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27 April 2009

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

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 6 MAY 2009** at **2.00 p.m.**

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

Yours faithfully  
**GJ HARLOCK**  
Chief Executive

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

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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**

Please declare specific interests immediately before the relevant agenda item so that members of the public not present at the beginning of the meeting can hear the declaration. Remember to complete your declaration of interest forms and hand them in to

**1 - 2**

Democratic Services.

**3. Minutes of Previous Meeting**

To authorise the Chairman to sign the Minutes of the meeting held on 1 April 2009 as a correct record. These minutes have been published, and are available on the Council's website.

**PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

- |            |  |                |
|------------|--|----------------|
| <b>4.</b>  | <b>S/1749/06/O and S/1703/06/HSC - Duxford (Land Off Ickleton Road)</b><br>Appendices 1 – 5 (including site plans) are attached to the electronic version of the agenda.                         | <b>3 - 20</b>  |
| <b>5.</b>  | <b>S/0348/09/F - Histon (Land to the North East of 24 &amp; 26 Cottenham Road)</b>   | <b>21 - 26</b> |
| <b>6.</b>  | <b>S/0175/09/O - Impington (Land to the South East of St Georges Court)</b><br>Appendix 1 (Notes from Affordable Housing Panel) is attached to the electronic version of the agenda.             | <b>27 - 40</b> |
| <b>7.</b>  | <b>S/1968/08/F - Histon (4 Moor Drove)</b>   | <b>41 - 50</b> |
| <b>8.</b>  | <b>C/6/9/1A - Cambridgeshire Guided Busway (B1050 Park and Ride Junction and Longstanton Park and Ride site)</b><br>Appendix 1 (site plans) is attached to the electronic version of the agenda. | <b>51 - 58</b> |
| <b>9.</b>  | <b>S/0249/09/F - Barrington (Barrington Hall, Haslingfield Road)</b><br>Appendix 1 (site plans) is attached to the electronic version of the agenda.   | <b>59 - 66</b> |
| <b>10.</b> | <b>S/0213/09/F - Newton (Newton Post Office, 11 Harston Road)</b>  | <b>67 - 74</b> |
| <b>11.</b> | <b>S/1567/08/F - Bassingbourn-Cum-Kneesworth (76 Old North Road)</b>   | <b>75 - 80</b> |
| <b>12.</b> | <b>S/0215/09/F - Toft (72 West Street)</b>   | <b>81 - 86</b> |
| <b>13.</b> | <b>S/0235/09/F - Fulbourn (Hall Farm School Lane)</b>  | <b>87 - 90</b> |

**INFORMATION ITEMS**

The following items are included on the agenda for information and are, in the main, available in electronic format only (at [www.scams.gov.uk/meetings](http://www.scams.gov.uk/meetings) and in the Weekly Bulletin dated 29 April 2009). If Members have any comments or questions relating to issues raised therein, they should contact the appropriate officers prior to the meeting.

- 14. Appeals against Planning Decisions and Enforcement Action** **91 - 94**  
Summaries of Decisions of interest attached.  
**Contact officers:**  
Gareth Jones, Corporate Manager (Planning and Sustainable Communities) – Tel: 01954 713155  
John Koch, Appeals Manager (Special Projects) – Tel: 01954 713268

**15. Appeal Statistics**

**Contact officers:**

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

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

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### **Disturbance by Public**

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

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## **EXCLUSION OF PRESS AND PUBLIC**

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

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) ..... in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) ..... of Part 1 of Schedule 12A of the Act."

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

### **Notes**

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

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South Cambridgeshire District Council

Planning Committee – 6 May 2009 – 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]**

Item no: ..... App. No. .... Villiage: .....

Reason:

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**Personal / Personal and Prejudicial [delete as appropriate]**

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

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**Personal / Personal and Prejudicial [delete as appropriate]**

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

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**Personal / Personal and Prejudicial [delete as appropriate]**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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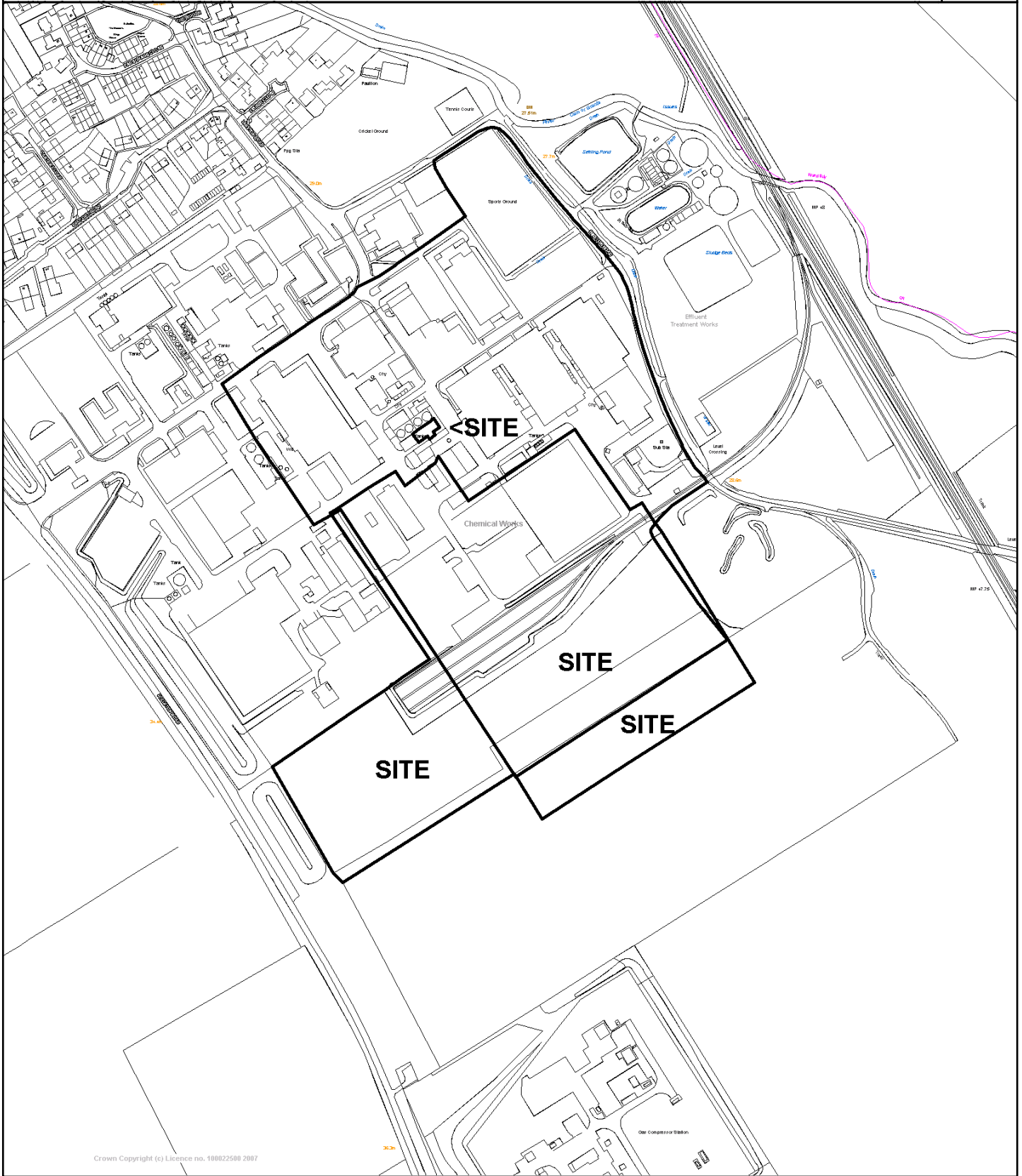
**1. S/1749/06/O - DUXFORD  
Construction of a Carbon Fibre Precursor Plant****2. S/1703/06/HSC  
Storage of Acrylonitrile****Land Off Ickleton Road for Hexcel Composites Ltd****Recommendation: Approve****Date for Determination:  
14<sup>th</sup> September 2007 (S/1749/06/O) Major Application  
20<sup>th</sup> October 2006 (S/1703/06/HSC)****Purpose**

1. These applications have been reported back to the Planning Committee to consider the following:
  - a) The submission of a third party report that comments upon the public health risks associated with the use of Acrylonitrile at the proposed factory;
  - b) The formal planning Conditions and Section 106 obligations to accompany the Decision Notices, in the event that the applications are approved.

**Background**

2. In summary the applications comprise:
  - a) **The outline application**, received on 5<sup>th</sup> September 2006 and amended on 15<sup>th</sup> June 2007, proposes the construction of a carbon fibre precursor plant comprising 63,000m<sup>2</sup> of plant and buildings on a 10.54 hectare site, which is partly within the existing complex but includes agricultural land to the south-east and south-west of the existing railway sidings. It was accompanied by an Environmental Statement, a Sustainability Statement and a Design and Access Statement.
  - b) **The hazardous substances consent application**, received on 25<sup>th</sup> August 2006 and amended on 15<sup>th</sup> June 2007 proposes the storage of 400 tonnes of the chemical Acrylonitrile (AN), used in the production of Carbon Fibre Precursor material, in 5 bunded tanks to the south of the existing railway sidings, and identifies the adjacent Polymerisation Building where the chemical will be processed.
3. The applications were considered at Planning Committee on 9<sup>th</sup> January 2008 (see Agenda item no. 144). The minute reads:

S/1749/07/F Duxford



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Scale 1/5000 Date 20/12/2007  
**6 May 2009**

Centre = 548473 E 245335 N

January Planning Committee - May

“Members were **MINDED TO APPROVE** outline planning application S/1749/06/O, as amended on 15<sup>th</sup> June 2007, subject to it being referred to the Secretary of State as a Departure from the Development Plan and not being called in by her for determination, to the prior completion of a Section 106 Legal Agreement relating to traffic calming and highway safety improvements, off-site landscaping to help screen the development, and a contribution to the construction of a cycle route between Ickleton and Duxford, and the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities). The Committee gave officers **DELEGATED POWERS TO APPROVE** Hazardous Substance Consent application S/1703/06/HSC, as amended on 15<sup>th</sup> June 2007, subject to the Secretary of State not calling in for her determination outline application S/1749/06/O and referring it back to the Local Planning Authority, whereupon a Decision Notice would be issued containing the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).”

4. The Secretary of State confirmed by letter dated 5<sup>th</sup> February 2008 that outline application S/1749/06/O would not be called in for her determination. The letter states:

“The Secretary of State considers that the main matters relevant to her decision in this case are her policies which contribute to the delivery of sustainable development through the achievement of social cohesion and inclusion, the protection and enhancement of the environment, the prudent use of natural resources, and sustainable economic development (PPS1: Delivering Sustainable Development); balance the location requirements of business with wider environmental and social objectives (PPS4: Industrial, Commercial Development and Small Firms); ensure the quality and character of the countryside is protected and, where possible, enhanced; in particular, by strictly controlling new building development away from existing settlements or areas allocated for development, and by giving priority to the re-use of previously developed sites and existing buildings, subject to sustainability considerations (PPS7: Sustainable Development in Rural Areas); secure community safety and road safety by the design and layout of developments and areas (PPG13: Transport); locate and control potentially polluting development to avoid or minimise adverse effects on human health, the use of land and on the environment (PPS23: Planning and Pollution Control) and the development plans for the area.

Having carefully considered these and other relevant planning issues raised by this proposal, the Secretary of State is of the view that the applicant appears to have taken PPS1, PPS4, PPS7, PPG13 and PPS23 into account and is satisfied that the issues raised do not relate to matters of more than local importance, which would be more appropriately decided by her rather than the local planning authority. She has therefore concluded that the application should be decided by South Cambridgeshire District Council.”

5. Neither application has been determined.

#### **Parish Referendum**

6. At an Extraordinary Duxford Parish Meeting on 16<sup>th</sup> May 2008, a vote was taken on the following question:

“Should Hexcel’s plans to build a Carbon Fibre Pre-cursor facility in Duxford be stopped”.

Subsequently a call was made for a referendum on that question and the vote in favour of a referendum was unanimous (64 in favour 0 against).

7. The referendum was held on Thursday 12<sup>th</sup> June 2008. 427 Duxford residents turned out. 77% voted to 'stop Hexcel's plans for a new factory in Duxford'. At 17<sup>th</sup> June 2008 a petition on the same issue in Duxford had gained over 475 signatures.
8. Planning Committee took into account the weight and nature of local opinion, including a petition, which was submitted at Committee, of 149 signatures against the development, when it considered the applications on 9<sup>th</sup> January 2008. The referendum, which was held outside the statutory planning process, does not raise new material considerations which have not already been taken into account.

#### **A. REPORT ON PUBLIC HEALTH RISKS**

9. The Council received by letter dated 14<sup>th</sup> November 2008 an unsolicited Draft report, 'Predicted effect of accidental spillage of Acrylonitrile from Hexcel plant' (12<sup>th</sup> November 2008) prepared by Dr Alun James. This is not evidence previously considered by Planning Committee, albeit that health and safety was taken into account at the Committee Meeting on 9<sup>th</sup> January 2008.

10. By way of introduction the Report states that:

"AN is a chemical that is widely used in the chemical industry, but it is recognised to be hazardous to health, it is a poisonous and flammable liquid and its vapours can easily form explosive mixtures with air. The EPA (Environmental Protection Agency, the U.S. Governmental body) and other government bodies have classified Acrylonitrile as a probable human carcinogen."

11. Three scenarios were examined using several different mathematical models:

- a) Accident on site from the 'guillotine failure of the transfer pipe-work between the road tanker and storage';
- b) Accident on road close to Duxford village, which 'leaves a 500mm (2 inch) diameter hole in the side of the tanker';
- c) General leakage from site 'as a result of normal operations'.

12. The report concludes:

"In the scenarios described, the risks to the local population appear to have been significantly underestimated by the HSE (Health & Safety Executive) report supporting Hexcel's planning application. It is recommended that a review of the reports be undertaken to determine the reasons for these significant differences.

If the consequences of the scenarios detailed in this report are correct, then there is a significant risk to the local population and the proposed AN processing plant should not be allowed to operate at such close proximity to a village. Using ALARP (as low as reasonably practicable) criteria endorsed by the HSE, the risk is determined to be **Intolerable** for several different scenarios.

In addition to the health risks reported, there will be a potentially greater impact on the village related to the perceived risk. In particular the Information Commissioner (who sanctioned the limited release of the report) acknowledged that withholding the information in that report will harm residents. He indicted that the 'harm caused by withholding the information is likely to include uncertainty arising from the risks of:

physical harm to members of the public in the surrounding area from the potential toxic effects of AN; psychological harm to the residents from concerns for their safety relating to the plant being constructed nearby; possible economic harm caused to the value of adjacent property and from which residents will have no means to protect themselves or seek compensation; and, harm resulting from a loss of public confidence in the land use planning process due to the withholding of significant information.”

13. A full copy of Dr. James’ report is attached as Appendix 1. It has been the subject of further consultation and the following responses have been received:

**Health and Safety Executive (HSE) (29<sup>th</sup> January 2009)**

14. “As you know from our previous correspondence, HSE was consulted by South Cambridgeshire District Council on the associated application for Hazardous Substances Consent (Application S/1703/06/HSC) and provided advice to South Cambridgeshire District Council in March 2007.

It is not normally HSE’s practice to comment on consultant’s risk assessments in relation to planning matters. However, as the report suggests that HSE has underestimated the risks posed by the proposed storage and processing of Acrylonitrile on the site, HSE’s Risk Assessment Specialists have reviewed the draft report to understand the main differences and see whether HSE needed to review its own assessment.

HSE Specialists note that Dr James has used scenarios and frequencies from the HSE assessment relating to accidents on the site, but has applied different methods to estimate the consequences and has therefore reached different conclusions to HSE. However, we have not seen anything that would cause HSE to change the safety advice we previously gave to South Cambridgeshire District Council.

In its assessment, HSE did not consider accident scenarios in relation to transport routes to and from the site. This is consistent with the outcome of the Advisory Committee for Dangerous Substances 1991 study into the major hazards of transport of dangerous substances.

It is for South Cambridgeshire District Council to decide whether to grant Hexcel Composites a Hazardous Substances Consent and planning permission to develop their site. HSE has provided its advice as a statutory consultee. South Cambridgeshire is nevertheless free to seek advice from elsewhere on the risks associated with the applications to assist their decision-making.”

15. In response to Scenario 1 (Accident on site) of Dr. James’ report and specifically to the ‘Outflow would be unrestricted but would be isolated after 20 minutes,’ the HSE comments (30<sup>th</sup> December 2008):

“The proposed facility storing Acrylonitrile would be subject to the Control of Major Accident Hazards Regulations 1999 as amended (COMAH). Under these regulations the operators have a duty to take all necessary measures to prevent major accidents and to mitigate their consequences. Delivery and unloading operations would require specific risk control measures to be in place to prevent releases from occurring and to detect and isolate any releases that did occur. These arrangements will have to be described in a safety report submitted to the COMAH competent authority and will be subject to inspection. Therefore they can be expected to reduce the risks to as low a level as the law requires.

However, even with the best safety arrangements in place, it is not possible to completely eliminate all accidents and reduce the risk to zero. The small risk that remains is called the residual risk of a major accident. Therefore when consulted on a hazardous substances consent application the HSE carries out an assessment of the residual risk and makes a judgement whether it is appropriate to introduce that risk at a particular location. Part of that assessment includes a scenario involving the low likelihood of rupture of the delivery hose during unloading operations and the failure of any automatic detection and shutdown equipment. In order to assess this scenario we assume that the release continues at full capacity for 20 minutes until emergency response is successful. This is just one of the scenarios that we take into account.

I must emphasise that all measures necessary under COMAH would be expected to include risk control measures that would reduce the risk of such an event occurring to as low as reasonably practicable. These measures would include prevention of the leak occurring in the first place, but also leak detection and emergency shut down arrangements.

It is not usual to include conditions of hazardous substances consent that relate to safety measures on site that will be subject to the COMAH regulations. However, because one of the factors that affects the assessment of residual risk is the number of deliveries per year, HSE has suggested a condition controlling this in the reply to the consultation. The purpose of this suggested condition is so that the residual risk arising from unloading operations is not any worse than that assessed by HSE as part of the consultation.”

### **Environment Agency (EA) (1<sup>st</sup> December 2008)**

16. “The process will be required to apply for Top Tier COMAH status and as a result the Competent Authority will assess the risks associated with Acrylonitrile release. The HSE takes the lead on predictive assessment and the EA will assess the likelihood and outcome of a major accident to the environment based on the information supplied in the associated safety report. The HSE should be consulted by your authority.

The operator will also be required to discuss with the EA to ascertain if the Environmental permit is to be varied. This process will also take into account the risk to the environment.

The sewerage undertaker should be consulted regarding the availability of capacity in the surface water sewer. Previous use of this site may have led to contamination of soil and groundwater. Groundwater beneath the site is used extensively for public water supply. The site is therefore considered extremely vulnerable to pollution.

In line with Planning Policy 23: Planning and Pollution Control, we consider that an investigation and risk assessment of the potential for surface and groundwater contamination be undertaken.”

17. In light of these comments a condition is recommended to deal with risks associated with contamination of the site (see condition 17 below).

### **Health Protection Team Leader, SCDC (24<sup>th</sup> December 2008)**

18. The following comments relate to issues discussed within Dr. James’ report:

“Scenario 1 discusses an accident on site and bases the likelihood of such an incident at 131 chances per million. The calculation is based on a release of the substance over a 20 minute period as it would ‘take (this long) to recognise that the incident has occurred’ (paragraph 4.4). This point should be clarified with the operator and regulator (the EA, Environmental Permit) to examine whether unloading/delivery operations could result in an undiscovered leak for such a period or whether conditions attached to the permit would reduce the risk.

Scenario 2 examines the impact of a road traffic accident occurring off-site but close to the village. I have spoken to colleagues in emergency planning regarding such incidents and they have provided me with relevant information contained in the Community Risk Register compiled by the Cambridgeshire and Peterborough Local Resilience Forum (CPLRF). I have appended a copy of this entry (reference HL12), which examines the risk of hazardous material transport accidents (see Appendix 2).

CPLRF rank the overall likelihood of such an incident occurring in the whole of Peterborough and Cambridgeshire as a 1 in 2000 chance of causing up to 50 fatalities and 500 casualties. The risk assessment also highlights a number of statutory instruments in place by which the risk is controlled. This report is therefore at odds with the assessment by local experts in its claim that ‘approximately 50% of the population of Duxford (1,836) would be in immediate danger of serious harm or fatality’ and also that there is a ‘1 in 20 chance of an accident within the village’.

With respect to scenario 3, I have sent an email seeking comment from Lincoln Sargeant, Consultant in Public Health at Cambridgeshire PCT, with respect to general permissible leakage from the site leading to an increased cancer risk of residents in Duxford. He has passed this request to the Health Protection Agency (HPA) and we should be in receipt of their comments by the end of January.

In general the author has understandably taken a precautionary approach in predicting the effects of the incidents outlined but several of the interpretations appear to exaggerate the risks. The HSE document ‘Reducing Risks Protecting People’, outlines the HSE’s decision making process based on the framework known as the tolerability of risk. This discusses the parameters of whether risks from an activity or process are unacceptable, tolerable or broadly acceptable and its application in practice.

In this context, ‘tolerable’ does not mean ‘acceptable’. It refers instead to a willingness by society as a whole to live with a risk so as to secure certain benefits in the confidence that the risk is one that is worth taking and that it is being properly controlled. However, it does not imply that the risk will be acceptable to everyone, i.e. that everyone would agree without reservation to take the risk or have it imposed on him or her. This last point is the key as there is a recognized societal concern where risk is imposed on an off-site population in the vicinity of a hazardous installation. The assessment undertaken by HSE (06/03/PHS/1028946) has already considered the risk and concluded that there are no significant reasons on safety grounds for refusing Hazardous Substances Consent. It remains to be seen what comments they will make following consideration of the recently submitted report, however the perceived risk may still appear greater to those on which it is imposed.”

#### **Health Protection Agency (HPA)**

19. Further to these comments, the HPA has not been able to comment on the modelling (and the differences), as it is not aware of the inputs used in the modelling scenarios. What is clear, however, is that the second scenario is not suitable for consideration in

a planning application as the transport of dangerous goods is regulated under an entirely separate set of regulations.

20. It cannot also comment on the other scenarios, as it has not had access to the emissions data on which they are based.
21. "However should planning be granted Hexcel will be still required to apply for an environmental permit (EP) from the EA in order to begin operating. This EP will contain further information on the emissions for the site. We would be happy to comment on this document with regard to the hazard and risk presented to human health arising from the site."
22. The Health Protection Team Leader has confirmed that the EA will liaise directly with NHS Cambridgeshire, who will seek the advice of the HPA.

