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4 May 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, 12 MAY 2010 at 2.00 p.m.**

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

Yours faithfully
GJ HARLOCK
Chief Executive

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AGENDA

PAGES

PUBLIC SPEAKING

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

PROCEDURAL ITEMS

1. Apologies

To receive apologies for absence from committee members.

2. General Declarations of Interest

Declarations relating to individual agenda items should be made immediately before the relevant item, or as soon as a declarable interest becomes apparent.

1 - 2

3. Minutes of Previous Meeting

To authorise the Chairman to sign the Minutes of the meeting held on 7 April 2010 (attached to the electronic version of this agenda on the Council's website) as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|-----|--|----------------|
| 4. | S/0346/10/F - Girton (Hotel Felix, Huntingdon Road) | 3 - 10 |
| 5. | S/0196/10/O - Linton (Land to the North-East of 26 Back Road) | 11 - 20 |
| 6. | S/0289/10F - Elsworth (Land to the Southwest of The Cricket Pavilion, Broad End) | 21 - 30 |
| 7. | S/1608/09/F - Fen Drayton (The Old School, High Street) | 31 - 38 |
| 8. | S/0098/10/F - Papworth Everard (Unit 4, Cambridge Westpoint, Papworth Business Park Stirling Way) | 39 - 44 |
| 9. | S/0067/10/F - Great Shelford (1 Hinton Way) | 45 - 52 |
| 10. | S/0454/10/F - Over (Land to the North East of 27 and 29 West Street) | 53 - 64 |
| 11. | Public speaking at Planning Committee - Annual review of protocol | 65 - 66 |
- Appendix 1 is attached to the electronic version of this agenda on the Council's website.

INFORMATION ITEMS

The following items are included on the agenda for information and are, in the main, available in electronic format only (at www.scamb.gov.uk/meetings and in the Weekly Bulletin dated 5 May 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** **67 - 70**
Summaries of Decisions of interest attached.
Contact officers:
Gareth Jones, Head of Planning – Tel: 01954 713155
John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268
- 13. Appeal Statistics**
- 14. Planning Sub-Committee and Planning Enforcement Sub-Committee**
To receive, formally, the minutes of the following meetings:
- Planning Sub-Committee**
- 17 March 2009, 19 May 2009 and 21 May 2009
- Planning Enforcement Sub-Committee**
- 26 January 2010 and 9 March 2010

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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 – 12 May 2010 – Declaration of Interests

Councillor

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

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Personal / Personal and Prejudicial [delete as appropriate]

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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. Villlage:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee12th May 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0346/10/F - GIRTON**Variation of Condition 11 of Planning Permission S/0297/08/F to Allow for the Erection of Conservatory prior to the Demolition of the Two-Storey Dwelling, Hotel Felix, Huntingdon Road for Cassell Hotels Ltd****Recommendation: Approval****Date for Determination: 30th April 2010****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation of approval conflicts with the recommendation of refusal from Girton Parish Council.

Departure Application**Site and Proposal**

1. The Hotel Felix is a hotel complex located within the Cambridge Green Belt and which lies between the Girton village framework and the Cambridge City boundary. The site abuts the residential roads of The Brambles to the north west and Thornton Close to the north east. The site is accessed from White House Lane, which is a road leading from Huntingdon Road.
2. The application received on 5th March 2010 seeks a variation of Condition 11 of planning permission S/0297/08/F to allow the erection of a conservatory prior to the demolition of a two storey dwelling on the site (See History below).
3. The proposed conservatory, which is single storey and measures 6m x 11m, will fill in the south east corner of the building.

Planning History

4. **S/0297/08/F** – Extensions – Approved with Conditions – 23rd May 2008.
5. This permission granted consent for the erection of a function room (approx 350m²) on the south west corner of the building and the conservatory (66m²) referred to above. The application included the proposed demolition of an existing two storey house adjacent the north west corner of the main building.
6. Condition 11 of the consent stated “No development shall commence until the existing two-storey dwelling, shown on Drawing No. 530-G2K, as ‘House Removed’ shall be demolished”. The reason for the condition was “To ensure the protection of the openness and character of the Green Belt.”

Planning Policy

7. **PPG2** – Green Belts
8. **South Cambridgeshire Local Development Framework Development Control Polices adopted July 2007**
 - DP/1** – Sustainable Development
 - DP/2** – Design of New Development
 - DP/3** – Development Criteria
 - DP/7** – Development Frameworks
 - GB/1** – Development in the Green Belt
 - GB/2** – Mitigating the Impact of Development in the Green Belt
 - ET/5** – Development for the Expansion of Firms
 - ET/10** – Tourist Facilities and Visitor Accommodation
 - NE/6** – Biodiversity
 - NE/15** – Noise Pollution
 - TR/1** – Planning for More Sustainable Travel
 - TR/2** – Car and Cycle Parking Standards
9. **Biodiversity SPD** – adopted July 2009
District Design Guide SPD – adopted March 2009

Consultation

10. **Girton Parish Council** recommends refusal. “It was noted that no information has been presented which was not known when condition 11 was imposed.”
11. The **Local Highway Authority** comments that the development should not be commenced until a Transport Plan showing the proposed traffic generation for the site has been submitted and approved.
12. The **Conservation Manager** has no objection.

Representations

13. None received.

Applicants' Representations

14. A letter submitted with the application comments that the Felix Hotel has always been keen and ready to support local businesses and tourism. Even in this poor economic climate it is believed that the work to the conservatory will be of great benefit to the hotel and improve its ability to support local business, tourism and the local community and it is therefore considering the financial viability of progressing just that part of the planning consent.
15. The particular house referred to currently accommodates certain administrative functions and stores some materials that are used in the administration of the hotel. While the Felix Hotel would like to carry out work to the conservatory it remains concerned about the additional cost that will be imposed by relocating the administration and storage from the house into the main building, together with the cost of demolition. When these costs are added to the cost of the works it becomes economically impossible to carry out any further works in pursuit of the planning approval.

16. Whilst the reasons for imposing Condition 11 are understood, it is pointed out that the proposed conservatory is on the other side of the building to the house and as the applicant is not contemplating the building of the function room at this time there will be very little impact on the openness of the Green Belt by leaving the house standing at this time. It is also pointed out that the original planning consent in 2001 included a slightly smaller conservatory which has not been built, but for which the consent remains extant.
17. It is requested that Condition 11 is re-drafted to state that no development shall be commence in respect of the function room until the existing two-storey dwelling is demolished.

Planning Comments – Key Issues

18. In granting consent for the proposed works in 2008 Members have taken the view that although the proposal was inappropriate development by definition very special circumstances existed which warranted the approval of the application as a departure. The 2008 application was referred to GO-East but it was accepted that the issues raised did not relate to matters of more than local importance and it was concluded that the application should be decided by this Council.
19. The key issue to consider with this application is whether the construction of the conservatory prior to the demolition of the existing two storey prejudices the reason for imposing condition 11 of planning consent S/0297/08/F, and whether special circumstances exist for the erection of the conservatory which remains inappropriate development by definition.
20. In respect of the latter I am of the view that the applicant has continued to demonstrate that very special circumstances exist, particularly having regard to the history of extant consents for the erection of a conservatory on this part of the building.
21. The proposed conservatory is of modest size and by far the larger element of the approved scheme was the function room, which is to be located on the west side of the building, the same side as the existing two-storey house to be demolished.
22. The proposed conservatory will not be able to be viewed at the same time as the existing two storey house and in my view this small structure on its own, which fills in a corner of the existing building, will not have an adverse impact on the openness or character of the Green Belt.
23. I note the request by the Local Highway Authority for a Transport Assessment. This information was submitted with the 2008 application and accepted by the Local Highway Authority at that time. As this application is for a variation of condition and will not involve any intensification of use above that already consented I have not pursued this request.
24. I am of the view that Condition 11 of planning consent S/0297/08/F can be amended to allow the erection of the conservatory prior to the demolition of the existing house. The condition would still require the demolition of the house prior to work on the function room commencing.
25. All other conditions contained in the earlier consent will be included in the new notice.

26. The application has been advertised as a departure but in my view does not need to be referred to GO-East.

Recommendation

27. That the application is approved subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. No development shall commence until details of the materials to be used for the external walls and roof 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 that visually the development accords with neighbouring buildings.)
3. No further windows, doors or openings of any kind shall be inserted in any elevation of the function room, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To minimise noise disturbance to occupiers of the adjoining properties.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
(Reason - To enhance the quality of the development and to assimilate it within the area.)
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
(Reason - To enhance the quality of the development and to assimilate it within area.)

6. 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 minimise noise disturbance to adjoining properties.)
7. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining properties.)
8. No external lighting including flood lighting shall be installed other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To minimise light pollution.)
9. The rating level of noise emitted from the development hereby permitted, shall not at any time exceed the existing background noise level determined to be 41 dB LA90. The noise levels shall be determined at the nearest noise sensitive dwelling. The measurements and assessment shall be in accordance with BS4142: 1990.
(Reason - To minimise noise disturbance to adjoining properties.)
10. The use of the function room, hereby permitted, shall not commence until an electronic limiter shall be installed to control music levels inside the function room, hereby permitted, thereafter the function room shall not be used unless the electronic limiter continues to be operational.
(Reason - To minimize noise disturbance to adjoining residents.)
11. No development in respect of the proposed function room, hereby permitted, shall commence until the existing two-storey dwelling, shown on Drawing No. 530-G2K, as "House Removed" has been demolished.
(Reason - To ensure the protection of the openness and character of the Green Belt.)
12. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order without modification) no marquee or other temporary structure shall be erected or used within the application site for purposes of functions or for any other purpose connected with any hotel business or any other use falling within the Use Class C1 of the Town and Country Planning (Use Classes) Order 1987 as may be conducted from the site.
(Reason - To ensure the protection of the openness and character of the Green Belt.)

13. The development hereby permitted shall be carried out in accordance with the following approved plans: 530-S4; 530-G2K; 530-F2e; 530-T2e; 530-12i; 530-G1d.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

Informatives

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 (adopted July 2007)
- Supplementary Planning documents
- Planning File Refs: S/0346/10/F and S/0297/08/F

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

Presented to the Planning Committee by: Paul Sexton

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee12th May 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0196/10/O - LINTON
Dwelling and Garage at Land to the North-East of 26 Back Road
for Mr & Mrs Williams

Recommendation: Delegated Approval

Date for Determination: 3rd June 2010

Notes:

This application has been reported to the Planning Committee for determination as the Officer recommendation is contrary to the response from the Parish Council.

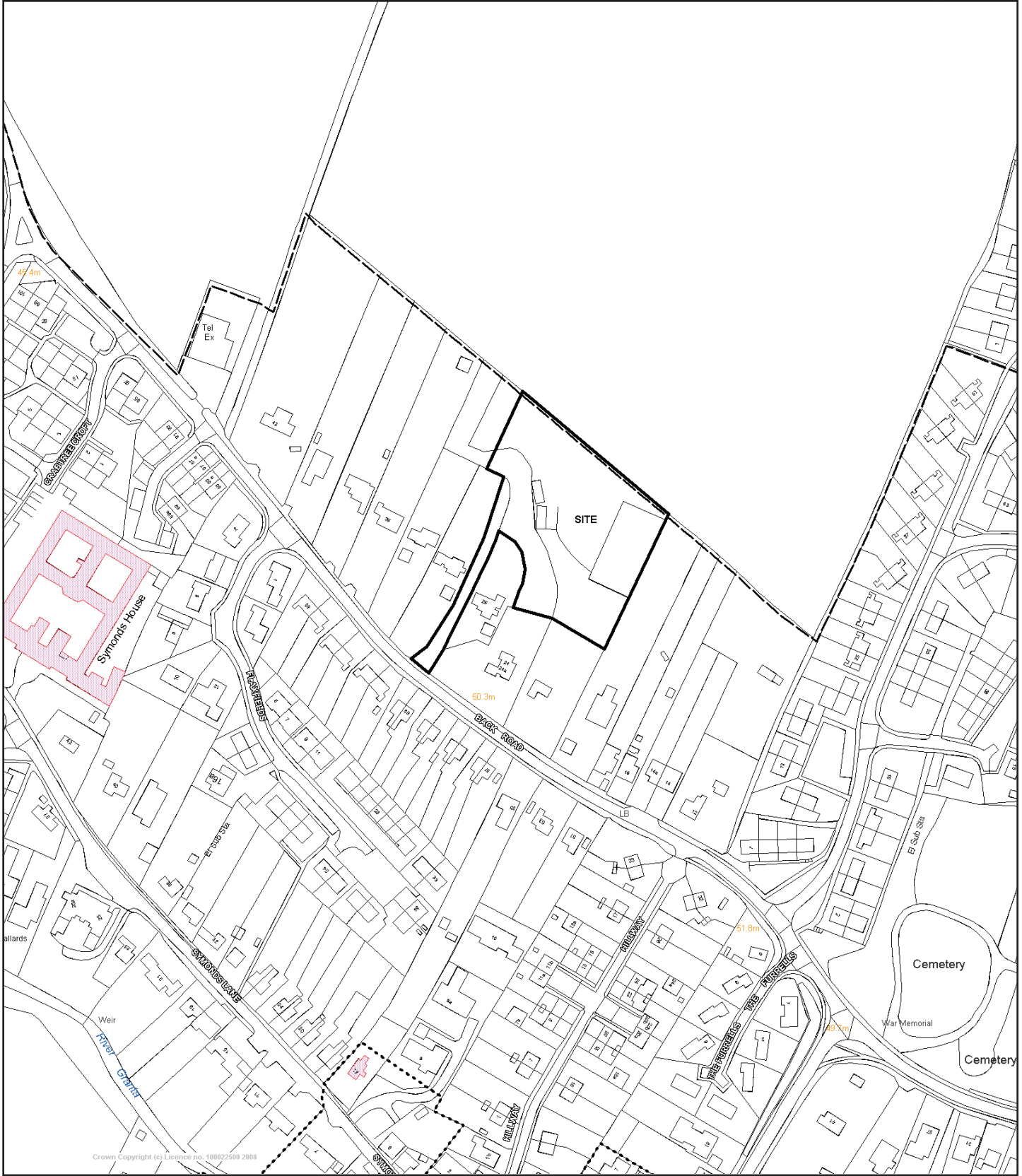
Site and Proposal

1. The application site is a 0.49 hectare area of land located to the rear/north-east of Nos. 22-28 Back Road. It is presently used for grazing horses and comprises stables towards the southern edge of the site and a ménage area adjacent to the south-eastern side boundary. The site is situated above a former quarry and slopes significantly upwards from north-west to south-east and also rises from the south-west to north-east boundary. There is a mature hedgerow along the north-eastern boundary, beyond which is open countryside that continues to rise steeply upwards towards Rivey Hill. Beyond the south-eastern boundary, which is defined by a hedgerow, planning permission has been granted for the erection of bungalows to the rear of Nos. 12-20 Back Road, whilst, further to the north-west, there is an extant planning permission for the erection of two dwellings to the rear of No.42 Back Road. The site is raised significantly above the level of the properties fronting Back Road to the south-west, with the rear boundaries of Nos. 24 and 26 comprising the bank of the former quarry. Access to the site is via a track sited between Nos. 26 and 28 Back Road, which presently serves 3 properties (Nos. 24, 24a and 26 Back Road).
2. This outline application, registered on 19th February 2010, and amended on 12th and 14th April 2010, proposes to erect a dwelling and garage on the site. Consent is sought for the means of access and scale, with details of the appearance, layout and landscaping reserved for further consideration. The indicative layout plan shows an approximately 35 metre wide dwelling facing north-westwards and a detached garage building sited at the end of the access track. A cross section indicates that the dwelling would be cut slightly into the ground level. Access to the site would be via the existing track, and the amended design and access statement states that the dwelling would have a maximum height of 5.2 metres. The density of the development equates to 2 dwellings per hectare.

Planning History

3. **S/1539/09/O** – Application for dwelling and garage on land to the north-east of 26 Back Road, Linton was withdrawn.

S/0196/10/O Linton



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May 2010 Planning Committee

4. **S/1956/87/F** – An application for two bungalows and garages on backland at 22-36 Back Road was refused for the following reasons:

- (a) The development would detract from the open and rural character of area;
- (b) The required visibility splays would necessitate the loss of a hedge and be detrimental to the character of the area;
- (c) Movements along the driveway would detract from the amenities enjoyed by future occupiers of adjacent houses;
- (d) It would create a precedent for similar development.

