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26 March 2010

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, 7 APRIL 2010** at **2.00 p.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

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**
3. **Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held on 3 March 2010 as a correct record.

1 - 2

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

4. **S/1919/09/F - Over (Land to the South of 38 Mill Road)**
The report presented to Planning Committee on 3 March 2010 is attached to the electronic version of this agenda on the Council's

3 - 14

website.

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|-----|---|----------------|
| 5. | S/1844/09/F - Willingham (Foxs Meadow, Iram Drove) | 15 - 22 |
| 6. | S/1625/09/F - Willingham - (Land to West of 16 Green Street) | 23 - 32 |
| 7. | S/1805/09/F - Caldecote (Land to the East of, 3 Crafts Way) | 33 - 38 |
| 8. | S/0267/10/O - Caldecote (97-99 West Drive) | 39 - 48 |
| 9. | S/0053/10/F - Cottenham (Village College, High Street) | 49 - 56 |
| 10. | S/1421/09/F - Histon & Impington (Land to the South-east of 58a & 59 St Audrey's Close)
The report and Update presented to Planning Committee on 10 June 2009 are attached to the electronic version of this agenda on the Council's website. | 57 - 68 |
| 11. | S/0201/10/F - Great & Little Chishill (Land to the West of 24 Barley Road) | 69 - 74 |

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 31 March 2010). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

12. **Appeals against Planning Decisions and Enforcement Action**
Summaries of Decisions of interest attached.

Contact officer:

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

- | | | |
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| 13. | Enforcement Action
A detailed Enforcement Action report is attached to the electronic version of the agenda on the Council's website. | 75 - 82 |
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GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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If someone feels unwell or needs first aid, please alert a member of staff.

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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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"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 – 7 April 2010 – 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:

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Village:

Reason:

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

Personal / Personal and Prejudicial [delete as appropriate]

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

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

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Personal / Personal and Prejudicial [delete as appropriate]

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Personal / Personal and Prejudicial [delete as appropriate]

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Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

S/1919/09/F - OVER**Dwelling with Integral Car Port and Pool Block, Following Demolition of Existing Outbuildings at Land to the South of 38 Mill Road, Over for Mr Ian Corney****Recommendation: Approval****Date for Determination: 16th February 2010**

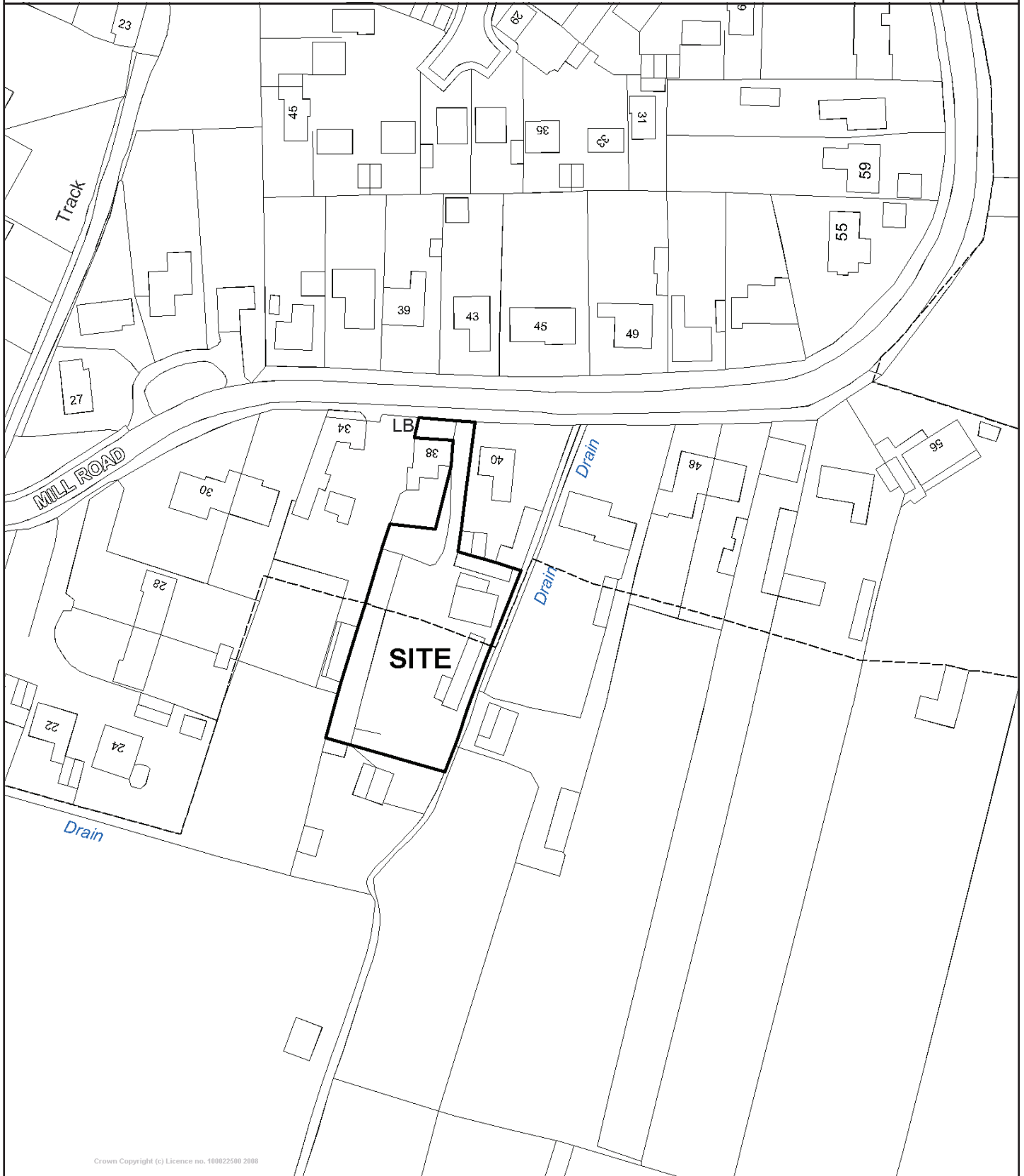
This Application has been reported to the Planning Committee for determination because the applicant is married to a Member of the Planning Committee.

Members will visit this site on 7th April 2010.

Site and Proposal

1. This application was first discussed at Planning Committee on 3rd March 2010, where Members voted to defer the decision for a site visit. The site is located to the south side of Over village, and is partially within and partially outside the defined village envelope. There is an existing access running between the properties of 38 and 40 Mill Road, leading to a number of outbuildings that stretch out beyond the village envelope. These have been used in the past for storage use. These buildings are in the process of being removed. An Awarded Drain runs along the east boundary of the site.
2. The full application, validated on 22nd December 2009, seeks permission for a dwelling on the plot. This would be located to the centre of the plot. It would measure approximately 6.9m at its highest, and would have a long span across the front of the site. There is a long single storey extension to the rear. This, and the end of the dining room, would extend beyond the village envelope, although the latter only by a maximum of 2m. Parking would be to the front of the property, and the scheme includes an integral carport. The proposal also includes a new parking area to 38 Mill Road, and would cause a reduction to the rear garden space to 38 Mill Road.
3. The plot has a long garden, that continues into the field beyond. The proposed residential curtilage is defined by the red line of the application. To the east is a line of tall conifer trees, beyond which is paddock land. To the west is the rear garden of 34 Mill Road, with a further paddock beyond. There are two stable blocks close to the boundary. Members will note from the site visit that a fence has recently been erected along this boundary.
4. The application is accompanied by a Design and Access Statement and an Environmental Desk Study.

S-1919-09-F



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Scale 1/1250 Date 19/3/2010

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April 2010 Planning Committee

Planning History

5. Approval for granted for outline planning permissions under applications **S/2248/07/O** and **S/0796/08/O** for a single dwelling on the plot. Details of reserved matters were approved through application **S/0316/09/RM**, although the red line was reduced the eastern section of the site.
6. An outline application for two dwellings on the site (**S/0409/07/O**) was refused on grounds that the dwellings would be located outside of the village envelope. A further outline application for two dwellings (**S/1844/07/O**) was withdrawn.

Planning Policy

7. Over is defined as a Group Village under **Policy ST/6 of the Local Development Framework Core Strategy**, adopted January 2007.
8. 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/4** – Infrastructure and New Development, **DP/7** – Development Frameworks, **HG/1** – Housing Density, **SF/10** – Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** – Open Space Standards, **NE/6** – Biodiversity, **NE/11** – Flood Risk, **NE/14** – Lighting Proposals, **NE/15** – Noise Pollution, **NE/16** - Emissions & **TR/2** – Car and Cycle Parking Standards.

Consultation

9. **Over Parish Council** recommend refusal of the scheme. They note it would represent an overdevelopment of the site and the proposed materials would be out of keeping with the surrounding buildings. They add it would encroach over the existing building line, and that there is also an implication on drainage in this location.
10. With regard to the amended plan, **Over Parish Council** maintain their recommendation of refusal. They note the amendments do not address previous concerns, and note the adjoining conifer hedge is 3m high, not the stated 5m. There remains concerns about the location of the village framework.
11. The **Local Highways Authority** recommend conditions relating to the prevention of gates at the site, the layout of the access, the front boundary at no. 38 Mill Road, temporary facilities for construction traffic and dimensions for parking areas. Informatives are also recommended regarding works to the public highway and public utilities.
12. The **Landscape Officer** has no objections to the proposal but would wish to see a landscape condition imposed.
13. The Council's **Scientific Officer (Contaminated Land)** has reviewed the Environmental Desk Study submitted with the application, and is not in agreement with its conclusions that no site investigation is necessary given the proposed use. An investigation and remediation condition is recommended.
14. The Council's **Drainage Manager** has no serious concerns given the proximity of the Awarded Drain along the east boundary of the site. However, a standard surface water drainage condition is recommended.

15. The Council's **Environmental Health Officer** notes some concerns regarding noise disturbance, and as a result, recommends conditions relating to types of power driven plant or equipment, a restriction on construction times, pile foundations, external lighting, and deliveries and collections. An informative regarding bonfires and burning of waste is also recommended.

Representations

16. No further representations have been received.

Planning Comments – Key Issues

17. The key issues for the consideration of this application are the density of development, impact upon the street scene and the surrounding countryside, impact upon the amenity of the occupiers of adjacent properties, land contamination, drainage, the provision of open space and highway safety.

The Density of Development

18. The site, excluding the access, has an area of approximately 0.16 hectares, although only 0.06 hectares of this are within the village framework. Policy HG/1 of the Local Development Framework Development Control Policies 2007 seeks densities for residential development to achieve at least 30 dwellings per hectare. The proposal achieves 17 dwellings per hectare within the village framework, below that expected by the policy.
19. The granted outline consents on the site allow for a single dwelling only. Significant weight should be given to the extant reserved matters application, which would provide only one dwelling on the site. Notwithstanding this issue, there are concerns regarding the access and its ability to serve two dwellings. The access is only 3m wide and would not allow vehicles to pass. Widening the access at the front would potentially cause harm to the occupiers of both 38 and 40 Mill Road. I am content that the local circumstances allow for a lower density on the plot.

Impact Upon the Street Scene and the Surrounding Countryside

20. The dwelling is located across the centre of the plot. Its design is the result of pre-application discussions, and has been scaled down given previous concerns regarding the bulk of the proposal. The dwelling at 38 Mill Road is a chalet bungalow, with accommodation in the roof space, whilst 40 Mill Road is a bungalow, although its height is similar to that of no. 38. The proposed dwelling has a height of approximately 6.9m, and would be taller than those frontage dwellings.
21. The frontage dwellings are set close to the road, and the proposed dwelling would be located 39m from Mill Road. It would therefore not appear to be significantly taller when viewed from Mill Road given its distance into the plot. It should also be noted that 34 Mill Road is a two-storey property with a two-storey rear extension and a number of trees along the boundary. This would screen views of the property when viewed between 32, 34 and 38 Mill Road. Views between 40 and 44 Mill Road would be opened up by the removal of the outbuildings. However, I do not consider the dwelling would cause serious harm to the street scene.
22. I note concerns from the Parish Council regarding the proposed materials. The applicant has stated that the building would be finished in white render and cedar boarding on a brick plinth, with a zinc roof. The side elevation to 38 Mill Road is

cream rendered meaning the materials are not completely alien to the area. The use of cedar boarding, particularly to the front elevation, should relate the dwelling to the edge of village location. I do not consider the proposed materials would be a concern, although a condition would be required to ensure appropriate materials are used, particularly the brickwork.

Impact Upon the Amenity of the Occupiers of Adjacent Properties

23. The existing access runs between both 38 and 40 Mill Road. No. 38 has facing windows facing the access, whilst 40 Mill Road has a glazed utility area, both of which are set close to the access. The access has been previously used for parking for no. 38 (at the rear of the site) and for the storage business. A single dwelling would result in fewer journeys to the access than previously, benefiting the occupiers of these adjacent dwellings. Members should note the proximity of adjacent dwellings to the access was considered acceptable in the previously approved consents for a dwelling on the site.
24. The front elevation would be located approximately 9m from the rear garden of 38 Mill Road. Bedroom 3 faces forward and is shown to have a high level window. This should be conditioned to ensure no overlooking towards 38 Mill Road. A further condition would be required to prevent further windows in the first floor of the front elevation that may overlook either 38 or 40 Mill Road. I do not consider the proposal would cause any loss of amenity to the occupiers of either 38 or 40 Mill Road.
25. The dwelling would be located between 5m and 5.8m from the side boundary with 34 Mill Road. This dwelling is set close to the frontage but has a range of outbuildings to its rear. The proposed boundary between the two sites is shown as a 2.8m high wall to be reinstated following removal of the existing outbuilding. There are three proposed windows in the facing elevation, all of which can be obscure glazed to prevent any overlooking. The proposal would be visible from the rear garden of 34 Mill Road, but I do not consider any serious harm would result to the occupiers of this property.
26. The two-storey element of the proposed dwelling would be located 9m from the eastern boundary of the site. There are three proposed windows in this side elevation, two of which are shown to serve bedrooms. The windows serving bedroom 2 will be obscured by the roof of the pool block and would not be visible from the rear garden and paddock of 44 Mill Road. The window serving bedroom 4 would allow some views towards 44. However, the conifer hedge would screen the window. If the hedge were removed, then some views towards to the rear garden of 44 Mill Road would occur, but there would be no overlooking towards the private rear area given the distance involved. A condition could be added to obscure glaze this window if Members felt significant overlooking would occur. I do not consider the proposal would cause any serious harm to the occupiers of 44 Mill Road.
27. The proposed pool block is set 0.4m from the eastern boundary of the site. There is a row of 3m tall conifers on the other side of the bank of the adjacent drain, giving good screening of this block. The pool block has an eaves height of 2.9m, and is therefore low in this area. The adjacent land is the paddock to 44 Mill Road. As a whole, I do not consider the proposal would have any serious impact upon the occupiers of 40 Mill Road.

Land Contamination

28. An Environmental Desk Study was submitted along with the application. I note the comments from the Scientific Officer regarding the conclusions of the study. A land contamination investigation and remediation condition can be added to the consent to allow further talks between parties on any potential land contaminants.

Drainage

29. I note the comments from the Parish Council that the site may have an implication for drainage in the area. The site lies within Flood Zone 1 and as a result, no Flood Risk Assessment is required as part of the application. The applicant has stated methods for foul and surface water to be used. I note comments from the Council's Drainage Manager, particularly regarding surface water drainage and the proximity to the adjacent Awarded Drain. The relevant surface water drainage condition could be added to any approval.

Provision of Open Space

30. Policy SF/10 of the Local Development Framework Development Control Policies 2007 seeks all residential developments to contribute towards outdoor playing space and informal open space to meet the additional need generated by the development. I note the applicant's letter dated 11th February 2010 stating they are willing to make a contribution to the agreed figure, and a condition can be added accordingly.

Highway Safety

31. Previous applications have established the use of the access to serve a backland plot. I note the comments from the Local Highways Authority regarding the access. It recommends a condition preventing gates to be erected. The site plan shows gates located 28m along the access. I do not consider that these gates in this location would cause any harm to the highway as vehicles would be clear of Mill Road when stopping to open the gates. A condition could prevent further gates to ensure the highway would not be blocked as people step out of vehicles to open the gates.
32. The plan shows the frontage to 38 Mill Road to be reduced to 0.6m in height to allow visibility. This can be conditioned, and the wall sits within the red line of the application site. Parking and turning areas can be provided prior to occupation, to ensure that vehicles do not reverse along the access. A condition can also ensure that temporary facilities for construction vehicles can be provided.

Other Matters

33. I note the concerns from the Parish Council regarding the proposal, particularly regarding the encroachment over the building line. I presume this means the village framework, which does not follow any physical line on site. There has been debate as to the exact location of this line, and I have no reason to doubt the line shown on the amended plan. The original plan had much more development outside the framework, but a single storey element has been removed. Whilst it is appreciated there still remains some footprint outside the framework, this is offset by the removal of outbuildings at the rear. The result of this is less built development in the countryside than existing.
34. I note the comments from the Council's Environmental Health Officer regarding the scheme. The recommended conditions relating to types of power driven plant or

equipment, construction times, external lighting, and deliveries and collections can be added. I do not consider details regarding driven pile foundations are required as a condition, but can be passed to the applicant as an informative. A further informative regarding bonfires and burning of waste can also be added.

35. Given the proximity of the village framework, I recommend the removal of permitted development rights for further extensions and outbuildings, which would prevent development that would not usually require planning permission from further extending into the countryside.

