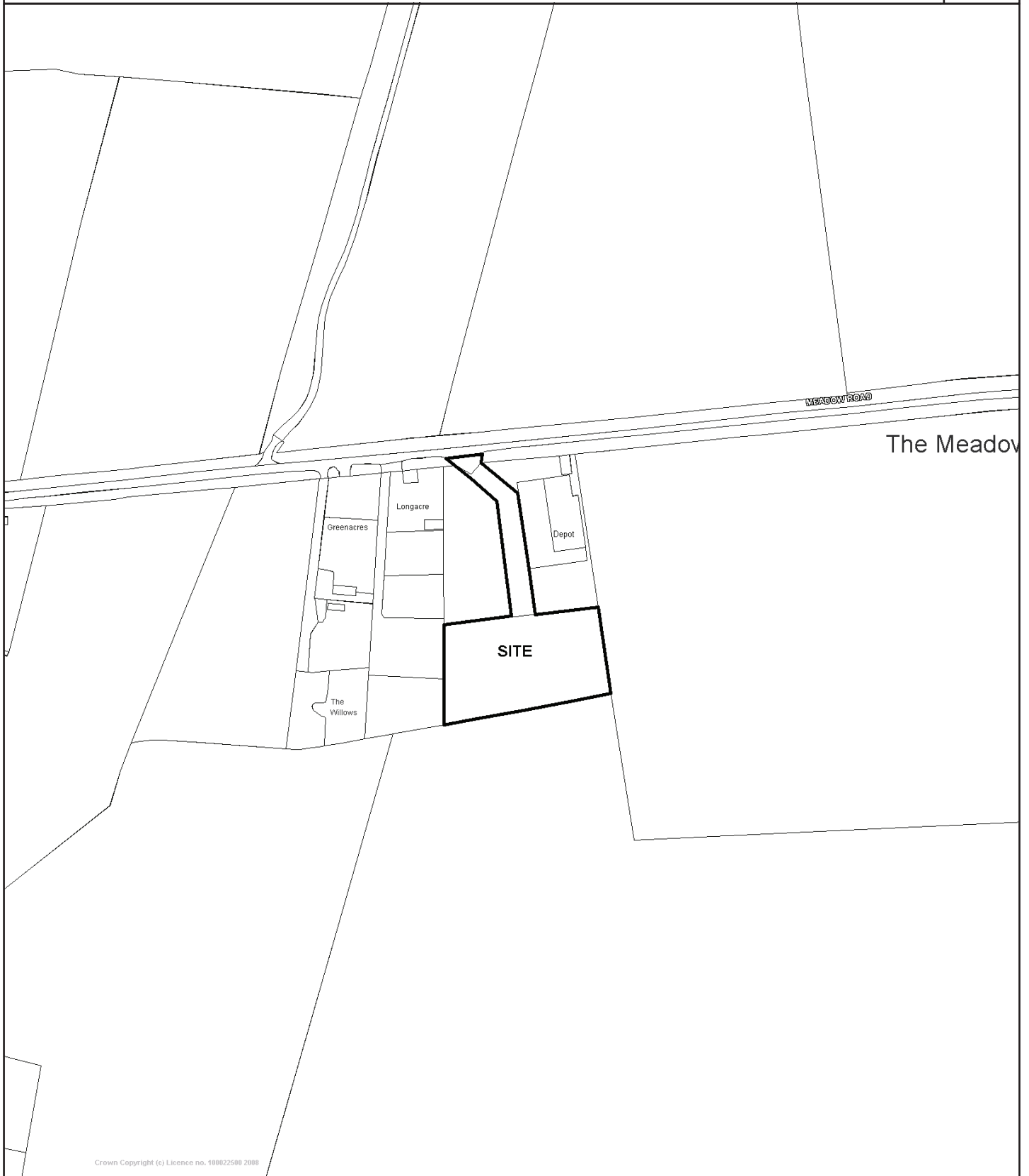
S/1308/09/F - WILLINGHAM**Change of Use of Land to Provide Four Additional Gypsy/Traveller Pitches
Each Comprising of One Static Caravan and One Touring Caravan
Land to the South of 3 Meadow Road, for Mrs L Brown****Recommendation: Delegated Approval****Date for Determination: 4th November 2009****This Application has been reported to the Planning Committee for determination because following a recommendation of refusal by the Parish Council.****Site and Proposal**

1. The site is set to the south of an old agricultural /industrial building, set outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. The site, excluding the access, is approximately 75m by 42m. Access is achieved through old industrial gates to the front of the site, accessing onto Meadow Road. The access passes through the existing pitch that has temporary consent under application S/1191/09/F.
2. To the north of the site is the former Beaumont Place depot building, around which consent has been granted for 6 caravans. To the east of the plot is open agricultural land, the shared boundary of which is a mature 2m high hedge. To the south is a 2m high hedge beyond which is agricultural land. To the west side are further traveller sites at Longacre. The shared boundary is a 1.8m high fence with planting.
3. The full application, submitted on 9th September 2009 seeks consent for the addition of four further pitches on the site, each comprising of one static caravan and one touring caravan. The application includes a Planning Statement.

Planning History

4. On the land directly to the north, application **S/1191/09/F** was approved by Members at October 2009 Planning Committee on a temporary basis for the siting of 6 caravans, toilet/shower block and use of the existing building for domestic storage. The site area for this scheme includes and surrounds this application site. This followed application **S/2010/04/F**, which granted temporary consent for three years for the siting of six gypsy caravans (part retrospective) and the use of the building for storage for personal use.
5. There is a current application on the land directly to the north for an additional traveller pitch (**S/1297/09/F**). This application has yet to be determined. There are various other applications relating to the site, none of which are considered relevant to the determination of this application.

S/1308/09/F Willingham



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December Planning Committee 2009

6. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

Planning Policy

7. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning Authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
8. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
9. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process is currently running to access 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
11. The site is not included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The land directly to the north is included, and is site number 16 in the consultation, which ended on 9th October 2009.
12. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks and **TR/1** - Planning for More Sustainable Travel.

13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy adopted January 2007.

Consultation

14. **Willingham Parish Council** recommends refusal of the application. They state Willingham already accommodates four times the District ratio of settled gypsy/traveller parishioners, and the Primary School includes 12% of gypsy/traveller children. They note a high demand on the Willingham Medical Practice, and that 408 caravans are located to the north of the A14, whereas only 58 are to the south. Proposals to make permanent, temporary or illegal sites and create new ones simply exacerbate Willingham's already intolerable situation. Granting consent would also prejudice the current gypsy and traveller site consultation.
15. The **Traveller Site Team Leader** notes the site would meet the potential users' accommodation needs, including an expanding family, a family facing eviction and another experiencing stress living in bricks and mortar, enabling them to live together and have the security and safety within their family group. There are currently insufficient pitches on Council owned sites to be able to address their needs and therefore if they can provide their own accommodation to meet their own needs, the application should be supported.
16. The **Environmental Health Officer** requests a condition regarding the investigation of contamination on the site, and relevant remediation methods and proposals.
17. The **Local Highways Authority** recommends refusal of the scheme on the basis that insufficient information has been provided regarding dimensions of parking and turning areas, the access width, the location of gates, visibility splays, drainage, and materials. Informatives are recommended regarding works to the public highway and public utilities.
18. Members will be updated on any comments from the Landscape Design Officer, County Council Education Team and the Head Teacher at Willingham Primary School.

Representations

19. No comments have been received at the time of preparing the report. Members will be updated on any comments received.

Planning Comments – Key Issues

20. By virtue of the guidance set out in Circular 01/2006, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers, the impact on education infrastructure, the visual impact of the site, highway safety and land contamination. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

21. The applicant for the proposal is the same as that for recently approved consent S/1191/09/F and current application S/1297/09/F on the land to the north of the application site. Six caravans have been approved on this land, whilst the current application seeks consent for a further touring caravan and static caravan. The site to

the north and the pitches to the west are included within the South Cambridgeshire District Council Gypsy and Traveller Development Plan Document, currently under review. The consultation process has assessed 20 potential sites that performed best against the site criteria agreed after consultation in 2006. However, the application site does not form part of this consultation period. It would appear the land was never assessed for its potential. This application therefore forms the assessment criteria of its suitability for use by gypsies and travellers.

22. The land to the north was assessed under a number of criteria. These included land and water resources, biodiversity, landscape, townscape and archaeology, climate change and pollution, healthy communities, inclusive communities, and economic activities. The summary of the site in the Issues and Options Report 2 June 2009 states that there was unlikely “to be many significant effects given the scale of development proposed at the site. It is likely that there will be benefits in relation to access to facilities and amenities as the site is close to Willingham Village”. The Technical Annex also adds the site “could potentially accommodate around three small pitches at more typical density”.
23. Details of the proposed occupiers have been provided, but at the request of the applicant, these will not be summarised in depth in this report. Their current situations have been provided. It is unclear if the potential occupiers meet the definition of gypsies and travellers as defined in the ODPM Circular 01/2006. However, a condition can ensure that only people who meet this definition would be available to live on the site. The proposed occupiers are related to the applicant, and connections to the Cambridge area have been provided. The tests set out in the Circular state the Local Planning Authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified.
24. Of the proposed occupiers, two people currently live on the site approved under S/1191/09/F. The other two potential occupiers would be new residents to the site. From the information provided, there would be no demand on Willingham Primary School. Members will be updated on any comments from the School. A condition allowing a personal consent is not considered to meet the test of Circular 11/95. A temporary consent should be appropriate without the need for such a condition.
25. Members must decide whether a temporary consent is appropriate for a site that has not been formally assessed in the formation of the Gypsy and Traveller Development Plan Document. Some weight must be given to the assessment of the site immediately to the north, which scored well on the criteria discussed above. As noted, a temporary consent does not commit to a permanent consent in the future.

Visual Impact

26. There is a good hedge running to the south and east side of the site, which restricts views into the site from the countryside. There is currently a post and rail fence separating the land from the consented pitch to the north. The main public views would be from the access at Meadow Road to the north, approximately 75m from the site. Members will be updated of any comments from the Landscape Design Officer.

Impact upon Highway Safety

27. I note the comments from the Local Highways Authority regarding the scheme. The access is existing and serves the 6 caravans on the surrounding land. The refusal is based on a lack of information, but I consider this information unnecessary to

determine the application in this instance, given the previous approval that included the access. The Local Highways Authority has verbally confirmed that they do not object to the intensification of the access per se. I do not consider it necessary to add any conditions to the consent regarding the access. The recommended informatives can be added to any consent. It should be noted that the Issues and Options 2 Technical Annex of the Gypsy and Traveller Development Plan Document states “the Local Highway Authority indicates that no significant adverse effect upon the Public Highway should result from this option”.

Land Contamination

28. I note the comments from the Environmental Health Officer regarding potential land contamination from the adjacent former industrial building. A similar condition was placed on consent S/1191/09/F, and it can again be added to any approval.

Other Matters

29. The site is excluded from the High Court injunction dated 20th December 2007. Any consent would require conditions relating to prevention of further caravans being positioned on the site, storage of large vehicles, commercial activity and lighting. I do not consider a condition regarding landscaping is required given the screening enjoyed by the site as a whole. Any temporary consent for approval should be tied to the date of the approved application S/1191/09/F, and therefore any temporary consent should run until 31st October 2012.

The Gypsy and Traveller Development Plan Document

30. The Parish Council have real concerns regarding the distribution of sites across the District. Similar comments have been submitted in connection with the site options exercise, on the basis that the distribution could perpetuate a settlement pattern that denies Travellers the option of living to the south of the District. The Inspector in the recent case at 3 Cadwin Fields took the view that the needs of the applicant were sufficient to justify a temporary consent to allow proper consideration of all the relevant factors in determining the appropriate site options. Here, the needs are not so pressing, but nevertheless real. However, on balance the harm in the relatively short term is not considered so significant to justify a refusal.

Recommendation

31. Delegated approval subject to any comments received from the Landscape Design Officer, County Council Education Team and the Headteacher at Willingham Primary School.
32. If the scheme were to be approved, conditions would be required regarding a temporary consent to expire on 31st October 2012, occupation of the site being for defined gypsies and travellers, no more than the two caravans being placed on the site, a restriction on stationing, parking and storage of vehicles over 3.5 tonnes, no commercial activity to take place on site, external lighting and land contamination.

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

- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The Use of Conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files: S/1308/09/F, S/1297/09/F, S/1191/09/F, S/2010/04/F & S/1919/08/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee2nd December 2009**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1297/09/F - WILLINGHAM**Change of Use of Land to Provide 1 Additional Gypsy/Traveller Pitch and Associated Parking at 3 Meadow Road For Mrs L Brown****Recommendation: Delegated temporary approval****Date for Determination: 23rd November 2009**

This Application has been reported to the Planning Committee for determination following a recommendation of refusal by the Parish Council that does not accord with the officer recommendation.

Site and Proposal

1. The site is set to the western side of an old agricultural /industrial building, set outside of the Willingham village framework as identified within the South Cambridgeshire Local Development Framework 2007. The site as a whole is approximately 65m by 70m, whilst the application site measures approximately 25m by 20m within this larger area. Access is achieved through old industrial gates to the front of the site, accessing onto Meadow Road.
2. The proposed site lies within a parcel of land where a temporary consent was previously approved (S/1191/09/F) for the siting of 6 caravans. These are likely to be located to the south and east of this new site. To the north an area of hardstanding and the access into the site, beyond which is agricultural land. To the east of the plot is open agricultural land, the shared boundary of which is a mature 2m high hedge. To the south is an area of hardstanding, then an area of grassland, beyond which is a further 2m high hedge and agricultural land. To the west side are further traveller sites at Longacre. The shared boundary is a 1.8m high fence with planting.
3. The full application, submitted on 28th September 2009 seeks consent for the addition of one further pitch on the site, comprising of one static caravan and one touring caravan. The application includes a Design and Access Statement.

Planning History

4. Application **S/1191/09/F** was approved by Members at October 2009 Planning Committee on a temporary basis for the siting of 6 caravans, toilet/shower block and use of the existing building for domestic storage. The site area for this scheme includes and surrounds this application site. This followed application **S/2010/04/F**, which granted temporary consent for three years for the siting of six gypsy caravans (part retrospective) and the use of the building for storage for personal use.
5. There is a current application on the land to the south (S/1308/09/F) for a further four pitches each comprising of a static caravan and a touring caravan. This application

S/1297/09/F Willingham



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Scale 1/1250 Date 18/11/2009

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has yet to be determined. There are various other applications relating to the site, none of which are considered relevant to the determination of this application.

