SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 3 February 2010 at 2.00 p.m.

PRESENT: Councillor Pippa Corney – Chairman
Councillor Robert Turner – Vice-Chairman

Councillors:	Val Barrett	Trisha Bear
	Brian Burling	Janice Guest
	Sally Hatton	Sebastian Kindersley
	Mervyn Loynes	Charles Nightingale
	Deborah Roberts	Hazel Smith
	Peter Topping	John Williams

Officers in attendance for all or part of the meeting:
Nigel Blazeby (Team Leader (West)), Paul Derry (Senior Planning Assistant), Gary Duthie (Senior Lawyer), Saffron Garner (Senior Planning Assistant), Gareth Jones (Corporate Manager, Planning & Sustainable Communities), Ray McMurray (Principal Planning Officer (East)), Corrie Newell (Principal Conservation Officer), Karen Pell-Coggins (Senior Planning Assistant), Stephen Reid (Senior Planning Lawyer), Melissa Reynolds (Team Leader (East)), Ian Senior (Democratic Services Officer), Dan Smith (Planning Assistant) and Stacey Weiser-Jones (Historic Buildings Officer)

Councillors Richard Barrett, Francis Burkitt, Steve Harangozo, Robin Martlew and Nick Wright were in attendance, by invitation.

120. GENERAL DECLARATIONS OF INTEREST

Councillor Sebastian Kindersley declared a personal interest as a Cambridgeshire County Councillor, especially in relation to Minute no. 132 (Toft) because a number of villages within his electoral division of Gamlingay are within the catchment area of Comberton Village College.

121. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 13 January 2010, subject to minute 110 (S/1418/09/F in Haslingfield) being amended to state that the scheme had been granted *delegated* approval subject to *additional detailing for plots 6-9*.

122. PLANNING ENFORCEMENT SUB-COMMITTEE

The Committee **noted** Councillor Janice Guest's resignation the Planning Enforcement Sub-Committee.

Councillor Charles Nightingale nominated Councillor Val Barrett as a member of the Planning Enforcement Sub-Committee. This was seconded by Councillor Sebastian Kindersley and, there being no further nominations from within the Conservative Group, it was **resolved** that Councillor Val Barrett be appointed to the Planning Enforcement Sub-Committee for the remainder of the municipal year 2009-10.

123. S/1653/09/F - HARSTON (LAND TO THE SOUTH OF 37 CHURCH STREET) - WITHDRAWN

Members noted that this application had been **withdrawn**.

124. S/1319/08/F- SAWSTON (LINK ROAD)

Upon the Chairman's casting vote, the Committee **resolved** to discharge Condition 26 of planning permission S/1319/08/F, subject to the completion of a Section 106 Legal Agreement securing ten units of affordable housing and a Nomination agreement to cover the remaining 12 units.

Councillors Sally Hatton and Deborah Roberts voted in favour of the continued application of Condition 26.

125. S/1764/09/F - GUILDEN MORDEN (46 FOX HILL ROAD) - WITHDRAWN

Members noted that this application had been **withdrawn** from the agenda.

126. S/1694/09/F - LITTLE SHELFORD (SYCAMORE HOUSE, 1 CHURCH STREET, LITTLE SHELFORD)

Brenda Bishop (objector), Paul Belton (applicant's agent) and David Martin (Little Shelford Parish Council) addressed the meeting.

The Committee **refused** the application contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities) and legal advice from the Senior Lawyer. Members agreed the reason for refusal as being the proposal's adverse impact on the street scene and Conservation Area.

127. S/1719/09/F - WILLINGHAM (2 GREENACRES, MEADOW ROAD)

The Committee **approved** the application for a temporary period up to 18 August 2012.

Councillor Deborah Roberts was absent from the Chamber during consideration of this item, took no part in the debate and did not vote.

128. S/1720/09/F - WILLINGHAM (PLOT 5 LONGACRE, MEADOW ROAD)

The Committee **approved** the application for a temporary period up to 18 August 2012.

Councillor Deborah Roberts was absent from the Chamber during consideration of this item, took no part in the debate and did not vote.

129. S/1760/09/F - CASTLE CAMPS (AT LAND TO THE SOUTH OF FIELDE HOUSE, HAVERHILL ROAD)

Councillor Richard Barrett (a local Member) addressed the meeting.

The Committee **deferred** the application for a site visit.