Recommendation

36. The proposal is recommended for approval (as amended by plans PL-01 Rev A, PL-02 Rev A and PL-03 Rev A date stamped 8th February 2010), subject to conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, and plans PL-01 Rev A, PL-02 Rev A and PL-03 Rev A date stamped 8th February 2010.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. 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. 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, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant 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. 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 shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
8. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
9. Apart from any top hung vent, the proposed first floor windows in the west (side elevation) of the dwelling, hereby permitted, shall be fitted and permanently glazed with obscure glass.
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. 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 north, east and west elevations of the dwelling 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.)
11. The high level window in the north (front) elevation serving bedroom 3 shall be constructed with a cill height a minimum 1.7m above finished floor level.
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

12. No development shall begin until details of a scheme for the provision of outdoor playing space and informal 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 the provision of outdoor playing space and informal open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
13. 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 development within Classes A and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To ensure that development that would not normally does not require planning permission does not cause further encroachment into the countryside in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
14. The proposed off-street parking space for 38 Mill Road, as shown on approved plan PL-01 Rev A date stamped 8th February 2010, shall be constructed and laid out on site prior to the construction of the approved dwelling, and thereafter retained as a parking space for this frontage property.
(Reason – To ensure adequate off-street parking on site for the occupiers of 38 Mill Road, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
15. Other than those shown on approved site plan PL-01 Rev A, no further gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
16. The front boundary of 38 Mill Road shall be reduced to and maintained at a height not exceeding 0.6m above the level of the highway carriageway.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
17. The proposed turning and parking areas shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
18. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

19. 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.)

20. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.

(Reason - To protect the occupiers of adjoining dwellings from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)

21. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

22. During the period of construction, no deliveries or collections shall take place outside the hours of 08:00-18.00 on weekdays and 08.00-13.00 on Saturdays (nor at anytime on Sundays and Bank Holidays) during construction unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To protect the occupiers of adjoining dwellings from the effect of noise in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Informatives

The scheme involves work to the public highway that will require the approval of the County Council as Highways Authority. It is an offence to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. 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.

Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted to and approved by the District Environmental Health officer so that noise and vibration can be controlled.

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.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007 (adopted July 2007)
- Planning Files Ref: S/1919/09/F, S0316/09/RM, S/0796/08/O, S/2248/07/O, S/1844/07/O and S/0409/07/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

S/1844/09/F - WILLINGHAM

**Change of Use of Land for Siting of 5 Gypsy Mobile Homes, 4 Touring Caravans and 3 Toilet Blocks
at Foxs Meadow, Iram Drove for Mr Bill Coates**

Recommendation: Delegated Temporary Approval

Date for Determination: 25th March 2010

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 lies to the east side of the village of Willingham, and is outside the defined village framework, as identified in the South Cambridgeshire Local Development Framework 2007. The site measures approximately 53m by 40m, and is accessed from the north boundary from Iram Drove. The plot is divided into two, and each has a separate access, although it is possible to walk between the two.
2. The north boundary of the site along Iram Drove is a 0.8m high fence, with a 1m high hedgerow alongside. There is a set of gates set back from the road on the western entrance, served by 1.8m high brick piers. To the northern side of Iram Drove is open countryside. The 1m high hedge continues along the western boundary of the site, beyond which is paddock land and then a tree line. To the south of the site outside of the application site are three stable buildings set behind a further hedge. There is access from the site through to these stables. The hedge continues across half of the rear boundary, with a small fence along the rest of the south boundary. The eastern access to the site continues to an existing hay store set to the east of the application site. A row of conifers over 2m in height runs along the east side of this access.
3. The full application validated on 28th January 2010 seeks consent for the change of use and siting of 5 gypsy mobile homes, 4 touring caravans and 3 toilet blocks. The applicant has not stipulated any desire for a temporary consent. At the time of the officer's site visit, 4 mobile homes, 3 touring caravans and the three toilet blocks were on site. The application is therefore part-retrospective. The application is accompanied by a Design and Access Statement.

Planning History

4. Application **S/1857/06/F** was granted temporary consent for 4 gypsy mobile homes, 4 transit caravans and 3 toilet blocks on the site. Condition 1 of this consent states the use shall be discontinued and the mobile homes, transit caravans and toilet blocks removed from site on or before 31st December 2009. Condition 3 also restricted the numbers of caravans on site to a maximum of 8. This application followed a previous

S-1844-09-F



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Scale 1/2500 Date 19/3/2010

Centre = 541194 E 270368 N

April 2010 Planning Committee

temporary approval for 4 gypsy mobile homes, 4 transit caravans and 4 toilet blocks approved through application **S/2416/02/F**.

5. 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 2009 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

6. **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.
7. 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.
8. 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.
9. The **South Cambridgeshire District Council Gypsy and Traveller Development Plan Document** is currently under review. A consultation process has recently ended on 9th October 2009 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.
10. The site is currently included within the Gypsy and Traveller Site Operations and Policies consultation in preparation for the Development Plan Document. The site is number 9 in the consultation. The consultation document states "this existing temporary site is close to Willingham's services and facilities and is already meeting Gypsy and Traveller needs".

11. 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,
12. Willingham is defined as a Minor Rural Centre under Policy **ST/5** of the **Local Development Framework Core Strategy adopted January 2007**.

Consultation

13. **Willingham Parish Council** recommend refusal of the application on the grounds set out in the Parish council's evidence to the District Council's current consultation on Gypsy and Traveller Site Options and stating that to grant permission at this stage would prejudice the said consultation process. There is a need to limit Traveller site numbers due to a disproportionate amount in the Parish which is putting undue pressure on all local amenities. The Parish Council cannot accept any increase or legislation of sites under these circumstances.
14. The Council's **Traveller Site Team Leader** notes the applicant and his family have lived in Willingham for most of their lives and are known locally. A permanent consent would create a secure place for his family in the future. The site is well maintained and provides essential accommodation for his family. The site is identified in the Gypsy and Traveller Development Plan Document as meeting planning criteria and the application is supported.
15. The **Local Highways Authority** request dimensions of parking spaces to be shown on the plans, and request gates are set back 5m from the near edge of the carriageway in the interests of highway safety.
16. The **County Council Education Team** notes that Willingham Primary School has no spare capacity. The proposal would be expected to generate 2.25 primary aged children, at £8,400 each. A primary education contribution of £18,900 is therefore requested
17. No comments have been received from the Environment Agency and the Old West Internal Drainage Board, both of whom recommended informatives for the previous temporary approval. Members will be updated on any comments received.

Representations

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

Planning Comments – Key Issues

19. 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 and visual impact of the site. This should be balanced against the status of the Gypsy and Traveller Development Plan Document.

Need to Provide Residential Accommodation

20. The applicant remains the same as when temporary consent was granted for the site in applications S/1857/06/F and S/2416/02/F. During the course of these applications, the applicant's identity as a defined Traveller was confirmed. In light of the definition

of a Gypsy/Traveller as set out in Circular 01/2006, I consider the applicant is in need of appropriate gypsy accommodation. 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. The site is occupied by the applicant, her husband and their four children, who have resided on the site for approximately five years. The children are all enrolled at schools, and the family are registered at the local Doctors Surgery.

21. As noted, the site is divided informally in two. On the western section, the mobile home is occupied by the applicant and his wife. The first touring caravan in this area is occupied by his son and wife, whilst the second is occupied by his granddaughter, often with his grandson. All six residents are registered with the local doctors surgery. The eastern part of the site is occupied by a different family, who are related to the owner. The three mobile homes are occupied by a man and wife, who are cousins to the applicant. The second home is occupied by their his niece and her son, and the third is occupied by his son, wife and four children. All are registered with the local doctors surgery and the three children of school age attend Willingham Primary School. All occupiers of the site are therefore related, and the applicant and his cousins previously lived on Smithy Fen together.
22. Given the recently expired temporary condition on the site and the consultation regarding the Development Plan Document, the site is considered as an acceptable site for a further temporary consent. This would allow the applicant to remain on site until the Development Plan Document is adopted, due in early 2012. 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. I recommend the consent be allowed until 18th August 2012 to match other temporary consents granted in recent times including for application S/1919/08/F determined at appeal and the likely timescale for the adoption of the DPD.

Visual Impact

23. The site is enclosed by either fencing or hedgerows. This does provide some good screening, especially the conifers along the east boundary. Screening is also provided by the stables and hay store to the south and east boundaries. The Gypsy and Traveller Development Plan Document Issues and Options Consultation document 2009 notes that there is potential for adverse effects on the landscape character of the area as a result of the "urban" frontage of the site. As my recommendation for the application is one of temporary consent, I do not consider a landscaping condition necessary at this point, given the potential capital outlay, and this has been the case for other recent applications. If the site were granted a permanent consent in the future, this would be the time for such a condition, to further strengthen the screening, particularly to the frontage of the site.
24. The proposal does seek an additional mobile home to that previously given temporary consent. This is speculative should there be an increase in demand from the site. Only four mobiles were on site during my visit. I do not consider that an additional mobile would cause any serious impact upon the surrounding countryside. Should Members disagree, the allotted number of mobiles could be reduced to four by condition.

Other Matters

24. Members will be aware that at the January and March 2010 Planning Committees, three Traveller applications were approved subject to the addition of personal

consents to the recommendation. Such a condition is again not suggested for this scheme as there is no personal circumstances that would differentiate the decision than if any other gypsy or travellers were the applicants. A condition stating the site can only be occupied by defined Gypsies and Travellers is considered sufficient.

25. The previous temporary approval did not have any conditions relating to vehicle storage, commercial activities and external lighting. These are standard conditions for Traveller sites and should be added, in order to reduce impact upon the countryside and the amenities of the local population.
26. I note the comments from Willingham Parish Council regarding the proposal. The temporary consent is proposed to allow the development to be fully considered within the Gypsy and Traveller Development Plan Document. With regard to the time frame, The Inspector in the recent case at 3 Cadwin Fields (S/1919/08/F) 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. This application is similar to that won at appeal, and the application is supported in the short-term, with the date to tie in with that at no. 3 Cadwin Fields.
27. I note the comments from the County Council Education Team regarding the requirement for a payment towards primary school spaces at Willingham Primary School. As with the potential landscape condition, this represents a significant capital outlay that is difficult to justify in recommending a temporary consent. The Needs Audit also shows that the children of primary school age are already enrolled at the school. Given this information and the recommendation, I do not consider a payment towards education at this point to be necessary. If the site were granted a permanent consent after the adoption of the Gypsy and Traveller Development Plan Document, this would be the time for such a payment to be required if considered necessary at that time.

Recommendation

28. Delegated temporary approval until 18th August 2012 subject to comments from the Environment Agency and the Old West Internal Drainage Board

Conditions

1. The use, hereby permitted, shall be discontinued and the five gypsy mobile homes, four touring caravans and three toilet blocks, hereby permitted, shall be removed and the land restored to its former condition on or before 18th August 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 five mobile homes, four touring caravans and three toilet blocks at any time.
(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 in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - In order to limit the site's impact on the area's rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan date stamped 15th December 2009
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

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/1844/09/F, S/1857/06/F, S/2416/02/F and S/1919/08/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

S/1625/10/F - WILLINGHAM
5 Dwellings, Land to the West of 16 Green Street for Mr F Stannard

Recommendation: Delegated Approval

Date for Determination: 26th January 2010

Notes:

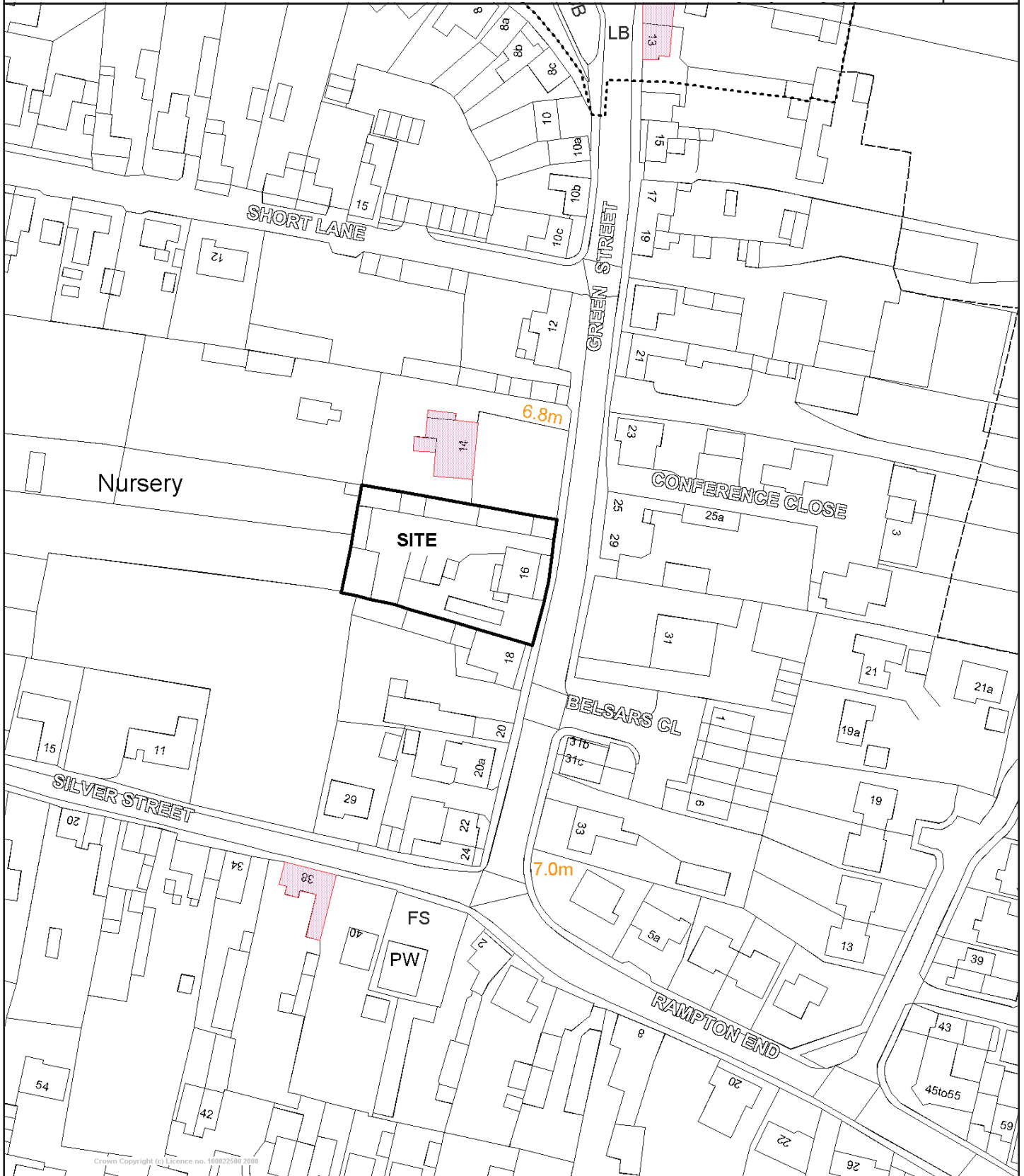
This Application has been reported to the Planning Committee for determination because the Officers recommendation of delegated approval conflicts with the recommendation of refusal received from Willingham Parish Council.

Members will visit this site on Wednesday 7th April 2010

Site and Proposal

1. This full application, as amended by drawings received on 25 February 2010, proposes the erection of 5 dwellings on a 0.128ha area of land at the rear of 16 Green Street, Willingham.
2. No 16 is a detached house fronting Green Street, which has a small rear garden to the rear and side to the south. To the north of the house is an access which leads to a yard containing a number of barns, sheds and outbuildings. A single storey wing of one of these outbuildings extends along the northern boundary of the site to the Green Street frontage. This part of the site has previously been in commercial use, including use as a depot for picked flowers and a coalyard, though the site is currently vacant and unused.
3. The proposed development comprises a 1 x one-bedroom, 1 x two-bedroom, 2 x three bedroom and 1 x four bedroom unit. The one bedroom unit and one of the three bedroom units are to be provided as affordable dwellings. The proposed terrace of units at the rear of the site has a ridgeline of varying heights with a two and half storey unit being the tallest at 8m. Four of the units are provided with a 7m deep rear gardens. The one bedroom unit has a small garden at the front.
4. The proposal dated 29th October 2009 is to demolish the existing buildings on the site, with the exception of the existing house, and build a terrace of new houses across the rear part of the site in a row which runs north to south, and incorporating a wing along the northern boundary, which will now finish 16 back from the Green Street frontage. The height of the rear section of the building on the north boundary of the site is to be increased by 0.75m to 5.3m, to allow for accommodation at first floor.
5. Access will be to the north of the site, and is achieved with the removal of the front section of the existing single storey building on the northern boundary of the site. Visibility splays of 2.4m x 43m are provided either side of the access. A total of seven car parking spaces are provided within the site for the proposed dwellings.

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Scale 1/1250 Date 23/3/2010

Centre = 540767 E 270252 N

April 2010 Planning Committee

To the north the site abuts No14 Green Street, a Grade II listed building and its garden area. To the south the site abuts No18 Green Street, and to the rear the long rear gardens of properties in Long Lane.

6. The application is accompanied by a Design and Access Statement, a Daylight Study Model, and an Environmental Desk Study.