6. Members should be aware of a recent appeal decision relating to a site at 3 Cadwin Field, Willingham (**S/1919/08/F**). An application for temporary consent was refused by Members at the February Planning Committee, but allowed at appeal. The Inspector noted the need for sites in the District and stated that planning permission should only be for a temporary consent to enable a proper evaluation of all potential sites identified through the Development Plan Document process.

Planning Policy

7. **ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)** provides guidance on the planning aspects of finding sites for gypsies and travellers and how local authorities can ensure that members of that community are afforded the same rights and responsibilities as every other citizen. It advises that where there is an unmet need and no alternative gypsy provision, but there is a reasonable expectation that sites will become available within a given time scale to meet that need, Local Planning Authorities should consider granting a temporary permission for proposed sites. It does not say that temporary permission should only be considered where the site is already occupied.
8. Advice on the use of temporary permissions is contained in paragraphs 108-113 of **Circular 11/95, The Use of Conditions in Planning Permissions**. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no alternative Gypsy and Traveller site provision in an area, but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.
9. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land. In some cases, it may be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.
10. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process is currently running to access 20 potential sites that performed best against the site criteria agreed after consultation in 2006. Given the requirements of the East of England Plan, drawn up by the East of England Regional assembly (EERA), South Cambridgeshire requires at least 88 new permanent pitches by 2021.
11. The plot as a whole is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 16 in the consultation, and the consultation document states "this existing temporary site is close to Willingham's services and facilities. Storage buildings are a prominent feature on the site, but the use of adjoining land for a pitch would have limited additional impact. The consultation period ended on 9th October 2009.

12. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks and **TR/1** - Planning for More Sustainable Travel.
13. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the Local Development Framework Core Strategy adopted January 2007.

Consultation

14. **Willingham Parish Council** recommends refusal of the application. They state Willingham already accommodates four times the District ratio of settled gypsy/traveller parishioners, and the Primary School includes 12% of gypsy/traveller children. They note a high demand on the Willingham Medical Practice, and that 408 caravans are located to the north of the A14, whereas only 58 are to the south. Proposals to make permanent, temporary or illegal sites and create new ones simply exacerbate Willingham's already intolerable situation. Granting consent would also prejudice the current gypsy and traveller site consultation.
15. The **Traveller Site Team Leader** supports the scheme and notes the scheme would meet the needs of the applicant's family and would ensure provision into the future for their accommodation needs. There are currently no available pitches on Council owned sites and therefore alternatives should be considered, particularly where a family is self-sufficient and able to provide their own land and accommodation. The addition of one further pitch would not have a negative impact upon the local area.
16. The **Environmental Health Officer** requests a condition regarding the investigation of contamination on the site, and relevant remediation methods and proposals.
17. The **Local Highways Authority** recommends refusal of the scheme on the basis that insufficient information has been provided regarding dimensions of parking and turning areas, the access width, the location of gates, visibility splays, drainage, and materials. Informatives are recommended regarding works to the public highway and public utilities.
18. The **Planning Policy Officer** refers to the status of the Gypsy and Traveller Development Plan Document, and the assessment of the site in that process.
19. Members will be updated on any comments from the County Council Education Team and the Head Teacher at Willingham Primary School.

Representations

20. No comments have been received at the time of preparing the report. Members will be updated on any comments received.

Planning Comments – Key Issues

21. By virtue of the guidance set out in Circular 01/2006, I consider that the main planning issues to consider in this case are the need to provide residential accommodation on the site relative to the applicants needs, including their status as Gypsies/Travellers, the impact on education infrastructure, the visual impact of the site, highway safety and land contamination. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

22. The applicant for the proposal is the same as that for recently approved consent S/1191/09/F on the surrounding land. All 6 caravans approved under that consent are on site, although the concrete bases are not laid. The site as a whole is included within the South Cambridgeshire District Council Gypsy and Traveller Development Plan Document, currently under review. The consultation process has assessed 20 potential sites that performed best against the site criteria agreed after consultation in 2006. The Issues and Options 2 Technical Annex July 2009 states the site “could potentially accommodate around three small pitches at more typical density”. Whilst the site has only been assessed for one pitch, I do not consider the addition of one further static and one touring caravan would cause additional harm against the assessment criteria. Information has been provided as to the proposed occupiers, but at the request of the applicant, these will not be summarised in depth in this report. However, their current situation has been provided.
23. It is unclear if the potential occupiers meet the definition of gypsies and travellers as defined in the ODPM Circular 01/2006. However, a condition can ensure that only people who meet this definition would be available to live on the site. The proposed occupiers are related to the applicant, and connections to the Cambridge area have been provided. The tests set out in the Circular state the Local Planning Authorities are expected to give substantial weight to the unmet need of travellers locally when considering whether a temporary planning permission is justified.
24. Of the proposed occupiers, there would be no demand on Willingham Primary School. Members will be updated on any comments from the School. A condition allowing a personal consent is not considered to meet the test of Circular 11/95. A temporary consent should be appropriate without the need for such a condition.
25. The site is set immediately adjacent to several existing pitches. Given the existing temporary condition on the site and the status of the Development Plan Document, the site is considered as an acceptable site for a further temporary consent. I note the applicant has applied for a permanent consent. A three year time period would allow the proposed occupiers to remain on site until the Development Plan Document is adopted. At this time, the suitability of the site for a permanent consent will have been assessed, and the applicant can then re-apply as necessary.
26. Application S/1191/09/F had a condition restricting the site to just six caravans, which represents what was originally applied for. The reason for this was to ensure there is no adverse pressure on local infrastructure. Given the information has been provided as to potential occupiers, I do not consider there would be an additional harm to the demand on local services. And as a result, I consider the further development acceptable on the site. The agent has confirmed in her e-mail dated 17th November 2009 that a temporary consent would be acceptable if necessary.

Visual Impact

27. There is a very good hedge around the north and east boundary of the plot as a whole, restricting views from the surrounding countryside. No boundary treatment is proposed around the north, south and east boundaries, to allow integration with the existing caravans on site. The west boundary adjacent to the other plots has some good planting, further screening the site. The site will be visible through the gates at the access. However, I am of the opinion that the proposal would not represent an unacceptable visual impact upon the character and setting of the countryside.

Impact upon Highway Safety

28. I note the comments from the Local Highways Authority regarding the scheme. The access is existing and serves the 6 caravans on the surrounding land. The refusal is based on a lack of information, but I consider this information unnecessary to determine the application in this instance, given the previous approval that included the access. The Local Highways Authority has verbally confirmed that they do not object to the intensification of the access per se. I do not consider it necessary to add any conditions to the consent regarding the access. The recommended informatives can be added to any consent. It should be noted that the Issues and Options 2 Technical Annex of the Gypsy and Traveller Development plan Document states "the Local Highway Authority indicates that no significant adverse effect upon the Public Highway should result from this option".

Land Contamination

29. I note the comments from the Environmental Health Officer regarding potential land contamination from the adjacent former industrial building. A similar condition was placed on consent S/1191/09/F, and it can again be added to any approval.

Other Matters

30. The site is excluded from the High Court injunction dated 20th December 2007. Further conditions would be required relating to prevention of further caravans being positioned on the site, storage of large vehicles, commercial activity and lighting. I do not consider a condition regarding landscaping is required given the screening enjoyed by the site as a whole. Any temporary consent should be tied to the date of the approved application S/1191/09/F, and therefore any temporary consent should run until 31st October 2012.
31. The Parish Council have real concerns regarding the distribution of sites across the District. Similar comments have been submitted in connection with the site options exercise, on the basis that the distribution could perpetuate a settlement pattern that denies Travellers the option of living to the south of the District. The Inspector in the recent case at 3 Cadwin Fields took the view that the needs of the applicant were sufficient to justify a temporary consent to allow proper consideration of all the relevant factors in determining the appropriate site options. Here, the needs are not so pressing, but nevertheless real. However, on balance the harm in the relatively short term is not considered so significant to justify a refusal.

Recommendation

32. Delegated approval for 3 year temporary consent, subject to any comments from the County Council Education Team, the Head Teacher at Willingham Primary School, and other representations that may be received.

Conditions

1. The use, hereby permitted, shall be discontinued and the six caravans and toilet/shower block, hereby permitted, shall be removed and the land restored to its former condition on or before 31st October 2012 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan Document, and on a without prejudice basis to a

permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of traveller development on Willingham.)

2. The site shall not be occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of the ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. (Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore the use of the site needs to be limited to qualifying persons.)
3. The residential use, hereby permitted, shall be restricted to the stationing of no more than six touring caravans at any time (of which none shall be static caravans or mobile homes). (Reason - To ensure there is no adverse pressure on local infrastructure such as local schools created by further people living on the site.)
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No commercial activities shall take place on the land, including the storage of materials. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours.)
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 - In order to limit the site's impact on the area's rural character.)
7. No development approved by this permission shall be commenced until:
 - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

Informatives

Any development that requires work to the public highway will require the approval of Cambridgeshire County Council as Highway Authority. It is an offence to carry out works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. Please contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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

- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies 2007
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites)
- Circular 11/95: The Use of Conditions in Planning Permissions
- Gypsy and Traveller Site Consultation document July-October 2009
- Planning Files Ref: S/1297/09/F, S/1308/09/F, S/1191/09/F, S/2010/04/F & S/1919/08/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee2nd December 2009**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1465/09/F - HAUXTON
16 Affordable Dwellings at Land to the West of 33 High Street for
Wherry Housing Association

Recommendation: Delegated Approval

Date for Determination: 7th January 2010

Notes:

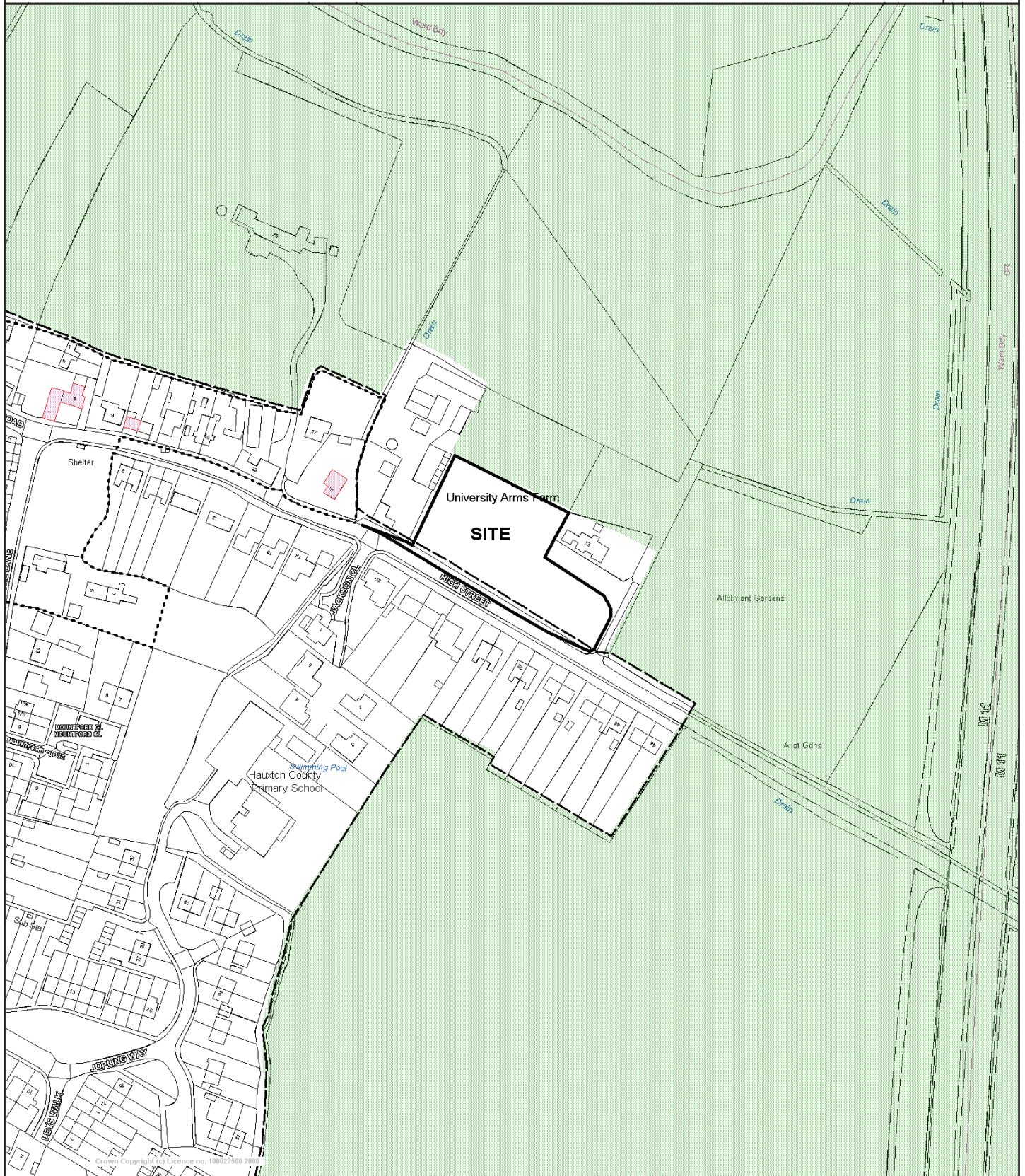
This Application has been reported to the Planning Committee for determination because it is an exception site for affordable housing.

Members will visit this site on 2nd December 2009.

