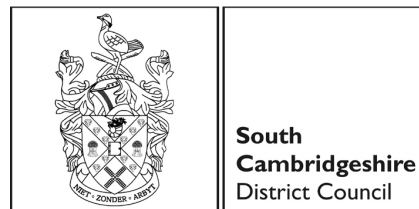


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29 March 2011

To: Chairman – Councillor Pippa Corney
Vice-Chairman – Councillor Robert Turner
All Members of the Planning Committee - Councillors Val Barrett, Trisha Bear,
Brian Burling, Lynda Harford, Sally Hatton, Sebastian Kindersley,
Mervyn Loynes, David McCraith, Charles Nightingale, Deborah Roberts,
Hazel Smith, John F Williams and Nick Wright.

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 APRIL 2011 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
JEAN HUNTER
Chief Executive

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

AGENDA

PAGES

PUBLIC SPEAKING

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

PROCEDURAL ITEMS

- 1. Apologies**
To receive apologies for absence from committee members.
- 2. General Declarations of Interest**
- 3. Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held on 2 March 2011 as a correct record.
The minutes are attached to the electronic version of this agenda,

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which can be accessed by following the links from
www.scambs.gov.uk/meetings

PLANNING APPLICATIONS, OTHER DECISION ITEMS, AND CAMBOURNE DRAINAGE

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| 5. | S/0133/11- Great Shelford (The Railway Tavern, Station Road) | 5 - 18 |
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Farm) | 77 - 92 |
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OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

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No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

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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Since 1 July 2008, the Council has operated a new Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

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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.

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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 April 2011 – Declaration of Interests

Councillor

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

CAMBOURNE - DRAINAGE**Purpose and Background**

1. This matter is being reported to the Planning Committee at the request of the Planning Portfolio Holder, following assurances given to Full Council on 22 April 2010 that it would be kept under regular review by Members.
2. Repair works have been progressing and Anglian Water (AW) have reported that they are satisfied that works have progressed sufficiently that they have been able to agree in principle to adopt the drainage system on a catchment by catchment basis. They have also highlighted however that critical to their analysis will be testing the system's reaction to rainfall over the coming months. AW have said the commissioning of a rain gauge at the Cambourne Terminal Pumping Station means they are better able to monitor the reaction of Cambourne's foul sewerage system to different levels of rainfall. AW have been asked to comment in relation to an event in February bearing in mind tankering was required and it is hoped comments in such regard will form part of their presentation to the Committee. Although it does not affect the importance of AW and the developers demonstrating a proper resolution of the infiltration issue AW have been able to advise that the new rising main from Cambourne is operational. Apparently the bore of this main is larger and it is reported by AW that this increases the pumping capacity by making the operation of existing pumps more efficient. AW have raised this point in the context that it will reduce the risk of the terminal pumping station reaching high levels and requiring the tankering action plan to be deployed. Nevertheless there is a recognition by AW that they are not in a position at this stage to recommend that the Planning application for an extra 950 dwellings at Cambourne move from a "resolution to grant" to the issue of the Permission itself at this stage and that they will need to come back to the Committee with full details when they are in the position to make the relevant recommendation. Unless there are any major/significant incidents before the final recommendation report from AW, it is not intended (subject to anything the Committee may wish to say) that representative(s) from AW will be asked to attend further meetings of the Planning Committee in the interim but they will be asked to submit to the Council on an ongoing basis copies of analysis reports and a note of anything materially adverse in terms of flows.
3. A representative from Bovis Homes will attend on 6 April to give a summary of the action taken and costs spent over recent months to investigate and deal with infiltration repairs etc but it is thought that as with the case of AW it will be acknowledged on behalf of the housebuilders that there remains the need for further testing of the system's reaction to rainfall over the coming months.

Contact Officer: Stephen Reid – Planning Lawyer, telephone: (01954) 713195

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/0133/11 – GREAT SHELFORD
Erection of 13 Flats (Including 5 Affordable Units) Following Demolition of
Existing Public House with Flat Above
at The Railway Tavern, Station Road for Manhattan Corporation Ltd.

Recommendation: Delegated Approval

Date for Determination: 28th April 2011

Notes:

This application has been reported to the Planning Committee for determination at the request of the Local Member

Members will visit the site on 6th April 2011

Site and Proposal

1. The site is located within the Great Shelford village framework. It is a triangular shaped site that measures 0.12 of a hectare in area. The land rises above road level to the east and drops to the south. The Railway Tavern Public House is a two-storey, render and slate traditional style building that is situated on the southern part of the site. A large hard surfaced parking area is situated on the northern section. A hedge runs partly along the boundary with Station Road and there is landscaping along the eastern boundary. A mature tree is located in the south eastern corner of the site. A wall forms the southern boundary.
2. Station Road bounds the site to the north and comprises a development of two-storey dwellings set back from the road with open front gardens opposite the site. The Cambridge to London Liverpool Street railway line runs along the eastern boundary of the site at road level with a level crossing to the north east. Leeway Avenue is a residential development that lies in an elevated position beyond. An office development with a building immediately adjacent the footpath along the Station Road frontage is situated to the south.
3. This full planning application, received 26th January 2011, proposes the erection of 13 flats. Seven of the units would be available on the open market and five units would be affordable. The housing mix would consist of 4 one bedroom units (2 affordable) and 9 two bedroom units (3 affordable). The tenure mix is not stated. The layout of the development would comprise an L shaped building that follows the western boundary and part of the southern boundary of the site. The building along Station Road would be set back 4 metres from the road and have a central open section at ground level that would comprise the access point to the parking area at the rear. The building

at first floor level would be in three sections but have a continuous frontage with two gable features as part of the design. It would be two-storey in height with measurements of 6 metres to the eaves and 10 metres to the lower ridge and 11 metres to the higher ridge. The building along the southern boundary would be part two-storey in height and part three storey in height with measurements of 7.5 metres to the eaves and 10.5 metres to the ridge. A public amenity area would be situated in the south eastern corner of the site. 14 parking spaces including one disabled space would be provided to the rear of the building. 14 cycle spaces would be provided within two cycle stores. The refuse storage area would be located adjacent Flat 4. Landscaping is proposed to all site boundaries. Materials include a mix of gault brick, off-white render, and timber boarding for the walls and slate for the roof.

Planning History

4. None relevant.

Planning Policy

5. **Local Development Plan Policies**

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/4 Rural Centres

South Cambridgeshire LDF 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
HG/2 Housing Mix
HG/3 Affordable Housing
ET/6 Loss of Rural Employment to Non-Employment Uses
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/6 Biodiversity
NE/11 Flood Risk
NE/12 Water Conservation
NE/15 Noise Pollution
SF/1 Protection of Village Services and Facilities
SF/6 Public Art
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 LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Public Art SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010
Affordable Housing SPD - Adopted March 2010
Great Shelford Village Design Statement- Adopted February 2004

6. **National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Guidance 13 (Transport)
Planning Policy Guidance 24 (Planning and Noise)

7. **Circulars**

Circular 05/2005 Planning Obligations
Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

8. **Great Shelford Parish Council** – Recommends refusal and makes the following comments: -

“No objections to the loss of the tavern as public house. Corrie Newell inspected the building in Sept 2009 at the request of the Parish Council and said that because of the alterations that had been made it was not a candidate for listing. She did however say that should the building be demolished the door case should be salvaged and if the building is made of clay bat, the clay should be retained for repairs to clay bat buildings and walls in the village. We believe the flint wall at the rear of the site is an attractive feature and should be retained. The tavern is a building which reflects the history of this site and complements the railway station and forms a group with the former Corn and Coal company building. Any replacement should seek to reflect the scale and proportion of these buildings and follow the guidance in the VDS...’New development should embody good design of its kind and relate intelligently to the character and context of the village

The proposed building is inappropriate for the site for the following reasons: The site rises by an average of 1.5m from the footpath to the rear. It is proposed to build up the western end of the site by some 0.6m so achieving an overall ground floor level of 19.4m. The proposed building along the frontage will have a ridge height of 10.4m giving a datum height of 29.8; this is on average 3.4m higher than the ridge height of the properties on the NW side of Station Rd. The building would therefore be dominant in the street scene and would be oppressive to these properties and the windows on the NW elevation would overlook their sitting and bedroom windows (This is shown in drawing 107.)

The semi-detached properties on the NW side of Station Road were said in a planning decision in 2001 to have a simple and uncluttered design which contributed to the visual character of the street. As reflects their history as commercial buildings, the buildings to the SW of the site are also of simple design. The proposed new building with its multiplicity of materials, projecting windows and harsh angular archway does not relate to the character and context of this part of the village and runs contrary to advice in the District Design Guide. The 3 storey section in the south of the site will dominate the outlook across the adjoining courtyard, an elevation drawing with the existing buildings would show this and should be provided.

A sustainability level greater than 3 should be achieved for new buildings in the interests of the occupants and sustainable features such as photovoltaics

should be included on the site. The choice of these features seems to have been driven by costs not effectiveness.

The District Design Guide (DDG) states that amenity space in new apartment development should be convenient to use and not affect internal privacy. If the first and second floor flats use the area to the rear of flats 1,2 and 3 they will adversely affect their privacy therefore 9 flats will use the small area in the SE corner of the site. This site is too small to meet the requirements of the DDG of 25m sq per flat. We would like to see a reduction in the number of units, an amended design and layout and suitable amenity space for the occupiers.”

9. **Local Highways Authority** – Requires conditions in relation to the provision of vehicular visibility splays measuring 2.4 metres x 43 metres in both directions that are kept clear from obstruction over a height of 600mm, that works to the ramp should not be within the public highway, surface water drainage measures for the access and ramp, and retention of parking and turning on site. Also request an informative in relation to works to the public highway.
10. **Conservation Officer** – Has no comments.
11. **Urban Design Officer** – Has concerns over the scale of the development and its impact upon the character and appearance of the area. Considers that the height should be reduced to be more in keeping with surrounding developments, that the design of the roof of the front elevation be symmetrical, that the cycle parking should be secure and re-located away from Flat 2, that the access should be overlooked, and that window frames should match the colour of the slate for the roof. The scheme should also be assessed against the Building for Life criteria and be to Lifetime Homes standards.
12. **Trees and Landscape Officer** – Has no objections and comments that the trees on the site are poor specimens. The arboricultural report provides tree protection measures that should be followed.
13. **Landscape Design Officer** – Requests a landscape condition to cover the proposed new tree and hedge planting. Has some concerns regarding the planting of a fruit tree in the northern corner and suggest an alternative.
14. **Acting Environmental Health Manager** – Comments are awaited.
15. **Housing Manager** – Supports the application and comments that there is a need for affordable housing in the district and the Council would seek at least 40% affordable housing. The scheme meets the level required and there is a separate access to the affordable units. The tenure mix of the affordable housing is to be agreed but there is a greater need for social rented rather than intermediate housing. A mix of 3 one bedroom flats and 2 two bedroom flats is preferred to a mix of 2 one bedroom flats and 3 two bedroom flats. The properties should meet the Homes and Communities Agency, Design and Quality standards and Code 3 for Sustainable Homes to ensure they are grant compliant. There is no requirement for the units to be made available for people with a local connection to Great Shelford and they would be open to all applicants on the housing register.

16. **County Archaeologist** – Comments that the site lies in an area of high archaeological potential, as it is located close to the historic core of the village and in an area of medieval pottery. The site should be subject to a programme of archaeological investigation as a condition attached to any consent.
17. **Network Rail** – Comments that the view of the level crossing should not be blocked at anytime as a result of the development and that parking should be enforced to ensure that no vehicles would block the level crossing causing vehicles to queue over it. Further states that the potential for any noise/vibration impacts caused by the proximity of the development to the existing railway should be assessed in the context of PPG24.
18. **Section 106 Officer** – Comments that the scheme includes a small area of communal space within the development that would be considered as informal public open space and would offset the capital contribution required to mitigate the impact of the development. Therefore, a contribution of £15,301.35 is payable (excluding the loss of existing accommodation) to the Council upon completion of the 6th unit for onward transmission to the Parish Council. The scheme is required to make an off-site contribution towards indoor community facilities. The 2009 audit identified a shortfall of community space within the parish with the village hall requiring improvements. Therefore, a contribution of £4,472.32 is payable to the Council upon completion of the 6th unit for onward transmission to the Parish Council. The development does not reference the provision of public art on the site. Therefore, a contribution of £7500.00 towards off-site provision within the village is requested. In accordance with the RECAP Waste management Design Guide, the applicant would have to make provision towards waste receptacles is required at a cost of £150 per flat. Therefore, a contribution of £1950.00 is required.
19. **County Education Officer** – Comments that the proposed development would not be expected to accommodate any children of primary or secondary school age and there is sufficient pre-school accommodation in the area to cater for the expected demand. Therefore no education contributions are sought from the development.

Representations

20. The Local Member has concerns regarding the scale and overpowering nature of the development and its impact upon the street scene.
21. Nine letters have been received from occupiers of residential properties surrounding the site. The majority of respondents have no objection in principle to development of the site but consider that the current proposal is not acceptable. Comments include that the development would: - be too large in scale with a substantial height, dominate the street scene, be out of keeping with building heights in the area, have too high a density, be sited too close to the road, result in overlooking, a loss of light and an imposing outlook to neighbours, lead to significant vehicle movements and parking problems, result in the loss of a village facility, and have an impact upon air quality. Other non-planning consideration raised relate to the blocking of an adjacent access, the state of the site, and safety implications for the tree. One resident generally supports the application but has concerns regarding the accuracy of the traffic information submitted and the impact of the development.

Planning Comments – Key Issues

22. The main issues to consider in the determination of this application relate to the principle of residential development on this site, the loss of a village service, housing density, housing mix, and affordable housing, and the impacts upon the character and appearance of the area including scale, height, mass, form, and materials, trees and landscaping, highway safety, and neighbour amenity.

Principle of Development

23. The site is located within the village framework of a 'Rural Centre' where there is a good access to services and facilities and residential developments with no limit on size are considered acceptable in principle subject to all other planning considerations.

Loss of a Village Service

24. The proposal would result in the loss of the existing public house on the site. This is currently vacant. The property has been advertised for sale at a cost of £465,000 and for lease at a cost of £35,000 per annum for a period of approximately 14 months. The method of advertisement has been through an agent's board on the site, marketing particulars forwarded to all commercial agents in the area, internet advertising via the Cheffins website and EG property link, and regular advertisements in the local newspaper. During the marketing period, approximately 50 parties showed an interest in the property for uses such as offices, restaurant, public house, residential, or redevelopment of the site. Three offers were received but all rejected as they did not meet the agent's valuation. A number of parties had concerns about the amount of work required to the building and considered that it would not be financially viable to operate as a business.
25. Although it is noted that the existing poor state of the building would not make it an attractive place to visit, it is considered to have potential, as it could easily be improved. The location of the pub within the centre of the village is considered to be easily accessible to number of residents and nearby businesses and it's location immediately adjacent Great Shelford railway station may attract visitors from further afield.
26. However, there are five public houses within a 0.6 mile radius of the site that provide a similar alternative to the existing public house. There are also a number of restaurants and other community facilities within close proximity. Access to the majority of these premises would be easy by walking or cycling.
27. The public house has been closed for 15 months. Information has been submitted with the application that the Year to Date Net income figures for the previous three years the premises were open to business. Over that period of time, the income of the business decreased from £32,506 in 2005 to £22,454 in 2007. This shows that trading was unlikely to make a profit.
28. The Council has instructed an independent consultant to assess the impact of the loss of the public house to the village. The result of this evaluation will be reported to the committee.

Density

29. The site measures 0.12 of a hectare in area. The erection of 13 flats on the site would equate to a density of 108 dwellings per hectare. This would make the most efficient use of previously developed land and comply with the requirement of at least 40 dwellings per hectare as set out under Policy HG/1 of the LDF for sustainable settlements.

Affordable Housing

30. There is an identified local need for affordable housing across the whole district. Five of the flats would be allocated for affordable housing. This would comply with the minimum 40% requirement outlined in Policy HG/3 of the LDF and contribute towards meeting the local need. Whilst the development proposes a mix of 2 x one bed units and 3 x 2 bed units, a mix of 3 x one bedroom units and 2 x two bedroom units would be preferable in order to secure a social landlord to take on the scheme. The tenure mix of the scheme would be agreed with the Council. The affordable units would be open to all residents across the district and not limited to local people with a connection to Great Shelford. The units would remain affordable in perpetuity.

Housing Mix

31. The remaining eight flats available for sale on the open market would comprise a mix of 5 x two bedroom units and 3 x one bedroom units. Whilst it is noted that there would not be any larger properties within the scheme as recommended under Policy HG/2 of the LDF, this mix is considered acceptable, as there is a greater need for smaller market units across the district. The proposal is therefore considered to provide a range of types, sizes and affordability of flats to meet local needs.

Character and Appearance of the Area

32. The L-shaped building on the site would result in a layout that would follow the character of the existing commercial developments to the south of the site that are located close to the road, and the position of the existing building on the site to the south.
33. The scale of the development as originally submitted is not considered to be in keeping with the character and appearance of the area that comprises mainly two-storey buildings. Whilst there are no in-principle objections to a slightly higher building that would create a landmark due to the prominent location of the site at the entrance to the village, the current scheme would result in a building with a significant height that would have the appearance of a substantial three-storey building. This is not acceptable and would harm the character and appearance of the area. The applicant has agreed to reduce the scale of the development.
34. The mass of the front elevation would be visually reduced at first floor level by three separate elements that would have different roof heights and the fenestration surrounds that would have different materials, and at ground floor level by the open archway and planting.
35. The design of the building would be contemporary in nature. Although it would not reflect the character of the nearby dwellings or adjacent commercial

development, it is considered acceptable given the varied character and appearance of the area. It would incorporate both hipped and gable roofs and gable features on the front elevation that are local to the context of the site. This would create an innovative development in itself with a sense of place.

36. The use of materials such as gault bricks and light render for the walls and blue/grey slate for the roofs are not considered to be inappropriate and would respect both with traditional style dwellings, and modern developments in the village such as Halatte Gardens.

Trees and Landscaping

37. The proposal would not result in the loss of any important trees that contribute to the visual amenity of the area. The mature tree in the south eastern corner of the site would be retained and its visual contribution to the environment enhanced as a result of the siting of the adjacent amenity area. The tree would be protected during construction.
38. The proposed landscaping scheme is considered generally acceptable. The hedge along the frontage of the site would soften the impact of the development and enhance the appearance of the street scene.

Highway Safety

39. Station Road is a straight road with a 30 mph speed limit. It has traffic lights at the crossroads with Tunwells Lane/ London Road to the south and a level crossing leading to Hinton way to the north.
40. The proposal is not considered to be detrimental to highway safety. Although the existing traffic generated from the public house is not known, it is believed that the use and amount of parking would have resulted in a significant number of vehicle movements on to Station Road. The traffic generation for the proposed development has been calculated using the TRICS 20101(b) trip generation database and whilst there may be a greater flow of traffic at peak times, it is considered to result in a similar level of traffic per day to the existing use.
41. The shared access to the site would measure 6 metres in width. Vehicular visibility splays measuring 2.4 metres x 33 metres to the south of the access and 2.4 metres x 43 metres to the north of the access would be provided. Pedestrian visibility splays measuring 2.0 metres x 2.0 metres would also be provided on both sides of the access. The access and pedestrian splays would meet Local Highway Authority standards and their provision and retention would be a condition of any consent. Whilst the vehicular splays to the south would fall short of the requirement for splays measuring 2.4 metres x 43 metres this is considered acceptable, given that the traffic would be clearly visible and on the opposite side of the road to the development and likely to be travelling at fairly low speeds as a result of the nearby traffic lights and level crossing. Their provision and retention would be a condition of any consent.
42. Whilst it is acknowledged that the level of vehicle parking provision on the development would fall short of the Council's average parking standards under Policy TR/2 of the LDF, it is considered appropriate, as it would still provide one space for each flat (inclusive of disabled parking space) plus two

visitor spaces. This would be unlikely to result in on-street parking that would cause a hazard to the free flow of traffic along Station Road, due to the busy nature of the road. The site is also situated in a very sustainable location with good accessibility to public transport (trains and buses) and within walking and cycling distance of the main services and facilities within the village. One cycle space would be provided for each flat that would accord with the recommended standards, and amended plans have been sought to provide these spaces in secure buildings.

Neighbour Amenity

43. The building would be located a distance of 20 metres from the front elevation of the dwellings in Station Road, 20 metres from the side elevation and 13 metres from the boundary of No. 2A Shelford Park Avenue, and 30 metres from the boundary of No. 2 Leeway Avenue. The development is considered acceptable in terms of the impact upon the amenities of neighbours through massing and privacy, given that the relationships between the dwellings are front to front, front to side or more than 30 metres back to back. The buildings would be orientated to the east of the dwellings in Station Road and south east of No. 2A Shelford Park Avenue and would not lead to a significant loss of light through overshadowing.
44. The existing railway line adjacent to the development is likely to result in noise and disturbance to future occupiers of the flats. Comments from the Acting Environmental Health Manager in relation to a noise mitigation strategy to ensure the development is acceptable, will be reported in an update.

Developer Contributions

45. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Great Shelford. Approximately 100 square metres of informal open space would be provided on site. However, this would not offset the increase in demand for sport and playspace as a result of the development and therefore a financial contribution of £18, 827.94 (index linked) is also required towards the provision and management of open space off-site and within the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The agent has confirmed that the applicant would be willing to contribute towards this requirement.
46. The South Cambridgeshire Community Facilities Assessment 2009 states that Great Shelford has indoor community space that is of a good standard, although there is a shortfall of such space and some investment in the near future may be required. Due to the increase in the demand for the use of this space from the development, a financial contribution of £4,104.32 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The agent has confirmed that the applicant would be willing to contribute towards this request.
47. Policy SF/6 of the LDF encourages the provision of publicly accessible art, craft and design works. No public art has been provided on site as part of the development. Therefore, a financial contribution of £7500.00 towards the cost of the provision of public art within the village and its maintenance is sought to

make the development acceptable. The agent has confirmed that the applicant would be willing to contribute towards this request.

48. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide developers are required to provide for household waste receptacles as part of a scheme. The current fee for the provision of appropriate waste containers is £150.00 per flat. The costs will be secured via a section 106 agreement and would be required to be paid upon completion of the agreement. The agent has confirmed that the applicant would be willing to contribute towards this request.

Other Matters

49. The District Design Guide recommends 25 square metres of communal amenity space per one or two bedroom dwelling. This would result in a total requirement for 325 square metres being provided on the site. The scheme provides approximately 330 square metres. This is considered to comply with the recommendation but in any case, the amount of space is not a requirement to make the scheme acceptable in planning terms.
50. The RECAP Waste Management Design Guide recommends that 320 litres storage capacity of waste to be provided per one bedroom unit and 420 litres per two bedroom unit. This results in a total requirement of 5060 litres for the development. The bin storage area would be of an adequate size to accommodate 5 x 1280 litre bins. It would be located adjacent the pedestrian access at a maximum distance of 25 metres from the entrances to the flats. This level of provision would therefore be a condition of any consent.
51. A Renewable Energy Statement has been submitted with the application that sets out the alternative options for such provision. These include solar powered systems, solar heating systems, wind turbines, biomass heating systems, and ground or air source heat pumps. The scheme indicates that photovoltaic panels would be installed on the south east facing roof slope of the building plus solar heating to achieve the 10% predicted energy requirements as set out under Policy NE/3 of the LDF. No measures have been confirmed and therefore the provision would be subject to a condition of any consent.
52. A Water Conservation Strategy has been submitted with the application that sets out the options being considered for the project. These include permeable road/parking areas, soakaways, underground tanks for surface water run-off, and water butts. No measures have been confirmed and therefore the provision would be subject to a condition of any consent.
53. The issue raised by the neighbour in relation to the right of access to the adjacent property is a legal matter that cannot be taken into consideration as part of the planning application decision making process. The health and safety of the tree on site is a civil matter between the parties involved.