130. S/1508/09/F & S/1509/09/LB - COTON (66 HIGH STREET)

Nicola Anderson (applicant), Councillor Francis Burkitt (local member) and Fiona Whelan

(local County Councillor) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 February 2010. The Committee **approved** applications S/1508/09/F and S/1509/09/LB contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reasons for approval as being that he proposal would not detract from the special character and appearance, or erode the historic plan and form, of the listed building. Despite the cumulative effect of the extensions, the original character of the rear elevation would not be lost and no harm would be caused by an additional extension. The proposal would not dominate the rear elevation of the property, either visually or physically. As such, it would not significantly or detrimentally change the appearance of the building. Design of the proposed extension and, in particular, the roof form, was not considered inappropriate or out of keeping with the simple character of the rear elevation. Members considered the proposal to be consistent with Policies CH/3 and CH/4 of the South Cambridgeshire Local Development Framework 2007 and not contrary to the advice in paragraph 3.4 of Planning Policy Guidance Note 15.

131. S/1397/09/O - CALDECOTE (LAND TO THE EAST OF 18-28 HIGHFIELDS ROAD)

Hugh Cousins (objector), Paul McCann (applicant's agent), Fiona Whelan (Caldecote Parish Council) and Councillor Robin Martlew (local Member) addressed the meeting. Prior to consideration of this item, Mr. Cousins presented a petition signed by local residents requesting that the [Committee] reconsiders the proposed number of dwellings for this development, seen by the petitioners to be too high for the chosen location.

The Committee gave officers **delegated powers** either to refuse the application or to present a further report to a future Planning Committee meeting with a recommendation of approval, subject to the resolution of the outstanding matters in relation to mix, viability and infrastructure provision.

132. S/1524/09/F - TOFT (COMBERTON VILLAGE COLLEGE, WEST STREET)

Richard Wells (objector), Ted Halford (Comberton Parish Council), Councillor Steve Harangozo (the Member for Comberton), Fiona Whelan (the local County Councillor) and Stephen Munday (the Principal of Comberton Village College) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 February 2010. The Committee gave officers **delegated powers to approve** the application subject to the provision of a minimum of 50 new car parking spaces on site, and subject to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

Councillor Sebastian Kindersley declared a personal interest because a number of villages within his Cambridgeshire County Council electoral division of Gamlingay are within the catchment area of Comberton Village College.

133. S/1510/09/F - FOXTON (59 FOWLMERE ROAD)

Jacki Sharp (supporter) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 3 February 2010. The Committee **approved** the application subject to a Section 106 Legal Agreement controlling occupancy of the annexe and consequent deletion of Condition 4 in the report from the Corporate Manager (Planning and Sustainable Communities).

134. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION AND APPEAL STATISTICS

The Committee **noted** reports on Appeals against planning decisions and enforcement action, and appeal statistics.

The Meeting ended at 6.40 p.m.

Minute Item 126

1694-Little Shelford Appendix

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	14th January 2009
AUTHOR/S:	Executive Director / Corporate Manager - Planning and Sustainable Communities	

S/1733/08/F- Little Shelford
Erection of Dwelling & Reconfiguration of Existing Car Parking Area at Sycamore House Restaurant, 1 Church Street, for Mr & Mrs Sharpe

Recommendation: Approval

Date for Determination: 28th November 2008

Notes:

This Application has been reported to the Planning Committee for determination as the Head of Development Control considers that this Application should be presented to Committee for decision having considered the nature of the recent appeal decision, the objection of the Parish Council and the sensitive location of the application site.

Conservation Area

Site and Proposal

1. The 0.154 hectare application site lies within the Little Shelford village framework and the Conservation Area. No 1 Church Street is a 2 storey building. The ground floor is used as a restaurant whilst part of the ground floor and the whole first floor form an accommodation unit. The existing restaurant car park entrance is off Hauxton Road. To the northwest of the site is an access leading to the Ropewalk and beyond that access is No 2 Hauxton Road, a 2 storey semi-detached house with a single storey lean-to at the side and a rooflight facing the boundary hedges. To the northeast of the site is No 3 Church Street, a 2-storey cottage with a part 2 storey and part single storey rear projection. The common boundary of Nos 1 and 3 has high conifers, 1.5-1.8m high fencing and brick wall.

2. There are four Listed Buildings in the locality: to the southwest is No1 Hauxton Road, to the northwest is No 7 Church Street and to the southeast are Nos 4 and 6 Church Street.

3. The full application, received on 3rd October 2008 proposes to subdivide the plot at No 1 Church Street to erect a part single storey and part 1.5-storey 'L-shape' dwelling comprising three bedrooms and to reorganise the restaurant car park with 11 parking spaces. The car park entrance would be off Church Street. The application is accompanied by a Planning, Design and Access Statement.

4. Amended plans submitted by letter dated 2nd December 2008 (received 3rd December) revise the details of the proposed dwelling according to the Council's Conservation Officer's comments and amend the dimension of car parking spaces to meet highway requirement. The density equates to 13 dwellings per hectare (inclusive of the existing building).