Planning History

7. **S/0113/07/F** – Erection of 4 Dwellings and Revised Access Arrangements – Withdrawn – 14 March 2007
8. **S/1817/07/F** – Detached Dwelling and New Access – Approved with Conditions – 16 November 2007

Planning Policy

9. **East of England Plan 2008:**
SS1 - Achieving Sustainable Development
H2 - Affordable Housing
ENV6 - The Historic Environment
ENV7 - Quality in the Built Environment
10. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**

Policy ST/5 – Minor Rural Centres

11. **South Cambridgeshire Local Development Framework Development Control Policies adopted July 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

HG/1 – Housing Density

HG/2 – Housing Mix

HG/3 – Affordable Housing

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

SF/11 – Open Space Standards

NE/1 – Energy Efficiency

NE/6 - Biodiversity

CH/4 – Development within the Curtilage or Setting of a Listed Building

TR/2 – Car and Cycle Parking Standards

Open Space in New Developments SPD – adopted January 2009

Biodiversity SPD – adopted July 2009

Listed Buildings SPD – adopted July 2009

District Design Guide SPD – adopted March 2010

Affordable Housing SPD – adopted March 2010

Consultation

12. **Willingham Parish Council** - Recommends refusal 'on the grounds of the previous refusal of the outline application. There is concern of access, lack of parking and the letter that South Cambridgeshire District Council received from a parishioner stating various valid reasons. (A copy of this letter has also been received in the Parish Council Office.)'
13. The **Local Highway Authority** - Has no objection but confirms that it would not wish to adopt the proposed development. It requests that conditions be included in any consent. These include prohibiting gates across the approved access, ensuring the provision and maintenance of parking and turning facilities within the site, securing the provision of visibility splays, requiring the works to the footpath to be carried out prior to occupation of any of the dwellings, and to ensure that the access is constructed so as to prevent surface water run-off onto the adjacent public highway.
14. The **Conservation Manager** - Comments that the proposals broadly follow previous discussions, which followed the withdrawal of the 2007 application. In previous discussion, due to the proximity of the development along the boundary with No14, it was considered important to limit any development along the boundary to single storey and only to locate any two-storey element beyond this point to avoid competition with the listed building and to retain or reproduce the nineteenth century single storey outbuilding following this boundary.
15. In the current scheme, although the building along the boundary is single storey and one and a half storey, with the higher building beyond, the higher building is significantly bulkier than before at the junction with the single storey range. This bulkier form comprises a large single storey dormer which is top-heavy and would be prominent in views through the access and therefore in conjunction with the listed building in the streetscene. It would also be overbearing within parts of the garden of the listed building.
16. Further concerns relate to the treatment of the frontage adjacent to the listed building, where there is a linear structure and a curved wall/structure indicated in outline. They are shown differently on the floor plan and site plan, and not in elevation, and neither is described or annotated in the application.
17. The amendments and uncertainty regarding the relationship of the proposed building with the listed building would be harmful to the interests of the listed building and refusal is recommended due to the bulk, complexity, design and overbearing impact of the proposal, contrary to Policy CH/4.
18. It may be possible to revise the scheme to omit or move the dormer window and to clarify and redesign or omit the structures on the street frontage in order to revert closer to the scheme previously found acceptable.
19. The **Corporate Manager (Health and Environmental Services)** has considered the implications of the proposal, and in particular the Environmental Desk Study submitted with the application. The site was a former coal yard and the report identifies a potential for contamination. It is therefore recommended that a condition is attached to any consent requiring the carrying out of a detailed scheme for the investigation and recording of contamination.
20. The **Housing Development and Enabling Manager** confirms that there are two affordable units provided which complies with the 40% contribution required by Policy

HG/3. The house types provided, a 1 bed flat and 3 bed house, are acceptable. More detail should be provided concerning the design and size of the units along, with confirmation whether or not they will meet Code for Sustainable Homes Level 3 and the Homes and Communities Agency Design and Quality Standards.

21. **Cambridgeshire County Council (Education)** requests that a contribution is sought for primary education, as the proposed development is expected to generate 1.25 primary aged children and there is no spare capacity at the local school. A contribution of £10,500 is sought.
22. The comments of the **Ecology Officer** will be reported at the meeting.

Representations

The occupiers of **14 Green Street** object to the application.

23. The proposed density appears unacceptably high and out of keeping with the character of the area. Nos 18, 14 and 12 Green Street are all single dwellings on plots of similar or greater size than the application site. Recent development in Green Street (Conference Close) is on a considerably larger site, yet contains only 6 dwellings. Another development at 22 Green Street contains only one new dwelling and an extension to the existing dwelling. This application site already has permission for one dwelling, in addition to the existing house on the site. 8 houses were built at Belsars Close a number of years ago, however it would be surprising if this were now considered a suitable benchmark for a reasonable level of density.
24. The impact of the proposed development will be overbearing on No14, which is of particular concern given that the property is listed. The proposed dwellings will be closer than any existing property and at least two will be right up against the boundary. There is a significant heightening of the ridgeline of the existing outbuilding on the site to a height level with the gutters of No14. The ridgeline will be stepped back but that appears slight in comparison with the height increase. In addition the gable end of the proposed terrace will extend above that. All these will loom over the conservatory and patio area of No14 and be visible from these and a bedroom and bathroom. Photographs are provided with the letter to illustrate the impact. It is also anticipated that there will be an impact on light to the conservatory in particular when the sun appears only a little above the present ridgeline.
25. The proposed development is likely to have a significantly adverse impact on the amenity. The proximity of the proposed development, which will have bedroom and landing windows opening out in the northern elevation at the same level as first floor windows of No14 means that it is likely that noise emanating from the proposed development will have a significantly adverse impact on the amenity of No14. These windows will also significantly impact on privacy, enabling occupiers of the proposed dwelling to look into parts of the house and garden of No14, as well being intrusive. The bedroom and bathroom windows of No14 are clear glazed as the property is listed and could therefore look down into the proposed dwelling. A condition on the earlier consent for a single dwelling to the rear of No16 stipulated that there should be no windows, doors or openings in the north elevation, with the reason given being to protect privacy.
26. Suitability of access. A report accompanying the 2007 application concluded 'it is not possible to achieve a workable site access route which meets the requirements for multiple dwelling units'. There is no reason why a completely different conclusion should now be reached, particularly as a greater number of vehicles are now

anticipated. The 2007 application for an additional 4 units was withdrawn because the Highway Authority objected to the access arrangements, then to the south of No16. It is believed that access in the position shown on the current application was not viable as the Beech tree rendered visibility inadequate and this appears implicit in the Design and Access Statement submitted with the 2007 application for a single dwelling. This document explored a number of access options, including improving the existing access road by demolishing the outbuilding at the access corner, but concluded none could be made to work and therefore an access to serve multiple units was not possible.

A full tree survey has not been submitted with the application.

27. The proposed development may lack the legal rights to proceed, although it is recognised that this is not strictly a planning matter. It is questionable whether the necessary rights exist for the construction and retention of works that may be required e.g. for gutters/drainpipes or other services and structures to overhang the boundary with No14, or the necessary foundations or services to be constructed underneath it. The relevant provisions of The Party Walls Act 1996 will need to be observed.
28. The occupier of **18 Green Street** is concerned that the boundary line of his property consists of outbuildings, a garage and old farm buildings, all of which are used. There does not appear to be any space between the new houses and these buildings, which is concerning as the right has previously existed to maintain the buildings and this will be lost. If this is the case there would be long term ramifications for the structures and their upkeep. Very strong concerns are also expressed about the height of the house on Plot 3, which appears to be a 3-storey building, which will put privacy at risk. It is felt that in such a small space the roof line of all 5 dwellings should be at the same level.
29. The occupiers of **23 Long Lane** comment that the OS maps for the area do not correctly show the garden of that property and incorrectly designate the rear of the garden as Nursery, whereas the garden extends right to the border of the land with No16 Green Street. An objection is raised as Plot 3 has a rear second floor window which would significantly reduce privacy of the entire rear garden of 23 Long Lane and would have a view right into the conservatory and lounge. This window should be removed. There are also concerns related to the Environmental Desk Study which identifies potential pollutants. The east side of the garden of 23 Long Lane has a number of fruit trees and shrubs, the berries from some of which are eaten. It is pointed out that any failure to deal with any potential pollutants identified and the subsequent siting of two soakaways adjacent to this area could potentially lead to pollutants entering the human food chain.

Planning Comments – Key Issues

30. The key issues to be considered in the determination of this application are: density and housing mix, affordable housing, access and parking, impact on setting of adjacent listed building, impact on street scene, neighbour amenity, open space provision, contamination and, education provision.

Density and Housing Mix

31. The application site has an area of 0.128ha. The erection of 5 dwellings on the site equates to a density of 39 dwellings per hectare which marginally below supported by Policy HG/1. Given that the site is in the centre of the village of Willingham, a village

that has a reasonable service base, it is considered that this density can be supported in principle provided the scheme complies with other policies of the development plan.

32. The mix of market housing within the site is one 2-bedroom unit, one 3-bedroom unit, and a 4-bedroom unit. Policy HG/2 requires developments of less than 10 dwellings to provide at least 40% of the development as 1 or 2 bedroom units and then approximately 25% each for 3 and 4 bedroom units. Given that there are only three market houses being provided here, along with two affordable dwellings, it is considered that the proposed mix is acceptable.

Affordable Housing

33. The application proposes to provide two of the five dwelling proposed as affordable dwellings. The Housing Development and Enabling Manager has confirmed that the 40% provision complies with the requirements of Policy HG/3 but has asked for further details concerning design and size of the units and confirmation that they will conform to the required standards. The point has been raised with the applicant and any further information will be reported to the meeting.
34. A scheme for the provision of the affordable housing will need to be secured through a condition attached to any planning consent.

Access and Parking

35. Since the withdrawal of the earlier application for 4 dwellings on this site negotiations have taken place with the Local Highway Authority and traffic survey work undertaken. As a result it has been agreed that the location of the site satisfies the criteria in Manual for Streets whereby reduced visibility splays can be provided. The application demonstrates that by the removal of the front section of the existing building on the northern boundary of the site, the required visibility splays and width of access into the site can be achieved. The Local Highway Authority has confirmed this to be the case.
36. A total of seven car parking spaces have been provided to meet the requirements of the five new units proposed. The Councils maximum car parking standards would require the provision of 1.5 spaces per unit plus a visitors space (a total of 8/9 spaces) but given the mix of units, which includes a one-bedroom unit, I am of the view that the provision seven spaces only would not justify a refusal of the application.

Impact on the Setting of the Listed Building

37. The design of the scheme was the subject of pre-application discussion with a previous Conservation Officer and the current comments of the Conservation Team confirm that the application broadly follows the previous discussions. The concerns expressed regarding the higher section of the building along the northern boundary of the site, the size of the dormer window in the south facing elevation of that element of the building and the treatment of the site frontage have been put to the applicants' agent and any further revised plans will be reported to the meeting.
38. It is important that any scheme has the support of the Conservation Team to ensure that it does not have an adverse impact on the setting of the adjacent listed building at 14 Green Street, as required by Policy CH/4.

39. It will be important to ensure that a wall, the same height as that of the existing part of the outbuilding to be removed, is retained or rebuilt along the northern boundary of the site, as the building currently contributes to the setting of the listed building.
40. The approved scheme for a single dwelling sets a precedent for the principle of development at the rear of the site.

Impact on the Street Scene

41. Although the site is not in the Conservation Area the frontage, including the existing single storey outbuilding on the north boundary, does contribute to the character of this part of the village. It is considered unfortunate that the front section of this building has to be removed in order to allow a satisfactory access to be provided to the site, however this building is not statutorily protected and could be removed without the consent of the Local Planning Authority.

Impact on Neighbour Amenity

42. The amended drawings received remove two of the three rooflights proposed in the northern elevation of the building on the boundary with 14 Green Street. The remaining rooflight will serve a staircase and the drawings indicate that it will be fitted with obscure glass. It is considered that this should be a conservation style rooflight, which is what appears to be shown, and should be non-opening. This can be secured by condition. It is considered that the revised drawings satisfactorily address the concerns of the occupiers of 14 Green Street in respect of this part of the scheme and also improve the relationship of the scheme with the listed building. It should be noted that the approved scheme for a single dwelling on the site contained five rooflights in the north elevation of the existing building on this boundary, although at that time they were to provide additional light to ground floor accommodation.
43. Although it is proposed to increase the ridgeline of the rear section of the building on the north boundary of the site by 0.75m the ridgeline will be a similar distance further from the boundary with No14. Having stood in the garden of that property it is not considered that the increase in the height of that building will be overbearing either when viewed from the garden area or from within the Listed Building itself.
44. Although this increase in height will have some impact on the sunlight to the garden and conservatory of No14, as the site is too the south, it would not cause sufficient additional harm to warrant refusal of the application.
45. Although concern has been expressed about the overbearing impact of the north facing gable of the two storey element of the scheme when viewed from 14 Green Street this closest section of the two storey element of the scheme is now further away from the boundary with 14 Green Street, and lower in height than that approved as part of the scheme for the single dwelling on the site. Although the higher section of ridge is now 0.5m higher than the previously approved scheme, that section of the building is 7m from the boundary, compared to a distance of 2.5m in the approved scheme.
46. The concerns in respect of guttering and foundations have been raised with the applicants' agent and further drawing demonstrating how these matters will be addressed are awaited.
47. The occupiers of 23 Long Lane are concerned that the garden of that property is not correctly shown on the OS plans and having been to the site officers can confirm that

the private garden area of that property does extend to the rear boundary of the application site. The proposed dwellings will be 7m from the rear boundary of the site and therefore will afford some overlooking of the rear section of the garden of 23 Long Lane. However as the rear garden of 23 Long Lane has a depth of approximately 90m it is not considered that any overlooking of the very rear section of the garden or the house itself will cause a significant loss of amenity to the occupiers of that property. Additional tree planting can be carried out at the rear of the site.

48. The occupier of 18 Green Street has expressed concern about the proximity of the proposed building to the boundary of his property, with particular reference to the future maintenance difficulties this will present. This matter has been raised with the applicants' agent but it is noted that a similar situation existed in the approved scheme for a single dwelling on the site.
49. Having viewed the site from the garden of 18 Green Street it is not considered that the development will result in an unreasonable loss of amenity through overlooking or overbearing impact.

Public Open Space

50. It is accepted that due to the restricted size of the site that open space provision cannot met on site and therefore an off-site contribution is appropriate. Subject to confirmation that the applicant is prepared to make the contribution the matter can be dealt with by condition.

Contamination

51. Given the previous uses of the site the Councils Scientific Officer (Contaminated Land) has requested that a condition is attached to any consent requiring a detailed scheme to be submitted for the investigation and recording of any contamination, along with a scheme of mitigation if required. This work would need to be carried out prior to development taking place and is the standard way of dealing with such matters.

Education Contribution

52. Cambridgeshire County Council has identified a shortfall in provision in the primary education facilities in the village and has requested a contribution from the applicant to secure the improvement of these facilities as a result of the identified needs to the application. Subject to confirmation that the applicant is prepared to make the contribution the matter can be dealt with by condition.

Other Matters

53. In line with Council policy a contribution will be sought to the provision of waste bins and community facilities. Subject to confirmation that the applicant is prepared to make the contribution the matter can be dealt with by condition.
54. The comments of the Ecology Officer will be reported at the meeting.
55. Details of a scheme for surface water drainage of the site can be secured by condition.

Recommendation

56. That subject to the receipt of satisfactory amended plans addressing the concerns of the Conservation Manager and confirmation that the applicants prepared to meet the contributions identified above that delegated powers of approval are given

Conditions (to include)

1. 3 year time limit
2. Details of materials
3. Landscaping scheme
4. Surface water drainage scheme
5. Hours of working during construction
6. Contamination assessment/remediation
7. Highway Authority requirements
8. Provision/maintenance of car parking spaces
9. Control over further openings in north and south elevations
10. Scheme for provision of affordable housing, public open space, education and other contribution as required by Policy DP/4
11. Obscure glazing of rooflight in north elevation, and use of conservation style rooflight

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Supplementary Planning documents
- Planning File Refs: S/1625/09/F, S/1817/07/F and S/0113/07/F

Case Officer: Paul Sexton – Principal Planning Officer
Telephone: (01954) 713255

Presented to the Planning Committee by: Paul Sexton

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

S/1805/09/F - CALDECOTE
Installation of Security Bollards (Retrospective) Land to the South of 3 Crafts Way
for Miss Jacqueline Hodgkinson

Recommendation: Approval

Date for Determination: 25th February 2010

Notes:

The application has been reported to the Planning Committee because the recommendation of approval conflicts with the views of the Parish Council.