Conclusion

54. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance subject to the receipt

of a satisfactory report from the Council's Valuation consultant, satisfactory comments from the Acting Environmental Health Manager, and amended plans that reduce the scale and alter the design of the building, and provide more secure cycle storage and visitor parking.

Recommendation

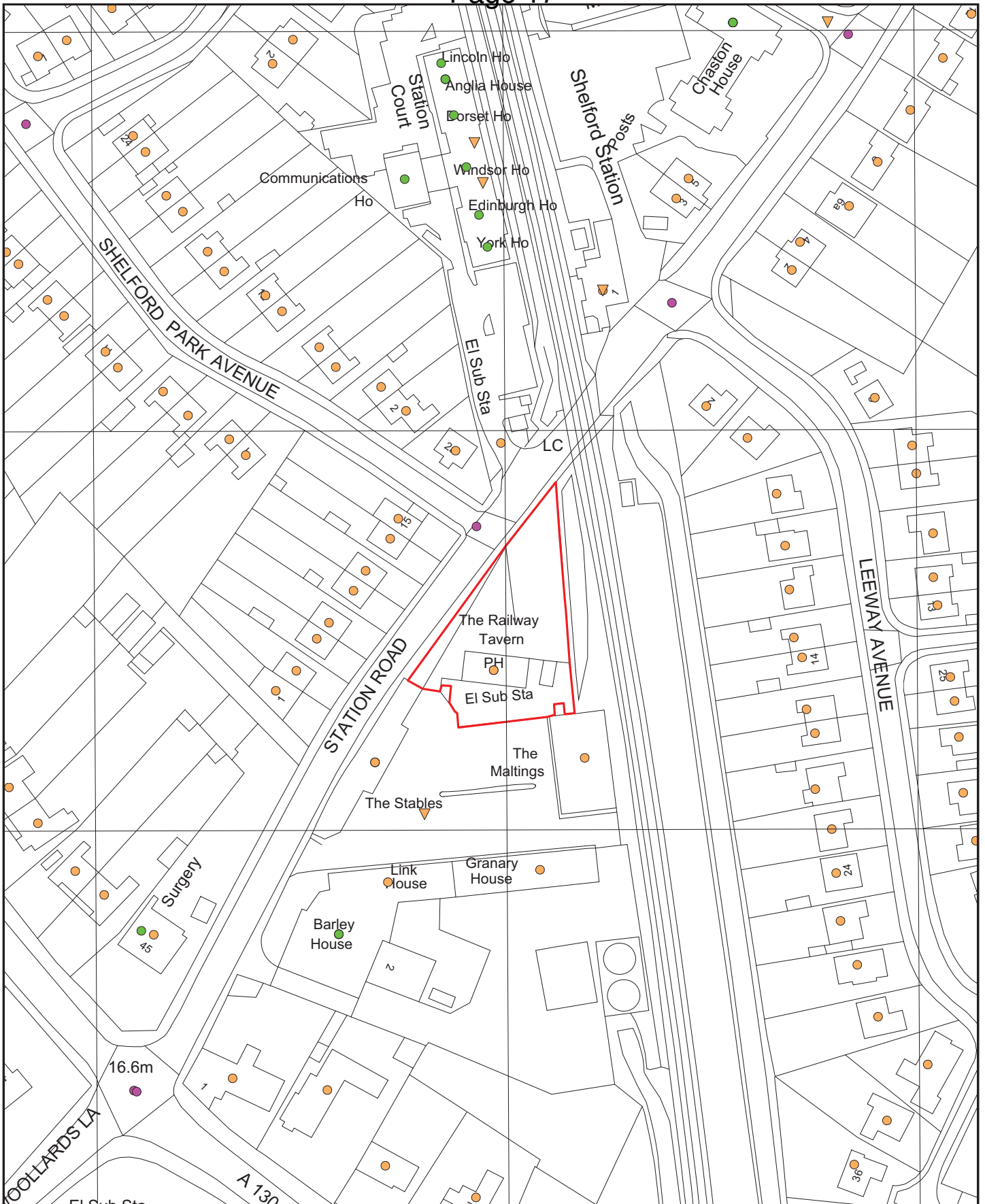
55. Delegated approval subject to conditions including provision and retention of visibility splays, parking, tree protection, approval of materials, landscaping, archaeology, contributions towards public open space, community facilities, public art and waste provision, details of waste storage, provision of renewable energy, and implementation of a water conservation strategy.

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Biodiversity, Landscape in New Developments, and District Design Guide
- Planning Policy Statements 1, 3, 13, and 24.
- Planning File Reference: S/0133/11

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/1392/10/F – WILLINGHAM

Removal of Agricultural Occupancy Condition (Condition 1) on Planning Permission S/0077/74 at 37A Rampton Road, for Dr S Sangray

Recommendation: Delegated Approval

Date for Determination: 19 October 2010

Notes:

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

Site and Proposal

1. This full application, submitted on 13 August 2010, seeks the removal of condition 1 of planning consent S/0077/74 which imposes an agricultural occupancy restriction on the property (see Planning History below).
2. 37a Rampton Road is a detached bungalow set back 90m from Rampton Road and served by a driveway which runs between residential properties at Nos 37 and 39 Rampton Road. Immediately to the rear of the bungalow is the former shop building, beyond which is an area of land comprising the former nursery area itself. The total site area is 3.88ha.
3. The application is accompanied, amongst other documents, by a report of the recent marketing of the property from May 2009 to June 2010. This included national advertising comprising seven advertisements in the Farmers Weekly and four advertisements in the Farmers Trader during that period, along with local advertising in the Cambridge News in July and December 2009. In addition the applicant's agent states that the property would have been placed on its website throughout the marketing period. Prior to advertising an independent valuation of the property was obtained and an asking price in the region of £465,000 for the house and its curtilage, and the remaining land was adopted.

Planning History

4. **S/0077/74** – Erection of bungalow and garage – Approved
5. Condition 1 stated 'The occupation of the dwelling shall be limited to persons employed locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971 or in forestry and the dependants of such persons.'
6. The reason for the condition stated that the consent would not have been granted for the erection of houses on this site unconnected with the use of the adjoining land for

agriculture or similar purposes. The occupation of the dwelling was not however restricted specifically to someone working at the nursery

Planning Policy

7. South Cambridgeshire Local Development Framework Development Control Policies adopted July 2007:

DP/7 – Development Frameworks

HG/9 – Dwelling to Support a Rural-Based Enterprise

Consultation

8. **Willingham Parish Council** recommends refusal on the grounds of lack of information about intended use of the whole site (current drawings do not show this). The site was purchased by the owner with the full knowledge of the agricultural restriction and the Parish Council would need to see a good complete case as to why this would/should be changed.

Representations

9. The occupiers of **35 Rampton Road** object. It is noted that it is stated in the application that none of the land is an agricultural holding, which is surprising. There are a number of unsupported assertions in the applicants report which are not supported by relevant documentation for example 'Dr and Mrs Sangray looked at restructuring the nursery but it was totally uneconomic to do so'; 'There is no car parking'; Nurseries have been struggling in recent years', Cadwin Nurseries would never compete'; There is no prospect of the nursery being restructured on any commercial scale'; 'There is no horticultural business...and no prospect of anything significant re-establishing itself on the site'.
10. The applicants should have been aware of the restrictive condition when purchasing the property and its effect. If not they would have redress against their legal advisers at the time of the purchase.
11. The investment has been allowed to deteriorate in its potential attractiveness to another buyer. Horticultural activity was taking place at the time of purchase although the scale was being run down. The applicant could have rebuilt the business as the Nursery had a long and reliable local reputation, the village population has increased and there is a growing preference for local produce. No effort seems to have been made to grow any crops, greenhouses have been allowed to fall down, fruit trees have remained unpruned and quality fruit unpicked.
12. It is feared that the applicant may have had little or no intention of following a horticulture way of life and realised that there might be an increase in value if the condition could be removed, along with the possibility of opening up the development of the site. Although it is understood the plot is currently outside the village framework the removal of the occupancy condition would be the first step.
13. No advice appears to have been taken from the District Council prior to submitting the application – was this in case it prompted the Council to take enforcement action?
14. Considering the economic climate it is queried whether the property has been marketed appropriately, or with sufficient focus and the Council might wish to consult local estate agents to establish the length of time properties were on the market at

that time. Further marketing options were not explored. There was no change of agency, roadside signs, and advertisements were not placed in national magazines more appropriate to the small scale of the use i.e. Horticulture Week or The Smallholder. Other local/regional papers were not used. The price was not reduced and the property appears to have been withdrawn from the market at an early time. This suggests only a token effort has been made.

15. Although the agents report purports to be impartial it stresses the arguments in favour of the applicants' aims and an alternative report, in the objectors opinion, would reach a conclusion based on; preferences for organic and luxury foodstuffs traditionally grown at Cadwin Nurseries, such as asparagus and raspberries; preference for local markets is growing, hence popularity of local farmer' markets; the recent success of other small entrepreneurial ventures in the village is visible and local well-established smaller and larger agricultural/horticultural enterprises continue to flourish and the diversity of enterprises shows what the land is capable of; the deterioration/unproductiveness of the applicants' land now; the limited marketing undertaken and the non-reduction of the asking price; the way the recession has affected new build locally; the length of time taken to sell all domestic and industrial premises and the need to reduce prices to attract buyers; the use of a truly local agent rather than the current one which is based in Bury St Edmunds; whilst the plot has access near to No 35 there is alternative access potentially available and with signage it is well placed to draw in local and passing trade.
16. The Parish Council appears to be aware that the land is no longer being used for agriculture but this information does not seem to have been passed to the District Council. Were they aware that the occupancy condition was in force?
17. The planners have a responsibility to ensure that small patches of economically viable and fertile land like this remain available in the increasingly suburban environment and should therefore protect this holding from any possible development which would permanently take this land out of potential use for food production or other agricultural-type activity.
18. In conclusion however if the District Council could give an assurance that the removal of the condition could not turn out to be the thin end of a wedge which would in time result in further building on the site and its loss as a potential food producing holding the above concerns would not have been submitted.
19. The occupier of **39 Rampton Road** expressing concern about the possible future use of the old nursery and that it might be sold away separately from the house if this application is successful. There is also concern that if the land is left in limbo there is a possibility of the adjacent travellers site bleeding onto this land. Whilst it is understood that this would not be the intention there have been several cases locally which would indicate the difficulty of prevention after the event.
20. The occupier of **51 Rampton Road** has no objection, although would wish to be notified of any future applications for development of the site.
21. The occupiers of **41 Rampton Road** request that a decision is reached which will most likely lead to the restoration of the nursery to a clean healthy condition as at present the scene is one produced by a long period of neglect.

Applicant's Representations

22. In addition to the documentation submitted with the planning application the applicant's agent has responded to the points raised during the consultation process.
23. A copy of this letter is attached as Appendix 1.

Planning Comments – Key Issues

24. The key issue to be considered in the determination of this application is whether the applicant has satisfactorily complied with the requirements of Policy HG/9 (6), which states that the relaxation of an occupancy condition will only be permitted where it can be demonstrated that the dwelling is no longer required by the unit or those working, or last working, in the locality in agriculture, forestry or rural-based enterprise that requires a dwelling in the countryside, or a surviving partner of such a person, and to any resident dependants. When considering applications to relax such a condition the District Council will require evidence of the steps taken to market the dwelling with the occupancy condition.
25. It is clear from the application that the property is currently being occupied in breach of the planning condition, and that the condition may not have been fully complied with for a number of years. Notwithstanding this the current application still falls to be determined under the above policy. If the District Council were to refuse the request to remove the occupancy condition it would then have to consider whether it would be expedient to instigate enforcement action.
26. In my view the scope of the marketing undertaken is acceptable. It includes a trawl of local farms as well as advertising in both the local press and national agricultural journals. Although I have not sought a full independent review of the submitted details I am seeking an independent valuation of the property to ensure that the property was marketed at a price that adequately reflected the encumbrance of the occupation condition, as this will be the critical factors in my final recommendation. I note the agents comment that there was a slight rise in property prices during the period the property was advertised and this was the reason why the guide price was not lowered at any point.

Whilst it may be unfortunate that the former nursery use has not been maintained this is not something that should prejudice the decision on the application to remove the agricultural occupancy condition from the dwelling. The price at which the property was marketed should have reflected the condition of the dwelling and any associated buildings that time.

I note the concern expressed by the Willingham Parish Council and local residents that the relaxation of the condition might be the first step in opening up the land for future development. Regardless of whether the dwelling retains its restrictive occupancy condition the site will remain outside the village framework and any planning application would therefore still fall to be judged against the appropriate countryside policies.

Recommendation

Provided that I receive confirmation that the price at which the property was advertised for sale is considered to adequately reflect the encumbrance of the agricultural occupancy condition, I will recommend that the application be approved.

Conditions

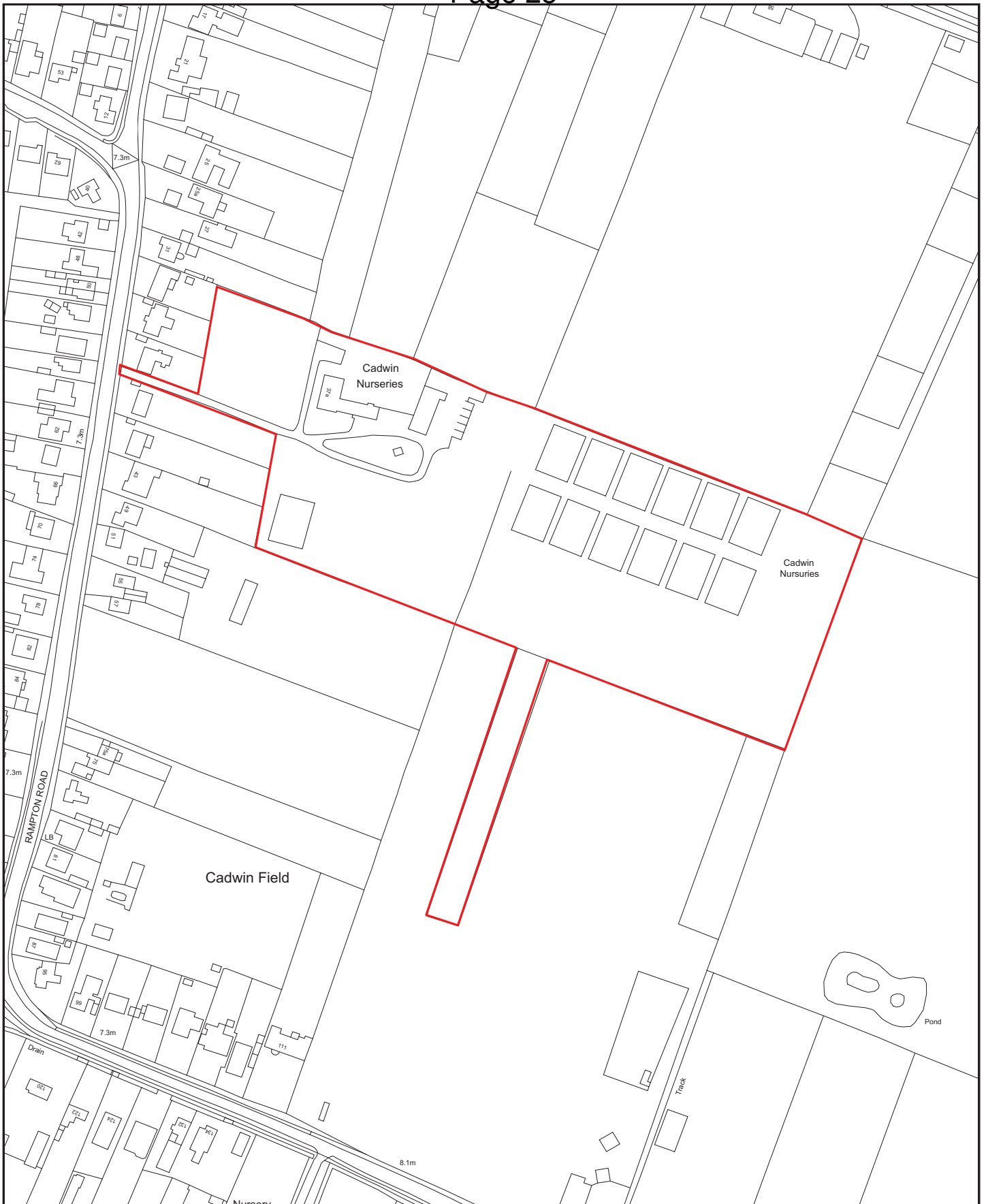
No conditions

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/1392/10

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/2129/10/RM - CAMBOURNE**Erection of 51 dwellings and associated infrastructure (amended design) at Land Parcel UC09, Upper Cambourne for Taylor Wimpey East Anglia****Recommendation: Approval****Date for Determination: 25th January 2011****Notes:**

This application has been reported to the Planning Committee following further consultation with Cambourne Parish Council.

Update

1. This reserved matters application was brought before Planning Committee on 2nd March 2011 with an officer recommendation of approval, a recommendation that was contrary to that of Cambourne Parish Council. At this meeting the Planning Committee deferred the application to allow further consultation with the parish council. Since the last meeting officers and the applicant have met with parish council to discuss its concerns about the design of the land parcel. Amended plans have been requested to alter the window details on a number of the plots as well as amended elevations for the dwellinghouse on plot 30. The receipt of these plans is expected before the date of the committee meeting and will be reported verbally.

Site and Proposal

2. Land parcel UC09 is located to the east of Sterling Way, which is one of the spine roads running in a north to south direction through the centre of Upper Cambourne. To the north the site abuts land parcel UC12, which has been built out with two storey properties that are now occupied. To the south the site abuts an old track lined with small trees and bushes, which was initially proposed to be a bus link from Upper Cambourne to the Broadway as part of application reference S/6438/07/O. The site has an area of approximately 1.47ha and is flat and vacant. The land to the east, which is also flat and vacant, formed part of the original outline consent for Cambourne and is now proposed for development under application reference S/6438/07/O.
3. The reserved matters application, received on 30th November 2010 and amended on 21st, 31st January 2011 and 23rd March 2011, proposes 51 dwellings and associated roads, parking and access, as well as a Local Area of Play (LAP). The matters that have been reserved, and are therefore to be considered as part of this application, are siting, design and external appearance of buildings, the means of access thereto and the landscaping of the site.

4. The scheme includes a road through the site that runs in an east to west direction, with spurs to the north and south. The northern spur heads in an eastern direction after passing the centrally placed LAP and leads to what will be a future housing area. A mix of 2-5 bedroom units, made up of detached, semi-detached and terraced dwellinghouses and three flats over garages ('FOG') are proposed, which include 7 x 2 bed, 17 x 3 bed, 6 x 3/4 bed, 15 x 4 bed and 6 x 5 bed properties.
5. This application is a re-design of a reserved matter scheme, which was previously approved by Planning Committee on 3rd April 2008 (planning reference S/0012/08/RM).
6. Changes to the proposed layout include: the reorientation of units 41 and 42; the houses on the western side of the site being brought nearer to Sterling Way, only one vehicular access being provided for each of the parking courts; relocation of the bin collection points; a reconfiguration of the parking for units 1-3 and 36-50, resulting in a loss of one of the parking courts; a greater variety of house types and heights fronting Sterling Way; the relocation and widening of footways; and the omission of on-street visitor parking bays.
7. In terms of the design of the houses there is a greater variation in the treatments of the elevations and the heights of buildings (the dwellinghouses on plots 12 and 30 are now three-storey); the design of the detached houses in the southeast corner has been amended to omit the dual gables features in their front elevations and there are amended porch details and materials for a number of the properties.
8. The amendments made to this current application in January include a new footway, which has been added to the outside of the LAP. Alterations have been made to the parking arrangements for a number of the properties as well as an increase in the size of the bin collection points. On the advice of the Urban Design Officer, the window details for a number of the dwellinghouses have been changed so that they are less squat and have vertical separations and cill and lintel details added where possible. The Design and Access Statement has also been amended to provide additional information in response to the parish council's comments.
9. Prior to the previous committee meeting amended plans showing a taller dwellinghouse on plot 30 were received. This was reported verbally to the Committee. Following a meeting with Cambourne Parish Council on 22nd March 2011 amended plans were received showing an additional parking space for plot 43, which has resulted in the parking provision for plot 46 being revised to 2 spaces, including a single garage. The parking spaces in the southern parking court have been widened and the parking spaces to the front of plots 4 and 11 have also been adjusted in width. Additional brick boundary walls, in place of the previously proposed fences, are proposed for plots 1, 15, 16, 18, 20, 25, 26, 32, 41 and 48-50. Further details of the dimensions of the garages have also been provided.

Planning History

10. **S/1371/92/O** - Outline permission granted for 3300 dwellings in April 1994.
11. Upper Cambourne Development Briefing Document Revision H
12. **S/0012/08/RM** – planning permission granted for the erection of 51 dwellings and associated infrastructure.

Planning Policy

13. **South Cambridgeshire Local Plan 2004 saved policies:**
Cambourne 2 Development in Accordance with Cambourne Design Guide
SE7 New Settlement of Cambourne
14. **Local Development Framework Core Strategy 2007:**
STa-k Objectives arising from the Strategic Vision for South Cambridgeshire
ST/4 Rural Growth Centres
15. **Local Development Framework Development Control Policies 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/6 Construction Methods
HG/1 Housing Density
HG/2 Housing Mix
SF/10 Outdoor Play Space, Informal Open Space and New Developments
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
NE/14 Lighting
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/4 Non-motorised Modes
16. **Supplementary Planning Documents**
 - (a) **Landscape in New Development SPD** – adopted 2010
 - (b) **District Design Guide SPD** – adopted 2010
 - (c) **Trees and Development Sites SPD** – adopted 2009
 - (d) **Biodiversity SPD** – adopted 2009
 - (e) **Open Space in New Developments SPD** – adopted 2009
17. **Circular 11/95 – The Use of Planning Conditions:** advises that planning conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

18. **Cambourne Parish Council** has received copies of the amended plans. It recommended refusal of the original plans on the following grounds:
 1. Unimaginative layout that has a regimented appearance giving the maximum overlooking that appears to be number led rather than design led, contrary to the Development Briefing Document.
 2. It is not clear how the adjacent development parcels merge to ensure that UC09 connects visually with adjoining parcels and there is no account of the connectivity, permeability and cohesion.
 3. The access from the spine road gives the impression of a canyon and there is no clear definition of the route through the site.
 4. The siting of the visitors parking adjacent to the LAP, which does not appear conducive of safe creative play, is a safety hazard and will cause an obstruction on route to the adjoining parcels.
 5. Long narrow drives are impractical for parking of multiple cars.

6. Plots 36- 41 appear to be sited to close to the southern boundary restricting access to the carports and there is insufficient turning space for cars using the visitor spaces.
7. Central parking courts should be avoided as they cause safety concerns, and require management schemes to manage which cause concerns in the future.
8. The parcel does not appear to be pedestrian friendly area.
9. Concern was raised on the parking provision in the south west corner which appeared insufficient with no visitor parking and which appeared inconsistent.
10. Concern was raised about the bin spaces. The bin collection points appear too small for the potential number of bins and are an excessive distance from dwellings.