S/1733/08/F - Little Shelford

Scale 1/1250 Date 15/12/2008

Centre = 545114 E 251506 N

January Planning Committee

Planning History

5. **S/0398/92/O** – Application for a house adjoining the former Prince Regent Public House was refused for the following reasons (summarised):

   a) The occupiers of the new dwelling would suffer disturbance from users of public house and its car park.
   b) The subdivision of the site would result in the loss of the public house's garden which performs an important role as a buffer zone, both minimising the visual impact of the car park on this corner site within the Conservation Area and helping to limit general disturbance to nearby residents.
   c) The proposal requires the severance of the Hauxton Road access from the public house, leaving it a single point of access onto Church Street that would have inadequate visibility to the Church Street, High Street and Hauxton Road junction.
   d) The proposal with a smaller car park will lead to the parking of vehicles along Church Street and Hauxton Road which would interfere with visibility and cause obstruction to the free flow of traffic.

6. **S/1241/92/O** – Application for a dwelling adjoining the Public House was refused for the following reasons:

   a) The erection of a house in a such close proximity to a car park associated with the public house would cause the occupiers of the new house severe disturbance, particularly in the back garden and during the evenings, by reason of noise emanating from vehicles manoeuvring in and out of the car park; such disturbance will be exacerbated by the substandard layout, in terms of bay length and aisle width, of the car park.

   b) The sole use of the Church Street access to the public house car park will necessitate the provision of a pedestrian/ vehicle visibility splay to the north east; the position of parking spaces no. 14 and 15 are likely to result in vehicles reversing out onto Church Street; and it has not been demonstrated that delivery vehicles will be able to turn within the site. The proposal will have an adverse effect on the highway safety.

   A Planning Inspector upheld this decision and dismissed the appeal, finding that:

   a) Although the boundary wall would mitigate the problem to some extent, he considered that the use of the car park would seriously disturb the enjoyment of the rear garden by the occupiers of the proposed dwelling. The acoustic measures considered by the Council's Chief Environmental Health Officer did not lead the inspector to a difference view.

   b) Examples of where the dwelling houses close to the public house in the district did not justify a permission to allow a new dwelling to a consolidated existing noise source that would result in unacceptable living conditions to the occupiers of the new dwelling.

   c) New residential development had been permitted adjacent to public house in the Cambridge area but these cases were not comparable because the sites were not in a village setting with on-site parking facilities.

   d) The site neither contributed significantly to, nor detracts from the setting of the public house.

7. **S/1209/05/F** – Application for erection of dwelling and reorganisation of restaurant car park was refused on 6th February 2006 for the reason of 'The subdivision of the site to accommodate a dwelling would result in the loss of the restaurant's garden which performs an important role as an open space within the Conservation Area. The proposal would therefore detract from the character of the village, and the character and appearance of the Conservation Area, contrary to Policies P7/6 of the 2003 Structure Plan and EN30 of the South Cambridgeshire Local Plan 2004.....'

A Planning Inspector upheld this decision and dismissed the appeal, finding that:

a) The site is in a prominent location in the village, at the northern boundary of the Little Shelford Conservation Area.

b) The site in its present condition forms part of a significant undeveloped gap along Hauxton Road, which provides visual permeability to the linear street frontage and a welcome open aspect in an otherwise built up character. Whilst the site is not designated as a Protected Village Amenity Area by the South Cambridgeshire Local Plan, the Inspector considers that it forms an essential part of village character as set out in the local plan.

c) When viewed from close by and from a wider perspective both from within and outside the Conservation Area, the appeal proposal would create a dominant and unwelcome visual intrusion into the street scene.

d) The proposed "L" shaped form articulates the mass of the proposal and its scale and massing would be excessive.

e) The loss of the distinctive open character resulting from the construction of a substantial two storey dwelling on the site would be contrary to policies.

Planning Policy

Relevant policies are listed below. Please refer to Appendix to this Committee agenda for further details.

8. **National Planning Policy**

Planning Policy Guidance 15: Planning and the Historic Environment - Paragraphs 4.19.

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

Policy **ST/7** "Infill Villages"

10. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007**

Policy **DP/1** "Sustainable Development"
Policy **DP/2** "Design of New Development"
Policy **DP/3** "Development Criteria"
Policy **DP/4** "Infrastructure and New Developments"
Policy **DP/7** "Development Frameworks"
Policy **HG/1** "Housing Density"

Policy **SF/10** "Outdoor Play Space, Informal Open Space and New Developments"
Policy **SF/11** "Open Space Standards"
Policy **CH/4** "Development Within the Curtilage or Setting of a Listed Building"
Policy **CH/5** "Conservation Areas"
Policy **NE/6** "Biodiversity"
Policy **NE/15** "Noise Pollution"
Policies **TR/1** and **TR/2** "Planning for More Sustainable Travel" and "Car and Cycle Parking Standards"

Consultation

11. **Little Shelford Parish Council** recommends refusal and states that 'the scheme is an improvement on previous application. However, our comments regarding traffic still stand.' A copy of the letter to the Planning Inspectorate in relation to the previous planning application reference S/1209/05/F has been received as part of the Parish Council's comments. Attached, as Appendix 1 is a copy of the letter.