Site and Proposal

1. The site is situated approximately 40 metres to the east of the Hauxton village framework and within the countryside. It measures 0.44 of a hectare in area and currently comprises paddock land. A farmyard lies to the west, with the boundary of the conservation area and a listed building beyond (No. 31 High Street). Open green belt land is situated immediately to the north. The flood zone to the river Cam (medium risk) is located approximately 50 metres away. A single storey children's nursery lies to the east. Residential dwellings that are situated within the Hauxton village framework lie across the High Street to the south.
2. This full planning application, received on 8th October 2009, proposes the erection of sixteen affordable dwellings. The mix would consist of nine x 3 bedroom dwellings and seven x 2 bedroom dwellings. The development would comprise detached, semi-detached and terraced dwellings that would range in height from 8 metres to 8.5 metres. The palette of materials includes cream render and buff bricks for the walls and multi-brown plain tiles and artificial slates for the roofs. All windows would be painted timber.
3. The site would have single point of access from the High Street at its western end measuring 4.8 metres in width with a footpath on each side. 29 vehicle parking spaces would be provided within the site. An area of open space measuring 316 square metres is shown on the northern section of the site opposite the access point. A 57 metre long section of the existing hedge along the High Street frontage would be removed to allow for the access point and eastern visibility splay. A 35 metre long portion would be replanted further into the site. A three metre wide landscape buffer zone would be provided along the northern site boundary adjacent the Green Belt.
4. The planning application is accompanied by a Design and Access Statement, Tree and Hedge Survey, Arboricultural and Biodiversity Report, draft Section 106 legal agreement and a Site Investigation report.

S/1465/09/F Hauxton



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Planning History

5. A planning application for the erection of 17 affordable dwellings on the site was withdrawn in 2008 (reference **S/0554/08/F**).
6. Outline planning permission for a residential development on the site was dismissed at appeal in 1990 (reference **S/2503/87/O**). The reasons for refusal related to the location of the site outside the village framework, the lack of an identified need for affordable housing in the village, and the visual intrusion into the open rural setting of the village.
7. Outline planning permission was refused for a residential development in 1986 (reference **S/1887/86/O**) for same reasons as above.

Planning Policy

8. Local Development Plan Policies

East of England Plan 2008:

SSS1 Achieving Sustainable Development

ENV6 The Historic Environment

ENV7 Quality in the Built Environment

H2 Affordable Housing

South Cambridgeshire Local Development Framework Core Strategy DPD 2007:
ST/6 Group Villages

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

GB/3 Mitigating the Impact of Development Adjoining the Green Belt

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

HG/5 Exception Sites for Affordable Housing

SF/6 Public Art and New Development

SF/10 Outdoor Playspace, Informal Open Space and New Developments

SF/11 Open Space Standards

NE/3 Renewable Energy Technologies in New Development

NE/6 Biodiversity

NE/11 Flood Risk

NE/12 Water Conservation

NE/17 Protecting High Quality Agricultural Land

CH/4 Development Within the Setting of a Listed Building

CH/5 Conservation Areas

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

9. Supplementary Planning Documents 2009:

South Cambridgeshire Local Development Framework:
Open Space in New Developments
Development in Conservation Areas
Listed Buildings

Trees and Development Sites
Biodiversity
Public Art

10. **National Planning Guidance:**

Planning Policy Statement 3 (Housing)

11. **Circulars:**

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.

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 respect.

Consultation

12. **Hauxton Parish Council** - Comments are awaited.

13. **Local Highway Authority** - Confirms that it will seek to adopt the proposed development. It requests that the shared access is constructed from blockwork and that the footpath leading from the High Street to Plot 8 is re-located. It states that conditions should include the access width of the shared access to measure 6 metres in width with 0.5 metres each side for a service strip; the provision of 2.0 metre x 2.0 metre pedestrian visibility splays; details of cycle and powered two wheeler parking provision; closure of the existing access to the site from the farm; the construction of roads and footpaths to binder course surfacing level prior to the occupation of any dwellings; the access where it crosses the highway being constructed in accordance with County Council specifications; the provision of vehicular visibility splays measuring 2.4 metres x 70 metres on each side of the access; the laying out of the parking, servicing, loading and unloading area prior to first occupation of the dwellings; the junction of the access with the highway carriageway shall have 6 metre kerb radius; no part of any structure shall overhang or encroach under or upon the public highway; the access shall be constructed with adequate drainage measures; and wheel washing facilities to be agreed. It also requires informatives in respect of works to the highway and the re-location of public utility apparatus.

14. **Environment Agency** - The site is adjacent to an Award Drain. The Agency has no knowledge of flooding at the site. It requests informatives be added in relation to the culverting of any watercourse and general surface water drainage issues.

15. **Land Drainage Manager**- Comments are awaited.

16. **Environmental Health Officer** - Requires a condition in relation to the working hours of power operated machinery and informatives with respect to the type of foundations, the burning of waste on site and a demolition notice for the removal of any buildings.

17. **Scientific Officer (Contaminated Land)** - Comments are awaited.

18. **Housing Development and Enabling Manager** - Advises that the Housing Needs survey that was completed in Hauxton in 2005 determined that within five years of its completion, there would be a need for 23 affordable homes. The Housing Development and Strategy team are in full support of this application.
19. **Network Rail** - No comments.
20. **Landscape Design Officer** - Comments that the layout is acceptable. A landscaping condition should be attached to any consent that requires the submission of a planting plan.
21. **Trees and Landscape Officer** - No objection.
22. **Conservation Officer** - Comments are awaited.
23. **Urban Design Team** - Comments are awaited.
24. **Ecology Officer** - Comments are awaited.
25. **County Archaeology** - Comments are awaited.
26. **Cambridgeshire Fire and Rescue Service**- Comments are awaited.
27. **Police Architectural Liaison Officer** - Has made no objections, noting that the area is of low crime and the layout is fine. The boundaries and parking areas should achieve 'Secured by Design' accreditation.
28. **Section 106 Officer**- Notes that there is no reference to the public open space in the draft agreement. This area should be included as a definition with its long-term management to be reference in a schedule. The trigger point for provision should also be included.

Representations

29. The local member for Hauxton has concerns over flooding, parking along the High Street, and the terms of a legal agreement in relation to open space.
30. Five letters have been received from neighbours in the High Street or close to the site. The main concerns raised are in respect of flooding; overlooking leading to a loss of privacy; the loss of the hedge along the frontage; the level of car parking and increased parking along the High Street; safety issues from the access and footpath to Plot 8; traffic generation from the development; and the possible future development of the adjacent site.

Planning Comments – Key Issues

31. The main considerations in the determination of this application relate to the principle of development on the site; the impact of the development upon the Green Belt and countryside; the impact of the development upon the character and appearance of the area; the impact of the development upon highway safety, the impact of the development upon the amenities of neighbours; flooding; contamination; and provision of public open space.

Principle of Development

32. The site lies outside the Hauxton village framework and within the countryside. Residential developments of market dwellings are unacceptable

in principle in such locations. However, the proposal comprises the erection sixteen affordable dwellings to meet local housing needs as an exception to normal planning policies. It will be reported to an affordable housing panel on 1st December 2009. An update will be provided.

33. Hauxton is identified as a Group Village. The site is considered suitable for the proposed development, as it adjoins the village framework to the south; it is not considered to harm the rural landscape, it would be well related to the built-up area of the settlement; the scale of the scheme is appropriate to the scale and character of the village and level of facilities available; the number, size, design, mix and tenure of the dwellings would be confined to local need; and the development would be subject to a legal agreement that would ensure that the dwellings remain affordable in perpetuity.
34. The site measures approximately 0.44 of a hectare in area. The erection of sixteen dwellings would equate to a density of 36 dwellings per hectare. This is considered to be appropriate in relation to Policy HG/1.
35. The mix of dwellings proposed would not comply with the normal requirement for market dwellings under Policy HG/2. However, it is considered acceptable given that the site comprises 100% affordable housing that has to be tailored specifically to meet local needs.

Impact upon the Countryside/ Green Belt

36. The layout of the development proposes approximately 2 metres of garden land to Plots numbers 11 to 16 in the Green Belt. Such an encroachment would, by definition, be harmful to the Green Belt in policy terms. Amended plans have been sought to reduce the site area to ensure that only the landscape buffer remains in the Green Belt.
37. The scale and design of the dwellings are not considered to adversely affect the visual amenity of the surrounding Green Belt. However, there is some concern over the erection of 1.8 metre high close boarded fences to define the boundaries to the north of Plots 11 to 16. Amended plans have been sought to find a more appropriate solution.

Impact upon the Character and Appearance of the Area

38. The layout, design and external appearance of the scheme and its impact upon the setting of the adjacent listed building, conservation area and surrounding village character will be determined by the conservation officer and urban design team and reported in the update.

Impact upon Highway Safety

39. The High Street is the main through road from the A10 to Little Shelford. It is a fairly straight road that has a speed limit of 30 miles per hour.
40. The level of traffic generated from the proposed development is not considered to be detrimental to highway safety, given the nature of the road and that the access would need to be constructed in accordance with Local Highway Authority standards.
41. The width of the road to be adopted and the width of the shared access are considered acceptable. The provision of vehicular splays from the main access point and pedestrian visibility splays from each plot onto the access can be achieved and would be conditions of any consent.

42. The provision of 29 vehicle parking spaces on the site would comply with the Council's standards that require an average of 1.5 spaces per dwelling. However, the layout shows all 29 spaces allocated to plots and the five visitor spaces need to be unallocated on the site and include one disabled space. Amended plans have sought to address this issue.
43. Each plot has rear access to allow cycle parking within the rear gardens. However, no secure covered areas have been proposed. Details of such buildings would be a condition of any consent.
44. The Local Highway Authority has not requested that the northern side of the High Street has parking restrictions. This is not considered to be a requirement of the scheme, given that there are no such restrictions at the current time and there would be adequate on-site parking.

Impact upon Neighbour Amenity

45. The proposal is not considered to harm the amenities of the neighbour at no. 33 High Street. This is a nursery school that has one small ground floor secondary window serving a baby room in its side elevation that would face towards the rear garden of Plot 16. The main outside area is to the rear of the building and situated an adequate distance from the site to avoid overlooking from Plot 16.
46. The front elevations of the properties on the southern side of the High Street would be situated a minimum of 22 metres away from the new dwellings. Such distances would not lead to a significant loss of privacy and it should be noted that these are not private areas, as they are visible from the road.
47. The first floor bedroom window in the north elevation of Plot 8 is considered to overlook the rear garden of Plot 9. Amended plans have been sought to address this issue. The relationship between the other dwellings is considered to be acceptable.

Other Matters

48. The loss of the existing hedge and its replacement with a new hedge is considered acceptable. The submission of a landscape plan will be a condition of any consent.
49. The proposal is required to provide areas of formal and informal children's play space and informal public open space. An area of public open space measuring 316 square metres has been provided on the site. This would result in a shortfall of 92 square metres. The exact details of each particular area of recreation need to be submitted. A legal agreement would be a condition of any consent to secure the particular amount of on-site and off-site provision of open space and its management.
50. The development is not considered to significantly increase the risk of flooding to the site and surrounding area. Information is awaited from the Drainage Manager in relation to the Award Drain. It will also be necessary for the developer to demonstrate that soakaways are an effective method for this site to deal with water run-off.
51. A water conservation strategy and renewable energy statement have been requested. A condition requiring a scheme to provide 10% of the site's energy requirements through renewable technologies is recommended.

52. Confirmation is awaited as to whether land contamination in relation to the natural environment is an issue. This could be dealt with via planning condition if found to be the case.
53. The design and layout of the development is considered to minimise the opportunities for crime. First floor windows should be provided in the side elevations of Plots 11 and 12 to provide surveillance to the area of public open space.
54. No public art scheme forms part of the proposal. The applicant will be requested to consider this issue to comply with Policy SF/6 and the adopted Public Art SPD.

Recommendation

55. Delegated approval subject to the awaited comments of Hauxton Parish Council, Drainage Manager, Scientific Officer, Conservation Officer, Urban Design Officer, Ecology Officer, County Archaeology and Cambridgeshire Fire and Rescue, the receipt of amended plans that address the issues raised above, and the advertisement of the application as a departure.

Conditions

1. Standard Condition 1 - Full planning permission time limit.
2. Sc13- Samples of materials.
3. Sc5- Landscape.
4. Sc6- Landscape Implementation.
5. Sc9- Retention of hedge.....point of access and as shown on drawing number CA-390-P101.
6. Sc12- Boundary Treatment.
7. Sc15- Car Parking.
8. Sc16- Cycle/ powered two wheeler parking.
9. Sc20- Vehicular visibility splays measuring 2.4 m x 70m from and along the highway boundary in accordance with drawing no. 011.
10. Sc22- Pedestrian visibility splays within the curtilage of each parking space.
11. SC24 - Surface water drainage.
12. Sc29- Permitted development rights.
13. Sc38- Noise.
14. Sc63- Provision of affordable housing and recreational infrastructure.
15. Sc72- Archaeological investigation.
16. Closure of existing access from adjacent farmland.
17. Construction of footway prior to occupation of dwellings.
18. Construction of access to County Council specification.
19. Construction of access with adequate drainage measures
20. Wheel washing facilities for vehicles visiting the site during construction.

Informatives

1. Works to the public highway
2. Re-location of public utility apparatus
3. No bonfires or burning of waste
4. Pile driven foundations
5. Culverting of a watercourse
6. Surface water drainage

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

- East of England Plan 2008
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents 2009:
 - South Cambridgeshire Local Development Framework:
 - Open Space in New Developments
 - Development in Conservation Areas
 - Listed Buildings
 - Trees and Development Sites
 - Biodiversity
 - Public Art
- Planning Policy Guidance Note 2 (Green Belts)
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)
- Planning File references S/1465/09/F, S/554/08/F, S/2503/87/O and S/1887/86/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 nd December 2009
AUTHOR/S:	Executive Director (Operational Services)/ Corporate Manager (Planning and Sustainable Communities)	

**S/1387/09/F – HASLINGFIELD
Extensions at 34 Badcock Road
(Mr Waldoch)**

Recommendation: Approval

Date for Determination: 19th November 2009

Notes:

This Application has been reported to the Planning Committee following a referral from Chairmans Delegation Meeting.

Members will visit this site on 2nd December 2009

Site and Proposal

1. The existing detached dwelling is simple in form and style and is located at the end of Badcock Road, which falls within the village framework of Haslingfield. The dwelling is accessed to the front with a driveway running along the south side of the plot to a semi-detached garage to the rear of dwelling. The plot is demarcated by fencing and hedging up to 2 metres in height with mature trees located within the front and rear garden.
2. The proposal aims to extend to the south side of the existing dwelling at two-storey level and at single storey level to the front to form a porch and store, and to the rear to form a refuse area adjoining the existing garage.