The application was then dismissed at appeal. The site formed part of a larger area of land for which the erection of 4 houses along the frontage part was allowed at appeal. The Inspector stated that “on walking through the gap between the houses under construction and up the slope to the present appeal site, I was conscious of leaving the village and the built development and moving into open landscape at a higher level, and quite separate from the existing and new houses below it.” The appeal site was regarded as part of the Area of Best Landscape. The proposed two bungalows were considered to be an intrusion upon this area and unrelated to the form of the village at this point, amounting to a sporadic, visually isolated and incongruous form of housing development. The Inspector commented that a long service road would have to be constructed between houses and private gardens, where disturbance from vehicles ascending the curving and rising gradient would exceed the normal levels of disturbance. Concern was also expressed regarding the impact on Nos. 20 and 22 Back Road.

5. **S/1379/90/F** – An application for a bungalow and garage on this backland site was refused for the following reasons:

- (a) Backland development would detract from the open and rural character of the area;
- (b) The erection of a dwelling would involve the use of a long and inconvenient access passing alongside and rising to the rear of Nos. 26 and 28 Back Road, the traffic movements along which would cause a serious loss of amenity to the residents of those properties by reason of loss of privacy, noise and general disturbance;
- (c) It would create a precedent for similar development of open land to the rear of other properties in Back Road and cause further harm to the open and rural character of the area;
- (d) No improvements to the existing access were incorporated in the proposal.

The application was dismissed at appeal. Since the previous appeal, the site had been included in the village framework in the then draft Local Plan. The proposal sought to erect a bungalow to the far right of the site at an excavated lower level and substantially screened from view by extensive proposed landscaping, and resulted in the dwelling being projected beyond the existing line of development fronting Back Road. The Inspector considered the previous appeal Inspector’s decision to be apt. He stated that the tall hedge and escarpment on the south-eastern boundary of the site divorced it from the village and married it to the open landscape sweeping down from Rivey Hill. The development was considered to result in an unacceptable intrusion into the landscape and to make it more difficult to resist the principle of development in other locations on the periphery of the village. In addition, the use of the driveway was considered to result in unacceptable noise and disturbance to occupiers of neighbouring dwellings accentuated by the difference in levels. The distance of the site from Back Road means that it would also be likely to be

used by visitors and service vehicles. No highway safety concerns were raised regarding the use of the access by a single dwelling.

6. **S/0296/92/F** – Permission granted for 2 loose boxes, tack room and hay store/garage.
7. **S/0483/94/F** – Consent for horse riding arena.

Planning Policy

8. East of England Plan 2008:
SS1 - Achieving Sustainable Development
ENV7 - Quality in the Built Environment
9. South Cambridgeshire Local Development Framework Core Strategy Development Plan Document, adopted January 2007:
ST/5 – Minor Rural Centres
10. South Cambridgeshire Local Development Framework Development Control Policies DPD, 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
NE/6 – Biodiversity
NE/15 – Noise Pollution
SF/10 - Outdoor Playspace, Informal Open Space and New Developments
SF/11 – Open Space Standards
11. Supplementary Planning Documents, adopted 2009:

Open Space in New Developments SPD - Adopted January 2009
Biodiversity SPD – Adopted July 2010
District Design Guide SPD – Adopted March 2010
12. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
13. **Circular 05/2005 (Planning Obligations)** - Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

14. **Linton Parish Council** recommends refusal, stating:
 - (a) “Council objects to this application.
 - (b) Council concurs with Highways over concerns regarding access for emergency vehicles etc.

- (c) The application states that the site cannot be seen from a bridleway when in fact it is clearly visible from all sections of BW21. Council requests that planning officers walk the bridleway.
 - (d) If granted it should be conditioned that the dwelling be single storey.”
15. **The Ecology Officer** stated, in connection with the previous application, that, as the area is reported to be a former quarry, in accordance with the Biodiversity SPD, any application should be accompanied by appropriate biodiversity information, particularly on bats, breeding birds, reptiles and BAP species. A holding objection is placed until the site has been the subject of a walkover biodiversity assessment.
16. **The Environmental Health Officer** raises no objections to the implications of the proposal in terms of noise and environmental pollution.
17. **The Environmental Health Officer (Contaminated Land)** states that the site is directly over a former quarry, which may be filled with unknown material. Any planning permission should therefore be subject to a condition requiring contamination investigation before the commencement of any development.
18. **The Environment Operations Manager** has not commented to date. Members will be updated on any comments received prior to the Committee meeting.
19. **The Local Highways Authority** states that the present access is used to service a number of large dwellings. The present use of the land for paddocks and ménage is likely to generate a low level of traffic movements, comparable to those generated by a single family home. As such, no objections are raised. There should be no more than one dwelling on this site and an informative should be added to any permission advising that the Highways Authority would object to any further development using the access as it stands at present.
20. **The Cambridgeshire Fire and Rescue Service** has not commented to date. Members will be updated on any comments received prior to the Committee meeting.

Representations

21. Objections have been received from the occupiers of Nos. 20, 22, 26, 28, 30 and 38 Back Road. The key points raised are:
- (a) What would be the overall scale of the proposed buildings?
 - (b) The dwelling should be a bungalow in order to avoid dominating the view from Rivey Hill.
 - (c) The proposed footprint is unusually large compared to that of surrounding houses and the approved bungalows at the rear of 12-20 Back Road.
 - (d) Would there be any plans to subdivide the property into apartments? This would cause overloading of the access road and potential disruption to nearby residents.
 - (e) With regards to the original plan, occupiers of Nos. 20 and 22 commented that its siting was preferable to that proposed within the previous application, whilst the occupier of No.28 expressed concerns regarding overlooking of his garden area.
 - (f) The occupier of No.38 Back Road raises no in-principle concerns to a single storey dwelling although considers that the development could better utilise the topography of the site.
 - (g) The originally proposed site area included land owned by No.26 Back Road.

- (h) There is an established game trail on the steeply sloping bank in the garden of No.26 Back Road, which is used regularly by muntjac deer, whilst the bank is a haven for other wildlife. If the development takes place, this trail will disappear.
- (i) The garage is unusually large, implying a large number of cars and resulting in highway safety concerns.
- (j) Would there be a requirement for any planting to help screen the development and protect the privacies of adjoining residents?
- (k) Would the details not covered by this application (eg – design, siting, levels) be subject to a further application and residents given a further opportunity to comment?

Planning Comments – Key Issues

Density

- 22. The density of the development equates to 2 dwellings per hectare, a figure much lower than the minimum 30-40 dwellings per hectare density required by Policy HG/1. As stated within the supporting text to this policy, a departure from these standards should only be accepted if there are exceptional local circumstances justifying such an approach.
- 23. The applicants agent had pre-application discussions with the Local Highways Authority prior to the submission of the previously withdrawn application. During these discussions, the LHA advised that the required visibility splays of 2.4 metres x 70 metres could not be achieved from the existing access without crossing third party land, and that the splays achievable from the existing access are just 19.2 metres and 23.7 metres. The LHA stated that such a low level of visibility would only be acceptable if vehicle speeds along Back Road are demonstrated to be in the 17-19mph range. From my own observations, vehicle speeds along Back Road are well in excess of this range, and the LHA has clearly objected to the erection of any more than a single dwelling on the site.
- 24. During the consideration of the previous application, the applicant was requested to explore the possibility of using the access approved for the adjacent land to the rear of 12 – 20 Back Road, and whether this would provide the opportunity to build more than one dwelling on the site. The previous application was withdrawn whilst these discussions were ongoing. The Local Highways Authority stated that, for highway safety reasons, it would also object to any more than the approved eight dwellings being served from this access.
- 25. In view of the objections raised by the Local Highways Authority to the use of the existing access by any more than a single dwelling, and to the use of the nearby approved access for any more than the eight approved properties, it is not possible, for highway safety reasons, to develop the site with more than a single dwelling.

Impact on the character of the area

- 26. In 1990, an application to erect a bungalow on this site was refused and subsequently dismissed at appeal, partly on the grounds that backland development was considered to be out of keeping with the open and rural character of the area. In the appeal decision, the Inspector specifically commented on the development projecting beyond the existing line of development fronting Back Road and the character of the site being more akin to that of the open landscape sweeping down from Rivey Hill.

27. During this period and, indeed, until the adoption of the 2004 Local Plan, there was very much a general in-principle objection in the planning system to backland development. The 2004 Local Plan included a specific policy setting out criteria to be considered for applications for backland development, whilst subsequent policy guidance and policies have sought to make the most effective use of land within village frameworks. Against this policy background, planning permission was granted by this Authority in 2005 and 2006 for the redevelopment of No.12 Back Road with two two-storey dwellings, the erection of two bungalows immediately to the rear of No.12, and the erection of a further four bungalows adjacent to the countryside boundary to the rear of Nos. 12 – 20 Back Road. This development has not been constructed to date, but these permissions do represent a material change to the character of the area since the 1990 appeal. There has also been a further approval for development to the rear of No.42 Back Road. Given that there is a character of authorised backland development in the immediate area, the erection of a dwelling on the site is considered to be acceptable.
28. The previously withdrawn application indicated that the proposed dwelling on the site would be a substantial two-storey structure. In addition, the current application initially proposed a 6 metre high structure. As stated previously, the site slopes upwards from the north-west to south-east. Beyond No.42 Back Road, to the north-west, is a bridleway leading steeply up to Rivey Hill to the north. From this bridleway, there are clear views of the entire site and the erection of a two-storey dwelling on the land was considered to be overly prominent and to result in harm to the character of the adjoining countryside. The approved bungalows to the rear of 12-20 Back Road have a ridge height of 5.2 metres and, to ensure that the proposed development reflects this character, the current application has been amended to reduce the maximum ridge height of the proposed dwelling to 5.2 metres. On this basis, the impact of the dwelling upon the character of the area is now considered to be acceptable.
29. Given the significant difference in levels across the site, it would be essential that any subsequent reserved matters or full applications are accompanied by a full survey showing levels across the site and detailed cross sections.

Residential amenity

30. The 1990 application and appeal were refused and dismissed respectively partly due to noise and disturbance to the occupiers of Nos. 26 and 28 Back Road caused by vehicular movements along the proposed means of access to the site. The Environmental Health Officer has been made aware of the previous decisions but has raised no objections to the impact of the proposal upon the amenities of occupiers of these adjoining properties.
31. The proposed means of access is used at present to access the paddocks and ménage area and the Local Highways Authority has advised that the level of vehicle movements associated with a single dwelling would be comparable to that of the existing use. Both the adjoining properties are set off the access and separated from it by boundary fencing and the impact of the minimal number of vehicle movements associated with one dwelling is not considered to result in serious harm to the occupiers of both properties.
32. The Inspector commented during the 1990 appeal that the impact of vehicle movements would be particularly pronounced if the access were to be used by emergency and service vehicles. The applicants agent held pre-application discussions with the Building Inspector, as a result of which it is proposed to introduce a sprinkler system within the proposed dwelling, thereby negating the need to provide satisfactory access for fire engines. In addition, discussions were also held with the Council's Environment Operations Manager who

advised that the access would be substandard for a refuse collection vehicle and that single dwelling could be responsible for moving its refuse out to the highway entrance for collection. No confirmation of this discussion has been received to date from the Environment Operations Manager and Members will be updated on any responses received prior to the Committee meeting.

33. Concerns were raised by the occupier of No.28 Back Road regarding the impact of the originally proposed dwelling in terms of overlooking of the private garden area. In the amended plans the scale of the dwelling has been reduced and the indicative site plan changed to reposition the dwelling further to the east. Whilst details of the siting are not proposed as part of this application, the edge of the site lies some 40 metres away from the rear wall of No.28, 35 metres from the rear of No.26, 45 metres from the back of 24/24a, 30 metres from No.22 and 20 metres from the rear of No.20 Back Road. Given these distances and the low scale of the proposed dwelling, it is considered that a dwelling can be accommodated on this site without resulting in undue harm to the amenities of adjoining residents by reason of overlooking or overshadowing.

Highway safety

34. As confirmed by the Local Highways Authority, the use of the existing access for a single dwelling is not considered to result in any highway safety concerns.

Ecology

35. The Ecology Officer has raised a holding objection until a walkover assessment of the site has been undertaken. The applicants agent has been advised of this comment and has indicated that the required assessment will be carried out shortly and submitted prior to the Committee meeting.
36. The concerns raised by the occupiers of No.26 Back Road, relating to their rear garden being used by Muntjac deer, were discussed with the Ecology Officer during the consideration of the previous application. However, these are not a protected species and no specific objections have therefore been raised to the impact of the any development upon their trails.

Infrastructure requirements

37. In accordance with the requirements of Policies DP/4 and SF/10, as well as the Supplementary Planning Document on Open Space, all residential developments are expected to contribute towards the off-site provision and maintenance of open space (£4,258.90 for a 4+ bedroom dwelling). Additionally, Policy DP/4 also requires financial contributions to be made towards community facilities (£718.78 for a 4+ bedroom dwelling), household waste receptacles (£69.50). The applicants agent has confirmed, in writing, the clients agreement to the payment of these contributions, as well as the additional required costs for Section 106 monitoring (£50) and this Authority's legal costs (minimum £350).

Other

38. Following the concerns raised by the occupiers of No.26 Back Road, the site edged red has been amended to exclude land under their ownership. In addition, the orchard land affected by the restrictive covenant has been annotated on the site plan.

Recommendation

39. Subject to the provision of a biodiversity assessment and to no objections subsequently being raised by the Council's Ecology Officer, delegated powers are sought to approve the application, as amended by application form and statements date stamped 12th April 2010 and drawing date stamped 14th April 2010, subject to the following conditions:
1. Approval of the details of the layout of the site, the appearance of the buildings, existing and proposed site levels, 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. Sc6 – Landscape Implementation (Rc6)
 4. Sc27 – Contamination (Rc27)
 5. Sc38 – Noise during construction (Rc38)
 6. No development shall begin until details of a scheme for the provision of recreational 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 recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009).
 7. No development shall begin until details of a scheme for the provision of community facilities infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has 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 facilities infrastructure in accordance with the Policy DP/4 of the adopted Local Development Framework 2007)

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

- East of England Plan 2008.
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.

- South Cambridgeshire Local Development Framework (LDF) Supplementary Planning Documents: Biodiversity; Open Space in New Developments; District Design Guide.
- Circulars 11/95 and 05/2005.
- Planning File Refs: S/0196/10/O, S/1539/09/O, S/1956/87/F, S/1379/90/F, S/0296/92/F and S/0483/94/F.

Contact Officer: Lorraine Casey – Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee12th May 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0289/10/F – ELSWORTH
Erection of Modular Building for Use as a Village Shop
at Land to the Southwest of The Cricket Pavilion, Broad End
for Mrs Janet Bell, Elsworth Community Shop Association

Recommendation: Approval

Date for Determination: 26th April 2010

Notes:

This Application has been reported to the Planning Committee for determination on the recommendation of the Development Control Team Leader.