### **Representations from Hexcel, the applicant**

23. In the 9<sup>th</sup> January 2008 Planning Committee Report, there was quoted at paragraph 74, section 3, a detailed response from Hexcel to concerns raised regarding health and safety and public risk (pages 47-54 inclusive). Members are referred to this response.
24. Hexcel has responded to Dr James' report on 8<sup>th</sup> April 2009. The full response is attached as Appendix 3. The response summary and conclusion is as follows:

6.1 The James report contends that the risks to the local population appear to have been significantly under estimated by the HSE. HEXCEL disagrees with the conclusions reached in respect of each of the scenarios cited in the James report, and as a consequence, considers that the James report greatly exaggerates the health and safety risks associated with the proposed CFP plant.

6.2 Scenario 1 in the James Report is inaccurate and misleading in that it fails to take account of the proposed arrangement of top loading/ unloading tankers; the physical constraints provided by bunding constructed tight to the transfer tanker location; the internal fall within the bunded area or the sump arrangement; and makes no allowance for the presence and operation of sensors linked to automatic foam spraying equipment. The consequences of the event it describes simply could not occur.

6.3 In respect of Scenario 2 HEXCEL considers that the James report has exaggerated the possibility of a road traffic accident involving AN transport, and in the event of any such accident occurring, has made incorrect and overstated assumptions concerning the scale, and hence the potential adverse effects of any possible spillage of AN. As a consequence, both the likelihood of any such event, and its implications have been grossly exaggerated.

6.4 HEXCEL considers that in respect of Scenario 3, the James report has misrepresented the volume of AN release in emissions, and has misunderstood the circumstances (and thus the potential consequences) of the releases that would be likely to occur. The 'intolerable' conclusion reached in the James report is thus incorrect, because it is has used incorrect dispersion assumptions. The modelling carried out on behalf of HEXCEL provides a realistic and reasoned assessment of the actual health risks to the individual.



6.5 HEXCEL accepts and acknowledges that the use, storage and handling of Acrylonitrile as part of the CFP process entails some element of risk. There is, however, no such thing as 'Nil Risk'. The assessments set out in the submitted ES, carried out by HEXCEL's consultants, have been reviewed by HSE, whose role is to protect people against risks to health or safety arising out of work activities. HSE's own assessment of risk and safety led to their clear and unequivocal advice to SCDC in respect of the outline planning and Hazardous Substances Consent applications that there are no safety grounds on which to refuse either planning permission or Hazardous Substances Consent. The James report has been shown to have either misunderstood or misrepresented operations on or in relation to the proposed development and has thus incorrectly assessed and grossly exaggerated the real life risks arising from the proposed development."

### **Planning Considerations**

25. Planning Policy Statement 23 'Planning and Pollution Control' (2004) advises local authorities that 'any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to an impact on health, is capable of being a material planning consideration, in so far as it arises or may arise from any land use'.
26. It also notes that 'the planning system should focus on whether the development itself is an acceptable use of land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.' (Paragraph 10).
27. In its response to a Freedom of Information Act request from Andrew Lansley M.P., HSE elaborated on aspects of the risk assessments that it had carried out. I include this response, dated 15<sup>th</sup> May 2007:

"You ask about the factors considered in the assessment. The assessment took into account the information provided in the hazardous substances consent application, which included details of the storage vessels, their location, size and storage conditions, delivery operations and the processing of substances. It considered the likelihood and consequences of a representative range of accidents that could occur during these operations, and the potential for harm to people on and off site from the hazards. The properties of substances such as Acrylonitrile are classified through legislation as both highly flammable and toxic. We use specialist computer programmes (GASP and DRIFT are mentioned in the papers that you have been sent) to model the properties of the substance, failure and dispersion scenarios, and include differing weather conditions that could influence the dispersion of a released substance.

You also ask specifically why there is a recommendation that deliveries of Acrylonitrile should be limited to 654 per year. This is because our risk assessment takes into consideration the possibility of a catastrophic failure from a road tanker. Therefore the delivery frequency is important, and as Hexcel anticipated that there would be 654 per year in their application, we have recommended a condition limiting the deliveries to that number, therefore bounding our risk assessment considerations.

Lastly you ask about the consultation zone. This is set for the purpose of examining compatibility with existing development. When a consent is granted by the local authority then the associated consultation zone, which is calculated by HSE, is

applied as the zone within which the local authority must subsequently consult relevant bodies, including HSE, on any further development proposals. The papers that have already been released to you show the location and extent of the consultation zone (or zones, to be precise, as there are three such zones in each map around the site). The map is produced by HSE following a detailed assessment of the hazards and risks from the installation (for example the risk assessment of the consequences of a catastrophic failure of a delivery tanker). The map has three risk zones contoured around the site that represent defined levels of risk of harm, with the risk of harm to an individual greater the closer to the installation. I have attached a separate more detailed briefing note which describes our approach to both safety assessment at sites like the Hexcel site (sites subject to the Control of Major Accident Hazard Regulations (COMAH)), and also to Land Use Planning issues around such sites: there is a slight nomenclature issue between this letter and the briefing note in that the latter refers to consultation distances and this letter to consultation zones - they are the same, but to be consistent with your letter to me I referred above to zones. I hope this doesn't confuse you."

28. The scenarios of possible accidents referred to above related to:

| Substance     | Bulk Storage  | Moveable Containers   | Processing   |
|---------------|---|---|--|
| Acrylonitrile | Catastrophic failure of:<br>i. 200m <sup>3</sup> tank with 17% overtop<br>ii. 43m <sup>3</sup> tank<br>iii. 12.6m <sup>3</sup> tank<br>iv. Guillotine failure of pipework from storage tank to plant<br>v. Aerosol release from storage to plant pipework | i. Catastrophic failure of road tanker<br>ii. Guillotine failure of hose from road tanker<br>iii. Aerosol release from tanker to storage tank | Catastrophic failure of:<br>i. Feed tank<br>ii. Reactor<br>iii. Stripping column |

29. The results of these scenarios were combined to give the 3 zone contours for the overall site risk, referred to above. The zone contours show that no housing will be affected by the proposed plant. The middle and outer zones will extend beyond the site boundary and affect the adjacent chemical site belonging to Huntsman Advanced Materials. At its nearest point the outer zone boundary will be about 280m and about 300m from the nearest housing to the north west in Rectory Road and Ickleton Road respectively. Hence the assessment of risks demonstrates that off-site risks are compatible with developments in the area. This led to the recommendation that the HSE does not advise against the application.

30. The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2007 (CDG 2007) and a European Agreement regulate the carriage of dangerous goods by road.

31. HSE is one of the enforcement authorities for many aspects of CDG 2007 but the Department for Transport, the Police and Vehicle and Operations Standards Agency have roles to play. Having regard to the controls exercised by CDG 2007, I do not consider that the risks associated with the transport of AN is a material consideration to be taken into account in the determination of these applications.

## Conclusion

32. Paragraph 41 of Department of the Environment, Transport and The Regions (DETR) Circular 04/2000, Planning Controls for Hazardous Substances, states:

“The role of HSE and the Environment Agency is to advise the hazardous substances authority on the risks arising from the presence of hazardous substances. HSE has the expertise to assess the risks arising from the presence of a hazardous substance to persons in the vicinity; the Environment Agency has the expertise to assess and advise upon the likely risks arising to the environment. However, the decision as to whether the risks associated with the presence of hazardous substances, either to persons or to the environment, are tolerable in the context of existing and potential uses of neighbouring land is one which should be made by an elected authority (the hazardous substances authority).”

33. I do not consider that there are grounds to refuse either application on health and safety grounds, having regard to the expert advice received from both HSE and EA and their response to the Dr. James' Report.

## B. CONDITIONS AND S106 AGREEMENT

### Policy

34. **Department of the Environment (DOE) 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.
35. **Office of the Deputy Prime Minister (ODPM) 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.
36. **Section 10(1) of the Planning (Hazardous Substances) Act 1990** sets out provisions for the imposition of conditions upon the grant of a hazardous substance consent.
37. **DETR Circular 04/2000 - Planning Controls for Hazardous Substances:** Advises that any conditions relating to how a hazardous substance is to be kept or used may be imposed only if HSE has advised that any consent should be subject to such condition(s).

### Conditions

38. The starting point has been the draft heads of terms for conditions included in the 9<sup>th</sup> January 2008 Planning Committee report. Without prejudice draft conditions have been discussed with the applicants, EA and Local Highway Authority.
39. I would draw Committee's attention to the following two matters:
- a) Condition 2 (Time limit for submission of reserved matters) is extended from 3 to 5 years, having regard to the current economic climate. The Local Planning Authority has such powers under section 92 of The Town and Country Planning Act 1990, so long as it has had regard to the provisions of the Development Plan and to any other material considerations.

- b) Hexcel has given thought to the possibility of public art but is not inclined to offer this on grounds of site security and the fact that Hexcel does not own the land at the 'gateway' of the site so could not offer a piece of art there. Policy SF/6 of the Local Development Framework, adopted 2007, encourages the provision or commissioning of publicly accessible art, craft and design works as part of the determination of major planning applications. It is not obligatory, nor is this provision a determinative matter. The draft condition has therefore been omitted.

### **Recommended Conditions**

#### **40. 1. S/1749/06/O Construction of a Carbon Fibre Precursor Plant**

1. Approval of the details of the scale and appearance of buildings, landscaping and layout of the site (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 five years from the date of this permission.  
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reasons - The application is in outline only.)
4. Before the plant hereby approved is brought into operation, a Travel Plan relating to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of targets and monitoring and be implemented as approved.  
(Reason - To ensure safe and efficient operation of the highway network and to facilitate greater levels of sustainable travel in accordance with Policy TR/3 of the Local Development Framework 2007.)
5. During the construction period, no construction vehicles including workers cars shall arrive at or depart from the development hereby permitted during the network peaks (0745-0900 hours and 1630-1745 hours).  
(Reason - In the interests of highway capacity and safety.)
6. During and after the construction period, no H.G.V. vehicles shall arrive at or depart from the development hereby permitted during the hours of 0745-0900, 1500-1600 and 1630-1745.  
(Reason - In the interests of highway capacity and safety, including avoidance of conflict with the traffic associated with Duxford Primary School.)
7. With regards to Conditions 5, 6 and 9 of this Decision Notice, a log of all vehicle movements shall be maintained at the development hereby permitted. Such log shall be kept up to date and made available to the authorised officers of the Local Planning Authority during normal working hours.  
(Reason - To ensure vehicle movements are monitored and to enable compliance with the Conditions to be verified.)

8. No development shall commence until a feasibility study for planting on the land shown edged black on drawing number F4-M-1500-0200-0032 to filter views of the site from Hinxton and public footpaths to the south and south east of the site has been submitted to and approved in writing by the Local Planning Authority; the study shall include a timetable for the planting to be carried out and the planting shall be carried out in accordance with the approved details and timetable.  
(Reason - To reduce the visual impact of the proposal from Hinxton and public footpaths in the vicinity.)
9. The maximum number of deliveries of Acrylonitrile shall not exceed 654 per year.  
(Reason - To control the level of operations as that recommended by the Health and Safety Executive.)
10. Before development commences, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out other than in accordance with the approved plan.  
(Reason - In accordance with Local Development Framework Policies DP/1 and NE/6, which require new development to maintain, enhance, restore or add to biodiversity.)
11. No trees shall be removed during the bird-nesting season (15th February – 15th July) unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To protect the habitat of nesting birds and, therefore, to improve biodiversity in accordance with Local Development Framework policies DP/1 and NE/6.)
12. Within 3 months of the completion of the development, or at such time as shall have been approved in writing by the Local Planning Authority, the contractor's storage yard, as defined by the uses A to F inclusive on drawing number F4-M-1500-0200-0032 franked "amended 15<sup>th</sup> June 2007" shall be substantially restored to its former condition immediately prior to commencement of development, or to a condition to be agreed in writing by the Local Planning Authority in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
(Reason - The yard is required for a temporary period only and its return to its former use would be in accordance with Local Development Framework Policy DP/1 – Sustainable Development.)
13. External lighting to the development, hereby permitted, including the contractor's storage yard, shall not be installed, other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason - Local Development Framework Policy NE/14 requires new developments to minimise light spillage.)
14. Before development commences, a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.  
(Reason - Local Development Framework Policy DP/1 and NE/3 requires new developments to maximise the use of renewable energy sources and provide at least 10% of their predicted energy requirements from renewable energy sources.)

15. Before development commences, a Water Conservation Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.  
(Reason - Local Development Framework Policy NE/12 requires new development proposals greater than 1,000m<sup>2</sup> to submit a strategy.)
16. Before development commences, a Waste Minimisation Strategy, covering the construction and operation of the facility, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.  
(Reason - Local Development Framework Policy DP/1 requires development to be consistent with the principles of sustainable development and Local Development Framework Policy DP/6 states construction waste should be recycled, where practicable.)
17. Prior to the development, hereby permitted, (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), the following components of a scheme to deal with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  1. A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.  
(Reason - Local Development Framework Policy Objective NE/h seeks to ensure that any risks to human health or the water environment from the re-use of land are addressed and to ensure that off-site landscaping works does not involve the recycling of contaminated material.)
18. The finished floor level of the buildings, hereby approved, shall be a minimum of 28.75 ODN, unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To avoid the risk of flooding the approved buildings.)
19. The development, hereby permitted, shall not be carried out unless vehicle-cleaning equipment has been installed on the temporary site access road serving the construction site. The equipment shall be capable of cleaning the wheels, underside and chassis of the vehicles. All vehicles leaving the site shall pass through the cleaning equipment in order to prevent mud and other detritus being carried onto the public highway. The surface of the road

between the cleaning equipment and the public highway shall either be formed of concrete or tarmacadam and drained away from the public highway. (Reason - To minimise the risk of mud being deposited on the public highway in the interests of highway safety.)

41. **2. S/1703/06/HSC Storage of Acrylonitrile**

1. The hazardous substance, Acrylonitrile, shall not be kept or used other than in accordance with the application particulars provided in the Hazardous Substances Consent Application Form, nor outside the areas marked for storage of the substance on the amended plan, drawing no. F4-M-1500-0200-0038, franked 15<sup>th</sup> June 2007, which formed part of the application.
2. No more than 400 tonnes of the hazardous substance, Acrylonitrile, shall be stored on the site.
3. The maximum number of deliveries of Acrylonitrile shall not exceed 654 per year.

(Reason for conditions: The assessment of risks carried out by the Health and Safety Executive is based upon the information provided in the hazardous substances consent application. The details of the substance, its maximum quantity, location, size and storage conditions of the storage vessels, delivery operations and the processing of substances are critical to the recommendation of the Health and Safety Executive not to advise against the application.)

**Section 106 Agreement**

42. The minute of Planning Committee sought to achieve an Agreement relating to traffic calming and highway safety improvements, off-site landscaping to help screen the development and a contribution to the construction of a cycle route between Ickleton and Duxford.
43. On a without prejudice basis, discussions have taken place between the applicant, officers, Duxford Parish Council and the Local Highway Authority.
44. A Draft Agreement has been prepared. It is attached as Appendix 4.

Essentially it requires the payment of a:

- a) cycleway contribution (£35,000) for a cycleway between Duxford and Ickleton along Ickleton Road;
- b) speed warning contribution (£34,500) for the installation of three flashing speed warning signs, one at each entrance to Duxford on Hunts Road, Ickleton Road and Moorfield Road; and a
- c) school warning sign contribution (£25,000) for the installation of two flashing warning signs at appropriate locations in the vicinity of Duxford Primary School.

In addition the owner shall:

- a) ensure that all day-time staff employed by the Development shall start no later than 8am unless the start time is also later than 9am;

- b) provide the Council, no later than the first anniversary of first occupation, with a junction safety assessment (the operation of the junction of Hunts Road and Ickleton Road) at a cost to the owner not exceeding £15,000; and
- c) following approval by the Council of the feasibility study required by condition 8 of the outline planning permission (see paragraph 40 above) to not occupy until a contract has been let for the planting in accordance with the approved scheme.

**Comments of Duxford Parish Council (19<sup>th</sup> September 2008)**

45. “The Council would like to record that they are dissatisfied that the draft agreement has been presented as a fait accompli. The Council were in discussion with Hexcel Composites and the Highway Authority from the very beginning and were under the impression that a suitable agreement had been reached with both. Had the Highways Authority any reservations about the provision of a pedestrian crossing they should have made their concerns known during those early discussions rather than imply their support.

Regarding the review of the junction at Hunts Road/Ickleton Road, the sum of £15,000 was agreed as a contribution towards the initial review and the cost of modifying the road layout. Can you confirm that this is still the case and that an assurance can be obtained from the County Council that they will implement any recommendations that arise from the review. Should this not be the case then the Council feel that financing a review only will be a complete waste of money.

Concerning the cycleway from Ickleton to Duxford, the Council would also like to record that they do not support that proposal.”

**Comments of Local Highways Authority (5<sup>th</sup> September 2008)**

It states:

46. “Experience has shown that, where a controlled pedestrian crossing, such as a pelican or a zebra, has low usage throughout the day, or is only used to any real degree at certain times of the day, the crossing itself engenders accidents.

This is because drivers become used to the feature, and, through never having had to react to it, become desensitised to its presence. On the rare occasion that they do encounter a pedestrian, they may be unable to react in time to avoid a collision.

For this reason there are strict guidelines on when a crossing may be installed, requiring a level of usage throughout the day to justify installation.

Commonly, where usage is heavy only during certain times of day, such as at sites associated with school trips, the site will not justify installation.

In the absence of such data to justify provision at this site, the site would not comply with the Highway Authority’s policies on installation, and so the Highway Authority’s officers would not be able to support the proposal through the required committee process.

The higher than average potential for injury would be raised at safety audit, and would require a specific justifiable response from the designers detailing why this site should be considered a special case. If the crossing were to be installed against



County policy and safety advice any subsequent accident could leave the designers and the authority open to legal actions by third parties.

An alternative scheme intending to slow vehicles down using interactive signage is seen as being preferable and more effective in achieving the aim of controlling driver behaviour in the vicinity of the school.”

## **Planning Considerations**

47. The Local Highways Authority has expressed reservations concerning the provision of a pedestrian crossing that had no supporting justification for provision.
48. Notwithstanding Hexcel's initial offer to contribute up to £25,000 for one zebra crossing on Hunts Road, the lack of technical support from the County Council has meant that this proposal has been omitted from the draft agreement.
49. So far as the junction safety assessment is concerned, the Highway Authority cannot give any categorical assurance that it will implement any recommendation for works to a junction, particularly as there is no relationship between the sum of money provided and any potential scheme. It says there is no justification in accident terms for requiring the developer to provide a scheme.
50. The County Council's position on this matter does question whether this obligation is necessary, having regard to the advice in Circular 05/2005.
51. Duxford Parish Council's objection to the cycleway is noted. However, Policy TR/1 of the Local Development Framework (LDF) Development Control Policies DPD adopted July 2007 encourages the Council to ensure that every opportunity is taken when considering applications to promote access by non-motorised modes, such as cycling. Policy TR/3 states that new development will be required to mitigate their travel impact. Financial contributions will be sought towards improvements in transport infrastructure in the wider area by increased development, in particular to support public transport, cycling and walking.
52. All construction and development-related traffic will access the site from Ickleton Road. A contribution to the construction of a cycleway between Ickleton and Duxford along Ickleton Road will provide a safe route for employees and for children attending school at Duxford. It will comply with the above-mentioned policies and will encourage employees to cycle.
53. The provision of warning signs does not appear to be controversial. The increase in construction and development-related traffic will be most noticeable on Hunts Road between the site and the M11/A505. Hunts Road passes the Village School, on the opposite side of which is a limited amount of residential development, including an affordable housing scheme.
54. The Local Highway Authority favours traffic calming measures in the form of interactive warning signs. It considers that this will provide net benefit to highway safety as opposed to the provision of a pedestrian crossing, which might actually be counter-productive.
55. This infrastructure provision is justified by Policy DP/3, reference above and which also requires all development proposals to provide safe and convenient access for all to public buildings and spaces and Policy TR/3, which requires development to

mitigate their travel impact, including their environmental impact, such as noise, pollution and impact on amenity and health.

**Recommendation`**

56. That Committee endorses its resolution of 9<sup>th</sup> January 2008 to approve the outline planning application and the hazardous substance consent application as amended by letter and plans franked 15<sup>th</sup> June 2007, subject to conditions and to the prior completion of the Section 106 Agreement, substantially in those terms as drafted in paragraphs 40 and 41 above and in Appendix 4, respectively.