12. **Conservation Manager** has no objection to the proposal in principle subject to an amendment on design details and conditions on materials and landscaping including bound gravel for the driveway and parking area. The amended drawings received 3rd December seek to address these comments.

13. **Landscape Design Officer** considers that low planting between the edge of the shingle drive and the new house will help to soften its appearance from the road and settle it into the garden. She has no objection subject to landscaping scheme.

14. **Trees and Landscape Officer** considers that details of tree protection should be submitted and approved prior to any construction on site.

15. **Corporate Manager (Health and Environmental Services)** - raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that conditions and informatives are attached to any permission including a condition restricting hours of use of power-operated machinery.

16. Given the proximity of the restaurant car park to the private garden area of the proposed new dwelling, comments from the Corporate Manager (Health and Environmental Services) of the previous application S/1209/05/F on the matter of acoustic scheme is relevant to this application. He does not consider that an acoustic scheme would be necessary and recommends the erection of a 2m high brick wall along the common boundary of the new dwelling and the restaurant car park and to maintain the surface of the restaurant car park similar to the existing.

17. **Local Highway Authority** comments on dimensions for proposed car parking spaces, hard surface finish, visibility splays and on-site car parking and turning areas. No objections are raised in principle.

Representations

18. The occupiers of 5 Hauxton Road have no objection to the proposed height limits, building size and design. However, they have reservations on:

    a) The proposal would be very restrictive to the existing and future business of the restaurant;

b) Demolition of buildings and changes to car parking in a Conservation Area would require a separate application;
c) Car parking arrangement would be insufficient: for the restaurant, accommodation unit above the restaurant, casual staff and the proposed new dwelling;
d) Concerns about on-street parking; and
e) Concerns about the permitted development rights and further enlargement of the proposed dwelling.

19. The occupiers of The Ropewalk object although they consider that the general layout and house design are an improvement on the previous applications. However, they do not negate the fundamental objection agreed by the Inspector at the 2006 appeal. The grounds of objection are:

a) The effect of the proposal on the character and appearance of the Conservation Area.
b) To justify this application on the ground of housing need is undermined by a recent planning consent allowing the demolition of a house at No 8 Church Street to provide triple garages for the use of No 6 Church Street. That resulted in the loss of a house in the Conservation Area.
c) Appeal decision confirms that development on this site does not enhance or preserve the character and appearance of the Conservation Area. The importance of a significant undeveloped gap along Hauxton Road would be lost.
d) Little Shelford is not well connected by pubic transport services.
e) Little Shelford is an infill village where up to 2 dwellings may be located on appropriate sites but this does not mean that every gap in a frontage is suitable for infilling. Inspector's report confirms that the site is not appropriate.
f) The Council's informal view to support the application is contrary to Inspector's comments.
g) On-site car parking provision for the restaurant is tight and parking in Church Street is unacceptable.

20. Representations submitted by the applicants' agent:

A letter dated 13 November 2008 and the accompanying plan shows the proposed streetscene and explains that:

a) The proposed dwelling has been substantially revised and is significantly smaller than that previously dismissed at appeal. The proposed 1.5 storey dwelling with an ancillary single storey wing is less mass and bulk which is set back from the highway and will not form an obvious or prominent feature within the street.
b) The design is based on the specific recommendation of the Council's Conservation Officer.
c) The development is not excessive in terms of its scale and mass and will not affect the visual permeability of the linear street frontage, nor will it, when viewed from either close or wider perspectives, create a dominant and unwelcome intrusion into the street scene.
d) It will provide a high quality and sympathetic form of development that reflects the local built form in a manner that retains the sense of openness within the street.
e) The existing tarmac area of the restaurant car park does little to preserve and enhance the character and appearance of the Conservation Area. The views

of the extensive tarmac area and the presence of parked cars are not in keeping with the well landscaped character and appearance of the area.

f) The erection of the proposed dwelling and the associated hard and soft landscaping works will reduce the extent of visual separation provided between the existing built form located along Hauxton Road, and provide a far more sympathetic appearance to the area.

g) The impact will not be significant and harmful.

h) The proposal would be an enhancement to the character and appearance of the area.

An email sent on 21st November 2008 responded to the Conservation Team's comments in relation to design improvement.