The Parish Council considers that the application is of poor quality and would have benefited from pre-planning consultation with the Parish Council so it could understand the design approach for the parcel.

The Council feels that there may be a design problem with the drainage system, resulting in the well-publicised flooding near the pumping station. Therefore until the Developers can prove to the satisfaction of the District and Parish Councils that the present drainage system is capable of coping with the existing and additional foul drainage discharge, Cambourne Parish Council is unlikely to be in a position to recommend approval of any large scale planning application. The District Council and Parish Council would have to be satisfied that any further application would not adversely affect dwellings lower down the drainage system.

At the meeting of 22nd March 2011 Cambourne Parish Council recommended that the application be approved, subject to an additional parking space being provided for the dwellinghouse on plot 43. It was also requested that the applicant look at increasing the widths of some of the parking spaces within the parking courts and provide more brick boundary walls rather than fences, especially adjacent to highways. The width of the garages was also questioned. Further to the previous comments about drainage the parish council requested that a condition be used to ensure that the drainage system is acceptable to the District Council.

19. **Environment Agency** – has no objection.
20. **Cambridgeshire Fire and Rescue** – has requested that adequate provision be made for fire hydrants.
21. **Local Highways Authority (Cambridgeshire County Council)** – initially recommended refusal but the amended plans received in January now address his concerns.
22. **Police Architectural Liaison Officer (Cambridgeshire Constabulary)** – has questioned the access arrangements for plots 1-5 and suggested that the footpath link between plots 7 and 8 provides unnecessary permeability. It is recommended that the alleyway to the rear of plot 15 is gated and that there be a suitable boundary treatment to the east side. The two FOGs are not very well overlooked and it is recommended that the rear parking courts be lit.
23. **Ecology Officer** – has no objection.
24. **Landscape Officer** – comments awaited.

25. **Urban Design Officer** – is pleased that some of her original comments have been addressed, though is disappointed that the request that the raised roadway area be a shared surface and that plots 2 and 3 be moved nearer to Sterling Way have not been met nor has a redesign been made to part of the site so that the vista along the private drive at the centre of the site is terminated by the front elevation of a house rather than the proposed landscaped area. Changing the house on plot 30 to three-storey to form more of a focal point has in part compensated this latter point.

Representations

26. None received.

Planning Comments – Key Issues

27. This reserved matters application continues the build out of Upper Cambourne under the original outline planning permission and seeks to amend the design of the scheme that was approved in April 2008. Given that this is a site that already has permission, any assessment must bear this in mind.
28. The Parish Council's and other consultees' comments and concerns are addressed below.

Siting

29. Many of the changes that have been made are improvements to the previous scheme. In particular a stronger frontage has been provided along Sterling Way, by re-orientating some of the dwellinghouses and bringing other dwellinghouses nearer to road frontage. In addition, the number of accesses to the parking courts have been reduced, therefore, making them more secure.
30. The rear parking courts and nose to tail/tandem, on curtilage parking have already been established through the approval of the previous application, and can be found in other parts of Cambourne. A balance judgement does need to be made in design terms, as the use of tandem parking allows the houses to be positioned closer together and as such present a strong frontage to the highway. It can also reduce the need for parking courts. Whilst the parking courts here are slightly larger than recommended, accesses are being minimised to them and adequate lighting of these areas, in accordance with the Police Architectural Liaison Officer's comments will be secured by way of a planning condition.
31. The distribution of the parking spaces throughout the site has also been reviewed and to address the Parish Council's concerns, and a number of the spaces within parking courts have been widened. The southwest corner of the site has been amended to ensure parking and turning works in practice and the visitor parking spaces have been removed from adjacent the LAP. The detailed design for the LAP will be secured through condition.
32. The footway locations have been amended and the request for two metre wide footways has been incorporated into the standard condition requiring the highways to be at a base course level before dwellings are occupied.
33. Although the Police Architectural Liaison Officer has concerns about the footpath into the northern parking court between units 7 and 8, this was part of the previously approved plans, and provides a pedestrian link into the northern half of the land parcel. The scheme will now include bollards, which were not previously proposed

and the amended plans also show that the alleyway to the rear of plot 15 will be gated as requested by the Police Architectural Liaison Officer.

34. It is not considered possible to insist on the reorientation of dwellings so that the vista along the central private drive is terminated by the front elevation of a dwellinghouse, as requested by the Urban Design Officer, given that the layout has previously been considered acceptable. Moreover, the vista will be terminated in a landscaped area, which will be planted up with several trees. The house type on Plot 30 has been amended in line with the Urban Design Officer's comments, so that it gives a focal point to the centre of the land parcel.
35. In terms of the shared surface the Local Highway Authority has confirmed that, because of the volume of traffic passing through the land parcel, it would not accept the use of a shared surface. The design has, therefore, been retained as a raised platform with footways either side. The rest of the Urban Design Officer's comments have been addressed by the amendments.
36. With regard to the Parish Council's original comments further details of the land parcel that the site abuts to the north have been provided in the amended submission. The relationships of dwellinghouses and gardens are similar to many other parts of Cambourne, and in several places there are back to back distances that would be slightly less than those recommended in the District Design Guide. Given the more urban context of this part of Cambourne, any impact upon amenity, as a result of overlooking, is considered to be acceptable.

Design and External Appearance

37. In light of experience and lessons from the early phases in Upper Cambourne, amendments have been sought to certain house types and in particular the window details. The amended plans now show more defined cills and lintels and there are no longer any horizontal separations of glazing, which produces a very squat looking window. In addition, some of the other developments in Upper Cambourne have small areas of render or weatherboarding between ground floor and first floor windows. This design feature is not considered to have worked well and the amended plans have omitted any use of it, in favour of more defined window details. Samples of the external materials for the dwellinghouses will be secured by way of a planning condition.
38. In terms of the mix of housing this is broadly the same as the approved scheme, though there is a higher percentage of three bedroom homes.
39. Although details of the boundary treatments for most of the site have been provided, there are no details of the boundary treatment for the northern and eastern boundaries of the site. These will, therefore, be required by way of a condition. In response to the parish council's comments, the rear boundaries of a number of the dwellinghouses' curtilages are now defined by brick walls, rather than timber fencing. Given the more urban appearance of parts of Upper Cambourne such a boundary treatment detail is considered acceptable.
40. In response to a request to provide covered cycle parking within curtilages, sheds are now proposed in the rear gardens of the dwellinghouses.

Access

41. The access off Sterling Way, and through to the adjacent land parcel is in accordance with the details set out in the Design Briefing Document.

Landscaping

42. The location of the LAP was originally questioned by the parish council, though it is in accordance with the Design Briefing Document. Further details of the LAP, and the species to be planted, will be secured by way of pre-commencement conditions.

Drainage

43. The issue of drainage is a matter that was considered at the outline stage and was agreed as part of the drainage strategy for the development of Cambourne. Therefore, it does not form part of this reserved matters application. Notwithstanding this point, the issues that have resulted in flooding elsewhere in Cambourne are being addressed by the consortium of developers (MCA), with regular updates being provided to Planning Committee. As a result of the parish council's request, a condition will be used to require the approval of the drainage details prior to development commencing. This condition is similar to the one used on the Cambourne Sports Centre, which was considered by Planning Committee on 2nd June 2010.

Pre application consultation

44. Officers will continue to encourage all applicants to engage the parish council in pre-application discussions. This will also be facilitated by the Pre-Application Forum which has been re-established to assess schemes prior to the submission of planning applications and involves the clerk to the parish council and other statutory consultees.
45. In addition, a design review day has been held involving the developers, many of the consultees and representatives of Cambourne Parish Council to review design in Upper Cambourne. The feedback from this review will inform the Design Briefing Documents that are to be prepared for the rest of Upper Cambourne.
46. Following the last committee meeting, a constructive meeting was held with the parish council (22nd March 2011). A number of issues were discussed and the parish council felt that the amended plans had addressed its concerns about parking, overlooking and the layout of the site.

Recommendation

47. APPROVE reserved matters of siting, design and external appearance of all buildings, access and landscaping, as amended by plans **received on 21st and 31st January, 23rd February and 23rd March 2011**, and required by condition 1 of outline planning permission S/1371/92/O, 20th April 1994. Additional conditions:

Conditions

1. **The development hereby permitted shall be carried out in accordance with the following approved plans 402/EE/01 Rev B, 402/SHP/01 Rev B, 402/200 Rev E, 402/RS/01 Rev B, 402/300 Rev A, 402/A656/1 Rev A, 402/A656/2 Rev A, 402/PA22/1 Rev A, 402/PA22/2 Rev A, 402/PA33/1 Rev A, 402/PA33/2 Rev A,**

402/PA33/3 Rev A, 402/PA33/4 Rev A, 402/PT34/1 Rev A, 402/PT34/2 Rev A, 402/H1089/1 Rev A, 402/H1089/2 Rev A, 402/PC32/1 Rev A, 402/PC32/2 Rev A, 402/PT41/1 Rev A, 402/PT43/1 Rev A, 402/PT43/2 Rev A, 402/PA410/1 Rev A, 402/PA410/2 Rev A, 402/PA410/3 Rev A, 402/PA410/4 Rev A, 402/D1735/1 Rev A, 402/D1735/2 Rev A, 402/D1735/3, 402/D1735/4, 402/G/01, 402/G/02 Rev A, 402/G/03, 402/G/04, 402/G/05, 402/CP/01 Rev A, 402/900KR, 402/1400ER, 402/1500CBF+T, 402/1800CBF, 402/1800SW and 402/1800TG, with the exception of the details of the materials and finishes for the doors, windows, walls and roofs of the dwellinghouses, which are specifically excluded from this permission.

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

- 2. Notwithstanding the details contained in the approved drawings, no development shall take place until details of the materials and finishes for the external doors, windows, walls and roofs of the dwellinghouses hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 3. No dwelling shall be occupied until the approved space for the storage and collection of wheeled bins for that dwelling has been made available for use.**

(Reason – To ensure the provision of appropriate facilities in the interests of visual and residential amenity, and usability, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policy DP/3.)
- 4. Notwithstanding the details that have been submitted, no development shall take place until details of the proposed Local Area of Play (LAP) have been submitted to and approved in writing by the Local Planning Authority. The play area shall be laid out as approved before the first occupation of any part of the development, or in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.**

(Reason - To provide outdoor play space in accordance with Policies DP/3 and SF/10 of the adopted Local Development Framework 2007.)
- 5. 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.)
- 6. No development shall take place until details of the measures that will be used to prevent motorised vehicular traffic from using the footpath link between plots 7 and 8 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development has a degree of permeability and is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- 7. No development shall take place until a plan showing the location and details of the contractors' building compound and parking area has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and no materials shall be stored, nor contractors' vehicles parked, outside the approved compound and parking area.**

(Reason – To ensure that the compound and contractors' parking are adequately accommodated without an adverse impact on existing landscape features, amenity areas or existing residential areas, in accordance with South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/6.)

- 8. No development shall take place until a scheme showing access routes for construction traffic (deliveries and spoil removal) has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently take place strictly in accordance with the approved scheme.**

(Reason – In the interests of the amenities of existing residents in the vicinity, in accordance with South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/6.)

- 9. During the course of construction, outside a secure compound area (a secure compound is defined as an area with a security fence extending to the ground, and with a gate extending to the ground and locked at night), any steep sided trench of less than 600mm deep must have at least one end sloped, and any steep sided trench of over 600 mm in depth must be covered or fenced if left open overnight.**

(Reason – To prevent injury or death to badgers that may forage on the site, in accordance with South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/1, DP/3 and NE/6.)

- 10. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.**

(Reason - To ensure an adequate water supply is available for emergency use.)

- 11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected on the northern and eastern boundaries of the land parcel. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and shall thereafter be retained.**

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- 12. The parking courts shall be lit and no development shall take place until a scheme for the provision of external lighting, for the entire site, has been submitted to and approved in writing by the Local Planning Authority. The**

development shall subsequently take place strictly in accordance with the approved scheme.

(Reason – In the interests of amenity, security and the quality of the development, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2, DP/3 and NE/14.)

- 13. Meter boxes shall not be installed on any elevation facing a highway other than in accordance with a scheme that shall have previously been submitted to and approved in writing by the Local Planning Authority.**

(Reason – To avoid visual clutter in the interest of the quality of the development, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/3.)

- 14. Visibility splays shall be provided on both sides of all private drives and shall be maintained free from any obstruction over a height of 600 mm within an area of 1.5m x 1.5m measured from and along respectively the highway boundary.**

(Reason – In the interest of highway safety, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/3.)

- 15. Visibility splays at road junctions and on the inside of bends shall be laid out and constructed to form part of the highway and not enclosed within the curtilages of adjoining properties.**

(Reason – In the interest of highway safety, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/3.)

- 16. The permanent spaces to be reserved on the site for parking and turning of vehicles shall be provided before the respective dwellings are occupied and those spaces shall not thereafter be used for any purpose other than for the parking and turning of vehicles.**

(Reason – In the interest of highway safety, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/3.)

- 17. No dwelling shall be occupied until the access road and footways linking that dwelling to the existing public highway network has been completed to at least base course level, and such roads and footways, which shall be a minimum of two metres in width other than the footway in front of units 15-18, shall subsequently be surfaced to wearing course level within 6 months of the occupation of the last dwelling to be completed on the site.**

(Reason – To protect the safety of users of the access roads and footways, and to enhance the appearance of the built environment, in accordance with South Cambridgeshire Local Plan 2004 saved policies Cambourne 2 and SE7, and South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document policies DP/2 and DP/3.)

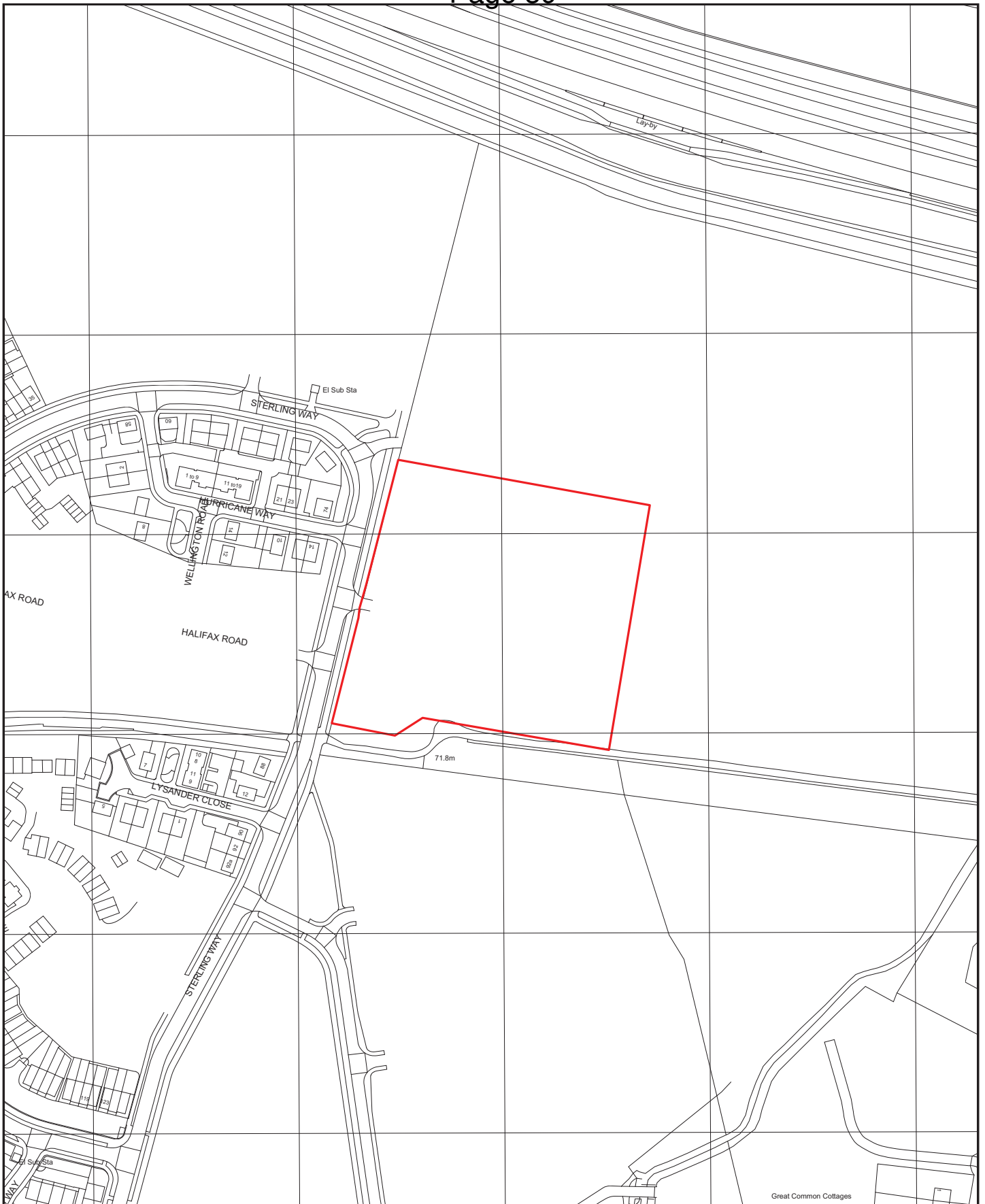
Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted 2007)

- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted 2007)
- Circular 11/95: The use of planning conditions
- Upper Cambourne Design Briefing Document – Revision H
- Open Space in New Developments SPD, Biodiversity SPD, Trees and Development Sites SPD, District Design Guide SPD and Landscape in New Development SPD
- Planning File Refs: S/0012/08/RM and S/2129/10/RM

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

**S/0454/11 – OAKINGTON & WESTWICK
Extension - 9, Station Road, Oakington And Westwick
for Councillor Thomas Bygott****Recommendation: Approve Conditionally****Date for Determination: 02nd May 2011****Notes:****This application has been reported to the Planning Committee for determination, as the applicant is a District Councillor.****Site and Proposal**

- 1 No.9 Station Road is a semi-detached two-storey dwelling adjoined to No.7 Station Road. The property has a hipped end with a cat-slide roof to the rear flank both of which are finished in plain roof tiles. The building's elevations have a pebble dashed painted render finish. The property is set back from the roadside with a Leylandii hedge enclosing the front garden with openings for a separate vehicular and pedestrian access from the public adopted highway. The property has a range of outbuildings upon the northeast boundary with no.11 Station Road and benefits from an expansive rear garden.
- 2 The common boundary between nos.9 and 7 Station Road comprises of a low fence line that is immersed within a hedgerow. No.7 has several windows within its rear elevation including a bedroom window at first floor and a kitchen and drawing room window at ground floor. In addition the sitting out amenity area of that property is located immediately to its rear with doors opening out onto the rear garden. The application site is located within the village development framework of Oakington. There are examples of extensions within the street, with no.11 Station Road being extended at two-storeys to the rear.
- 3 The proposal comprises the erection of two storey rear and side extensions. The rear extension would project approximately 4.5m to the rear of the existing dwelling for a width of approximately 7.9m, set 2m off the common boundary with no.7 Station Road. The two-storey side extension would project approximately 1.5m from the existing side elevation and incorporate a hipped roof. The proposals would also involve the re-roofing of the dwelling and alterations to the elevations including new fenestration and the re-rendering of the property.

Planning History

- 4 Planning Application S/0116/11 for a two-storey side and rear extension was refused due to the detrimental impact upon the street scene and the amenity of the adjacent neighbouring dwelling at no.7 Station Road.
- 5 Planning Application S/1700/10 for a two storey side and rear extension was refused due to the detrimental impact upon the street scene and the amenity of the adjacent neighbouring dwelling at no.7 Station Road.

Planning Policy

- 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
- 7 South Cambridgeshire LDF Supplementary Planning Documents (SPD):
District Design Guide, SPD, adopted March 2010
- 8 Government Circulars:

Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

- 9 Oakington Parish Council – No comments have been received.

Representations

- 10 None have been received.

Planning Comments – Key Issues

- 11 The key issues to consider in this instance are the impact of proposals upon the residential amenity of neighbouring dwellings, the public realm and the design of the dwelling house.
- 12 This application follows extensive pre-application discussions with officers following the refusal of the two previous applications.

Public Realm:

- 13 The application site is partially screened by a tall Leylandii hedgerow at the site's frontage. However, there are views of the property from the north when

approaching the village. There are also oblique views of the dwelling when exiting the village from the south. Furthermore, the landscaping to the frontage and side of the site is not afforded by any statutory protection and could be removed at any time.

- 14 The main element of the proposal that would be visible from the street scene would be the proposed two-storey side extension. This extension would be subservient to the main dwelling in height but not its in span and would involve the removal of the cat-slide element to the roof that is mimicked by the adjoined property at no.7. However, the two-storey rear extension is demarcated from the existing dwelling where the existing dwelling stops and the extensions begin by way of a stepped building line and chimneybreast. Despite the span of the extension this visual articulation would soften the prominent length and scale of the extension from views from the northeast when approaching the village from Westwick. The adjacent dwelling at no.11 has a large two-storey rear extension, which is set back from the side of the property and is subservient to the main dwelling and not prominent within the public realm.

Design:

- 15 There is no restriction on the size of household extensions as defined within local planning policy. However, the adopted District Design Guide SPD states that the scale of an extension and its position will normally emphasise a degree of subservience to the main building. This will usually involve a lower roof and eaves height, significantly smaller footprint, spans and lengths of elevations, and the use of different and traditionally subservient materials. It goes on to state that some buildings are more sensitive to extension than others. Symmetrically designed buildings may not be able to accommodate an extension without becoming unbalanced or dominated by the extension, or by detracting from the original design.
- 16 The proposed alterations to the dwelling, namely the re-rendering and fenestration changes to the principal elevation would be an improvement upon the aesthetics of the property. Notwithstanding this, the proposal would approximately increase the footprint and span of the existing dwelling despite the provision of a lower ridge height than that of the existing dwelling. The visual breaks and use of different materials would however soften the scale of the impact of the proposals upon public views of the building. The above issues are considered to be important, as the property is one half of a pair of dwellings that share a high degree of symmetry. Nevertheless, whilst the proposals would unbalance the property and detract from its original form, the degree of subservience and use of alternative materials is considered to mitigate this impact. As a consequence the proposals are not considered to result in a detrimental impact upon the public realm.

Residential Amenity:

- 17 The proposals are considered to be spatially divorced from the adjacent neighbouring property to the north at no.11 Station Road. Nevertheless, the adjoined property at no.7 Station Road would be within close proximity to the proposals and therefore is considered to be the most effected by the proposed development. The proposed two-storey side extension would be sited approximately 2m due north of the adjoined neighbouring property at no.7 Station Road. Due to this orientation it is considered that the proposed

extensions would not result in a detrimental loss of sunlight to either habitable rooms or the immediate amenity area of no.7. The proposal would however introduce a bathroom window upon its north elevation that would overlook the neighbouring property at no.11 Station Road at a distance of 15m. No.11 has roof light windows within this side elevation and therefore a material loss of privacy would occur were the proposals to gain from planning permission. As a consequence it is considered to be necessary to condition that this window be obscure glazed with top vent opening only to safeguard the privacy of no.11 Station Road.

- 18 The proposed rear extension would project 4.5m at two-storey level within 2m of the common boundary of no.7. As a consequence views from windows within the rear elevation of this property and that of the immediate amenity area to the rear of the property would not be hindered by the proposal. The rear extension would not disrupt a 45-degree horizontal and 25-degree vertical angle from the centre of the garden area to the rear of the property. In light of this the proposal is considered to result in an acceptable outlook from this property and would not result in an unduly overbearing impact to the amenity that the occupiers of this property currently enjoy.