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

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Ref: S/1749/06/O and S/1703/06/HSC
- Documents referred to in the report including appendices on the website only and reports to previous meetings

**Contact Officer:** David Rush – Development Control Manager  
Telephone: (01954) 713153

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0348/09/F - HISTON**  
**Erection of Dwelling at Land North of 26 Cottenham Road**  
**for Mr & Mrs Brooklyn & Mrs Young****Recommendation: Approve****Date for Determination: 11<sup>th</sup> May 2009****Notes:**

**This Application has been reported to the Planning Committee for determination on the written request of the local member Cllr Mason.**

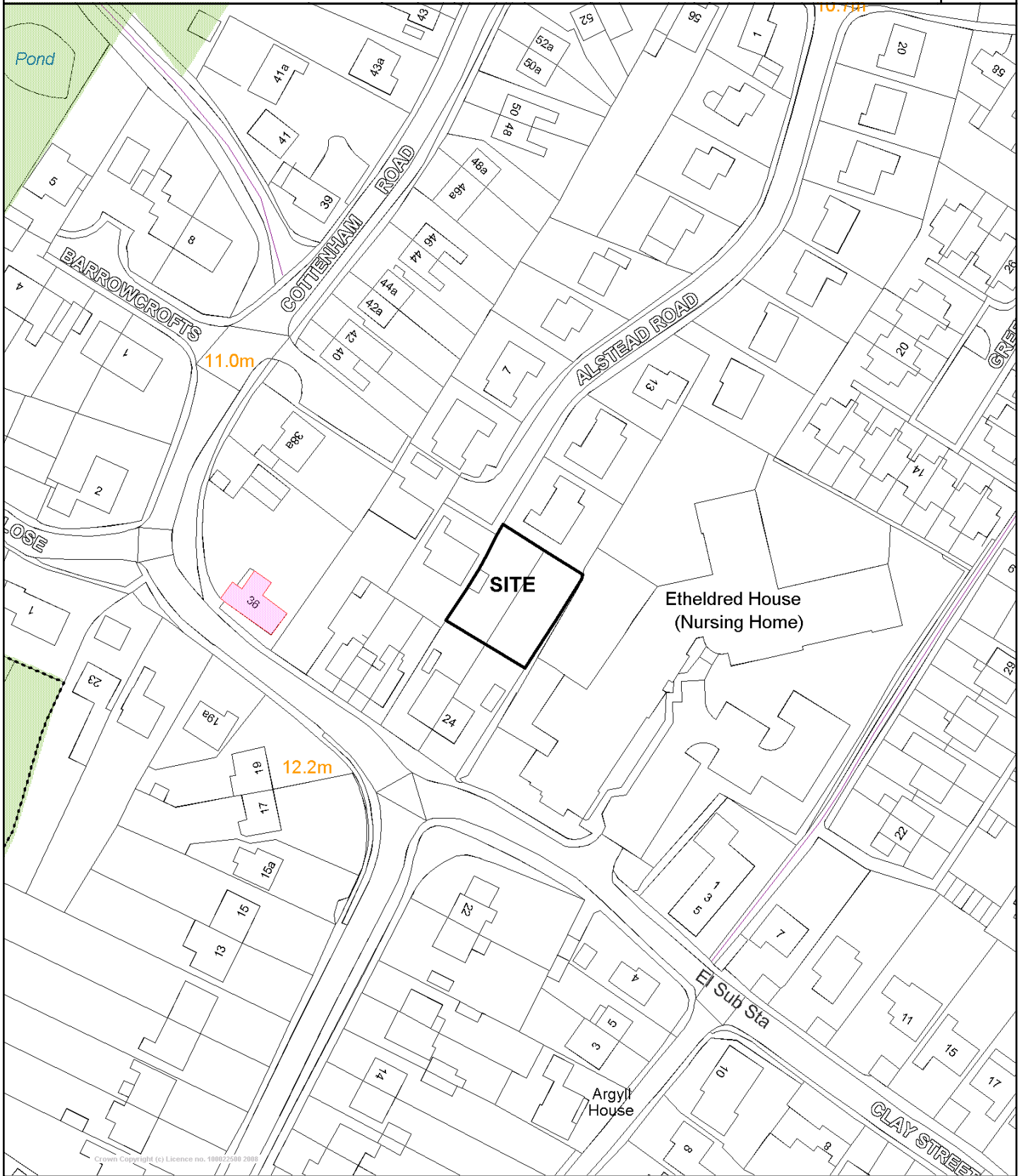
**Site and Proposal**

1. The 0.05 hectare application site consists of the rear most part of the back gardens of nos.26 and 24 Cottenham Road. The site is within the Histon development framework with Histon being defined as a rural centre by the core strategy "2007". The site is currently laid to lawn with minimal planting along its flanks other than an established narrow band of landscaping along the northern boundary, which abuts the residential curtilage of no.11 Alstead Road. The site is not within the Histon Conservation Area and no trees within or on the periphery of the site are afforded statutory protection.
2. The application site as existing is accessed by foot via nos.24 & 26 Cottenham Road. However, there is no current through access for vehicles to the application site. To the north of the site is the residential cul-de-sac Alstead Road. This road consists of a narrow no through road with the immediate houses abutting the application site being detached bungalows (Nos.10 & 11 inclusive). This road is a quiet cul-de-sac of relatively low density detached housing in a linear layout, comprising 20 dwellings.
3. The application, received 16<sup>th</sup> March 2009, proposes the erection of a single detached 3-bedroom bungalow, which would be situated adjacent to no.10 and at a right angle to no.11 Alstead Road. The dwelling would be similar in scale and design to that of the adjacent properties and would be accessed via an opening onto Alstead Road, which at present consists of a close-boarded fence boundary with a telegraph pole and street lamp onto the public footpath. The density equates to 20 dwellings per hectare. This application differs to that previously approved by the addition of a 1.5m x 1.0m pedestrian visibility splay to the northern aspect of the vehicular access.

**Planning History**

4. Planning Application **S/2059/09/F** for the erection of a dwelling was refused on 11<sup>th</sup> February 2009 on grounds of failure to provide adequate pedestrian visibility splays, thereby harming highway safety, contrary to Policy DP/3 of the Local Development Framework 2007.

S/0348/09/F - Histon



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Scale 1/1250 Date 17/4/2009

Centre = 543714 E 264211 N

May Planning Committee

### **Planning Policy**

5. *South Cambridgeshire Local Development Framework Core Strategy DPD 2007*  
**ST/4** Rural Centres
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  
**HG/1** Housing Density  
**SF/10** Outdoor Playspace, Informal Open Space, and New Developments  
**SF/11** Open Space Standards  
**TR/1** Planning for More Sustainable Travel  
**TR/2** Car and Cycle Parking Standards

### **Consultations**

7. **Histon Parish Council** – Comments are awaited (extension of time was afforded to the Parish Council due to the later receipt of their copy of the planning application).
8. **Local Highway Authority** – No significant adverse impact upon the public highway should result from this proposal. The pedestrian visibility splay is acceptable given the low level of pedestrian movements.
9. **Trees & Landscaping Officer** – No objection to proposed development.

### **Representations**

10. Cllr Mason - I am writing to confirm that I have again received requests that the Planning Committee determine this application. The objectors and the Parish Council will, I understand, wish to make representations at Committee. I was unable to attend the Parish Council last night but understand a number of residents were present to indicate their continued objection to the proposed access. From the drawing on the Web Site it would appear to me that the applicants have merely added a "theoretical visibility splay line". In practical terms therefore this would not overcome the objections based upon pedestrian safety etc. The applicants appear to be unwilling to consider any other arrangement and this therefore needs to be discussed with the applicant and objectors at Committee.
11. No neighbour letters have been received at the time of writing this report. However, the consultation period for neighbour responses along with that of the site notice does not expire until the 23<sup>rd</sup> April 2009. Any letters received will be summarised and provided as a verbal update at the Committee meeting.

### **Planning Comments – Key Issues**

#### ***Housing & Design***

12. The site would provide a residential density of approximately 20dph, which is considered acceptable for a modest 3-bed detached bungalow within this location, having regard to the character of development in Alstead Road and access considerations. Histon is a Rural Centre as defined by the Core Strategy; this allows development without restriction of the size of a scheme within village frameworks. Rural Centres are by definition the larger sustainable villages with good links to public transport and local services. The application site is considered to be well located to the village centre, with good access to

its services. Due to the site only being capable of accommodating 1 dwelling, the development would not require to provide any affordable housing.

13. The proposed dwelling would be built in line with the subtle stagger of the existing properties nos.9 and 10 Alstead Road. The building envelope would sit at a right angle to no.11 Alstead Road such as no.9 does at present to no.8. The building would be of a similar size and design to those within the street scene and I am of the opinion that the proposal would be sympathetic to the planned layout of the area. The development would provide adequate private amenity space for the proposed dwelling as well as the existing properties at nos.24 and 26 Cottenham Road.
14. The applicant has acknowledged the need to provide for off site informal open space infrastructure and has agreed to provide a scheme to the level of a 3-bedroom dwelling. This would equate to an approximate sum of £2,958.33 to be secured by condition.

### ***Access & Parking***

15. The proposed bungalow would be served via a vehicle access off Alstead Road upon the northwest corner of the site. This access would involve creating an opening, which currently consists of a close-boarded fence fronting the turning head to Alstead Road. The access would be approximately 2.9m wide leading to two off-road car parking spaces at the required dimensions of 2.4m x 5m. Given the sustainable nature of the site in terms of public transport and services, 2 car parking spaces are considered the maximum level of parking for a single 3-bedroom dwelling. The plans illustrate that these spaces can be achieved on site and that they provide adequate turning provision to allow vehicles to enter and egress within a forward gear.
16. The Local Highway Authority is of the opinion that given the likely low impact of traffic generation that would result from a single dwelling in this location, the proposed access is of sufficient width and location, to ensure that it would not be detrimental upon highway safety. It is acknowledged that the access does not provide the normal required standards of pedestrian visibility splays. However, pedestrians approaching from the west would be clearly seen by drivers leaving the access. Pedestrians approaching the access from the north would be afforded some visibility by the proposed 1.5m x 1.0m splay and the re-setting of a street light column within the rear area of the public footway immediately to the north of the proposed access. It would be necessary to define the visibility splay on the ground.
17. The two nearest properties to the application site; nos.10 and 11 Alstead Road do not have access points within close proximity to the proposed access (no.10 has its access upon its western boundary, whilst no.11 has its access upon its northern boundary). Therefore it is considered that on the grounds that vehicles can enter and egress the site within a forward gear that very little traffic conflict would occur through its use. Pedestrians would be unlikely to use this corner of the turning head in large numbers. Nevertheless, given the layout of the turning head the access would be highly visible to both vehicles and pedestrians upon approach.
18. Despite this proposal, the opening of an access onto Alstead Road would at present not require planning permission as Alstead Road is not a classified road. Therefore this action could be taken by the applicant at any time with the approval of the Local Highway Authority. An alternative access to the site from Cottenham Road would involve the demolition of an existing garage and would leave nos.26 or 24 without sufficient off road parking. Furthermore, an access off Cottenham Road would involve vehicles passing gardens of dwellings to the detriment of residents' amenity. Therefore it is considered that the current proposals would be best suited to providing a vehicular access to the site.

**Amenity & Street Scene**

19. The proposed dwelling is a single storey detached bungalow. It would share the same relationship to other properties of the surrounding detached dwellings within the street scene and would be of a similar scale and height. Given the low density and detached nature of Alstead Road I am of the opinion that the building would not result in any overlooking, overshadowing or overbearing impact upon any of the surrounding properties. The dwelling would result in a potential 5% increase of traffic movements within Alstead Road. I am of the opinion that vehicles entering and exiting the site within low gears would not be too dissimilar to vehicles manoeuvring within the turning circle and therefore the likely impact in relation to noise and disturbance to existing residents would be minimal.
20. The dwelling would be only partially visible from Alstead Road due to its corner position within the street scene. No.10 Alstead Road provides a high level close board fence along its northern elevation adjacent to the application site and the opening that would provide the vehicle access to the site would in my opinion provide an acceptable appearance to the turning head. Whilst it is acknowledged that the design of the dwelling is of no particular architectural merit, the dwelling would not be incongruous within the street scene due to it being sympathetic and in keeping with the properties that surround it, hence assisting its assimilation as part of Alstead Road.
21. Given the narrow access to the site concerns have been raised over the potential conflicts of noise and disturbance and traffic conflicts during the construction of the development. I am of the opinion that these matters can be overcome by suitable conditions restricting hours of operation of power driven machinery as well as the requirement of a method statement in relation to construction management.
22. The matter of relocating the existing street lamp and telegraph pole are not material planning considerations and are matters between the applicant and the relevant statutory undertakers, including the County Council, as Local Highway Authority. However, given the new location shown on the proposed plans of the street lamp, I am of the opinion that its re-location would make little difference to residential amenity.

**Recommendation**

23. Approve

**Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
2. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwelling or in accordance with a programme agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
4. The proposed access and turning area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. The proposed access way shall be hard paved for a distance of not less than 6m from the boundary of the adopted public highway and the site. (Reason - To prevent debris spreading onto the adopted public highway, which may represent a danger to other highway users in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. A visibility splay shall be provided on the north east side of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 1.5m x 1.0m measured from and along respectively the back of the footway. (RC.22).
7. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
8. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - i) Contractors' access arrangements for vehicles, plant and personnel;
  - ii) Contractors' site storage area(s) and compounds(s);
  - iii) Parking for contractors' vehicles and contractors' personnel vehicles;Development shall not be carried out other than in accordance with the approved details. (Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007) and Development Control Policies (adopted July 2007)
- Planning Application File ref: S/2059/08/F and S/0348/09/F

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

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**REPORT TO:** Planning Committee 6<sup>th</sup> May 2009  
**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0175/09/O - IMPINGTON**

**Affordable Housing (23 Unit Exception Site) at Land to the South-East of, St Georges Court for HR Properties Ltd and Bedford Pilgrim Housing Association**

**Recommendation: Delegated Approval**

**Date for Determination: 14<sup>th</sup> May 2009 (Major Application)**

**Notes:**

**This Application has been reported to the Planning Committee for determination because of the recommendation of refusal by Impington Parish Council does not accord with the officers' recommendation.**

**Site and Proposal**

1. The application site consists of an area of paddock land, which is generally flat with hedgerows to the north, east and southern boundaries. The site is approximately 0.56 hectares in area and is situated directly outside of the Impington village framework within the Cambridgeshire Green Belt. Impington is defined as a Rural Centre in the Core Strategy DPD and is considered one of the larger, more sustainable villages within South Cambridgeshire.
2. There is a residential cul-de-sac to the north of the site at St Andrews Way and the nearest dwellings lie within St Georges Court to the northwest. St Andrews Way contains a mixture of semi-detached and terraced dwellings with a dense landscape buffer to its southern boundary separating it from the application site. Access to the site at present is via a tarmac car parking area between nos.6 and 7 St Georges Court. To the southwest lies Middle White Farm a former piggery that is now used as a veterinary surgery. The site is approximately 850m from the nearest bus stop and the village college and nearest shop is approximately 1.9km to the south.
3. This proposal seeks outline approval for the determination of layout and access only, with scale, appearance and landscaping to be determined at a later date. This application was registered on the 12<sup>th</sup> February 2009 and proposes the erection of 23 affordable dwellings. The development would represent a residential housing density of approximately 43 dwellings per hectare, with a net gain in housing of 22 dwellings.
4. Access to the site is to be obtained via St Georges Court following the demolition of no.7 St Georges Court. Parking for 36 cars is to be provided along with cycle parking for 46 spaces and an additional 6 visitor spaces.
5. A revised layout plan and additional information was received on 20<sup>th</sup> April 2008, which illustrates the proposals capability to provide the housing mix required to meet local need. These revisions also provide the required kerb radii of 6m as requested by the Local Highway Authority.

S/0175/09/O - Impington



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Scale 1/2500 Date 17/4/2009

Centre = 545276 E 263529 N

May Planning Committee

### **Planning History**

6. Planning Application **S/1602/05/F** was approved for change of use from office to vets.
7. Planning Application **S/1936/06/O** was refused and dismissed upon appeal for residential development.
8. Planning Application **S/0237/07/O** for affordable housing was withdrawn.
9. Planning Application **S/1767/07/O** was refused and dismissed upon appeal for the outline consent of 20 affordable homes.

### **Planning Policy**

10. Government Guidance  
Planning Policy Guidance Note 2 “Green Belts” (**PPG2**)  
Planning Policy Statement 3 “Housing” (**PPS3**)

East of England Plan 2008  
**SS1** Achieving Sustainable Development  
**SSR3** Green Belt

South Cambridgeshire Core Strategy 2007  
**ST/1** Green Belt  
**ST/4** Rural Centres

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  
**GB/1** Development in the Green Belt  
**GB/2** Mitigating the Impact of Development in the Green Belt  
**HG/5** Exceptions Sites for Affordable Housing  
**NE/1** Energy Efficiency  
**NE/2** Renewable Energy  
**NE/3** Renewable Energy Technologies in New Development  
**NE/6** Biodiversity  
**SF/10** Outdoor Playspace, Informal Open Space, and New Developments  
**SF/11** Open Space Standards  
**TR/1** Planning for More Sustainable Travel  
**TR/2** Car and Cycle Parking Standards

South Cambridgeshire Draft Design Guide SPD 2005  
**Open Space SPD 2009**

### **Consultations**

11. **Impington Parish Council** – S/0175/09/0 is like S/1767/07/O, which was substantially identical to application S/0273/07/O that was withdrawn before determination. As such the Parish’s response, one of recommending refusal, is unchanged in principle.

12. The Parish Council recommends refusal on the following grounds:
  - a) The Housing Needs Survey is out of date, suggests requirements for a mix of housing sizes not demonstrated to be met by the application, and presents a confusing picture of demand and not necessarily need;
  - b) The application fails to meet Policy HG/5 1(d), in that it is not site is well related to facilities and services within the village;
  - c) The application fails to meet Policy HG/5 1(c), in that the site of the proposal is not well related to the built-up area of the settlement;
  - d) The application fails to meet Policy HG/5 1(c), in that it does not demonstrate secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in housing need;
  - e) The site, by its distance from all services and facilities is not suitable for affordable housing according to government guidelines, and the access to these facilities is also unsafe for pedestrians and cyclists.
  - f) The Parish Council believes alternative appropriate sites can be brought forward in the next 12 months;
  - g) The application fails to meet Policy ST/4 Para 2, in that it does not demonstrate that there are adequate services, facilities and infrastructure in Histon & Impington;
  - h) There is inadequate parking for the number of cars that would reasonably be expected to be needed by residents. By its location this will be a car using development.
  - i) The details provided are incomplete; may be contrary to SCDC requirements and some details of the design are unsafe.
13. **Affordable Housing Panel** – Meeting of 31<sup>st</sup> March 2009: the panel disagree with the principle that the amount of affordable housing proposed would outweigh the unsuitable location of the proposed site. In turn the panel felt very strongly that should the application be approved it would undermine Policy HG/5 setting a precedent for future unsuitable sites.
14. Officers confirmed that, subject to suitable amendments addressing the outstanding matters at the time of this meeting being received, officers would be minded to recommend approval of the application.
15. *The full comments from the Parish Council and the Affordable Housing Panel can be found within the Appendix to this report.*
16. **Local Highway Authority** – The visibility splays are acceptable as they conform to the design precepts of the Manual for Streets. The applicant has provided sufficient empirical data to demonstrate that St Georges Road can be classified as a lightly trafficked lane.
17. As the internal layout satisfies the minimum requirements of the Highway Authority and as it has already been dimensioned, it is acceptable to the Highway Authority.
18. The Highway Authority will seek to adopt the carriageway and footways.
20. **Environment Agency** – The site is within Flood Zone 1 and it is considered that are no other Agency related issues the Agency does not wish to comment on the proposal.
21. **Old Western Internal Drainage Board** – No comment.

22. **Housing Development** – The team fully support this application for affordable development on this site. The site would be for local people and would therefore cater and help address local need. The Housing Needs Survey which was completed in 2005, indicated that in the next two years from the date of the survey there was a need for 64 properties with a further 66 being required within 2-5 years.
23. The site is an exception site and Policy HG/5 supports the provision of 100% affordable housing on small sites within the Green Belt. The provision of 23 units on this site would assist in meeting some of the need identified, provided that it can satisfy planning colleagues on the other criteria that is used by planning to assess whether this site can be brought forward for affordable housing development.
24. There is no detail regarding tenure split, or property types within the application and this would be expected to be consulted upon once a more detailed application has been agreed.
25. **Environmental Health** – Problems may arise from noise and suitable conditions restricting the use of power-operated machinery during construction should be imposed. Furthermore, informatives should be imposed requiring details of pile driven foundations “if proposed” and stating that no bonfires or burning of waste can take place without the consent of the environmental health officer.
27. **Landscape Design** – I should like to see the buffer planting strip removed and the land incorporated into the rear gardens of plots 1-5. The houses need to be moved back (NE) slightly to release land which could be shared to improve the front view of the end blocks (1-5 and 16-23). These boundaries that face on to house frontages should all be brick so that permanent planting can clothe them to form a high quality outlook from the end blocks.
28. There seem to be unnecessary duplication of paths, which could release more land. This would be particularly valuable in front of 6-15 as it is essential that there is space for planting to soften the fronts of the buildings. If there are to be trees in front of plots 6-15, which is desirable, the foundations need to be built to accommodate them as they are too close to the buildings currently. A detailed landscape plan will be required in due course.
29. **Trees & Landscaping** – Details of boundary treatments will be required to be submitted under a landscaping scheme.
30. **Ecology** – The Ecology Officer’s main interest in the site is the hedgerow on the southern boundary. It should be maintained in its current statement during the course of construction. Protective measures (i.e. fencing) should be in place to secure this. The hedgerow must not be removed or damaged if maintenance work to the ditch is required. A condition requiring a scheme of nest box provision should be attached.
31. **Sustainability Officer** – The detail submitted with this application in relation to sustainability is poor, nevertheless, the site does, from the plans submitted, appear to lend itself to a layout which maximises solar gain. This is briefly mentioned within the Design and Access Statement as something that will be picked up on in the detailed development of the design. With this in mind, and considering the list of topics that it is specified will be assessed in this process, we would expect the following requirements/standards to be delivered as a minimum for the site:
  - a) Code for Sustainable Homes Level 3 for all residential properties.

- b) A detailed demonstration that the site will deliver a high degree of measures to increase the energy efficiency of all new properties, for example through location, layout, orientation, aspect and external design - including the carefully designed use of thermal mass, air circulation and heat recovery ventilation systems.
  - c) Installation of renewable energy technologies that will provide at least 10% of the site's predicted energy requirement. We would expect this to be assessed in terms of a 10% reduction in CO<sub>2</sub> emissions. All on-site energy requirements need to be included (e.g. street lights, car parks communal areas, lifts etc). A feasibility study should be carried out to assess the best renewable energy technologies to be deployed. Energy consumption should be calculated according to the methodology set out in the London Renewables Toolkit. A table should be completed to show both the baseline energy consumption and carbon dioxide emissions generated by the development, as well as energy consumption and carbon dioxide emissions generated after energy efficiency measures have been applied. This should include SAP calculations and estimates for all other on-site energy requirements, justification of selected renewable energy option(s) and a demonstration how they will deliver at least 10% of the site's predicted energy requirement. Detailed information illustrating how the layout/visual implications will be integrated into the development should also be included.
  - d) Full account to be taken, and the necessary measures/technologies put in place, to ensure that the dwellings are proofed against the effects of climate change that are likely to compromise future living standards or lead to expensive (and potentially high carbon) retrofitting – e.g. overheating, water shortages and flooding.
32. **Sports Development** – No formal comments have been received but the revised layout was discussed with Jane Thompson “Cultural Services Manager” who indicated verbally that the onsite provision in addition to financial contributions towards off site provision appeared acceptable.
33. **Drainage Manager** - No comments have been received
34. **Urban Design** – No comments have been received
35. **Environmental Services** - No comments have been received
36. **Anglian Water** – Have confirmed that the applicant will have to make a request to the water authority under the appropriate section of the Water Industry Act. They have provided advice by way of suggested informatives within their report.

### **Representations**

37. Bedfordshire Pilgrims Housing Association have confirmed in writing that the site will in line with housing need meet the required housing mix to provide families on low income levels an opportunity to remain living in the village in which they grew up.
38. **Local Member - Cllr Mike Mason** - I believe that that I have made my own representations as a local member very clear to the panel. These views have been consistent from the outset and I copy below an email sent following the first application for this site. In the changed from Local Plan 2 to LDF policies I do not believe there has be any material change of wording which would change my view. However as indicated by the Parish Council representatives (and their evidence was noted as unchallenged by the inspector) the whole traffic, safety of pedestrians and distance from village facilities are key in terms of sustainability and in my view should carry more weight as objections. I would add only that if the objectors, the Parish Council and myself were able to persuade

the Committee to refuse this application then we would be willing to attend and make these representations direct to an Inspector at any subsequent appeal. As such if this were to occur I would make the request that any such appeal be determined by at a hearing rather than by written representation. This is not the first time that I have made such a request and I do so again because I believe that a strong case could be made to support any decision of refusal. It would appear to me the previous Inspector by making an unaccompanied site visit may have missed some vital points on the matters referred to above. I attach a copy of the document sent to Scrutiny Committee members.