Planning History

3. None.

Planning Policy

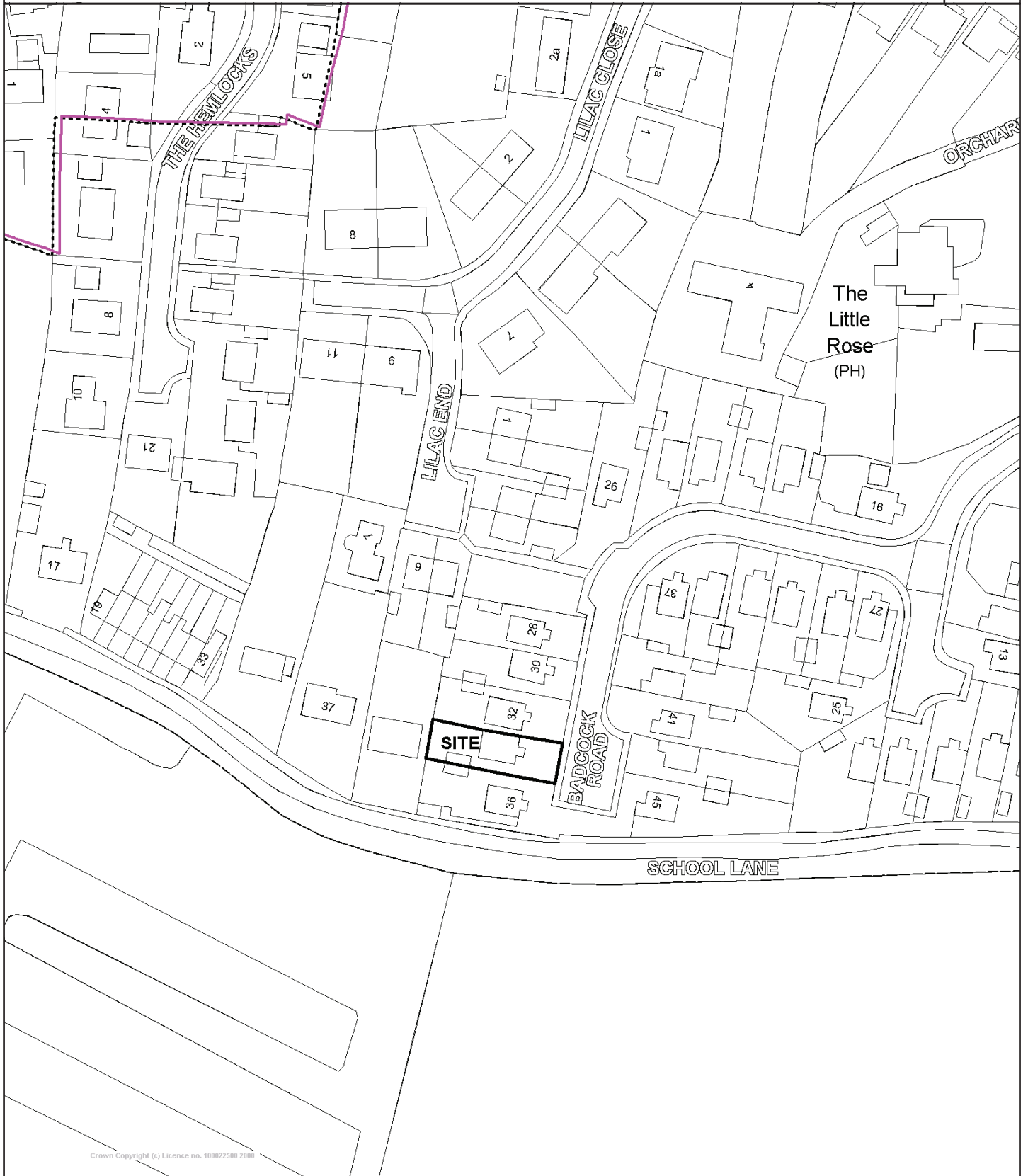
Local Development Framework (Adopted July 2007):

4. **DP/1** (Sustainable Development), **DP/2** (Design of New Development), **DP/3** (Development Criteria) and **TR/2** (Car and Cycle Parking Standards).

Consultation

5. **Parish Council** – Recommends refusal due to overdevelopment of the site and the lack of space between the houses on either side.

S-1387-09-F



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Scale 1/1250 Date 16/11/2009

Centre = 540698 E 252021 N

December 2009 Planning Committee

Representations

6. The District Councillor of Haslingfield has objected to the development, as follows:

Badcock Road was originally designed as a road of about 40 detached but smallish houses. There are a very high number of long-stay occupiers in the close, quite a few of whom have extended their properties in a quite sensitive manner. One of the largest extended properties is probably no. 36. The gardens of most are small but the estate preserves a spacious and open feel despite 2 residents having annexed part of the open front space as part of their gardens.

I find the current application for No 34 to be atypical, too large, somewhat insensitive and taking up too much of the small back garden. These factors impact too heavily upon the neighbours including those in the adjacent street to the rear. In addition, a large amount of the extension will lie upon the boundary of No 36. I do not think this is good practice.

7. The owner/occupier of 36 Badcock Road has objected to the development, as follows:

The development would be visually overbearing and out of keeping with the neighbouring properties, which are all of consistent design. The appearance of the estate would be altered with the proposed extension coming forward of the property with a second storey, when all other properties have a single storey flat roof forward. The extension would lead to loss of privacy and does not appear to consider my boundary fence. Concern also exists with potential damage to trees on the boundary of the drive. Other concerns (e.g. building maintenance, construction process) raised but do not form material planning considerations.

Planning Comments – Key Issues

8. The key issues to consider in the determination of this application are the impact of the development upon residential amenity and the character and appearance of the street scene.

Impact upon Residential amenity

9. The main concern with the development is its impact on the immediate neighbour at 36 Badcock Road, in terms of its height, mass and siting. The side wall of the proposed two storey extension would be located alongside the southern boundary of the site and would be 4.55 metres to eaves level and 5.7 metres to rooftop. Side windows are present in the neighbouring dwelling, although one is an obscured bath window and the second is a secondary window in the kitchen door. In the neighbouring rear garden is a garage to the northern boundary and an outbuilding to the southwest corner of the rear garden.
10. The main bulk and impact of the development would be towards the side wall of 36 Badcock Road and the side driveway, which would help to mitigate the impact on residential amenity. Part of the proposed two-storey element would project past the rear wall of the neighbouring dwelling by approximately 3 metres due to the staggered nature of the buildings. Notwithstanding the proximity of the development to the rear garden area of 36, the enjoyment of this area is not considered to be adversely affected by the development, given the openness to the western and southern boundaries of number 36 and the mitigated roof design of the proposed development, which would help to limit the height of the building and draw some of the bulk away from the southern boundary. The development is considered to have

little impact with regard to loss light at number 36 given the orientation of the application site, and loss of privacy would be mitigated by the proposed high-level windows in the southern elevation. Further openings would need to be restricted in the southern elevation to avoid loss of privacy.

11. The proposed two-storey side extension would be sited approximately 11 metres from the rear boundary of the site and would face the side of the neighbouring dwelling at 39 School Lane as well as the rear garden. The proposed first floor rear window would face the neighbouring dwelling and rear garden but is considered acceptable given the existence of first floor rear windows that already face this neighbour. The distance of the two-storey development to this neighbour would not present a significant overbearing impact.

Impact upon Character and Appearance of the Street Scene

12. The majority of the bulk of the development would be located to the south side of the existing dwellinghouse and the proposed two storey side extension would project beyond the front wall of the existing dwellinghouse by 0.85 metres. Although the development would fill some of the space between the existing dwelling and number 36, this in itself is not considered detrimental to the character of the area. The modern design of the development is considered to provide interesting contrast with the existing dwelling and the form of the development would be subsidiary, providing contrast and distinction with the original building.

Other Issues

13. Existing parking to the south side of the dwelling would be affected by the development but sufficient parking space would remain on the front driveway to meet the parking standards of the Local Development Framework.

Recommendation

14. That the application, as amended by drawing 09/34:P/02B (franked 2nd November 2009), be approved subject to the following conditions:

Conditions

1. Standard Condition SC1 – Time limited 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. The external materials of construction for the building works, hereby permitted, shall be either identical to those used for the existing building or shall be approved in writing by the Local Planning Authority prior to any development commencing. The development shall be carried out in accordance with any 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.)
3. The proposed rooflights in the south elevation of the development, hereby permitted, shall be installed with a sill height of not less than 1.7m above the finished internal floor level and thereafter retained as such.
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (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 south elevation of the extension, hereby permitted, 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.)

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.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee2nd December 2009**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1457/09/F- HASLINGFIELD**Extension and Alterations at 11 New Road for Mr Michael Peacock****Recommendation: Approval****Date for Determination: 2nd December 2009**

Notes: The planning application was requested to go before Planning Committee with a site visit by Cllr Heazell, due to the amenity impact upon adjacent properties.

Members will visit this site on 2nd December 2009

Site and Proposal

1. The site measures approximately 0.09 hectares. The detached two-storey property is within the village framework and gained planning approval in the 1960s (C/0276/61/). The dwelling faces towards the public recreational area and the Cambridge Green Belt. The two-storey dwelling is predominantly constructed out of red bricks and concrete tiles.
2. The dwelling is set back approximately 10 metres from the edge of the public highway. To the south of the site is a Grade II Listed Building (57 High Street) that was constructed in the 1600s but had significant work done in the following couple of centuries. The Listed Building is approximately 50 metres away from the site boundary.
3. The existing building (including garage) measures approximately 15.8 metres x 7.8 metres, with an overall height of 8.2 metres (not including chimney).
4. The proposed two-storey rear extension measures approximately 7.1 metres x 9 metres, with an overall height of 6.5 metres. The single storey rear extension measures approximately 5.5 metres x 6 metres, with an overall height of 4.5 metres.
5. The proposed development was amended on the 16th November 2009. This amendment added an additional obscurely glazed window on the south elevation and corrected a mistake of the elevation titles (east and west elevation labels swapped around). This amendment was not considered too significant as to seek further views from those previously consulted and so was sent to them for information only.

Planning History

6. **C/0276/61/** - The dwelling gained planning approval.

S-1457-09-F



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Scale 1/1250 Date 16/11/2009

Centre = 540896 E 252231 N

December 2009 Planning Committee

7. **S/0086/09/F** – The proposed development for extensions and alterations was refused on two grounds. The first reason was that the development was considered to be unsympathetic to the existing dwelling, due to the scale and design of the extension. The second was significant harm upon residential amenity, due to the scale, design and proximity of the development to the neighbouring properties.
8. **S/0842/09/F** – The proposed development for an extension and alterations was refused on two grounds. The proposed development had not overcome the reasons for refusal in the previous application (**S/0086/09/F**).

Planning Policy

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

9. **DP/2** – Design of New Development.
10. **DP/3** – Development Criteria.
11. **GB/3** – Mitigating the Impact of Development Adjoining the Green Belt.
12. **CH/4** – Development Within the Curtilage or Setting of a Listed Building.

Consultation

13. **Haslingfield Parish Council** – States there was a split vote on this application. It requests a site visit and enclosed two letters of objection from No.22 and 24 Fountain Lane.
14. **Conservation Manager** – The Conservation Manager states that the proposed extension would be some distance from the Listed Building and screened from it by a row of trees, there would be no impact on the setting of the Listed Building. However, the proposal, which is almost as large as the one that was refused (S/0842/09/F), would dominate the rear elevation of the existing dwelling by virtue of its scale, form, massing and design and would significantly alter its simple design and form. The Conservation Manager further states that it is appreciated that the extension has been set back and reduced in width but it is still the same length and out of proportion with the existing dwelling. The addition of a single storey dining extension to compensate for the loss of floor space will be visually intrusive when viewed from the street and will not sit comfortably with the existing flat roofed garage. The recommendation is for refusal, as the proposal is not an improvement on the earlier scheme and should be refused for the same reasons.

Representations

15. 24 Fountain Lane – Objects to the proposal and asks that the application is refused. His first point is that the proposed extension is once again of a similar size to the applicant's existing dwelling. Its scale and design is similarly unsympathetic to that of the original dwelling – more akin to a new dwelling house, rather than a subservient extension to the original structure.

His second reason is that the design and appearance of the proposed extension continues to be functional rather than attractive. No attempt

appears to have been made in this proposal to incorporate features that enhance the character and appearance of the village. Once again, the proposed extension shows no sustainable or environmental features that would lessen its significant environmental impact.

The third reason he puts forward is that the proposed development by virtue of its design, scale and close proximity away from his property will have a detrimental impact upon his residential amenity. The proposal still puts significant mass on slightly risen ground, which will largely reduce the enjoyment of his garden.

His final reason is the proposal to increase the number of bedrooms at the property from four to five there seems only a small housing gain when measured against the large scale of the development. The predominate housing need in the locality is for small housing units whereas most new recent development in the village is of four and five bedroom houses. There appears to be no justified housing need for additional five bedroom properties in the village.

16. 22 Fountain Lane – The occupiers have several concerns over the proposed development and have provided photos of the outlook from their property. Their first concern is over the scale of the development, as it would lead to the doubling of the size of the dwelling. They believe this to be out of character with the surrounding properties.

Their second concern is the loss of the rural views and parts of the extension will be visible from New Road and Fountain Lane.

Their third concern is that the roof will not be able to be constructed at the proposed height and will need to be increased in height for it to be successfully built.

Their final concern is that application contains a proposal for a new bedroom window in the gable end wall of the existing house. These windows, they state, will directly overlook their property and garden. They wish some clarity on whether the rooflights will be obscurely glazed and are concerned about the windows in the single storey extension looking into their property.