Planning Comments – Key Issues

21. The key issues in relation to this application are:

a) Car parking provision and highway safety;
b) Visual impact upon the street scene, and character and appearance of the Conservation area and the wider setting of nearby Listed Buildings; and
c) The affect on the amenity of the occupiers of the new dwelling in relation to the use of the restaurant car park.

Car parking provision

22. The rearrangement of the car parking to the restaurant would result in 11 on site parking spaces. Based on the floor plan of the restaurant from the previous application S/1209/05/F, the floor area of the restaurant is approximately 54.5 square metres. 10 parking spaces for the restaurant and 1 park space for the existing dwelling at No 1 Church Street would meet the maximum standard for car parking provision listed in the LDF. 2 on-site car parking spaces would be provided for the proposed new dwelling. It is my view that the proposal would have no adverse impact on traffic conditions. This was not a factor which led the Inspector to dismiss the appeal in 2006.

Highway safety

23. Highway issues were addressed when the previous application, reference S/1209/05/F was determined. Given that the proposed car parking arrangement and access for the existing restaurant and residential accommodation on the site are similar to the previous application, and that standards for car parking provision listed in the LDF are the same as the standard in the Local Plan 2004, I consider that there have been no change in material circumstances.

24. An independent transport planning consultant confirmed in December 2005 that a proposal for 11 parking spaces and the amount of traffic using the proposed new access to Church Street for the restaurant would not create an unsuitable safety or amenity situation. It is based on the fact that:

a) The proposed access to Church Street is of good width at the point of connection with Church Street, being some 6 metres wide. The proposed access is approximate 28m clear of the junction with Hauxton Road, with which there is good visibility. Vehicle speeds on Church Street (30 mph) are relatively low. The use of the existing access onto Church Street as the new means of accessing the restaurant car parking is acceptable; and

b) The amount of parking to be provided in the proposal would be adequate. Although 10 parking spaces for the restaurant (and one for the flat) is just below the maximum standard (under Policy TP1 of the Local Plan 2004 that 54 square metres would justify a maximum of 11 parking spaces for the restaurant) and some of the proposed parking spaces are not easy to leave and turn in the immediate vicinity of the parking space in order to proceed in forward gear, it would appear that all spaces may seldom be used thus enabling easier reversing and manoeuvring by those leaving other spaces.

Impact on street scene, the character and appearance of the Conservation area and the wider setting of nearby Listed Buildings

25. Inspector's comments on the previous application have been taken into account. The significance of the site has been identified by the Inspector, who considered it formed an essential part of village character. The appeal report also noted the care taken in the design of the previous proposal that included the retention and enhancement of the boundaries and verdant setting of the overall site, the relocation for parking to a better screened location with no increase in the hardened area of the overall site. However, the Inspector commented that it would create a dominant and unwelcome intrusion into the street scene and that its scale and massing would be excessive.

26. The existing properties in this part of the village are mixed with cottages, modern two storey dwellings and listed buildings. The new dwelling will be in a 'L-shape' with a 1.5 storey gable end facing Hauxton Road and set back 10m from the frontage. The proposed dwelling has a height of 3.2m to the eaves and 7m to the ridge. A single storey wing has a height of 2.25m high to the eaves and 4.7 high to the ridge. This will be set back 15m from the frontage of the site. The proposed 1.5 storey gable wing measures 11.2m long and 5.7m wide. The height, size and mass of the proposed dwelling have been greatly reduced compared to the refused scheme, which extended at two storey for a distance of 14m across the width of the site, compared with 5.7m width of the 1.5 storey gable in the proposed dwelling.

27. While the Inspector recognised the proposed retention and enhancement of the boundaries and the green setting of the overall site with the relocation of the restaurant car park and no increase in the hardened area, this scheme would maintain the identified open aspect by setting the proposed dwelling 10m away from the highway, and set the proposed restaurant car park further from Hauxton Road thereby retaining a green frontage between the restaurant and the proposed dwelling.

28. I consider that the new dwelling is modest in scale, sensitive in design, is in keeping with the local character and will not have an adverse impact on the street scene. I consider that the proposal will enhance the character and appearance of the Conservation Area outweighing the loss to the Conservation Area of this undeveloped gap. I am mindful of the Conservation Manager's comments and I do not therefore consider that the Conservation Area or setting of the Listed Buildings in the locality will be adversely affected. The Inspector in 2006 did not consider that that proposal would harm the setting of adjacent Listed Buildings.

Impact on amenity of occupiers of the new dwelling resulting form the use of the restaurant car park

29. I consider that the design and siting of the proposed dwelling and the arrangement of the ground floor openings would be acceptable. The proposal would not cause adverse impact on the amenity of occupiers of the new dwelling from the use of the

restaurant car park. The proposal is acceptable in terms of the living conditions of the occupiers of the new dwelling subject to the imposition of conditions on the boundary wall between the restaurant car park and the garden of the new dwelling, and the hard surface for the car park.