Conclusion:

- 19 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be approved in this instance.

Recommendation

- 20 **Approve, subject to the following conditions:**

Conditions

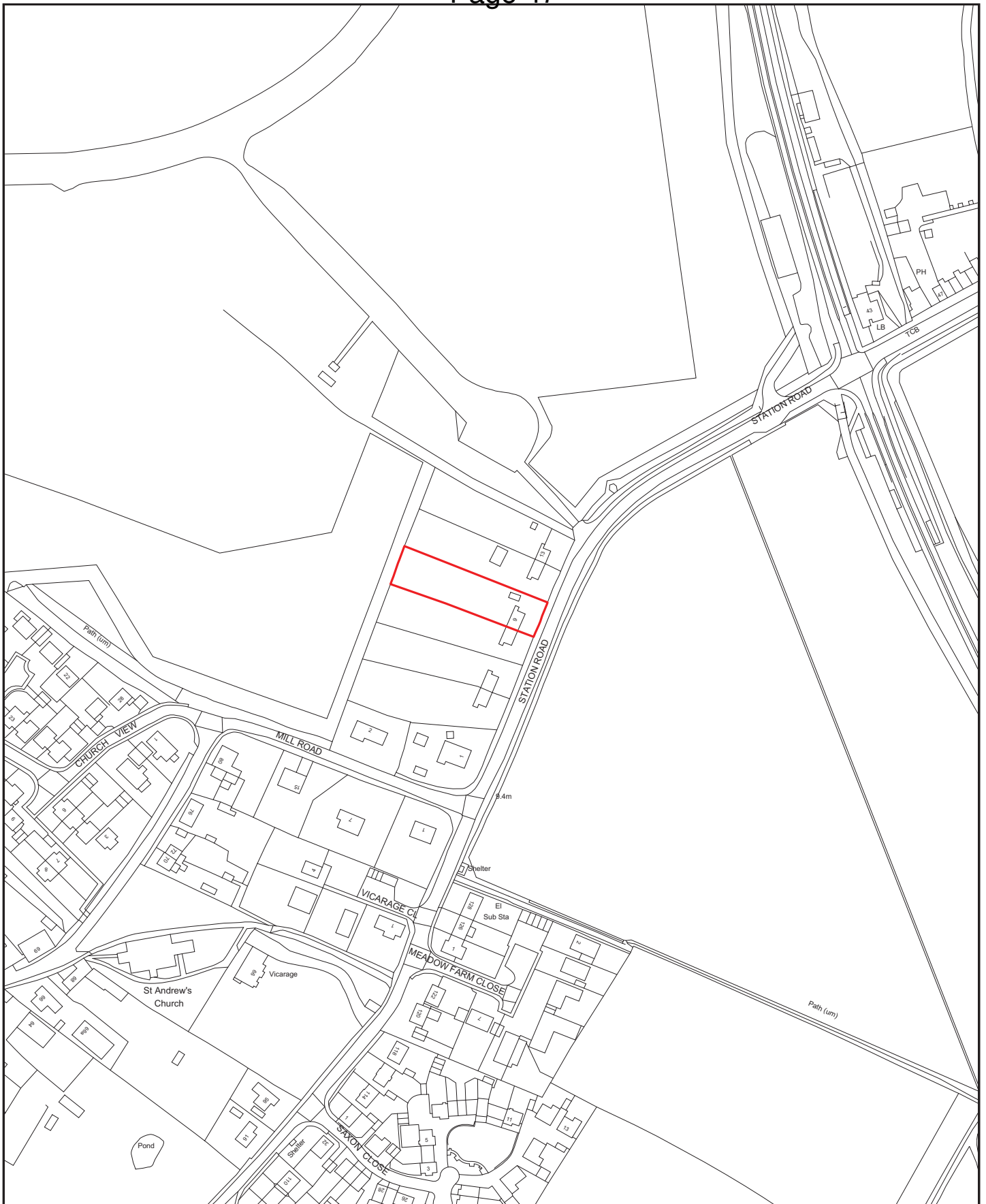
1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 0001-012 R021, 0001-011 R021, 0001-010 R021, 0001-008 R021, 0001-006 R021, 0001-005 R021, 0001-002 R021 & 1489/81.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **The development, hereby permitted, shall be carried out in accordance with the external materials referenced within the application forms and approved drawings, unless otherwise agreed in writing by the Local Planning Authority.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

4. **Apart from any top hung vent, the proposed first floor windows in the side elevation of the extension, hereby permitted, shall be fitted and permanently glazed with obscure glass.**

(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

**S/0045/11 –Foxton
Dwelling (Revised Design to include single storey side and rear extensions) for
Amber Homes Ltd.**

**Recommendation: Delegated approval subject to correct plans being
submitted showing the revised site area.**

Date for Determination: 25th March 2011

**Notes: This Application has been reported to the Planning Committee for
determination because the recommendation of approval is contrary to that of
the Parish Council and the local member Councillor Roberts.**

Site and Proposal

- 1 Mortimer's Lane is a rural lane/cul de sac located in the village framework of Foxton. The site is located between a listed building No. 3 Mortimer's Lane and a newly built two storey brick property. The site is bound by thick mature hedging. Land levels differ marginally from the front to the rear of the site. The dwelling type in the immediate vicinity is varied though predominately rural in character, comprising barn conversions, thatched roofs and modest bungalows.
2. The full application proposes an amendment to the design of a previously approved dwelling under planning reference S/1941/09/F. The amendments include the erection of a single storey side extension comprising an extended kitchen area and a rear single storey orangery that opens into the rear garden.

Planning History

- 3 An application for two houses (S/0476/93/F) was refused in June 1993 on the grounds that it would harm the character of the area and the setting of the Listed Building. These grounds were subsequently upheld at appeal in January 1994.
- 4 An outline application for three dwellings and garaging (S/1674/04/O) was approved in September 2006. A full application for three dwellings (S/1806/07/F) was approved in March 2008. The three plots were then referred to as plots 5, 7 and 9 as they sat between the existing plots 3 and 11 Mortimers Lane.
- 5 Two further applications to amend the design of the previously approved dwellings at plots 7 and 9 (S/1941/09/F and S/1942/09/F) were approved 24th February 2010.

- 6 S/0610/10/F an application for the omission of Plot 5, the erection of a detached garage building and single storey extensions to plot 7 were refused and recently dismissed at appeal.
- 7 An application for exactly the same proposal as that currently being determined at Committee today was submitted under S/1154/10/F, this was refused under delegated powers on the grounds of its negative impact on the setting of the listed building and is now currently being appealed.
- 8 S/1186/10/F saw the revised design for Plot 5 recommended for approval under delegated powers.

Planning Policy

- 9 South Cambridgeshire Development Control Policies DPD July 2007
DP/2 - Design of Development
DP/3 – Development Criteria
DP/4 – Infrastructure and New Developments
DP/7 – Development Frameworks
HG/3 – Affordable Housing
CH/4 - Development within the curtilage or setting of a Listed Building
- 10 South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Open Space in New Developments SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Listed Buildings SPD - Adopted July 2009
Landscape in New Developments SPD - consultation draft October 2009
District Design Guide SPD – Adopted March 2010
- 11 Government Circulars:

Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

- 12 Foxton Parish Council recommends refusal with the following comments:
13. The curtilage shown plan number A-267/P/1 does not take account of the recent amendment, submitted for application ref S/1186/10 on plot 5, which allocated two car parking spaces from plot 7 to plot 5. Although the agents letter 12/01/11 refers to the site plan and block plan ref 09/1038/PL.01 Rev D, the plan number submitted to the council with S/0045/11/F is ref 09/1038/PL.07 Rev E.
14. Paragraph 3.12 of the planning design and access statement states that confirmation is awaited that the on-site archaeological work has been

satisfactorily concluded. The council is concerned at the extent of building works already completed to the dwellings and garages on plots 7 and 9 in the absence of such confirmation.

15. Proposed Development - The proposed single storey extensions to the approved dwelling on plot 7 increases the footprint of the dwelling now built in the direction of the adjacent listed building at No. 1 and 3 Mortimers Lane and the Council considers that, if permitted, the scale of the resultant development on Plot 7 from this proposal would be excessive, harm the setting, including the outlook of the listed building and unreasonably affect the living conditions of the residents of No. 3 Mortimers Lane.
16. Conservation Manager - comments are as follows:
17. 7 Mortimers Lane is adjacent numbers 1 & 3 Mortimers Lane, a pair of modest thatched grade II listed buildings. The application is a resubmission of part of an application previously dismissed at appeal and the Inspector's comments are a material consideration.
18. There is no Heritage Statement, nor adequate consideration of the significance of the adjacent listed buildings, and therefore the application should fail under PPS5 policy HE6.
19. As the proposed side and rear extension are unchanged from the previous scheme, our concerns remain. These related to the cumulative impact of the extensions in proximity to the listed buildings, the resulting increased footprint, bulk, and cramped relationship, and the design of the extensions, including non-traditional roof forms, an over-long and slack roof, wraparound roof and overly horizontal proportions.
20. Nevertheless, the Inspector found that the bulk and spacing was acceptable, although in coming to that decision he was mindful that number 5 could not be practicably built and that he did not have an alternative scheme before him for this. This situation has now changed. Number 5 could be built, and therefore the cramped impact would be increased adjacent the listed buildings, particularly number 3.
21. On that basis, I would still recommend refusal due to the cumulative bulk, position, proximity, proportions, design and cramped appearance of the proposed development, which would be harmful to the setting of the listed building, contrary to CH/4 and PPS5 Policies HE6, HE7, HE9 and HE10 (including HE6.1, HE7.2, HE7.5, HE9.1, HE9.4 and HE10.1).
22. Local Highway Authority - raise no objection subject to conditions being included if the application were minded for approval. These include, pedestrian visibility, surface water drainage requirements, and hard standing requirements.

Representations

Cllr Roberts comments are as follows:

23. With ref to the latest application from Amber Homes (Mortimer's Lane development). This further attempt to add to number 7 appears to be an exact

replica of earlier ones refused by your dept on behalf of the council and in turned refused at appeal.

24. I would expect consistency here in the approach that the planning dept will take in this matter.
25. Having attended Foxton Parish Councils meeting on this application last evening (22nd February) I can confirm that this is exactly the decision that they have taken in that they are recommending refusal. I think that this further attempt to enlarge this already substantial dwelling should be refused for the following reasons:
26. This is an attempt to further erode the general rural setting of the lane by the constant changing of those previously approved approvals.
27. The dwelling is already dominating the whole area by its size, height and general massing, which is entirely out of keeping with its surroundings.
28. These additions would in effect close up the whole of the street scene.
29. Its effect on both the recently approved plot 5 and very importantly on the setting of the listed building would be to entirely enclose number 3 Mortimer's Lane and be so close to number 5 to surely make it an impossibility of being built as an entirely separate (rather than annexe to number 7) dwelling.
30. Even if number 5 were to be built as approved it would be very detrimental to the life style of the owners by way of its close proximity and the activities that would then occur so close to its very restricted curtalage.
31. Since the planning committee site visit work has started on the garage area between numbers 7 and 9 and one can already see that due to this garage areas considerable bulk the whole area is being consumed by bricks and mortar and now gives an oppressive and detrimental feel to all surrounding homes and gardens.
32. In the light of the above I would hope and expect that this application be refused on delegated powers, however, if this consistent approach is not adhered to then I am asking formally now that it is taken to committee.

Planning Comments – Key Issues

33. The key issues to consider in this instance are the impact of proposals upon the residential amenity of No. 3 Mortimers Lane and the impact on the adjacent Listed Building. Of material consideration is the recent decision made by the Inspector in dismissing the recent appeal for planning reference S/0610/10/F that has been included for reference at appendix one of this report.

Impact on Neighbour amenity

34. The extensions to the dwelling are single storey and located to the side and rear of the already approved dwelling under planning reference S/1941/09/F. The extensions are considered to be far enough away from No. 3 Mortimers Lane not to create an adverse impact on neighbour amenity by way of being

overbearing or overlooking. Additionally it is not considered that the extensions would have an adverse impact on light.

Impact on the neighbouring Listed Building

- 35 The setting of the listed building located at No. 3 Mortimer's Lane is very important and should be protected. Whilst it is agreed that the siting of the extensions are of sufficient distance not to have an impact on the occupiers of No.3 it is still considered that the design of the extensions would still detract from its wider setting. The side extensions would be predominately hidden by the dwelling proposed at plot 5; however, the extensions assessed on their own merits still raise concern. It is considered that the proposed increase in bulk of plot 7 with a lean-to and wrap-around conservatory towards the listed building would further increase the comparative bulk and cramped appearance of the development to the detriment of the setting of the listed building.
- 36 The extensions are considered to be detrimental to the wider setting of the listed building by introducing additional bulk to a plot that is close to an existing Listed Building. The development proposed competes with its modest nature and sensitive setting and therefore is considered to be contrary to the requirements of the Local Development Framework Policy 2007.
37. Notwithstanding the above it is necessary to point out that the inspector at a recent appeal disagreed with the view taken by the local authority. Whilst the inspector dismissed the appeal as a whole, the appeal statement clearly points out that the proposed extensions were not part of the reason for the dismissal. It is with great reluctance that officers are going against the original view taken but are minded of the potential implications a further refusal could have on the local authority.

Inspector Comments

37. Paragraph 14 of the Inspectors report clearly states that the proposed single storey elements of Unit 7 are not considered to be dominant due to its design scale or location, additionally it states that the inspector did not believe the additions would appear cramped and nor would they dominate the neighbouring listed building. Paragraph 18 reiterates officers views that the side extension and rear conservatory would not have an unreasonable effect on the living conditions at No 3 Mortimers Lane due to their size and siting.

Other Matters

38. Public Open Space Contribution – the applicants have already secured a contribution towards open space for the development of Plot 7 under planning reference S/1941/09/F.
39. Inaccurate Plans as raised by the Parish Council - It would seem that in light of the number of applications that have been proposed for this site the agents have reproduced a large element of the submissions. The Parish Council are right in what has been pointed out regarding the Planning, Design and Access Statement referenced A-267/P Rev A.

40. The agents letter dated 12th January is inaccurate, however, a letter dated 27th January has appropriately superseded this that the Parish Council may not have received. The correct drawings are 09/1038/PL.03/D franked 13th January 2011 and 09/1038/PL.07/F franked 28th January 2011. These plans reflect the correct site area. I am sure the agent and the applicant would be happy to make sure any inaccurate plans the plans are amended to reflect this.

Conclusion

41. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account and the significant weight that has been afforded by the recent Inspectors report for the planning appeal of S/0610/10, it is considered that planning permission should be approved in this instance.

Recommendation

Approve

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason – To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which would not have been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 09/1038/PL.03 Rev D franked 13th January 2011 and 09/1038/PL.07 Rev F franked 28th January 2011.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **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, unless the scheme is the same as that approved under planning reference S/1941/09/F drawing WD.01.**
(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.)
4. **Notwithstanding the development, hereby approved, no development shall commence until details of materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details, unless the details are the same as that approved under planning reference S/1941/09/F.**
(Reason - To ensure that visually the development accords with the visual quality of the street scene in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007)

- 5. No further windows, doors or openings of any kind shall be inserted in any elevation of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – To safeguard the privacy of occupiers of the adjoining properties and the street scene in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).
- 6. All planting, seeding or turfing comprised in the approved plan 225-01B franked 24th February 2010 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

(Reason - To enhance the quality of the development and to assimilate it within the area in accordance with the requirement of policy DP/3 of the Local Development Framework policies adopted 2007).
- 7. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf: -**

 - i) PART 1, (Development within the curtilage of a dwellinghouse, all classes).**
 - ii) PART 2, (Minor operations), Class A (erection of gates, walls or fences).**

(Reason – To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require specific planning permission do not overdevelop the site with consequent harm to the setting of the nearby Listed Building).
- 8. During the period of construction no power operated machinery shall be operated on the site before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.**

(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction)
- 9. The development shall not be occupied until the area shown hatched on drawing No. 09/1038/PL.07 Rev F franked 28th January 2011 has been drained and surfaced (or other steps as may be specified), and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.**

(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles in accordance with the

requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).

- 10. Apart from any top hung vent, the proposed first floor windows in the northeast and southwest elevation of the development, hereby permitted, shall be fixed and fitted and permanently maintained with obscured glass.**

(Reason - To safeguard the privacy of occupiers of the adjoining properties in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).

- 11. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary**

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

INFORMATIVES

A Section 106 Agreement was completed in respect of the above with effect on 23rd February 2010. The effect of the Agreement is to secure payment of an off-site open space contribution of £4,258.90, subject to indexation, prior to occupation of the permitted dwelling.

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

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

Awarded Drains

No additional surface water run off to the Local Authorities Award Drain will be permitted without the prior consent of the councils Land Drainage Manager

No obstructions, fencing or buildings shall be erected within 5 metres of the Award Drain

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

1. South Cambridgeshire Core Strategy 2007:
ST/6 Group Villages
2. South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
 - DP/2 - Design of Development
 - DP/3 – Development Criteria
 - DP/4 – Infrastructure and New Developments
 - DP/5 – Cumulative Development

DP/7 – Development Frameworks

CH/4 - Development within the curtilage or setting of a Listed Building

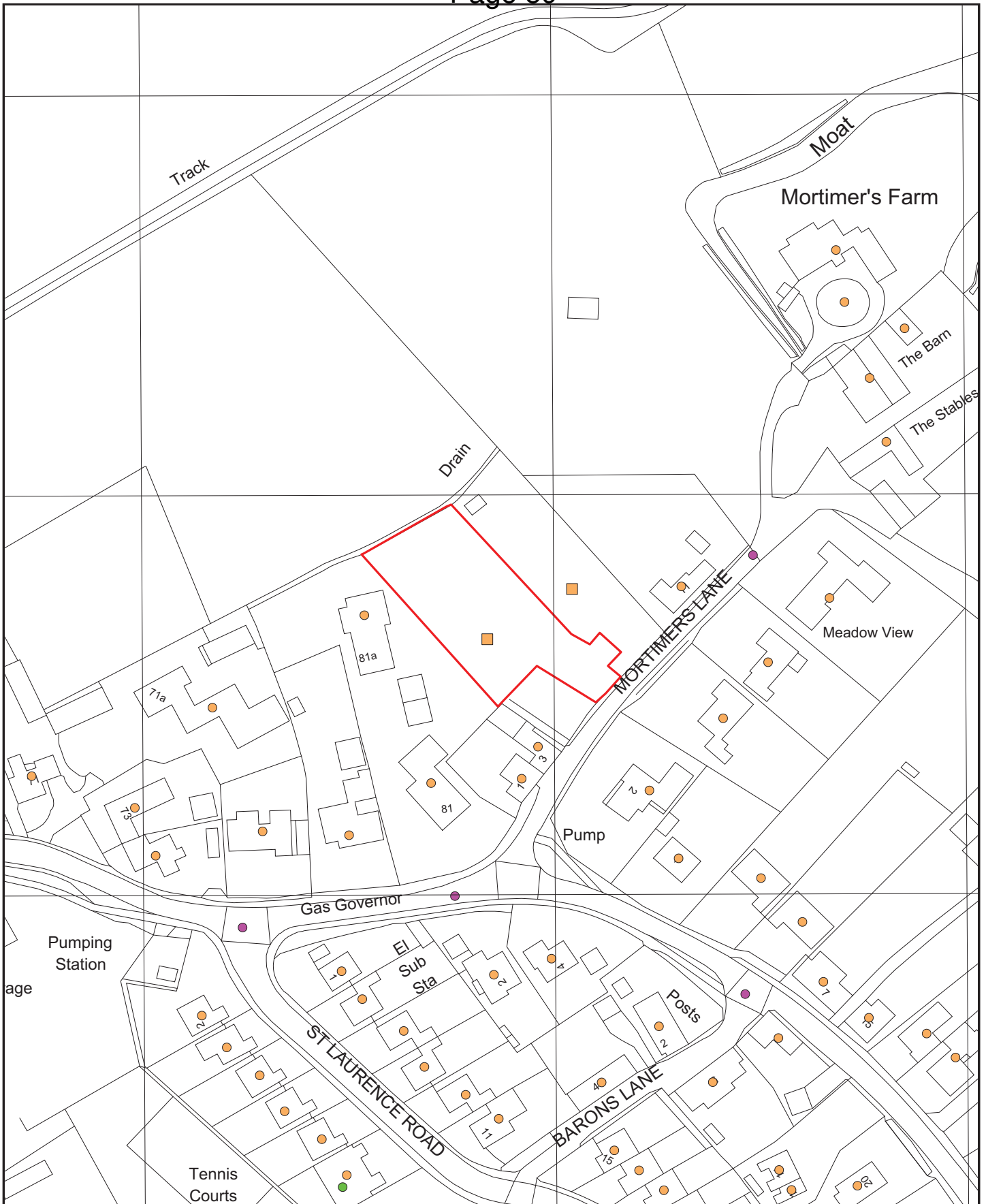
2. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers:

- South Cambridgeshire Local Development Framework 2007
- South Cambridgeshire Local Plan 2004
- Planning applications: S/1941/09/F, S/0610/10/F, S/1154/10/F,

Contact Officer: Saffron Garner - Senior Planning Assistant: 01954 713256

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South
Cambridgeshire
District Council

Planning Dept - South Cambridgeshire DC



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/2155/10 - GIRTON
Erection of Building to Provide Five Flats Following Demolition of Existing Dwelling at 11, Mayfield Road for Mr David Hargrave, Lon-ist

Recommendation: Approve Conditionally

Date for Determination: 31st January 2011

Notes:

This application has been reported to the Planning Committee as Officer recommendation is contrary to that of the Parish Council.

Members will visit the site on the 6th April 2011.

Site and Proposal

1. The application site comprises a large residential plot of approximately 0.11ha which at present is occupied by a single dwelling – No.11 Mayfield Road - an unoccupied detached dwelling with a significant expanse of rear garden area, most of which is severely overgrown. There are also several large mature trees within the site, most of which are located within the rear garden.
2. No.11 Mayfield Road is sited at the end of the adopted extent of Mayfield Road and is a detached two-storey dwelling redolent of typical 1920s-1930s house design. Externally the dwelling is characterised by strong brickwork, concrete roof tiles and a hipped roof profile. Vehicular access into the site is afforded from Mayfield Road.
3. Mayfield Road is a narrow linear street that runs south to north with largely single dwelling plots running back from the highway to both the east and west. At the north end of Mayfield Road the highway stops and becomes a private access serving a limited number of detached dwellings. House age, design, mass and scale vary along the length of Mayfield Road but the general character is one of harmonious variety.
4. The full planning application, submitted on 1st December 2010, proposes the erection of a two and a half storey building forming five internal flats of a mix of one and two bedroom. The application is a new submission that supersedes that of application ref. S/0468/08/F which was approved in 2008. The design of the proposed building does not differ between the previous approval and the current application however an alternative access layout is proposed to that approved. Application S/0468/08/F is an extant application and could be implemented today, however Officers are led to believe that part

of the proposed site access is upon third party land and third party permission is not believed to be forthcoming in this instance.

5. The plans have been amended to address concerns identified by both officers and local residents that the access details shown were misleading – see plans refs 2462-04-Rev A and 2462-05-Rev A date stamped 26th January 2010.