Members will visit the site on 12th May 2010

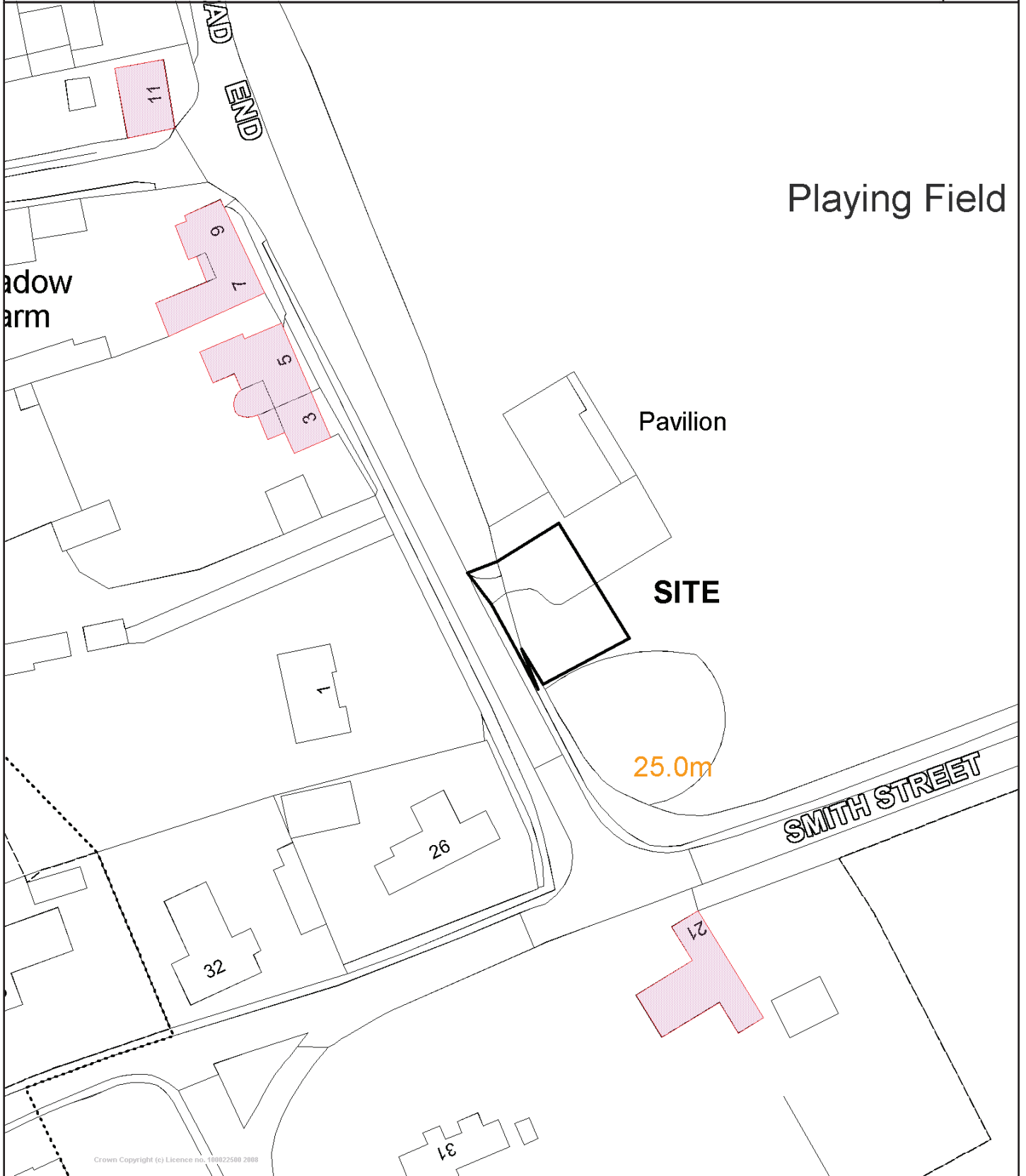
Site and Proposal

1. The application site forms part of the recreation ground at Elsworth and is located next to the existing car park and approximately 12 metres away from the cricket pavilion. The recreation ground is a protected village amenity area and falls within Elsworth Conservation Area.
2. The site is surrounded by residential dwellings to the west, along Broad End and directly south along Smith Street; to the north and east is the adjoining grassed recreation area. Listed buildings are present at 3-9 Broad End and 21 Smith Street and the site is adjacent to mature trees to the south with hedging along the south boundary and open fencing to the west boundary of the recreation ground.
3. The planning application, registered on 1st March 2010, seeks approval to erect a single storey, modular building for use as a village shop. The proposed building measures 6m by 10.2m with a ridge height of 3.2m. The building is proposed to be timber clad stained black (or colour to be agreed) with a felt roof.

Planning History

4. A previous scheme for the village shop building was submitted under **S/1753/09/F** and was withdrawn 26th January 2010 due to concerns with the proposed wide roof span of the building and its compatibility with the Conservation Area.
5. The existing sports pavilion was approved under **S/0417/97/F** in addition to the temporary siting of a mobile changing unit.

S-0289-10-F



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Scale 1/789 Date 23/4/2010

Centre = 531405 E 263603 N

May 2010 Planning Committee

Planning Policy

6. **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), **CH/4** (Development Within the Curtilage or Setting of a Listed Building), **CH/5** (Conservation Areas), **CH/6** (Protected Village Amenity Areas), **SF/4** (Retailing in Villages), **SF/9** (Protection of Existing Recreation Areas), **NE/6** (Biodiversity), **TR/1** (Planning for More Sustainable Travel), **TR/2** (Car and Cycle Parking Standards)

7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

- Trees & Development Sites SPD - Adopted January 2009
- Biodiversity SPD - Adopted July 2009
- Listed Buildings SPD - Adopted July 2009
- Landscape in New Developments SPD
- Development Affecting Conservation Areas SPD - Adopted January 2009

Consultation

8. **Elsworth Parish Council** Recommend approval. The community shop is a vital amenity for Elsworth and we strongly support this application.
9. **Conservation Officer** Recommends approval. The intended appearance of a shed, subservient to the cricket pavilion is acceptable. Conditions should be attached to any planning approval requiring samples and colour of external weatherboards and a sample of paving to be agreed. Further information is required regarding the position of trees adjacent to the proposal and the amount of screening provided on the road edge. If screening is insufficient along the road edge then the position of the enclosure should be reconsidered to make it less prominent, subject to the position of trees.
10. **Tree Officer** The proposed location is within a tree belt which has a Tree Preservation Order on it. In principle I have no objection however the location will require the crown reduction of a horse chestnut and BS5837 will inform the appropriate location of the building, which may not require foundation and canopy works. I would however have no objections to the removal of this tree as it is not of a good structural form and will be compromised by the proposals.
11. **Landscape Officer** No objection provided that the tree officer is satisfied that the issue surrounding trees can be resolved in order to accommodate the building.
12. **Local Highway Authority** Prior to the occupation of the development sufficient space shall be provided within the site for turning and parking and adequate drainage measures constructed to prevent surface water run-off onto the public highway. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of construction vehicles. The access shall be a minimum width of 5m for a minimum distance of 5m from the edge of the carriageway.
13. **Cambridgeshire Fire and Rescue** Comments not received.

Representations

14. Owner/Occupier of 26 Smith Street – Objection. To seek to create a ‘hub’ in this small, picturesque and already excessively busy part of the village is wholly inappropriate, not least as an obvious alternative to the proposed site – in the form of the existing village shop premises in a more central location on The Causeway – is available. It would be inappropriate for permission to be granted for a shop to be erected and allowed to trade on a Protected Village Amenity Area and on land currently forming an important functional element of the recreational facilities. Additionally, planning permission for this development would only exacerbate existing significant highway problems in this location as well as having a serious and adverse affect on the character, amenity, tranquillity and function of this part of the village. The development is contrary to policies: DP/1 (Sustainable Development), DP/3 (Development Criteria), DP/7 (Development Frameworks), CH/4 (Development Within the Curtilage or Setting of a Listed Building), CH/5 (Conservation Areas), CH/6 (Protected Village Amenity Areas), SF/4 (Retailing in Villages), SF/9 (Protection of Existing Recreation Areas) and Planning Policy Guidance 15 (Historic Environment). If the Council is minded to approve, the following conditions are recommended: a temporary consent requiring removal of the building after 2 years, restricted opening and delivery hours, planting to screen the west elevation of the building, tree protection measures, extension of the car park ideally up to 4 times its current size and Grampian conditions to require traffic calming measures to be implemented either side of Smith Street/Broad End junction and double yellow lines along Broad End near to the access to the site. Details should also be secured to show access to the sports fields for emergency vehicles.
15. Owner/Occupier of 1 Broad End – Objection. The development would have a negative impact on the following: traffic and parking in the area, adjacent Horse Chestnut trees which have a tree preservation order, village character, the Protected Village Amenity Area, the Conservation Area, and the setting of listed buildings. Concern exists with the viability of the shop when considering the location of nearby superstores (in Bar Hill and Cambourne) and the potential lack of custom. We ask that if consent is granted, the Planning Committee consider a temporary permission in order to assess the continued need for the building and that the building is removed from the site and the land reinstated if the venture is unsuccessful; a condition for a slate roof is also noted in planning permission S/0417/97/F for the existing pavilion. To sum up, the proposal would be contrary to Policies: DP/2 (Design of New Development), DP/3 (Development Criteria), CH/4 (Development Within the Curtilage or Setting of a Listed Building), CH/5 (Conservation Areas), CH/6 (Protected Village Amenity Areas), SF/9 (Protection of Existing Recreation Areas) and Policies HE6, HE9 and HE10 of PPS 5 (Planning for the Historic Environment).

Planning Comments – Key Issues

16. The key issues to be judged in the determination of the application are the impact of the development on the character of the area and the surrounding listed buildings, residential amenity, parking and traffic and the viability of the use of the building.

Character of the Area and Surrounding Listed Buildings

17. The location of the development is an important material consideration in this application and has raised concern with some local residents. The proposed retail use would be centrally positioned within the village and accessible by various forms of transport, presenting a sustainable location for such a use. The proposed scale of the building would also appear to be appropriate to the location and the village in

accordance with Policy SF/4. The specific location however is sensitive given its designation as a Protected Village Amenity Area, its location within the Conservation Area and its proximity to nearby listed buildings.

18. The existing pavilion building is simple in appearance and contributes to the recreational character of the site. The siting, scale and design of the proposed building is considered to relate to this particular character being similar in appearance to another sports building on site. It is accepted that the design of the proposed building would be different to the general vernacular of the area and would not enhance the area; however, the design of the building is argued to preserve the character of this part of the Conservation Area and, given its low form and simple appearance, is not considered to result in significant visual harm. For these reasons, the development would also have a limited impact on the setting of the local listed buildings and would be distanced away from these buildings - approximately 40 metres to 3 Broad End - with the potential for further screening on site. Materials are also recommended to be agreed by condition.
19. Policies CH/6 and SF/9 also affect the proposal and the character of the location. Both policies aim to protect and retain the character and amenity of such areas and the function they provide within villages. As a result, village amenity areas and recreation areas are generally undeveloped but these policies do not prohibit all forms of development subject to certain criteria. Policy CH/6 resists development that would result in an adverse impact on the character, amenity, tranquillity, or function of the village. The proposal would be located in close proximity to the more active area of the recreation ground near to the existing pavilion and the car park. This location would appear to mitigate the impact of the development in relation to the various aspects of the policy in addition to the limited size and scale of the building and the existing screening to the development, which could be further enhanced. Additional planting is therefore recommended to be secured by condition.
20. The proposal would lead to the loss of recreational land use contrary to Policy SF/9. The Audit & Needs Assessment of Openspace June 2005 shows that, during 2005, Elsworth had a surplus of 1.1 hectares sport playspace and it is considered that this provision has not altered significantly to this day. The limited size of the development and its location would therefore not suggest significant harm to warrant a refusal under this policy.

Existing Village Shop

21. The existing vacant village shop at The Causeway has been raised by as a suitable alternative to the application site in the representations above. The applicant, as mentioned in the design and access statement, has argued against the suitability of this site on the following grounds: the small size of the building and limited scope for extension, poor structural condition, difficult access for pedestrians and vehicles, and limited visibility to through traffic.

Residential Amenity

22. The development would not appear to have an unacceptable adverse impact on residential amenity. Noise and disturbance is already experienced through the existing use of the ground for sports and recreation and the hours of opening and deliveries are recommended to be restricted by condition to safeguard residential amenity.

Parking and Traffic

23. Parking and traffic generation have been raised as concerns in the application. Parking standards under Policy TR/2 require 1 parking space per 14m² of gross floor area for food shops or 1 parking space per 20m² of gross internal floor space for non-food shops, which will be short stay parking. Staff parking must also be considered and in this application at least 1 staff parking space would be expected. The proposed shop would likely sell both food and non-food items and therefore would require 3-4 spaces as a maximum number out of the 10 spaces provided in the existing car park. The location however is evidently victim to on street parking during peak events and the proposal would likely increase on-street parking at these times particularly given the lack of parking restriction along Broad End and despite those that would use other means of transport. This would however not appear to raise a highway safety concern given the speed restriction along this road and its residential nature. The amenity of the area is already impacted by the degree of parking on and around the site at peak times and the scale of the development is not considered to cause a significant rise in parking and traffic that would warrant a refusal under Policy DP/3.
24. The comments of the Local Highway Authority have been considered. The recommendations with regard to the construction of the access cannot be applied in this application as the access is already in existence. Turning area is provided in the existing car park and the proposed siting of the building does not impact on this area. Furthermore, the application site only includes part of the existing car park and turning area making a condition to secure turning unattainable. However, it is agreed that details of the area for turning, unloading and loading of construction vehicles should be agreed by condition prior to the commencement of development.
25. Cycle provision should be secured for 2-3 cycles at the application site based on the size of the retail unit. Such provision has not been identified in the application and can therefore be encouraged through an informative to the applicant.

Viability

26. Concern has been expressed with regard to the viability of the proposal and the potential for the building to become redundant and to adversely impact upon the amenity of the area. As mentioned in the design and access statement, the proposed building has been selected for several reasons, one of which is to address this very concern as it would be easily dismantled and removed from the site. The current economic downturn gives added uncertainty to the business venture as well as the recent closure of the previous village shop and post office. Whilst the viability of the proposal is uncertain it is recommended that a temporary consent of 3 years be granted for the development to review the viability of the retail use after this period and to seek the removal and reinstatement of the land if the business venture fails.

Trees

27. The proposal would require the reduction in the crown spread of at least one of the two horse chestnut trees identified to the south and southeast of the building, which are covered by a tree preservation order. The applicant aims to retain these trees and carry out limited bough removal and shaping of these trees by an approved tree surgeon. The exact details of the required tree works and tree protection measures is recommended to be agreed by the tree officer through condition prior to the commencement of development. However, it is noted that the tree officer would not object to the removal of one of these horse chestnuts should this eventually be required.

Other Matters

28. Access for emergency vehicles has been raised as a concern and would appear to relate to the level of parking during peak use of the recreation ground. This is an issue that applies to the recreation ground as a whole and cannot be addressed solely through the present application. Consequently, it is recommended that this issue is raised with the developer via an informative.
29. Recommendations for conditions to secure further highway speed restrictions and double yellow lines have been put forward in the representations made above. These controls would fall within the remit of the Highways Authority and cannot be dealt with as a planning matter.

Conclusion

30. The proposed development would be located near to the existing pavilion building at the recreation ground and would be similar in appearance to another sports building on the site. The proposed building would be low in form and simple in appearance and, subject to further landscaping, would not result in significant visual harm to the appearance of the area. Village shops are recognised to play a vital role in achieving sustainability in villages, reducing the need for residents to travel to meet everyday needs and also forming a hub to village life. These benefits are considered to outweigh the limited harm discussed and the proposal is consequently recommended for approval.

Recommendation

31. That the application, be approved, subject to the following conditions:
 1. The building, hereby permitted, shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 31st May 2013 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason – To ensure, in the case that the retail unit becomes economically unviable, the land is reinstated to safeguard the character of the area and facilitate future beneficial use of the land in accordance with Policy CH/5 and CH/6 of the Local Development Framework Development Control Policies adopted 2007.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 001A, SCDC1 and SCDC2.
(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 following 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.
 - a) Samples of the materials, including any colour, to be used in the construction of the external surfaces of the building.
 - b) Samples of any paving.
(Reason - To ensure the appearance of the development preserves or enhances the Conservation Area in accordance with Policy CH/5 of the Local Development Framework Development Control Policies adopted 2007.)

4. Before development commences, a plan specifying the area and siting of the land to be provided clear of the public highway for the parking, loading and unloading of all vehicles visiting the site during the period of construction, in addition to details of the delivery date for the modular building, shall be submitted to and approved in writing, by the Local Planning Authority; such space shall be maintained for that purpose 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.)
5. 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.)
6. 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.)
7. No works or development shall take place until a scheme for the protection of the retained horse chestnut trees (Section 7 BS5837, 2005 the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (Paragraph. 5.2.2 of BS5837, 2005) of the cedar tree.
 - b) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (Section 9.3 of BS5837, 2005)
 - c) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (Section 9.2 of BS 5837, 2005).
 - d) Details of the proposed bough removal and re-shaping of the trees.
(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.)