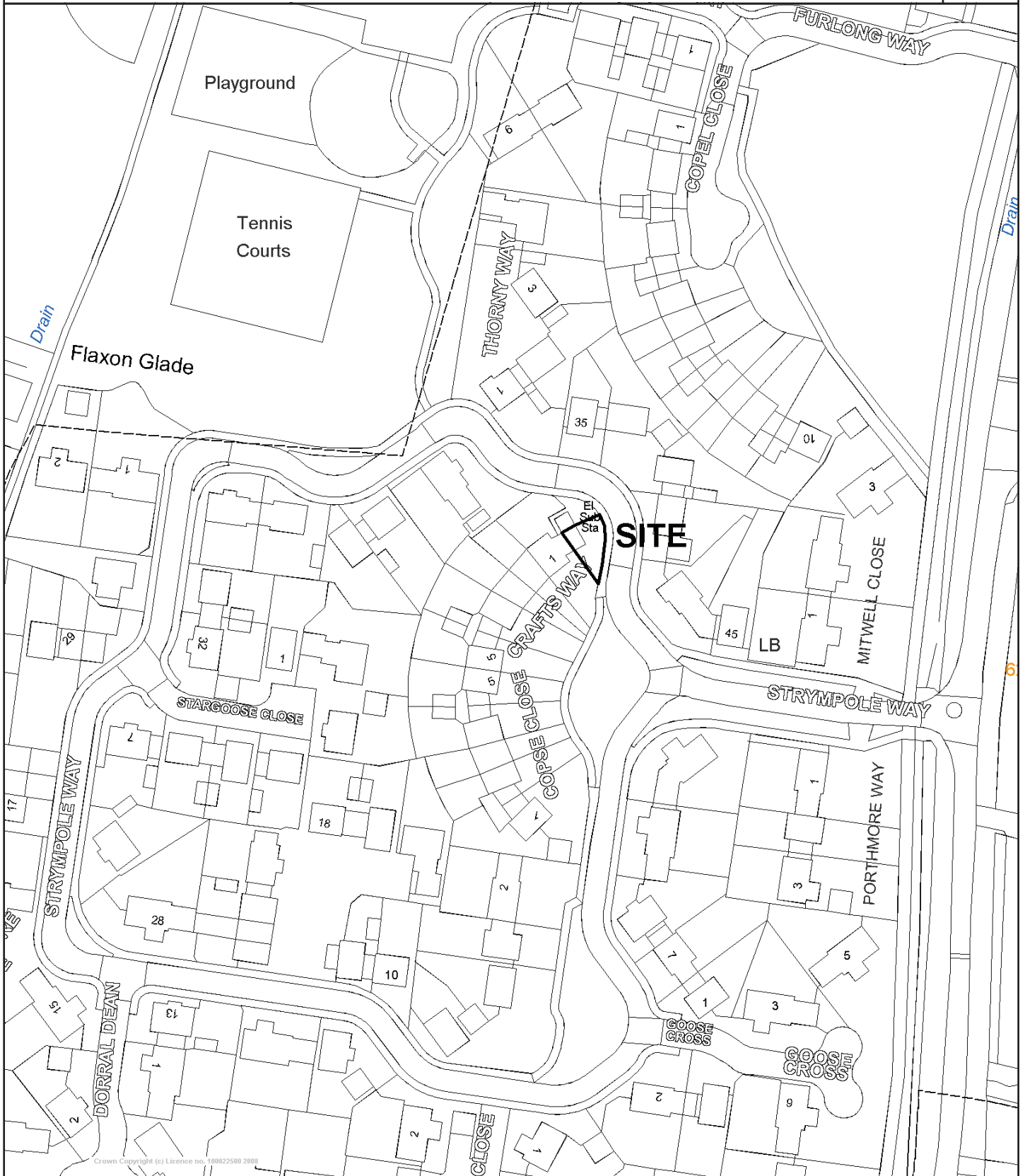
Site and Proposal

1. The property of 3 Crafts Way is one of a set of terrace houses that are in a crescent shape around a public open space and face the main entrance to the housing estate. The site is located to the northeast of 3 Crafts Way, measures approximately 0.0099 hectares, is within the village framework and includes both a garage and a hard surfaced open space. Prior to the bollards being installed the site formed part of an area that had the appearance of an informal small public square and is referred to in the original planning application S/0224/99/F for the housing development as a Housing Square. It should be noted that much of this informal public square is likely to be privately owned. To the northwest of the site is the adjacent Electrical Sub Station that has an off road parking area located in front of it.
2. The application validated 31/12/2009 is for the formalisation of the erected Security Bollards. The applicant states that the development was completed on 6th November 2009.
3. The bollards measure approximately 0.16m x 0.13m, with a height of 0.62m and are currently mainly yellow in colour, with the base painted black.

Planning History**Relevant Site History**

4. **S/0224/99/F** – The proposed erection of 123 dwellings, new vehicular access, provision of open space and extension to school playing fields.

S-1805-09-F



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April 2010 Planning Committee

Planning Policy

5. South Cambridgeshire Local Development Framework (LDF) Development Control Policies adopted July 2007.

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

TR/2 – Car and Cycle Parking Standards

Consultations

6. **Caldecote Parish Council** – Recommends refusal. The Parish Council states that the development is considered to be detrimental to the streetscene, dangerous to pedestrians and children running into the bollards and results in a reduction in available parking on this corner. The Parish Council believes that the original intention of this area was for car parking.
7. **Local Highways Authority** – The Highways Authority requests that the proposed bollards fold inwards and not out towards the public highway. The Highway Authority also states that it would be acceptable to paint the proposed bollards any colour that South Cambridgeshire District Council feels is appropriate.

Representations

8. No representations were received as part of this application. However, the occupant of 1 Crafts Way did write in before the application was submitted with concerns over rights of way. The occupant of No.1 was advised that this is a civil matter. The occupant has since phoned and questioned the progress of the application, though has not written in with any objections.

Planning Comments

9. The main planning considerations for this development are the principle of the development, impact upon highway safety and visual impact on the surroundings.
10. **The principle of the development** – The site lies within the village framework and is private land that is owned by the applicant. Whilst the land is not considered to be within the residential curtilage it is considered that the applicant has the right to park any vehicle on their own land. The land was defined in the plans submitted as part of planning application S/0224/99/F as a Housing Square. This Housing Square was not, however, controlled by any specific conditions to ensure it is maintained. The most relevant control is Condition 14, of that planning permission, which requires that parking and turning areas be maintained. With no clear condition controlling how this Housing Square should be used, the development under consideration is considered to be acceptable in principle.
11. **Impact upon highway safety** – The proposed development is not located on the public highway and the Local Highways Authority has stated that if the bollards were conditioned to fold inwards away from the public highway there would be no impact upon the safety of the users of the public highway. The Highways

Authority also has stated that it does not matter what colour the bollards are painted in regards to highway safety.

12. In reply to the Parish Council's comments that the development would be dangerous for pedestrians and children running into the bollards. It is considered that with the development being on private land and not the public highway, there is no risk to the safety of the users of the public highway and anyone injured because of the bollards would be a civil matter between them and the land owner.
13. The proposed development will, therefore, cause no impact upon highway safety if conditioned that the bollards fold down away from the public highway.
14. **Visual impact** - The proposed bollards measure approximately 0.62 metres in height and are currently painted primarily yellow with some black details. The existing nearby boundary treatment and street furniture is low wooden fences, black and white street name signs and hedgerows.
15. The existing bollards are in keeping with the height of other boundary treatment and street furniture but are not of an appropriate colour. The bright yellow brings a new element into the streetscene that is not considered to preserve nor enhance the character of the area, as it does not blend well with the natural colours of the wooden fence and hedgerows. It is considered that if the bollards were painted black they would match the adjacent street name sign and would, therefore, preserve the character of the area.

Recommendation

Approve

1. **The bollards, hereby approved, shall be adapted or reinstalled, as necessary, to ensure they fold inwards and away from the public highway within 3 months from the date of this decision notice or a revised date agreed in writing with the Local Planning Authority. The bollards shall thereafter be maintained in this condition.**
(Reason – To comply with the aims of Policy DP/3 the South Cambridgeshire Local Development Framework, Development Control Policies 2007.)
2. **The bollards, hereby approved, shall be painted completely black within three months of the date of this decision notice and thereafter maintained as such, unless otherwise agreed in writing with the Local Planning Authority.**
(Reason – To comply with the aims of Policy DP/2 the South Cambridgeshire Local Development Framework, Development Control Policies 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007 (adopted July 2007)
- Planning Files Ref:

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

REPORT TO: Planning Committee

7th April 2010

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager
(Planning and Sustainable Communities)

S/0267/10/O - Caldecote

Proposed Outline Permission, With All Matters Reserved, for the Erection of One Dwelling at 97-99 West Drive for Mr Phil Wright

Recommendation: Approval

Date for Determination: 19/04/2010

Notes:

This application has been reported to the Planning Committee as the recommendation conflicts with the views of the Parish Council.

Site and Proposal

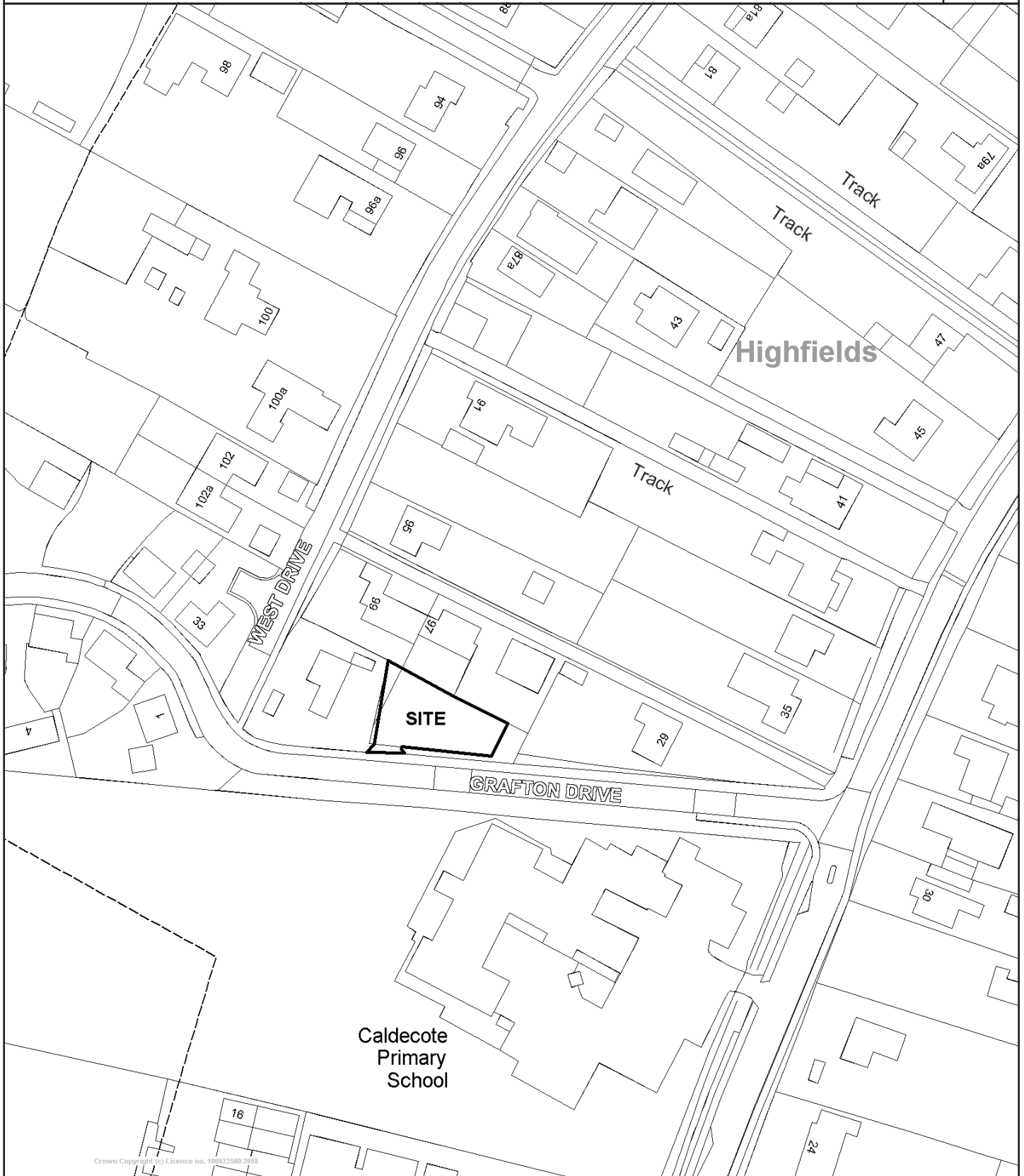
1. The site measures approximately 0.051 hectares and is within the village framework. It is located north of the playing fields of Caldecote Primary School. To the west is 101 West Drive, the northern boundary is defined by the 97-99 and 95 West Drive and the eastern boundary is shared with 29 Highfields Road.
2. The application, validated on the 22nd February 2010, is for outline permission for one dwelling with all matters reserved. The plans submitted are considered to be indicative only.
3. The indicative plans suggest that Unit 1 (4 bedrooms) will measure 15 metres x 9 metres, with a maximum height of 6.3 metres (eaves height 2.8 metres).

Planning History

Relevant Site History

4. **S/0911/76/F** – The proposed erection of a bungalow and garage (No.97-99) was approved.
5. **S/1790/01/O** – The proposed erection of a bungalow on site was refused on the grounds that it would result in a cramped form of development sandwiched between the rear gardens of 29 Highfields and 101 West Drive. It would also result in overbearing structure and would lead to a loss of light to 97 and 101 West Drive.
6. **S/2283/01/O** – The proposed erection of a bungalow was refused on the site for the following grounds. It would result in a cramped form of development sandwiched between the rear gardens of 29 Highfields and 101 West Drive. The

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April 2010 Planning Committee

surrounding area is characterised by single storey dwellings set within spacious plots. The subdivision of 101 West Drive would result in overdevelopment of the site and be out of keeping with the character of the area. The application was appealed and dismissed by the inspectorate.

7. **S/1028/09/O** – The proposed erection of two chalet style dwelling and conversion of double garage to dwelling was withdrawn.
8. **S/1583/09/F** – The proposed erection of one dwelling and conversion of existing garage to form dwelling was approved at planning committee on the 13th January 2010.

Relevant Nearby Site History

9. **S/0460/02/F** – The erection of 33 dwellings on the Grafton Pig Farm was approved. The dwellings approved under this application at the end of West Drive and opposite 101 West Drive were large two storey dwellings.
10. **S/0586/09/F** – The proposed erection of a dwelling following the demolition of the existing dwelling. The proposed development was for a two storey dwelling with two bedrooms to be placed on half of the plot. This application has yet to be implemented.
11. **S/0608/09/O** – The proposed development for outline permission (all matters reserved) for the erection of one dwelling following demolition of existing bungalow. The proposed outline permission for a four-bedroom dwelling with a height of 8.5 metres was approved. The reserved matters for this application have yet to be submitted.

Planning Policy

12. **South Cambridgeshire Local Development Framework (LDF) Core Strategy Development Plan Document, adopted January 2007**
ST/6 – Group Villages
13. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.**
DP/1 – Sustainable Development
DP/2 – Design of New Development
DP/3 – Development Criteria
HG/1 – Housing Density
HG/2 – Housing Mix
SF/10 - Outdoor Playspace, Informal Open Space and New Developments
SF/11 – Open Space Standards
TR/2 – Car and Cycle Parking Standards

Consultation

14. **Caldecote Parish Council** – The Parish Council recommends refusal for the following grounds:

- a. Overlooking may be a problem to neighbouring properties and there is concern that the front has a direct view into the school with possible child protection issues.
 - b. The driveway emerging on Grafton Drive (an un-adopted road) has very poor visibility splays emerging from the proposed driveway directly on to the footpath, currently with a 2m high gate and fencing belonging to the adjoining property and therefore not under the applicants control. The Parish would like noted that there is no intention to adopt this road by the County Council as Grafton Drive has not been built to adoptable standards.
- 15. The Parish Council would also like the permissions (S/0608/09/O and S/0586/09/F) granted recently to be taken into consideration.
- 16. The Parish Council would also like the following conditions added if the application is approved:
 - a. Control on the hours of work and construction parking to avoid disturbance to local residents and in particular for Grafton Drive adjacent to the school there is extensively used for school parking.
 - b. The site has a subsoil clay infrastructure; suitable run off/drainage is required to avoid flooding.
 - c. Community infrastructure provision in accordance with policies DP/4, SF/10 and SF/11.
 - d. No loose materials to be used for the driveway surface to avoid deposits on the highway footpath.
 - e. Water harvesting should be specified.
- 17. **Local Highway Authority** - The Local Highways Authority requests that the following conditions and informatives are added to any approval:
 - a. Condition removing permitted development rights relating to gates.
 - b. Condition controlling the details of vehicular access construction specification.
 - c. A condition stating that no part of any structure shall overhang or encroach upon the public highway.
 - d. A condition requiring that the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.
 - e. A condition stating that unbound material shall be used in the surface finish of the driveway within 6m of the highway boundary of the site.
 - f. A condition requiring that the car parking space dimensions are shown on a plan.
 - g. Requests informatives are added to explain to the developer the relevant highway acts and that they are responsible in replacing any public utility apparatus.
- 18. The Highway Authority would like to highlight that the proposed development has four parking spaces and that the Grafton Drive is not a publicly maintainable highway but is in the process of being adopted and therefore the developer would need to be a party to the Section 38 Agreement.
- 19. **Caldecote Primary School** - The Head Teacher states that the dwelling would be across a road and set at the back of the plot so there will be no physical access to the school site. There is also already one dwelling, built recently, that overlooks and is closer to the school field. The Head Teacher finally states that

there is a good possibility that the school will replace fencing that borders Grafton drive with higher, opaque, fencing in the future.

Representations

20. **95 West Drive** – The resident made the following two comments on this application:
- a. The vehicular entrance to the site from Grafton Drive is immediately adjacent to the neighbouring property 101 West Drive, which currently has a 6ft high fence surrounding it extending right up to the path (there is no grass verge). This would severely restrict visibility for vehicles leaving the proposed property. They state that they do not see how appropriate visibility splays could be enforced over a neighbouring property. Many children from West Drive and Grafton Drive on foot, bicycles and scooter use the path down Grafton Drive as they go to and from school. Vehicles, particularly if reversing across this path, could pose a hazard. The resident states that in recent years have experienced, as pedestrian, two collisions with cyclists. The first collision at the blind corner at 101 West Drive and the other when a cyclist came straight onto the footpath from their driveway surrounded by a high hedge in Highfields Road.
 - b. The application states that surface water will be disposed of via a soakaway. No. 95 West Drive also uses a soakaway, but in winter the ground gets saturated, in particular the bottom of their garden. This may be as a result of their soakaway being 30 years old but neighbouring gardens also suffer from poor drainage and water logging.
21. **29 Highfields Road** – States that the development plot is on a slight incline of the boundary of his property and the east elevation would be directly facing the back of his single storey dwelling. This would mean the 2 proposed windows on the first floor master bedroom would be directly overlooking his property. While he states there are no other objections to the proposed development he does object strongly to any first floor windows on the eastern elevation, as they would impinge on his privacy.