39. *Copies of Cllr Mason's email dated (relating to comments upon the previous application) can be found attached within the appendix to this report.*
40. 4 letters of representation have been received, 3 of which outline the following objections:
- a) The surrounding area is not built up and this proposal would result in an urban jungle at the bottom of our garden in St Andrews Way;
  - b) The noise from the construction and occupation of the development would be detrimental;
  - c) There is an abundance of wildlife within the site, which would be lost by virtue of this development;
  - d) There have been enough houses built within the Arbury Park development;
  - e) The view and value of our property would be affected;
  - f) Access to the area is limited and parking in the area is already congested;
  - g) There is bird life "in risk" within the site, which would lose their habitat;
  - h) The location is unsuitable for key-workers as the site is some distance from locations such as the hospital;
  - i) The location could not be further from local shops, schools and bus services;
  - j) Why develop the Green Belt when there are other sites more suitable;
  - k) No.10 St Andrews Way would suffer a loss of privacy as the development introduces properties that would overlook our back garden and rear of the house;
  - l) It is deeply offensive that another planning application has been registered so soon after the last was declined. What is the point of a system that appears to favour development by attrition?
  - m) There is insufficient infrastructure within the village to support this development;
  - n) The roads into the village are busy and dangerous with no safe route for children with large sections of roads without pavements;
  - o) The development would result in residents being forced to use their cars, which would result in increase traffic movements through the village adding to existing situation even worse;
  - p) The traffic survey submitted was carried out during a half term period;
  - q) Local drainage is appalling with the road in St Andrews Way regularly flooding during heavy rainfall;
  - r) The sewage system is poor, further housing within the vicinity would place greater strain on the existing inadequate amenities;
  - s) The development would detract from the openness of the site contrary to Green Belt Policy;
  - t) Necessary infrastructure and affordable housing has been provided elsewhere within the village such as Orchard Park;
  - u) The ancient hedge, which separates the north side of the allocation site from St Andrews Way, should not be removed;
41. The remaining 1 letter of representation outlines the following in support of this application:

- a) There is a dire need for affordable housing nationally and in particular locally;
- b) Central Government has issued a very optimistic building schedule for the next few years and the last thing that's needed is the scuttling of otherwise reasonable plans for just this type of development;
- c) This plan was submitted once before and despite the recommendation of officers was rejected by the Parish Council for minor reasons;

### **Planning Comments – Key Issues**

#### ***Green Belt***

42. The site is within the Green Belt and as stated within Planning Policy Guidance Note 2: Green Belts (PPG2) the construction of new buildings inside a Green Belt is inappropriate unless it is for certain purposes. These purposes include limited affordable housing for local community needs under development plan policies according with Planning Policy Statement 3: Housing (PPS3). PPS3 indicates that the provision of affordable housing in rural communities, where viable and practical should consider allocating and releasing sites solely for affordable housing. Using such sites as rural exception sites allows an exception to the restrictions on building within the Green Belt and this proposal is therefore not considered inappropriate development.

#### ***Sustainability & infrastructure***

43. The inspector's report on the previously refused planning application S/1767/07/O makes reference to the fact that the walk from the site to the village college is convenient along the footpath. It is also noted that the college provides a range of facilities including community education and sports. Notwithstanding this, it is also noted that the nearest junior, infant and nursery school are a considerable distance away. The Parish Church is also identified as close by with the provision of limited services and events. It is also acknowledged that the inspector refers to the access to these services as along a narrow footpath adjacent to a busy road.
44. The site is upon the northern fringe of the village and abuts the village edge. The scale of the development is considered at the higher end (23 units) for an exception site; however, given that the village is a rural centre and other similar schemes have been implemented successfully in smaller villages the development is considered appropriate in comparison to the scale and character of the village. It is acknowledged that the site is not particularly well related to the built up core of the village, however, the village centre is accessible by foot, public transport and the motorcar.
45. It has been documented by the inspector's report that Impington has sufficient services and facilities to cater for this development. Although the means of access to these facilities are limited it is clear that by the site and village's rural nature residents will rely on the use of the motorcar. Despite the limited infrastructure for access to the village core, the inspector commented in detail on public safety in terms of the highway network and the only issue raised was the impact of on street parking. Parking is addressed in a separate section below.

#### ***Housing Need***

46. Bedfordshire Pilgrims Housing Association (BPHA) has provided written confirmation that they are fully supportive and are on board to deliver this scheme should it be approved. They acknowledge the required housing need within the village and state they are willing to meet the required housing mix and tenure as identified by the housing development officer.



47. The proposed development is identified as a 100% affordable housing exception site and the applicant has confirmed their willingness to enter into a section 106 legal agreement to ensure that the affordable housing proposed would cater for those in housing in need in perpetuity. This agreement would give Impington residents or those connected to the village the chance to be allocated such housing depending on their suitability in accordance with the current affordable housing mechanisms.
48. It has been identified that current need within the village requires predominantly 2 and 3 bedroom dwellings. The layout proposed would allow for an adequate mix of 2 and 3 bedroom properties within the criteria for minimum floor space. The housing development officer has suggested a preferred layout of 15 x 2-bedroom units and 8 x 3-bedroom units. The applicant has been asked to address this and illustrate upon a revised layout that such a layout could be provided. Given the current financial market, it is considered that the housing should be 100% social rented to ensure a full capacity of accommodation.

The revised layout plan is deemed to address the required mix and housing need.

### **Access**

49. The Local Highway Authority have confirmed that the proposed access would provide sufficient visibility splays as they would conform with the design principles of the Manual for Streets. The additional information submitted in relation to traffic generation is deemed satisfactory in demonstrating that St Georges Road can be classified as a lightly trafficked lane. Notwithstanding this further information is required to illustrate the kerb radii at 6m at the site entrance. The revised plan now addresses this issue, however, no comments from the Local Highway Authority have yet been received confirming this matter.

### **Car Parking**

50. The development would warrant the maximum level of parking as the site is in a rural location where car dependency is likely to be high. Despite Impington being defined as a Rural Centre, the site lies outside of the core of the settlement where public transport is not as readily accessible. Therefore 23 dwellings at the maximum standards would require 34.5 spaces for residents along with short-term visitor spaces. The development proposes 36 spaces along with an additional 6 visitor spaces. This is considered acceptable and in line with the standards set out in Policy TR/2 and therefore would address reason for refusal 2 in both planning application S/1767/07/O and the inspector's report.

### **Amenity**

51. The proposal would involve the demolition of no.7 St Georges Court in order to facilitate a vehicle access clear of no.6 St Georges Court. Planning application S/1767/07/O and the subsequent appeal decision both resulted in refusal to the proposal on the grounds of the detrimental impact of vehicular movements between nos.6 and 7. The demolition of no.7 is considered to provide an adequate gap between the access road and no.6 to provide a lightly trafficked lane without resulting in a detrimental impact upon the amenity that the occupiers of no.6 currently enjoy.
52. The application site is protected from views to the north by built development within the village framework encompassed by St Andrews Way. Furthermore, the periphery of the site benefits from a natural landscaped boundary. The proposed housing layout would meet the criteria of the South Cambridgeshire Design Guide draft SPD, 2005, in that

the proposed dwellings would be located suitable distances away from housing within St Andrews Way and St Georges Court. The development is therefore considered to not result in the detriment of the character and rural landscape of the village.

***Other matters***

53. Whilst this application seeks the determination of access and layout only it is essential that the development can provide adequate amenities to provide for public open space and landscaping.
54. The revised layout plan does provide the sufficient space for an area of Local Area for Play (LAP) and an Informal Play Space (IPS) in accordance with the Open Space SPD adopted in 2009. These areas will be afforded some natural surveillance by the surrounding housing and are considered to be reasonably well located as they are distributed evenly throughout the development. Both spaces meet the minimum activity zone of 100msq and would allow for 5m buffers from residential dwellings. The detail of these spaces will be agreed under the landscaping detail to be determined at the reserved matters stage.
55. The sum required from the developer to provide for off site open space would equate to £47,142.67. Impington is identified as having a shortfall in both play space and sports provision. The applicant has been made aware of this requirement and has no objection.
56. The landscaping shown within the layout plan is indicative and the final landscaping details for both hard and soft landscaping are to be agreed at the reserved matters stage. It is felt that there is sufficient scope to provide adequate landscaping for a development of this scale within this current layout.
57. The revised layout now provides a 11m turning area at the end of the access road, which is considered sufficient to allow refuse vehicles to turn and exit the site within a forward gear. It is acknowledged that the Council's Environmental Services team have not commented on this application, nevertheless, the scheme does meet the required building regulation standards for emergency vehicle access.
58. Although no comments have been received from the Authority's Drainage Manager, suitable conditions in relation to surface and foul water drainage will be attached to this consent in line with the comments made by the Drainage Manger upon planning application S/1767/07/O to which no objections were raised.

***Conclusion***

59. The proposed location of this development and its access to the core of the village is considered adequate to suitably serve a development of this scale. In addition it is acknowledged that the proposal would have an impact upon the rural character of this part of the village whilst resulting in an increase in traffic movements to the area. Whilst acknowledging such impact the resultant harm has been considered in depth and afforded sufficient weight. Nevertheless, the resultant benefit that the proposal would bring to the village in addressing much required housing need has also been considered in detail. In balance it is considered that the site does accord with the relevant policies within the development control policies DPD and that the community benefit of the provision of much needed affordable housing would warrant a recommendation of approval.

**Recommendation**

60. Approve - Application dated 30<sup>th</sup> January 2009 as amended by layout plan date stamped 21<sup>st</sup> April 2009.

**Conditions**

1. Approval of the details of the scale and appearance of buildings 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. 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.)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. The existing hedge upon the southern boundary of the site shall be retained and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless agreed otherwise in writing by the Local Planning Authority. (Reason - To protect the hedge, which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
6. No demolition, site clearance or building operations shall commence until a scheme for the protection of the southern hedgerow during construction has been submitted to and approved by the local planning authority. Development shall be carried out in accordance with these approved details. (Reason - To protect the hedge, which is 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.)

7. No development shall begin until details of a scheme for the provision of outdoor sports and playing space and informal open space infrastructure to meet the needs of the development in accordance with Policies SF/10 and SF/11 of the Local Development Framework Development Control Policies 2007 has been submitted to and approved in writing by the LPA. (Reason: To ensure the development provides a suitable level of public open space for occupants of the development, in accordance with Policies SF/10 and SF/11 of the South Cambridgeshire Local Development Framework 2007.)
8. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
9. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
10. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the Local Planning Authority. (Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
11. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
12. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the

Local Planning Authority. (Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

13. No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained. (Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

14. No development shall take place until an energy audit has been submitted to and approved in writing by the Local Planning Authority. The energy audit shall include:

An assessment of the predicted carbon dioxide emissions of the development once occupied;

A review of alternative methods for reducing the predicted carbon emissions of the development once occupied and their anticipated effectiveness;

Proposals for measuring the effectiveness of the chosen methods for reducing the predicted carbon dioxide emissions of the development once occupied; and

Consideration of how the layout, orientation, design and materials used in the construction of the development can affect the consumption and use of energy.

No development shall be carried out other than in accordance with the approved energy audit. (Reason - To ensure an energy efficient and sustainable development in accordance with Policies NE/1 and NE/3 of the adopted Local Development Framework 2007 and government guidance in PPS1 Delivering Sustainable Development and PPS22 Renewable energy.)

15. The development shall not begin 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. The scheme shall include:

- i. The numbers, type and location on the site of the affordable housing provision to be made;
- ii. The timing of the construction of the affordable housing;
- iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

(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.)

16. Prior to the commencement of the development hereby approved a water conservation strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented. (Reason – To comply with Policy NE/12 Water Conservation of the South Cambridgeshire Development Control Policies DPD, 2007.)
17. The development, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
18. The proposed access and turning areas shall be provided before the development hereby permitted is occupied and thereafter retained as such. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. The development, hereby permitted, shall not be occupied until parking and turning space has been laid out within the site in accordance with the approved layout drawing. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Draft Design Guide SPD 2005.
- Public Open Space SPD, 2009
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- East of England Plan 2008
- SS1 (Achieving Sustainable Development)

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

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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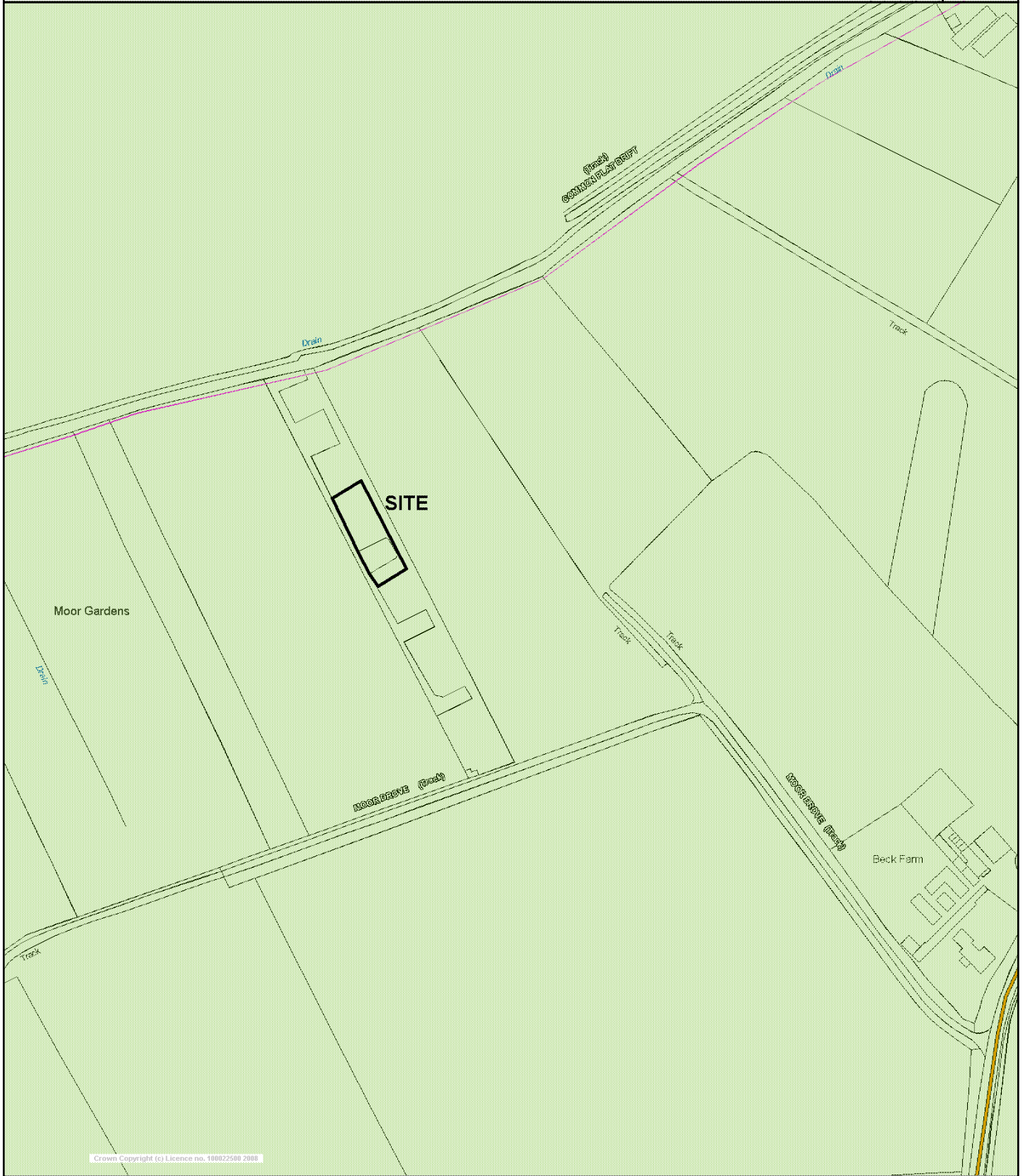
**S/1968/08/F - HISTON****Utility Building (Retrospective Application) at 4 Moor Drove for Mrs Lynne Price****Recommendation: Delegated Approval****Date for Determination: 9<sup>th</sup> April 2009****Notes:**

**This Application has been reported to the Planning Committee for determination because the officer's recommendation of approval is contrary to the provisions of the development plan and has attracted an objection on material planning grounds.**

**Departure Application****Site and Proposal**

1. The application site is part of a larger site used as a gypsy caravan site with permission for up to twelve caravans serving six families (see planning history below). The application site serves five related families. It is sited north of Moor Drove, a private farm road accessed via Cottenham Road (B1049); it is outside of Histon's village framework and lies within land designated as Cambridge's Green Belt.
2. The site is relatively flat and featureless, although the south-western boundary is marked by a 1.8 metre high, panel and trellis timber fence and the north-eastern by a low post and rail fence. The site is divided into 6 plots sited on the south-western side of the site, with an access road running the full depth of the site, along its north-eastern boundary. On the northern part of plot 4 there is currently an unauthorised shed that has previously been used as a day room. It is intended that this be removed.
3. To the southwest and northeast of the site are open fields used for grazing horses. To the northwest is a treed hedgeline and drainage ditch, beyond which is open countryside. To the southeast is the frontage to Moor Drove and plot 1, in separate ownership. The site is screened from public vantage points by vegetation to Moor Drove and Cottenham Road.
4. The site area is to be amended to encompass the five plots that the proposed utility building is to serve and notice will be served on the four other owners.
5. This full planning application, validated on 4<sup>th</sup> February 2009, seeks permission for a day room to serve five families occupying this authorised gypsy site. The building is single storey and measures 11.8 metres wide by 5.9 metres deep, with an eaves height of 2.5m and ridge of 3.9 metres. The footprint measures 70 metres square. The application has been made retrospectively and accommodates an open plan, living, dining, and kitchen area off which a toilet is accessed. This has not been

S/1968/08/F - Histon



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Map Planning Committee



equipped with a bath and contains only a sink and toilet. A Design and Access Statement and a Flood Risk Assessment accompany the application.

### Planning History

6. Planning applications relating to this site at Moor Drove include:
  - (a) **S/1895/07/F**Siting of 12 Caravans, refused on 29/11/07. An appeal was allowed on 3<sup>rd</sup> September 2008, the Inspector having concluded that 'very special circumstances' had been demonstrated that outweighed the harm to the Green Belt by way of inappropriateness and other harm identified. The permission was granted subject to a number of planning conditions, which are in the process of being discharged. It was made personal to the appellant and other site residents. At the time of writing no breach of planning condition had resulted.
  - (b) **S/0647/06/F**Siting of 12 Caravans, withdrawn 25<sup>th</sup> May 2006.
  - (c) **S/2230/03/F**Siting of 6 Caravans, 6 Mobiles & 6 Day Rooms and Improvement to Access, refused on 14<sup>th</sup> January 2004.
7. An enforcement notice, dated 8<sup>th</sup> December 2008, took effect on 12<sup>th</sup> January 2009. It required the demolition of the brick-built single storey building within one month of the date the notice took effect. No appeal was submitted within the timescale.

### Planning Policy

8. **Planning Policy Guidance 2: Green Belts - identifies a general presumption against inappropriate development in the Green Belt. Paragraphs 1.4 and 1.5 in regard to openness and purpose of including land in the Green Belt are relevant.**
9. **Department for Communities and Local Government 'Designing Gypsy and Traveller Sites Good Practice Guide' (2008).**
10. **East of England Plan 2008:**
  - (a) **ENV7:** Quality in the Built Environment
  - (b) **CSR3:** Green Belt
11. **South Cambridgeshire Local Development Framework (LDF) (a) Core Strategy and (b) Development Control Policies DPDs (2007):**
  - (a) Policy **ST/1** Green Belt
  - (b) Policy **DP/1** Sustainable Development
  - (c) Policy **DP/3** Design of New Development
  - (d) Policy **DP/3** Development Criteria
  - (e) Policy **DP/7** Development Frameworks
  - (f) Policy **GB/1** Development in the Green Belt
  - (g) Policy **GB/2** Mitigating the Impact of Development in the Green Belt
  - (h) Policy **NE/6** Biodiversity
  - (i) Policy **NE/9** Water and Drainage Infrastructure
  - (j) Policy **NE/10** Foul Drainage – Alternative Drainage Systems
  - (k) Policy **NE/11** Flood Risk

### Consultation

12. **Histon Parish Council** – Recommends refusal, commenting:  
'With regard to this application (S/1968/08/F 4 Moor Drove) we would recommend, indeed expect, refusal. It is development in the Green Belt and is totally inappropriate

in this location. The building has been erected in direct contravention of the planning permission granted on appeal, about the use of the land dated 3<sup>rd</sup> September 2008. That appeal specifically just allowed – and only just in conditions 43 and 44 – planning permission for the retention of (a) gypsy caravan site for 6 families with 12 caravans with hardstanding etc. The applicant for this application was one of the appellants in that appeal, should be well aware that this building was not allowed under that appeal decision and that to build it was in blatant disregard of the planning law that we expect all the population to adhere to. We are surprised in these circumstances that this application has been accepted as an application. We are confident that SCDC planning will accept out recommendation to refuse and will enforce that refusal’.

13. **Cottenham Parish Council** – Recommends approval.

14. **Traveller Site Team Leader (Affordable Homes)** – Comments:

“The utility block that has been built to service the needs of around 14 people who have no services directly to their caravans and who make up Mrs Price’s extended family living permanently in Moor Drove.

It comprises a kitchen/living area and bathroom facilities. In my opinion, it is an essential for this large family and meets their needs”.

### **Representations**

15. A letter of objection has been received from the occupier of Beck Farm, Cottenham Road. Beck Farm, fronting Cottenham Road, is the closest neighbour to the site and shares the access road. The letter raises the following issues:

- (a) The unauthorised development is in the Green Belt and represents inappropriate development with no justifying very special circumstances.
- (b) Permission was given on appeal for 12 caravans, 2 per plot, one of these could be a mobile with no limit on its size. No permission was granted for a brick building.
- (c) Permission was given on grounds of ethnicity and an aversion to bricks and mortar.
- (d) Planning permission conditions stated that once occupation by the named person finished all structures should be removed. When Mrs Price vacates the site, removing a brick structure will be more complex.
- (e) The brick building is visible from the public highway to the north and has caused much comment from people not so aware of the original caravan site.
- (f) The plans do not include the chimney structure and no details of a structural report.
- (g) The size and height of the building assimilates badly in comparison with the caravans in the open site. No further landscaping has been undertaken and would take many years to mitigate the obtrusive nature of the building.

### **Planning Comments – Key Issues**

16. The key issues in determining this planning application are firstly, whether it constitutes ‘appropriate’ development in the Green Belt, whether harm is caused to the Green Belt, visual amenity of the countryside and flood risk. If ‘inappropriate development’, are there very special circumstances which, on balance, outweigh the harm by reason of inappropriateness and any other harm?

***Green Belt – inappropriate development***

17. The development of a utility building to serve a gypsy or travellers' site does not fall within the definition of development that is 'appropriate' in the Green Belts, set out in paragraph 3.4 of Planning Policy Guidance 2: Green Belts. As such, it is by definition harmful to the Green Belt, by way of inappropriateness. Paragraph 3.1 of PPG2 states that such development should not be approved except in very special circumstances.