8. The retail premises, hereby permitted, shall not be open for customers before 0800 hours or after 1800 hours on weekdays; nor before 09 00 hours or after 13 00 on Saturdays; nor before 09 00 hours or after 12 00 hours on Sundays or Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority.
(Reason – To protect the amenities of nearby residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. No deliveries shall be taken at or dispatched from the site outside the hours of 08 00 – 18 00 hours on weekdays and 08 00 – 13 00 hours on Saturdays (nor at any time on Sundays and Bank Holidays) unless otherwise previously agreed in writing by the Local Planning Authority.
(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

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

- Circular 11/95 – Use of Conditions in Planning Permissions
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.
- Development Affecting Conservation Areas SPD - Adopted January 2009
- Trees & Development Sites SPD - Adopted January 2009
- Biodiversity SPD - Adopted July 2009
- Listed Buildings SPD - Adopted July 2009
- Landscape in New Developments SPD
- The Audit & Needs Assessment of Openspace June 2005
- Planning File Refs: S/0289/10/F, S/1753/09/F and S/0417/97/F.

Contact Officer: Andrew Winter – Planning Officer
Telephone: (01954) 713082

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee12th May 2010**AUTHOR/S:** Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1608/09/F – FEN DRAYTON
Change of Use from Offices (B1) to Children's Day Nursery (D1)
at The Old School, High Street for The Whitfield Group

Recommendation: Delegated Approval

Date for Determination: 4th March 2010

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

The site lies within the Fen Drayton Conservation Area

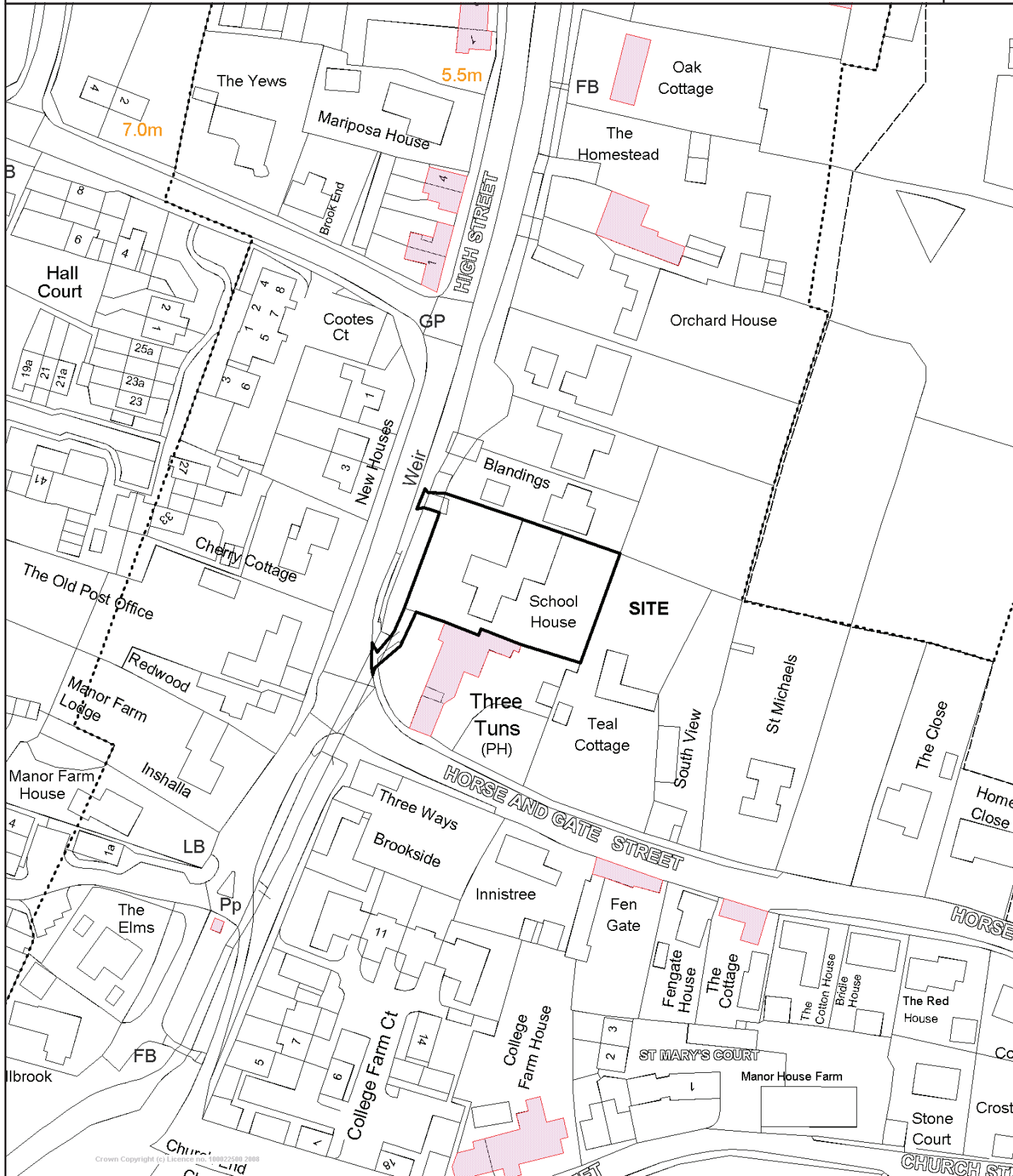
Site and Proposal

1. The full application, received on 7th May 2009 and amended dated 5th March and 17th March 2010, relates to a detached building located within the Fen Drayton village framework and Conservation Area. It is a part single, part two-storey property, facing onto High Street. It currently has a lawful office use (Class B1), although the building is not occupied at present. The proposal seeks a children's nursery use on the site. Members previously voted to refuse an application for a similar scheme at the site at August Planning Committee 2009, details are which are provided below.
2. The building has two existing accesses. The first access is direct from High Street to the front of the property, which serves a small parking area. The second access runs across the frontage of the public house to the south of the site, and serves the existing parking area to the rear, as well as a further access to the adjacent dwelling at Teal Cottage. There is a mini-roundabout on the junction between High Street and Horse and Gate Street. To the front of the building is a brook, and the site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. The brook is also designated as a Protected Village Amenity Area. A Flood Risk Assessment has been submitted with the application, along with a Design and Access Statement, and an Access and Traffic Statement. A Tree Survey, Arboricultural Implication Assessment and Method Statement were also submitted as part of an amendment.
3. The public house to the south, the Three Tuns Inn is a grade II* listed building. To the north is a detached dwelling, the Blandings, and the shared boundary at the rear is a 1.8m high hedge. To the west, behind a 1.8m wooden panel fence, is the rear garden of Teal Cottage. There are some trees along this boundary.

Planning History

4. Application **S/0446/09/F** was refused by Members at August Planning Committee 2009 and dismissed at appeal for the change of use of the building to a children's day nursery. The reason for refusal related to highway safety matters concerning the

S-1608-09-F



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access onto High Street. The Planning Inspector concluded that the development would not be served by an appropriate safe means of access from the public highway and would therefore be detrimental to public safety. This application did not include the widening of the bridge. A follow up application, **S/1265/09/F** was refused for the same reasons.

5. Application **S/0039/90/F** for the use of the building as offices and car park was approved dated 19th March 1990. This followed the refusal of application **S/1710/89/F** for the same use on grounds of noise disturbance to the occupiers of adjacent dwellings from the car park.

Planning Policy

6. **Local Development Framework Development Control Policies 2007:**

DP/1 – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **CH/4** – Development Within the Curtilage of a Listed Building, **CH/5** – Conservation Areas, **CH/6** – Protected Village Amenity Areas, **NE/6** – Biodiversity, **NE/11** – Flood Risk, **NE/15** – Noise Pollution & **TR/2** – Car and Cycle Parking Standards.

7. **Paragraphs 4.37 – 4.42** of Local Development Framework Listed Buildings: Works to or Affecting the Setting of Supplementary Planning Document adopted July 2009 relate to the setting of Listed Buildings. It is noted that the setting of a listed building can include other properties (buildings), and its setting owes its character to the harmony produced by a particular group of buildings.
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.

Consultation

9. **Fen Drayton Parish Council** recommends refusal on a number of grounds. Its summary states:
 - (a) There is no material change to the previous scheme refused and dismissed at appeal
 - (b) The widening of the bridge will seriously affect the adjacent trees, and would further depress this aspect of the village
 - (c) Potential flooding from the brook would result
 - (d) There would be a serious impact upon the existing Mothers and Toddlers group and the Pre-School group
 - (e) There is concern regarding the potential for increased journey numbers to and from the site
 - (f) Comparisons with other nurseries do not show any in other small villages
 - (g) There will be a shortage of staff parking
 - (h) No speed data for High Street is provided
 - (i) Vehicles will arrive at the site at peak times
10. With regard to the tree survey submitted, Fen Drayton Parish Council note that the trees by the brook contain nesting Rooks, and any works to roots would adversely affect these birds.

11. The **Local Highways Authority** have been in discussions with the applicant since the application was submitted, and have responded to various information passed through regarding other nurseries in the area. The main area of concern to the Local Highways Authority is whether there is a right for any motor vehicles to access the parking spaces to the rear. A planning condition regarding the access is not considered appropriate. They also note concerns relating to the enforceability of parking arrangements and the potential impact upon the adopted public highway. Also, it is noted that due to other facilities in the village, demand for the use will be from outside the village where the car will be the primary method of travel.
12. The Council's **Conservation Officer** refers to previous comments made regarding the site. This relates to internal and external changes. None are shown on the plan, while the officer considers such proposed changes to potentially impact the exterior of the building. Concerns are also raised as to the setting of the Conservation Area, and the impact upon the setting of the listed building.
13. The Council's **Environmental Health Officer** has considered the proposal in terms of noise and environmental pollution, and it is concluded there are no significant impacts from the Environmental Health standpoint. Members should be aware that at application S/0446/09/F, the Environmental Health Officer did recommend a condition regarding a noise management scheme.
14. The Council's **Trees Officer** has stated that the Hayden's Report indicates that the widening of the bridge can be achieved whilst retaining the adjacent tree. There are no objections providing the proposals within the report are followed, with Hayden's present on site during the works.

Representations

15. The occupiers of **Teal Cottage, Horse and Gate Street**, located to the east of the site, have questioned some aspects of the application. This specifically relates to the location of the diagrams for the bridge widening, the potential addresses of staff, the necessity to protect children given the proximity of the brook to the front of the site, and the impact upon the existing pre-school in the village.
16. The occupiers of **33 Cootes Lane** notes concerns regarding the trees should the bridge be widened, and questions whether two vehicles would be able to pass. Concerns regarding an increase in vehicle numbers in the village are also raised.

Planning Comments – Key Issues

17. The key issues relating to the application are highway safety and parking, the impact upon trees, the impact on the amenity of the occupiers of the adjacent dwellings, impact upon the Conservation Area, the adjacent listed building and Protected Village Amenity Area, and flooding.

Highway Safety and Parking

18. The site has consent for a Class B1 office use, and already has two existing accesses. The proposed use would bring about a change in the types of journeys to the site. Members of staff are likely to arrive at similar times to the existing use, whilst the frontage parking area is likely to have busy spells of traffic in the mornings and late afternoons when children arrive to and from the site. Given the access from High Street is already in existence, the Local Highways Authority previously confirmed that it does not object to the potential intensified use of this access. The application

proposes to increase the width of the frontage bridge to 5m, which would allow vehicles to pass whilst crossing the brook. A condition can ensure this is completed prior to the use commencing.

19. The applicant has stated in its letter dated 5th March 2010 that pupil numbers will be between 25 and 30, whilst staff levels would be between 6 and 8. This is a reduction on the previous application that stated 50 pupils and up to 15 staff. This would therefore significantly reduce the number of potential vehicle movements to the site. A condition could restrict placements to a maximum of 30, which in turn controls the staffing levels.
20. The Planning Inspectorate, with regard to application S/0446/09/F, stated it was important to ensure that the proposed use would not result in on-street parking in order to avoid disruption to traffic flows. The widening of the bridge would allow a safe passage of vehicles into the front of the site, and would encourage visitors to turn into the frontage parking area rather than park along High Street. It would also significantly reduce the potential for vehicles to reverse out of the site. It is inevitable that some parking will still take place along High Street, but this potential exists for the existing B1 office use. It is noted the turning area to the front of the building is tight. However, manoeuvring can be achieved to allow vehicles to leave in forward gear.
21. The Local Highways Authority has concerns regarding the right of access to the rear, as the applicant has failed to satisfactorily demonstrate this access. The applicant has served notice (ownership certificate B) on the Three Tuns Public House as the access to the rear runs through the front area of this building. The applicant states that it has a right of access although confirmation of this has not been received. However, given the ownership notice, I am happy that the applicant has gone down the correct planning channels to ensure access is available. A condition could be worded to ensure that the use only takes place provided that access and use of the parking area to the rear is available, and the use shall cease if this situation changes. I note the comments by the previous Planning Inspector that a condition is unlikely to be appropriate given the reliance of on site parking. However, as this application seeks a reduced demand for parking, I consider a condition as described above can now be applied. The loss of the ability to park at the rear would therefore require cessation of the use.
22. The site has 17 existing spaces. Given the floor area of the building, a B1 use would require 15 parking spaces in line with the Council's maximum parking standard. A pre-school use with 8 members of staff would only require 6 parking spaces, the same number as provided at the front of the site. The site therefore has an over provision for the requirements of the standard. It is considered to have adequate parking provision, and extra facilities to allow for drop off spaces. The applicant has also stated that flexible childcare sessions used in its other nurseries would spread the time of arrivals and departures, rather than have all visitors arriving and departing at the same time. I consider the parking levels on site acceptable.
23. The applicant has proposed two different scenarios regarding the parking layout. The first shows the staff parking at the rear, with visitor parking to the front, with the second option being the reverse situation. My recommendation relates to the first option only, with staff parking to the rear. It is considered inappropriate for visitors and children to be dropped off at the rear of the building, as the access is narrow. Visitors are therefore likely to park on High Street and walk across the site to access the building from the front, a situation the previous Planning Inspector is seeking to avoid. There is also a potential for an increase in noise and disturbance to the occupiers of

Blandings and Teal Cottage from visitors dropping off and manoeuvring throughout the day, although the Environmental Health Team have not commented on this. I do not consider that staff would park on High Street, as they are likely to park at the site for a prolonged spell, and a more secure space would be preferred. It is also possible to control staff parking, by informing them when they take the job about where they are expected to park. A condition can ensure staff park to the rear, with visitors at the front of the building.

24. The proposal does show some cycle parking to be installed at the site. Seven hoops are shown on the site plan, allowing for up to fourteen cycles at the site in designated areas at one time. A condition can ensure this cycle parking is provided prior to the use commencing to encourage cycling to the site.
25. I note there is a Right of Way along the access to the rear of the building, which serves the adjacent property of Teal Cottage. The arrangement at this section of the site should not alter significantly, and I do not consider there would be any serious impact upon the Right of Way.

The Impact Upon the Trees

26. This application, contrary to the previous two that were refused beforehand, includes a scheme to widen the bridge over the brook to the front of the site. This would seek to increase the width by approximately 0.9m to the south, to allow the 5m width of the access to allow vehicles to safely pass each other. This would bring the bridge very close to the existing tree, which is considered to significantly contribute to the street scene and is protected in its own right due to its location in the Conservation Area.
27. The applicant submitted a Tree Survey, Arboricultural Implication Assessment and Method Statement, completed by an Arboricultural Consultant dated 17th March 2010. The tree to the south is referred to as T001 in this report. The report concludes that limited excavation would take place within the Root Protection Area of T001, and therefore a bespoke construction detail has been designed to reduce the impact to a minimum. The works could therefore be undertaken without due detriment to the health and safety of this tree. I note the comments from the Council's Trees Officer supporting this view. With the use of an appropriate condition, I do not consider any serious harm would result to the tree, and consequently, there would be no serious harm to nesting birds.