Planning History

6. **S/0377/06/F** – For side and rear extensions to no.11 was approved.
7. **S/1246/07/F** – For the erection of four flats of a classical architectural form and proposing a similar access layout to the current proposals was refused for a number of reasons including; design, lack of bin & cycle storage, loss of privacy, failure to provide landscaping details and lack of pedestrian and vehicle visibility splays with a potential to cause an impact upon highway safety.
8. **S/1753/07/F** – For the erection of four flats of the same visual appearance and access arrangements as the scheme approved under S/1246/07/F was refused on the grounds of mass, size, height, design, lack of landscaping proposals, insufficient information regarding car parking, manoeuvring and visibility and the failure to provide a sufficient level of affordable housing provision.
9. **S/0468/08/F** – For the erection of five flats was conditionally approved. The scheme proposed a development of identical architectural design to that under consideration today, however the access layout comprised a traditional carriageway design and small turning feature incorporating a tree.

Planning Policy

10. **National Planning Policy**
Planning Policy Statement 3: Housing
11. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/6 – Group Villages
12. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**
DP/1 - Sustainable Development
DP/2 - Design of New Development
DP/3 - Development Criteria
DP/4 - Infrastructure and New Developments
DP/7 - Development Frameworks
HG/1 - Housing Density
HG/2 - Housing Mix
HG/3 - Affordable Housing
SF/10 - Outdoor Playspace, Informal Open Space, and New Developments

SF/11 - Open Space Standards
NE/1 – Energy Efficiency
NE/2 - Renewable Energy
NE/6 - Biodiversity
TR/1 - Planning for more Sustainable Travel
TR/2 - Car and Cycle Parking Standards

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

Design Guide SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted March 2010
Open Space in New Development SPD – Adopted January 2009
Affordable Housing SPD - Adopted March 2010

Consultations

14. **Girton Parish Council** – Recommends refusal stating;

'The committee considered this matter carefully taking note that there had been a number of attempts to develop this property. Five flats in this location would undoubtedly cause parking and other traffic problems and the committee felt that this was not acceptable. The committee had received a number of letters from residents who were also against this development. Therefore the Parish Council recommends that the application be refused on traffic grounds.'

Following amendment to the application the Parish Council maintains its objection to the proposals.

15. **Local Highways Authority** - Raises no objection to the proposals recommending standard conditions regarding bound material for the driveway, drainage and retention of the manoeuvring area free of obstruction.

16. **Tree Officer** – Recommends that a landscaping scheme be conditioned, commenting;

'Previous comments on this application to achieve a tree within the parking turning area design to the front were driven by comments from residents on the harshness of the proposals considering the existing front hedge they were looking onto.'

Given that the fence has now been erected where the hedge used to be this has clearly changed that character of the area and has removed the vegetation that softened the site, which the Council were looking to replace with a tree. For this reason I can see no argument now for trying to achieve the previous design incorporating a tree'.

17. **Landscape Design Officer** – Recommends that a landscaping scheme be conditioned.

18. **Environmental Health Officer** – Raises no objections to the proposals. Recommends that a standard condition limiting the use of power-operated machinery on site be applied.

19. **Sustrans** – ‘Cycle parking is commendably close to the building but we doubt it has sufficient width at each end satisfactorily to clear the building and parked cars as bikes are parked or removed. It should be sheltered and appears not to be’
20. **Housing Development Manager** – Agrees to a financial contribution in lieu of on-site provision of affordable housing in this instance.
21. **Pocock and Shaw (independent valuation)** – ‘on the question of the commuted sum I feel that this should now be reduced to £40,000. Since my previous report, property values fell substantially during the remaining 9 months of 2008 with something of a recovery during 2009 which continued until the early part of 2010 although there was a further fall in the latter half of last year. The net result is that prices are now roughly the same as they were when I produced the last report. In the interim period, however, there seems to have been an increase in building costs which will impact on the developers profit as will the fact that he has had to finance the purchase of the land for almost 3 more years’.

Representations

22. Letters of representation have been received from the occupants of nos; 1, 2, 5, 8, 10, 12, 13, 14 & 15 Mayfield Road & Nos; 97, 99A, 101 & 103A Cambridge Road objecting to the proposals for the following reasons:
 - a) The proposed design and nature of 5 flats is out of context with the existing detached properties.
 - b) Increase in traffic would cause increased problems for delivery and service vehicles using Mayfield Road due to additional on street parking.
 - c) Increased danger to pedestrians using Mayfield Road.
 - d) Failure to overcome the reasons for refusal of applications S/1246/07/F & S/1753/07/F in terms of scale and mass of the building.
 - e) Noise and disturbance to residents from traffic movements.
 - f) Overbearing and overshadowing upon neighbouring dwellings.
 - g) The national policy context of the recent amendments to PPS 3.
 - h) Failure to provide pedestrian visibility splays and an inadequate access width.
 - i) Failure to provide short term parking for service and visitor vehicles will force traffic to park on Mayfield Road.
 - j) Insufficient bin storage provision.
 - k) Constrained access width not suitable for a scheme of 5 flats.
 - l) Smell arising from additional refuse storage.

- m) Loss of the turning feature incorporated into application S/0468/08/F makes this proposal less appealing.
- n) Concerns that approval would set a precedent for future development on Mayfield Road.
- o) Failure to meet with policy HG/2 of the LDF (Housing Mix).

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application are:
- The principle of the development having regard to the change in national planning policy PPS 3;
 - The impact of the proposals upon the character and appearance of the area;
 - The impact upon residential amenity;
 - The revised access and parking arrangements and the impact upon highway safety.
 - Developer contributions.

The Principle of the Development Having Regard to the Change in National Planning Policy PPS 3

24. As outlined above the current application is a resubmission of planning application reference S/0468/08/F that was approved by the Planning Committee on the 1st July 2008. Since this time the change in national administration has resulted in a revision to Planning Policy Statement 3: Housing (PPS 3) under which the previous application was, in part, determined.
25. The key changes to PPS 3 are the deletion of a national indicative minimum housing density of 30dph from para 47 of this document and a change in the definition of previously developed land i.e. brownfield sites, to exclude private residential gardens (Annexe B of PPS 3). It should be noted that PPS 3 still strongly promotes the efficient use of land as a key consideration for any planning application (para 45). At the same time policy HG/1 of the Local Development Framework Development Control Policies DPD 2007 remains the statutorily adopted policy for the district and requires that “Residential developments will make best use of land by achieving average net densities of at least 30dph unless there are exceptional local circumstances that require different treatment. Higher net densities of at least 40dph should be achieved in more sustainable locations”.
26. The cumulative effect of the recent change to national policy and adopted local policy means that planning decisions should use 30dph as the required density unless other material considerations indicate that a different density is more appropriate, having regard to the best use of land. Furthermore the site in question is now classified as a brownfield site rather than greenfield as previously. The implication of this change in classification applies to policy ST/6 of the Core Strategy which classes Girton as a ‘Group Village’ and therefore capable in principle of accommodating individual schemes of residential development of up to a maximum indicative size of 8 units as opposed to a maximum indicative number of 15 units for any brownfield site within the village.

27. The proposed scheme seeks the erection of 5 residential units, which equate to a density of approximately 47dph. All 5 units are small being only 1 or 2 bedrooms. Policy HG/2 seeks an appropriate housing mix for all developments including larger units. However the fact that the scheme does not propose larger units does not mean that the proposals are unacceptable. The most recent housing need survey for South Cambridgeshire identifies a critical need for smaller units, suggesting that there is a need for 89.4% of all future market housing to comprise one and two bedrooms. Officers are therefore satisfied that any over provision of smaller units in this instance is in the public interest and does not form a significant departure from the policy.
28. 5 units are in accordance with the stipulations of policy ST/6, being less than the indicative maximum of 8 permitted in principle on this green field site.
29. Whilst the existing density in Mayfield Road is considerably lower the proposed density of 47dph is considered appropriate in this instance. The location is sustainable having regard to policy ST/6 and being within close proximity of and affording a variety of public and private transport links to nearby Cambridge City, which is the largest node of service provision in the area.

The Impact of the Proposals upon the Character and Appearance of the Area

30. The net density proposed is achieved within a single building and the design of this, whilst being of a contemporary idiom that is currently not present amongst the dwelling design along Mayfield Road, is not considered to be at odds with the general feeling of harmonious variety that characterises the street as identified above. Similarly the more general gabled form and frontage span are not incongruous to the surrounding design or span of some of the neighbouring dwellings. No.12 for example has a greater frontage span than the proposed building, similarly the substantial span of the terrace of nos 97-103 Cambridge Road has a commanding presence within the street scene. To this end it is considered that residential development of the site in question in accordance with the scheme put forward would not be detrimentally uncharacteristic to the character and appearance of the area or wholly unsustainable at the density proposed.
31. In contrast applications ref.S/1246/07/F and S/1753/07/F comprised similar proposals for a large two storey development of four flats. The building proposed was a bland interpretation of classical architectural form and style and had a similar plan form & footprint to the current proposals. Both applications proposed a similar access arrangement to that currently proposed.
32. Both applications were refused for myriad reasons. Critically though the design of the proposals formed a common key reason for refusal, with both applications being refused on the grounds of mass, height and design (this wording varies slightly between the two decisions).
33. Although not thoroughly addressed in the Committee Report for application ref.S/0468/08/F the question of whether the scheme submitted under this application overcame the previous reasons of refusal would have formed a key consideration in arriving at the recommendation by both Officers and

Committee members alike. For avoidance of doubt it is considered appropriate to outline this reasoning in this report.

34. The frontage span of the 2007 proposals were similar to that proposed by the current scheme. However the visual massing of the frontage elevation of the 2007 scheme was significantly greater than that currently proposed due to the fact that the ridge line proposed in 2007 ran parallel to Mayfield Road and thus presented a flank elevation and substantial roof slope to the street. The current proposals, whilst proposing a similar frontage span, mitigate this massing effect by employing a ridge that is perpendicular to Mayfield Road. The resultant impact is that massing is reduced and a greater sense of openness is retained within the street scene.
35. The proposals put forward under applications ref. S/1246/07/F and S/1753/07/F proposed ridge heights of approximately 9.5m and 8.7m respectively. The current proposals have a ridge height of approximately 10m (although in reality approximately 1m of this height is taken up by the architectural detail of the pointed element of the 'interlocking roof'). The heights of surrounding two storey dwellings are typical two storey height and thus around 8m.
36. The proposed height, whilst being in excess of previous schemes that have been refused on the grounds of scale, is incorporated into an architectural design that follows the eaves heights of surrounding dwellings, has a more appropriate mass and retains a greater degree of openness to that of the 2007 schemes and thus is not considered to be to the detriment of the character and appearance of Mayfield Road. Hence the previous citing of scale as a reason for refusal is considered to be overcome by the present scheme.
37. When considering the more general subject of 'design' it is clear that whilst the proposals submitted in accordance with the 2007 applications were of a bland and ubiquitous articulation the current proposals are of a bespoke architecture, the likes of which are advocated by the Adopted Design Guide for the re-development of infill plots (para.5.60) and is considered to contribute to the architectural variety and quality of the surrounding area.
38. As such the proposed scheme is considered to overcome the previous reasons for refusal of applications S/1246/07/F & S/1753/07/F with regard to design.

The Impact upon Residential Amenity

39. The impact upon the residential amenity of surrounding properties is not considered to have significantly changed from the impact of the previously approved scheme. The elevational aspects of the proposal do not vary from that approved in accordance with application ref.S/0468/08/F and there appears to have been no material change in circumstance with regard to the layout and use of the two residential sites that abut the application site. With regard to the representation received there is not considered to be any overbearance or overshadowing impact sufficient to warrant refusal in this instance.
40. Similarly the access amendments proposed will not give rise to any material increase in the intensity of traffic movements associated with the scheme.

Thus noise and disturbance associated with traffic movements is not considered to be materially greater than the previously approved scheme.

Parking and Highway Safety

41. Plan refs. 2462-04-Rev A and 2462-05-Rev A date stamped 26th January 2010 illustrate the proposed access and parking layouts. A traditional carriageway layout is proposed with an access width of 4.1m which corresponds with the width of the adopted public highway affordable for use as access.

42. The Local Highways Authority do not consider that the proposed access arrangement would unduly harm highway safety at this point making the following comments;

'The minimum access width for an emergency service vehicle is 2.75m, but 3.1m is preferred.'

The proposed access is able to achieve a width of 4.1m within the confines of the adopted public highway. This will allow two domestic cars to just pass each other, though what is in effect a width restriction rather than being a longer drive or similar.

The publication of Manual for Streets 2 in September 2010 has allowed Highway Engineers much greater freedom within guidance to place sites within their context, rather than having to rely on a series of more prescriptive measures. The proposed access has excellent visibility along Mayfield Road. The visibility from the access to the private drive is more constrained. However, the 'hit and miss' fence along with the lower section of the same at the proposed entrance should allow satisfactory inter-vehicle visibility in particular as vehicle speeds will inherently be low at this location. Most users of either the proposed entrance and or the existing access will be aware of the constraints, so should behave appropriately. It is highly unlikely that motor vehicles will achieve excessive speeds at this point and therefore, although representing a point of conflict (all accesses of whatever nature do) the likelihood of a personal injury accident occurring is very low.'

43. There is also the matter that previous applications ref. S/1246/07/F and S/1753/07/F were refused on highway safety grounds and proposed a similar access arrangement. However it should be noted that the access width proposed for these previous schemes was approximately 3m whereas the current proposals are approximately 4.1m. Further to this at the time of the determination of these applications the common boundary with the private access to the west of the access comprised a coniferous hedge which was considered at the time to inhibit visibility to the greater extent than the current hit and miss fence treatment.
44. In addition to this, and also a material consideration, is the publication of Manual for Streets 2 which gives guidance on the consideration of sites within their context, rather than having to rely on a series of more prescriptive measures.
45. With regard to parking provision, letters of representation received raise concerns for the impact of overspill parking upon Mayfield Road, which at present, has no parking restrictions along the length of the adopted highway.

46. The scheme proposes seven car parking spaces (one disabled) to serve the 5 flats and sheltered cycle parking provision for 8 cycles. It is considered reasonable to condition the implementation of the parking areas prior to occupation of the development.
47. Policy TR/2 'Car & Cycle Parking Standards' states that for residential development the "maximum" standard is for 1.5 space per dwelling. At this maximum standard the site should provide 7.5 spaces. However, this site is located within the heart of the village, with a bus stop located at the bottom of Mayfield Road with the junction to Girton Road. In light of the scale of the development and the nearby services for public transport it is deemed that the provision of 7 spaces is acceptable within this location as it accords with Policy TR/1 'Planning for More Sustainable Travel' which states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode. In line with this policy the Council is minded to minimise the amount of car parking provision in new developments by restricting car parking to the maximum levels.
48. There is no dedicated parking provision for sporadic demand arising from service and visitors vehicles proposed within the site. Residents of Mayfield Road are concerned that this could lead to increased parking on Mayfield Road itself, which is a narrow lane. These concerns would be hard to sustain as a reason for refusal having regard to the above and due to the fact that there are no parking restrictions along Mayfield Road at present that would restrict vehicles from parking along its length. Thus the identified impact could reasonably occur irrespective of the granting of planning permission.
49. Critically, this is the same level of parking provision as proposed by the scheme that was previously approved in accordance with application ref. S/0468/08/F. There is therefore no sound basis to oppose the scheme on these grounds.

Developer Contributions

50. Policies SF/10, SF/11 and DP/4 of the LDF DCP DPD 2007 require provision of open space, community facilities, bin provision and affordable housing in accordance with the scale of any scheme proposed. It has previously been agreed that affordable housing will be provided off-site by way of a suitable financial contribution.
51. On-site provision of affordable housing has been dismissed in this instance. The previous 2008 submission (application ref: S/0468/08/F) was able to demonstrate that reasonable steps had been taken to involve a registered provider in the scheme but this had been fruitless. The reality today is that Registered Providers are even more unlikely to be interested in such a site and as such the Affordable Homes Team have again agreed to a financial contribution in lieu of on-site provision.
52. Policy HG/3 of the development control policy DPD states 'The amount of affordable housing sought will be 40% or more of the dwellings for which planning permission may be given on all sites of two or more dwellings'. It then goes on to say that 'Account will be taken of any particular costs

associated with the development (e.g. site remediation, infrastructure provision) and other viability considerations, whether there are other planning objectives which need to be given priority, and the need to ensure balanced and sustainable communities'.

53. Policy DP/3 of the development control policy DPD states that 'All development proposals should provide, as appropriate to the nature, scale and economic viability...Financial contributions towards the provision and, where appropriate, the maintenance of infrastructure, services and facilities required by the development in accordance with policy DP/4'.
54. DP/4 is the policy that requires section 106 contributions towards such things as open space, school places, transport, community facilities.
55. In this context all planning obligations are subject to viability, although it is for the District Council, and usually planning committee, to determine whether the development is still acceptable if it offers little in the way of community benefit (i.e. planning gain).
56. Pocock and Shaw is the independent valuer appointed by the District Council to assess the necessary level of contribution in respect of affordable housing commuted sum in lieu of onsite provision. In the assessment undertaken in 2008 John Pocock reflected that the scheme would be unviable should a commuted sum equivalent of the cost of providing 2 plots elsewhere in Girton be sought. He went on to advise the commuted sum should therefore be reduced to allow the scheme to come forward and suggested a contribution of £50,000. This figure has subsequently been reduced to £40,000 in their January 2011 assessment, to take account of the different values expected and increase build costs.
57. The applicant has submitted a completed economic appraisal tool (EAT - as produced by the Homes and Communities Agency) based on a residual land value basis, in accordance with the affordable housing SPD. In line with national guidance on viability the Local Planning Authority has to have regard to the existing or alternative use value, in this case the dwelling that is proposed to be replaced by the flats. The current value of the existing dwelling has been subject of debate, however, the financial appraisal clearly demonstrates that the scheme is unviable regardless of whether an existing use value of £330,000 as suggested by Pocock and Shaw or £400,000, as the price paid by the applicant, is included.
58. The applicant has provided a heads of terms that sets out their acceptance in full of all contributions other than the commuted sum for affordable housing at £10,000 rather than the independent valuers suggested figure of £40,000. These figures are as below:
 1. Community Facilities £1,168.12
 2. Public Open Space £5,117.97
 3. Section 106 monitoring fee £250
 4. Affordable Housing Contribution £10,000
 5. Household waste receptacles to be agreed
59. The submitted EAT demonstrates that the residual land value is circa £142,000 and therefore considerably less than the existing use value. A developer profit margin of 15%, which is lower than may be expected from

developers and financial providers, has been included which generates a figure of circa £144,000. This demonstrates that even when these figures are combined the applicant is not expected to recover the sum paid for the land and therefore the heads of terms as submitted could be considered reasonable.

Further Considerations

60. Representation received raises concern for the creation of a precedent for future development on Mayfield Road. Should there be any future applications for development these would be determined upon their own merits at the appropriate time.

Conclusion

61. This application has generated a significant amount of local representation, however, having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that there are no justifiable grounds to prevent planning permission from being granted in this instance.

Recommendation

62. Approve, as amended by plan refs 2462-04-Rev A and 2462-05-Rev A date stamped 26th January 2010

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 2462-04-Rev A and 2462-05-Rev A date stamped 26th January 2010, 2462-02, 2462-06, 2462-07, 2462-08, 2462-09, 2462-10, 2462-11, 2462-12, 2462-13, 2462-14, 2462-15 & 2462-16.**
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990)
3. **No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. **No development shall take place until details of the refuse storage accommodation following have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details:**

(Reason – To ensure refuse storage is adequately provided within the site without causing visual harm to the area)

5. **No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**

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

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

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

7. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected upon the site. The boundary treatment shall be completed before the development is occupied in accordance with the approved details and shall thereafter be retained.**

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

8. **The development, hereby permitted, shall not be occupied until details of a scheme for the provision of outdoor sports, play and informal open space, community facility and waste receptacle infrastructure to meet the needs of the development in accordance with Policies DP/4, SF/10 and SF/11 of the Local Development Framework Development Control Policies 2007 has been submitted to and approved in writing by the Local Planning Authority.**

(Reason - To ensure the development provides a suitable level of public open space, community facilities and waste receptacle infrastructure for occupants of the development, in accordance with Policies DP/4, SF/10 and SF/11 of the South Cambridgeshire Local Development Framework 2007.

9. **The development, hereby permitted, shall not be occupied until details of a scheme for the provision of affordable housing to meet the needs of the development in accordance with Policies DP/4 and HG/3 of the Local Development Framework Development Control Policies 2007 has been submitted to and approved in writing by the Local Planning Authority.**

(Reason - To ensure the development provides a suitable level of affordable housing in accordance with Policies DP/4 and HG/3 of the South Cambridgeshire Local Development Framework 2007.

- 10. No development shall take place until a scheme of ecological enhancement outlining the provision of bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.**

(Reason – To ensure ecological enhancement of the site in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)

- 11. No demolition works shall commence on site until a management plan in relation to construction traffic and storage of building materials has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

(Reason – In the interests of Highway Safety.)

- 12. 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.)

- 13. The bicycle parking facilities as shown on the approved plan refs 2462-04-Rev A and 2462-05-Rev A date stamped 26th January 2010 are to be provided prior to the first occupation of the development and retained at all times thereafter.**

(Reason – To ensure the development provides adequate secure cycle parking, as required by policy TR/2 of the Local Development Framework Development Control Policies 2007.)

- 14. The development shall not be occupied until the car parking area indicated on the approved plan refs 2462-04-Rev A and 2462-05-Rev A date stamped 26th January 2010, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.**

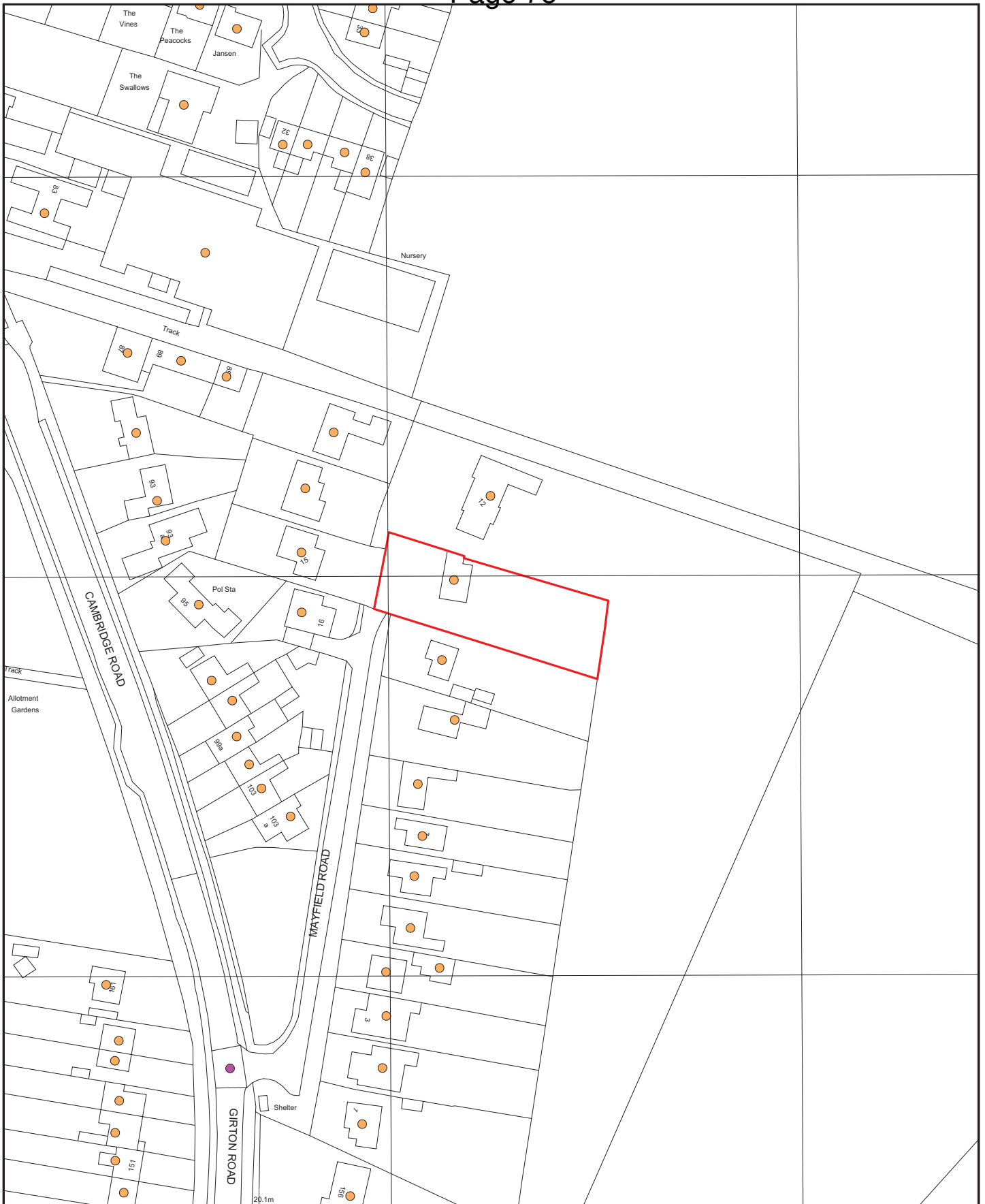
(Reason – To ensure the development is served by adequate car parking, as required by Policy TR/2 of the Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework 2007
- South Cambridgeshire Design Guide SPD – Adopted March 2010
- PPS3: Housing

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/0154/11 – Haslingfield

Continued use as agricultural land and erection of a new (approx 17ha) solar farm of up to 5MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including electrical inverter and transformer cabins, switchgear and meter housing, access track, fencing, security cameras and landscape planting at Land to the West of Cantelupe Road, Cantelupe Farm for Alectron Investments Ltd.