***Green Belt – character and appearance, and openness***

18. The building does detract from the openness of the area in so far as it introduces permanent development into a gypsy site. This should carry weight in reaching a decision. The Moor Drove gypsy site does however benefit from a personal planning permission and so it is necessary to consider the actual visual impact of the building upon the character and appearance of the countryside.
19. In granting planning permission, the appeal Inspector referred a number of times to the fact that the site is not visible from the public vantage points due to the surrounding landscape, which provides a green screen. I have not been able to identify any public views of the building. Nonetheless that factor does not outweigh the impact on openness.
20. Plot 4 has planning permission to site two caravans on the plot. A mobile home, typically will be just under 4 metres in height. The building proposed is just 3.9 metres high to its ridge, although a small chimney does protrude above this roofline. The roofing material is a grey concrete tile with red ridge tiles. At a distance of approximately 200m to the nearest public viewpoints I consider it unlikely that the building will be unduly noticeable given the ridge height, choice of materials and screening.
21. In terms of the appearance of the building itself, which is of brick and tile construction, it looks like a small bungalow. The external materials are characteristic in colour and finish of those found elsewhere in the area. Ideally the building might have been finished to appear like a rural building, perhaps with timber boarding, however as it is not noticeably visible from public viewpoints it would be necessary to consider if it were reasonable to impose such a requirement if approved. The requirement at paragraph 7.20 of the Good Practice Guide (see para. 9 above) must be noted, in that 'its construction should be sympathetic to local architecture, attractive and of a domestic nature and meet the requirements of PPS3'. As such the design and appearance of the building is considered acceptable in this location.

***Other harm***

22. The site is within the countryside. Policy DP/7 limits development to that which needs to be located in the countryside. In granting planning permission for the gypsy site, the Inspector at appeal noted that "...the fact that development is not visible from public vantage points does not make it acceptable in the countryside. It could be repeated too often with resultant harm to the character of the countryside" (para. 13). He acknowledged that changes to the access and vehicular movements from it would be noticeable and such harm to the countryside was caused. He went on add however that the impact on the character and appearance of the countryside must be considered in the context of advice in PPG2 and PPS7 and that there was limited harm to the countryside. The same remains true of the application proposal.
23. The site lies within an area of medium and high flood risk. The application is accompanied by a flood risk assessment that was prepared to support the application for the site's use as a gypsy caravan site. This confirms that plot 4 is outside of the high flood risk area and lies within Floodzone 2. Confirmation is awaited from the

agent that appropriate flood resilient measures are included. However as the building is not used for sleeping accommodation it is considered to be otherwise acceptable.

***Very special circumstances***

24. The application identifies as 'very special circumstances' as the health and hygiene benefits of an ancillary amenities building and that the same reasons that justified the establishment of a caravan site in the Green Belt also apply i.e. in granting the permission for Moor Drove the Inspector attached significant weight to:

"...the need for additional gypsy sites in the area; the fact that this need will not be addressed on the ground for at least 3 to 4 years; the immediate needs of the appellant and the other site residents for a site; the fact that no suitable alternative, affordable site have been identified to which they could move if evicted from the site; the need to access medical care; the need for the children to continue their education; the need for Mr Smith to live near the rented land where he keeps his horses; and the substantial hardship and costs the site residents would face if forced to leave the site with nowhere to go" (para. 41, Appeal Decision APP/W0530/A/08/2067087).

In reaching a decision it is necessary to decide whether these considerations cumulatively are sufficient that they clearly outweigh the harm to the Green Belt and countryside.

25. The Inspector's decision was made after the Good Practice Guide was published in May 2008. It carries the same weight as Planning Policy Guidance in reaching a decision.

26. The building is intended to serve six related families who all live on the caravan site. The guidance states in relation to amenity buildings:

'It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units' (para. 7.17) and;

'The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area...Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a typical living room as enjoyed by other sectors of the community' (para. 7.19).

27. This application proposes a single building to serve fourteen people living on five plots owned by the applicant and extended family. The building itself is larger than would normally be expected, however this accommodation is smaller than is recommended if each plot were to have sought planning permission for their own individual structures. As the planning permission is personal to the applicant's family it is not unreasonable that a single, larger building serve this function. I consider therefore that the size of building is justified by the personal circumstances of the needs for this extended family.

28. The Inspector, in his decision letter of the September 2008, concluded the very special circumstances (see para. 24 above) outweighed harm of the traveller site by reason of inappropriateness, "small amount of harm at a local level, to the openness of the Green Belt" and conflict with two of the purposes (safeguarding the countryside from encroachment and preventing neighbouring towns from merging into one another) of including land within the Green Belt.

29. The Gypsy site is already lawfully established in the Green Belt and the health and hygiene benefits of ancillary amenity buildings are the same in the Green Belt as elsewhere. Government guidance supports the provision of amenity buildings on all new Gypsy sites and that support should logically extend to established sites. In this case the building will replace a shed, albeit smaller in footprint, and will serve the residents' needs of the majority of the plots on this site.
30. I conclude that in combination these are the very special circumstances required by the Development Plan and PPG2 which justify inappropriate development in the Green Belt and which outweigh limited harm to openness of Green Belt and to the countryside.

***Other matters***

31. The Parish Council has objected to the application on grounds that it is made retrospectively. This is not a material planning matter, and the application must be considered on its merits.
32. No permission was granted on appeal for a brick building because it was not part of the application and was not before the Inspector to determine.
33. There is an extant enforcement notice on the site requiring the building now applied for to be demolished and the land returned to its former condition. This has not been complied with and no action has been taken in order to consider this application. If planning permission is granted it will be withdrawn. The Enforcement Notice was served before the full information of the use of and the very special circumstances for the retention of the building was known in the submitted Design and Access Statement.
34. The planning permission, granted at appeal, for the gypsy site is subject to a number of planning conditions. In particular, condition 6 requires:

'The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) Within 3 (three) months of the date of this decision schemes for:
- Improvements to the junction of Moor Drove/Cottenham Road in accordance with details shown on Drawing No R1653/3;
  - The provision of traffic signs in Cottenham Road to the north and south of Moor Drove in accordance with Diagram 6506.1 of Chapter 4 of the Traffic Signs Manual;
  - The provision of foul and surface water drainage to the site;
  - The proposed and existing external lighting on the boundary of and within the site;
  - A flood evacuation plan, which is to be held on the site and available for use at all time; and
  - Tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; shall have been submitted for the written approval of the local planning authority and the said schemes shall include timetables for their implementation.
- (ii) Within 11 months of the date of this decision the site development schemes shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a

- decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.
  - (iv) The approved schemes shall have been carried out and completed in accordance with the approved timetables'.
35. The above schemes were submitted, with timeframes for completing them within the three-month period. All details have been responded to, however officers have sought further information in relation to drainage, lighting and landscaping. The applicants can appeal non-determination of this submission or provide the further information requested in order to gain approval. The time frames provided with the schemes indicate that all schemes will be completed within the 11-month deadline. Officers are confident that the condition will be complied with and the use of the site will become legal.
36. A planning condition is recommended to ensure that, if the use does not become lawful, the building be removed, along with the site's clearance, as required by condition 6 (see paragraph 34, above). This is considered to be necessary and reasonable, as the building would not be permitted if it were not required to meet the families' needs. This is in accordance with guidance in Circular 11/95: The use of conditions in planning permissions, (paragraph 113), which advises that if requiring the cessation of a use of land it is necessary to also require the removal of structures at the expiry of permission.
37. Similarly, a condition ensuring the building's use is made personal to the lawful residents of the site, through not to be used for overnight accommodation is recommended. Although this approach is not normally recommended Circular 11/95 advises (paragraph 92) that conditions restricting occupancy should only be used when 'special planning grounds can be demonstrated, and where the alternative would be refusal of permission'. It is considered reasonable and necessary therefore to also ensure that this building, which is larger than would otherwise normally have been permitted, is available for use by all residents and not just those on plot 4, as the facility is considered to be essential; a view supported by housing and government guidance.
38. The application is considered against the requirement of the Green Belt (Direction) 2005 procedure. The development proposed does not have a floorspace of more than 1000m<sup>2</sup> and, although it is by definition 'inappropriate' development, it will not by reason of its scale, nature or location, have a significant impact on the openness of the Green Belt. In such cases it is not necessary under the Green Belt Direction (2005) to notify the Secretary of State prior to the grant of planning permission.

### **Recommendation**

39. It is recommended that, subject to: no new material planning considerations being raised during the statutory departure notification period (expiring 11<sup>th</sup> May 2009), adequately addressing flood risk, receipt of a revised location plan showing all of the plots to be served by the building within the red line area, service of appropriate notices on the other land owners affected and receipt of revised plans including the chimney, delegated approval be granted.

## Conditions

1. The dayroom building hereby permitted shall not be occupied other than by Sharon Price (Plot 2), Georgina Price (Plot 3), Lynne Price (Plot 4), Danny Price (Plot 5) and Harry Price (Plot 6) and any dependant living with them. The building shall not be used for overnight accommodation. When the building is no longer occupied by any of these persons, or the site ceases to be used as a gypsy caravan site to accommodate any of these persons, the use hereby permitted shall cease and within six months thereof the building shall be demolished and the resultant materials removed from the site.  
(Reason - To ensure that the essential facilities provided within this building are made available to all residents for which it is intended to serve, as the size of the building has been justified on the basis of personal circumstances in this particular case in order to comply with Policy GB/1 of the adopted Local Development Framework 2007.)
2. The use of the existing dayroom building shall cease and the building shall be demolished within 1 month of the date of failure to meet the following requirement set out below:  
Within 3 months of the date of this decision the single-storey timber shed building to the rear (north west) of the dayroom building shall be demolished and the resultant materials removed from the site.  
(Reason - To minimise the impact of the development upon the openness of the Green Belt in accordance with Policy GB/1 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- East of England Plan (adopted May 2008)
- Planning Policy Guidance 2: Green Belts
- Planning Policy Statement 7: Sustainable Development in Rural Areas
- CLG 'Designing Gypsy and Traveller Sites Good Practice Guide' (May 2008)
- Circular 11/95: Use of conditions in planning permissions.
- Planning Files Ref: S/1968/08/F, S/1895/07/F, S/0647/06/F and S/2230/03/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Planning Committee

6<sup>th</sup> May 2009

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

**C/6/9/1A**

**Discharge of Condition 3(a)(iii) and (vi) - Cambridgeshire Guided Busway  
Design and External Appearance of B1050 Park and Ride Junction and Longstanton  
Park and Ride Site**

**Recommendation: Approval**

**Notes:**

**This submission was considered at Planning Committee on 4<sup>th</sup> June 2008. The recommendation of approval is contrary to Parish Council objections.**

**Background**

1. On 21<sup>st</sup> December 2005, the Secretary of State for Transport directed that planning permission be deemed to be granted for the development included in the Cambridgeshire Guided Busway Order. One of the ten conditions reads:

(Condition 3)

- (a) Work shall not begin on each of the following items of development until, in each case, prior written approval of their design and external appearance has been obtained from the local planning authority:
  - iii) the formation, layout or alteration of any means of access to any highway used by vehicular traffic; and
  - vi) Park and Ride sites, including finished ground levels for sites located within the indicative floodplain.
- (b) The works shall be carried out in accordance with the approval given by the local planning authority, or, if that authority gives prior written approval to any amendment or alteration, subject to such amendment or alteration.

The reason for the condition is to ensure the satisfactory appearance and functioning of the development, in the interests of highway safety.

2. The minute of Planning Committee on 4<sup>th</sup> June 2008 reads:

“Prior to considering this application, the Committee attended a site visit on 4<sup>th</sup> June 2008. The Committee gave Officers delegated powers to **DISCHARGE** Condition 3(a)(vi) relating to the design and external appearance of the Longstanton Park and Ride site in accordance with the amended drawings submitted by letters dated 8<sup>th</sup> November 2007 and 20<sup>th</sup> March 2008, subject to agreement being reached on a timescale for completion of the dedicated bus, foot and cycle way connection to Northstowe, the use of full cut off luminaries in accordance with the recommendations of the Institute of Lighting Engineers, revisions to planting proposals between the balancing pond and the B1050 carriageway to

include an appropriate replacement of the hedge, suitable measures to protect the access and parking on it at "Southwell" and the provision of a footway/cycleway between Longstanton and the Park and Ride site".

3. Amendments, submitted by letters dated 23<sup>rd</sup> February 2009 and 12<sup>th</sup> March 2009 propose a total of 700 parking spaces constructed in two phases of 350 each, of which 32 spaces (8%) would be for disabled persons. Works to the B1050 junction and ground works in the Park and Ride site have commenced.
4. Other elements of the scheme include:
  - (a) Park and Ride Building - details approved.
  - (b) A cycleway is proposed from the B1050 Station Road and follows the entrance road into the bus terminal area. There is provision for cycle shelters to accommodate 100 cycles (50 in each phase).
  - (c) Two walkways have been provided for pedestrian access through the parking area from the furthest parking row to the bus terminal. Future connections to Northstowe are shown on the south and east boundaries.
  - (d) Access into the Park and Ride is provided from the B1050 Station Road via a signalised junction and then through a roundabout. The highway junction has been moved some 32 metres north of its original position opposite the bungalow "Southwell". The alignment of the approach road has consequently been adjusted and there is now a single surface water balancing pond south of the approach road. To achieve the junction, the alignment of Station Road has been moved eastwards for a distance of approximately 180 metres south of the proposed junction. This will involve the loss of that extent of hedgerow on the east side of the road.
  - (e) Landscaping proposals include native screen planting between 5m and 20m wide on the western, southern and eastern edges and larger stock trees planted in an avenue arrangement alongside the central pedestrian routes. Land around the balancing pond and south of the approach road will be planted with a mixture of native screen planting, wildflowers, grassland, reedbed and 'aquatic' planting.
  - (f) Native screen planting "to be constructed by others" will be provided between the balancing pond and the cycle route alongside the B1050 on the northbound approach to the Park and Ride.
5. In a letter dated 13<sup>th</sup> November 2008, the Project Manager addresses the following points:
  - (a) "The County Council (CCC) has confirmed that they will be instructing their Highways Department to construct a cycleway from Longstanton to the Park and Ride site. Albeit that these works are not part of BAM Nuttall's scope of works, the County has undertaken to complete these works.
  - (b) We have reviewed the impact on the design of a change from 10m to 8m lighting columns and can confirm that it is our intention to replace the 10m columns with 8m columns without modifying the layout. There is a small impact on the lighting levels in three areas but these can be addressed.

- (c) As discussed, we can confirm that there will be screen planting on the boundary between the B1050 and the Park and Ride site, although the final design of the cycleway may impact on the type and location.
- (d) With respect to the entrance for Mrs Kides and her small retail business we can confirm that the road lane width for the new junction is not reduced below that of the existing road (additional space is provided on the P&R side of the junction) and as such cars will continue to be able to pass those that may be stopped at the entrance to Mrs Kides' property".

### **Consultations - amended scheme**

6. **Longstanton Parish Council** re-iterates objections made on 1<sup>st</sup> May 2008. Specifically it comments:

"General - there should be a clear warranty on planting and a specific proposed maintenance regime during that period. There is a road segment labelled, "future connection to Northstowe". This link should be removed. It will discourage pedestrian and cycle traffic, contrary to the aims of this "prototype ecotown." It will also provide potential to use the parking facility as a cut-through during rush-hour.

It is unclear why the screening along the B1050 in drawings 092 and 094 is not being provided for by the developers. Existing residences must be provided with screening from the Park and Ride, and that screening must be in place early in the development.

Section 3 - 100 spaces for bicycles does not seem sufficient to encourage green transport, especially since it will want to draw from Northstowe, not just existing residences. The P&R provision must include the B1050 cycle/pedestrian access (paved) and screening.

Section 4.1.1 - It is unclear what the density of the plant screening will be, and how the visual impact will change through the year (e.g. percent deciduous vs evergreen). The area should be fully screened year-round.

Section 5 - Cycle access into the Park and Ride stops at the entrance. There should be provision for a separate cycle lane along both sides of the Park and Ride into the parking area (drawings 091 and 092). There appears to be no cycle access from northern Longstanton and Willingham. Dedicated pedestrian and cycle access should be provided by the proposal at least as far north as the bus crossing.

Section 7.4.1 - B1050 storm sewers already overflow, and so cannot be expected to handle extra capacity from such a large impervious surface. All water must be attenuated on site, with a demonstration that peak run-off and total from the site will not be greater than it was before construction began in the area (i.e. run-off should be as if it were a field with a significant amount of evapotranspiration from plant matter and with nearly all the rest being groundwater run-off rather than the overland run-off proposed.

Section 7.5 - Foul sewage should be handled on-site (e.g. via reed beds) until such time as Anglian Water make good their commitment to fully upgrade the system from Longstanton. There is already flooding along the B1050 in people's gardens; no extra effluent should be permitted in residential gardens.

Section 8 - Lighting should be limited to use only while the Park and Ride site is open in order to avoid light pollution and to reduce energy use, in line with the goals of the

prototype ecotown of Northstowe. Lighting must be demonstrated to be not directly visible from any existing residence to avoid polluting residences with light (i.e. making the site not in keeping with the surrounding homes). Lighting must be low-energy downlighting to avoid general light pollution in the area. Longstanton is a rural setting, and is not amenable to the glow of urban lighting. It is not clear that the proposed lighting meets these criteria.

The new junction shows limited access to and from the property of Mrs Kides ("Southwell"). Mrs Kides has operated a small retail business from her property for over 30 years, and is dependent upon the income she generates. The Parish Council is concerned that limited access to "Southwell" raises road safety concerns for Mrs Kides, pedestrians and drivers. It is not good enough for the current road-edge simply to be maintained. At present if a car draws in and stops in order to purchase from Mrs Kides' stall, the road is still wide enough for other vehicles to overtake. However, under the three-lane proposal the lanes will necessarily be narrower than at present. Anyone stopping at Mrs Kides' stall would block the flow of northward traffic. The only solution is to widen the road adequately at this point."

7. **Willingham Parish Council** - No additional comments received.
8. **Ecology Officer** has no specific comments, other than welcoming the extensive wildflower planting.
9. The **Landscape Design Officer** considers the proposed pedestrian route to Northstowe to be acceptable in the short term. In the longer term it would be preferable to have the footway along the south side of the outer roadway.

It is also recommended that the north-south central avenue planting is completed in its entirety in the first phase so that the trees match.

#### **Representations - amended scheme**

10. Resident of "Southwell" still has concerns on the following matters:
  - (a) The proposed traffic lights at the new junction will cause vehicles to queue on the two lanes outside her access, blocking this entrance. This will prevent vehicles, including service deliveries, refuse and visitors to the vegetable and flower stall, from stopping, but also driving in and out of the property. No solution has been offered.
  - (b) The reduction in height of lighting columns is welcomed but the number of lights will harm the environment of "Southwell", "Stanton House" and Northstowe.
  - (c) A proposed temporary footpath on the east of the B1050 and south of the Park and Ride junction to the Longstanton Bypass roundabout could be completed where the alteration of the road will take place in connection with the Park and Ride. Sight of the final design of the footway/cycleway and landscaping between the B1050 and the Park and Ride site is sought. Who will construct the cycle route and provide the replacement screen planting alongside it?
  - (d) A proposed lamp post will be close to or on the edge of the driveway. This will cause light pollution and make it difficult for cars to turn in and out of the driveway.

- (e) There is a headwall proposed south of the drive. What is its purpose?
- (f) There are still drainage problems to be resolved:

The pumping stations and Over Sewage Treatment works are working above capacity. It is unacceptable to continue to put more sewerage into a system that frequently breaks down because it works above capacity.

- (g) After heavy rains any attenuation system will reach capacity very quickly and must drain into a system that may not have the capacity to cope. Willingham High Street will be in danger of flooding. Who is responsible for maintaining the balancing pond? A security fence should be provided around the pond for public safety.
- (h) About 13 feet of ditch north of "Southfield's" driveway has been left open. This will be dangerous to the public but also difficult for SCDC to keep it clean from weeds and rubbish.

11. Residents of "Stanton House" object. In addition to the concerns raised by the resident of "Southwell", the additional issues are raised:

- (a) Access to/from Stanton House will also be blocked at busy times. New signs and lamp posts will obscure line of sight of oncoming traffic from both directions.
- (b) Exhaust from stationary traffic will increase air pollution risk.
- (c) Fencing and screen planting on the east side of the B1050 is essential and should be provided by the Developers.
- (d) The use of traditional, inefficient and oversized lighting scheme design risks gross light pollution. Insufficient on-off timing information has been provided to be able to form a complete assessment about light pollution effects.

12. Gallagher Estates comment:

1. We support the inclusion of the indicative highways links between the Park and Ride and the adjacent Northstowe development. These proposals appear to positively respond to comments we made on the design of the Park and Ride site in our correspondence dated 9<sup>th</sup> December 2008 (Your Ref: C/6/9/1A/DJR).
2. We also support the inclusion of the new indicative cycle path from the junction of the Park and Ride and the B1050 south towards Longstanton village. We have additional comments on this part of the submission:
  - (a) We have seen no supporting, written information and on the basis of the plans submitted to discharge these conditions, we question why there is not a combined footpath and cycle way adjacent to the B1050 south towards Longstanton village for all non-motorised users.
  - (b) It is unclear from the plans what movement cyclists from Longstanton village heading towards the Park and Ride would make once they have turned right into the Park and Ride access road.

- (c) It is unclear how and what surface or cycle infrastructure the new indicative cycle path ties into at the southern edge of the Limits of Deviation of the CGB works.
- (d) We note the use of the phrase 'constructed by others' to describe how the new indicative cycle path will be implemented. Without a clear explanation of the strategy for non-motorised users wishing to access the Park and Ride from the south, there would appear to be potential safety issues and a lack of clarity about movements in and out of the Park and Ride and heading south towards Longstanton village. This strategy should provide a clear explanation of who will implement the new indicative cycle path and when the works are proposed."

### **Planning Comments – Key Issues**

13. The key issues identified by the Planning Committee minute are:

- (a) Links to Northstowe;
- (b) Lighting;
- (c) Landscaping alongside the B1050;
- (d) Access and parking at "Southwell"; and
- (e) Footway/cycleway link to Longstanton.

#### ***Links to Northstowe***

14. In response to the suggestions made by Gallagher Estates, the CGB Team has incorporated three future routes from Northstowe into the layout of the car park, two on the south boundary and one on the east boundary. These will provide pedestrian and cycle access and in one case, a bus link. In accordance with Policy NS/11(8) of the Northstowe Area Action Plan, adopted 2007, there should be no direct road access to the site from Northstowe. No motorised vehicular traffic, other than for essential access, should use the route into Northstowe.

#### ***Lighting***

15. As amended, the Park and Ride site will be extensively lit from 8m high columns for safety reasons. The reduction in height is welcomed. The lighting design will be in accordance with British Standards and the recommendations of the Institute of Lighting Engineers, which recommends the use of full horizontal cut-off luminaires installed at 0° uplift to reduce sky glow and to minimise visual intrusion and light pollution. Lighting at the Cambridge Park and Ride sites has been successful in achieving this objective. The lights will be switched off outside of operational hours. These measures, together with the distance in excess of 200 metres between "Southwell" and the Park and Ride site and the intervening landscaping, will minimise visual impact in the longer term.