The Impact on the Amenity of the Occupiers of the Adjacent Dwellings

28. The proposal does include an existing garden, which would have the potential to be used as a play area on warm days. It has shared boundaries to the rear gardens of both Blandings and Teal Cottage. The size of the garden would restrict the number of children who could play at one time, but is unlikely to accommodate the proposed number of children at the site in one go. The respective boundaries would provide some screening. The Environmental Health Officer has previously stated that given noise levels of play associated with nurseries are relatively low, there are no serious concerns about the use (please note that no comments have been received regarding this application). However, a condition regarding a noise management scheme could ensure this to be the case. The scheme could include details such as times of outdoor play, a maximum number of children to play at one time, and some strengthening of the shared boundaries. Members should be aware the previous Planning Inspector did not dismiss the previous appeal on grounds of impact upon the amenity of the occupiers of these neighbouring properties.

Impact upon the Conservation Area, the adjacent listed building and the Protected Village Amenity Area

29. The change of use requires no alterations to the external appearance of the building. I note concerns that any internal changes may place a demand upon the need for further openings. A condition can ensure that no further windows are added without planning permission, to allow for only suitable openings to be added, which may have previously been permitted development. The applicant has shown the requirement for some new low fencing to separate the rear parking area from the grassed area. There is no concern regarding the principle of such a fence, which again could be erected as permitted development at the proposed height of 0.9m, but a condition could ensure the fence is constructed using appropriate materials. It should be noted that when determining application S/0446/09/F, the Planning Inspector did not object to the proposal on grounds of impact upon the Conservation Area.
30. The public house to the south is grade II* listed. The existing access to the rear of the site is used in relation to the existing office use on the site. Given the lack of exterior changes, the impact upon the setting is considered neutral. I note the concerns by the Conservation Officer, but no specific detail has been provided as to the exact reasoning. It should again be noted the previous Planning Inspector did not object on these grounds. Any comments received from English Heritage will be reported verbally to Members, but it has not previously responded to consultations on the site.
31. The brook area to the front of the site is a Protected Village Amenity Area. This application is the first of the recent three to include details of the widening of the footpath. This would be by approximately 0.9m. Given this small increase, I do not consider that the protected Village Amenity Area would be seriously harmed.

Flooding

32. The site lies within flood zones 1, 2 and 3 of the Environment Agency matrix. The Environment Agency had previously confirmed that the FRA provided was acceptable, and requested a condition regarding the submission of a Flood Contingency Plan to be approved by the Emergency Planner. Members will be updated on any comments received from the Environment Agency in relation to this application.

Other Matters

33. A variety of other matters have been raised during the consultation process. The Parish Council and occupier of a neighbouring property raise concerns regarding the impact upon the existing Pre-School in the village. Competition for such uses within the village is not a material planning consideration. I note the application does not include a business plan. As the site is already in employment use, a business plan demonstrating the need is not considered necessary for the determination of this application. However, the applicant has submitted marketing information, showing details since September 2008 and the lack of demand for office space in this location. The potential for other more suitable sites is again not a material planning consideration in this instance.
34. I note concerns regarding safety of children given the proximity of the brook across the front of the site. There is a good vegetation screen to the east side of the brook, which should prevent any serious incidents taking place. The access bridge across the brook does not have any railings. However, given the ages of the children attending the building, they would require parental accompaniment to cross the

bridge to the building. Given the need for parental support, I do not consider the brook would create any safety issues to users of the building. The applicant is likely to require completion of a risk assessment on this matter.

35. An informative can be added following comments by the Environmental Health Officer relating to application S/0446/09/F in respect of Food Hygiene and Health & Safety/Welfare requirements. A further informative echoing previous correspondence from Teal Cottage regarding the potential for the existing poplar trees at the rear of the site to shed branches can also be added.

Recommendation

36. Delegated approval (as amended by letter dated 5th March 2010 and Tree Survey, Arboricultural Implication Assessment and Method Statement dated 17th March 2010) subject to comments from the Environment Agency and English Heritage.

Conditions on any approved consent would include submission of a Flood Contingency Plan, notice that the use shall only commence once the bridge widening is complete, the provision of appropriate cycle parking prior to the use commencing, the design of the proposed fencing to the rear, the number of pupils to be a maximum of 30, the cessation of the use if the parking to the rear is not available for this use, the submission of a noise management scheme, a scheme to show staff parking to the rear and visitor parking to the frontage, the method of bridge construction to be as noted within the Tree Survey, Arboricultural Implication Assessment and Method Statement dated 17th March 2010, and the removal of permitted development rights for additional windows.

Informatives

In addition to the granting of planning permission, the applicant will need to comply with Food Hygiene and Health & Safety/Welfare requirements. The applicant/agent should contact the Food and Health & Safety Team (Health & Environmental Services, South Cambridgeshire District Council on 01954 713375) for advice concerning the proposed premises design/layout, Food and Occupational Safety and Welfare Regulations/requirements, Toilet Standards and Food Premises Registration.

The applicant should be aware of local concern regarding the Poplar trees along the rear boundary of the site, and their potential for shedding branches.

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

- South Cambridgeshire Local Development Framework Development Control Policies adopted 2007
- Local Development Framework Listed Buildings: Works to or Affecting the Setting of Supplementary Planning Document adopted July 2009
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning Files Ref: S/1608/09/F, S/1265/09/F, S/0446/09/F, S/0039/90/F and S/1710/89/F.

Contact Officer: Paul Derry – Senior Planning Officer
Telephone: (01954) 713159

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 12th May 2010
AUTHOR/S: Executive Director / (Operational Services) /
Corporate Manager (Planning and New Communities)

**S/0098/10/F – PAPWORTH EVERARD
Mezzanine Floor
At Unit 4, Cambridge Westpoint, Papworth Business Park, Stirling Way
For CPP (Stortford) Ltd (Mr Neil Phoenix)**

Recommendation: Approval

Date for Determination: 28th April 2010

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

Site and Proposal

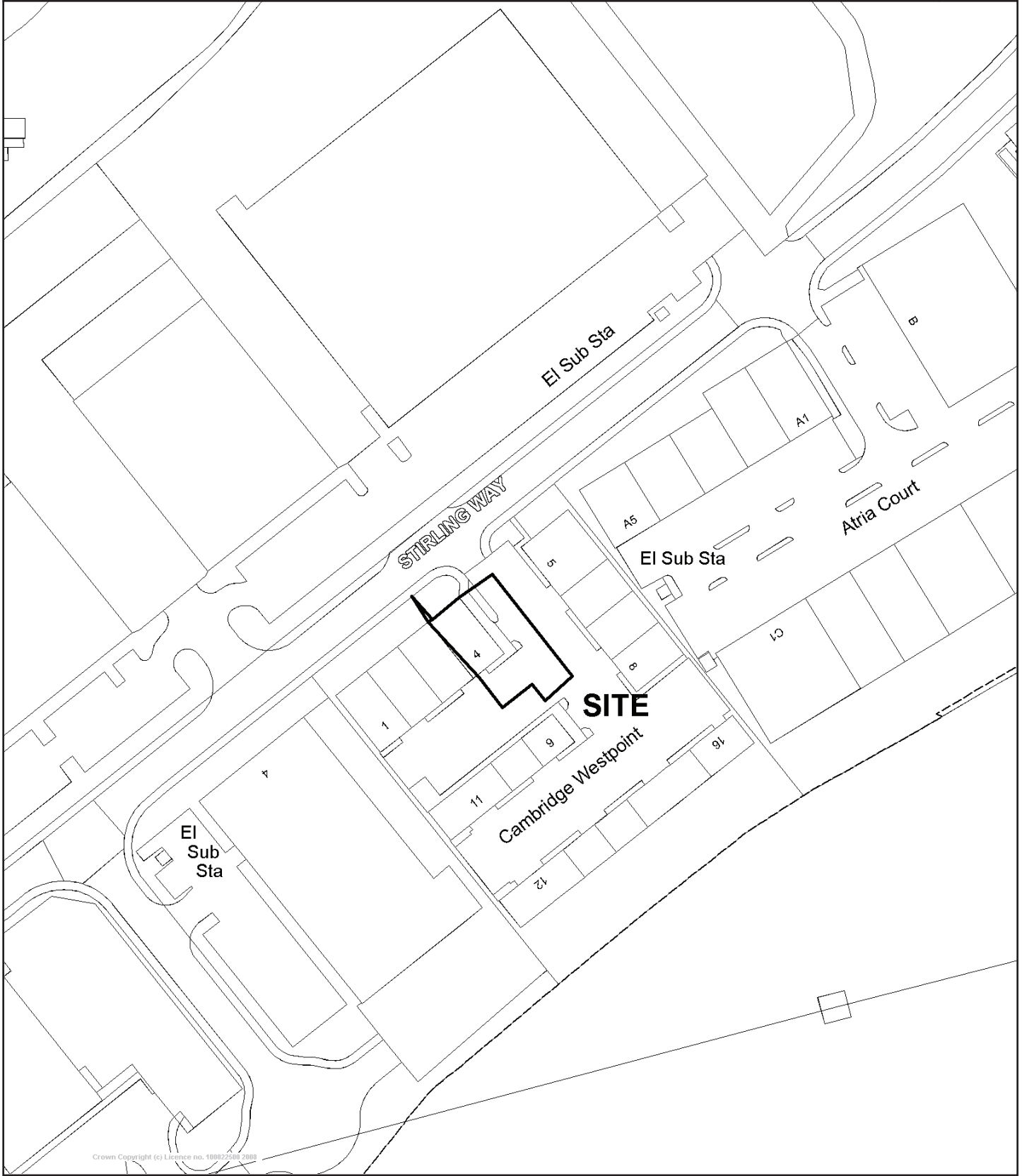
1. The site is located within Cambridge Westpoint, a courtyard development of small business units within Papworth Business Park, located at the southern end of the village of Papworth Everard. The unit is approximately 8m in height, with a cladded exterior and row of windows at first floor level. The unit also has a roller shutter door. It is currently served by four designated parking spaces. Access from Stirling Way is to the east side of the building, leading to a large area of hardstanding, with a small element of landscaping located against the building. The proposal seeks the addition of a mezzanine floor to allow additional floor space within the unit. No external changes to the building are proposed.
2. The full application, received on 25th January 2010, seeks the insertion of a mezzanine floor to the unit. This would create approximately 105 sq m of floor space at the unit. The application is accompanied by a Design and Access Statement.

Planning History

3. Application **S/0448/07/F** for a mezzanine to unit 4 Cambridge Westpoint was refused on grounds of an insufficient provision of parking spaces within the Cambridge Westpoint unit as a whole.
4. Application **S/2603/04/RM** approved details of the reserved matters of the office, light industrial and general industrial (Classes B1 and B2) that form Cambridge Westpoint. Condition 6 removed the rights to add additional mezzanine flooring, the reason being “to limit the demand for additional vehicular parking provision within the site”. This reserved matters application followed the previous approval of the outline application **S/0455/98/O** and its renewal **S/2308/02/F**.
5. Four applications have been approved for mezzanine floors within Cambridge Westpoint. These are summarised below:

S/1275/09/F – Unit 15 - 57 sq m
S/1564/08/F – Unit 8 – 54.6 sq m

S-0098-10-F



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S/1177/07/F – Unit 3 – 141.8 sq m

S/0054/07/F – Unit 16 – 96 sq m

Planning Policy

6. Local Development Framework Development Control Policies 2007:
DP/3 - Development Criteria, **NE/6** Biodiversity, **TR/1** – Planning for More Sustainable Travel, and **TR/2** Car and Cycle Parking Standards.
7. **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

8. **Papworth Everard Parish Council** recommends refusal of the proposal. It states that the Design and Access Statement is inadequate and contains insufficient detail, and note three parking spaces are referred to, but their location is not shown on any plans. It has not therefore been made clear as to how many spaces will be provided.
9. The Council's **Landscape Officer** has verbally confirmed there is no objection to the removal of the planting to the east side of the building, provided the trees are retained and foundation details are provided to ensure the tree roots have adequate space below the proposed parking space.

Representations

10. No further representations have been received

Planning Comments – Key Issues

11. The key issue relating to the application is the parking provision for the unit.

Parking Provision

12. Unit 4 has an existing floor area of approximately 148 sq m, and has 4 designated spaces. The unit has a flexible B1 or B2 use. The Council's parking standards indicate that a B1 use should provide 1 parking space per 25 sq m of floor area, whilst a B2 use should provide 1 parking space per 50 sq m of floor area. This would give a requirement of 6 spaces and 3 spaces respectively. Members are however reminded that the parking standards are a maximum, and policy TR/1 states parking should be provided in accordance with these standards to reduce over-reliance on the car. In line with the parking standards, the unit is already below the maximum parking standard for a B1 use at the site.
13. The proposal would create an additional 105 sq m of floor space. In line with the policy, a B1 use would require a further 4 spaces to give of total of 10 spaces, whereas a B2 use would require an additional 2 spaces to give a total of 5 spaces. The proposal would create an additional 2 spaces, one to the south and one to the east of the building, giving a total of 6 available to the site. This would mean there would be an over-provision for a B2 use, but an under-provision of 4 spaces for a B1 use. A condition to state that the mezzanine can only be used in associated with a B2 use is not considered to meet the tests of Circular 11/95. I note the Parish Council's concern that the applicant states an additional 3 spaces would be provided, which is in fact only the 2 spaces described above.

14. In this instance, whilst the unit could have an under provision for a B1 use, I do not consider this to seriously affect the parking provision for the unit. Papworth Everard has local bus links to Cambridge, St Ives, St Neots and Huntingdon, and the site is readily accessible for villagers, especially since the opening of the by-pass has shifted a high proportion of traffic from the main route through the village.
15. The previous refusal for a mezzanine (S/0448/07/F) on the site made reference to the estate as a whole. There have been four recently approved planning applications for mezzanine floors within Cambridge Westpoint. I am unable to confirm as to whether some or all of these approvals have been implemented. Three consents remain extant. Of the four, only an additional two spaces would have been created through consent S/1275/09/F. These are not currently on site, but condition 3 of the approved consent requires the spaces to be in place prior to the use of the mezzanine.
16. If this scheme and application S/1275/09/F were implemented, Cambridge Westpoint would have 80 parking spaces. The total floor area of the site including the approved mezzanine floors would total approximately 2318 sq m. This would require 93 or 46 parking spaces for a B1 use or B2 use respectively. Again the site would have an under-provision for a B1 use, but an over-provision for a B2 use. Policy DP/3 of the Local Development Framework Development Control Policies 2007 states that all development should provide car parking, "with provision kept to a minimum". I consider that given the services to the village described in paragraph 14 that the additional mezzanine would not cause any serious harm to Cambridge Westpoint as a whole.
17. I note the previous reason for refusal made reference to the lack of a Green Travel Plan, and again no such detail forms part of this application. However, I do not consider it necessary for the plot in isolation given the small size of the units. If Members do disagree with this, a condition could seek a Green Travel Plan for the unit, to show how the applicant would encourage non-vehicle methods of accessing the site.
18. I note the comments by the Council's Landscape Officer regarding the parking space proposed to the east of the existing unit. This is set on an area of landscaping planted during the construction of the estate as a whole. The landscaping consists of three trees in this location, with low vegetation set between two of these trees. This vegetation does not make a significant impact upon the street scene, and there are no objections to its removal. The proposed parking space will require the removal of the low planting, but the trees would be unaffected. A condition can be added to provide an appropriate foundation for the parking space to allow the tree underground space to continue growing so the roots are not compromised.
19. I note the comments from Papworth Everard Parish Council regarding the inaccuracies in the application. The plan does show the location of the new parking spaces, although the numbers quoted on the plan appear incorrect.

Recommendation

20. Approval subject to conditions below.
 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: Plans 230, 502M and 504F date stamped 25th January 2010 and site plan date stamped 9th March 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 foundation details for the parking space to the northwest elevation of the unit, 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 addition of hardstanding does not seriously affect the adjacent trees in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
4. The proposed parking spaces to be located to the northwest and southwest elevations of the unit as shown on plan 230 date stamped 25th January 2010, shall be provided prior to the mezzanine being used as working floor space, and shall be retained in situ for the period the mezzanine is within the building.
(Reason – To ensure adequate parking is available to the unit given the increase in working floor space, in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Development Control Policies adopted 2007
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Planning Files Ref: S/0098/10/F, S/1275/09/F, S/1564/08/F, S/1177/07/F, S/0448/07/F, S/0054/07/F, S/2603/04/RM, S/2308/02/F and S/0455/98/O.