Recommendation: Delegated Approval

Date for Determination: 29th April 2011

Notes: This application has been reported to the Planning Committee at the request of the Development Control Manager.

DEPARTURE**Site and Proposal**

1. The application site comprises two parcels of land separated by a small area of woodland, the cumulative area of the two parcels is approximately 17.1ha of flat and level grade 2 agricultural land and is bounded by hedgerows and further agricultural fields on all sides except to the east of the northern site which is bounded by an existing banked reservoir. The site is accessed via Cantelupe Road, which runs northwards from the settlement of Haslingfield. Approximately 0.2km to the north of the site itself is a scheduled ancient monument.
2. The site is outside of the Haslingfield Development Framework and therefore within the defined countryside and also falls within the Cambridge Green Belt. The wider area is characterised by flat agricultural fields that are divided through established field boundaries largely comprising mature hedgerows. Also contributing to the character of the area are the surrounding Lordsbridge radio telescopes that represent significant man made features within the landscape.
3. The closest residential properties to the site are a small group of dwellings located along Cantelupe Road around 0.4km to the east of the northern site. One of these dwellings is a Grade II Listed Building, however the existing reservoirs lie between these dwellings and the site.
4. The full application, dated 31st January 2011, seeks consent for a solar energy farm. This includes the installation of solar panels, with on site plant and machinery, temporary access routes, security fencing, landscaping, and associated works. The proposal seeks to create a solar farm with an electrical

output of up to 5MW of electricity which would generate enough clean energy to power approximately 1,000 homes (based on information from the Department of Energy and Climate Change). This equates to approximately one out of every 59 households within the District (as of 2008) and is anticipated to provide a carbon saving of 2,800Ton CO₂.

5. The panels would be mounted at 30° from the ground facing south to maximise solar gain, and would measure approximately 3.5m from the ground at the highest point. There would be a gap of approximately 7.7m between rows running east to west across the site. This would create a total of 43 rows spread between the two separate fields. The technology used within modern photovoltaic panels is such that they will continue to generate electricity on cloudy and overcast days. The frames supporting the panels are secured to the ground and kept stable with piling of approximately 1.5m depth. The piles require no concrete foundations with the sub structure being suitable to support the weight (including wind and snow load) of the panels. The site can therefore relatively easily and quickly be reverted back to its former use once the life span of the panels comes to an end.
6. Five transformer & inverter cabinets and 3 switchgear cabinets are proposed across the site on concrete bases. The former proposed cabinets would measure approx 7.0m by 3.0m with a height of 2.5m, whilst the latter would measure 6.0m by 3m with a height of 2.5m. The general layout plan submitted (ref.C230 rev 02) shows these cabinets to be located in three corners of each of the respective fields.
7. A 1.1m high security fence is proposed around the solar farm boundary with a barbed wire coping, this is proposed to be inside of the existing and proposed hedge boundary and is required to keep sheep from grazing on the wild flower seed planting. Taller palisade fencing (approx 2.4m) is proposed to protect the inverter and switch gear cabinets. Ten CCTV cameras mounted on 5m poles are proposed to be dispersed at large intervals around the site boundary.
8. Once operational, quarterly visits would be necessary to the site and access is proposed to utilise existing access points from Cantelupe Road to either field. Maintenance roads are proposed on the site during construction and to be retained for maintenance visits but these would be unbound comprising a granular base, geotextile layer, and gravel capping. The intention is for the panels to be on site for a minimum 25 years after which the land would be restored to agricultural use.
9. The application is accompanied by a site location plan, site section plan, master plan, solar panel cross sections and detailed plan, details of structures on site, landscaping plan, fencing and security systems plan, design and access statement, transport assessment, heritage statement, environmental reports, flood risk assessment, security report, landscape and visual assessment and a statement of community involvement.

Planning History

10. None of relevance.

Policies

11. **East of England Plan 2008:**
 - ENG1** Carbon Dioxide Emissions and Energy Performance
 - ENG2** Renewable Energy Targets

12. **Local Development Framework Development Control Policies (LDF DCP) 2007:**
 - DP/1** Sustainable Development
 - DP2** Design of New Development
 - DP/3** Development Criteria
 - DP/4** Infrastructure and New Development
 - DP/7** Development Frameworks
 - GB/1** Development in the Green Belt
 - GB/2** Mitigating the impact of Development in the Green Belt
 - NE/2** Renewable Energy
 - NE/4** Landscape Character Areas
 - NE/6** Biodiversity
 - NE/11** Flood Risk
 - NE/15** Noise Pollution
 - NE/17** Protecting High Quality Agricultural Land
 - CH/2** Archaeological Sites
 - CH/4** Development within the Setting or Curtilage of a Listed Building
 - TR/1** Planning for More Sustainable Travel

13. **Trees and Development Sites SPD** – adopted January 2009
 - Biodiversity SPD** – adopted July 2009
 - Landscape in New Developments SPD** – adopted March 2010
 - District Design Guide SPD** – adopted March 2010.

14. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

15. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

16. **Haslingfield Parish Council** – Recommends approval. However raises concerns about the suitability of Cantelupe Road as access for construction traffic and enquires as to the possibility of a contribution from the developer to the local community.

17. **Council for the Protection of Rural England** - No comments have been received.

18. **East of England Regional Assembly** – No comments have been received.

19. **East of England Development Agency** – No comments have been received.

20. **The Council's Communities Team Leader** – No comments have been received.
21. **The Council's Acting Environmental Health Manager** – No comments have been received.
22. **The Local Highways Authority** – No comments have been received.
23. **The Council's Ecology Officer** – Raises no objections to the proposals and considers that the proposals will deliver ecological enhancements to the area.
24. **The Environment Agency** – Raises no objection to the proposal subject to conditions requiring surface water drainage details to be implemented in accordance with the submitted details and the a scheme for the provision and implementation of pollution control be agreed prior to the commencement of works.
25. **Tree Officer** – Raises no objections.
26. **Landscape Design Officer** – Considers that a high quality landscape scheme should be possible to mitigate against the visual impact of the proposals from most viewpoints. An exception may be views from Spring Hill, where the scale of the development could be very apparent. Areas of off-site planting as proposed will assist in achieving layering and filtering of views, and to integrate the development into the landscape. Considers the proposed landscaping plan to be largely acceptable but requests a number of changes, which could be dealt with by a pre-commencement condition.
27. **The County Archaeology Team** – Recommends that a pre-development condition be attached to ensure that sufficient archaeological investigation is carried out to investigate whether or not the site contains archaeological remains.
28. **English heritage (Archaeology)** – No comments received.
29. **Conservation Officer** – No comments received.
30. **Natural England** – No comments received.
31. **Lordsbridge Radio Telescope** – No comments received.
32. **Contaminated Land Officer** – No objections, satisfied that a condition relating to contaminated land investigation is not required.
33. **Rights of Way Access Team** – No objections.

Representations

34. None have been received.

Planning Comments

35. The key issues to be considered for the determination of this application are:
 - Whether the proposal is inappropriate development in the Green Belt

- Whether the proposal would cause other harm in addition to that caused by inappropriateness; and
- Whether the need for the development amounts to very special circumstances that clearly outweigh the harm caused by the inappropriateness of the proposal in any other respect

Whether the proposal is inappropriate development in the Green Belt

36. The proposal is inappropriate development within the Green Belt by definition. This is due to the fact that the development comprises 'other *development including engineering, other operations, and making a material change in the use of land*' and has a material impact upon the openness of the Green Belt. In view of the presumption against inappropriate development, the proposal is harmful by definition.

Whether the proposal would cause other harm in addition to that caused by inappropriateness; Policy DP/7, Landscape Character, Ecology, Residential Amenity, Loss of Agricultural Land, Flood Risk and Drainage

Policy DP/7 Development Frameworks

37. The proposals are not in accordance with Policy DP/7 of the LDF 2007 which states that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor-recreation and other uses, which need to be located in the countryside will be permitted. The proposed development does not adhere to the principle of this criterion and is therefore a departure from this policy. This is other harm in addition to the identified inappropriateness by definition.

Landscape Character

38. The application site falls within the open countryside the character of which at this point comprises large flat arable fields typically subdivided by established hedgerows and irrigation ditches. Where public highways intersect the landscape boundary hedges typically screen views of the fields.
39. The proposed solar farm would be enclosed by stock fencing, which would be screened by existing approximately 2-4m tall hedgerows on the outer side of the fence. Where no outer hedge exists at present it is proposed to establish a new one at 3.5-4m height (this is only necessary on the northernmost boundary of the site). The submitted landscaping plan proposes to supplement the existing and proposed hedge boundaries with tree planting in order to break up the linear profile of the boundaries.
40. The application site comprises two existing arable fields that are separated by a small bank of trees and hedges. The proposed development would not alter the shape of the landscape but simply result in built energy generating infrastructure upon it. There are examples of similar but significantly more imposing utilitarian structures within the surrounding landscape most notably the Lordsbridge radio telescopes. Far from being an eyesore these structures are of significant visual stimulation.
41. Nearby farmsteads include agricultural buildings, which in limited views dominate the landscape due to their scale and typically wide profile, whereas in comparison the proposed solar arrays would be of significantly lower scale.

The spacing, arrangement and orientation of the solar panels in strings along with the retention of existing boundary treatments would maintain the regular field patterns identified as key characteristics of the landscape.

42. The detail of the proposed security fence to enclose the transformer cabins including its height, material and colour is to be agreed by way of a pre-development condition to ensure that the fence is not visually intrusive. The Council's landscape design architect is in general agreement with the landscape character assessment submitted and supports the soft landscape proposals in principle, however, the detail required is sufficient for an indicative proposal only and therefore, a pre-development condition requiring a detailed planting methodology and management strategy will be required unless the scope of these details can be agreed prior to determination.

Ecology

43. The existing field is understood to be regularly ploughed and harvested, whereas following completion of the Solar Park it will be laid to wild flower and grass with the potential for a greater level of biodiversity and improved habitat around the panels. Given the sites current status it is considered that the development has the potential to provide biodiversity enhancement as arable fields provide little in terms of habitat provision. Furthermore 'resting' the arable fields will allow the soil to build up essential nutrients the benefits of which can be realised when the site is ultimately reverted back to its arable use.

Impact upon the amenity of surrounding residential properties

44. The closest residential dwellings to the application site are approximately 400m to the east upon Cantelupe Road. The proposals would not be prominently visible from these properties due to the lay of the land and natural screening afforded by trees, hedgerows, the existing reservoirs and the low scale of the development. It is considered that the development would have little impact upon the amenity of these properties.
45. Comments are yet to be received from the Acting Environmental Health Manager concerning the impact of the construction of proposals and it is possible that there may be a request for further conditions in relation to construction and assessment of the onsite plant. Such conditions can be secured to any permission granted under delegated powers where considered reasonable and necessary in accordance with circular 11/95.

Impact upon Highway & Public Safety

46. Once operational the site will require minimal access with technical personnel in a car or LGV anticipated to visit only once a quarter. The most intense highway impact will be during the period of construction. The submitted transport statement suggests that construction is anticipated to take between 15-16 weeks with peak intensity being during weeks 3-12. The report predicts a maximum of 12 HGV deliveries per day, HGV size will be limited to 9.2m 'tippers' and rigid flat beds due to the site constraints. Due to the weight restriction on Barton Road the report recommends that site vehicles approach the site from the east or west using trunk roads.

47. The development site itself would be accessed via Cantelupe Road. Cantelupe Road is adopted and has an initial carriageway width of 4-5m but this reduces to 3m width for a majority of its length. The road's speed limit is the national speed limit, however due to the characteristics of the road vehicle speeds are significantly lower. Due to these low vehicle speeds highway safety along this stretch of highway is not considered to be unduly affected during construction. However the submitted transport assessment does identify the need for two-way flow to be managed due to the narrow width of the road.
48. Internal access roads are required to allow vehicles safe access from Cantelupe Road to the site, these will be essentially temporary unbound surfaces but will remain for the duration of the presence of the panels on site.
49. Vehicles leaving the site will be subject to wheel and chassis cleaning and routine sweeping and cleaning of access points to and from Cantelupe Road will occur as standard.
50. The Parish Council raises concerns for the suitability of Cantelupe Road for use by construction traffic. However the Local Highways Authority have reviewed the submitted Transport Assessment and raise no concerns. Any damage caused to Cantelupe Road by any traffic using the highway would be the responsibility of the Local Highways Authority.

Loss of Agricultural Land

51. Agricultural land is classified into five grades numbered 1-5, where grade 1 is excellent quality agricultural land, and grade 5 is very poor quality agricultural land. The site comprises grade 2 (very good) agricultural land. Grade 2 land is classed as 'land with minor limitations which affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown but on some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than Grade 1.
(<http://www.defra.gov.uk/foodfarm/landmanage/land-use/documents/alc-guidelines-1988.pdf>).
52. Planning Policy Statement 7 (Sustainable Development in Rural Areas) states that the presence of the best and versatile agricultural land should be taken into account alongside other sustainability considerations. It does add that significant development of agricultural land should seek to use areas of poorer quality land. Policy NE/17 of the LDF DCP 2007 states that the District Council will not grant planning permission for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless (criterion b) sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
53. The proposal would require a lot of works to the land. The frames for the photovoltaic panels would need to be pinned into the ground, the transformer and inverter units would be set on concrete bases, and there would be a need for trenches to be built underground for cables to run. There would be disruption to the soil during the use. However, the proposals are considered a temporary use, albeit for potentially 25 years, where the land can be restored back to agricultural in the long term. The development would not therefore be

“irreversible” as noted in the policy. Whilst there would be disruption to the land, it could be reverted back to agricultural following the removal of the development. Although the siting of such development on poorer quality agricultural land would be preferred, it is not considered that the development would cause any long-term loss of grade 2 agricultural land.

Flood Risk and Drainage

54. The flood risk assessment submitted with this application concludes that the risk of flooding is low, due to the insignificant change in the impermeability of the site resulting from the development and also the sustainable urban drainage principles applied to the equipment cabins (infiltration trenches). However this states that flow rates are based on assumed soakage rates and the rates have been conservative. As such it is possible that drainage details may need to change, and if so the LPA would need to be assured that the details remain affective. Thus a conditional requirement to ensure that the drainage details are to be carried out in accordance with the submitted plans and FRA is considered reasonable and justified in this instance.
55. The Environment Agency also request a conditional requirement to detail measures for pollution control with particular regard to the water environment. This is considered reasonable and justified in this instance as the submitted Geo-environmental Desk Study Report dated Jan 2011 does conclude that whilst the site is classified as low risk with regard to land contamination (a viewpoint supported by the Council’s Contaminated Land Officer) there is the chance of localised contamination that would otherwise not be identified until construction begins.

Very Special Circumstances

56. The applicants have provided reasoning as to why the development has been located within the Green Belt rather than in a non-Green Belt location. These are detailed in the Design and Access Statement and the submitted Alternative Site Assessment dated 25th February 2011.
57. The applicant demonstrates a sound approach to site selection in this instance dismissing other potential sites due to the existing access arrangements, natural security and the limited amenity impacts of development afforded to the proposal location that were superior to the same three considerations of another potential three sites on the applicant’s land.
58. Further to the above the obvious environmental benefits of the scheme are a material consideration. PPS 22 (para 13) advises that such benefits can be used as *very special circumstances* to outweigh and harm by inappropriateness or otherwise.
59. Notwithstanding policy DP/7, policies ENG1 and ENG2 of the East of England Plan 2008 identify a need to meet regional and national targets to reduce climate change emissions and the development of new facilities to provide energy from renewable sources. However, while the Plan remains part of the development plan, the Secretary of States intention to revoke this is a material consideration to be taken into account. Nonetheless, Policy NE/2 of the Council’s adopted LDF states that the District Council will grant planning

permission for proposals to generate energy from renewable sources, subject to proposals according with the development principles set out in Policies DP/1 to DP/3. The proposed development is considered to accord to Policy NE/2 as it would meet the following criteria:

- The proposal would be connected efficiently to the national grid infrastructure;
- The proposal and its ancillary facilities can be removed and reinstatement of the site, should the facilities cease to be operational is not precluded by the proposed development.

60. South Cambridgeshire has greater levels of sunshine than the UK average and Policy NE/2 states that solar power can make a significant contribution to renewable energy generation. In light of this the District Council seeks to reduce the use of fossil fuels, opportunities to increase the proportion of energy, especially electricity, generated from renewable sources will be permitted unless there is clear adverse impact on the environment or amenity of the area.

61. The Government aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, and to maintain reliable and competitive energy supplies. The development of renewable energy is considered to be an important part of meeting this aim and as such, there has been greater emphasis on 'positive planning', which facilitates renewable energy developments.

62. One of the key principles of Planning Policy Statement 22: Renewable Energy is that *'renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily'*. It also states that *'the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission'*. Members should also be aware that paragraph 20 of PPS Planning and Climate Change – Supplement to PPS1 regarding renewable energy generation, states *'planning authorities should not require applicants for energy development to demonstrate either the overall need for renewable energy and its distribution, nor question the energy justification for why a proposal for such development must be sited in a particular location'*. It also adds that Local Planning Authorities should *'avoid stifling innovation including by rejecting proposals solely because they are outside areas identified for energy generation'*.

63. The limited visual impact, the significant environmental benefits and the applicant's selection criteria used to identify the application are therefore considered to amount to very special circumstances that clearly outweigh the harm by inappropriateness of the development and the harm in the form of the departure from Policy DP/7.

Other Matters

64. The Parish Council has raised enquiries regarding a form of contribution to the local community from the developers. This was following initial discussions between the applicant and the Parish Council.
65. There are practical concerns as to how this would be achieved in this instance, in terms of securing such provision through planning permission. It is considered unreasonable to insist the applicant make such a commitment at this stage in the determination as such a contribution would not be directly related to the proposed development in accordance with the guidance set out in circular 05/2005. Therefore it is considered that the community provision offered would need to be a matter between Haslingfield Parish Council and the applicant and separate from the determination of this planning application.
66. Notwithstanding the above, the applicant has agreed to provide a scheme of community benefit to the residents of Haslingfield in the form of a 3kw solar unit installed upon an unspecified community building. The feed in tariff revenue generated by the unit would also be accredited to the Parish Council.
67. Planning for Renewable Energy, a Companion Guide for Planning Policy Statement 22 (Renewable Energy) does note that there would be direct economic benefit for such proposals from the creation of jobs for the installation and maintenance of solar panels.
68. The site falls within a relatively close proximity to the Lordsbridge Radio Telescope installation. Although no formal comments have been received from the telescope operators the proposed installation is not believed to affect the efficient operation of the radio telescopes.

Conclusion

69. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

70. Approve under delegated powers.

Conditions

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: SC-01, SC-02, C230 Rev 02, C330 Rev 02, C430 Rev 02, C530 Rev 02, C531 Rev 02, C630 Rev 02, C715 Rev 02, C716 Rev 02, C717 Rev 02, C751 Rev 01, C930 Rev 02, 228501/LA/P01 Rev B, Transport Statement, Flood Risk Assessment and Drainage Strategy.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

- 3. If the Solar Farm, hereby approved, fails to produce electricity for supply to the electricity grid for a continuous period of 6 months the solar photovoltaic panels and associated infrastructure shall be removed from the site to a depth of at least 1m below ground level and the land shall be reinstated within a period of 6 months of the end of that 6 month period in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall include management and timings of the works and a traffic management plan and shall be implemented as approved.**

(Reason - To prevent the retention of development in the countryside and green belt that it not being used for its intended purpose in accordance with policies DP/7 and GB/2 of the Local Development Framework)
- 4. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the areas of all existing vegetation to be protected and removed during construction, details of proposed planting including species, stock sizes, positions, planting rates & spacing, seeding mix and proposed management of trees shrubs and grassed areas.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 6. The surface water drainage works shall be carried out in accordance with plan refs C716 Rev 02, C930 Rev 02 and the Flood Risk Assessment and Drainage Strategy dated Jan 2011 unless otherwise agreed in writing with the Local Planning Authority.**

(Reason - To prevent the increased risk of flooding to the water environment in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- 7. Prior to the commencement of any development, a scheme for the provision and implementation of pollution control to the water environment shall be submitted and agreed in writing with the Local Authority. The works shall be constructed and completed in accordance with the approved plans.**

(Reason - To prevent the increased risk of pollution to the water environment in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

- 8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed fencing to surround the transformer and switch gear cabins. The boundary treatment shall be completed in accordance with the approved details and shall thereafter be retained.**

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- 9. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.**

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

- 10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.**

(Reason - To prevent the increased risk of pollution to the water environment in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

Informatives

The granting of planning permission does not constitute a permission or license to carry out any works within, or disturbance of, or interference with, the public highway, and a separate permission must be sought from the Local Highways Authority for such works.

Any culverting or works affecting the flow of a watercourse requires the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting and its consent for such works will not normally be granted except as a means of access. The granting of planning approval must not be taken to imply that consent has been given in respect of the above.

Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), any oil storage tank, temporary or otherwise, shall be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to enclose all filling, drawing and overflow pipes. The installation must comply with Control of Pollution Regulations 2001, and Control of Pollution (Oil Storage) Regulations 2001.

No alteration to the surface of Public Bridleway No.2 is permitted without the consent of Cambridgeshire County Council. It is an offence to damage the surface of a public footpath under s1 of the Criminal Damage Act of 1971.