Planning Comments

22. The main planning considerations for this development are the principle of the development, impact upon highway safety, the impact on the visual appearance of the area, impact upon residential amenity and surface water drainage.
23. **The principle of the development** – Previous applications for dwellings on this site were refused in 2001 and upheld by an Inspector. However, the character of the area has significantly changed in the previous 8 years. The local area in 2001 was significantly more rural in appearance. The road that is now Grafton Drive had the appearance of a country lane leading to the pig farm is now more urban in appearance leading to the new housing estate of 33 dwellings. It is considered that the change in character of the area and the policy requirement for higher densities, in principle, overcomes the previous reasons for refusal.
24. The site resides within the village framework and is located within a village defined in the Core Strategy as a Group Village. This allows for residential schemes of up

- to 8 dwellings. The development is therefore considered to comply with Policy ST/6 in the Core Strategy.
25. The proposed density of the development is 20 dwellings per hectare. While this density is below the standard 30 dwellings per hectare a second dwelling could be erected within the site without causing residential amenity or design concerns. The proposed density in this particular case is considered acceptable.
 26. The creation of a new dwelling is considered to put significant pressure on local play space and informal open space. The applicant has agreed to provide a scheme for outdoor play space and informal open space. This scheme would likely take the form of a financial contribution of approximately £4,250 for the erection of a four bedroom dwelling. The proposed development is considered to comply with Policies SF/10 and SF/11.
 27. The creation of a new dwelling would also provide additional pressure on the Parish Council facilities, such as the village hall. These facilities while described as being in good order, there is a lack of space of approximately 64 metres square. The applicant has agreed to provide a scheme to improve these local facilities; this may take the form of a financial contribution of approximately £720. The proposal is considered to comply with Policies DP/4.
 28. The applicant has still got to confirm if they agree to provide bins before the proposed dwelling is occupied. This can be added as an informative and controlled during the Reserved Matters application.
 29. **Impact upon highway safety** – The issue of highway safety has been raised by both the Parish Council and occupier of 95 West Drive. It should be noted that while access would form part of the Reserved Matters application, a strong indication has been shown on the submitted plans.
 30. The Local Highways Authority has stated that Grafton Drive is in the process of being adopted as public highway. While the road is currently private it is still considered reasonable to consider it in the same view as a public highway and appropriate conditions in regards to highway safety can still be added.
 31. The Local Highway Authority has accepted that the new driveway will not cause any significant impact upon highway safety if appropriate conditions are added. Some of the conditions requested are not deemed to be appropriate at this stage but will be added as informatives. It is considered that the proposed development will have no significant impact upon highway safety, though it should be noted that the developer might move the access in the Reserved Matters application and this would be appropriately assessed during this application.
 32. The development is showing space for 4 cars to park, while this is above the parking standard it is not deemed to be harmful. The plans show two parking spaces in front of the double garage, but in most cases cars can be parked in front of a garage and not identified as a parking space. An informative will be added to explain to the developer that the Local Planning Authority is only looking for two car parking spaces and that cycle storage should also be considered.

33. **Impact upon visual appearance** – The proposed design is indicative only. The finished design will need to be agreed as part of the reserved matters application. Conditions will need to be added to control the finished appearance of the development this to include both the finished design and the proposed materials.
34. **Impact upon residential amenity** - The proposed one and a half storey dwelling measures 6.3 metres in height is shown as approximately 2 metres from the new proposed boundary and 8 metres from the dwelling of 97-99 West Drive. The proposed development with the roof sloping away from No.97-99 means that the development is not considered to be overbearing.
35. The potential loss of light to No.97-99 is not considered to be significant at this stage, due to the indicative height of the proposed dwelling and the distance between the development and No.97-99. An informative will be added onto the application in order to make the applicant aware that they will need to prove there is no significant light loss.
36. There is some concern over loss of privacy from the proposed development as shown on the currently submitted plans. While no windows are shown the west elevation of the proposed dwelling, future first floor windows could significantly reduce the amount of privacy 101 West Drive currently benefits from. This can be appropriately conditioned in order to prevent potential harm.
37. The windows as shown on the rear elevation of proposed dwelling could cause significant loss of privacy to No.97-99. A condition controlling boundary conditions would prevent any window-to-window relationship on the ground floor and an informative can be added to state that any proposed 1st floor windows will need to be obscurely glazed or 1.8 metres above finished floor level. It is also considered reasonable to remove permitted development (window) rights on the rear elevation to prevent future possible overlooking.
38. The proposed 1st floor windows in the east elevation are located approximately 17 metres away from the boundary of 29 Highfields Road Caldecote. The proposed windows while indicative only will not significantly over look the neighbouring property of No.29. However, the applicant may wish to consider as part of a landscaping scheme to further minimise the small loss privacy of No.29.
39. The concern raised by the Parish Council regarding the control over the hours of work was not raised in the previous application that was for two dwellings. It is not considered reasonable to place a condition to control the hours of work for this smaller development, as it is not deemed to be necessary.
40. **Surface Water Drainage** – In connection with the concerns raised by 95 West Drive, it should be noted that the proposal is not within a floodplain. It is, therefore, considered that the proposed development will not cause any significant increase in flooding. However, surface water drainage is still considered to be important. An informative will be added to state that the developer will have to demonstrate that there is an adequate soakaway and that if possible a grey water scheme should be employed. This concern will need to be overcome during the Reserved Matters application.

Recommendation

Approve

1. Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline only.)
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - The application is in outline only.)
4. 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 shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. No development shall begin until details of a scheme for the provision of Outdoor Playspace and Informal Open Space to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and SF/11 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 Outdoor playspace and informal open space in accordance with the above-mentioned Policies SF/10, SF/11 and DP/4 of the adopted Local Development Framework 2007.)
7. No development shall begin until details of a scheme for the provision of Community Space Provision to meet the needs of the development in accordance with adopted Local Development Framework DP/4 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 Community Space Provision in accordance with the above-mentioned Policies DP/4 of the adopted Local Development Framework 2007.)

8. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interests of Highway Safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. No part of any structure shall overhang or encroach under or upon the public highway and no gate/door shall open outwards over the public highway.
(Reason – In the interests of Highway Safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. Any proposed access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent highway, which is in the process of being adopted by Cambridgeshire County Council, in accordance with a scheme submitted to and in writing by the Local Planning Authority.
(Reason – To prevent surface water discharging to the highway in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. No unbound material shall be used in the surface finish of a driveway within 6 metres of the highway boundary of the site.
(Reason – To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. 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 west side and rear elevations of the dwelling 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.)

Informatives

- a. The reserved matters application will need to show two 2.0 x 2.0 metres visibility splays be provided and shown on the drawings. The splays are to be included within the curtilage of each new car parking space that is to exist directly onto the proposed adopted public highway. One visibility splay is required on each side of any proposed access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area

shall need to be kept clear of all planting, fencing, wall and the like exceeding 0.6m high.

- b. The developer should show the proposed car parking dimensions of 2.5m x 5m with a 6m reversing space in the Reserved Matters application.
- c. The developer should note that the Local Planning Authority is only looking for 2 car parking spaces for the proposed development and space should be provided on site for cycle storage.
- d. This development could involve works to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works with 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.
- e. The developer would need to be a party to the Section 38 Agreement, as part of the adoption as Grafton Drive as a public highway.
- f. Public Utility apparatus may be affected by this proposal. It will be necessary to contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
- g. The reserved matters application should include a daylight/sunlight assessment to demonstrate the potential loss of light to neighbouring properties, including 97-99 West Drive.
- h. The rear 1st floor windows in Unit 1 should be either obscurely glazed or above 1.8m above finished floor level in order to prevent loss of privacy to 97-99 West Drive.
- i. Any proposed vehicular access before it is first used where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
- j. It is the developer's responsibility to provide suitable household bins on site before the proposed dwelling is occupied.
- k. The Reserved Matters application should include details of water drainage, this might include a soakaway and a grey water scheme.

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

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 7th April 2010
AUTHOR/S: Executive Director (Operational Services)/Corporate Manager
(Planning and Sustainable Communities)

S/0053/10/F- COTTENHAM
Public Art Sculpture at Cottenham Village College, High Street
for Cottenham Village College

Recommendation: Approval

Date for Determination: 26th March 2010

Notes:

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

Conservation Area

Site and Proposal

1. The site is situated within the Cottenham village framework, conservation area, and a protected village amenity area. It currently comprises an open area of lawn with mature trees that provides an attractive setting to the front of the Village College.
2. This full planning application, received on 15th January 2010, proposes the erection of a public art sculpture on the northern side of the access to Cottenham Village College and to the east of the public footpath. The structure would have the form of a windswept tree and be constructed from stainless steel with a dull finish, and have applied copper leaves and letters that spell out 'Cottenham Village College'. It would measure 2 metres in height and 3 metres in length and would be set in a semi-circle.
3. The Green, an area of public open space, lies across the road to the south west. Residential properties lie beyond the college grounds to the north east and north west. There is an existing road traffic sign opposite the access that directs vehicles to the village college. Two signs indicating Cottenham Sports Centre and Cottenham Court are located to the south of the access.

Planning History

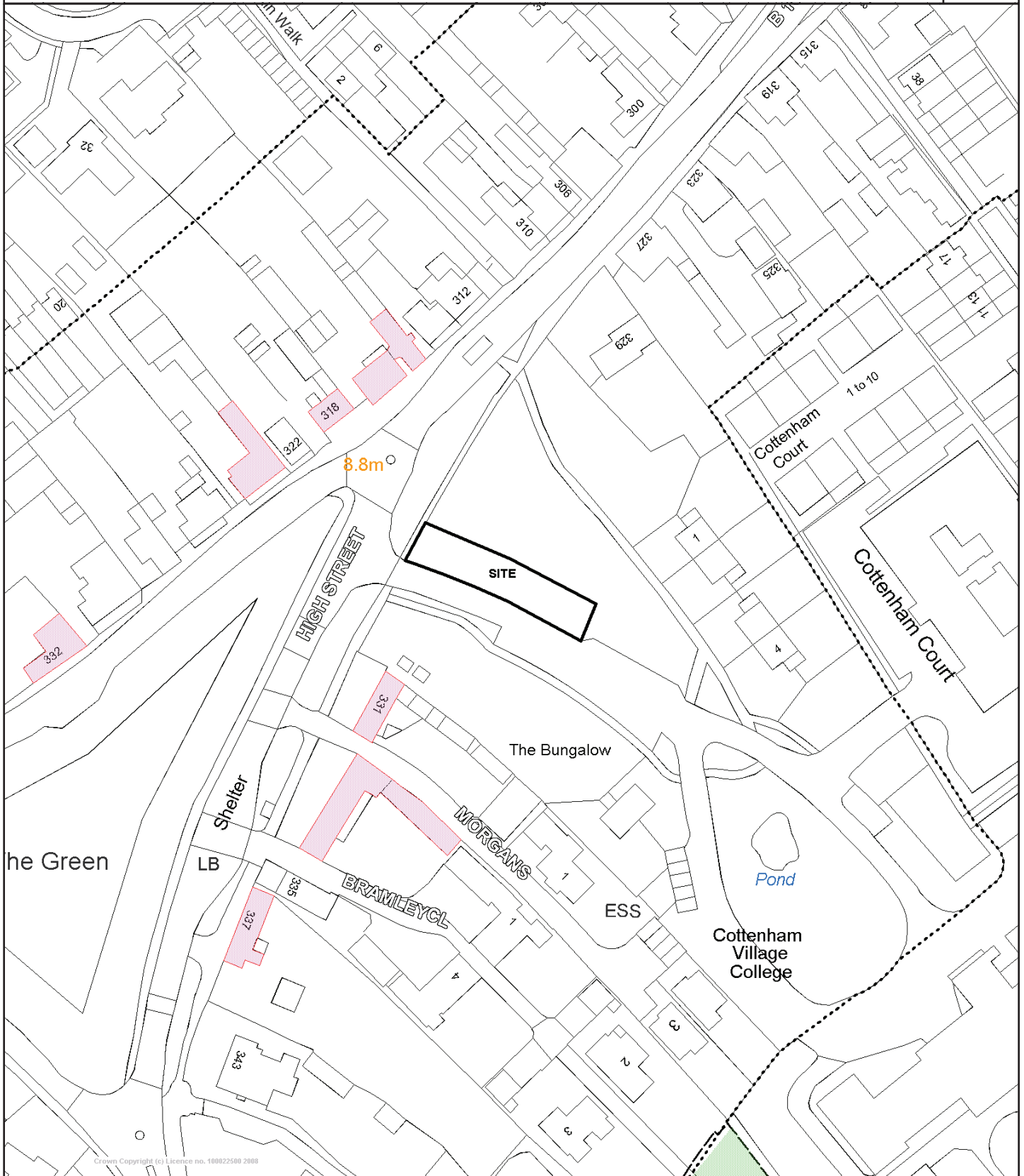
4. There is no relevant planning history.

Planning Policy

Local Development Plan Policies

5. East of England Plan 2008:
SSS1 Achieving Sustainable Development
ENV6 The Historic Environment
ENV7 Quality in the Built Environment

S/0053/10/F - Cottenham



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Scale 1/1250 Date 23/3/2010

Centre = 544927 E 267161 N

April Planning Committee

6. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
CH/5 Conservation Areas
CH/6 Protected Village Amenity Areas
NE/6 Biodiversity
SF/6 Public Art

Supplementary Planning Documents

7. South Cambridgeshire Local Development Framework:
Development Affecting Conservation Areas: Adopted 2009
Trees and Development Sites: Adopted 2009
Biodiversity: Adopted 2009
District Design Guide: Adopted 2010
Public Art: Adopted 2009
Cottenham Village Design Statement: Adopted 2007

National Planning Guidance

8. Planning Policy Statement 15 (Planning and the Historic Environment)

Circulars

9. 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

10. **Cottenham Parish Council** – Recommends refusal and makes the following comments: -
“The proposed design is not a functional design for a sign to indicate that this is the entrance to Cottenham Village College; the proposed lettering is both small and indistinctive. Of equal concern is the potential health and safety issues that this design raises with several lower branches at head height and below which could be danger to pedestrians. A further concern is the possibility of distraction to drivers as they pass by the college. Finally, concerns were raised in regard to the fact that the use of steel is not very eco-friendly, as it will create more CO2. Aside from these concerns, Cottenham Parish Council are not against a sign being erected at this point but feel that a more suitable design and material should be used.”
11. **Conservation Officer** – No objection to the design and principle of the sculpture but would like clarification over its position.
12. **Trees and Landscape Officer** – No objections.
13. **Landscape Design Officer** – No objections.
14. **Arts Development Officer** – Supports the application as it meets the Council’s supplementary planning document for public art. Comments that it is part of a series of environmental improvements around the site and that

removal of visual clutter and installation of the sculpture will make arrival at the College a much better experience.

15. **Local Highways Authority** – Although the proposal has the potential to distract drivers, it would be unlikely to cause a significant hazard to users of the public highway for the following reasons: -
- a) It would be set back 5 metres from the back of the highway verge and 15 metres from the centre of the carriageway. Given that the proposed location is among trees, and its design has been deliberately created to blend in with the context of natural forms, its visibility from the carriageway would be limited;
 - b) The entrance to the school is a busy place at the start and end of the school day, which heightens driver awareness. The accident record for the length of the High Street outside the school is low; and,
 - c) As the length of the road outside the school is traffic calmed, outside the peak school times, this ensures that vehicle speeds are lower, which allows drivers more time to assimilate a greater amount of information without becoming distracted.

Representations

Neighbours

16. The occupiers of no. 318 High Street object to the application on the grounds of the impact upon the tree, an increase in signage clutter at the entrance to the College, and unnecessary illumination. They comment that although public art is supported, it must preserve the character of the area.
17. The 'Cottenham Village Design Group' supports the introduction of public art into the village, especially as the intent is to allow for the removal of existing signs which detract from this area. It states that the proposed design will appear as an interesting adjunct to the many trees in this location and suggests that the artwork might better serve its secondary function as a sign for the Village College if it were presented on a plinth. This might also act to discourage climbing. It refers to policy B1 on page 18 of the Cottenham Village Design Statement, which encourages high quality contemporary architecture.

Applicant's Agent

18. "The structure is not a functional sign but a sculptural marker that compliments the surrounding space. The need for signage to indicate the location of the Village College has been met by the installation of a new highway sign.

Cottenham Village College have a legal obligation to ensure health and safety requirements are met. The location is set back from the footpath and behind a low level bar fence, which means that pedestrian rarely walk through this area. It will be lit by street lamps and clearly visible in the dark. There will be no sharp edges.

The County Highways department are aware of the works. The material chosen is brushed steel, which has a dulled finish so will not reflect the glare of headlights from vehicles entering the site. The location of the sculpture is expected to have a minimum impact upon passing traffic.