30. Finally the applicant does not object to a financial contribution to open space being secured by way of a planning condition.

Recommendation

31. Approval as amended by letter dated 2nd December 2008 and drawings number 07006-12A, 10B and 11B date stamped 3rd December 2008 and subject to the following conditions:

1. Standard Condition 1 – Full planning permission, time limit (3 years) (Reason 1).

2. No development shall take place until details and samples of the clay pantiles for the roof, gault clay brick for the plinth and stack, lime render and painted timber windows to the 1.5 storey element and stained timber to the single storey element have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)

3. No development shall take place until details of the flashing and junction for the dormer windows have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)

4. SC5 - Landscaping Scheme (Rc5) - 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 and NE/6 of the adopted Local Development Framework 2007.)

5. SC6 – Landscaping implementation (Rc6) - All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

6. SC12– Boundary details - No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the Local Development Framework 2007 and to minimise noise disturbance to the occupiers of the new dwelling from the restaurant car park in accordance with Policy NE/15 of the Local Development Framework 2007.)

7. SC14 – Details of materials to be used for hard surfaced areas within the restaurant car park, driveways and car parking areas of the dwelling.
(Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the Local Development Framework 2007 and to minimise noise disturbance to the occupiers of the new dwelling from the restaurant car park in accordance with Policy NE/15 of the Local Development Framework 2007.

8. SC7 –Trees - In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].
   (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
   (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
   (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

   (Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

9. SC8 – Tree Protection - No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Local Planning Authority following BS 5837. Such

fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.
(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

10. During the period of construction and demolition, no power operated machinery shall be operated on the premises before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)

11. SC30 – Permitted Development – Windows – in the northwest/ side elevation of the dwelling at and above first floor. (Reason – To safeguard the privacy of adjoining occupiers at No 2 Hauxton Road in accordance with Policy DP/3 of Local Development Framework 2007.)

12. The permanent spaces to be reserved on the site of the restaurant at No 1 Church Street for turning and parking as shown on the drawing number 07006-12A shall be provided before commencement of the development of the dwelling, hereby permitted, and thereafter maintained. (Reason – to minimise interference with the free flow and safety of traffic on the adjoining public highways.)

13. SC63 -Grampian Condition - No development shall begin until details of a scheme for the provision of open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. (Reason - To ensure that the development contributes towards open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

Informatives

1. Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations shall be submitted to and approved in writing by the District Council's Environmental Health Officer so that noise and vibrations can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

3. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

4. The applicant's attention is drawn to officer's comment regarding noise disturbance to the occupiers of the new dwelling. The boundary treatment in relation to condition No.6 includes the boundary between the new dwelling and the restaurant car park and it should comprise a 2m high brick wall, and the chosen materials to be used for hard surfaced areas within the restaurant car park should reduce reflected noise.

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

- Planning Policy Guidance 15: Planning and the Historic Environment
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Planning Files Ref.: S/0398/92/O, S/1241/92/O, S/1209/05/F and S/1733/08/F

Contact Officer: Emily Ip – Planning Officer
Telephone: (01954) 713250

2009. The Committee **refused** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reason for refusal as being non-compliance with Policy DP/3 of the South Cambridgeshire Local Development Framework 2007 (which requires that proposals should not have an unacceptable adverse impact on residential amenities) by virtue of the height and position of windows overlooking and causing loss of privacy to residents of the neighbouring property.

101. S/1688/08/RM - PAPWORTH EVERARD (LAND SOUTH OF CHURCH LANE AND WEST OF ERMINE STREET SOUTH)

Philip Leggett (Applicant), Paul Hicks (Papworth Everard Parish Council), and Councillor NIC Wright (a local Member) addressed the meeting.

The Committee **deferred** making a decision to allow further consultation with, among others, Papworth Everard Parish Council

102. S/1738/08/F – SAWSTON (LAND TO THE SOUTH OF 49 HUNTINGDON ROAD)

The Committee **approved** the application as amended by plan reference 83/CP/15 Revision A date stamped 4 December 2008, subject to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities) and an additional Condition requiring that the surface of the car parking spaces be provided with a sustainable method of surface water drainage.

Councillor CR Nightingale was not present at the beginning of the debate, and did not vote.

103. S/1733/08/F- LITTLE SHELFORD (SYCAMORE HOUSE RESTAURANT, 1 CHURCH STREET)

Brenda Bishop (objector), Paul Belton (applicant's agent) and Collette Patterson (Little Shelford Parish Council) addressed the meeting.

The Committee **refused** the application, contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reason for refusal as being loss of the distinctive open character of the area , which resulted in harm to the Conservation Area.