Planning Comments

17. The main planning considerations for this development are whether it preserves or enhances the local area, its impact upon adjacent Listed Building and whether it will have a detrimental impact upon neighbour amenity.
18. ***Impact upon the character of the area*** – The proposed development is located at the rear of the property. However, the development would be visible from some public land. The dining room roof will be visible from New Road, as it is higher than the existing flat roof over the garage. The other public views of the development are between 22 and 24 Fountain Lane and between 18/18A and 22 Fountain Lane.
19. In connection with the comments received from the neighbours regarding the increase in internal space and bedrooms the proposed development would have a 77.69 % increase in floorspace and 73.9% increase in volume

approximately. This increase in space would allow for an additional bedroom plus en-suite upstairs with a new living and dining room downstairs. This, however, is immaterial in deciding this particular planning application. The site is within the village framework and as such there is no policy restriction within the local development framework to specifically limit the increase in volume or floorspace of a dwelling. It is correct that smaller properties are in demand within the district, as reflected in HG/2 (Housing Mix) that requires developments of up to 10 new dwellings that 40% should be 1 or 2 bedroom dwellings with only 25% of dwellings have four or more bedrooms. This policy while having no material bearing upon the determination of this application does put dwellings with four or more bedrooms in the same category. The creation of a larger dwelling within the village framework is therefore not harmful in itself.

20. On the opposite side of the road to 11 New Road is the recreation ground and the Green Belt. The proposed rear extension will have no significant impact upon this open space, as it is nearly all hidden behind the existing dwelling. The proposed development will not have any impact upon the openness or rural character of the Green Belt and therefore complies with Policy GB/3 (Mitigating the Impact of Development Adjoining the Green Belt).
21. The proposed two-storey development is two gable ends that are similar design to those found on 13 New Road and 24 Fountain Lane and is approximately 1.7 metres lower in height than the existing roof ridge. The proposed two-storey element of the rear extension is of similar size to the original dwelling (excluding garage). The single storey development is located on the north side of the two-storey element and has a hipped roof. The scale of the extension is still similar to that of the existing dwelling but due to the height of the extension being significantly lower than the existing dwelling and there being only a few obscure views of the proposed extension, it is considered that the main dwelling will remain the dominant building with the extension being subservient. The proposed design is appropriate to the locality with two dwellings to the north having a similar design.
22. The change in materials from brick to render of the dwelling could be done under permitted development, for this reason little weight is given to this element of the proposal and the proposed alteration is considered not to significantly change the character of the area.
23. The proposed development is considered to preserve the character of the area and therefore complies with DP/2 (Design of New Development).
24. ***Impact upon adjacent Grade II Listed Building*** – The Grade II Listed Building (57 High Street) is approximately 50 metres from the boundary between No.57 and the application site. The boundary between the two properties is made up of a row of mature trees.
25. The proposed development is considered to have no significant impact upon the Listed Building, due to the distance between the Listed Building and the proposed extension and the current row of mature trees that form the boundary between the two properties. The proposed development does not detract from the setting and character of the Listed Building and is therefore considered to comply with Policy CH/4 (Development Within the Curtilage or Setting of a Listed Building).

26. ***Impact upon adjacent Neighbouring Properties*** – There are six neighbouring properties around the site. The two neighbours who have written in with concerns over the proposed development are 22 and 24 Fountain Lane, which are located to the north of the site and are set on slightly lower ground (0.3 – 0.5 metres approximately). The property of 13 New Road is located to the north of the site and is attached to No.24. The property of 18 Fountain Lane is located at the rear and to the west of the site. The two properties to the south are 57 High Street and 7 New Road.
27. The rear of 13 Fountain Lane faces towards the front driveway of No.11. The proposed extension is at the rear of the property; due to this there will be no significant impact upon the amenity of No.13.
28. The property of 24 Fountain Lane is located almost directly north of the dwelling of No.11 and currently faces the two-storey gable end and the flat roof garage. The previous applications (S/0086/09/F and S/0842/09/F) both proposed a two-storey element that came closer to No.24 than the existing dwellinghouse, this would of led to the garden of No.24 becoming enclosed. The proposed two-storey extension is indented by approximately 0.3 metres and is set approximately 8.5 metres away from the boundary between No.11 and 24. The proposed extension, while it will reduce the amount of sky this neighbouring property benefits from, is considered to be low enough and set back far enough away from No.24 to prevent their being undue overbearing or significant loss of light and residential amenity. The proposed development in its current form will not cause any loss of privacy to this neighbour. Conditions can ensure the privacy this neighbour currently benefits from is protected.
29. The property of 22 Fountain Lane resides to the north of the site and approximately half of this neighbouring property is directly north of the proposed extension. In connection with the neighbour's concern that the proposed extension will change their current outlook from a rural to an urban view, it is noted that the property currently has no major solid objects for approximately 80 metres to the rear. However, the loss of a view is not a material planning consideration and no weight has been given to this specific neighbour's concern in determining this application.
30. The two-storey element of the extension is approximately 9.5 metres from the boundary between No.11 and 22 and approximately 20 metres between the extension and the dwelling of No.22. It is considered that there will be no undue overbearing or significant loss of light, due to the distance between the relatively low height two-storey extension and No.22. The comment the neighbour made about the structural implications of achieving the roof on the twin gable element is not a concern as part of the planning procedure during this application. If the applicant is unable to build the proposed development to the stated height and the roof height changes by more than 0.1 metres, then it would be considered by planning officers that the development has not been built in accordance with the plans and enforcement action would be possible. The rear (west) facing first floor windows that will serve the proposed new bedroom will only overlook a small proportion of the garden space of No.22; the current willow tree also reduces the potential loss of privacy. It should be noted that as the site is not within a conservation area there is no statutory protection on this tree. With only a small amount of garden being overlooked by these windows it is not considered that they will cause a significant loss of privacy. The other proposed first floor windows

facing northwards are rooflights, shown to be above 1.8 metres above finished floor level and an obscurely glazed window. The ground floor windows in the single storey extension face towards the 1.8 metre wooden fence and hedge boundary between No.11 and 22, these windows are not considered to cause a significant loss of privacy and the same amount of ground floor glazing could likely be achieved under permitted development. It is considered reasonable to removed permitted development rights regarding windows and ensure the north facing window is obscurely glazed in order to ensure privacy. It is considered that the proposed development will not have a significant impact upon the residential amenity of 22 Fountain Lane.

31. The property of 18 Fountain Lane resides to the west and at the rear of the site. The distance between the boundary of No.18 and the proposed extension is approximately 17 metres. The distance between the extension and this neighbour prevents there being any significant loss of privacy or light and no increase in overbearing. The proposed development will have no significant impact upon this neighbouring property.
32. The two properties to the south will not lose any sunlight and with the development being set 7 metres away from the common boundary, it is not considered that there will be undue increase in overbearing impact. The proposed two-storey element will place three rooflights and three obscurely glazed windows on the south elevation. It is considered reasonable to control these windows to prevent there being a significant loss of privacy in the future, in particular to No.7.

Recommendation

33. Approve as amended on the 16th November 2009, subject to the following 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 that have not been acted upon.)
 2. The proposed first floor windows in the side elevations of the extension, hereby permitted, 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.)
 3. 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 side elevations of the extension 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.)

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

- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Planning Files Ref: S/1457/09/F, S/0842/09/F and S/0086/09/F.

Contact Officer: Andrew Phillips, Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 nd December 2009
AUTHOR/S:	Executive Director (Operational Services)/Corporate Manager (Planning and Sustainable Communities)	

C/6/9/1A – HISTON AND IMPINGTON
Discharge of Condition 5 –
Lighting at the Histon and Impington Bus Stops, Station Road
For Cambridgeshire Guided Busway

Recommendation: Delegated Approval / Approval

Notes:

This submission has been reported to the Planning Committee for determination because the officer recommendation of approval is contrary to objections raised by Parish Councils.

The application has been deferred from 4th November 2009 meeting.

Background

1. On 21st December 2005, the Secretary of State for Transport directed that planning permission be deemed to be granted for the development included in the Cambridgeshire Guided Busway Order. Condition 5 reads:
 - (a) Details of the lighting system and switching arrangements proposed at all stops and along the off-highway sections of the route and to new and replacement footpaths, cycleways and bridleways shall be submitted to and approved in writing by the local planning authority before that part of the development is brought into operation;
 - (b) The works shall be carried out in accordance with the approval given by the local planning authority or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

Reason: in the interests of safety of users and visual and residential amenity.

2. The details of the design and external appearance of each of the bus stops have been approved and the relevant condition 3(a) discharged in regard to these. The approved details include the number and siting of lamp columns.

Site and Proposal

3. The submission, attached to a letter dated 15th June 2009, proposes details of the lighting arrangements at bus stops on the Guided Busway. Technical electrical specifications have been submitted. In addition the following information has been provided:

“Street lighting lamps have lower half clear and upper half solid to ensure light emits downwards only.

Switching is by light sensors (PECU) for night-time illumination only (dusk to dawn).

Bus shelter lighting is switched in the same manner. Fittings are angled to cast light downwards and across platform avoiding upward lighting as much as practicable.

Details of Lighting installed at Bus Stops on the Cambridge Guided Busway:

Histon and Impington: 11 Lamp Columns.

There are no Lamp Columns on the proposed Maintenance Track or any Cycleway/Footpath on the Cambridge Guided Busway.”

4. Works went ahead to install the lights prior to the scheme being agreed. Bus shelter and column lighting has been causing light pollution to residential properties at Pepys Terrace and Villa Place. The issues relate to the level of lighting, as they have been causing light glare into residential properties, and hours of operation, as they have been left on all the time. It was also noted that the number of columns is greater than approved under the bus stop design.

Consultations

5. The Parish Councils of Impington and Histon and Environmental Health were consulted on the original scheme.

6. **Histon Parish Council** recommends refusal based on:

“Lights should cease operation when buses not operating (currently proposed to be illuminated dusk till dawn). To avoid over-illumination Council suggest provision of solar lighting.

Solar lights along maintenance/cycle track preferable - important it should have **some** lighting.

Plans of siting required and better specifications, including standards of lights to be provided in bus stop.”

7. **Impington Parish Council** recommends refusal based on:

“Lack of detail and specificity e.g. siting details, so difficult to comment on suitability.

Committee question the need for dusk to dawn lighting when service due until Midnight only, although acknowledging may be sensible to leave on at some key sites.

Disappointment that no lights on maintenance/cycle track, cyclists needing illumination support.”

8. The **Parish Councils** are to be consulted on revised schemes, once received. An update will be provided.

Representations

9. The Parish Councils forwarded comments from a resident of 13 Villa Place, Impington. Having experienced the column lights turned on at the St. Ives bound Histon/Impington bus stop for a period at the end of July, he objected to the unacceptable light sources shining into his back bedroom and living room and into his rear garden, causing a privacy and security problem. He requested that the height and number of lamps be reduced and the bulbs are shrouded to stop light escaping far from the platform.
10. In response to the above comments from Histon and Impington Parish Councils, the Project Manager stated:
 - “1. The Bus Stop Lighting is to remain on from Dusk to Dawn as a security measure in conjunction with the CCTV System to prevent vandalism to the ticket machines and other equipment.
 2. Solar Lighting at the stops has been investigated but there is currently no Solar Powered Equipment available to meet the operating requirements of the equipment installed at each stop.
 3. All practicable means have been taken in the design of the Bus Stop lighting to counter Light Pollution.
 4. The deemed Planning Condition for the approved scheme does not cover lighting of the cycleway.
 5. The specification supplied with the original submission was an abstract from the Contract Specification.”
11. It has also been pointed out that the County Council’s statement of case to the public inquiry said:

4.80. In order to reduce light pollution particularly in both rural and residential areas, lighting will not be included along the guideway or maintenance track between junctions.”

Therefore it doesn’t form part of the scheme considered at the Public Inquiry and by default is not covered by the planning permission.
12. In response to the comments from the occupier of 13 Villa Place, the County Guided Bus Team agreed it would check that the lighting levels meet the specification and would look into providing shielding. The specified levels of lighting are quite high at the stops and are based on Disability Discrimination Act requirements for railway stations.
13. Since installing the lights complaints have also been received from the occupier at 7 Pepys Terrace on 3rd November 2009:
 - (a) “The fluorescent lights for the bus shelter itself are now on. They are significantly brighter than the high level lights, both previously and since the addition of the shades, and being at head height are a significant intrusion into our house and garden.
 - (b) The promised timers are not working still, as the lamps have been on all night, every night, since the test last week.”

Planning Comments

14. Members will recall that at its meeting on the 7th October 2009 it resolved to not approve the scheme submitted for the lights at the Histon and Impington bus stops. The concerns expressed related to the impact on neighbouring amenity. A decision was not made in order to allow officers to continue to assess the impact of the light columns on neighbouring properties and to seek from the developer either a reduced number of columns or the use of full cut-off luminaires that meet Institution of Lighting Engineers standards or a combination of these and any other effective alternative.
15. Following the October meeting Planning and Environmental Health Officers, accompanied by local Member, Councillor Mike Mason, met on site with the developer to discuss possible alternatives. Subsequently, initial details of an alternative scheme was to be submitted by the developer, which would be the subject of further consultation with local Members and the two Parish Councils. This scheme included the existing 8 metre high light columns, with light shields and timers to automatically cut off the lights when buses are not running.
16. BAM Nuttall was willing to re-assess the number and height of the lighting columns, however it has advised that the 8 metre high columns provide a good spread of light. If it were required to provide fewer columns Bam Nuttall advised that the height would have to increase to provide the necessary light spill area.
17. Revised drawings were submitted by Bam Nuttall, showing the position of the lights and noting that shields are to be provided to all lights on the 23rd October 2009. No details of the lights or shields were included. This information has been requested.
18. At its meeting on 4th November 2009, Members raised concerns that the lighting was still causing amenity problems. It was resolved to defer the application, in order to allow further negotiations to take place between officers, Histon and Impington Parish Councils, affected residents and local Members.
19. It was agreed that the Environmental Health Officer would visit the site after dark and view the lamps when illuminated from the bus stops and affected residential properties to gauge the effectiveness of these measures. Site visits were accordingly carried out to 13 Villa Place and 7 Pepys Terrace.
20. As a consequence of on-going work by the Environmental Health Officer remedial works have been carried out on site. This includes the installation of shields to column lights and works to resolve issues with the operation of the timing switches, i.e. the lights do now automatically switch off shortly after the last bus has passed at 11pm.
21. The issue of glare from the bus shelter lights remains to be resolved. Lighting within the bus shelters is necessary for safety and security reasons. Each shelter has four lights wired, although only two will be in use and the level of illumination will be reduced from 250 to 120 lux. This is not considered to be unreasonable on security grounds or unacceptable for the shelters to be lit using photo-electric control units outside the hours of bus operation, provided they can be screened to address glare issues.
22. At a meeting with The Parish Councils, Local Members, County Councillor, and officers held on the 12th November 2009 it was noted that

either a technical solution, such as light shields to the bus shelter lights or a boundary fence constructed to the affected Pepys Terrace properties, would need to be provided. A letter has been sent to the County Council requesting this. The Environmental Health Officer has also advised that Bam Nuttall are in the process of trying to source a solution to the glare from the bus shelter lighting. An update will be provided.