Contact Officer: Paul Derry - Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 12th May 2010
AUTHOR/S: Executive Director (Operational Services) /
Corporate Manager (Planning and New Communities)

S/0067/10/F – GREAT SHELFORD
Extension to Restaurant at 1 Hinton Way for Mr Pasha Kasim
Recommendation: Refusal

Date for Determination: 29th March 2010

Notes:

This application has been reported to the Planning Committee for determination as the Corporate Manager of Planning & Sustainable Communities considers that this application should be presented to Committee for decision having considered the views of Councillor Nightingale.

Members will visit this site on 12th May 2010.

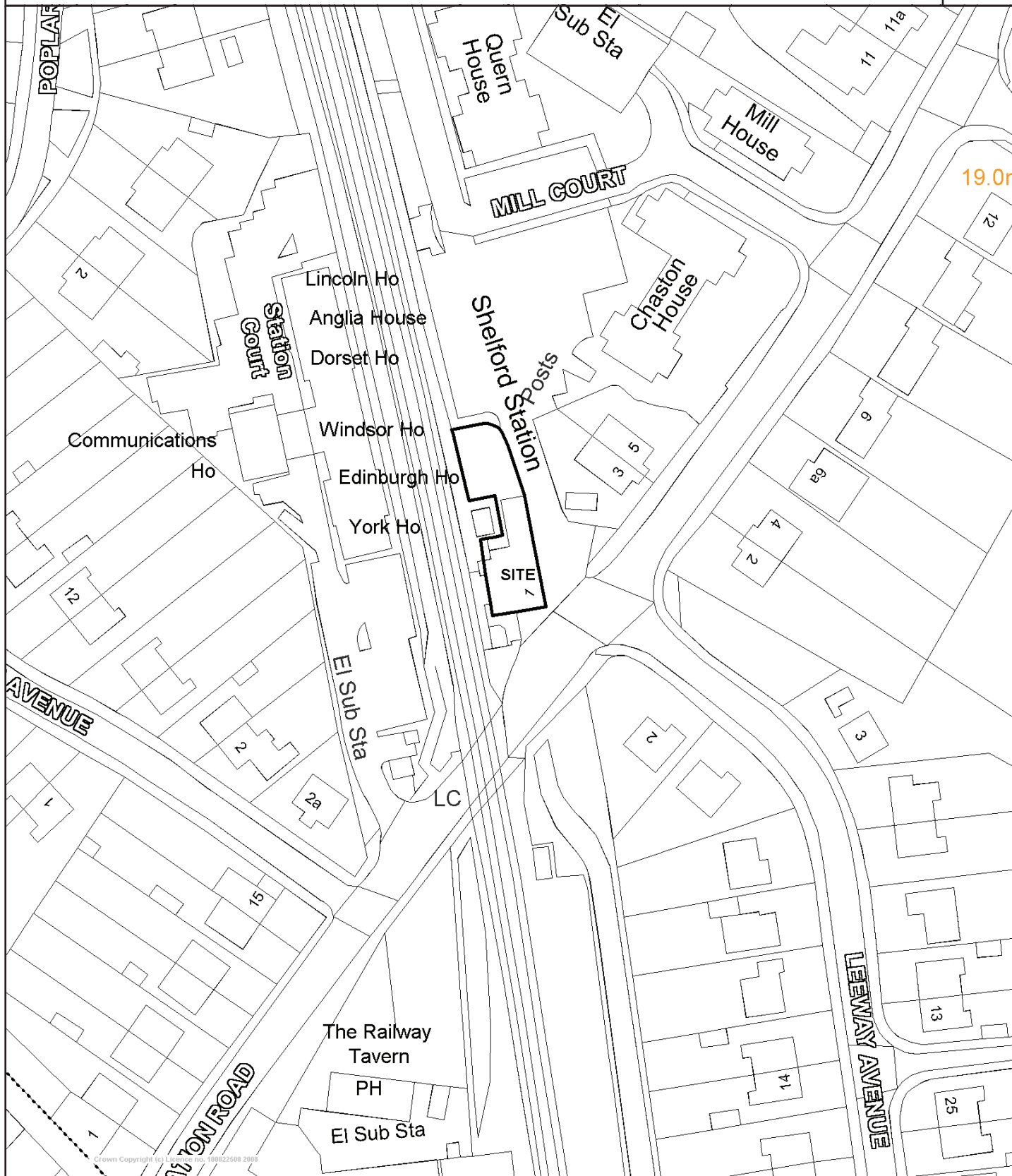
Site and Proposal

1. No. 1 Hinton Way is a part 2 storey and part single storey building used as a restaurant adjacent to Great Shelford train station and the railway line. Planning consent reference S/1372/04/F was granted for extension and change of use to restaurant and construction of car park subject to conditions. One of the conditions states that the 5 on-site car parking spaces within the ownership of the applicant to the rear of the premises should not be used for any purpose other than the parking of vehicles to ensure adequate space is provided and thereafter maintained on site for car parking.
2. To the east of the site is a pair of two storey semi-detached houses, Nos. 3 and 5 Hinton Way. The dwellinghouse and garden area at No.3 is set on rising ground, approximately 0.5m level difference. The boundary between No. 3 and the train station car parking spaces is fenced. No. 3 has a conservatory on the side facing the restaurant and a patio area adjacent to the boundary fencing. This side elevation of No.3 has a ground floor living room window (the only window for this room) and two first floor bedroom windows (the only windows to serve 2 rooms).
3. The full application, as amended with a revised car-parking layout, validated on 1st February 2010, proposes a scheme to erect a two-storey rear extension to the restaurant with a ground floor car park and first floor restaurant. The extension is shown to have a stepped roof. The resultant floor area of the restaurant, excluding kitchen, toilets and storerooms, would be approximately 157 square metres. The required on-site car parking spaces, based on 1 space per 5 square metres, would be 31 spaces.

Planning History

4. **S/0472/09/F** – Extension to restaurant – refused on the reason of loss of on-site car parking space and highway safety.

S/0067/10/F Great Shelford



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Scale 1/1000 Date 20/4/2010

Centre = 546524 E 252235 N

May 2010 Planning Committee

S/0693/08/F – Siting of storage containers and erection of screen fence (retrospective application) – allowed at appeal.

S/0086/07/F – Cold store, security fencing and alteration to external staircase – approved with conditions.

S/1372/04/F – Extension and change of use to restaurant (Class A3) – approved with conditions.

S/0224/02/F – Extension and change of use to restaurant (Class A3) – approved with conditions.

Planning Policy

5. **East of England Plan 2008:**
Policy SS1 - Achieving Sustainable Development
Policy ENV7 – Quality in the Built Environment
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
DP/7- Development Frameworks
ET/5 – Development for the Expansion of Firms
NE/15 – Noise Pollution
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
7. **South Cambridgeshire District Council District Design Guide Supplementary Planning Documents – Adopted March 2010**
8. **Great Shelford Village Design Statement**
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.
10. **Circular 05/2005** – Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

11. **Great Shelford Parish Council** has no recommendation and states ‘this is a restricted site but we can understand why a successful business would want to expand. However we have the following concerns:
 - (a) The proposed first floor windows on the east elevation (incorrectly marked on the plan as west) would overlook the rear gardens of Nos. 3 & 5 Hinton Way and would be intrusive with evening and weekend use of the proposed building.
 - (b) The station is noted in the Village Design Statement as a ‘finely proportioned building’ which now has two shed like extensions to the rear (not shown on the submitted plans). We would hope that if permission is granted the storage (including the container) could be rationalised so the character of the building can be seen.
 - (c) Is it possible for the proposed number of cars to park and manoeuvre in the area below the extension?

- (d) At present there is a chain link fence and ivy dividing the car park and container storage area from the railway platform. It is not clear from the plan how this boundary will be defined and this needs clarification.
 - (e) We would appreciate the input of the Conservation Officer as to the design of the extension in relation to the existing station building.
 - (f) We understand several residents are concerned about the impact of additional customers parking in adjoining roads but in the light of the inspector's comments on the appeal decision we are happy to leave this decision to the highways authority.'
12. Parish Council's comments on the agent's letter dated 5 March 2010 and amended plans (numbers 673/09/8C and 11A date stamped 26 March 2010)
- (a) 'Although manoeuvring may be easier with the columns removed we have doubts as to whether the building would be structurally sound without the columns and would welcome the advice of Building Control on this.
 - (b) Of the 2-shed like extensions at first floor level, one was given approval by SCDC ref S/0086/07/F. What has been erected does not accord with the plans. In addition another shed has been erected without planning permission on the west side of the staircase. This is larger than that which has permission. As Mr Kasim submitted the application we cannot see how they are the property of the railway.
 - (c) We have checked the fencing and a chain link fence covered with ivy separates the present car parking area from the railway platform not a timber panel fence as stated by the agent. Details need to be shown on the plan of how the boundary will be treated when the extension is built. '
13. **Corporate Manager (Health and Environmental Services)** considers that the proposal has no significant impacts in terms of noise and environmental pollution.
14. **Local Highway Authority (LHA)** has considered that amended plans (numbers 673/09/8C and 11A date stamped 26 March 2010) commenting that from the evidence provided, it is suggested that the applicant can provide two staff car parking spaces and three customer parking spaces. LHA do not see how the proposed four-customer parking spaces will practically work. Given the fact that the restaurant has two spaces at present, then even the above is an improvement.
15. LHA also consider that each car will need as a bare minimum parking spaces of 2.4m x 4.8m and be able to reverse past the other parked vehicles. Either that or a simple management plan will be needed e.g. identify the bays to be used for staff (and marked as such) and those open for customers.
16. **Disability Forum** has the following comments on the detail designs:
- (a) Car park is congested and would be difficult to manoeuvre within. At least one disabled space should be provided within close proximity to the entrance;
 - (b) It is unfortunate that there is no lift to the first floor; and
 - (c) The ground floor needs to have level access and the bar lowered for people with wheelchairs.
17. **HM Principal Inspector of Railways** has no safety concerns over the proposal.
18. **Design Workshop** raise objections to the proposal regarding the roof form and design. The proposal as submitted is out of keeping with the character of the existing building. The extension is in a complicated form and the ground floor opening to accommodate the car park is unattractive.

Representations

19. Occupiers at Nos. 3 & 5 Hinton Way's No 11 Orchard Road, and Nos. 2 & 3 Leeway Avenue object to the proposal on the following grounds:
- (a) First floor windows will overlook to No. 3 Hinton Way's: garden and conservatory and would result in loss of privacy;
 - (b) Affect the value of neighbouring properties;
 - (c) The proposal will result in an increase the number of diners, staff and take-away customers with only 2 additional off-street parking spaces and very few customers travel by foot;
 - (d) Access to office parking at rear of the restaurant is blocked by bollards and vehicle access is approximately 150m further down Hinton Way via Mill Court;
 - (e) Most visitors to the restaurant park along Hinton Way and frequently obstructing access to the nearby residential properties. This causes a road safety hazard by reducing the road width close to the railway level crossing;
 - (f) The proposal would cause customers to the restaurant to park on Orchard Road, Leeway Avenue, Shelford Park Avenue and Hinton Way; the parking situation in the vicinity of the site has been made worse by the traffic regulation (double yellow lines) imposed at Station Road and Shelford Park Avenue; and
 - (g) The site is small and awkwardly shaped so that further development would cause harm to its character.
20. The applicant's agent has submitted further information to explain the following issues:
- (a) The new windows in the east elevation would be obscured glazing;
 - (b) The two shed-like extensions to the rear are the property of the railway company and the applicant has no control over these. The elevation adjoining the platform is to be timber clad so as to reduce the visual effect of the sheds; and
 - (c) The boundary between the restaurant and the railway platform is to remain as existing i.e. timber panel fencing and block wall. It is proposed to render finish the car park side of the wall and the existing container will be removed from the site.

Planning Comments – Key Issues

21. The key issues to consider in the determination of this application are:
- (a) Principle of the development;
 - (b) On-site car parking provision and highway safety impact;
 - (c) Residential amenity to neighbouring properties;
 - (d) Design; and
 - (e) Other issues.

Principle of the development

22. The application is within the village framework and the existing restaurant has maintained a viable business operation locally. Comments received from Environmental Health Officer and Local Highway Authority do not demonstrate that the proposal would consolidate a non-conforming use by reason of traffic and pollution. The proposed extension would be supported by Policy ET/5 of the of the South Cambridgeshire Local Development Framework (LDF) Development Control

Policies Development Plan Document 2007 providing it would not conflict with other development plan policies.

Car parking and highway safety

23. The proposal would provide 5 car parking spaces and it is considered that these 5 spaces would be practicable. Officers have carefully considered the number of on-site car parking spaces, the casual parking spaces to the front of the restaurant for the use of people using the station and the sustainable location of the site with good access by public transport, walking and cycling. It is considered that on balance, the number of car parking spaces provided is acceptable although considerably below the maximum standard requirement.
24. The car-parking layout is considered to be acceptable subject to conditions to ensure adequate marking of car parking spaces and a management plan to identify the bays to be used for staff and customers.

Residential amenity interests

25. The distance between the extension and the side elevation of No.3 is approximately 11m. Officers have considered the overlooking issue from the proposed first floor restaurant windows to the patio area, main habitable room windows and conservatory at No.3. Providing the new first floor windows are required to be non-opening and obscure glazed which could be secured by planning condition, it is considered that the overlooking issue can be satisfactorily addressed. The proposal would not have adverse impact on residential amenity interests to the adjacent neighbouring residents, subject to suitable conditions being imposed.

Design, and character of the building and surrounding area

26. The Great Shelford Village Design Statement describes the railway station as 'the finely proportioned building, with its knapped flint panels set in local brick stands defiant against the ungainly extension of the station master's house'. The Statement encourages 'design quality appropriate of its kind in all classes of building affecting the appearance of the village', and 'resist development and extensions inappropriate in form or scale to their context and contemporary practice, unless sound design reasons for contrast are given'.
27. Chapter 7 of the District Design Guide SPD lists the criteria for extensions:
 - (a) All extension proposals must offer a high quality of accommodation and design that will sustain, enhance and preserve the quality of the built and natural environment;
 - (b) Extensions should always complement the form and character of the original building rather than seek to transform it into something else;
 - (c) Buildings that have been extended before may also be limited by the cumulative impact of the extensions; and
 - (d) Immediate surroundings should form the foundation of any design including the effect that the extension will have on the existing property and the forms and scale of existing built structures near the site.
28. The original two-storey building is 8.5m high to the ridge and 5.5m high to the eaves; the rear extension (approved in reference S/1372/04/F) is 5.5m high to the ridge and 3.8m high to the eaves. The proposed extension would be 5.5m high to the eaves and the ridge height would be 7m and 8.3m with a lower ridge height attached to the

existing rear extension and the first floor extension would be set back from the east elevation by 4.2m. The proposal includes a ground floor car park that would project from the north elevation of the first floor extension by 1.2m forming a small flat roof element.

29. The existing building is a proportioned building and the rear extension is in proportion to and in keeping with the form, scale and character of the original building.
30. The proposed extension is in a complicated form which is contrary to the character of the railway station building. The proposed extension, by virtue of its height and scale, would compete with the main building and would be a visually dominant addition.
31. The stepped roof form would result in the design of the resultant building becoming too complicated and out of keeping with and would detract from the character and design of the existing building.
32. The proposal extension, in order to accommodate a ground floor car park, would result in a ground floor opening in the east elevation which would be unattractive and would harm the character of the existing building.
33. Given the prominent location of the site within the central area of the village and its visibility from the public realm in Hinton Way, the train station and nearby offices at Mill Court and surrounding residential properties, the proposal is unacceptable as it would cause adverse impact on the street scene.
34. The proposal as submitted is contrary to development plan policies and the requirements in the Design Guide SPD and the advice contained in the Great Shelford Village Design Statement.

Other issues

35. The Parish Council's concerns about the sheds have been passed to the Council's Enforcement Officer, to be investigated separately.