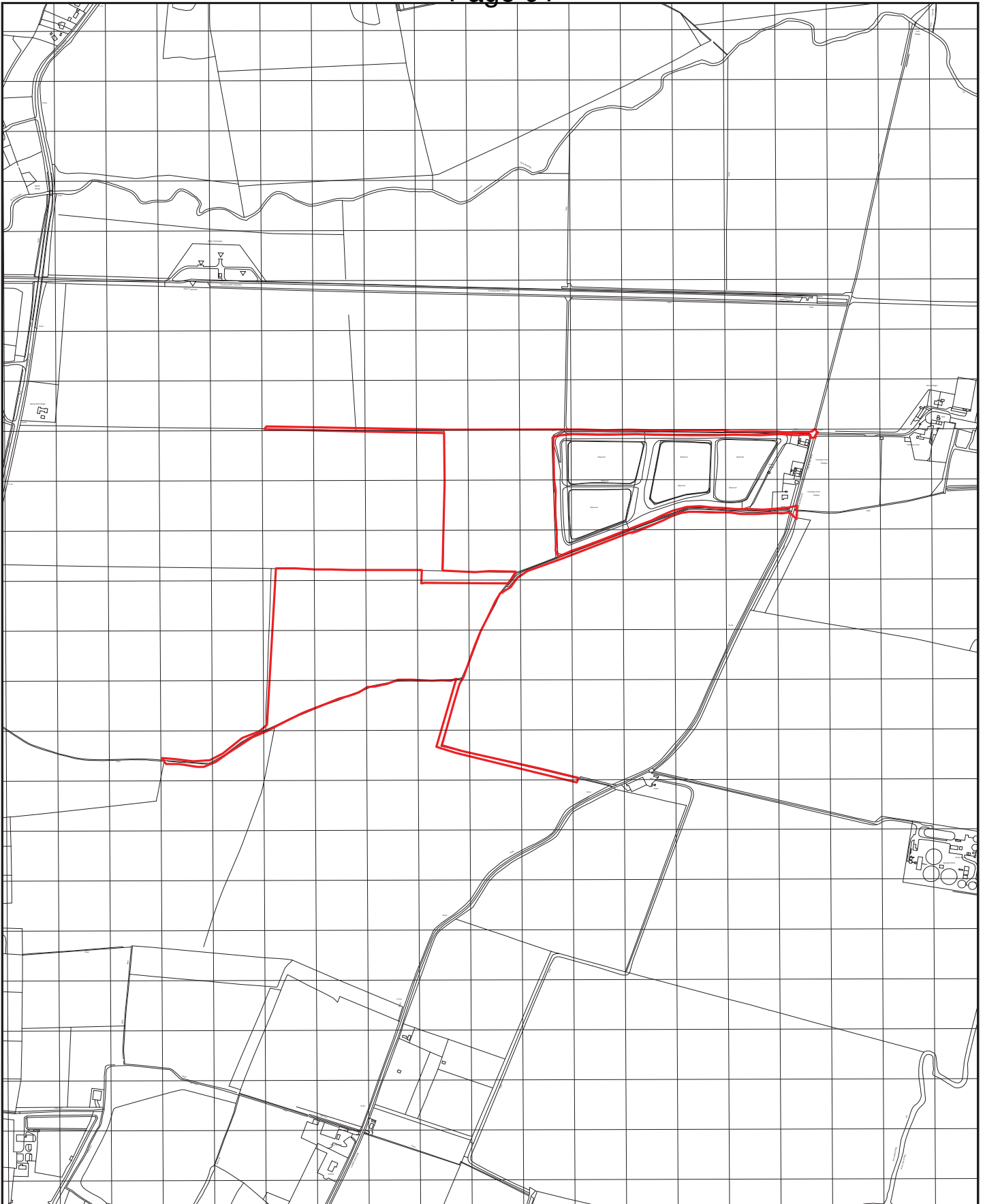
Public Bridleway No.2 must remain open and unobstructed at all times. Building materials must not be stored on the bridleway and contractors vehicles must not be parked on it.

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

- **Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS Planning and Climate Change – Supplement to PPS1, PPS7: Sustainable Development in Rural Areas, PPS22: Renewable Energy & PPG24: Planning and Noise**
- **Local Development Framework Development Control Policies 2007.**
- **East of England Plan 2008**
- **Trees and Development Sites SPD – adopted January 2009, Biodiversity SPD – adopted July 2009, Listed Buildings SPD – adopted July 2009, Landscape in New Developments SPD – adopted March 2010 & District Design Guide SPD – adopted March 2010.**
- **Circular 11/95 – The Use of Conditions in Planning Permissions**
- **Circular 05/2005 - Planning Obligations**
- **Circular 02/2009 - T&CP Consultation Direction 2009**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/1792/10 - LONGSTANTON**Alterations – Replace 4 windows and 2 doors with double glazed panels. Add new double glazed window in blocked opening at The Grange, St Michaels for Ms Lulu Boscawen****Recommendation: Refusal**
Date for Determination: 01 February 2011**Notes:****This Listed Building application has been reported to the Planning Committee for determination at the request of Councillor Riley.****Members will visit this site on the morning of 6 April 2011****Conservation Area****Site and Proposal**

1. The Grange is a grade II listed building with 17th century origins but mainly dating from 1787. There is some timber framing in the rear range but the front range to the road and most of the rear range are yellow brick. Some red brick can be seen in the end walls. Roofs are tiles with end parapets and there are two end stacks. There are four 20th century dormers on the front and three 20th century hung sashes in original openings. The one and a half storey building main range is L-shape in plan with a single storey range attached to the gable of the rear range. The single storey attached range comprises kitchen and outbuildings.
2. The Listed Building application proposal involves replacement of existing windows on the ground floor of the south East elevation with double glazed units using Histoglass, which is a 10mm thick to comprise 3mm thick Low E float glass inner pane, 4mm gas filled cavity and 3mm thick Cylinder glass outer pane. The aluminium spacer between the two panes would be painted white.
3. Two replacement doors are also proposed on this elevation. The existing four panelled part glazed door in the main range would be replaced with a part glazed, part boarded door and the boarded door in the outbuilding replaced with the same style of part glazed door with a timber boarded door as a shutter.
4. A new window is proposed in a blocked opening on the north west elevation of the outbuilding. The window would be smaller than the blocked opening and would light a new w.c.

Planning History

5. S/1793/10 – An application for Listed Building Consent for internal alterations and replacement of 4 windows and two doors with single glazed windows and a new window in a blocked opening is recommended for refusal. The windows and doors are the same ones that are the subject of this report.

Planning Policy

6. **South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007:**
CH/3 Listed Buildings
CH/5 Conservation Areas
7. **Planning Policy Statement 5: Planning for the Historic Environment**
8. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**
Listed Buildings: Works to or affecting the setting of

Consultation

9. **Longstanton Parish Council** – No response

Representations

10. None received

Comments - Key Issues

Impact on the character and appearance of the listed building

11. The existing windows are all single glazed and comprise three multi paned casements with night vents and a fixed multi paned window. The fixed light has lamb's tongue glazing bars and although the architect considers this to be a modern window it dates from the late 19th/early 20th century. The replacement windows would have a white painted spacer bar that would be visible on close inspection or when looking obliquely at the windows. Double glazing would result in a double reflection and the combined effect of this, the heavier profile and the visible spacer bar would detract from the character and appearance of this listed building.
12. Double-glazing is not sustainable as it has a short life, between 10 and 30 years and as they are single units they cannot be repaired – if damaged they have to go to landfill and have to be replaced.
13. Heat savings are minimal in comparison with cost of production and purchase and existing windows the performance of existing windows can be improved by the addition of draughtproofing, insulated curtains or secondary glazing as advised by English Heritage.
14. While there is some support for replacement of the existing modern windows providing that they are single glazed, there is some concern about the proportions of the individual panes and it was suggested that six panes per casement rather than four would be more appropriate giving more historic and vertical proportions. The multi paned fixed light (WG04) should be retained as it is historic and there is no practical reason why it has to be replaced, as there is another window in the kitchen that can be opened for ventilation.

15. The existing door in the rear range (DG01) is a four panelled door with the top two panels glazed. The architect states that this is an internal door but has not provided an assessment of how this conclusion has been reached although this was requested. The design is wholly appropriate for the location on the rear wing and date of the building and it should be retained or replaced like-for-like. The door to the outbuilding is a relatively modern ledged, braced and boarded door but is wholly in keeping with this single storey ancillary range being traditional in form.
16. The replacement doors are part solid and part glazed with boarding to the lower part and a four paned glazed panel above. In addition a door to match the existing boarded door in the outbuilding is to be installed as a shutter to the boot room. The part glazed door is required to light the proposed boot room, which is part of application S/1793/10. Both doors are inappropriate and will harm the character and appearance of the south east elevation.
17. There is an existing blocked opening on the north west elevation and the brickwork appears to be contemporary with the brickwork of this single storey range. The insertion of a window would result in the loss of historic fabric and would look incongruous within the larger blind opening. It is not considered necessary as the w.c could be artificially lit and mechanically ventilated. The architect is concerned about carbon emissions and considers that an opening window is preferable to mechanical ventilation and artificial light but this impact would be minimal and not constant and does not outweigh the harm to the historic fabric and the appearance of the listed building.

Recommendation

18. The recommendation is for refusal of the submitted plans as amended by drawings 250B, 255D and 300A for the following reason.

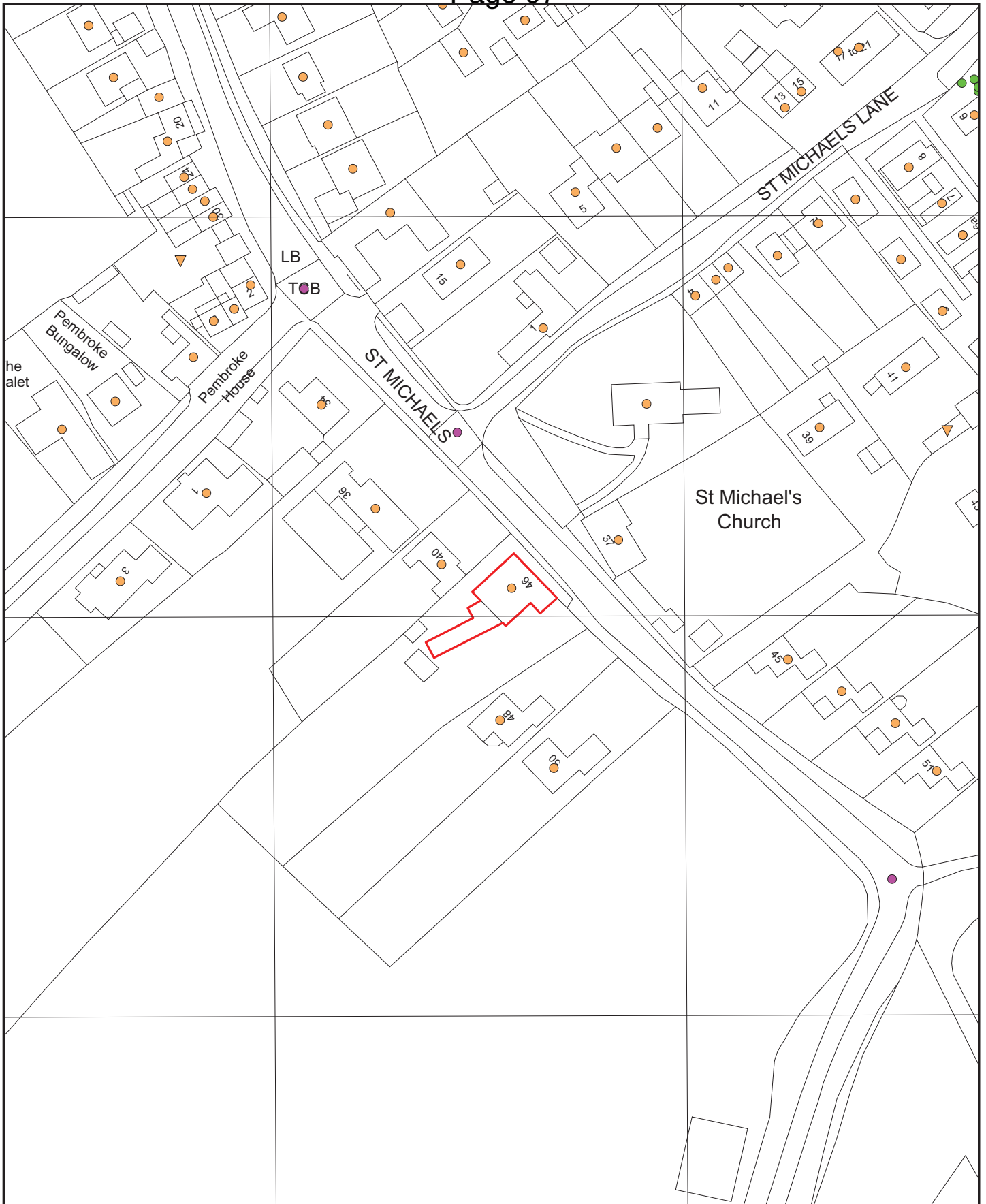
The proposed replacement of four windows and two doors with double-glazed units will harm the special character and appearance of this historic building. The proportions of the proposed panes will result in glazing that is untraditional in form and disproportionate to the size of the casements. The installation of double-glazed units and doors will detract from the character and appearance of the listed building due to its unsympathetic form and detailing, which includes a spacer bar that will be visible on close inspection and double reflection. The proposed new windows WG07 and WG04 will result in the loss of historic fabric to the detriment of this listed building. The proposals are therefore contrary to Policy CH/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD), Policies HE1, HE7 and HE9 (including 1.2, 7.2 and 9.1) of Planning Policy Statement 5: Planning for the Historic Environment and paragraphs 4.4 - 4.5, 9.33 - 9.34, 9.36 - 9.37 of the South Cambridgeshire LDF Supplementary Planning Documents (SPD) Listed Building SPD – Adopted July 2009.

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

- South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007
- Planning Policy Statement 5: Planning for the Historic Environment
- Listed Buildings SPD: Listed Buildings: Works to or affecting the setting of
- Planning File Refs: S/1793/10

Case Officer: Barbara Clarke – Conservation Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/1793/10 - LONGSTANTON**Internal and external alterations including replacement windows and doors, new window in blocked opening, rooflight, boiler flue, remove partition wall, provide boots/utility with new opening, relocate bathroom and convert bedroom to w.c to provide ensuite and dressing room.****at The Grange, St Michaels
for Ms Lulu Boscawen****Recommendation: Refusal****Date for Determination: 01 February 2011****Notes:****This Listed Building application has been reported to the Planning Committee for determination at the request of Councillor Riley.****Members will visit this site on the morning of 6 April 2011****Conservation Area****Site and Proposal**

1. The Grange is a grade II listed building with 17th century origins but mainly dating from 1787. There is some timber framing in the rear range but the front range to the road and most of the rear range are yellow brick. Some red brick can be seen in the end walls. Roofs are tiles with end parapets and there are two end stacks. There are four 20th century dormers on the front and three 20th century hung sashes in original openings. The one and a half storey main range is L-shape in plan with a single storey range attached to the gable of the rear range. The single storey attached range comprises kitchen and outbuildings.
2. The Listed Building application proposes the replacement of single glazed windows on the ground floor of the south east elevation with windows of a different style. A new window is proposed in a blocked opening on the north west elevation of the outbuilding. The window would be smaller than the blocked opening and would light a new w.c.
3. A boiler flue and two replacement doors are also proposed on the south east elevation. The existing four panelled part glazed door in the main range would be replaced with a part glazed, part boarded door and the boarded door in the outbuilding replaced with the same style of part glazed door with a timber boarded door as a shutter. A rooflight is proposed on the inner roofslope of the rear elevation.

4. Internal alterations are proposed on the ground floor including removal of a modern partition in the inner hall and conversion of part of the outbuilding to a boots/utility and w.c with a new opening to the kitchen.
5. On the first floor the bathroom at the rear of the building would be removed and the adjacent bedroom sub-divided to form two bathrooms with a new opening from the corridor to the smaller bathroom. To create the larger bathroom and dressing room an original lath and plaster wall would be removed and a new partition formed in a different location. A new doorway would be created so that the ensuite bathroom, dressing room and master bedroom becomes a suite of rooms. A new rooflight would light the smaller bathroom.

Planning History

6. S/1792/10 – An application to replace four windows and two doors with double glazed panels and add new double glazed window in a blocked opening is recommended for refusal. The windows and doors are the same ones that are the subject of this report.

Planning Policy

7. **South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007:**
CH/3 Listed Buildings
CH/5 Conservation Areas
8. **Planning Policy Statement 5: Planning for the Historic Environment**
9. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**
Listed Buildings: Works to or affecting the setting of

Consultation

10. **Longstanton Parish Council** – No response

Representations

11. None received

Comments – Key Issues

Impact on the character and appearance of the listed building

12. The existing windows on the ground floor of the south east elevation comprise three multi paned casements with night vents and a fixed multi paned window. The fixed light has lamb's tongue glazing bars and although the architect considers this to be a modern window it dates from the late 19th/ early 20th century.
13. While there is some support for replacement of the existing modern windows there is some concern about the proportions of the individual panes and it was suggested to the architect that six panes per casement rather than four would be more appropriate giving more historic and less vertical proportions. The multi paned fixed light (WG04) should be retained as it is historic and there is no practical reason why it has to be replaced, as there is another window in the kitchen that can be opened for ventilation.

14. The existing door in the rear range (DG01) is a four panelled door with the top two panels glazed. The architect states that this is a relocated internal door but has not provided an assessment of how this conclusion has been reached although this was requested. The design is wholly appropriate for the location on the rear wing and date of the building and it should be retained or replaced like-for-like. The door to the outbuilding is a relatively modern ledged, braced and boarded door but is traditionally designed and therefore wholly in keeping with this single storey ancillary range being traditional in form.
15. The replacement doors are part solid and part glazed with boarding to the lower part and a four paned glazed panel above. In addition a door to match the existing boarded door in the outbuilding is to be installed as a shutter to the boot room. The part glazed door is required to light the proposed boot room, which is part of this application. The proportions, design and details of the proposed doors are not traditional and there is no distinction between grander and less grand parts of the building. Both doors are inappropriate and will harm the character and appearance of the south east elevation.
16. There is an existing blocked opening on the north west elevation and the brickwork appears to be contemporary with the brickwork of this single storey range. The insertion of a window would result in the loss of historic fabric and would look incongruous within the larger blind opening. It is not considered necessary as the w.c could be artificially lit and mechanically ventilated. The architect is concerned about carbon emissions and considers that an opening window is preferable to mechanical ventilation and artificial light but this impact would be minimal and not constant and does not outweigh the harm to the historic fabric and appearance of the listed building.
17. There is no objection to the boiler flue, the removal of the modern partition in the inner hall or to the sub-division of part of the outbuilding to create a boots/utility and w.c with a new opening to the kitchen.
18. Currently there are two bathrooms and a w.c and the proposal is to remove the bathroom at the rear of the building and reinstate it as a bedroom. The adjacent bedroom would be sub-divided to form two bathrooms with a new opening from the corridor into the smaller bathroom. To create the larger bathroom and dressing room a 19th century lath and plaster wall would be removed and a new partition formed in a different location. A new doorway would be installed so that the ensuite, bathroom and master bedroom become a suite of rooms. The existing bedroom and w.c doors would be reused. A rooflight would be installed in the smaller bathroom, which has no window.
19. Conversion of the bedroom to two bathrooms would result in a significant loss of 19th century historic fabric and would harm the character and volume of the room. In addition the historic fireplace, which it is not clear if it is to be retained, would lose its historic relationship and look out of proportion and scale in a small narrow bathroom. The proposed rooflight would not be visible externally as it would be on an inner roofslope but would affect the historic roof structure and again is not considered necessary as the bathroom could be artificially lit and mechanically ventilated and the benefit would not outweigh the harm.

Recommendation

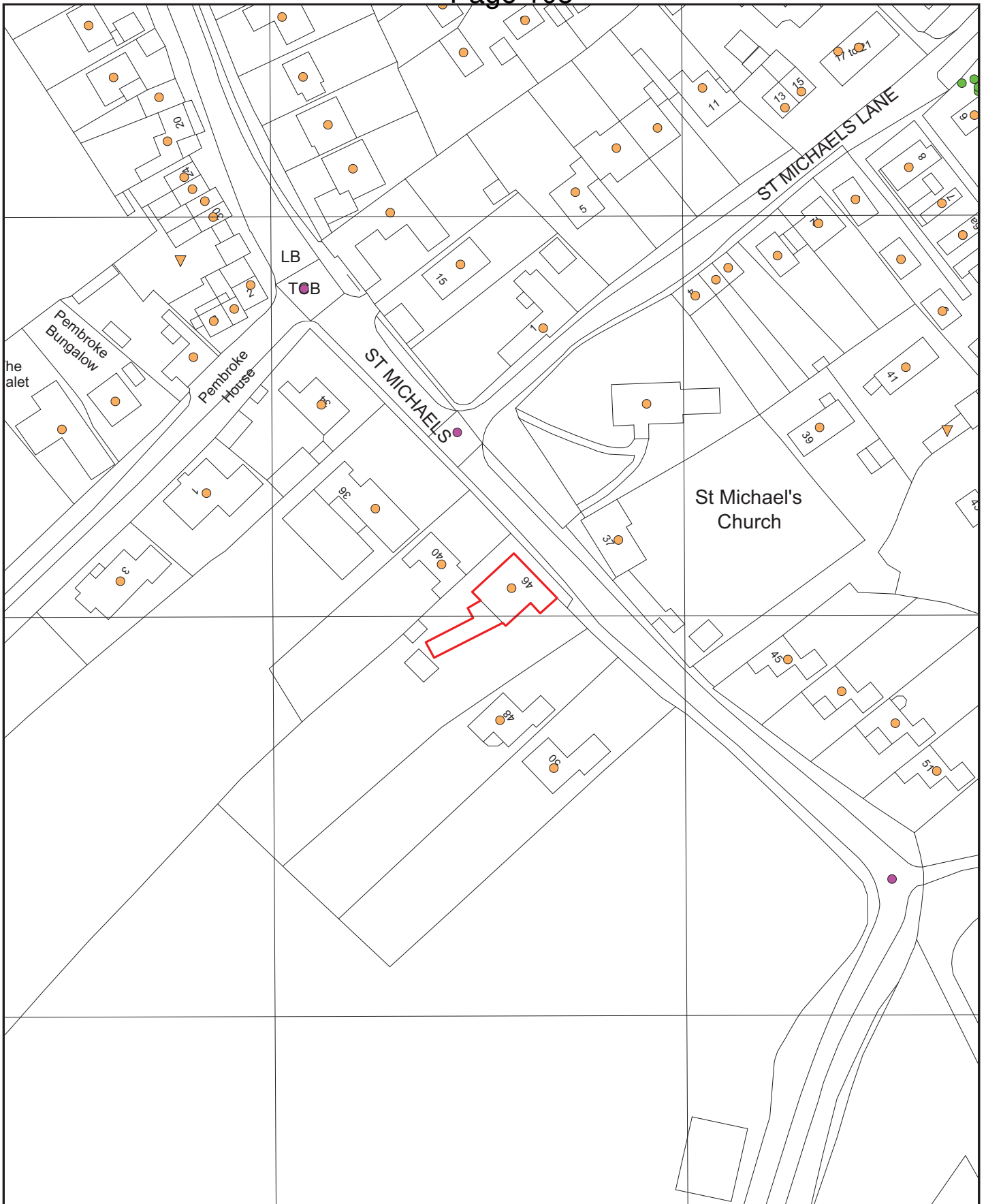
20. The recommendation is for refusal of the submitted plans as amended by drawings 200F and 205F for the following reason.