23. Recommendation

24. **Approval** be granted to allow condition 5 to be discharged in regard to the details of the lighting system for the Histon and Impington bus stops, subject to receipt of satisfactory details of the following:

- (a) lights and shields, and
- (b) an acceptable solution to the glare from bus shelter lights on the St. Ives bound Histon/Impington stop (Pepys Terrace side).

25. Alternatively, in the event of satisfactory details not having been received by the time of the meeting to enable the authority to determine the suitability of the proposals, **delegated approval** in order to allow points (a) and (b), above, to be resolved in accordance with further consultation with Environmental Health, the Parish Council and local Members on those details to be carried out and subject to no new material planning considerations having been raised as a consequence.

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

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 nd December 2009
AUTHOR/S:	Executive Director (Operational Services)/ Corporate Manager (Planning and Sustainable Communities)	

S/1071/09/F - MELBOURN**Change of Use B1 (C) to B2 and Erection of Covered Cycle Stores
at Buildings 1 and 2 Whiting Way, Melbourn for Miss Clare Nicholson****Recommendation: Delegated Approval subject to Conditions****Date for Determination: 2nd October 2009****Notes:**

This Application has been reported to the Planning Committee for determination following a referral from Chairman's Delegation.

Members will visit this site on Wednesday 2nd December 2009

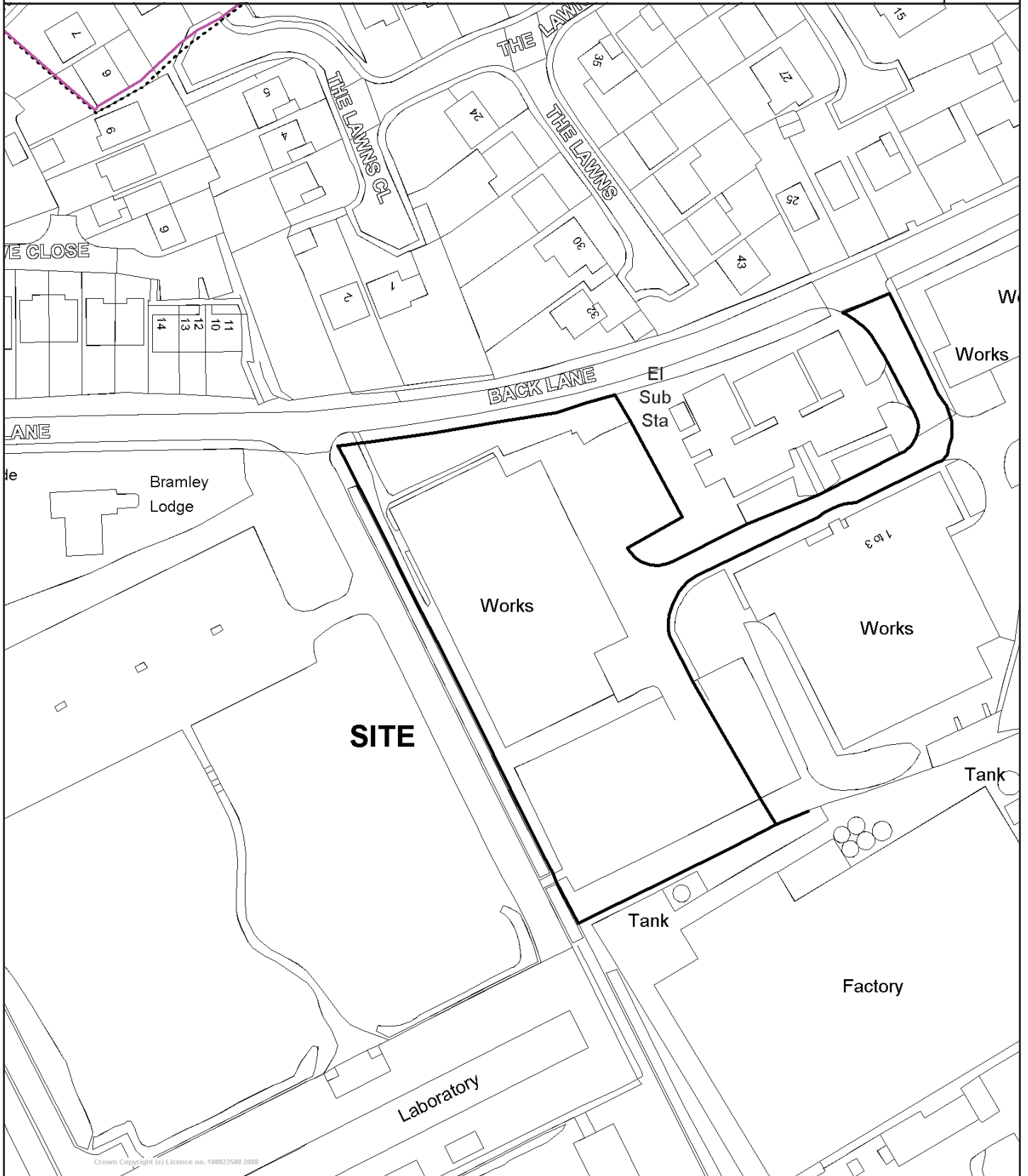
Site and Proposal

1. The application site comprises 0.7ha and is located in Melbourn on an existing employment site inside the village framework, as identified within the South Cambridgeshire Local Development Framework 2007. The site comprises an existing brick built building of 2117m² in floor area and 70 existing parking spaces. Access is achieved via an existing access off Back Lane and would be shared with other units on the same site.
2. The land to the north is an established residential area comprising modern detached dwellings in The Lawns and Lawns Close, which are cul-de-sacs. Back Lane and a band of trees and shrubs along the northern boundary divide these from the site. To the east, south and west are further industrial buildings, some currently vacant.
3. This full application, submitted on 27th July 2009, seeks consent to change the use of the site to allow for the manufacture of rotationally moulded plastic tanks and rainwater harvesting systems with ancillary storage and office use (B2) and covered cycle storage. The application contains a Design and Access Statement and a Noise Assessment.

Planning History

4. The site has a long planning history. From the first consent of the building itself the site has seen various applications, predominately and most recently for the company 'Plasmon' who occupied the site up until recently after the firm went into administration. The building has remained empty since this time (approximately 1 year). The majority of the planning history refers to temporary consents for temporary office buildings, which were renewed several times over. One occasion saw the refusal of a renewal and its permanent retention because an agreed planting scheme had partially failed and because the application was considered to be premature, after only 6 months of a two-year permission had elapsed and in advance of the establishment of the required planting.

S-1071-09-F



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Scale 1/1250 Date 16/11/2009

Centre = 538048 E 243941 N

December 2009 Planning Committee

5. An application for the redevelopment of the site was refused based on the proposed office building being visually detrimental and overbearing to neighbouring residents. This application under planning reference S/0455/00/F, was later revised and resubmitted in which the office building was completely removed and granted consent in June 2000.
6. This consent was heavily conditioned. These included a landscaping scheme to be submitted, a noise restriction of 38Db (A), details of power driven plant equipment for heating, ventilation and for the control or extraction of odour, dust or fumes, restriction on hours of construction work, drainage details, turning and parking layout, a restriction on its occupiers and exterior lighting.

Planning Policy

7. Planning Policy Statements:
 1. **PPS1** (Delivering Sustainable Development)
 2. **PPG4** (Industrial commercial development and small firms)
 3. **PPS7** (Sustainable Development in Rural Areas)
 4. **PPS 23** (Planning and Pollution Control)
 5. **PPG24** (Planning and Noise)
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.

South Cambridgeshire Core Strategy 2007

9. **ST/5 Minor Rural Centres** includes Melbourn.

South Cambridgeshire Development Control Policies 2007

10. **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.
11. **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.
12. **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.
13. **ET/1 Limitations on the Occupancy of New Premises in South Cambridgeshire** sets out the development criteria for employment uses in the District and floor space restrictions.
14. **ET/6 Loss of Rural Employment to Non-Employment** states in part that the conversion, change of use or re-development of existing employment sites to non employment uses within village frameworks should be resisted unless certain criterion are met.

15. **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%.
16. **NE/6 Biodiversity** - New developments should aim to maintain, enhance, restore or add to biodiversity.
17. **NE/15 Noise Pollution** states in part that it does not support development that would have an adverse impact on indoor and outdoor acoustics environments that cannot be adequately controlled.
18. **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).
19. **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.
20. **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.
21. **Appendix 1** of the LDFDCP 2007 states that within class B2 use, there should be a maximum of one parking space per 50m² of gross floor area.

Consultation

22. **Melbourn Parish Council** recommends approval subject to SCDC enquiring as to whether the change of use will result in undue additional noise levels.
23. **Corporate Manager (Health and Environmental Services)** has no objections providing conditions are put in place to protect the neighbouring residents from potential noise and odour pollution from the new use.

Representations

24. In addition to statutory publicity and the display of a site notice, direct notification was carried out to fifteen surrounding properties.
25. There have been 5 letters of objection to this application. The concerns are as follows:
 - (a) The application proposes unrestricted hours of operation and is unacceptable.
 - (b) Noise from fork lifts, heavy-duty traffic, power generators and air conditioners.
 - (c) Noise type (background pitch) is disturbing at night/in gardens.
 - (d) General chemical abatement not adequate for the manufacturing process in a residential area.
 - (e) Chemicals from the plastic moulding operations will be unpleasant and impact on the environment and generated 24 hours a day.

- (f) Justification of generating new production working jobs in a local area is enough to justify a significant change of use and subsequent impact on the local environment.
 - (g) Objections raised on previous application that have not been addressed.
 - (h) Not suitable for anything greater than light industrial use due to proximity of neighbouring residents.
 - (i) Odour pollution from plastics.
 - (j) Inaccuracy of Design and Access Statement (existing screening/job creation number/distance of dwellings from site).
 - (k) Future use of the site and other neighbouring buildings for B2 use.
26. In addition to the letters of objection noted above an additional email was sent to Planning Committee Members 29th October from the occupier of No.37 The Lawns as a representative for residents of The Lawns, The Lawns Close and Rupert Neve Way Melbourn. In addition to the above concerns it raises the correct use of policies in determining this application, the lack of accessibility to the submitted noise assessment and discrepancies with proposed conditions if the scheme were to be granted consent.

Planning Comments – Key Issues

27. The key issues to consider in the determination of this application are whether the difference in the application floor space figure for ET/1 B2 is acceptable, the impact on neighbouring properties due to noise and odour and provision of car/cycle parking.

Floor space Provision of ET/1 for B2 use

28. ET/1 specifically refers to the change of use of buildings for employment uses. Criterion d. refers to '*other small-scale industries in use classes B1(c), B2 and B8 (up to 1850m²)*'. The proposed change of use is to an existing floor space of 2117m², a 267m² difference in floor space to that in the said policy. It is the view of officers, that given the existing B1(c) use, which is covered in the same policy, the difference in floor area is negligible and would not harm the aims of the policy. These include sustainable management of employment growth and to provide a balance of local job opportunities. It is for this reason that officers support the proposed change of use under the said policy and do not feel that it warrants a departure from the Local Development Framework Development Control Policies 2007. It has been discussed with the Policy Team that we are indeed assessing this scheme correctly and it is confirmed that ET/1 is the most relevant as it specifically refers to change of use.

Noise

29. From the correspondence received to date it is clear that there have been problems of noise in the past on this site from the previous occupiers. The objections see the proposed change of use as having more harm to neighbouring properties as it is allowing for a heavier industrial use. The hours of operation proposed show as 'unrestricted' on the planning application and this has caused concern regarding the noise implications to nearby residents.
30. The scheme is not proposing any new installations by way of ventilation, heating or extraction; however, these may be needed in the future. The Environmental Health Team have been involved in the submission of a Noise Assessment from the applicants and have worked with the appointed noise consultants to ensure the correct information, insofar as is reasonably practicable, has been submitted to enable the application can be assessed.

31. Environmental Health has included appropriately worded conditions in their comments to ensure there are no noise/odour implications in the future that cannot be adequately addressed. The monitoring of this site is also an important factor to ensure we do not fail where perhaps we have done in the past with the previous occupiers in meeting the requirements of the conditions put in place.
32. The submitted noise assessment was located on the public file to view, however it was not viewable online. This was rectified immediately and for transparency this report was withdrawn from November Committee to allow for additional comment. There have been no further representations since this assessment has been made available.

Odour

33. Odour nuisance is dealt with under Sections 79 & 80 of the Environmental Protection Act 1990. Odour from units, such as that proposed, would be investigated should Environmental Health Services receive complaints and action deemed justified.
34. It may be possible that odour from the manufacturing process could adversely impact those living in the nearby residential properties. For this reason it has been agreed that the applicant supply a scheme for the mitigation of odour.

Car/Cycle Parking Provision

35. The scheme has parking provision for up to 70 car parking spaces and the scheme proposes the construction of a covered cycle shed for 55 cycle spaces. The maximum requirement for this site under the B2 use is 42 spaces for cars and 52 spaces for cycles. The application has more than enough space for its proposed use and therefore the provision is acceptable in meeting the relevant policy requirements.
36. Noise Assessment – this was located on the public file to view, however it was not viewable online. This was rectified immediately and for transparency this report was withdrawn from November Committee to allow for additional comment. There have been no further representations since this assessment has been made available.