16. 8m high lighting columns are proposed on the west side of the B1050 on the northbound approach to the Park and Ride junction. One is proposed on the north side of the driveway to "Southwell". This should not interfere with access on the driveway, although I have asked the applicant if this can be moved a short distance to the north.

#### ***Landscaping alongside the B1050***

17. The CGB Team has confirmed that the screen planting alongside the B1050 will be provided to suit the available planting space between the balancing pond and the realigned kerb line. The actual species will be confirmed on future drawing

submissions. The final design of the cycleway (see below) may also impact on the type and location of screen planting.

***Access and parking at "Southwell"***

18. The access to "Southwell" will be some 17 metres south of the proposed traffic lights controlling northbound B1050 and right-turning Park and Ride traffic. At the entry point to "Southwell" there will be a two-lane approach to the traffic lights.
19. The CGB Team has indicated that the road lane width for the new junction is not reduced below that of the existing road (additional space is provided on the Park and Ride side of the junction) and as such cars will continue to be able to pass those that may be stopped at the entrance to "Southwell".

***Footway/Cycleway link to Longstanton***

20. A 2.0 metre wide footway has been constructed on the east side of the road from Longstanton village northwards to the new bypass roundabout and finishing adjacent to the Golf course clubhouse. North of that point and as an interim measure, pending Northstowe development, it is intended to improve the verge for safer use by pedestrians and cyclists using a rolled road planings surface, not constructing a sealed surface cycleway. Work has commenced and has reached the southern site access to the Contractor's yard.

***Other issue - Drainage***

21. Drainage for the Park and Ride will discharge via permavoid storage units, which attenuate the flow, to the storm sewers on the B1050, in accordance with requirements of the Environment Agency. Attenuation will be to a permissible greenfield run-off rate. Foul drainage from the Park and Ride building, which has been approved, will discharge to a foul water sewer in agreement with Anglian Water. The open ditch on the west side of Station Road is an awarded watercourse and works to it have to be carried out in accordance with Land Drainage byelaw approval.
22. The proposed headwall south of the drive to "Southwell" is shown in error. A new headwall has been constructed to the north but there is to be no change to the south.

***Recommendation***

23. It is recommended that Condition 3(a)(iii) and (vi) be discharged in regard to the design and external appearance for the B1050 Park and Ride junction and the Longstanton Park and Ride site in accordance with the amended drawings submitted by letters dated 23<sup>rd</sup> February and 12<sup>th</sup> March 2009 and subject to final submission and approval of detailed landscaping for the screen planting on the east side of the B1050 and completion of the dedicated bus, foot and cycleway connections to Northstowe in accordance with an agreed timescale.

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

- South Cambridgeshire Local Development Framework Northstowe Area `Action Plan (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: C/6/9/1A
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Contact Officer: David Rush – Development Control Manager  
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0249/09/F - BARRINGTON****Removal of Condition 1 of Planning Permission S/0764/07/F****Barrington Hall, Haslingfield Road, Barrington for Mr M Sutcliffe and Ms F Fernandes****Recommendation: Approve subject to Conditions****Date for Determination: 20<sup>th</sup> April 2009****Notes:**

**This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to a number of representations and because the site is located within the Conservation Area.**

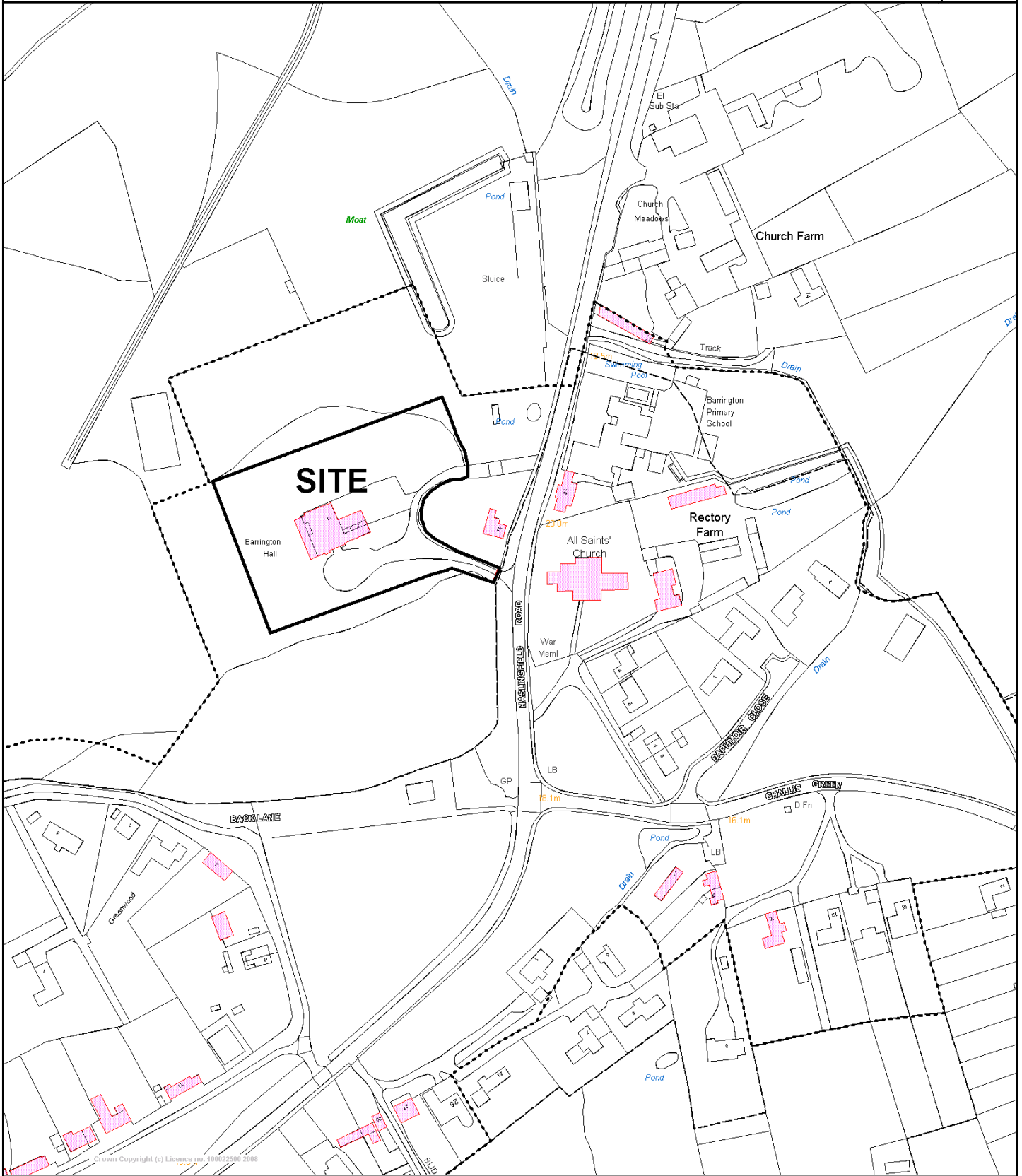
**Conservation Area****Listed Building****Site and Proposal**

1. The 0.94-hectare application site is located to the west of Haslingfield Road opposite All Saints Church on the outskirts of the Village Framework for Barrington. The site comprises a large 3-storey Grade 2 Listed Building with a smaller associated lodge, also a Listed Building, located 55 metres to the east of the main building and approximately 15 metres north of the entrance. The application site does not refer to all the grounds owned by the applicant, comprising some 3.7 hectares. The aforementioned buildings are predominately bound by trees and shrubs to the north, south and west and a mixture of fencing and wall on the eastern boundary, fronting Haslingfield Road, all of which is outside of the application site edged red.
2. The application received 20<sup>th</sup> February proposes the removal of Condition 1 of Planning Permission S/0764/07/F that proposed extensions, alterations and a change of use from office to part residential and function facility. The said condition reads as follows:

*The permission for the function facility use of the site, hereby permitted, shall be for a limited period only expiring on 30<sup>th</sup> April 2009, at which time the use shall cease unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason- In order that the Local Planning Authority can properly assess the operation of the use on the amenity of adjoining residents and highway safety).*

The application is accompanied by a Planning Statement and an Acoustic Report.

S-0249-09-F



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May 2009 Planning Committee

3. Access to and from the site is from Haslingfield Road, directly opposite the village church. This scheme included the access to the main building from Haslingfield Road and proposed a single storey extension 13m x8.3m in area to the eastern elevation for the erection of a swimming pool at lower ground level, internal alterations to the Listed Building and a change of use to part of the ground floor of the building. The intention was to use this for business and social gatherings such as weddings, parties and conferences. Numbers ranging from 30 to a maximum of 240 people were proposed, using associated external marquees also, the largest of which is estimated to be approximately 21 metres x 9 metres in area.
4. The application proposed a maximum of 32 events (with an average of 160 guests) per year, the majority of which to be held at the weekend and 70 events (with an average 60 guests) per year, the majority on weekdays.

## **Planning History**

5. Barrington Hall has been used as offices for over 20 years, the most recent tenants, Global Graphics, IT specialists, departed from the premises in December 2006 when the lease expired. The owners of the property have been residing in the associated aforementioned lodge. There have been an array of earlier planning applications dating back from 1965, however the majority of which are not directly related to the current outstanding application.
6. An application submitted late 2006, planning reference **S/1993/06/F**, comprised the same proposed development as that of **S/0764/07/F**. This was withdrawn in December 2006 following negotiations and considerations, not just in terms of planning but also directly linked with the conservation and preservation side of the works proposed.
7. Planning reference **S/0764/07/F** was granted temporary consent at Planning Committee 1<sup>st</sup> August 2007 until 30<sup>th</sup> April 2009 and subject to restrictive conditions including time limits on music played, number of events held per year, firework displays and highway conditions.

## **Planning Policy**

### **Circular 11/95 “The use of conditions in planning permissions” Paragraph 112**

8. Under the above reference it is stated that a second temporary consent should not normally be granted. A trial period should be set sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer.
9. **South Cambridgeshire Local Development Framework Development Control Policies 2007**

**DP/1** – Sustainable Development  
**DP/3** – Development Criteria  
**DP/7** – Development Frameworks  
**CH/3** – Listed Buildings  
**CH/5** – Conservation Areas  
**NE/15** – Noise Pollution

## Consultation

10. **Barrington Parish Council** – Recommends approval for permanent permission subject to the following conditions:
- (a) “The dB limit inside the marquees to be 85 peaking to 90, and the monitoring to continue. The Parish Council would welcome a tangible commitment to the construction of a permanent dedicated function room.
  - (b) There would be no firework displays.
  - (c) The location of the marquee to remain the same.
  - (d) Live and recorded music shall not be played between the hours of 23.00 and 09.00hours at any event unless previously agreed.
  - (e) The function facility shall not exceed 24 events per year and the conference use 70 events per year.
  - (f) No functions shall be on Sundays or Public Holiday Mondays.
  - (g) The vehicular access be widened to enable coach and bus services for guests to enter and leave the site safely, removing the need for set down and waiting on Haslingfield Road.”
11. **Corporate Manager (Health and Environmental Services)** – “An acoustic report has been submitted in association with the planning application and I am satisfied with its content. Investigations when amplified music has been played in the marquee have indicated that a statutory noise nuisance is unlikely to be caused. However, to protect the amenity of nearby premises I would recommend the imposition of the following condition:
- When Music events are held in association with the use hereby permitted and within an external marquee, they shall be in full accordance with the noise mitigation measures detailed in the conclusion of the acoustic report entitled ‘Barrington Hall noise Breakout from Marquee’ for Helen Fernandes of Barrington Hall by Tim Lewers BSc MSc MIOA dated February 2009.”*
12. **Conservation Manager** has no objections to the scheme. “The condition in question does not impact or affect the Listed Building or the Conservation Area directly. As a result the team is happy to defer the matter to the planning officer. If they are minded to approve the removal of this condition, it is important to ensure that all factors have been carefully considered against the information put forth. If there are additional variables that the team should be aware of please bring it to our attention.”
13. **The Local Highways Authority** had no objection in principle to the previous application subject to widening the access within the site and that there was adequate space clear of the highway for two cars to pass safely before entering. This has been achieved. The Local Highway Authority has not yet commented upon this application. Any comments will be reported verbally at Committee.

## Representations

14. An email received from the agent dated 17<sup>th</sup> April 2009 provides a list of all the events (19 in total) held at the Hall from the date of the consent to January 2009 that had live bands or amplified music. It includes some of the dates that have been mentioned by local residents.
15. As with the previous application there have been numerous letters received regarding this application. In total, at the time of writing this report 25 letters of support have been received, 3 of which are from non-residents of Barrington and 3 that raise minor

concern over noise on specific dates. I have received 4 letters of objection to the scheme in its entirety.

16. Below are the concerns raised from objectors:

- (a) The occupiers of 2 Challis Green (269 metres SE from marquee position) have had ongoing concerns with regards to noise and disturbance and included in their submissions are copies of correspondence that has been sent/received between themselves and the applicants. The primary concerns are noise and disturbance inside their premises at an unacceptable level. It has regularly woken their son and prevented them from enjoying their home. In addition to this the occupiers have very little confidence in the applicants having any control over noise and disturbance due to specific events that have occurred over the period of monitoring. Concern also raised regarding the marquee and its permanent erection for 11 months.
- (b) Occupiers of 23 Bendyshe Way (555 metres ESE from marquee position) specifically refer to 2 occasions where they have been unacceptably disturbed by noise (18<sup>th</sup> October and 6<sup>th</sup> December 2008) and marginally disturbed by a heavy bass (12<sup>th</sup> August and 20<sup>th</sup> September 2008). It is not believed the applicants can soundproof the marquee and though a function room seems like an acceptable solution it is pointed out that the applicants have not progressed with the development of this as it is not financially viable at present and only having temporary consent. Additionally the occupiers have little faith in the applicant being able to control noise in the future given the applicants have openly admitted control was lost at venues on occasions when noise was a major problem.
- (c) A letter has also been received from the occupier of No. 9 Back Lane (245 metres SW from marquee position), who has raised concerns about the noise and disturbance from the marquee and the premises in general such as people leaving and disturbing the village late at night. Additionally it is suggested that noise levels are legally controlled.
- (d) The occupier of No.4 Haslingfield Road (182 metres SE from marquee position) is concerned that the applicants have not had enough operation time to allow for a true and accurate assessment of noise and suggests an additional 2 years temporary consent. Additionally the parking of coaches on the bend at Haslingfield Road is dangerous and should not be encouraged.

17. Letters have been received from 16b Haslingfield Road (156 metres ENE from marquee), 2 High Street (203 metres SSW from marquee) and 2 Haslingfield Road (195 metres SE from marquee) that have supported the scheme but refer specifically to certain event dates that have caused a degree of nuisance (6th December 2008), have picked out anomalies within the engineers report and the applicants aspirations for providing a diverse music range (Para 2 of engineers report and Para 2.9 of Planning Statement) and are uncertain about having live bands play as they seem to be the noisiest with little control over disturbance levels.

18. With reference to the letters of support and objection, including those with minor concerns I have plotted them on an attached map (Appendix 1). Support from non-residents should be considered also though these have been marked at Barrington Hall as they have an interest as employees.

19. The letters of support include the following points:
- (a) Provides location for village events
  - (b) Stimulates employment and social development
  - (c) Withdrawal of fireworks is welcomed
  - (d) Valuable facility to the village
  - (e) Brings vibrancy socially and economically
  - (f) Encourages outside users to the public house, the shop and to the village
  - (g) House is beautifully restored thanks to the business use
  - (h) Events now held at Hall would normally be held in local gardens or public houses that are far more disturbing and harder to control
  - (i) Has assisted in fundraising events for local school
  - (j) Use of parking facilities for the annual Summer Fete
  - (k) Applicants have been consistently willing to adopt and improve practices that accommodate those most affected by noise
  - (l) Barrington Hall has become the focal point for local events at no charge for fundraising events
  - (m) Now Barrington Hall is up and running it would be a great loss to the village if the application were refused.
  - (n) No noise or traffic impact
  - (o) The village has seen the loss of several companies over the years including Cemex recently all of which has negatively impacted on other village services
  - (p) Great contribution to the Community
  - (q) Applicants have been more than accommodating to individual concerns (particularly with regards to fireworks around harvest time)
  - (r) Improved grounds
  - (s) Very well run and managed in all areas
  - (t) Has provided many local employment opportunities.
  - (u) Bring wider variety of visitors to the village

#### **Planning Comments – Key Issues**

20. The key issue with respect to this application is the impact the removal of the temporary consent (attached by condition to the earlier planning application allowing for a change of use, specifically function facility) and allowing permanent consent will have on neighbour amenity, highway safety and the appearance and character of the Conservation Area?

#### ***Noise Impact on neighbours***

21. Specifically this relates to the proposed wedding and/or party functions involving music and the associated movements of people using this facility. The application does not intend to reduce the number of events agreed in the earlier application. Concern was raised in the previous scheme about live music and the volume created and it was agreed that a time restriction on music was put in place. Noise limits were not conditioned in the earlier approval. However in light of complaints and concerns raised by residents the applicants have been working closely with the Local Authority Environmental Health Team in achieving acceptable levels of noise during functions at the Hall.
22. The applicants state within the Planning Statement that firework displays will be stopped completely and they are happy with a condition restricting them. It is also intended to install a noise limiter within the marquee and to accept a condition with regards to this. A noise monitoring position 40m from the marquee to the south would be set up where noise levels should no exceed 44dBA. The applicants are also

aware of the noise from live bands that include un-amplified drum kits and are looking at withdrawing this instrument from their venues altogether.

23. Complaints from neighbours have identified concern over noise and disturbance on specific occasions. The temporary consent was to provide the applicant and Council with time to test the boundaries as to what is and is not acceptable and on most parts this has been positive, leading to an acceptance of the recommendations of the Acoustic Report.

### ***Highway Safety***

24. The original concerns of the Highway Authority have been addressed. The gate piers at the entrance are grade 2 Listed Buildings and the area before entering the site was seen as acceptable in size for two cars to pass.
25. The new use is very different to that of the previous office use and temporary consent was granted to allow the Local Authority to assess any highway implications that may have occurred over the monitoring period.
26. It was apparent that there would be potentially more movement over the weekend period if the change of use for functions was granted consent. The use during the week was predicted to be significantly less than that of the previous use as offices. The calculations were estimated using best knowledge, and it was clear that the traffic movement was going to be variable. Residents have raised concern regarding the parking of coaches on Haslingfield Road. This has led to noise and disturbance to neighbouring properties and it has been requested by the Parish Council that the entrance be adapted to accommodate the large buses/coaches. The 19<sup>th</sup> Century gate and gate piers are Listed and the Conservation Manager is highly unlikely to support their relocation. The Local Planning Authority has not received any complaints with regard to traffic movement to date.

### ***Impact on the Conservation Area.***

27. The scheme has successfully preserved the original quality of the Listed Building; the primary objective of Policy CH/5 is to preserve and enhance. This has positively enhanced the Conservation Area rather than letting the hall fall into disrepair. Conservation Areas are not designated because of the 'peace and tranquillity' of them, but due to the historic and architectural importance of buildings, spaces and landscape within them. The majority of these designated areas are primarily located around the main through roads within South Cambridgeshire villages, covering a hive of varying activities, buildings and materials. Barrington is no different. I am of the opinion that the change of use has not had an adverse impact on the character of the Conservation Area or the character and setting of the Listed Buildings.
28. In conclusion, I am of the view that the removal of the condition and hence the grant of permanent permission will not have an adverse impact on the Conservation Area, Highways or the amenity of the surrounding properties providing the correct measures are carried out to ensure noise pollution is not a problem and restrictions are put in place regarding the intensity of the uses at this site. I am of the opinion that permanent consent be granted but is subject to conditions that control the level of noise, eliminate firework displays and control the hours of live and recorded music.

**Recommendation**

29. Approve subject to conditions relating to the following matters:

**Conditions**

1. Time restriction on music. (Reason - To ensure neighbour amenity is not unduly affected by noise.)
  2. Noise limiter to be used at events and set at a level that is acceptable to Environmental Health. (Reason – To ensure neighbour amenity is not unduly affected by noise and in accordance with the requirements of Environmental Health.)
  3. Restriction on number of events per year (Reason - To protect neighbour amenities.)
  4. No functions to be held on Sundays or Public Bank Holidays. (Reason - To safeguard the amenity of the occupiers of neighbouring properties.)
  5. No Firework displays to take place on the site. (Reason – To safeguard the amenity of the occupiers of the neighbouring properties in the area.)
- (+ Any conditions required by the Local Highways Authority)

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

- South Cambridgeshire Local Development Control Policies (adopted July 2007)
- Planning Files Ref: S/1993/06/F, S/0764/07/F and S/0249/09/F
- Circular 11/95: The use of conditions in planning permissions

**Contact Officer:** Saffron Garner – Senior Planning Assistant.  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0213/09/F – NEWTON****Change of Use from Post Office/Shop (A1) to Residential (C3) including Alterations and Extension at Newton Post Office, 11 Harston Road for Mr E Grey****Recommendation: Approval****Date for Determination: 13<sup>th</sup> April 2009****Notes:**

**This application has been reported to the Planning Committee for determination as the Head of Development Control considers that this application should be presented to Committee for decision having considered the comments made by the Parish Council.**

**Site and Proposal**

1. The application site measures approximately 155m<sup>2</sup>. On it is a 1.5 storey detached building formerly used as a shop/ post office with first floor roof space. To the front of the building is a concrete car parking area. To the south east of the site is No 9, a 1.5 storey cottage with a driveway adjacent to the boundary fencing with the application site. No.9 has a rear facing dormer window and a single storey rear extension with patio doors facing the garden. To the northwest is No 11 (under the same ownership as the application site), a 2 storey detached house with openings/windows and sitting out area at the side facing the application site, and a shed set to the rear of the shop/ post office.
2. The full application, submitted on 16th February 2009 seeks permission to change the use from post office/shop (A1) to a two bedroom residential dwelling (C3) with extension and alterations. The alterations include adding 2 side dormer windows in the side elevations, changes to windows and openings with a first floor bedroom balustrade in the rear elevation and a bay window in the front elevation. The application site includes a piece of garden land from No 11 to form a small garden area measuring 6m (wide) by 4m (depth) for the proposed new dwelling with 1.8m high fencing to the boundaries.
3. The application is accompanied by a Design and Access Statement and a Marketing Report.