Councillor SGM Kindersley declared a personal interest by virtue of his acquaintance with Brenda Bishop, addressing the Committee as an objector and referred to in paragraph 19 of the report, a former member of South Cambridgeshire District Council.

Councillor CR Nightingale declared a personal interest as Brenda Bishop, addressing the Committee as an objector and referred to in paragraph 19 of the report, was a former member of South Cambridgeshire District Council, and Paul Belton, addressing the Committee as the applicant's agent, sometimes did some work for him. Councillor Nightingale stated that he had attended parish council meetings at which this application was considered, but had taken no part in the debate.

104. S/1637/08/F- LITTLE SHELFORD (41 HAUXTON ROAD)

Mr Knight (applicant's agent) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 14 January

Appeal Decision

Site visit made on 25 August 2009

by Hilary Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
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Decision date:
24 September 2009

Appeal Ref: APP/W0530/A/09/2104215
Land adjacent to 1 Church Street, Little Shelford, Cambridge, CB2 5HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Sharpe against the decision of South Cambridgeshire District Council.
- The application Ref S/1733/08/F, dated 29 September 2008, was refused by notice dated 15 January 2009.
- The development proposed is the erection of a 3 bed dwelling and reconfiguration of the existing car parking area serving No 1 Church Street, Little Shelford.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues in this case to be the effect of the development on (1) the provision of open space infrastructure in Little Shelford, and (2) the character and appearance of Little Shelford Conservation Area.

Reasons

Open Space Provision

3. A Unilateral Undertaking has been submitted for a contribution towards open space provision. In principle, this would accord with the Council's Supplementary Planning Document *Open Space in New Developments* (OS SPD). The open space audit which informs that document indicates that in Little Shelford there is a shortfall of 0.56 hectares of playspace and that the sports pavilion requires refurbishment. Although not specified in the reasons for refusal, I note that a requirement for a contribution was identified in the officer report to the Council's Planning Committee, and was noted by the applicant.

4. In accordance with the tests set out in Circular 05/05 *Planning Obligations,* I consider the introduction of a further family sized dwelling into the village would reasonably generate a requirement for a contribution towards such provision. However, I can give the submitted Unilateral Undertaking only limited weight as it attempts to bind the local planning authority in Section 6 of the document. Moreover, an authenticated and sealed copy of the document has not been supplied. I therefore consider that in the absence of a mechanism for securing the contribution, the proposal would undermine the strategy in respect of open space provision contrary to Policies DP/4 and SF10

of the Development Control Policies Development Plan Document (DPD), and the OS SPD.

Character and Appearance

5. The appeal site forms part of the car park and landscaping connected with a restaurant at No 1 Church Street (No 1). The development pattern is mixed in terms of plot size, dwelling design and siting. The curtilage of No 1 forms an uncharacteristically large gap but a significant area is hard surfaced for vehicle parking, and does not make a positive contribution to its setting compared to the landscaped part of the site.

6. There is a requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. Although spaces within Conservation Areas can contribute to the quality of townscape, Planning Policy Guidance Note 15, *Planning and the Historic Environment* (PPG15) also advises that gap sites, or buildings that make no positive contribution to the character or appearance of an area should be a stimulus to imaginative, high quality design and should be seen as an opportunity to enhance the area.

7. In my view, the proposed dwelling would be of a design quality and materials sympathetic to its Conservation Area setting. Its size, scale, form and detailing would be compatible with the neighbouring buildings. Although the development would result in the loss of part of the existing gap, the attractive landscaped area would mostly be retained. The removal of unsympathetic flat roofed buildings to incorporate the reconfigured parking area would be a further enhancement.

8. I accept that this view conflicts with the conclusions of an appeal Inspector in 2006, who considered that the site formed part of a significant undeveloped gap providing visual permeability to the linear street frontage and a welcome open aspect in an otherwise built up area. However, that view conflicted with an earlier Inspector, who concluded that the site neither contributed to nor significantly detracted from the setting. In my view, the proposed dwelling would not share the dominant and unwelcome visual intrusion or the excessive scale and massing of the dwelling dismissed in 2006, and would overcome the harm identified by the previous Inspector. Visual permeability across the gap would be maintained.

9. I conclude that the development would preserve or enhance the character or appearance of Little Shelford Conservation Area and would accord with the requirements of Policies DP/2 and CH/5 of the Development Control Policies Development Plan Document, but this is not a matter that would outweigh my conclusions in respect of the need to contribute towards open space provision.

Other Matters

10. I note the concerns of Little Shelford Parish Council regarding traffic safety and congestion, but I agree with the assessment of the County Highway Authority and the previous Inspector, and conclude that the proposed development would be acceptable in this regard.