Recommendation

37. Approval subject to the following 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 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, NE/6 and NE/15 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, NE/6 and NE/15 of the adopted Local Development Framework 2007.)
4. The use, hereby permitted, shall not commence until details of the proposed covered and secure cycle parking has been submitted and agreed in writing by the Local Planning Authority. The covered and secure cycle parking area shall be provided in accordance with the details. (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. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or associated plant and or equipment in order to minimise the level of noise emanating from the said building(s) and/or plant/equipment shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.
(Reason - To protect nearby residents from adverse levels of noise and disturbance, safeguard the amenity of nearby properties and limit any background noise increase in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)
6. The use, hereby permitted, shall only operate from Monday to Saturday; the use shall not operate at any time on Sundays, Bank or Public holidays.
(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. No operational activities associated with the permitted use shall be undertaken externally within the site between the hours of 1900hrs and 0700hrs.
(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)
8. Between the hours of 1900hrs and 0700hrs external doors and windows shall remain closed at all times except for immediate access/egress and in the case of an emergency.
(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)

9. No deliveries shall be taken at or despatched from the site outside the hours of 1900 hrs and 0700 hrs or at any time on Sundays, Bank or Public holidays. (Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. Before the development/use hereby permitted is commenced, a scheme to protect the nearby existing residential premises from odour, fumes or other effluvia arising from the use (to include an odour assessment as necessary and details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and or odours), shall be submitted to and approved in writing by the local planning authority. The approved extraction/filtration/abatement scheme/s shall be installed before the use hereby permitted is commenced shall be retained thereafter in perpetuity. Any approved scheme / system shall not be altered without prior approval. (Reason – To protect the nearby residential premises from loss of amenity from odour in accordance with policy NE/16 of the Local Development Framework adopted 2007.)

Informatives

1. To satisfy any noise insulation condition the noise level from the operational end use including building noise breakout, processes and all powered plant, vents and equipment, that may operate collectively and having regard to a worst case operational scenario (operating under full capacity / power / load), shall not increase / raise the existing concurrent lowest measured representative background level $\text{dB } L_{A90,1\text{hr}} (L_{90})$ during the day between 0700 to 2300 hrs and the existing lowest background level $\text{dB } L_{A90,5\text{mins}} (L_{90})$ during night time between 2300 to 0700 hrs, at the boundary of the premises subject to this application (or if not practicable at a measurement reference position / or positions in agreement with the LPA) by no more than 3dB and having particular regard to location of noise sensitive premises. Noticeable acoustic features and in particular tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB (A) correction. This is to guard against any creeping background noise in the area and to protect the amenity of the area, preventing unreasonable noise disturbance to other premises.
2. To demonstrate this requirement it is recommended that the agent/applicant submits a noise assessment survey/report in accordance with the principles of BS4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. In addition, to validate / verify any measured noise rating levels, noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.
3. Such a survey / report should include: a large scale plan of the site in relation to neighbouring noise sensitive premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; potential building noise breakout, details of noise mitigation measures (attenuation details of any proposed noise insulation of building envelope, enclosures, silencers or

barriers); description / details of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L₉₀) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

4. Any approved fume filtration/extraction system installed, shall be regularly maintained in accordance with manufacturer specification to ensure its continued satisfactory operation to the satisfaction of the Local Planning Authority.

It is suggested that documentary evidence including receipts, invoices and copies of any service contracts in connection with the maintenance of the extraction equipment, is kept, preferably at the premises and is available for inspection by officers of the Local Planning Authority, to facilitate monitoring of compliance with this condition.

5. Further advice regarding the assessment and control of odour, is contained in the following guidance document:

Technical Guidance Note Integrated Pollution Prevention and Control (IPPC) H4: Horizontal Guidance for Odour (DEFRA 2002)

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

- South Cambridgeshire Local Development Framework Development Control Policies 2007
- South Cambridgeshire Core Strategy 2007
- PPS1
- PPG4
- PPS7
- PPG23
- PPG24

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 2nd December 2009
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager (Planning and Sustainable Communities)

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

S/1018/06/F – WEST WRATTING

13 wind turbines, electricity transformers, access tracks, crane hardstandings, control building, substation, permanent anemometry mast, highway modifications, temporary construction compound and two temporary anemometer masts – Land at Wadlow Farm, Six Mile Bottom Road, West Wratting for RES Developments Ltd – Appeal allowed

Purpose

1. To highlight a recent appeal decision of interest. To consider whether the decision is one that can and should be challenged. To consider what implications, if any, this decision has on the appeal against the Council's non-determination of an application for seven wind turbines on land at Little Linton Farm, Linton.

The Appeal decision

2. Planning permission for the above development was refused by notice dated 7 June 2007. The grounds of refusal were:
"Whilst Policies P7/7 of the Structure Plan 2003 and NE/2 of the Local Development Framework (LDF) 2007 support proposals which generate energy from renewable sources, the benefits accruing from this proposal are outweighed by the substantial harm caused by the number, height and extent of the turbines dominating the character and quality of this landscape which can be appreciated by the public from nearby important public rights of way. The scale of the proposal would, therefore, be contrary to Policies P7/4 of the Structure Plan, EN1 of the South Cambridgeshire Local Plan 2004 and NE/4 of the LDF"
3. A public inquiry was held between 9 June and 7 July 2009. Those appearing at the inquiry included the Council, the Appellant and the Stop Wadlow Wind Farm Campaign (SWWF). The appeal was recovered for the Secretary of State's ("SoS") own determination as "the appeal involves proposals of major significance for the delivery of the Government's climate change programme and energy policies".
4. The Inspector's 111-page report, dated 26 August 2009, recommends the appeal be allowed subject to conditions. By letter dated 9 November 2009, the SoS has allowed the appeal, subject to the same conditions. A copy of the SoS decision letter is appended to this report.
5. The decision of the SoS to allow the appeal closely follows his inspector's recommendations. The main issues were identified as:
 1. The capacity of the local landscape to accommodate the proposed wind farm

2. Whether the living conditions of nearby residents can be adequately protected from turbine noise
6. Members will note that this second issue was not a reason for refusal. It was put forward by the SWWF that while the turbines would not inevitably cause unacceptable disturbance to local residents, there is a risk they might do so. Such a risk should be safeguarded against.
7. The SoS has concluded that the proposals would accord with the development plan as a whole. There would be some conflict with policies designed to protect the historic environment (namely Grange Farmhouse and Fleam Dyke) and due to exposure to noise. Nevertheless, “development plan policies are generally welcoming towards renewable energy development and that, to the extent that any conflict may arise with particular policies, these are outweighed by the importance of achieving the national policy objectives relating to climate change and energy supply”.
8. The site was found to be in an area where there is some capacity for a wind farm. Suggestions that there would be a loss of openness, tranquillity and rurality are largely unfounded. While the appearance of the landscape would change, the overall magnitude and effect of such change would be acceptable. There would be insufficient visual impact either on the surrounding villages, or from the closest residential properties. The range of potentially positive effects and the need for renewable energy outweigh the desirability of preserving the settings of Grange Farmhouse and Fleam Dyke.
9. Concerns about turbine noise can be controlled through the use of conditions. While there would always remain some possibility of noise and disturbance from ‘Amplitude Modulation’ (essentially blade swish), residents would be adequately protected in accordance with adopted practice.
10. The appeal was therefore allowed subject to various conditions, most of which are normally applied with windfarm development and a unilateral undertaking. The provisions of the undertaking would help to improve access to Fleam Dyke, provide improved signing and provide for planting and vegetation management.
11. Officers have considered the Inspector’s report and the SoS decision letter in detail. Counsel has provided verbal comments and her written views have been requested. As a result, officers consider that while findings are disappointing, the decision itself is not one, which appears flawed. This aspect is, therefore, not one where a legal challenge is likely to be successful.
12. There are, however, issues concerning condition 7, which deals specifically with noise. The condition is designed to ensure that any noise emitted by the turbines does not exceed a specified level and that should there be complaints, or an established breach of the specified noise limits, this can be adequately addressed. Condition 7(b) states that should the local planning authority receive a complaint, the wind farm operator will assess the level of noise immisions from the wind farm at the complainant’s property following set procedures agreed as part of the condition. The condition lacks some precision, however, as there is no requirement for the operator to submit the results of this assessment to the local planning authority. Condition 7(c) goes on to state that where there is an established breach of the noise limits, the wind farm operator will propose a scheme to mitigate the breach and prevent its future occurrence. The condition does not, however, require the approval of the local planning authority, nor does it require the operator to implement that scheme. Thus

any breach may not be remedied to the satisfaction of either the local planning authority or the complainant.

13. There is a further grammatical error in condition 7(b), although this does not have any material bearing on the way it is read. Condition 7(c) also wrongly cross-refers to condition 6 (construction times) when it should refer to other parts of condition 7. Because these are deemed to be minor slips or errors and do not go to the heart of the condition itself, could probably be remedied on request by the Planning Inspectorate.
14. In view of the above, the local planning authority cannot be satisfied that should there be an established breach of the agreed noise limits, that this would be rectified. This anomaly could only be addressed by way of a legal challenge. There does not appear to be any other mechanism whereby the wind farm operator was able (assuming he was willing) to agree a post-decision amendment to the wording of the condition.

Implications of a legal challenge

15.	Financial	Would involve legal costs to pursue and would require the defendant's costs to be paid in the event a challenge was unsuccessful. There would be additional costs to the authority involved in any re-determination of the appeal
	Legal	A challenge must be made to the High Court within 6 weeks from the date of the decision letter (i.e. before 21 December 2009). A challenge would mean that the development could not go ahead until the matter was resolved. A successful challenge would mean the decision was quashed and the appeal would be re-determined. An unsuccessful challenge would mean that the decision would remain the same and the development could be implemented.
	Staffing	Will require input from planning and legal officers and then additional resources if the challenge is contested and/or the appeal was to be re-determined.
	Risk Management	There is no certainty a challenge would succeed. Even with a successful challenge, it is likely that the appeal would have the same outcome and would be allowed. This has a distinct bearing on the use financial resources
	Equal Opportunities	No Impact, other than to confirm that the SWWF clearly has a locus in this matter as representative of residents in the area to enable it to challenge the decision itself.

16. The Planning Committee is asked to consider the implications of any challenge should Counsel conclude that there is a reasonable prospect of any challenge being successful.

The Linton Appeal

17. The inquiry into the application for seven wind turbines at Linton (with an additional turbine within the district of Uttlesford) is due to commence on Tuesday 2 February 2010. It is currently scheduled to sit for 17 days. There are seven deemed reasons for refusal relating to the impact on cultural heritage; landscape; recreational use of rights of way; turbine noise; aviation, bats and flooding. The last two matters are capable of being resolved. Following a request from Members for officers to investigate further the potential for driver distraction along the A1307, consultants have advised that this reason for refusal could not be sustained at appeal.
18. The Committee is reminded that the Council's noise objections are essentially on the grounds that it has received insufficient information in order to decide the extent to which noise would be a potential problem. Further information has been submitted now the appeal has been lodged and the environmental health officer and the Council's noise consultant are currently considering this
19. In view of the SoS decision to allow the Wadlow Farm appeal, officers have considered if this has any implications for the Council's case for the site at Linton. The following points should be noted:
 - (i) The Council's reasons for refusal at Wadlow Farm were restricted to landscape impact only. This is notwithstanding that the inspector considered noise issues in some detail and also found harm to the historic environment. This is in contrast to the site at Linton where the Council has identified material harm in several cases.
 - (ii) The Council's Landscape officer is content that the landscape issues are materially different between the two sites. Approval of the Wadlow farm development also raises a concern regarding cumulative visual impact arising from two wind farms close to one another. This concern was not a material consideration in the Wadlow Farm inquiry as at that time the Linton application had not been determined.
 - (iii) Ultimately, in both appeals the inspectors (as was the local planning authority at application stage) are required to balance the national policy and development plan presumption in favour of wind farm development against the identified harm. In the Linton case, the Council has identified considerably more harm than was the case at Wadlow Farm and this is of sufficient weight to count against the proposal. While the issues regarding flooding and bats are likely to be satisfactorily resolved, these are considered to be peripheral to the other issues as outlined in paragraph 16 above.
20. Officers therefore conclude that the case for opposing the proposed Linton wind farm remains strong and that collectively, if not individually, the harm arising from the deemed reasons for refusal are sufficient to outweigh the benefits of the scheme.

Recommendations

21. A. Having regard to the reasoning of the SoS and his inspector behind the decision to allow the appeal at Wadlow Farm, the decision itself should not be challenged
- B. Having regard to the wording of parts of Condition 7 insofar as it does not adequately give the local planning authority sufficient grounds to enforce an established breach of planning control nor protect a complainant from possible wind turbine noise, due consideration needs to be given to the desirability of challenging the decision on this basis.
- C. The Council maintains its opposition to the proposed Linton wind farm in line with the deemed reasons for refusal outlined in paragraph 16.

Background Papers

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

- Secretary of State appeal decision for Wadlow Farm dated 9 November 2009 and his Inspector's report dated 26 August 2009
- Application file S/0232/09/F for the proposed Linton Wind farm

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	2 December 2009
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities) and Executive Director (Corporate Services) / Senior Lawyer	

REVIEW OF CHAIRMAN'S DELEGATION MEETING – REVISED DELEGATION SCHEME

Purpose

1. To seek approval for the introduction of a revised delegation procedure following the decision by Committee in October to abolish the existing Chairman's Delegation Meeting.

Information

2. Members will recall the report received by this committee on 7 October 2009, when it was resolved that:
 - a revised delegation procedure be considered at the Planning Committee meeting on 4 November 2009, and introduced as soon thereafter as is practical, subject to review after 12 months' operation;
 - upon its adoption by Planning Committee and introduction of such a revised delegation procedure, Chairman's Delegation meetings be abolished;
 - parish councils be invited to submit their further comments at the end of the period of 12 months referred to in (1) above; and
 - so as to ensure continuity and flexibility of service, Development Control Team Leaders be given the same degree of delegated responsibility as the Corporate Manager (Planning and Sustainable Communities) and Development Control Manager.
3. In the event, and as notified in the update circulated to all district members and parish councils on 29 October 2009, the formulation of a revised delegation procedure to fill the void that would be left by the abolition of the Chairman's Delegation Meeting took a little longer than envisaged due to the need to take into account operational representations made by development control officers. In addition, comments were still being received from parish councils, hence it was decided with the approval of the Portfolio Holder for Planning to report to this meeting rather than that of 4 November 2009.
4. None of the additional representation received indicate against the abolition of the Chairman's Delegation Meeting procedure, or against the revised delegation procedure now described.