**Planning History**

4. **S/0591/00/F** – Planning consent granted for Erection of House and Shop following Demolition of Existing

**Planning Policy**

5. **South Cambridgeshire Local Development Framework (LDF) Core Strategy Development Plan Document 2007: ST/7 – Infill Villages**

S/0213/08/F - Newton



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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/4** – Infrastructure and New Developments
- **DP/7** – Development Frameworks
- **HG/1** – Housing Density
- **ET/6** – Loss of Rural Employment to Non-Employment Uses
- **SF/1** – Protection of Village Services and Facilities
- **SF/10** – Outdoor Playspace, Informal Open space, and New Developments
- **SF/11** – Open Space Standards
- **TR/1** – Planning for More Sustainable Travel
- **TR/2** – Car and Cycle Parking Standards
- **NE/15** – Noise Pollution

**Consultations**

7. **Newton Parish Council** makes no overall recommendation. It states that as the applicant is a Parish Councillor, the remaining 4 Councillors were split 2-2. The comments of one of the Councillors opposed to the application stated 'If this application was for severance of an existing plot in Newton and therefore 'infill' development it would surely be refused. The plot is too small for a residential development, especially given its close proximity to adjacent housing. A residential development would be 24/7 a week occupation as opposed to the normal shop opening hours as the original approval was granted for the site. The proposed design of the 'house' is not in keeping architecturally with the village vernacular both in design elements, but also with its concrete forecourt and very limited rear private space. The building should remain as part of the original plot and at this stage other like uses be given more consideration.'

Those in favour thought it is best to be used rather than remain empty.

8. **Corporate Manager (Health and Environmental Services)** raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that condition and informatives be attached to any permission.

**Representations**

9. None from neighbouring residents

**Representations by the Applicant's Agent**

10. The agent confirms that pre-application advice had been sought and there was definitive information that if the property was advertised at a lower price for a further six months from 30 April 2008 and if no interest resulted, a planning application for change of use from shop/post office to a dwelling would be likely to receive officers' support.

**Planning Comments – Key Issues**

11. The key issues to consider in the determination of this application are:
- a. Reduction in the level of service provision in the village;
  - b. The availability of alternatives with convenient access;
  - c. Economic viability;
  - d. Design details and layout;
  - e. Car parking; and
  - f. Residential amenity interests

***Reduction in the level of service provision in the village***

12. The property was the only shop/post office in the village of Newton until it closed in November 2006. The village has a public house, a public hall and a cricket ground. Although the shop/ post office is not the only village services and facilities in the village, it is considered that the nature of the services and facilities provided from a shop/ post office is different from the public house, public hall and cricket ground. The loss of the shop/ post office by changing its use to residential dwelling would cause a reduction in the level of an important service provision in this rural community.

***Availability of alternatives***

13. Given that there is no other shop within the village to provide same/ similar service, I consider that the established use would contribute to the provision of village services for the local population.
14. I have carefully considered the criteria set out in Policy SF/1 of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007 in determining the significance of the loss of village services.
15. The neighbouring villages around Newton are Harston, Little and Great Shelford, Whittlesford, Foxton and Thriplow; all of them have shops/ post offices. It is noted that the shops/ post offices at these nearby villages could not provide alternatives with convenient access by good local public transport services or by walking. The nearest village is Harston. It is approximately 1.4 miles from Newton. The presence of shop/ post office in Harston can provide an alternative with convenient access by cycling within reasonable distance. I consider that the presence of village service in the locality would meet paragraph 2b of Policy SF/1.

***Economic viability***

16. The submitted information provides marketing details. It is indicated that the premises has been marketed for 7 months between April and October 2006 at a price of £25000. The property was then marketed at a reduced price of £15000 between October and November 2006. On both occasions, these were for the ground floor only; the first floor office being retained for the vendor's use. The shop/ post office was closed in November 2006 but it was re-marketed from June 2008 to sell the closed business at the price of £15000. Having considered that there is a gap of 19 months (between December 2006 and May/June 2008) that the property had not been marketed, and it was marketed mainly at a higher price during 2006, I do not consider that the 8 months marketing period in 2006 would be sufficient in itself in relation to Policy SF/1 to establish that the loss of this service to the village is not significant.

17. I consider that the reduced price of £15000 would be a realistic price compared to £25000 given the current economic situation. The latest advertised period started from June 2008 and the marketing exercise had been stopped around the end of March 2009, a period of some 10 months.
18. It is noted that the latest marketing period does not meet a minimum of 12 months as required in paragraph of 2c of Policy SF/1. Nevertheless I have taken into account that the established use of the premises ceased in 2006, there is no objections from the Parish Council or local residents to the principle of the loss of the shop/ post office, and there is an alternative service within cycling distance at Harston and that the recent marketing period is close to 12 months. On balance therefore, the principle of a change of use from shop/post office to a dwelling is supported.

***Design details, layout and car parking***

19. The site measures 6m wide and 23m long. The south east elevation of the building would be set 1m from the boundary fencing shared with the neighbouring property, No 9 Harston Road. The north west elevation forms part of the common boundary with and set 2.7m from the side elevation of the existing dwellinghouse at No 11. I do not consider that the building is too close to adjacent dwellings. The proposed dwelling would include a small garden area measuring 6m (wide) by 4m (depth) with 1.8m high fencing to the boundaries. I do not consider the limited garden area provided in the proposal would warrant a refusal. Nor do I consider that the site is too small for a residential dwelling.
20. The dwellinghouses at Harston Road have various design and character; I do not consider that the alteration to the windows and openings of the existing building would cause adverse impact on street scene and the surrounding character.
21. The provision of car parking spaces to the front of the building would be sufficient to meet the car parking provision standard set out in Policy TP/2. Given that there is an existing concrete parking forecourt on site, I do not consider that the proposal would cause a harmful impact on highway safety and visual amenity.

***Residential amenity interests***

22. The addition of new windows and balustrade would not cause serious harm to residential amenity interests through undue loss of privacy. The rear facing bedroom opening would have a very oblique view to the sitting-out area and a secondary lounge window in the side elevation at No 11. The new dormer windows in the side elevations would serve a bathroom and landing area. One of the dormer windows would face the first floor landing window at No 9, and the other would be in an oblique angle to the first floor bedroom window at No 11, and having considered that the dormer windows would be high-level windows and could be fitted with obscured glass by condition, I do not consider that the addition of side dormer windows would cause serious harm or overlooking to neighbouring properties.
23. I do not consider that the change of use from shop/post to residential with the introduction of residential activity associated with a proposed dwelling in this location would result in significant noise or other disturbance to residents of neighbouring properties.

***Other material planning considerations***

24. The proposal would not cause serious harm in terms of the loss of rural employment, given the level of employment associated with the established use and the relatively small scale of the business.
25. The size of the site is approximately 0.0155 ha. The proposal represents a density of 65 dwellings per hectare. It would meet the housing density requirement (Policy HG/1). The proposal for 1 dwelling in this infill village would also meet Policy ST/7 (Infill Villages).
26. The applicants' agent is aware of the need to provide a contribution towards off site informal open space in accordance with Policies SF/10 and SF/11 of the South Cambridgeshire Development Control Policies DPD 2007. A two-bedroom dwelling would require an approximate sum of £2244.90 and the applicants are willing to make such a contribution.
27. In light of the above, it is considered that the proposed scheme is acceptable and the application is recommended for approval.

**Recommendation**

28. Approve as amended by drawing numbers BP.01.09/1208/001A and MG99183.2A date stamped 4 March 2009.
29. Conditions
  1. Standard Condition1 - Full planning permission, time limit (3 years) (Reason - 1)
  2. SC63 – Grampian Condition – the provision of open space infrastructure, Policies SF/10 (Reason – open space, Policies SF/10 and DP/4)
  3. The proposed dormer windows in the side elevations of the building, hereby permitted, shall be fitted and permanently glazed with obscure glass. (Reason – To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
  4. SC30 Permitted development – windows (in the side elevations of the building at and above first floor level). (Reason –To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
  5. During the period of alteration and extension works, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. (Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
  6. The car parking area as shown on drawing number BP.01.09/1208/001A shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such. (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

**Informatives**

During alteration and extension works 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 (LDF) 2007  
Planning application references S/0213/09/F and S/0591/00/F

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

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/1567/08/F - BASSINGBOURN-CUM-KNEESWORTH****Change of Use of Existing Store to Office and Land to Parking and Open Storage (Retrospective) at 76 Old North Road for North Herts Surfacing Ltd****Recommendation: Delegated Approval****Date for Determination: 3<sup>rd</sup> December 2008****Notes:**

**This Application has been referred to the Planning Committee for determination by Councillor Cathcart.**

**Members will visit this site on 6<sup>th</sup> May 2009.**

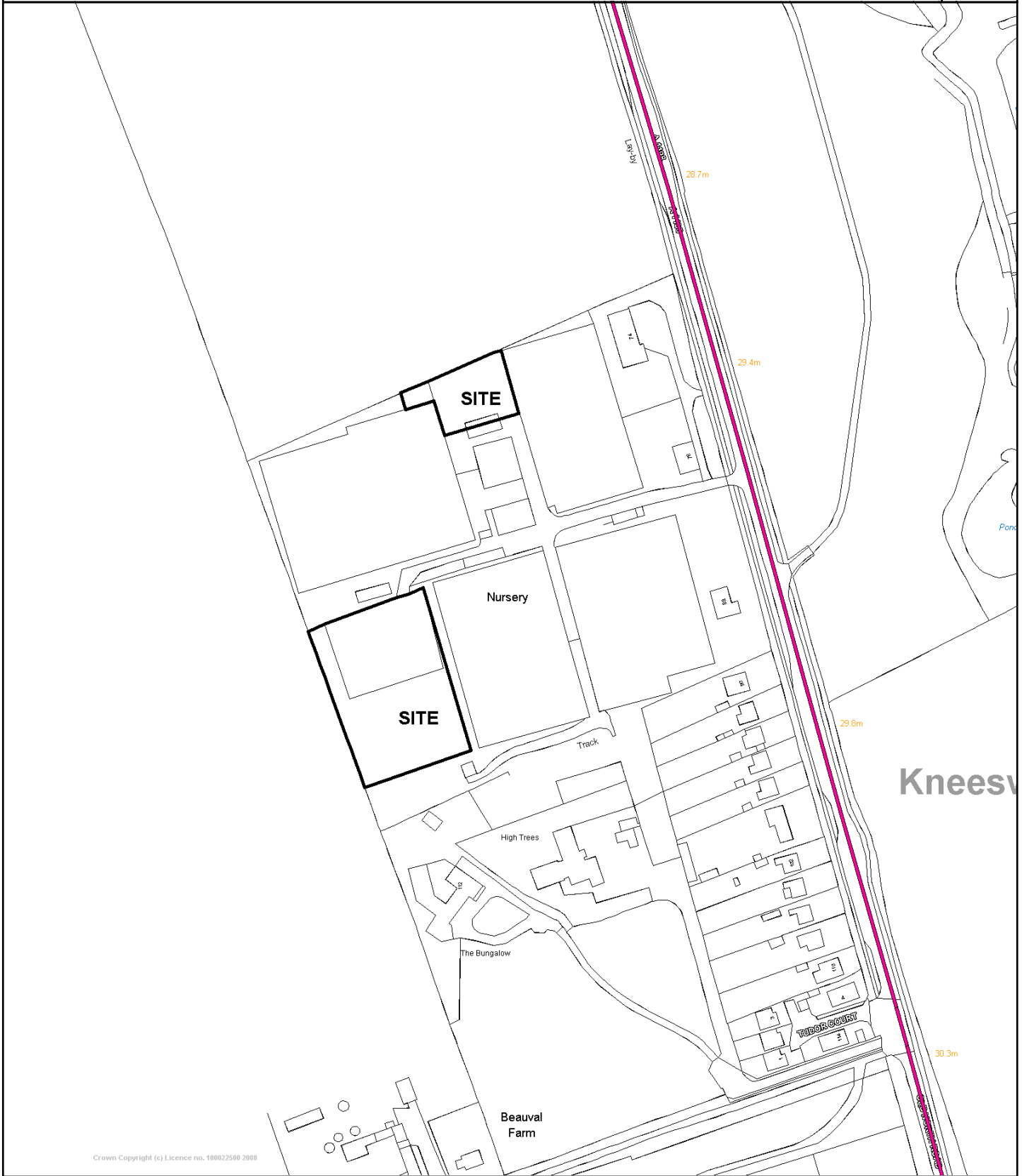
**Site and Proposal**

1. The full application, received on 8<sup>th</sup> October 2008, relates to two areas of land on the site, just south of Kneesworth, west of the A1198. Access is gained directly from the A1198. There are some frontage bungalows to the site, and to the rear is a nursery with a number of greenhouses and old industrial buildings. There are also large areas of hardstanding on the site. To the north and west of the site is open agricultural land, whilst to the south are a number of dwellings.
2. The application relates to two different parts of the site. Firstly, the northern part of the site contains an existing store, that would be converted into an office. The adjacent land would be used for open storage. The area of land to the southwest of the site would be used for the parking of HGV and plant vehicles and further open storage.

**Planning History**

3. A planning application was approved for industrial development (**S/1453/91/F**) on the site, specifically related to the proposed office building. A previous application for industrial development on the site as a whole (**S/2219/88/O**) was withdrawn.
4. An application for the change of use of part of the site to a builders store/workshop (**S/0772/87/F**) was approved, as was a generator shed and oil storage tank (**S/2575/89/F**) on the same site.
5. An application for a change of use to a mini-skip business (**S/1815/93/F**) on part of the site was refused on grounds of residential amenity and highway safety. An application for a change of use of part of the existing mini-skip depot into a waste transfer station (**S/0010/94/CM**) was objected to by South Cambridgeshire District Council and refused by Cambridgeshire County Council on grounds of an unsuitable access and noise and disturbance to nearby residents. There have been several other applications on the site, not relevant to the determination of this application.

S-1567-08-F



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### Planning Policy

6. South Cambridgeshire Local Development Framework Development Control Policies (LDFDCP) adopted July 2007 – **DP/1** – Sustainable Development, **DP/2** – Design of New Development, **DP/3** – Development Criteria, **DP/7** – Development Frameworks, **ET/7** – Conversion of Rural Buildings for Employment and **NE/15** – Noise Pollution.

### Consultation

7. **Bassingbourn Parish Council** recommends approval.
8. The **Monitoring & Control Officer at Cambridgeshire County Council** states there are concerns about some materials stored on site being crushed and screened, which is unauthorised and unlikely to be supported by the County Council. Noise levels have been monitored relating to this activity and this also appears to have been unacceptable. Also, concerns are raised regarding the access to the site. If supported, a carefully worded condition could be imposed stating that no waste materials be stored on site.
9. The **Corporate Manager (Health and Environmental Services)** has considered the implications of the proposal in terms of noise and environmental pollution, and concludes there are no significant impacts from the Environmental Health stand point.
10. The **Local Highways Authority** requests conditions relating to 2.4m by 120m vehicle-to-vehicle visibility splays, 2.0m by 2.0m pedestrian visibility splays, the formalisation of the two lay-by sections along the access to increase in width, a turning radius of 10.5m to be shown, and parking spaces to be 2.5m by 5m. Also, it requests information relating to total vehicle movement figures, and tracking on site for the largest vehicles. With regard to further highway and traffic information, the LHA requests a 10.5m turning radius to be shown so that vehicles do not have to cross the centre line of the A1198. A re-examination of vehicle movements and tracking is also requested.
11. The **Scientific Officer (Contaminated Land)** is satisfied there are no issues relating to contaminated land.

### Representations

12. The occupiers of **90 Old North Road** state that large lorries block both sides of the A1198 when accessing the site. They also have concerns about ground water pollution and black smoke emitted from bonfires.
13. The occupiers of **112 Old North Road** object on grounds of noise and pollution by the activities on site. The noise issue relate to crushing activities, vehicular movements and the loading and unloading of lorries. Pollution relates to dust created by the works. They also note the A1198 is busy and have concerns about the safety of the access. They also query a conflict of interest as South Cambridgeshire District Council is a client of the applicant.
14. Councillor Cathcart has referred the application to Committee with a site visit “because of traffic considerations and also the proximity of the site to residential properties.”

**Planning Comments – Key Issues**

15. The key issues regarding the application relate to the principle of development, the impact upon the amenity of the occupiers of adjacent dwellings and highway safety.

***The principle of development***

16. The site does lie outside the Kneesworth village framework. However, the history of the site, the buildings on site and the large areas of hardstanding all show that the site has been used in the past for some industrial activities. A mini-skip business has been run from the site, and this Council has approved industrial development in some buildings. Given the nature of the site, I do not consider outdoor storage on this site would be harmful to the countryside. The proposed office is to be used for administration as well as for tea-breaks and would effectively be ancillary to the use. As the building already exists and appears structurally sound, I do not consider that any harm would be caused by an office in this location. The principle of re-use of buildings for employment is supported by Policy ET/7 of the Local Development Framework adopted 2007.

***The impact upon the amenity of the occupiers of adjacent dwellings***

17. There are residential dwellings to the east and south of the proposed areas. Number 76 Old North Road is located by the access. No. 112 is a backland plot set to the south of the site. There is a bund with minimal planting, and a water tower between it and the proposed storage area, with a distance of approximately 10m to the rear garden. The majority of the noise concerns relate to crushing of materials on site. This crushing does not form part of this application, and an informative can ensure the applicant is aware of this. It is this crushing that the Monitoring and Control Officer at the County Council has concerns about. Such crushing would need a new application, likely to be determined by the County Council. Corporate Manager (Health and Environmental Services) has investigated the site a number of times, and has no concerns about the proposed storage use. When considering this application, it is important to note that such crushing is an unlawful activity on site, and this application would not change this stance.
18. I note the further comments from the occupiers of no. 112 Old North Road relating to noise emitted from loading and unloading of lorries and general vehicle movements. The area directly to the north of this property is to be a store, and there are already storage bins on site, which appear to have been on site for a number of years. I consider it necessary to condition that storage use should only be for North Herts Surfacing Ltd, as any future storage may have a more harmful impact in terms of noise pollution and also visual impact.
19. By the nature of the existing hardstanding and the storage of concrete bases, wooden railway sleepers, equipment and road materials, dust is likely to be an issue on site. There is a bund to prevent the spread of such dust. Again the Environmental Health Officer registers no concern about environmental pollution. I also note the comments from the Scientific Officer regarding land contamination on the site.

***Highway safety***

20. The access to the site is existing. The Local Highways Authority has requested a number of conditions and further information regarding the site and its use. Further clarification of figures is requested as the applicant appears to have provided two different sets of figures. The figure of 10 vehicles relates to their licence, whilst 5

vehicles is the current working position on site. A turning area has been demonstrated on site, but not at the exit onto the A1198. This information should be provided, as there are concerns that vehicles would cross the centre line of the A1198 when exiting the site.

21. Conditions can be added regarding vehicle-to-vehicle visibility splays as demonstrated on the amended plan, pedestrian visibility splays, and the formalisation of the access width as agreed by the applicant in a letter dated 8<sup>th</sup> April 2009.

***Other Matters***

22. I do not consider there to have been a conflict of interests in the consideration of this application. It has been judged solely on its own merits.

**Recommendation**

23. Subject to the applicant demonstrating that the largest vehicles using the site can leave the site safely and not causing any potential traffic impacts on the A1198, delegated approval. Conditions will be required regarding vehicle and pedestrian visibility splays, the formalisation of the lay-bys to provide a continuous access, and a condition restricting the use to North Herts Surfacing Ltd only.

If approved, the application shall also have an informative stating that the approval does not give permission for any crushing of materials on site, and does not allow for the storage of waste materials, which would require a separate County Matter consent.

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

- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning Files Ref: S/1567/08/F, S/1453/91/F, S/2219/88/O, S/0772/87/F, S/2575/89/F, S/1815/93/F and S/0010/94/CM
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0215/09/F - TOFT****Dwelling at 72 West Street for Dr & Mrs Richard B Horne****Recommendation: Refusal****Date for Determination: 13<sup>th</sup> April 2009****Notes:**

**The application has been referred to the Planning Committee for determination by Chairman's Delegation meeting on 30<sup>th</sup> March 2009.**

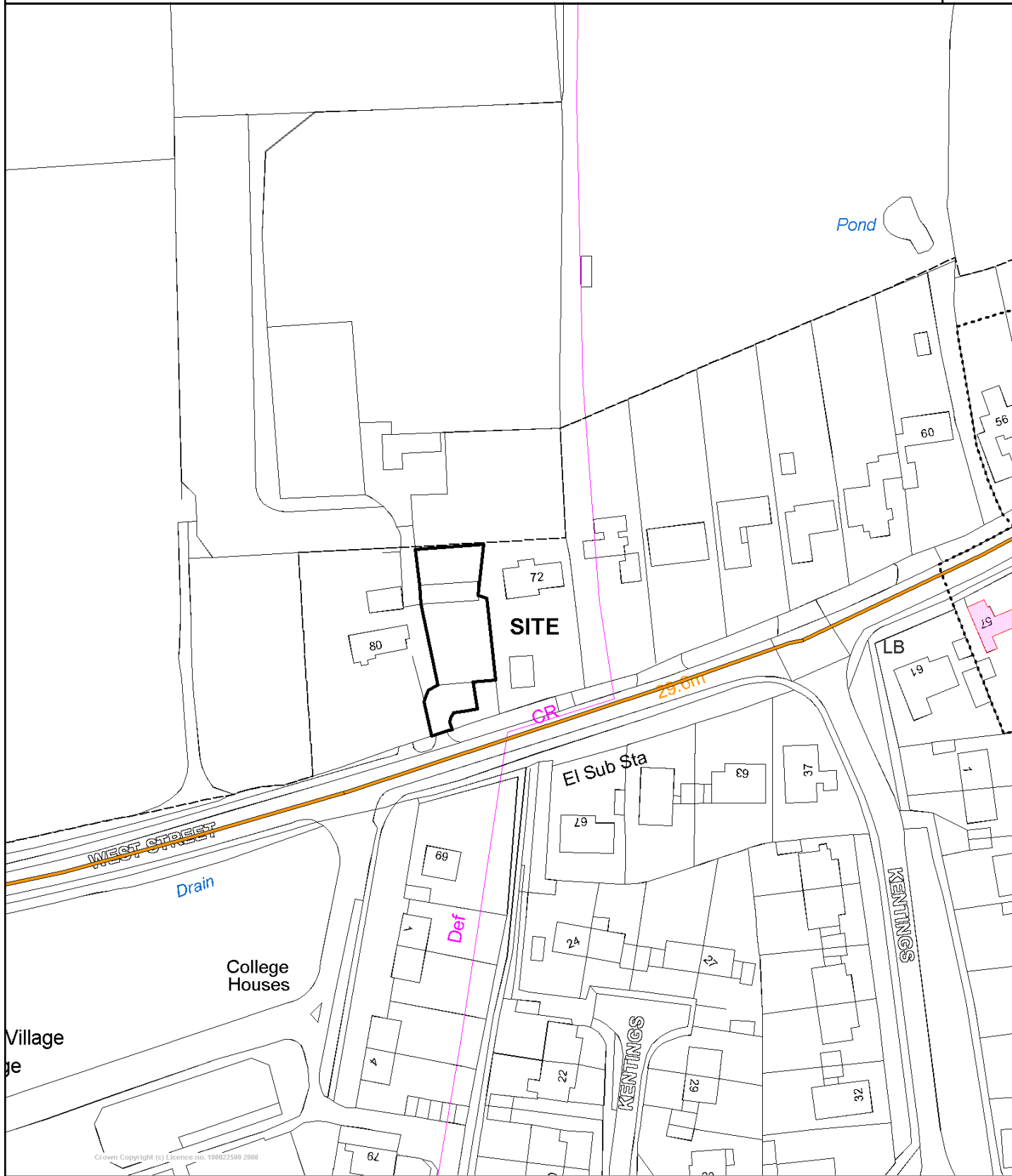
**Site and Proposal**

1. The application site is a broadly rectangular parcel of land measuring 0.0441 hectares in area, with a frontage of approximately 15m and depth of 44m. It lies inside the Comberton village framework, although it falls within the Parish of Toft. It currently represents an area of garden currently used by the occupiers of no. 72 West Street. This dwelling is a two-storey structure, incorporating dormer windows in the roof, with a double garage located to its frontage. No. 80 West Street, to the west of the site, is set further forward in the building line, and has a barn located to its rear. Currently on the application site is a single storey outbuilding, which would be demolished. There is a stable block and associated paddock land and a ménage on land to the rear, which is accessed via a drive, along the western boundary of the application site.
2. This full application, submitted on 16<sup>th</sup> February 2009, seeks consent to erect a detached two-storey, four bedroom dwelling on the land to the west of the existing dwelling. The application is accompanied by a Design and Access Statement.
3. The scheme equates to a density of approximately 22.6 dwellings per hectare (dph).