The design and materials have been selected in consultation with local residents and users of the Village College. The theme of the work is the natural environment and was informed by workshops led by the artist."

Planning Comments – Key Issues

19. The main considerations in the determination of this application relate to the principle of development on the site and the impact of the development upon the character and appearance of the conservation area, important trees, and highway safety.

Principle of Development

20. The site lies within the village framework and there are no objections in principle to the erection of the proposed structure. The sculpture is not considered to have an adverse impact upon the character, amenity, tranquillity or function of the protected village amenity area. The overall open character of the site and the important trees will remain and continue to provide the setting to the Village College and the village.

Character and Appearance of the Conservation Area

21. The proposed sculpture is a piece of public art rather than a sign. The design and materials are considered appropriate and would not harm the character and appearance of the conservation area. Clarification on the position of the sign has been sought and any additional comments relating to its position will be reported in the update or verbally at the meeting. The development is not considered to result in visual clutter as the existing signs are situated on the adjacent side of the access.

Important Trees

22. The proposal would result in trimming of some branches of the existing trees along the frontage that are protected by the designation of the site within the conservation area. These works would not significantly change the impact of the trees upon the visual amenity of the area or adversely affect their roots and general health to ensure that they are retained. A condition will be attached to any consent to ensure the trees are protected during works.

Highway Safety

23. The proposed sculpture is not considered to be detrimental to highway safety. Whilst it is acknowledged that the writing on the sculpture is small, it is considered acceptable. It would be unlikely to distract drivers trying to find the College, as there is already an official highway sign that directs traffic accordingly on the High Street, it is set back a distance of 15 metres from the carriageway, and the area is traffic calmed.
24. The material to be used for the sculpture would be dull in appearance and not reflect glare from vehicles lights to the extent that it would cause a hazard to drivers using the public highway.

Other Matters

25. A condition will be attached to any consent to agree further additional lighting that may be required for the sculpture.
26. The issue raised by the Parish Council in relation to health and safety is not a planning consideration that can be taken into account during the determination of the application. However, the applicant has stated that the risk implications of the proposal have been fully assessed.

27. In relation to the Parish Council's concerns with regards to the non-environmentally friendly materials proposed for the sculpture, the very small scale of the development is such that it would not result in harm to the objectives of Policy DP/1 which seeks, amongst other criteria, to ensure that where practicable sustainable, locally sourced materials are used.

Recommendation

28. Approval subject to conditions:

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1002 Rev. P and Dimensions Floorplan and Elevation.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No development shall commence until samples of the stainless steel finish and copper finish of the sculpture have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.**
(Reason – To ensure the development preserves the character and appearance of the conservation area and would not adversely affect highway safety in accordance with Policies CH/5 and DP/3 of the adopted Local Development Framework 2007.)
4. **No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.**
(Reason – To ensure the development preserves the character and appearance of the conservation area and would not adversely affect highway safety in accordance with Policies CH/5 and DP/3 of the adopted Local Development Framework 2007.)
5. **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 commencement of the development.**
 - (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.)

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - East of England Plan 2008: Policy ENV (The Historic Environment); Policy ENV7 (Quality in the Built Environment)
 - South Cambridgeshire Local Development Framework Development Control Policies 2007: Policy DP/1 (Sustainable Development); Policy DP/2 (Design of New Development); Policy DP/3 (Development Criteria); Policy CH/5 (Conservation Areas); Policy CH/6 (Protected Village Amenity Areas); Policy NE/6 (Biodiversity)
 - South Cambridgeshire Local Development Framework Supplementary Planning Documents
Development Affecting Conservation Areas: Adopted 2009
Trees and Development Sites: Adopted 2009
Biodiversity: Adopted 2009
District Design Guide: Adopted 2010
Public Art: Adopted 2009
Cottenham Village Design Statement: Adopted 2007
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material considerations, which have been raised during the consultation exercise:
 - Character and Appearance of the Area
 - Trees
 - Highway Safety
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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 2007-2010
- Planning Policy Guidance Note 15 (Planning and the Historic Environment)
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions)
Planning File reference S/0053/10/F

Contact Officer: Karen Pell-Coggins - Senior Planning Officer
Telephone: (01954) 713230

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director / (Operational Services) / Corporate Manager Planning and Sustainable Communities	

**S/1421/09/F, S/1422/09/F, S/1423/09/F, S/1424/09/F and S/0109/10/F –
HISTON AND IMPINGTON**

- A. Variations to Condition PC8 of the Cambridgeshire Guided Bus Order (Application ref. S/1421/09/F, S/1422/09/F, S/1423/09/F, S/1424/09/F) and
B. Erection of Two Sections of Noise Barrier (Application ref. S/109/10/F)
for Cambridgeshire County Council**

**Recommendation: Refuse/Delegated Approval
Date for Determination: A. 10th February 2010 and B. 29th March 2010 (Majors)**

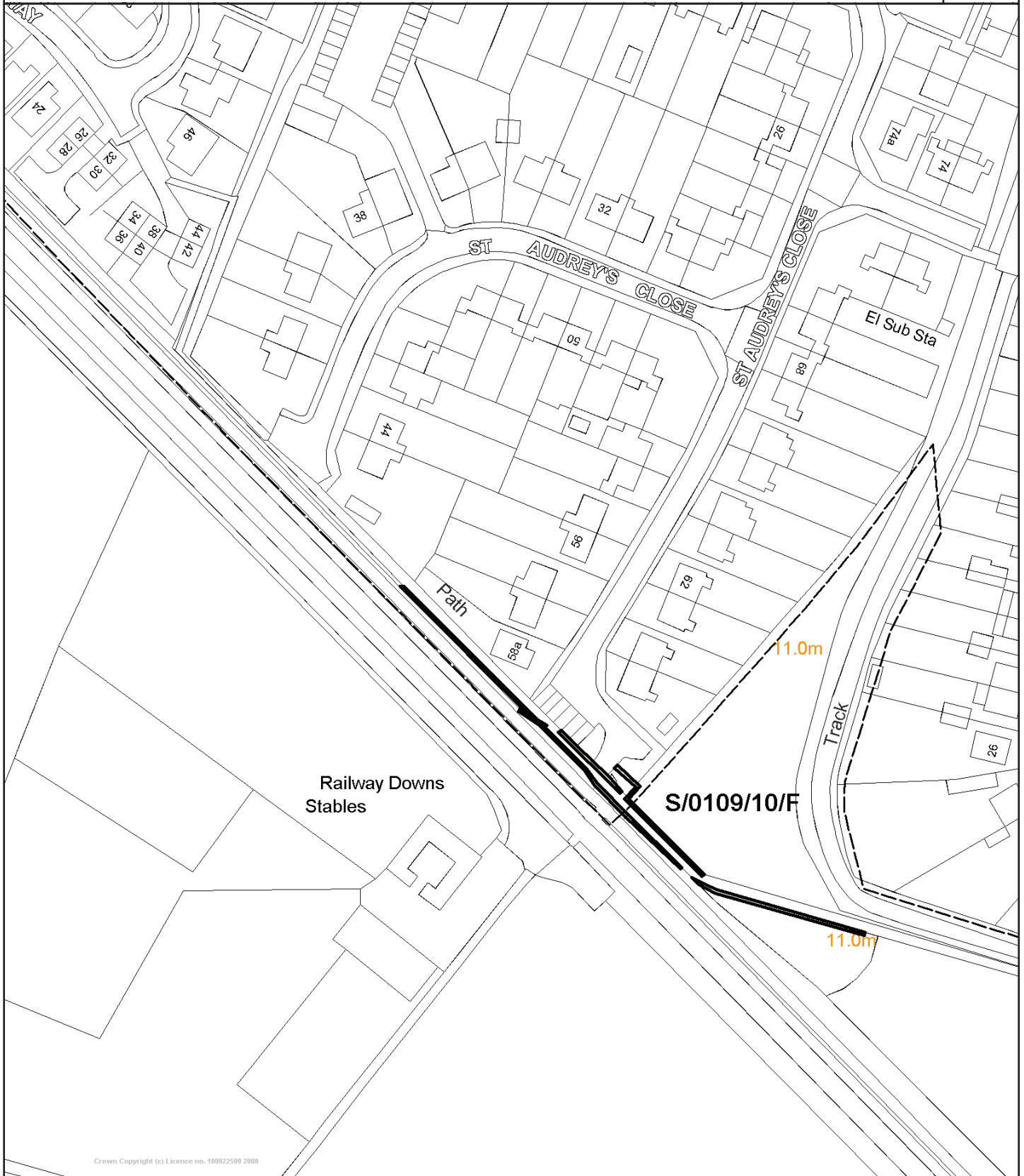
Notes:

This Application has been reported to the Planning Committee for determination because the delegated powers to discharge condition 8 given on the 10th June 2009 was to discharge Condition 8 subject to a noise barrier being implemented but fresh applications have been received for variations of this condition not discharge.

Site and Proposals

1. At St Audreys Close nos. 58a and 59 side onto the Busway. No. 58a is a modern dwelling built in the past five years. At its closest it is within approximately 3m of the line of development to the guided busway. It is separated by a small terraced area of garden adjacent to a public footpath connecting Melvin Way and St Audreys Close that runs between that property and the busway to the southwest of it. It has windows in its southwestern elevation facing the busway that serve its living room, dining room, kitchen and first floor bedrooms.
2. Between nos. 58a and 59 a block of garages and a turning head terminates the end of St Audreys Close. This turning head also provides access to a crossing that has served stables on the southwestern side of the busway and that will continue to provide a public right of way.
3. No. 59 St Audreys Close is an older property on the eastern side of St Audreys Close. It is separated from the guided busway by a turning head at the end of St Audreys Close. At its closest point the southern elevation is approximately 18.5 metres from the busway. It also has side windows facing the busway.
4. To the south east of St Audreys Close is a wooded area and to the west and south of Manor Park beyond. This area adjoins the busway to the southwest.
5. There is no noticeable difference in ground level between these dwellings and the Busway.

S/0109/10/F Histon



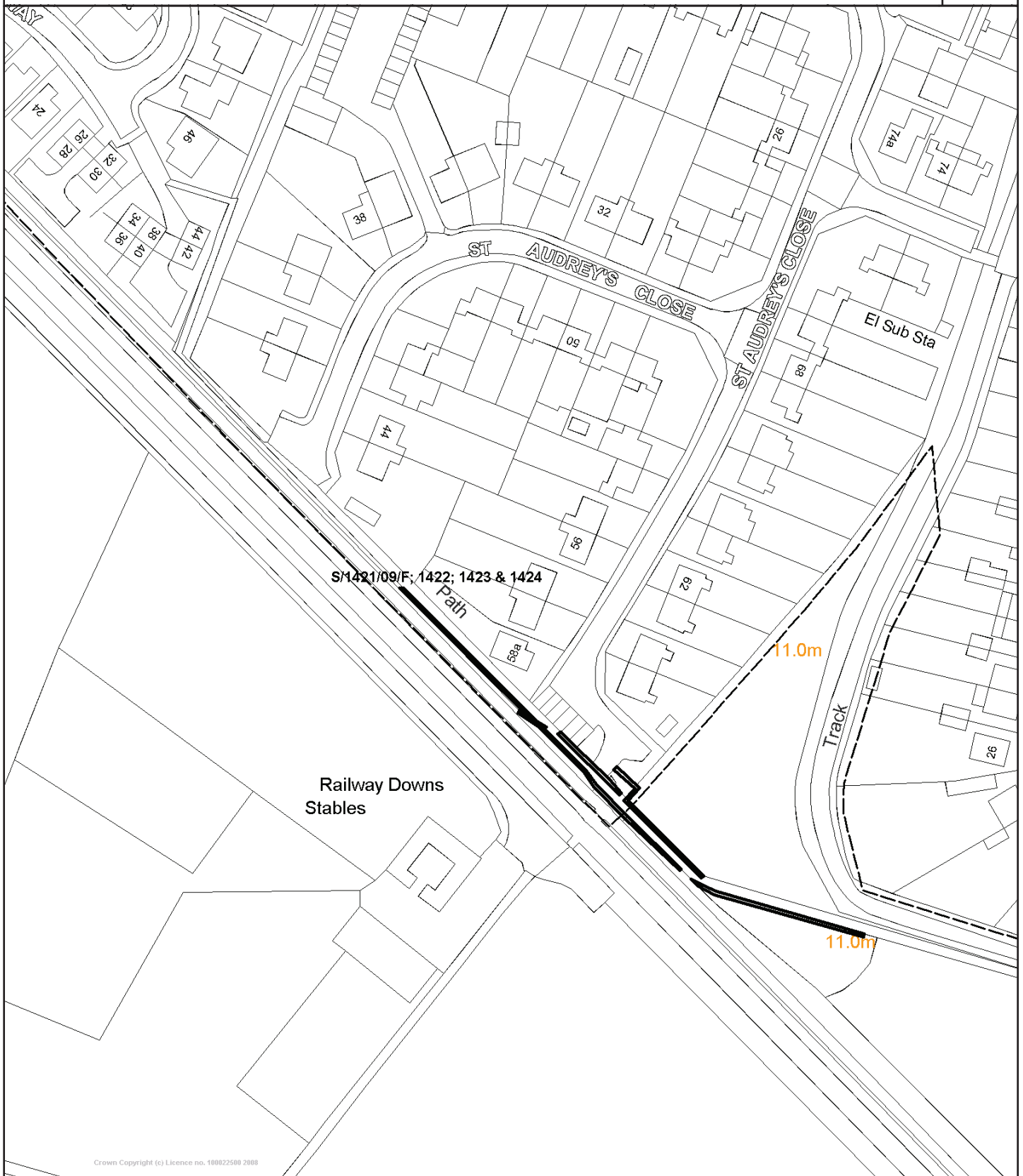
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Scale 1/1250 Date 24/3/2010

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April 2010 Committee

S/1421/09/F; 1422; 1423 & 1424 Histon



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Scale 1/1250 Date 24/3/2010

Centre = 543160 E 263568 N

April 2010 Committee

S/1422/09/F and S/1424/09/F

6. Planning application ref. **S/1422/09/F**, received on 11th November 2009, seeks:

'Variation of Condition PC8 of the Cambridgeshire Guided Busway Order to allow for the reduction in length of the noise barrier required by the Deemed Planning Permission opposite to the flank wall of 59 St Audreys Close, Histon between points marked B and C on the attached application plans, reference 5083393/004A'.
7. Planning application ref. **S/1424/09/F**, received on 11th November 2009, seeks:

'Variation of Condition PC8 of the Cambridgeshire Guided Busway Order to allow for the reduction in length of the noise barrier required by the Deemed Planning Permission opposite to the flank wall of 59 St Audreys Close, Histon between points marked A and B on the application plan, reference 5083393/004A for a period expiring on the earlier of, (a) 24 months from the date of the variation(s), or, (b) dismissal at appeal of application(s) for removal of a permanent noise barrier between points B and C'.
8. The first variations are for the erection of a noise barrier measuring 4 metres in height along the boundary of the Guideway at the rear of no. 58a St Audreys Close and the removal of a permanent barrier between point B and C on application dwg. no. 5083393/004A. One application for the first variation (ref. S/1422/09/F) is not time limited. The second application relating to the first variation (ref. S/1424/09/F) is limited such that the variation of the condition will only apply for a period expiring on the earlier of the (A) 24 months from the date from variation or (B) dismissal at appeal of an application for permanent removal of the barrier between points B and C.
9. The reasoning behind inviting a variation which is time limited is to facilitate the busway becoming operational but to ensure that the permanent arrangements proposed by the Guided Busway promoters are either endorsed or rejected by the Secretary of State by way of appeal proceedings, bearing in mind that when the earlier Inquiry took place in September 2004 the property at 58a St Audreys Close had not been built and the Guided Busway promoters had failed to address sight line issues for the public footpath crossing the guided busway at the end of St Audreys Close.

S/1421/09/F and S/1423/09/F

10. Planning application ref. **S/1421/09/F**, received on 11th November 2009, seeks:

'Variation of Condition PC8 of the Cambridgeshire Guided Busway Order to allow for the reduction in length of the noise barrier required by the Deemed Planning Permission opposite to the flank wall of 59 St Audreys Close, Histon between the points marked B and C on the application plan, reference 5083393/003A, and the reduction in height of the noise barrier adjacent to part of 58a St Audreys Close between points marked A and B on the application plan for a period expiring on the earlier of, (a) 24 months from the date of the variation(s) or, (b) dismissal at appeal of application(s) for removal of a permanent noise barrier between points B and C and for reduction in height of a permanent noise barrier between points A and B'.
11. Planning application ref. **S/1423/09/F**, received on 11th November 2009, seeks:

'Variation of Condition PC8 of the Cambridgeshire Guided Busway Order to allow for the reduction in length of the noise barrier required by the Deemed Planning Permission opposite to the flank wall of 59 St Audreys Close, Histon between points marked B and C on the application plan, reference 5083393/003A and the reduction in height of the noise barrier adjacent to part of 58a St Audrey's Close between points marked A and B on the application plan

12. The second variations are for the erection of a noise barrier measuring 1.5 metres in height along the boundary of the Guideway at the rear of no. 58 St Audreys Close and the removal of a permanent barrier between point B and C on application dwg. no. 5083393/004A. One application relating to the second variation (S/1423/09/F) is not time limited. The second application (S/1421/09/F) in relation to the second variation is limited such that the variation of the condition will only apply for a period expiring on the earlier of the (A) 24 months from the date from variation or (B) dismissal at appeal of an application for permanent removal.
13. The reasoning behind inviting a variation which is time limited is to facilitate the busway becoming operational but to ensure that the permanent arrangements proposed by the Guided Busway promoters are either endorsed or rejected by the Secretary of State by way of appeal proceedings, bearing in mind that when the earlier Inquiry took place in September 2004 the property at 58a St Audreys Close had not been built and the Guided Busway promoters had failed to address sight line issues for the public footpath crossing the guided busway at the end of St Audreys Close.