Recommendation

36. Refuse as amended by letter dated 5 March 2010 and drawing numbers 673/09/8C and 11A date stamped 26th March 2010.
37. Reason for refusal

The proposed extension, by virtue of its complicated design, height and scale, would compete with the existing building and would be a visually dominant addition. The extension would be out of keeping with and would have inappropriate mass and form to the existing building. The proposed stepped roof design would result in the design of the resultant building being overly complicated and unsympathetic and would detract from the character and design of the existing building. This would be harmful to the character of this part of the village where the railway station forms an important element. The proposed car park would result in a ground floor opening in the east elevation which would be visually discordant and unattractive and would have a detrimental visual harm to the existing building. As such, the proposal would be contrary to Policy DP/2 of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies Development Plan Document 2007 which requires a high standard of design which responds to the local character of the built environment for all new development; Policy DP/3 of the South Cambridgeshire Local

Development Framework (LDF) Development Control Policies Development Plan Document 2007 that resists development that would have an adverse impact upon village character; Policy ET/5 of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies Development Plan Document 2007 which states that expansion of an existing firm will not be permitted if it would conflict with other policies of the development plan; The Great Shelford Village Design Statement which emphasises design quality appropriate of its kind in all classes of building affecting the appearance of the village, and resist development and extensions inappropriate in form or scale to their context and contemporary practice, unless sound design reasons for contrast are given; and South Cambridgeshire District Council District Design Guide Supplementary Planning Documents – Adopted March 2010 which requires a high quality of design in all extensions.

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

East of England Plan 2008

South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

South Cambridgeshire District Council District Design Guide Supplementary Planning Documents – Adopted March 2010

Circular 11/95 – The Use of Conditions in Planning Permissions

Circular 05/2005 – Planning Obligations

Planning application references S/0224/02/F, S/1372/04/F, S/0086/07/F, S/0693/08/F, S/0472/09/F and S/0067/10/F

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	12 th May 2010
AUTHOR/S:	Executive Director (Operational Services)/ Corporate Manager (Planning and New Communities)	

S/0454/10/F – OVER
Two Dwellings at Land to the North East of 27 and 29 West Street
for T. Mendham Buildings Ltd

Recommendation: Delegated power to approve or refuse subject to receiving appropriate information to address Highway Safety.

Date for determination: 17th May 2010

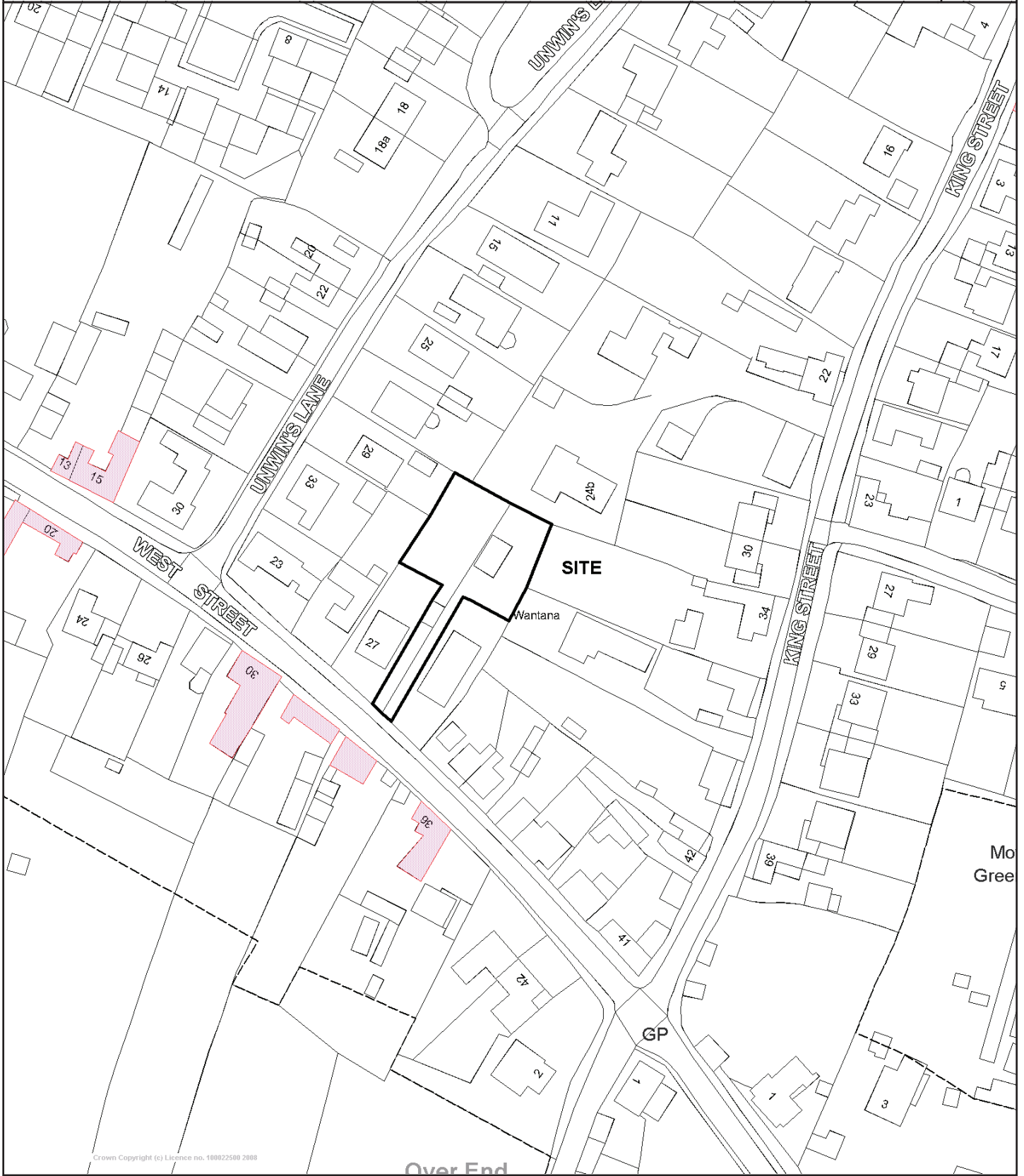
Notes:

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

Site Description

1. This 0.08-hectare site is located in the south of Over approximately 100m northwest from where West Street meets King Street, Mustills Lane and Longstanton Road. The site is located in the village framework and outside of the designated conservation area. The site was previously garden land to the properties 27 and 29 West Street. The site is bounded on all sides by existing residential development in West Street, Unwins Lane and King Street. The majority of the neighbouring residential units look onto the site from rear gardens and rear facing elevations. The boundaries of the site with No. 27 and 29 West Street comprise a 1.8m high close-boarded fence. The boundary with 25 West Street comprise a 1m high post and wire fence, which allows views across the garden, whilst the boundaries of No 27 and 29 Unwins Lane to the northwest and Rainbow House (shown as Wantana on the OS map) and 34 King Street to the southeast are formed by a 1.8m high close boarded fencing. To the rear of the site is No. 24b King Street, the boundary with which comprises a mixture of close-boarded fencing and substantial mature hedging.
2. The full application, received 22nd March 2010, proposes the erection of 2 dwellings and associated access. The development comprises 2 detached 'L' shaped single storey properties, measuring 4.7m to the ridge at the highest point and 2.4 metres to the eaves. Each property comprises approximately 100m² in floor area.
3. The land is accessed from the southwest via West Street and is currently empty.
4. The application proposes 2 market dwellings. The mix comprises 2 x 2 bedroom detached bungalows. The density equates to 22.4 dwellings per hectare.
5. Accompanying the application is the following:
 - (a) Design and Access Statement

S-0454-10-F



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Scale 1/1250 Date 23/4/2010

Centre = 537637 E 269924 N

May 2010 Planning Committee

- (b) Affordable Housing Statement
- (c) Foul Drainage and Utilities Report
- (d) Waste Design Code Tool Kit
- (e) Heads of Term for S106 Agreement

Planning History

- 6. **C/0576/71/D** – Erection of 4 detached Bungalows – Approved.
- 7. **S/1679/87/F** – Extension to No 29 West Street – Approved.
- 8. **S/2374/07/F** – Single detached dwelling – Refused due to underdevelopment of the site, the impact on the surrounding street scene and failure to address highway safety.
- 9. **S/0035/10/F** – Erection of 2 detached bungalows - Withdrawn.
- 10. The application **S/0035/10/F** was withdrawn following discussion with officers regarding, notwithstanding the earlier reasons for refusal, the off site contributions that were required, the parking arrangements for the new properties which were considered to be unacceptable due to the proximity of the parking areas to the rear gardens of No. 27 and 29 West Street and the dwellings were also considered to be too close to the north east boundary, resulting in the potential loss of a well established hedge that afforded screening between the site and No. 24b King Street.

Planning Policy

- 11. **PPS1** (Delivering Sustainable Development)
- 12. **PPS3** (Housing)
- 13. **PPS7** (Sustainable Development in Rural Areas)
- 14. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
- 15. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respect.

South Cambridgeshire Core Strategy 2007:

- 16. **ST/6** Group Villages includes Over. Development or re-development up to a maximum scheme size of 8 dwellings is allowed within village frameworks with a maximum of up to 15 dwellings where this would make best use of a Brownfield site.

South Cambridgeshire Development Control Policies 2007:

- 17. **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 Play Space, Informal Open Space and New Development, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/9** Water and Drainage, **TR/1** Planning for More Sustainable Travel, **TR/2** Car and Cycle Parking Standards **TR/3** Mitigating Travel Impact, **TR/4** Non Motorised Modes.

18. Adopted Supplementary Planning Documents provide details on how relevant Local Development Framework Policies will be implemented.

- (a) **Open Space in New Developments**
- (b) **Affordable Housing**
- (c) **Public Art**
- (d) **District Design Guide**

Consultations

19. **Over Parish Council** – Comments will be reported at the meeting. Previous comments for the scheme submitted under S/0035/10/F recommended refusal for the following reasons:
- (a) This constitutes over development of the site
 - (b) The access road is an inadequate width
 - (c) There is a claustrophobic feel to the driveway and fenced areas to the front of the property
20. **Local Highway Authority** – Has raised no objection providing the applicant can provide evidence that the required visibility splay can be appropriately reduced from 70m to 59m.
21. **Cambridgeshire Fire and Rescue Service** – Comments will be reported at the meeting.
22. **Landscape Officer** – Comments will be reported at the meeting. Previous comments for the application under reference S/0035/10/F are as follows: I should like landscape conditions applied as there is scope to improve the entrance to the site which is currently much wider than necessary, while still maintaining the visibility splays. I should also like to ensure that there is planting visible when looking down towards the new houses. There is probably scope for two small trees on the corners, which would frame the fronts of plots 1 and 2. Two more trees could be planted on the frontages of 27 and 29 to contribute to the street and to frame the shared main entrance. I should like the front hedge of no 29 to be retained and an equivalent volume of planting or hedge to match in the front of no 27. I suggest trees that are only 5-10m high. A pair of Amelanchier Robin Hill for the West St entrance and some smaller ornamental Malus would probably be suitable. I suggest that heavily fruiting crab apples are avoided because of the problem of walking through fallen fruit. Amelanchiers are so popular with the birds that they strip the small edible fruit as it ripens and so this is not a problem.
23. **S106 Officer** – The applicant is willing to cover reasonable legal fees in relation to the checking of the agreement, although will only be liable should planning permission be granted. I am therefore not convinced we need a thorough legal examination of the agreement at this stage other than to say that it will be verified for the Council's satisfaction upon the granting of planning permission. For my part the agreement complies with policy.
24. **Housing Development and Enabling Manager** – Comments will be reported at the meeting. – No objections to previous application under reference S/0035/10/F subject to a commuted sum for £54,000 towards off site affordable housing.
25. **Environmental Health Officer** – Comments will be reported at the meeting.

26. **Environmental Services Manager** –Comments will be reported at the meeting. As a waste minimisation measure SCDC has a waste collection policy of only emptying SCDC procured and authorised containers. SCDC will seek to require the developer to fund the procurement of relevant household waste and recycling containers (the relevant containers) by SCDC, during each phase of the development.

SCDC will seek to require the developer to be responsible for the delivery of relevant containers to each dwelling, ensuring that as soon as each dwelling is occupied it has received delivery of the requisite number and type of relevant containers and provided SCDC with appropriate confirmation.

Representations

27. The withdrawn application (S/0035/10/F) is almost identical to this application and it received 5 letters of objection from the occupiers of the neighbouring properties. As the consultation period for this does not expire until 3rd May 2010 it is likely that further comment will be received prior to the committee meeting. These will be presented to Committee in any subsequent updates.
28. To ensure I have addressed all potential planning concerns I have aimed to address all issues that have been raised thus far and those that arose from the previously withdrawn application S/0035/10/F.
29. There have been two representations received at the time of writing this report.
30. From the occupiers of No. 25 West Street concern is raised that the proposal to plant a hedge along the west boundary will not afford the level of privacy a 2m high fence would and have recommended this be changed.
31. From the occupiers of No. 24b King Street objection is raised due to overlooking and loss of privacy.

Planning Comments – Key Issues

32. The key issues to consider in determining this application are the principle of development, layout, impact on neighbour amenity, access and planning obligations.

Principle of Development

33. Policy - Under Policy ST/6 of the Core Strategy adopted 2007 this site is restricted to development of up to 8 dwellings. With this in mind, development of that proposed would normally be supported in principle.

Density

34. It is a requirement that 30 dwellings per hectare is a minimum level of development for residential schemes and the proposed 22.4 dwellings per hectare for this scheme would be short of the prescribed limits and indeed lower than that required. Without the inclusion of the access the site equates to 0.0685 hectares. The density for two units on a site this size would be much closer to that required nationally. The application under reference **S/2374/07/F** for a single detached dwelling was partly refused on grounds of low density and therefore this application addresses one of the earlier reasons for refusal.

35. In an earlier objection received from one of the neighbours it was considered that the Local Planning Authority should refuse a scheme for two units if it has already refused a scheme for a single dwelling. However, I am of the view that the objector was not aware of the density requirements and therefore unclear as to why a scheme for two units has been subsequently submitted. I consider the density proposed is suitable for this site.

Housing Mix

36. The scheme proposes 2 dwellings, both of which are market dwellings. Both units comprise 2 bedroom-detached bungalows. The housing mix is seen as acceptable and in accordance with HG/2 of the Local Development Framework Development Control Policies that seeks development of up to 10 dwellings, market properties should provide at least 40% of homes with 1 or 2 bedrooms.

Affordable Housing

37. The scheme does not propose any on site affordable housing and discussions between the developer and the Housing Development and Enabling Officer have arranged to secure an off site commuted sum of £54,000 towards affordable housing in accordance with the requirements of Policy HG/3 of the Development Control Policies 2007.

Layout

38. The proposed units are identical in their appearance and are mirrored on the plot to form a simple form of development, in line with those at No. 27 and 29 West Street. Space is provided around each plot for private amenity, bin and cycle storage. Each space is adequate to provide for additional planting by future owners.
39. There are two off road parking spaces provided for each unit using off road parking bays. The earlier application saw parking provided directly behind the garden areas of No. 27 and 29 West Street. This was seen as potentially detrimental to the occupiers of those properties by having an adverse impact by reason of increased noise and disturbance, primarily when using their rear amenity space. This scheme has been altered to address this and the turning area proposed is laid out for both properties to use so vehicles can enter and exit in forward gear.
40. The northeast elevation of both properties has been amended slightly by moving the built form further away from the boundary, affording more distance between the proposed units and that of 24b Kings Street. This was initially carried out to ensure retention of the mature boundary hedge but it has also created additional amenity space and a larger distance between units.

Landscaping

41. Detailed landscaping for this scheme is not included in the application though based on the comments received from the Landscape officer it can be added as a condition; however, planting is marked on the layout drawing showing hedging to help separate building plots and to improve privacy.
42. It has been questioned by the residents of No. 25 West Street that the proposed screening between its rear garden and the development site is not appropriate and that 1.8m close-boarded fencing would afford better privacy. As this garden is currently very open to the rear it is not considered an unreasonable request. It is also suggested that this is erected prior to development commencing to ensure that during construction

neighbours are not adversely impacted by noise and disturbance. This can be addressed by condition.