**Planning History**

4. Outline Planning Permission (**S/2437/89/O**) was granted on 2<sup>nd</sup> January 1990 for a dwelling on land between Nos. 72 and 80 West Street.
5. Application reference **S/0761/08/F** sought consent for the erection of a single, detached, dwelling on the site, featuring an identical design to the dwelling currently proposed. The scheme varied from the current submission in that the dwelling was to be located marginally closer to the existing dwelling at 72 West Street, benefitted from a larger proposed curtilage and also proposed a detached double garage, to be located in front of the proposed dwelling. The scheme equated to a density of 21 dwellings per hectare, and was refused on the grounds that it constituted an inefficient use of land and did not represent a sustainable form of development, contrary to Policies HG/1 and DP/1 of the adopted Local Development Framework 2007 and Policy ENV7 of the East of England Plan 2008.

S-0215-09-F



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May 2009 Planning Committee



## Planning Policy

6. Relevant policies are listed below.

*South Cambridgeshire Local Development Framework (LDF) Core Strategy:*

Policy **ST/7** of the LDF identifies Toft as an Infill Village.

Policy **ST/6** identifies Comberton as a Group Village.

*Local Development Framework, Development Control Policies, adopted July 2007:*

Policy **DP/1** – Sustainable Development,

Policy **DP/2** – Design of New Development,

Policy **DP/3** – Development Criteria,

Policy **DP/7** – Development Frameworks,

Policy **HG/1** – Housing Density

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

*East of England Plan 2008:*

Policy **ENV7** – Quality in the Built Environment - requires new development to be of high quality which complements the distinctive character and best qualities of the local area. Amongst other criteria it should make efficient use of land and achieve the highest possible net density appropriate to the character of the locality and public transport accessibility.

## Central Government Advice

7. **Planning Policy Statement 3 (PPS 3) Housing:** Sets out to deliver housing which is: of high quality and is well designed; that provides a mix of housing, both market and affordable, particularly in terms of tenure and price; supports a wide variety of households in all areas; sufficient in quantity taking into account need and demand and which improves choice; sustainable in terms of location and which offers a good range of community facilities with good access to jobs, services and infrastructure; efficient and effective in the use of land, including the re-use of previously developed land, where appropriate. The guidance states that proposed development should be well-integrated with, and complement the neighbouring buildings and local area more generally in terms of scale, density, layout and access (Paragraph 16). The guidance states that local planning authorities may wish to set out a range of densities across the plan area rather than one broad density range. 30 dwellings per hectare is set out as an indicative minimum. Paragraph 50 states that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.

## Consultation

8. **Toft Parish Council** – recommends approval, with no further comment.
9. **Comberton Parish Council** – recommends refusal and comments that “we have concerns about the height of the roof ridge compared to adjoining properties”.
10. **Local Highways Authority** – raises no objection to the development, but seeks conditions regarding surface finish of the driveway, timing of the construction of the access, and method of surface water drainage to prevent run-off onto the public highway. Also raises comments in respect of the requirement of the applicants to secure the permission of the Highway Authority for any works in the public highway.

## **Representations**

11. Councillor Harangozo comments:

“In general I support the district council policy on density and provision of affordable housing. In this case, however, I am sympathetic to the applicant because a) a single dwelling will likely fit in better with the existing pattern of development (all single detached houses along north side of West Street) with a semi thus likely to look out of keeping and b) the awkward shape of the plot which will I think make an acceptable scheme here difficult, especially with the close proximity of the existing house on the east elevation. I think it is preferable to keep gaps between houses as great as possible here and thus keep the footprint of any new build as small as possible and avoid a crowded appearance, especially at this more rural end of the village.

I note that the village college on the south side of West Street presents an urban-like street scene whereas the much more rural nature of the north side currently benefits from the lower density and more sparse nature of the housing. Some loss of amenity will I think occur if we insist on a higher density in this particular location.”

## **Planning Comments**

12. I consider that the main issues for Members to consider with regard to the current proposals are as follows:

- a) Density of Development
- b) Character of the Area
- c) Design and External Appearance of the Dwelling

### ***Density of Development***

13. The Outline Planning Permission of 1990 (see paragraph 4 above) has lapsed. No minimum density requirements were applicable at that time. Policy HG/1 now seeks residential developments to make the best use of sites by achieving densities of at least 30 dwellings per hectare, or higher in more sustainable locations close to a good range of services and good transport services. This end of Comberton is directly opposite the Village College, and the village does have some local facilities, and an hourly bus service between Longstowe and Cambridge. It is considered a sustainable location, capable of supporting two dwellings, which would then invoke the need for affordable housing under Policy HG/3 of the adopted LDF. Given that the development constitutes a density of 22.6dph, the proposed scheme would therefore fail the objectives of this policy.

### ***Character of the Area***

14. Notwithstanding the above point, however, Policy HG/1 does go on to state that there may be exceptional local circumstances that require a different treatment to the density of development on any given site. The applicant has stated that the plot size matches other plot sizes in the locality, and that a pair of semi-detached properties would be out of place.
15. Whilst the proposed plot may be similar in size to that of those surrounding the site, the LDF policy does not take this into account. Additionally Paragraph 50 of PPS 3 states that “the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

16. With the above in mind, it is important to consider that a pair of semi-detached dwellings could be designed to appear in keeping with existing dwellings that surround the site on this side of West Street, most particularly featuring a design that could be very similar to that of the current proposal. Parking for two dwellings could be achieved using the current site layout, which incorporates four parking spaces into the area in front of the proposed dwelling. The covenant on the land, which is referred to in the Design and Access Statement, is not a material planning consideration.

***Design and External Appearance of the Dwelling***

17. There are no direct concerns relating to the proposed dwelling itself, which is identical to that proposed under the earlier, refused, scheme (application ref. S/0761/08/F). It features design characteristics and proportions similar to that of no. 72 West Street, although the submitted street elevation shows it would be slightly taller in height (8.2m and 7.4m respectively to the ridge), but less than the two storey element of No. 80 (8.5m to ridge). No alien design features would be introduced to the street scene by the proposed development. The position of the proposed openings would not create any unacceptable amenity issues to the neighbouring properties. Although no. 80 West Street is set forward, conditions can control locations of openings and, because of the rear barn, the dwelling would not appear overbearing from the rear elevation or rear garden, and no loss of privacy would occur.
18. Notwithstanding the above, this is not considered to compromise the ability of the site to contain two semi-detached dwellings. This would achieve a more sustainable use of the land, and also create additional benefits to the community through the creation of two smaller units of accommodation in the village and a contribution to affordable housing.

***Other Matters***

19. The comments of the Local Highway Authority are noted. Should the scheme be considered to be favourable, the issues raised could be reasonably controlled by the imposition of appropriate planning conditions to protect users of the public highway.

**Recommendation**

20. Refusal of the application for the following reason:

The proposal for one dwelling on this site fails to make the best use of the land and does not represent a sustainable form of development. No exceptional local circumstances have been given to overcome the requirement to achieve such densities on sites within village frameworks. The application would therefore be contrary to Policy HG/1 of the Local Development Framework Development Control Policies (LDFDCP) 2007 which states residential developments will make best use of the site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment, Policy DP/1 of the LDFDCP 2007 which states development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, and should make efficient and effective use of land and achieve adaptable, compact forms of development through the use of higher densities, and Policy ENV7 of the East of England Plan 2008 which seeks new development to make best use of land.

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

- Planning Policy Statement 3: Housing
- South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2007
- Planning files Ref. S/0215/09/F & S/0761/08/F

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee6<sup>th</sup> May 2009**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/0235/09/F - FULBOURN  
Flat (Revised Design To Change Garage To Study)  
At Hall Farm School Lane for Mr A Cox****Recommendation: Approval****Date for Determination: 29<sup>th</sup> April 2009****Notes**

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

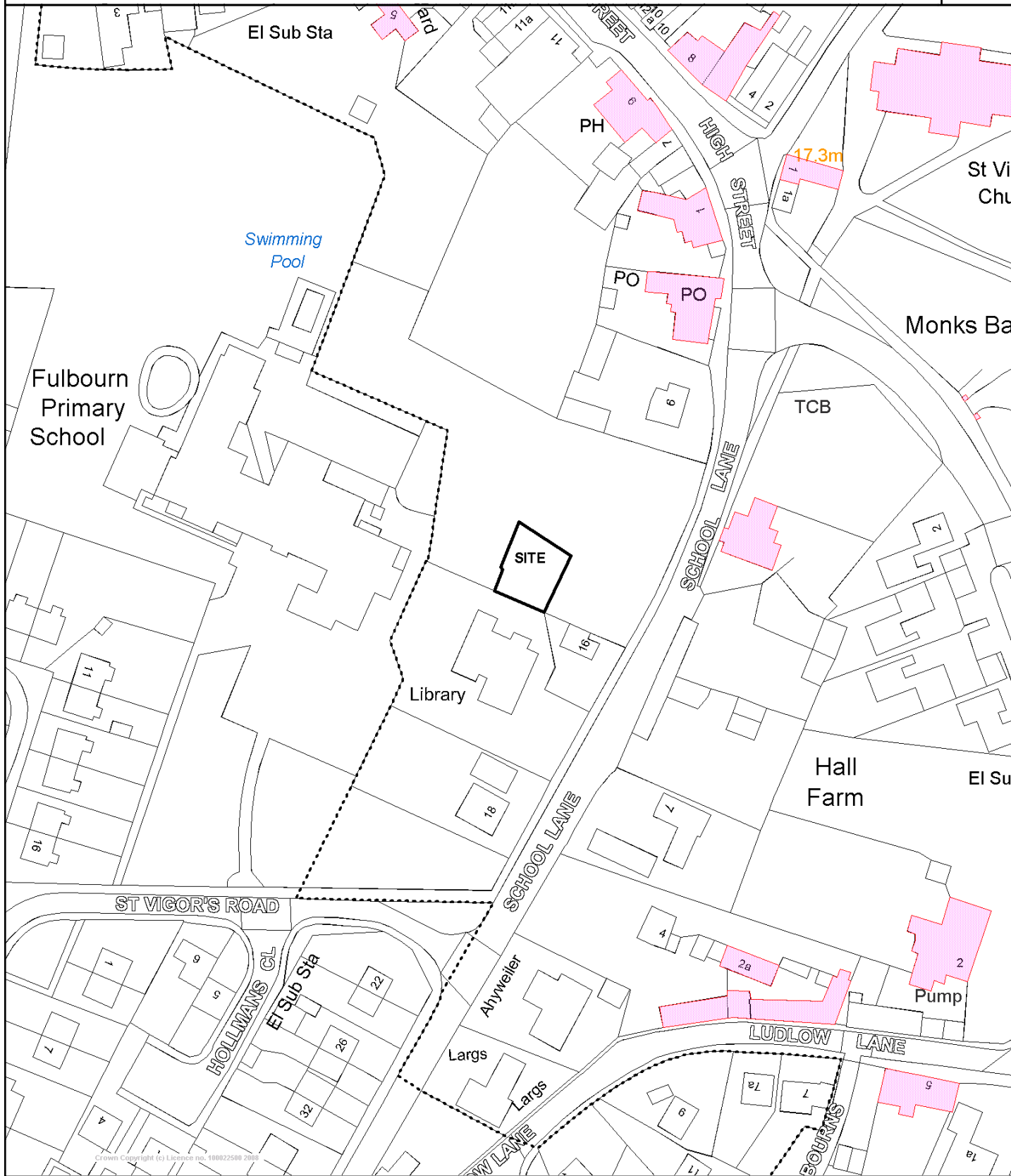
**Conservation Area****Site And Proposal**

1. The site is located within the centre of the village adjacent to the primary school and the library. Planning consent was granted in May 2007 (reference S/2164/06/F) for the erection of five houses and four flats, garages and refuse store for people of retirement age. The development is now almost complete. The application, received 19<sup>th</sup> February 2009, seeks to convert the garage adjacent to plot 4 (a ground floor two bedroom unit within the apartment block) into a study for this plot. This would involve external changes to the rear of the garage; instead of a metal garage door, the opening would be timber windows and patio type doors to match the existing windows and doors on the apartment building.

**Planning History**

2. The following is a summary of relevant planning applications made in relation to this site:
  1. **S/2093/04/O** – Erection of nine houses and garages (Approved)
  2. **S/2164/06/F** – Erection of five houses and four flats, garages and refuse store for people of retirement age (Approved). The amendment is sought to this application.
  3. **S/1802/07/F** – Erection of five houses and four flats, garages and refuse store for people of retirement age – revised design (Withdrawn)
  4. Members may recall considering application ref. **S/1835/08/F**, which was considered at 14th January 2009 meeting (item 96)- Removal of condition 2 of planning permission (reference **S/2164/06/F**) to enable unrestricted occupation of 5 houses and 4 flats and amendments to the approved layout (means of access, car parking, cycle parking and collection point for refuse) (Refused and the subject of current appeal).

S/0235/09/F - Fulbourn



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May Planning Committee

### **Planning Policy**

3. **Policies DP/1 (Sustainable Development), DP/2 (Design of New Development), DP/3 (Development Criteria), DP/7 (Development Frameworks), CH/5 (Conservation Areas), TR/2 (Car and Cycle Parking)** of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted July 2007.
4. **Development Affecting Conservation Areas SPD** of the South Cambridgeshire Local Development Framework (LDF), adopted 2009.

### **Consultation**

5. **Fulbourn Parish Council** – Refuse. “We think that this application should be refused at this point in time as this site is the subject of a planning appeal. We would object to the loss of parking on this site by the removal of a garage”.
6. **Conservation Officer** – Approve subject to the clarification of the landscaping of this area. The proposal has no significant impact on the interests of the Conservation Area.

### **Representations**

7. One letter has been received from a resident of Hall Farm. The main concerns relates to the previous application for the change of use of dwellings from retirement accommodation to market housing which was refused by Planning Committee on the 14<sup>th</sup> January 2009. The resident reiterates the concerns that she raised to that application – that the change of use of the development would have a detrimental impact on traffic and cause parking problems and may cause accidents. She also considers that the site is ideally placed for retirement housing as it has close access to the village amenities.

### **Planning Comments – Key Issues**

8. Whilst it is understood that there is currently an outstanding appeal on this site for the change of use of the dwellings from retirement housing to market housing, the application that is currently being considered is for the change of use of a garage attached to the apartment block to a study for one of the apartment units.
9. The key issue in determining this application is the provision of adequate parking provision on the site. The development contains a mix of 5 houses and 4 apartments. There are currently 17 parking spaces on the site of which 4 are for visitor parking. The policy regarding the provision of parking is set out in Policy TR/2 Appendix 1 – which indicates that dwellings should have an average of 1.5 spaces across the district with up to 2 spaces per 3 or more bedrooms in poorly accessible areas. Fulbourn is a sustainable village defined as a Rural Centre in the LDF. It is considered to be an accessible area as the Citi 1 bus service runs every 20 minutes from 6.45am till 7.37pm (Monday to Friday). The proposed provision of 16 parking spaces equates to almost 1.3 allocated spaces per dwelling, which, with the provision of 4 visitor parking spaces, is considered acceptable for residential development in this accessible location.
10. The external changes to the building would be in-keeping with the character and appearance of the apartment building and the Conservation Area and are therefore considered acceptable.

11. In conclusion the loss of 1 parking space is not considered to have a detrimental impact of the level of parking provision within the site as a whole or have a significant impact on the amenity of the Conservation Area.

**Recommendation**

12. Approve subject to conditions

**Conditions**

1. Prior to the occupation of the first dwelling a hard and soft landscaping plan for the land previously used as the access road, 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 the development and specification of all proposed trees, hedges and shrub planting which shall include details of species, density and size of stock shall be submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
2. 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 dwellings 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 ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/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 July 2007)
- Development Affecting Conservation Areas SPD of the South Cambridgeshire Local Development Framework (LDF), adopted 2009.
- Planning Files Ref: S/0235/09/F, S/1835/08/F, S/2164/06/F, S/2093/04/O, S/2164/06/F and S/1802/07/F.

Contact Officer: Michelle Crees – Senior Planning Officer  
Telephone: (01954) 713317

**Presented to the Planning Committee by:** Michelle Crees



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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|-------------------|--|--------------------------|
| <b>REPORT TO:</b> | Planning Committee                                     | 6 <sup>th</sup> May 2009 |
| <b>AUTHOR/S:</b>  | Corporate Manager – Planning & Sustainable Communities |                          |

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

1. To highlight recent Appeal decisions of interest. These form part of the more extensive Appeals report, which is now only available on the Council's website and in the Weekly Bulletin.

**Summaries**

**Lancashire Industrial and Commercial Services Ltd – Certificate of Lawfulness to confirm that planning permission S/2103/01/F can be implemented in full – Milton Golf Course, Penfold Farm, Milton – Appeal allowed. Full award of costs against the Council allowed.**

2. In September 1997, planning permission was granted for change of use to golf practice centre including clubhouse, golf courses, shop/office, car park and access. That permission has since expired. In May 2002, planning permission was given for a change of use to golf practice centre including club house, par 3 golf course, shop/office, car parking access and bridle path/pedestrian link to rowing lake and park. The golf course has been formed and is in use. One building has been built.
3. The appeal was made against the failure of the Council to give notice as to whether the planning permission authorises any further development. As the bridle path/pedestrian link to rowing lake and park has not yet been implemented, the inspector concluded that any certificate should be issued at least to reflect this aspect.
4. The central issue, however, was a condition, which required details of a further building (singular) to be submitted. This is notwithstanding that planning permission had been requested for both a club house and a shop/office (plural). The position was not helped by the fact that of the various plans submitted at planning application stage, only some were stamped as approved. There was also extensive correspondence from the appellant on what had been allowed. The appellant therefore sought confirmation that he was still entitled to erect another building and in particular the amount of floorspace that was permitted.
5. It was the appellant's intention that two buildings be erected. The inspector was satisfied that the Council had had several opportunities to clarify its position if it had felt that only one building had been allowed, despite the wording of the condition in question. The condition had required details of just the clubhouse to be provided. The fact that the condition failed to control details of the proposed shop/office was considered "to be more likely to be an error" on the Council's behalf.

6. The Council also argued that the condition required full details of the proposed building before any development was carried out. If further details were now submitted, then all the development that has taken place is therefore in breach of the condition and is therefore unauthorised. The inspector did not accept this approach. He concluded that, rightly or wrongly, in 2003 both parties were working on the basis that the condition could be applied to the shop building, rather than to the clubhouse building. The details approved were for a Pro's shop building (notwithstanding it includes a bar, restaurant and first floor stewards flat and office). It therefore follows that a clubhouse potentially remains to be built. Although the development had started without all of the details having been approved, the inspector reasoned that the condition did not go to the heart of the proposal. The clubhouse had been approved in principle and it was reasonable for the appellant to be able to submit the actual details at the appropriate time.
7. Having assessed the nature and extent of what had been built to date, the inspector went on to conclude that a clubhouse with a further 495 m<sup>2</sup> of floorspace can still be erected.
8. The appeal was allowed and a Lawful Development Certificate granted. This allows "the implementation in full of planning permission S/2103/01/F by (1) the formation of a Bridle Path/Pedestrian Link to Rowing Lake and Park; and (2) the construction of a golf clubhouse with a maximum total floorspace of 495 m<sup>2</sup>, in both cases subject to all the relevant conditions imposed upon the grant of the said planning permission."
9. The appellant applied for costs in respect of the Council's failure to substantiate a case against issuing a Certificate and for procedural unreasonableness during the pre-application, application and appeal process. The Council resisted all these claims.
10. Having assessed the Council's approach to the original application and to the discharge of conditions, the inspector concluded the Council had provided insufficient evidence to substantiate its argument that the condition restricted development to a single building. The Certificate should have been granted. The appellant had therefore been put to unnecessary expense in pursuing the appeal.

**Mr and Mrs J Sheridan - Change of use of land to a caravan site for four caravans and one mobile toilet unit, retention of the existing hardstanding and boundary walls/fences and gateway - Plot 16 Water Lane/9a Orchard Drive, Cottenham – Appeal dismissed**

11. This appeal involved the two remaining plots at Smithy Fen for which there was an outstanding planning application. The site has remained vacant since the Council was granted an injunction in 2006 preventing the land from being occupied. The appellants, who are of pensionable age, have been living on the roadside since then. Permission was also sought to allow their son Danny and his family to live on the site. The appeal was considered by way of a hearing attended by both the Parish Council and the Smithy Fen Residents Association.
12. The main issues, as in previous appeals, were the effect of the proposal on the character and appearance of the countryside; whether a grant of planning permission would create a harmful precedent; and whether and resulting harm was outweighed by the appellants' need for accommodation and their personal circumstances.
13. In line with previous appeal decisions, the inspector found there would harm to the character and appearance of the countryside. He also found that allowing the appeal

would create a harmful precedent leading to similar planning applications elsewhere at Smithy Fen.

14. The Council accepted there is a local, regional and national shortage of gypsy and traveller sites. There was an urgent need for improved provision in the region. The appellants are aged 68 and 73 and have uncontested medical problems. Their need for a site was not disputed. The Council was unable to offer an alternative site. The inspector concluded that the age and health issues were weighty considerations and acknowledged the Council's tolerated occupation of Plot 12 Victoria View in view of medical circumstances. The appellants sought a temporary permission pending the delivery of suitable sites through the emerging DPD.
15. In undertaking the necessary balancing exercise, the inspector accepted that occupation of the site would lead to serious environmental objections. Refusal of planning permission was therefore a proportionate action such that even a temporary consent was unwarranted.

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