S/0109/10/F

14. This full planning application, ref. S/0109/10/F, received on 1st February 2010 seeks permission for:

'Erection of 2 sections of noise barrier'.

15. The application for the 1.5 metre high barrier is to reduce the impact of the higher barrier in proximity to the property at 58a St Audreys Close. It is believed that this height of barrier is acceptable to the owner/occupier of that property but this height of barrier does not offer the noise protection to meet the criteria set out in the Inspector's decision letter. By limiting the life of the approval the Secretary of State will decide to either approve or refuse a barrier at this reduced height.
16. The 4m high barrier was originally proposed by the Busway Promoters in anticipation that it would offer noise protection to meet the Inspector's criteria, however work done by acoustic engineers has shown that a barrier even at 4 metres high does not offer the protection recommended by the Inspector.
17. The original planning permission granted by the Secretary of State was limited to a specific red line area and because of the sight line issue it is not possible for safety reasons to have a barrier between points B and C. Discussion with the guided busway promoters has however resulted in them making a fresh planning application (ref. S/0109/10/F) outside the original red line, which will deliver a barrier offering noise protection at a level recommended by the Inspector. Such barrier however extends beyond points B-C into a woodland area adjacent to the guided busway. The promoters have confirmed their willingness to enter into a unilateral undertaking whereby they would not erect that part of the barrier affecting the wooded area unless South Cambridgeshire District Council requests them to do so or the Secretary of State requires them to do so when determining the appeal applications. Officers feel

that this will offer the greatest prospect of ensuring that no trees are cut down / lost unnecessarily but if the residents at 59 St Audreys Close are unduly affected by noise from the guided busway works which will involve the loss of some trees may be necessary.

Planning History

18. 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 8 of the ten conditions read:

(Condition 8) Operational Noise

The scheduled works listed below shall be constructed to incorporate the following elements, each of which shall, in relation to the work in question, be completed before that work is brought into operation and then maintained thereafter whilst the work remains in operation:

- (i) Work No.8 A noise barrier along the north-eastern edge of the guideway from Girton Crossing to approximately chainage 16+000 at the rear of the properties in Pease Way, Melvin Way and St Audreys Close;
- (ii) Work No.8 A noise barrier along the southern edge of the guideway from approximately chainage 17+000 to chainage 17+500 at the rear of properties in Villa Way.

Reason: to mitigate potential for increased noise intrusion in the interests of residential amenity.

Planning Policy

19. **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.
20. **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.
21. **East of England Plan 2008:**
SS1 Achieving Sustainable Development
ENV7 Quality of the Built Environment
CSR1 Strategy for the Sub-Region
CSR4 Transport Infrastructure
22. **South Cambridgeshire Core Strategy DPD 2007:**
ST/4 Rural Centres
23. **South Cambridgeshire Development Control Policies DPD 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
NE/6 Biodiversity
NE/15 Noise Pollution

24. **South Cambridgeshire Site Specific Policies DPD Submission Draft 2006:**
SP/16 Cambridgeshire Guided Busway
25. **South Cambridgeshire Trees and Development Sites SPD 2009**
26. **South Cambridgeshire Biodiversity SPD 2009**
27. **South Cambridgeshire District Design Guide: High Quality and Sustainable Development in South Cambridgeshire SPD 2010**

Consultation

28. At the time of writing a consultation period on the proposed planning conditions, as amended, are on-going and are due to expire on Monday 5th April 2010. Comments on the proposals as submitted on the 11th of November in relation to the variations of planning conditions are set out below.
29. **Histon Parish Council** objects commenting:
“Histon Planning Committee **Recommend Refusal on all 4 applications** as Committee strongly feel another remedy should be sought to solve the problem of a safe footpath, Condition PC8 being such a fundamental part of the Inquiry. The Planning Committee agrees a footpath should be provided but not by this reduction in length of the nose barrier. After being advised by SCDC that they are actively seeking alternative remedies to this, we ask that **temporary permission should not be granted until a solution is found**”.

It is thought the new application referred to in para 17 above offers a solution and comments from the Parish Council are awaited.

30. In relation to the applications for variation of planning condition the **Countryside Access Team (Cambridgeshire County Council)** has written:
“As noted in the Design and Access Statements, several public rights of way are affected by this section of the Cambridgeshire Guided Busway (Public Footpath Nos. 3, 4 and 17), and Bridleway No. 4, Histon. The effect on these rights of way was not adequately considered during the initial consultation on the Guided Busway; in particular, public access along Footpath NO. 4 was obstructed by the noise barrier running between points B and C (Drawing 5083393/004). The Countryside Access Team therefore welcomes the proposed removal of this section of the noise barrier, and the resultant improved visibility splay for footpath users crossing the Guided Busway at this point. The proposed reduction in height of the noise barrier between points A and B is also welcome, as the right of way running along the north side of the old railway line (Public Footpath No. 17, Histon) will feel less enclosed and more inviting to path users. In this regard, we would also highlight the fact that members of the public have a right to pass and re-pass along the full width of Public Footpath No. 17 and we would therefore not want the noise barrier or any associated supports to encroach upon the width of the footpath”.
31. The Council’s **Planning Lawyer** has provided 2 sets of comments on the applications for variation of planning condition advising:
 - (i) “I recommend each of the permanent applications are refused on the basis that they propose an area of no barrier which is contrary to condition 8 of the Planning Permission for the Guided Busway.

In relation to the temporary permissions applied for, I recommend that irrespective of any other comments back, these are deferred until the Guided Busway Team are in a position to put forward an alternative scheme which (i) limits the area of no barrier to the smallest possible area to preserve necessary visibility splays and the access point for the public footpath itself such that a diversion order or stopping –up order is not required and (ii) provides barrier heights that offer maximum noise protection to the houses in St Audreys Close”.

- (ii) The recommendation that each of the permanent applications are refused still stands. In relation to the temporary permissions it is recommended (subject to 58a St Audreys Close not having full noise protection but wanting a lower barrier in any event) that these temporary permissions are granted as an alternative scheme has come forward which meets the previous concerns.
32. The Council's **Land Officer** has no objections to the proposal.
33. In relation to planning application S/0109/10/F it has commented: “Committee **RECOMMEND APPROVAL** but request that full checks be made to ensure that a 3m high fence is necessary at points”.
34. In relation to S/0109/10/F the **Local Highway Authority** has commented: “no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission”.
35. In relation to application ref. S/0109/10/F the **Landscape Design Officer** has commented on Arup acoustics Dwg SAC05 01 and Atkins Arboricultural Implications document:
- 1) As previously commented, there is a need for some greening of the barriers at this point without interfering with sight lines. Suggest supported climbing plants to the northern half of the scheme where there is little space for hedge planting etc.
 - 2) Question whether the southern section of the barrier – running along the edge of the woodland – is required with the properties screened being approximately 30-70m distant. This section of barrier would also require the removal of numbers of substantial trees - mainly Oak and Ash.
 - 3) If the scheme were to go ahead as proposed there would need to be additional planting proposals to mitigate for the lost trees and visible green edge to the woodland.
36. In relation to S/0190/10/F the Council's **Ecology Officer** comments:
- “Whilst I am not against the principle of screening for local residents I have particular concern at the impact upon the retained woodland which is considered to have nature conservation value within the local context (Atkins report 2010).
- The Atkins report appears to have failed to consider the likely shading impact upon the woodland or to have considered any real enhancement of the wood (retaining cut logs is very minimal and is a cheap consequence of any necessary felling work).
- The erection of a 3m high barrier running at least 70m along the southern boundary will cause a negative impact upon the wood as a consequence of direct shading. This

could be compensated for by undertaking suitable woodland management in retained parts of the wood followed by the planting of a shrub layer.

From memory, this wood contained a high proportion of elms. Some elm copses in South Cambs. (Longstanton) have been found to support nationally important invertebrates such as the Nationally Scarce and UK BAP Priority Species white spotted pinion moth (*Cosmia diffinis*).

Furthermore, I would question the effectiveness of section D, as it appears to be screening the wood more so than the actual properties of St Audreys Close, or the nearer Manor Park.

I would expect that this application should give a greater degree of regard to the local nature conservation value of the wood and propose suitable enhancement to the wood (which should be discussed in principle prior to the determination of the application). Simply blocking off the wood with a 3m barrier is not acceptable.

At present this application does not meet with the objectives of policy NE/6 biodiversity is so far that it does not provide any real enhancement. I would wish to place a holding objection to allow more appropriate means of enhancing the wood to be discussed, or the omission of barrier D.

David Hamilton has also commented that the barrier should utilise some form of green-wall construction so as to mitigate its landscape impact and to provide some form of ecological enhancement from another obtrusive feature. I support this view too".

Representations

37. No representations have been received at the time of writing. An update will be provided if any are subsequently received, as the consultation period on the proposed planning conditions, as amended, is not due to expire until Monday 5th April 2010.

Planning Comments – Key Issues

38. The key issues to consider in the determination of these applications are the impact of noise from the Guided Busway on residents of St Audreys Close, effect on public rights of way and landscaping and ecology.

Noise

39. The Council's Environmental Health Officer has been asked to comment on the schemes proposed and an update will be provided. From the information available however it is clear that the variation of condition proposals will result in the Inspector's requirements in relation to noise attenuation for properties on St Audreys Close not being achieved. The options that involve permanently failing to meet this standard should be refused. The applicant then has the option to appeal those decisions, if made, Officers support the options that would allow the busway to operate temporarily while appeals are pursued. Should residents at St Audreys Close suffer unduly during that time from noise disturbance the Council can then require the alternative fence proposed under planning ref. S/0109/10/ to be erected to mitigate noise disturbance. A unilateral undertaking (S106 legal agreement) will be required to ensure this option remains available to the Council.

Public rights of way

40. The County Council's Countryside Access team has confirmed that the proposals put forward improve the situation for users of the effected public rights of way.

Landscaping and ecology

41. The Landscape Design Officer's and Ecology Officer's comments are noted. Enhancement and mitigation of the impact upon the woodland could be secured by way of planning conditions if application S/0109/10/F is approved. Their comments will, notwithstanding be put to the developer for a response and an update will be provided.

Recommendations

42. **S/1422/09/F** and **S/1424/09/F**, as submitted – **REFUSE**, for the following reason:
1. The proposed variation will leave a stretch of land with no noise barrier, which is contrary to condition 8 of the Planning Permission for the Guided Busway Order, and will result in harm to the amenities of occupiers of dwellings at St Audreys Close through noise disturbance.
43. **S/1421/09/F** and **S/1423/09/F** – **APPROVE**, as submitted, the variation to Condition PC8.
44. Grant delegated powers to **APPROVE** application ref. S/0109/10/F, subject to satisfactory resolution of the Landscape Design and Ecology Officers' concerns (including any additional necessary planning conditions), comments of the Environmental Health Officer, the prior completion of a unilateral undertaking (S106) and the following planning conditions:

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 5083393/002 Rev B, CGB-DES-15400-D-1-1200, SAC05 Issue 1, 5083393/005 Rev B, Plan showing existing trees and proposed acoustic barrier, Tree constraints plan and Tree protection plan (Appendix B Figure 2 Rev A).**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

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

- Circular 11/1995 - The Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- East of England Plan 2008
- South Cambridgeshire Core Strategy DPD 2007
- South Cambridgeshire Development Control Policies DPD 2007:
- South Cambridgeshire Site Specific Policies DPD 2010
- South Cambridgeshire Trees and Development Sites SPD 2009

- South Cambridgeshire Biodiversity SPD 2009
- South Cambridgeshire District Design Guide: High Quality and Sustainable Development in South Cambridgeshire SPD 2010
- Planning File Refs: S/1421/09/F, S/1422/09/F, S/1423/09/F, S/1414/09/F and S/0109/10/F
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Contact Officer: Melissa Reynolds – Team Leader (East Area)
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

**S/0201/10/F – Great and Little Chishill
Dwelling at land to the West of 24 Barley Road for Mr R J Parry**

Recommendation: Delegated Approval

Date for Determination: 8 April 2010

Notes:

This Application has been reported to the Planning Committee for determination as the recommendation to approve conflicts with the recommendation of the Parish Council.

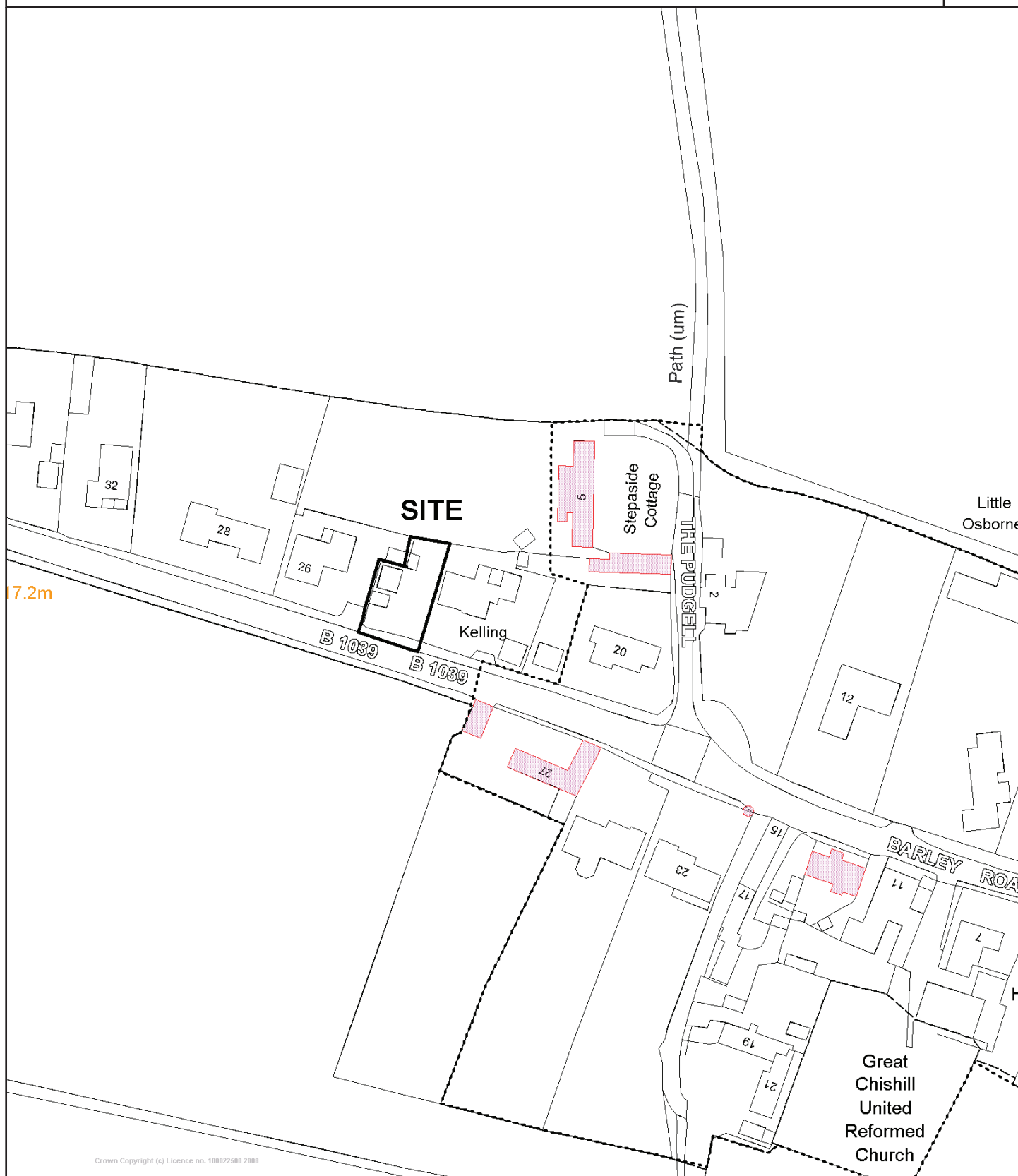
Site and Proposed Development

1. The application site is land to the West of No. 24 Barley Road and lies adjacent to the Great and Little Chishill Conservation Area. No 24 is a bungalow with permission to extend into the loft space to create a dormer bungalow. It has an existing access at the East end of the frontage and a detached garage in the South East corner of the site. The land levels on site slope down to the West and in general in the area they slope down to the West and South, meaning that the road to the South is sited lower than the existing properties. To the West of the site is No.26 Barley Road, a detached dwelling sited on slightly lower land, to the North (rear) of the site is the garden of Stepside Cottage, a Grade II Listed Building, which runs along the rear boundary of Nos. 22, 24 and 26 Barley Road, and to the South (front) of the site is Barley Road and open countryside beyond.
2. The planning application seeks permission for the erection of a single dormer bungalow with associated access and parking. It will involve the demolition of an outbuilding on the site as well as the part demolition of another building. As detailed below, the site has an extant permission for a single storey dwelling in a similar location. The application has been amended since submission to move the access further to the East, which is more similar to the position of the approved access and the hedge is now shown as being retained along the majority of the frontage. The amended plans have been sent out for consultation. The period for response expires on 8th April 2010.