The Proposed Delegation Procedure

5. The proposed replacement delegation procedure is set out in the appendix to this report, which is based upon the structure of the existing scheme.
6. Although the abolition of the Chairman's Delegation Meeting process has necessitated many technical changes to the wording of the scheme, the principal changes in effect can be analysed in the following terms:

- Applications under Article 21 of the Town and Country Planning (General Development Procedure Order) 1995 to be treated in the same way as other types of generic 'planning applications'. Article 21 applications are those that seek approvals in compliance with previously imposed planning conditions and must currently be referred to committee regardless of scale or nature, which is anomalous;
 - Increasing transparency as to when, and how, parish representations will result in referral to Planning Committee (i.e. without the 'filter' of the to be abolished Chairman's Delegation Meeting);
 - District Council member call-in to Planning Committee to be exercised within 21 days of registration, contingent upon material planning considerations that indicate the necessity for such referral being identified to the satisfaction of the Corporate Manager, acting in consultation with the Chair of Planning Committee (late requests not to be considered other than in exceptional circumstances determined by the Corporate Manager, acting in consultation with the Chair of Planning Committee);
 - Affordable Housing proposals on exception sites to be referred to Planning Committee where parish views differ from those of the planning officer in material planning terms;
 - Development Control and New Communities Team Leaders, Conservation and Design Officer and Appeals Manager to be vested with delegated responsibilities consistent with those currently held by the posts of Corporate Manager (Planning and Sustainable Communities) and Development Control Manager
7. Ongoing reviews necessitated by the Medium Term Financial Strategy may require specific delegations to be revisited although this should be limited to updating cited designations to reflect any new establishment settled for the Planning and New Communities Service.

Timing

8. Assuming the revised delegation procedure proposed by this report is approved, the same could be introduced from 1 January 2010, which would coincide with other Planning and New Communities procedural changes supporting the securing of planning obligations requiring provision of indoor community facilities and charging for the monitoring of planning obligations generally.

Options and Implications

9. The report considered by Committee on 7 October 2009 identified those arising from the pressure to abolish the Chairman's Delegation Meeting procedure.
10. Although there may be details within the proposed scheme now recommended that are capable of being dealt with in alternative ways, it is considered that the procedure outlined represents the most effective measure immediately available to ensure national targets for determining applications are met so far as is possible, whilst addressing the parish concerns that had been raised as to perceived lack of transparency.
11. The 12-month review embedded within the resolution of 7 October 2009 should enable any necessary refinement of the procedure with the benefit of operational experience.

Recommendation

12. That the Committee approve the proposed delegation procedure for implementation from 1 January 2010, subject to review after 12 months of operation.

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

- Planning Committee report of 7 October 2009 and resulting decision as recorded.

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Appendix 1 – Proposed delegation scheme (South Cambridgeshire District Council Constitution)

**Powers and Functions Delegated by the Planning Committee
(Table 3)**

Executive Director / Corporate Manager (Planning and Sustainable Communities) / Development Control Manager / Conservation and Design Manager / Major Developments Manager/Development Control and New Communities Team Leaders / Appeals Manager

Powers and Functions delegated by the Planning Committee

- A. Powers delegated to Executive Director, Corporate Manager (Planning and Sustainable Communities), Development Control Manager, Conservation and Design Manager, Major Developments Manager, Development Control and New Communities Team Leaders, and Appeals Manager to be exercised in accordance with the provisions of the approved Development Plan and the Council's planning policies.
1. The determination, with or without conditions, of applications for or amendments to:
 - (a) Planning Permission
 - (b) Listed Building Consent
 - (c) Conservation Area Consent
 - (d) Advertisement Consent
 - (e) Approval of Reserved Matters
 - (f) Hazardous Substance Consent
 - (g) Consent to cut down, top, lop, uproot or destroy trees under Section 198 of the Town and Country Planning Act 1990
 - (h) Consent under Sections 36 and 37 of the Electricity Act 1989 (i.e., generating stations and overhead lines) (Circular 14/90)
 - (i) Prior notifications of permitted development for:
 - (i) agricultural buildings and operations
 - (ii) demolition
 - (iii) telecommunication apparatus.
 - (j) Applications under Article 21 of the General Development Procedure Order

Except where any one of the following apply:

- (i) For Major or Minor Developments a recommendation of approval would conflict with written representations received from a Parish Council within the specified consultation period where such representations would not substantially be satisfied through the imposition of conditions. Provided that this exception shall not apply in the case of a reserved matters application where the Parish Council has expressed in writing an objection that relates solely to the principle of development approved by the outline planning permission.
- (ii) For Other Developments and Other Application Types, an elected member of the District Council has, within 21 days of the date of registration of an application, requested in writing and the Corporate Manager has agreed that Committee determine the application with or without a site visit by members. Such written requests should set out the material planning reason(s) why the application is suitable for determination by Committee. Such requests shall be considered by the Corporate Manager in consultation with the Chairman of Planning Committee, taking into account:-
 - Relevant material considerations raising significant planning concerns
 - Significant implications for adopted policy
 - The nature, scale and complexity of the proposed development

Appendix 1 – Proposed delegation scheme (South Cambridgeshire District Council Constitution)

The member will be expected to attend the Committee meeting at which the application they referred is to be discussed.

- (iii) A proposed recommendation of approval would be contrary to the provisions of the approved Development Plan and would need to be referred to the Secretary of State.
 - (iv) The application is submitted by or on behalf of a councillor of the District Council (or by their spouse / partner), by any member of staff of the District Council's Planning & New Communities Service (or their spouse / partner) or by any member of the District Council's Senior Management Team or Executive Management Team (or by their spouse / partner).
 - (v) The application for Major or Minor development is submitted by or on behalf of the District Council or on land owned by the District Council except for the approval of developments to which no objection on material planning reasons has been received.
 - (vi) The application proposes affordable housing on an exception site outside a village framework in the approved Development Plan and the Parish Council disagrees with the District Council on material planning grounds.
 - (vii) The Executive Director, Corporate Manager (Planning and Sustainable Communities), Development Control Manager, Conservation and Design Manager, Major Developments Manager, Development Control and New Communities Team Leaders, or Appeals Manager (as the case may dictate) considers that the application should be presented to Committee for decision.
- 2(1) To make all discretionary assessments referred to in the statutory provisions listed in sub-paragraph 2 (5) below, subject to the following safeguards:
- (a) the Chairman of Planning Committee and the local member(s) should first be consulted but no assessment or action shall be invalid by reason of any failure to consult
 - (b) in the following cases any assessment shall be referred to Planning Committee (with the appropriate officer's recommendation) and shall not be determined by officers:
 - if he thinks the matter is too important or controversial for him to decide and in any event if it is an assessment whether or not it is expedient to revoke any planning permission or listed building consent or to seek any injunctive remedy; or
 - if any member (whether or not a member of the Planning Committee) so requires; or
 - if the determination of the assessment has been specifically reserved to it by the Planning Committee.
- 2(2) to delegate to the Corporate Manager for Planning and Sustainable Communities to issue, serve, suspend or withdraw such notices, to make, suspend or withdraw such orders and notifications, to grant such permissions or consents, with such conditions or limitations as he may think fit, and to take such proceedings as he shall think fit or as may be required by law consequent upon any of the discretionary assessments referred to above, subject if discretionary to the same qualifications as assessments referred to in 2(1) (a) and (b) above;

Appendix 1 – Proposed delegation scheme (South Cambridgeshire District Council Constitution)

- 2(3) that before any such legal proceedings are instituted (other than for injunctions, which is specifically reserved to committee) the Legal Office shall be consulted and its recommendation shall be communicated to the Chairman of Planning Committee and the local member(s) before any discretionary assessment is made or other consequent action is taken;

- 2(4) all references in 2(1) and (2) above to the Corporate Manager (Planning and Sustainable Communities) shall also include the Executive Director, Development Control Manager, Conservation and Design Manager, Major Developments Manager, Development Control and New Communities Team Leaders, or Appeals Manager (as the case may dictate).

- 2(5)
 - (a) Town and Country Planning Act 1990 S.72: Whether there should be conditions on planning permission

 - (b) Ibid S.171C: Whether there appears to have been a breach of planning control – Breach of Condition Notice

 - (c) Ibid S.172: Whether there appears to have been a breach of planning control and whether it is expedient to issue – Enforcement Notice

 - (d) Ibid S.183: Whether it is expedient that relevant activity should cease – Stop Notice

 - (e) Ibid S.198: Whether it is expedient to make provision for the preservation of trees or woodlands – TPO

 - (f) Ibid S.207: Whether tree replacement or conditions of tree replacement are not complied with – TPO

 - (g) Ibid S.215: Whether the amenity of area is adversely affected by condition of land – Amenity Notice

 - (h) Listed Building Act 1990 S.3 (1): Whether a building not listed is of special interest and in danger – Building Preservation Notice

 - (i) Ibid S.4: Whether so urgent that notice should be fixed to the building – BPN

 - (j) Ibid S.38: Whether works to listed building involved a contravention of listed building control and whether it is expedient to issue – Listed Building Enforcement Notice

 - (k) Town and Country Planning (Assessment of Environmental Effects) Regulations: SI 1999 293: Whether it appears that an application for planning permission is a Schedule 1 or Schedule 2 application and to adopt screening and scoping opinions

 - (l) Town and Country Planning (Control of Advertisements) Regulations 1992 SI 1992 666, regulation 4(3): Whether an advertisement should be limited or restricted in the interests of amenity or public safety

 - (m) Town and Country Planning (Environmental Assessment and Unauthorised Development) Regulations SI 1995. 2258, regulation 4(1): Whether breach of planning control in an enforcement notice includes ‘unauthorised’ (Schedule 1, or Schedule 2 with significant effects on the environment) development

Appendix 1 – Proposed delegation scheme (South Cambridgeshire District Council Constitution)

- (n) Hedgerow Regulations SI 1997. 1160, regulation 8: Whether a hedgerow has been removed in contravention – Replanting Notice
- (o) Town and Country Planning (General Development Procedure) Order 1995. SI 1995. 419, regulation 5: Whether a planning application is invalid – notification to applicant
- (p) Ibid, regulation 24: Whether application for Certificate of lawful use or development is invalid – notification to applicant

B. The following powers and functions are delegated to the Executive Director, Corporate Manager (Planning and Sustainable Communities), Development Control Manager, Conservation and Design Manager, Major Developments Manager, Development Control and New Communities Team Leaders, Appeals Manager, and Principal Solicitor to be exercised individually:

- 1. The determination of applications for:
 - (a) Lawful Development Certificates
 - (b) The making of Tree Preservation Orders and Building Preservation Notices in cases of emergency subject to notification of any such action to be made as soon as practicable to a meeting of the committee
- 2. The service of:
 - (a) Planning Contravention Notices (delegated powers also to the Enforcement Officer)
 - (b) Breach of Condition Noticesbut not the power to prosecute for non-compliance of the above Notices unless authorised by the committee.

Principal Planning Officers – Delegated Powers

- C. The following powers are delegated to each Principal Planning Officer to be exercised in accordance with the provisions of the Development Plan and the Council's planning policies.
- 1. The determination, with or without conditions, of applications for or amendments to:
 - (a) Planning Permission for Minor and Other Developments
 - (b) Advertisement Consents
 - (c) Approval of Reserved Matters for Outline Planning Permissions other than Major Developments.
 - (d) Consents under S.198 of the 1990 Act (trees)
 - (e) Prior notifications of permitted development for:
 - (i) agricultural buildings and operations
 - (ii) demolition
 - (iii) telecommunication apparatus.
 - (e) Applications under Article 21 of the General Development Procedure Order

Except in any case as provided in A. 1 (i) to (vii) above or where consideration of the application or the amendment has been reserved by any of the Executive Director, Development Control Quality Manager, Conservation and Design Manager, Major Developments Manager, Development Control and New Communities Team Leaders, or Appeals Manager under their own delegated powers.

Appendix 1 – Proposed delegation scheme (South Cambridgeshire District Council Constitution)

2. These powers shall be exercisable by any Principal Planning Officer in respect of any relevant application or amendment, but shall normally be exercised only in respect of matters within the respective area of each officer.

Senior Planning Officers – Delegated Powers

D. The following powers are delegated to each Senior Planning Officer to be exercised in accordance with the provisions of the Development Plan and the Council's planning policies.

1. The determination, with or without conditions, of applications for or amendments to:
 - (a) Planning Permission for Other Developments
 - (b) Advertisement Consents
 - (c) Consents under S.198 of the 1990 Act (trees)
 - (d) Prior notifications of permitted development for:
 - (i) agricultural buildings and operations
 - (ii) demolition
 - (iii) telecommunication apparatus.
 - (e) Applications under Article 21 of the General Development Procedure Order

Except in any case as provided in A. 1 (i) to (vii) above or where consideration of the application or the amendment has been reserved by any of the Executive Director, Corporate Manager (Planning and Sustainable Communities), Development Control Quality Manager, Conservation and Design Manager, Major Developments Manager, Development Control and New Communities Team Leaders, Appeals Manager, or Principal Planning Officers under their own delegated powers.

2. These powers shall be exercisable by any Senior Planning Officer in respect of any relevant application or amendment, but shall normally be exercised only in respect of matters within the respective area of each officer.

Notes:

For the purposes of the Delegation Powers specified in Table 3 the following definitions apply:

Major Developments

For dwellings: where 10 or more are to be constructed (or if number not given, area is more than 0.5 hectares).

For all other uses: where the floorspace will be 1000 sq. metres or more (or site is 1 hectare or more).

Minor Developments

is development that does not meet the criteria for Major Development or the definitions of Change of Use, or Householder Development.

Other Developments

Change of Use (*if it does not concern a major development and no building or engineering work is involved*):

Householder development

Other Application Types

Advertisement Consents

Listed Building Consents

Appendix 1 – Proposed delegation scheme (South Cambridgeshire District Council Constitution)

Conservation Area Consents

Certificates of Lawfulness

Other decisions including certificates of appropriate alternative development and notifications under Circular 14/90.

Approval of Reserved Matters

Hazardous Substances Consents

Consent to cut down, top, lop, uproot or destroy trees under Section 198 of the Town and Country Planning Act 1990

Consents under Sections 36 and 37 of the Electricity Act 1989 (i.e. generating stations and overhead lines) (Circular 14/90)

Prior notifications of permitted developments for

- (i) agricultural buildings and operations
- (ii) demolition
- (iii) telecommunications apparatus

Applications under Article 21 of the General Development Procedure Order

General Development Procedure Order

Town and Country Planning (General Development Procedure) Order 1995