Conclusion

11. For the reasons given above and having regard to all other matters raised, I conclude that the proposal would not include an appropriate mechanism to secure a contribution towards public open space, but would be acceptable in terms of its effect on the character and appearance of the Conservation Area. I conclude that the appeal should be dismissed.

Hilary Lock

INSPECTOR

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

1. Decisions Notified By The Secretary of State

Ref No.	Details	Decision and Date
S/2046/08/LB	Mr G Burditt Reed House High Street **West Wratting** Removal of Condition 1 for the reconstruction of 2 chimney stacks and flaunching	Allowed 04/01/10
S/0446/09/F	Mr S Taylor The Old School **Fen Drayton** Change of Use from offices to children's day nursery	Dismissed 05/01/10
S/0207/09/F	Mr C Bray 1 –3 Long Lane **Gamlingay** Two storey rear and first floor side and rear extension	Dismissed 13/01/10

2. Appeals received

S/0944/09/F	Mr & Mrs M Talbot Cherry Holt 5 Potton Road **Guilden Morden** Extension	04/01/10 Delegated Refusal
S/1147/09/F	Mrs S Quigley 26 High Street **Swavesey** Extension, boundary wall, removal of conservatory & formation of garden room and installation of solar panels	11/01/10 Delegated Refusal
S/0898/09/F	Mr & Mrs Curtis 345 St Neots Road **Hardwick** Erection of dwelling & garage following demolition of existing dwelling & outbuildings	12/01/10 Delegated Refusal
S/1410/09/F	Whippletree LLP Land adjacent to Tates Farmhouse St Peters Street **Caxton** New access drive & repositioning of previously approved garage	13/01/10 Delegated Refusal

S/1403/09/F	Dr & Mrs S Gibson 122 Bridge Street **Whaddon** Extensions	18/01/10 Delegated Refusal
S/1404/09/F	Dr & Mrs S Gibson Avondale Cottage 122 Bridge Street **Whaddon** Alterations to bedroom, extension for enlarged kitchen & new porch canopy, install replacement windows & new flue	18/01/10 Delegated Refusal
S/1675/09/F	Mr M Goodhart Land to the west of 8 Burnt Close **Grantchester** Dwelling	18/01/10 Non-Determination

3. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 3 February 2010

S/0859/09/F	Mr T C Moore	106 High Street Sawston	Hearing Confirmed 20/01/10

4. Appeals withdrawn or postponed

Plaenf.3520 S/1431/08/LB	Mr Ettling	163 High Street Sawston	Withdrawn

5. Advance notification of future Local Inquiry and Informal Hearing Dates (subject to postponement or cancellation)

S/0232/09/F	Enertrag UK Ltd	Little Linton Farm Linton	Inquiry Confirmed 02/02/10
S/1655/08/F PLAENF. 3619	Mr C Bates	6 Cottenham Road Histon	Hearing Offered 09/03/10
S/0607/09/F	Mr R Smith	Westside Cuckoo Lane Rampton	Hearing Confirmed 11/03/10
PLAENF. 3270.3271	Mr B Moore	Fen Road Chesterton Fen	Inquiry Offered 13/04/10

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL PLANNING APPEAL STATISTICS

FROM October – December 2009

Total Number of Appeals Received	**29**

Appeals Against Planning Decisions and Non-Determination	Written Representations	20
	Hearings	7
	Inquiries	0
Appeals Against Enforcement Notices	Written Representations	2
	Hearings	0
	Inquiries	0

Total Number of Decisions Received	**26**

Appeals Against Planning Decisions and Non-Determination	Written Representations	16
	Hearings	9
	Inquiries	1
Appeals Against Enforcement Notices	Written Representations	0
	Hearings	0
	Inquiries	0

Number and % of Decisions Received Dismissed	**20**	**77%**

Appeals Against Planning Decisions and Non-Determination	Written Representations	14	87.5%
	Hearings	6	67%
	Inquiries	0	0%
Appeals Against Enforcement Notices	Written Representations	0	0%
	Hearings	0	0%
	Inquiries	0	0%

Number and % of Decisions Received Allowed	**6**	**23%**

Appeals Against Planning Decisions and Non-Determination	Written Representations	2	12.5%
	Hearings	3	33%
	Inquiries	1	100%
Appeals Against Enforcement Notices	Written Representations	0	0%
	Hearings	0	0%
	Inquiries	0	0%

Number and % of Decisions Allowed when assessed against BV 204 (target 36%)*	**5**	**22.7%**

*Number of planning appeal decisions allowed against the authority's decision to refuse on planning applications, as a percentage of the total number of planning appeals against refusals of planning applications.

Total Number of Appeals Withdrawn	**3**
Total Number of Appeals Out of Time	**1**
Total Number of Appeals Invalid	**2**

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