Relevant Planning History

3. S/2094/06/F – Planning permission granted at appeal for a single storey dwelling on the plot with associated access.
4. S/0059/08/F – Planning permission granted for a revised scheme for a single storey dwelling and access.
5. S/0617/08/F – Planning permission granted for a detached garage to the front of No. 24 Barley Road.

S-0201-10-F



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Scale 1/1250 Date 19/3/2010

Centre = 542025 E 238922 N

April 2010 Planning Committee

6. S/1160/09/F – Planning permission granted for extensions and alterations to No. 24 Barley Road to allow conversion of the loft space with roof lights and dormer windows and a conservatory to the rear.

Planning Policy

7. 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

HG/1 – Housing Density

CH/4 – Development affecting the Setting of Listed Buildings

CH/5 – Conservation areas

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

SF/11 – Open Space Standards

Circulars

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

Consultation

10. **Great and Little Chishill Parish Council** – Has recommended refusal and comments that the proposed dwelling is larger than the original permission for a bungalow, is disproportionate to the size of the site and there will be an increase of occupancy. The proposed dwelling and No. 24 will be extremely close together and there will be little contribution for outdoor play space or informal open space. The impact on the Grade II Listed Stepside Cottage and No. 5 The Pudgell will be significant.
11. **Local Highways Authority** – Does not object to the proposed development (as amended) and request conditions controlling the gradient of the access, the parking and turning area, drainage, details of the retention of the bank at the point of access, temporary facilities off the public highway for the parking, turning and unloading of construction vehicles and the permanent removal of permitted development rights for the erection of gates across the access.

Representations

12. Two written representations have been received from the owners of 5 The Pudgell and two written representations have been received from the owner of No. 26 Barley Road, objecting to the proposed development on the following grounds.
13. **No. 5 The Pudgell** – Owners object on the grounds that the application would change the impact on their property, going from a bungalow into a house with windows overlooking their property and garden. They believe it is an overcrowding of the plot and will drastically reduce their light and privacy. They

believe the development would be detrimental to the character of their house which is a Listed Building and to the Conservation Area. They also state that the dwelling would affect several mature trees on their property.

14. **No. 26 Barley Road** – Owner objects on the grounds that the density of residential use of the plot would increase over the existing permissions and would be detrimental to the character of the village. The housing would not be for a local family and would not serve the local community. The application requires demolition of part of a building which is shared by No. 26 and the application does not explain how this would be made good. There is insufficient parking space for a three bedroom house and would require more parking than the previously approved two bedroom property. This means cars would park in the road and impact on highway safety.

Planning Comments

15. The main planning considerations in this case are the principle of the development, the impact on residential amenity of neighbouring properties, parking and highway safety, impact on the setting of Listed Buildings and the Conservation Area and the impact on the character of the area.

Principle

16. The site area measures approximately 300 sqm, meaning that the scheme equates to a net density of approximately 34 dwellings to the hectare, which is above the minimum net density of 30 dwellings per hectare required by Policy HG/1 – Housing Density. The site is located within the Development Framework and the proposed development is therefore considered to be acceptable in terms of policy DP/7 – Development Frameworks. The principle of the proposed dwelling is therefore considered to be acceptable.

Residential amenity

17. The proposed dwelling would be situated approximately 9 metres from the boundary with No. 5 The Pudgell to the North and is approximately 6 metres in height to the ridge. At a distance of 9 metres it is not considered that it would cause any significant loss of light to No. 5 or its garden, despite its location to the South of the neighbouring garden. The proposed rear dormer window is to be obscurely glazed and would be conditioned as such and also to be fixed shut (other than any top-hung vent) and would not therefore create any opportunity for overlooking the garden or windows of No. 5. The roof windows are shown as being high level and would be conditioned to be a minimum of 1.7 metres from finished floor levels. This would ensure that there would not be any opportunity for overlooking to the North of the dwelling.
18. Given that it would be cut into the site slightly, at 6 metres to the ridge, the proposed dwelling would have a similar impact on No. 26 as the previously permitted dwelling (S/0059/08/F) which was 5.6 metres to the ridge without any indication that it would be cut into the site. At a distance of just over 8 metres from the side elevation of No. 26, it is not considered that it would significantly increase any impact on the side facing windows of the neighbour, particularly given the existence of the garage which is currently on site but would be removed to make way for the dwelling.
19. The insertion of further windows at or above first floor level would be controlled by condition to prevent any future increase in overlooking of any neighbouring properties.

Parking and Highway Safety

20. The access to the property has been amended during the course of the application to a location which is closer to that previously permitted. The Local Highways Authority is content that this would allow turning of vehicles on site and that it would not compromise highway safety. Given the existing permission and the fact that the access is in broadly the same location, it is not considered reasonable to impose the conditions which have been requested by the Local Highways Authority in respect of the gradient of the access, drainage or the provision of off site parking for construction traffic. Conditions restricting the erection of gates and requiring the provision and retention of parking and turning areas and visibility spays are however considered both necessary and reasonable. It is therefore considered that the proposed development is acceptable in terms of its impact on highway safety.
21. The proposed parking layout would allow two cars to be parked and turned on site. This is in accordance with the Council's parking standards and is considered sufficient to provide for the needs of a three bedroom dwelling.

Impact on setting of Listed Buildings and the Conservation Area

22. The proposed dwelling would be separated from the adjacent Listed buildings and Conservation Area to the East by No. 24. Given the permission which exists for a dwelling on the plot, the slight increases in height and width, as well as the installation of windows in the roof, are not considered to compromise the setting or historic character of those Listed Buildings to the East nor would it cause any significant harm to the character or appearance of the Conservation Area.

Impact on the Character of the Area

23. The proposed dwelling is sited further forward on the plot than the most recently approved dwelling by approximately a metre, meaning it is approximately 2 metres further forward on the site than the existing dwelling. Whilst this would make the dwelling more prominent from the road, the existence of the high hedge to the front of the property, most of which would be retained under the amended scheme, would mitigate any increase in the prominence of the property. In addition, the ridge height of the proposed property would be lower than that of the adjacent dwelling, No. 24, as it would be cut into the site, and it is therefore considered that any additional impact due to its location further forward is negligible.
24. The hedge, which is important to the character of the area, would be largely retained, and the amendments to the access which also narrowed the width of the driveway allow for the retention of as much of the hedge as would have been retained on previously permitted schemes. Although the access would provide glimpses of the dwelling, it would remain largely screened below eaves height. This is in line with the comments of the planning inspector who granted the first permission, who noted the importance of the hedge to the frontage and the pattern of accesses along the street. The retention of the hedge would also be controlled by condition.
25. The proposed dwelling is therefore considered to be acceptable in terms of its impact on the visual amenity of the area.

Other Matters

26. Whilst the existing permissions did not require a scheme of for the provision of public open space and play space in accordance with policies SF/10 and SF/11,

it is considered necessary to require it as part of this scheme, given the potential for the dwelling to create extra demand for such provision within the village. The applicant's agreement has been sought to enter into a legal agreement for the provision of a scheme to satisfy the condition and an update on this matter will be provided to the Committee.

Recommendation

27. Delegated approval subject to no new material planning issues arising out of the amendment consultation. and as amended by drawing 09016-01 Rev D subject to the following conditions:

Conditions

1. Standard 3 year condition
2. Approved plans
3. Materials
4. Rear dormer to be obscurely glazed and fixed shut
5. Rear rooflights to be high level
6. No further windows
7. Parking and turning areas and visibility splays to be provided as shown.
8. Details of surfacing of driveway
9. Details of boundary treatments
10. Hedge to be retained
11. No gates to the front of the property
12. Power operated machinery
13. Open space and play space contributions

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
- Circular 11/95 Circular (The Use of Conditions in Planning Permissions) and Circular 05/2005 (Planning Obligations)

Contact Officer: Dan Smith - Planning Officer
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INDEX OF CURRENT ENFORCEMENT CASES
7th April 2010

Ref No	Location	See Page No for full update	Remarks
18/98	Setchell Drove COTTENHAM	1 - 3	Plots 7, 7A and Four Winds being monitored.
34/98	Camside Farm Chesterton Fen Road MILTON	4 - 9	Defendants appeared before Cambridge Magistrates Court on 15 th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 th August 2008. Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed.
10/03	Plot 12 Victoria View, Smithy Fen COTTENHAM	9 - 12	Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18 th June 2007. Further assessment of the current occupants medical needs to be carried out in order that the Planning Sub-Committee can be informed of the current position at plot 12 Victoria View
19/03	Land adjacent to Moor Drove Cottenham Road HISTON	12 - 15	Application for injunction refused by the High Court, 5 th June 2008. Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. Further information has been requested by the planning officer in order that the schemes relating to conditions can be discharged.

Ref No	Location	See Page No for full update	Remarks
9/04	Land adjacent to Cow Fen Drove SWAVESEY	15 - 17	<p>Defendant appeared at Cambridge Magistrates Court on 10th January 2008. Each fined £700 with £200 costs.</p> <p>Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6th January 2009</p> <p>S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court.</p> <p>S/1834/07/F "Appeal A" allowed subject to conditions.</p> <p>Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use.</p> <p>Negotiations have failed to provide an acceptable solution. Legal Officer to pursue Injunctive action.</p> <p>Injunction Order granted 4th November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by the 2nd December 2009.</p> <p>Site inspection carried out on the 3rd December 2009 revealed that the Order had not been complied with. Legal Officer informed.</p> <p>Formal warning letter issued to the defendants to vacate the premises. Further inspections confirmed that although the touring caravan had been removed from the site the defendants were still residing at the premises contrary to the Injunction Order. Committal Order instigated</p>
13/05	Plots 5, 5a, 6, 10 & 11 Orchard Drive COTTENHAM	18 - 19	<p>Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.</p>

Ref No	Location	See Page No for full update	Remarks
18/05	Land off Schole Road (known as Cadwin Lane) WILLINGHAM	19 - 21	<p>Three year temporary planning permission granted for 3 plots. Injunction granted on 18th November restricting development on plots 3 and 4. Planning application S/2330/06/F - Three-year temporary consent approved for plot no 5. Plots 3 & 4 continue to be monitored. Injunction breached for plot 3 - Defendant found guilty in the High Court and ordered to remove the unauthorised caravan and dayroom.</p> <p>Planning application S/1919/08/F unsuccessful - Appealed. Successful High Court application to vary the injunction to allow occupation of the land until the outcome of the planning appeal made. Hearing date set for the 29th July 2009. Appeal successful, three year temporary consent granted – Costs awarded against SCDC.</p> <p>Conditions to be monitored.</p> <p>Conditions complied with. Remove from active list</p>
4/06	Plot 15 Water Lane Smithy Fen COTTENHAM	22 - 23	<p>Appeal dismissed on 29th January 2007. File submitted for an application for an injunction. Report to be considered by Planning Sub Committee</p>
8/06	1 London Way Clunchpits MELBOURN	23 - 25	<p>Appeal allowed in part and dismissed in part.</p> <p>Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly.</p> <p>No Change – Matter to be referred back to Planning Officer</p>

Ref No	Location	See Page No for full update	Remarks
12/06	Unit J Broad Lane COTTENHAM	25 - 26	<p>Planning application S/0334/08/F refused and Appeal lodged. At Cambridge Magistrates Court on 29th May 2008 the defendant was fined £1,000 for breach of Enforcement Notice and £500 for Breach of Condition with costs of £300. Planning application S/1017/08/F refused at Planning Committee 3rd September 2008. Appeal Inquiry date 2nd & 3rd December 2008.</p> <p>Appeal allowed - Conditions to be monitored.</p> <p>Monitoring on-going –Environmental Protection Team results to be published shortly.</p>
7/07	The Drift Cambridge Road BARTON	27	<p>Appeal dismissed on the 1st April 2008. Compliance date 1st October 2008 Partial compliance. Discussions continue.</p>
12/07	The Firs 117 Duxford Road WHITTLESFORD	28 - 29	<p>Enforcement Notice issued for unauthorised wall. Appeal dismissed. Planning application S/0360/08/F approved 25th April 2008. Monitoring planning conditions. Further planning application S/1701/08/F submitted. Refused at Chairman's Delegation 10th December 2008 – Enforcement Notice effective in three months unless a planning application is submitted that significantly lowers the height of the wall/fence, brick pillars and gates. Discussions relating to the submission of a further application currently taking place. Further Appeal submitted - Appeal dismissed.</p> <p>Original approved planning permission S/0360/08/F expired. Fresh application submitted under planning reference S/0054/10/F. Waiting decision</p>

Ref No	Location	See Page No for full update	Remarks
16/07	38 Silver Street WILLINGHAM	29 - 30	<p>Enforcement Notice issued 28th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19th March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance. Owner interviewed regarding failure to instigate remedial works. Timetable agreed.</p> <p>Works commenced</p>
5/08	27/28 Newfields Fen Road Chesterton MILTON	30	<p>Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6th May 2009, four months compliance period. Further planning application received and registered. Application S/1170/09 approved 24th November 2009, Conditions to be monitored. Further planning application submitted – Ref: S/0246/10/F</p>
6/08	6 Sunningdale Fen Road Chesterton MILTON	31	<p>Enforcement Notice appealed. Inquiry date 10th February 2009 Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18th August 2009. Planning application received and registered. Application S/1154/09 approved 5th October 2009 – Conditions to be monitored.</p>
11/08	5 Home Farm 89 High Street HARSTON	31- 32	<p>Listed Building Enforcement Notice issued – Appealed. Appeal dismissed Satellite dish not removed – Prosecution file to be submitted to Legal Officer</p>

Ref No	Location	See Page No for full update	Remarks
12/08	Plot 4 Moor Drove HISTON	32	Prosecution file submitted to Legal regarding failure to comply with a "Temporary Stop Notice" Enforcement Notice Issued. Retrospective planning application submitted. Approved at Committee 10 th June 2009 Conditions to be monitored
13/08	49 High Street MELBOURN	33	Enforcement Notice issued. Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court. Enforcement Notice still not complied with. Further prosecution file submitted Hearing date set for 9 th July 2009. Male Defendant ejected from court, case adjourned until 23 rd July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520 Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17 th December 2009 Both defendants found guilty at Cambridge Magistrates Court and fined £2195 each including costs of £180 each and £15 each victim surcharge
01/09	82 High Street GREAT ABINGTON	33 - 34	Listed Building Enforcement Notice no 3342 issued 6 th January 2009 for unauthorised works on a Listed building. Compliance period 3 months. Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve.
06/09	16a Norman Way Industrial Units Over	34	Enforcement Notice issued for change of use of premises without consent. Appealed. Appeal allowed on ground (g) and enforcement notice varied by the deletion of three months and substitution of six months as the period for compliance. Subject to this variation the enforcement notice is upheld. Further planning application submitted, validated 27th January 2010. Planning reference S/0114/10/F.

Ref No	Location	See Page No for full update	Remarks
07/09	163 High Street Sawston	34 - 35	Listed Building Enforcement Notice issued for dismantling and removal works without authorisation Appealed – Hearing date 5 th January 2010. Appeal withdrawn
09/09	White Horse Public House 12 Greenside Waterbeach	35	Enforcement Notice issued in respect of an unauthorised smoking shelter Appealed. Appeal not allowed – Out of time, Discussions continue. Prosecution file submitted to Legal Officer.
12/09	6 Cottenham Road Histon	35 - 36	Enforcement Notice issued in respect of breaches of control – Compliance period six months i.e. by 30 th March 2010. Appealed – Hearing date 9 th March 2010
16/09	The Barn, Chesterton Fen Road, Milton	36	Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 6 th February 2010. Appealed - Inquiry 13 th & 14 th April 2010 Inquiry date moved to 18th & 19th May 2010
17/09	80 High Street, Melbourn	36	Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 5 th April 2010. Appealed – Planning Appeal Dismissed 10 th November 2009. Enforcement Notice Appeal withdrawn. Compliance inspection to be carried out
01/10	Land at Moor Drove Histon	37	Enforcement Notice issued – Compliance period to cease the unauthorised use two months i.e. by 15 th April 2010
02/10	Hill Trees Babraham Road Stapleford	37	Enforcement Notice issued - Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15 th April 2010

Ref No	Location	See Page No for full update	Remarks
03/10	2 Grange Park Chesterton Fen Road Milton	37	Enforcement Notice issued - Compliance period to demolish and remove materials from the land three months i.e. by 15 th June 2010. Enforcement Notice Appealed.
05/10	9 Toft Lane Great Wilbraham	37	Enforcement Notice issued - Compliance period to remove the mobile home six months i.e. by 15 th September 2010 and one month for the two sheds and storage container i.e. by 15 th April 2010
06/10	Land at Pampisford Road, Great Abington	37	Enforcement Notice issued - Compliance period to remove unauthorised portable building three months i.e. 15 th June 2010 Enforcement Notice Appealed.
08/10	Land at 19A High Green, Great Shelford	38	Enforcement Notice issued – Compliance period to remove all of the development work such that the property complies with planning permission S/2392/07/F, six months i.e. 22 nd September 2010 Planning decision appealed – Hearing date 7 th April 2010
09/10	1 Home Farm, 89 High Street, Harston	38	Listed Building Enforcement Notice issued – Compliance period two calendar months i.e. by 22 nd May 2010
10/10	157 Ermine Way, Arrington Royston, Herts	38	Enforcement Notice issued – Compliance date to remove the wall and all resulting debris from the site one month, i.e. by 22 nd April 2010
13/10	North Road Farm Ermine Way Whaddon	38	Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22 nd April 2010 Appeal submitted 4 th March 2010
17/10	The car wash facility St. Neots Road Croxton	38 - 39	Enforcement Notice issued – Compliance period to cease using any part of the land for residential use, two months i.e. by 12 th June 2010.