Neighbour Amenity

43. The District Design Guide refers specifically in paragraph 6.79 that neighbourliness will be an important consideration; therefore privacy and the avoidance of overlooking, particularly from window to window, but also from window to private garden space, should be given high priority in any residential context, as should any effect on day lighting and a sense of 'overbearing' of adjacent properties. It should, however, be remembered that the proposed dwellings are single storey only with openings at ground floor level.
44. No 24b King Street is approximately 5 metres northeast from the adjoining site boundary. The proposed development is located 5.5 metres away from the same adjoining boundary comprising 10.5 metres in total between the existing 24b and the proposed units. It is considered preferable in the District Design Guide that to prevent overlooking of habitable rooms to the rear of residential properties and rear gardens that a minimum distance of 15m is provided between the windows and the property boundary. The unit at No. 24b is a bungalow and the closest windows are those of the kitchen and utility rooms. The proposed windows in the northeast facing elevation of the new units have been kept to a minimum and are secondary windows to one of the bedrooms.
45. It is considered that the distance, though below that of the design guide, is not unacceptable given the units are both single storey, the windows in the new units can be obscure glazed/non opening/high level if seen as necessary and there is good boundary treatment that exists between the two properties providing good privacy levels and a noise buffer. It is considered that overlooking is not a problem between these units should the application be approved and that there are measures to address any potential overlooking between the units in the future.
46. With regard to other neighbouring properties it is considered that the distances between the proposed units and those existing are acceptable. There are no opportunities for overlooking as the majority of the surrounding properties are single storey and have good quality screening between the units. Those that have rooms in the roof, primarily Rainbow House (Wantana on the OS plans) and No. 33 Unwins Lane are considered to be of a far enough distance away with only oblique views over the application sites.
47. With regard to loss of light to openings to neighbouring properties, particularly that of Rainbow House which is located to the south east of the proposed units, it is considered that the distance between the units is acceptable not to appear overbearing and the height of the units low enough not to block out any late afternoon sunlight. The distance from the rear elevation of Rainbow House and the proposed units is over 15 metres and therefore in line with the requirements of the District Design Guide.
48. The heights of the proposed units are considered to be in keeping with the surrounding properties and no rooms are proposed in the roof space. It is considered appropriate that the roof space should not have any openings without prior consent to ensure there is not potential for overlooking in the future. This can be controlled by condition. It is also considered that the height is appropriate to ensure the development is not overbearing.

Highway Safety/Access

49. The first application saw the refusal of a scheme for one dwelling partly due to the lack of sufficient data in relation to highway safety. This application proposes vehicular visibility splays that are approximately 11m short of the splays required by 'Manual for Streets' in both directions along West Street. The Local Highway Authority has asked that data be provided to justify these short falls. If the relevant information has not been submitted and accepted by the Local Highway Authority by the determination date for this application it is considered that this application should be refused on grounds of Highway safety. Members will be updated accordingly.

Planning Obligations

50. The developer has agreed to meet all of the requirements of the Councils off site contributions. A revised Heads of Term has not been submitted with the new application, however it was agreed that the following contributions are made:

Affordable Housing

51. No on site affordable units are being provided and an independent assessment was carried out to assess the value of an off site commuted sum for affordable housing. This equated to £54,000.00 which the developer has agreed to pay and the Housing Development and Enabling Manager is also satisfied.

Open Space

52. The application does not make provision on site for open space and therefore a financial contribution is being sought to the sum of £4489.80. The developer has agreed to this.

Community Facilities

53. It is calculated that a contribution to the value of £757.75 would be necessary to alleviate the additional pressure as a result of this development. The developer has agreed to this.

Waste

54. It is calculated that a contribution to the value of £139.00 would be necessary as a result of this development. The developer has agreed to this.

Water and Drainage

55. Information submitted with the application provides evidence that there is foul drainage access for the new units; however, it does not provide details of a public surface water sewer. The site is not in a flood zone and no concerns have been raised regarding localised flooding. Ground levels are not to be raised and a condition requiring finished floor levels to be agreed is suggested. A condition should be attached to the consent if Members are minded to approve regarding further drainage details.

Renewable Energy

56. It is encouraged that Level 3 sustainable homes are provided. This is a basic, standard level of energy efficiency that all house builders should be achieving within their developments.

Other issues

57. Loss of view and devaluation of property have been raised as reasons to object to the scheme though Members are minded that these are not material planning considerations.

Conclusion

58. The proposal for 2 units meets the density requirements that are required by national and local government guidelines and the developer has informed officers that he is prepared to enter into a S106 agreement to meet planning obligations for a development of this size.
59. The layout of the scheme is the result discussions between officers and the applicants to ensure a high standard of design. It has been amended a number of times to take further account of the requirements of planning officers. Sufficient parking is provided at 2 spaces per dwelling.
60. The vehicular visibility splays are the remaining point of contention. The applicant is providing additional information to justify why the proposed splays measure only 2.4 x 59m and do not better meet with the local highway authority requirements. Officers are of the opinion that if satisfactory information can be provided the scheme could be determined under delegated powers.
61. Members will be issued with an update report prior to the meeting but at the present time I am minded for the above reasons to make the following recommendation subject to the assessment of future consultation:

Recommendation:

62. Delegated powers to approve or refuse subject to the outcome of satisfactory information with regards vehicular visibility splays in the interest of Highway Safety.

Conditions

63. Approve
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 would not have been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan CAPL/192189/WL/ML/003/12.01.10, Proposed Elevations and Plans 5343 and Site Plan (1:200) 5343/2.
(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 details of the following 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:

- (a) The materials to be used for the external walls and roof.
(Reason – To ensure that visually the development accords with neighbouring buildings and the development not incongruous.)
 - (b) Surface Water Drainage.
(Reason - To ensure satisfactory drainage of the site.)
 - (c) Foul water drainage.
(Reason – To ensure satisfactory drainage of the site.)
 - (d) Finished floor levels of the building(s) in relation to ground levels.
(Reason - To ensure that the height of the building(s) is well related to ground levels and is not obtrusive.)
 - (e) Details of materials to be used for hard surfaced areas within the site including roads and car parking areas.
(Reason - To ensure the appearance of the development is satisfactory in accordance with the requirements of policy DP/2 of the adopted Local Development Framework 2007.)
4. The development shall not be occupied until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme.
(Reason - To ensure the provision of an agreed mix of affordable housing in accordance with Policy HG/3 of the adopted Local Development Framework 2007.)
5. No further windows, doors or openings of any kind shall be inserted in any elevation or roofslope of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To safeguard the privacy of occupiers of the adjoining properties in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).
6. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf: -
- i) PART 1, (Development within the curtilage of a dwellinghouse, A, B, C, D, E and F).
 - ii) PART 2, (Minor operations), Class A (erection of gates, walls or fences).
(Reason – To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require specific planning permission do not overdevelop the site.)
7. During the period of construction no power operated machinery shall be operated on the site before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction.)

8. The development shall not be occupied until the area shown hatched on drawing 5343/2 has been drained and surfaced (or other steps as may be specified), and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007.)
9. Before development commences, a plan specifying the area and siting of land to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of construction.
(Reason – In the interests of Highway Safety and in accordance with the requirements of policy DP/3 of the Local Development Framework policies adopted 2007.)
10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before the dwellings are 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.)
11. No development shall commence until the boundary treatment for the west boundary has been erected in accordance with the approved details and shall thereafter be retained.
(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction in accordance with the requirements of Policy DP/3 and NE/15 of the adopted Local Development Framework.)
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 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. 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.)

14. 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.)

Informatives

Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed 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:

- Core Strategy 2007
- Development Control Policies 2007
- Site Specific Policies
- Planning file Ref: S/1397/09/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

12 May 2010

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

PUBLIC SPEAKING AT PLANNING COMMITTEE

Purpose

1. To review public speaking at meetings of the Planning Committee and the protocol introduced at the meeting in August 2007.

Recommendations and Reasons

2. That the Planning Committee endorses the current public speaking protocol attached as Appendix 1 to the electronic version of this report on the Council's website (follow the links from www.scambs.gov.uk/meetings). The protocol has worked well during the past year.

Background

3. At its meeting on 24 May 2007, Council resolved that public speaking at Planning Committee be introduced, and that the Planning Committee be authorised to review and amend the scheme at its discretion.

Considerations

4. Public speaking at Planning Committee meetings, which includes contributions from local Members not on the Committee, the Planning Portfolio Holder and members of parish councils, has been well received generally, and has allowed applicants, their agents, and objectors to take a greater part in the planning application process. In the interests of clarity, it should be noted that questions of clarification of public speaker contributions can be asked only by committee members, not by local members. Questions of clarification must not be used as an opportunity to "cross examine" public speakers about issues not raised by them.

Options

5. The Committee has the option to endorse the current protocol, either in whole or in part or to suggest amendments.

Implications

6.	Financial	None specific
	Legal	None specific
	Staffing	None specific
	Risk Management	None specific
	Equal Opportunities	None specific
	Climate Change	None specific

Consultations

7. While no specific consultations have been carried out, the Planning Committee Chairman and Vice-Chairman, Planning Portfolio Holder, Corporate Manager (Corporate Manager (Planning and New Communities)), Senior Lawyer and Head of Planning have seen advance copies of this report. The Senior Lawyer states that he is satisfied with the public speaking protocol currently in operation.

Effect on Strategic Aims

8. Public Speaking at Planning Committee meetings helps to demonstrate that South Cambridgeshire District Council is a listening council, providing a voice for local people and communities.

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

- None

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 12 May 2010

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

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

Purpose

1. To update the Committee on the appeals success over the last year and to highlight recent appeal decisions of interest. The statistics for the last quarter (January-March 2010) and for the year as a whole (April 2009-March 2010) are provided as part of the more extensive Appeals report, which is now only available on the Council's website and in the Weekly Bulletin.

Appeals Success

2. 118 appeals were received last year. Notwithstanding the economic downturn, this was an increase above the previous year's total of 102.
3. The percentage of appeals allowed, when measured against the Council's BV204 indicator was 34%. This was within the target of 36%. During the last year, the government introduced a fast-track system for dealing with householder appeals. 36% of these appeals have been allowed.
4. Decisions made by the Planning Committee accounted for 19 appeals. Of these, 8 were allowed (42%).
5. The Committee overturned 11 officer recommendations to approve. Of these, 6 were allowed (55%). However, two of the 5 decisions where the appeal was dismissed, were done so on a technicality. In both cases, the sole reason to dismiss the appeal was because of a lack of an appropriate legal agreement. In effect, this means that 73% of Committee decisions to overturn the officer's recommendation were allowed, having regard to the planning merits of the case.
6. A brief summary of decisions where the Committee overturned officer recommendations to approve is set out below:

	Site	Proposal	Refusal reasons	Decision
1.	Cattells Mill, Willingham	Dwelling	Living conditions of neighbours. Setting of grade II listed mill	Allowed
2.	Rosemary Lane, Waterbeach	9 dwellings	Setting of listed building. Harm to conservation area. Living conditions of neighbours	Dismissed – legal technicality
3.	Home Farm, Fulbourn	8 dwellings	Lack of affordable housing	Allowed.
4.	Cadwin Lane, Willingham	Gypsy pitch	Educational needs	Allowed
5.	Fowlmere Road, Heydon	Dwelling, garage and other curtilage development (revised details)	Impact on conservation area and listed building	Allowed

6.	Church Street, Lt Shelford	Dwelling	Impact on conservation area	Allowed
7.	Rowe, Ickleton	Dwelling	Impact on surrounding area	Allowed
8.	Braxted Homes, Bassingbourn	Demolition of buildings within the conservation area	Premature, pending no acceptable scheme for redevelopment	Dismissed
9	St George's Court, Impington	Affordable dwellings	Sustainability	Dismissed
10.	Cottenham Road, Histon	Accountancy practice	Residential amenity	Application allowed on a technicality, but enforcement appeal dismissed (see below)
11.	Butt Lane, Great Wilbraham	4 affordable dwellings	Impact on surrounding area	Allowed.

7. 3 applications for costs were made against the Council. Of these, 1 was allowed (non-determination of a lawful development certificate), 1 was part allowed (for a gypsy site at Willingham) and 1 was refused (for a housing scheme in Fulbourn). There were no applications for costs made on behalf of the Council.

Summaries of recent decisions

Mr C Bates – Use of part of property for an accountancy practice – 6 Cottenham Road, Histon – Planning appeal allowed in part. Enforcement appeal dismissed

8. These two linked appeals followed the Council's refusal to allow an existing accountancy practice to continue operating from an extension to the property, contrary to a previous planning permission restricting its use for domestic purposes only. Having refused the application, an enforcement notice was issued to secure a cessation of the use.
9. The appellant argued that the use did not actually require planning permission. The inspector had regard to well-established tests such as the amount of office floorspace being used; the number of employees and visitors; and the demands for car parking. As a result, the inspector concluded that the existing use has brought about a significant change to the property's overall character as a residence. A breach of control has therefore taken place.
10. The planning application was refused solely because of the impact on the neighbouring property. The identified harm was noise and disturbance through the parking and manoeuvring of vehicles and overlooking by visitors into the adjoining property. The Council argued that planning conditions could not be imposed to satisfactorily overcome this harm. The inspector agreed. Conditions would not effectively reduce the scale of the use. Any increase in the height of the boundary fence between the two properties would not materially reduce the noise and disturbance and would be likely to lead to an undue sense of enclosure. Planning permission should not be granted.
11. However, because the wording of the original condition was far from precise, this was reworded to reflect that no part of the extension (rather than the property as a whole) should be used other than for domestic purposes incidental to the enjoyment of the dwelling. The planning appeal succeeded only to this very narrow extent.

12. In refusing planning permission, the inspector agreed that the only appropriate remedy for the breach of planning control was to require the use to cease.
13. The inspector also accepted that the six month compliance period was appropriate. This would strike a balance between the needs of the business and protecting the amenity of residents. The appellant was unable to confirm his future intentions for the business and this was also a determining factor. The commercial use of the property is therefore required to cease by 19 September 2010.

Dudley Developments Ltd – Erection of 4 no. affordable dwellings – Land adj to 1 Butt Lane, Great Wilbraham

14. The application was wholly for affordable housing on an ‘exception site’ just outside the village framework. The sole reason for refusal was the scale and form of the development and the impact it would have on its surroundings.
15. The inspector found the site is undeniably semi-rural. However, it is not a positive feature in the conservation area and does not appear as an integral part of the countryside. The scheme proposed not only to retain, but increase, boundary planting and this would reinforce the natural enclosure of the village at this point. Neither the design nor footprint of the buildings was seen as problematic. The proposed level of parking and manoeuvring areas was a drawback, but the “relatively marginal” viability of the scheme needed to be considered. Provided the materials for the hard surface area are chosen carefully and the frontage landscape was effective, the inspector concluded that on balance the access and parking area did not warrant refusal of the proposal.
16. A scheme for affordable housing would bring with it “significant social benefits to the community ... and this is an important consideration to be weighed in the balance”. Both the Parish Council and local residents had raised numerous concerns in what the inspector saw as a “controversial” proposal. However, these concerns did not raise issues which either justified refusal or could not be dealt with by conditions.
17. The appeal was therefore allowed subject to a total of 15 conditions. These included materials, landscaping, tree and hedge removal, ecological enhancement, drainage and restrictions on permitted development rights.

**Dr S Rann – Erection of car lodge and store – 19 High Green, Great Shelford
Prof A Green – Erection of dwelling otherwise as previously approved – 19a High Green, Great Shelford – Appeals allowed**

18. These two linked appeals concern a frontage property (no. 19) and a new property recently constructed in its rear garden (19a). In both appeals the main issue was the impact on the village conservation area. In the second, an additional issue was the impact on the living conditions of the occupants on no. 19, by way of overbearance.
19. Both properties are well set back from the road and public views are largely blocked by existing landscaping. The locality has a distinctly semi-rural character. The inspector found that the car lodge would have modest dimensions and appear clearly subservient to the main dwelling. It would not differ markedly in scale or design from other outbuildings in the vicinity. It would be clearly separated from the new dwelling behind and would not appear cramped as the reason for refusal alleged.

20. The unauthorised alterations to the new dwelling were also considered to be consistent with what had already been approved. The resulting effect of the changes appears neither harmful nor out of keeping.
21. Both proposals therefore preserve the character and appearance of the conservation area.
22. Neither did the inspector find any harm to the living conditions of no. 19. The scheme as now built does not create a significantly more imposing or overdominant effect in views from the property, than would have resulted from the approved scheme.
23. The appeal for 19 High Green was allowed subject to approval of sample materials. The second appeal was allowed subject to restrictions on further openings at first floor level and a need to ensure the retention of planting at the front of the property.