The proposed replacement of four windows and two doors in the south east elevation will harm the special character and appearance of this historic building due to their inappropriate design. The proportions of the proposed panes will result in glazing that is untraditional in form and disproportionate to the size of the casements and the proposed new windows WG07 and WG04 and rooflight will result in the loss of historic fabric to the detriment of this listed building. Internally the proposed alterations to provide new bathrooms and a dressing room will result in a significant loss of historic fabric and will significantly harm the character of the room. The proposals are therefore contrary to Policy CH/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD), Policies HE7 and HE9 (including 7.2 and 9.1) of Planning Policy Statement 5: Planning for the Historic Environment, paragraphs 76, 85, 86, 179, 182 and 185 of the Historic Environment Planning Practice Guide and paragraphs 4.1, 4.4, 4.15-4.16, 8.1, 8.7, 9.39 of the South Cambridgeshire LDF Supplementary Planning Documents (SPD) Listed Building SPD – Adopted July 2009.

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

- **South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007**
- **Planning Policy Statement 5: Planning for the Historic Environment**
- **Listed Buildings SPD: Listed Buildings: Works to or affecting the setting of**
- **Planning File Refs: S/1793/10**

Case Officer: Barbara Clarke – Conservation Assistant
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/2267/10 - HEYDON**Dwelling and Carport at Hill Farm House, 20 Chishill Road for Mr John Dutton****Recommendation: Approve Conditionally****Date for Determination: 31 March 2011**

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council differs to that of the case officer.

Members will visit this site on 6th April 2011

Site and Proposal

1. The majority of the site is located within the designated Heydon village framework, although the rear element of the garden is located outside of this area. The site is also located within the Heydon Conservation Area, the boundary of which runs with the village framework along the north boundary of the site and cutting through the rear garden element. The land outside the village framework does have a lawful garden use.
2. To the north of the site is the residential property of Picots set on a large plot. This property is not listed. The shared boundary (north) is a 1.8m high wall with a trellis above. There are a number of trees along this shared boundary. Picots have a single storey outbuilding between the main dwelling and the shared boundary. This appears to be ancillary accommodation to the main dwelling.
3. There are currently gates by the proposed access, where occasional vehicles use was previously granted. The boundary along the road is a 2m high hedge that screens the large pond on site from public views. There are taller trees by the gates too. On the opposite side of Chishill Road southeast of the site is the grade II listed barn at Halls Cottage located hard against the road. There is a further listed building at Heydon Place, 82m northeast of the application site. To the south is the main dwelling of 20 Chishill Road, which has a long single storey element currently used as offices. The western boundary has a newly planted hedge, with a further hedge beyond.
4. The full planning application, received on 22nd December 2010, seeks the erection of a dwelling and carport on the site. The property would be two-storey, with the carport located forward of the front elevation. The application is accompanied by a Design and Access Statement, an Ecology Survey, and an Arboricultural Report.

Planning History

5. A previous application for a dwelling on the site (S/0502/10/F) was withdrawn prior to the submission of the new application.
6. Planning application **S/0348/03/F** granted consent for an extension to the garage and store, pedestrian access, a lich gate and a new vehicle access at Hill Farmhouse. The new access is that to the north of the dwelling that would serve the new dwelling.
7. Planning application **S/0559/02/F** granted consent for the change of use of land outside the designated framework to become garden land. Condition 4 removed permitted development rights for outbuildings and means of enclosure in this area.

Policies

8. **Local Development Framework Core Strategy Development Plan Document 2007: ST/7** Infill Villages
9. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1** Sustainable Development, **DP2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **HG/1** Housing Density, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Renewable Energy, **NE/6** Biodiversity, **NE/15** Noise Pollution, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas & **TR/2** Car and Cycle Parking Standards.
10. **Open Space in New Developments SPD** – adopted January 2009, **Trees and Development Sites SPD** – adopted January 2009, **Biodiversity SPD** – adopted July 2009, **Development Affecting Conservation Areas SPD** – adopted January 2009, **Listed Buildings SPD** – adopted July 2009 & **District Design Guide SPD** – adopted March 2010.
11. **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.
12. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

13. **Heydon Parish Council** recommends refusal of the application on grounds of overdevelopment of the site, the design not fitting comfortably with the two listed buildings on either side of the proposed dwelling, proximity to Picots and the boundary trees, potential attic space in the rear element, impact upon trees by the entrance, the safety of the access and insufficient space for recreational use.

14. The **Local Highways Authority** seek the addition of a condition ensuring gates are set back 6m from the boundary of the adopted public highway. With regard to the amended plan, the access is considered acceptable.
15. The **Council's Conservation Officer** notes the pre-application advice has mainly been complied with. The dwelling would be set back from the street behind a tall hedge which gives minimal public views. Whilst there would be an effect on the interest of the Conservation Area from within private spaces, the limited public views are most relevant to the impact on the Conservation Area and the adjacent Listed Building. The height of the rear element would not have any significant impact upon the Conservation Area. Conditions are recommended regarding materials to be used for the dwelling and carport, detailing of the carport given concerns about the detailing, and the entrance to the site which should be more rural.
16. The **Council's Ecology Officer** has no objections to the proposal. The pond is considered to be an unlikely habitat for Great Crested Newts although they are recorded in the locality. A condition is requested ensuring development takes place in accordance with point 1 (clearance of the access) and point 2 (protection of the site by amphibian fencing) of the ecological survey.
17. The **Council's Tree Officer** notes the yew tree (tree T1) is the most significant, and a plan is requested showing its Root Protection Area in relation to the proposed dwelling.
18. The **Council's Acting Environmental Health Manager** notes concerns regarding noise and therefore suggests conditions are attached restricting use of power operated machinery and seeking details if pile foundations are proposed. An informative regarding bonfires and burning of waste is also proposed.
19. The **County Archaeology Team** notes the site is located in an area of high archaeological potential and request a condition seeking a scheme of archaeological investigation.

Representations

20. The occupiers of **Picots, 14 Chishill Road** object to the scheme. The proposal is considered as garden grabbing, and is excessive in scale and mass for a tight site and represents overdevelopment. Its location just 3m from the boundary with Picots is considered unreasonable, especially given its height. The glazed elements would allow light to be visible around the site. The views of the Parish Council are noted, and no neighbour consultation took place. The proposal is considered to impact upon the roots of the trees along the shared boundary. There is also concern the pond should be a public amenity but it has been included within the garden land. It is noted the boundary between the dwelling and Hill Farmhouse does not follow any physical line, and could be changed to allow the dwelling to be shifted from the shared boundary with Picots.
21. The occupiers of **31 Chishill Road** object to the proposal on grounds of overdevelopment of the site, proximity to the neighbouring property, poor visibility at the access, and the scale and design in relation to the adjacent farmhouse and Conservation Area.

Planning Comments

22. The key considerations for the determination of this application are the principle of development, the impact upon the Conservation Area and adjacent Listed Buildings, impact upon the amenity of the occupiers of the adjacent properties, impact upon trees, ecology considerations, highway safety and open space provision.

The Principle of Development

23. Heydon is classified as an Infill Village, where residential development will be restricted to not more than two dwellings within the village framework, subject to site specific issues and in certain locations, including in a gap in an otherwise built-up frontage to an existing road or the sub-division of an existing residential curtilage. The site meets these criteria.
24. Policy HG/1 of the LDF DCP 2007 seeks residential developments to make best use of sites by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. The site has an area of approximately 0.14 hectares within the village framework, which also includes the large pond. The density of the development therefore provides 7 dwellings per hectare. The applicant has stated in the Design and Access Statement that two dwellings on the site is not appropriate given the irregular shape of the site, the character of the Conservation Area, access and the potential impact upon the pond. It was agreed at pre-application stage that such factors could justify a single dwelling in this instance. It is considered that a single dwelling is therefore suitable on the site in principle.

The Impact upon the Conservation Area and Adjacent Listed Buildings

25. The previous application (S/0502/10/F) was of a similar design, but was more bulky, with a larger two-storey element across the front, a larger frontage gable, and full two-storey levels to the rear. The proposal has introduced a single storey element to the front elevation, and whilst the rear section remains two-storey, its height has been lowered for this element to appear subservient to the main frontage.
26. This part of the Heydon Conservation Area to the western side of Chishill Road is characterised by large dwellings on large plots. The neighbouring property to the north, the existing farmhouse, and 22 Chishill Road to the south all fit this description. Whilst this does not set a precedent for further development of this kind, the dwelling should be viewed in its context. The two-storey element of the front elevation has been reduced to 13m in length, with the single storey element appearing subservient to that. Whilst there is a lot of glazing to the frontage gable, the design is considered to be appropriate for its location, and would preserve the character and appearance of the Conservation Area. Members should also be aware there are limited public views of the site given the 2m tall frontage hedge. The comments from the Conservation Officer are noted and the original concerns regarding the impact upon the Conservation Area have been overcome subject to the recommended conditions. This follows the pre-application discussions.

27. The listed barn at Halls Cottage is located opposite the proposed access into the site. Given the front boundary of the site, and the location of the proposal 23m into the plot, the proposed dwelling is not considered to significantly harm the special architectural and historic interest of this building.

Impact upon the Amenity of the Occupiers of Adjacent Properties

28. The shared northern boundary with Picots is a 1.8m wall with a trellis above. There is planting beyond in the garden of Picots that provides a good screen. The dwelling of Picots itself is located 7m from the boundary and its nearest point, where the single storey element is located. The main two-storey bulk of the dwelling is located further away at approximately 16.5m. Picots is also located behind the existing shed area of Hill Farmhouse, and the dwelling would be located 24m from Picots at its closest point. Given this location, the proposal would not have any impact upon the main dwelling of Picots.
29. The rear garden area to Picots runs along the north boundary of the application site, behind the planting described above. The proposed dwelling would be located 3m from the boundary at its closest point. Given the orientation of the house, the closest elements at 3m would be the eaves height of the main two-storey frontage element, and the eaves height of the rear element, which measure 4.2m and 4.5m respectively. The north facing gable of the plot is not parallel with the boundary, and the highest point of the dwelling at 7.4m in height would be 4.3m from the boundary. The concerns raised from the occupiers of Picots are noted. The dwelling will be visible from the rear garden area. However, given the level of planting in the rear garden of Picots, I do not consider that any undue harm would result through the dwelling being overbearing.
30. The rear element of the dwelling is all two-storey space. The rear element at first floor level is described as loft space, but there would be room for habitable rooms in the future. There are rooflights in the north elevation above the landing. The section shows the cill height of these to be 2m from the floor level. No overlooking would result. Conditions would be required to ensure no further windows are added to the side elevation at first floor level, and these cill heights are adhered to in construction. The rear facing dormer window serves a bathroom. It would have the potential to overlook the rear of the garden at Picots. A condition can ensure this window is obscure glazed. Whilst the location of the dwelling would mean it would be visible from Picots, I do not consider any serious harm would result to the occupiers of this property.
31. The proposal would require an additional boundary to be created between it and Hill Farmhouse to the south. The site plan shows this to be a new hedgerow, details of which will be required in the landscape plan. The proposal would be 3m from this newly created southern boundary. The dwelling has a single storey element by this boundary totalling 4.9m in height to the roof ridge. The dwelling would be easily visible from the rear garden of Hill Farmhouse. However, given the orientation, I do not consider any serious harm would result to the occupiers of Hill Farmhouse. There would be some glazing in the facing elevation at first floor level but this would serve the staircase. The frontage two-storey element would block views of this, allowing views of the rear garden only. The landscape plan could include a small tree

in the garden to screen these windows if necessary. A condition would be required to prevent further first floor windows in the side elevation.

32. There would be a proportion of overlooking from the first floor balcony area, to be located 12m from the boundary. This distance is not ideal. However, the main two-storey element again screens views into the rear garden, and a small tree could be planted as part of a landscaping scheme to ensure occupiers of Hill Farmhouse do not feel significantly overlooked.

Impact upon Trees

33. The comments from the Trees Officer are noted. The most significant tree on the site is the yew in the rear garden of Hill Farmhouse. The rear element of the dwelling would be within 10m of the trunk. Details of the Root Protection Area have been requested and Members will be updated on progress on this matter. The Trees Officer has no objection if this point is clarified and a method statement is provided. The latter could be done by condition.

Ecology Considerations

34. The comments from the Ecology Officer are noted. Given the nature of the pond, it is unlikely to provide a habitat for the Great Crested Newt. A condition is requested to ensure the clearance of the site and amphibian protection is completed in line with the Ecological Survey submitted with the application. I consider such a condition to be reasonable.

Highway Safety

35. The access to the site was approved as part of application S/0348/03/F, where the approved plan shows it to be used for occasional/infrequent use for maintenance purposes only. Members should be aware that there was no condition stating this and that it could have been used more formally if needed. This development would bring about this more formal use. The comments from the Local Highways Authority are noted. As a result, an amended plan shows the gates to be located 6.3m back from the road. The Local Highways Authority has confirmed that this plan is satisfactory.
36. The Conservation Officer notes that the access should be rural in appearance. The amended plan shows the gates set back into the site, thus opening it up slightly. The existing walls behind the current access are low, and clarity is required as to whether these would be raised or remain as they are. This can be dealt with through a condition.

Open Space Provision

37. The applicant has confirmed in their letter dated 12th December 2010 their willingness to contribute towards the provision of open space in the village in lieu of on-site provision. The proposal seeks a four bed property, and therefore a contribution of £4258.90 would be required. A condition can ensure this is secured through a scheme, and an informative can be added to any consent to show the required amount. Pre-application discussions did not include the need for community facility provisions, and it is unreasonable to request this for the application.

Other Matters

38. I note local concern regarding the inclusion of the pond into the garden of Hill Farmhouse. I do not consider this is a material planning consideration for the determination of this planning application.
39. Comments from the Acting Environmental Health Manager and County Archaeology Team are noted, and conditions and informatives can be added accordingly.

Recommendation

40. Approval (as amended by revised site plan date stamped 15th February 2011) subject to the following conditions)

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: A2, A3, A4, A5 and A6 dated 22nd December 2010, and plan A1 date stamped 15th February 2011.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until 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, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design,

materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)

6. No development shall take place until details of the materials to be used in the construction of the external surfaces, including the canopy, dormer windows, glazing area, doors, screens and chimneys, of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and CH/5 of the adopted Local Development Framework 2007.)
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the rear or side elevations of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. Apart from any top hung vent, the proposed first floor dormer windows in the rear elevation of the dwelling, 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.)
9. 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.)
10. No development shall begin until details of a scheme for the provision of open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards open space infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
11. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a

written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

12. The development shall be implemented in accordance with points 1 (clearance of the access route) and 2 (protection of the site by amphibian fencing) of the ecological survey as prepared by Applied Ecology Ltd dated 29 March 2010.
(Reason - To protect amphibians and their habitat in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

13. The proposed rooflights in the north elevation of the dwelling, hereby permitted, shall have a cill height at least 1.7m above the finished floor level.
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

14. No development shall commence until a construction method statement is submitted to an approved in writing by the Local Planning Authority. The statement should include the relationship between construction vehicles and material, and protection for the trees and hedges on site, with particular relevance to the yew tree within the existing garden area. The development shall be carried out in accordance with the approved statement.
(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

Informatives

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

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

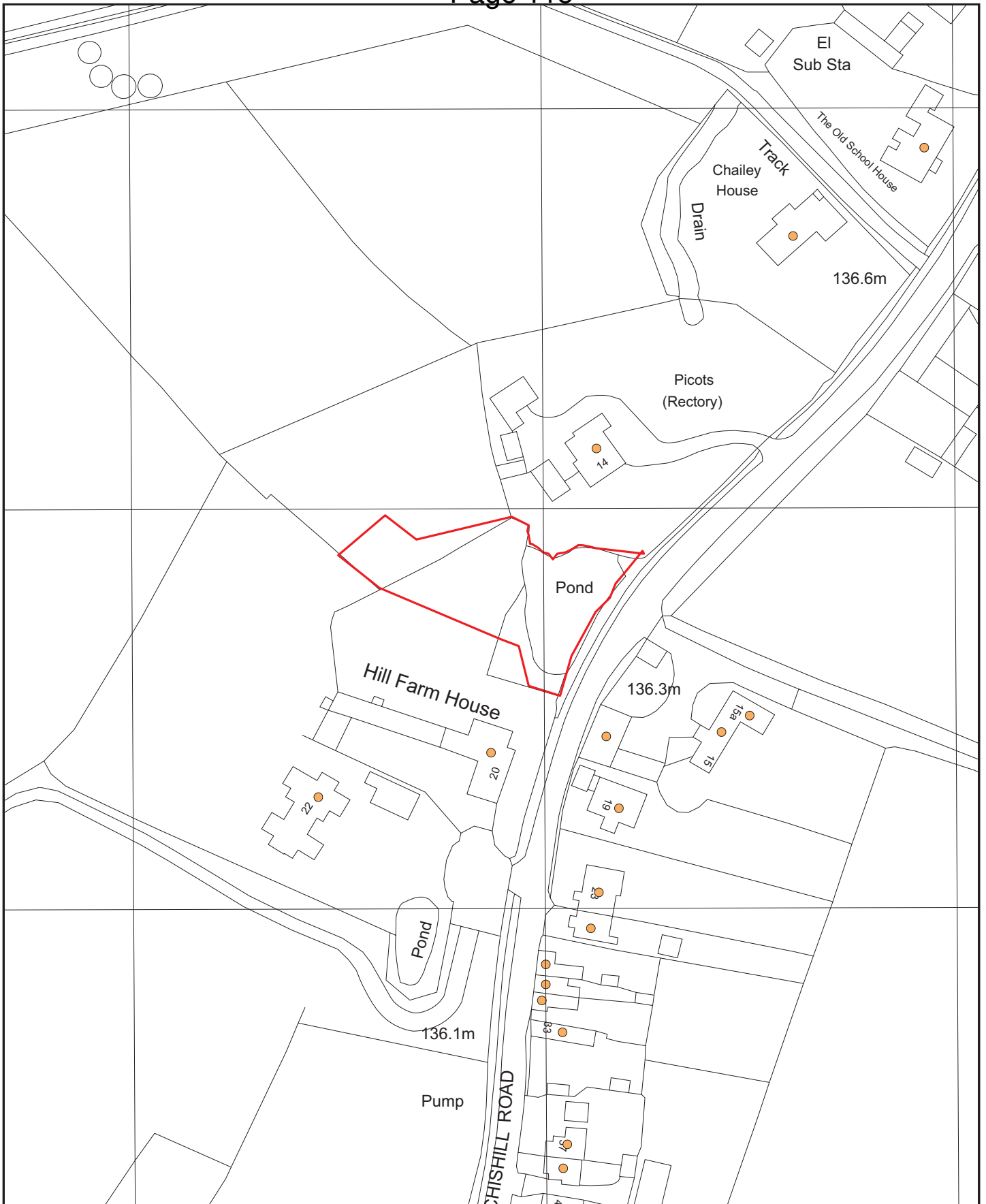
The scheme requires the provision of recreational infrastructure to meet the needs of the development in accordance with Policies DP/4, SF/10 and SF/11 of the adopted South Cambridgeshire Local Development Framework 2007. Should financial contributions be provided, this amounts to a payment of £4,258.90 as calculated on the date of the decision. The applicant has been informed of this requirement. An agreement under S106 (scheme) could be required to secure this.

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

- **Local Development Framework Development Control Policies (LDF DCP) 2007**
- **Local Development Framework Core Strategy Development Plan Document 2007**

- **Open Space in New Developments SPD** – adopted January 2009, **Trees and Development Sites SPD** – adopted January 2009, **Biodiversity SPD** – adopted July 2009, **Development Affecting Conservation Areas SPD** – adopted January 2009, **Listed Buildings SPD** – adopted July 2009 & **District Design Guide SPD** – adopted March 2010
- **Circular 11/95 – The Use of Conditions in Planning Permissions**
- **Circular 05/2005 - Planning Obligations**
- **Planning File Refs: S/2267/10, S/0502/10/F, S/0348/03/F and S/0559/02/F**

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01954 713159



South
Cambridgeshire
District Council

Planning Dept - South Cambridgeshire DC



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

S/1728/10 - MELDRETH**Retrospective extension to warehouse and toilet block at Fieldgate Nurseries,
32 Station Road for Mr Ward****Recommendation: Approve Conditionally****Date for Determination: 12th January 2011****Notes: This application is being presented to Planning Committee as requested
by Councillor Surinder Soond****Site and Proposal**

1. The site, Fieldgate Nurseries (FGN) lies between the villages of Meldreth and Melbourn, within the Parish of Meldreth but outside of the village framework. The site is located close to the station in Meldreth and the A10. The site comprises an area of approximately 1.4 hectares. It was originally used for the growing and selling of horticultural produce. The site now comprises a shop area equating to approximately 400m² in floor area and various other storage buildings. Some of these are associated with the FGN use and some are rented out to others for storage purposes. There is a residential listed building on site that is owned and lived in by the applicant.
2. The full application, received 17th November 2010, proposes the retrospective erection of an open fronted warehouse extension and a portable toilet block for staff. The submissions include a Traffic Flow plan showing the proposed route for vehicles using the site and a parking layout. The application was submitted with a Design and Access Statement and Heritage Statement.

Aerial Map

3. For ease of reference I have included an aerial map (2008 appendix A and A1) and marked each building accordingly, indicating the different buildings on site and the uses of them. Units E and F are the relevant units for this application.

Planning History

4. SC/0136/70 - Erection of a green house - Permitted Development
5. S/1666/77/F - Conversion of top level of Barn into Flat for a Farm worker - Approved
6. S/0450/82/F - Sale of 'bought in fruit' and vegetables - Approved. This application allows for the sale of bought in fruit and vegetables on the entire

1.4ha site and is not specific to the shop building. No conditions are attached to the decision notice.

7. S/1124/85/F - Replacement Shop and Store - Approved. Refers specifically to a unit comprising approximately 160m². Conditioned to be used as part of FGN enterprise and not to be sold as a separate unit. Part of the shop is being let to Russells Butchers (also A1 use) but this remains in the ownership of FGN.
8. S/0040/99/F - Storage Buildings - Approved. To be used as storage only and ancillary to FGN
9. S/0055/01/O - Bungalow - Refused
10. S/0555/05/F - Change of Use of Barn No.4 for Fruit Juice and Bottled Water storage and distribution - Approved.
11. S/2418/08/F - Warehouse Extension - Refused
12. S/0182/08/F - Change of Use from Agricultural storage to pet food retail and siting of a porta cabin toilet block (Retrospective Application) - Refused
13. S/1832/08/LB - Alterations - internal changes to 2 dwellings remove & replace partitions & ceiling, install chipboard floor, convert attic space & implement structural works. (Regularisation of unauthorised works). - Approved.
14. S/2054/08/F - Erection of Lean-to Extension to Warehouse, Toilet Block and Change of Use from Agricultural Building to Retail (Equestrian Supplies) (Retrospective Application) - Withdrawn

Enforcement History

15. There have been 2 planning contravention notices (PCN) sent to the owner of Fieldgate Nurseries. These have been to primarily establish the uses of the buildings and the ownership of the site. The warehouse structure that is the subject of this application was one of the reasons a PCN was issued. An application for the erection of the structure (retrospective) was refused under planning reference S/2418/08/F and failure to remove it led to an Enforcement Notice being served. The applicant did not appeal the notice which remains extant.

Planning Policy

16. 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
 - CH/3 Listed Buildings
 - CH/4 Development within the Setting of a Listed Building
 - ET/5 Development for the Expansion of Firms
 - NE/15 Noise Pollution
17. South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Listed Buildings SPD - March 2010
District Design Guide - March 2010

Government Circulars:

18. 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.
19. Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

20. Meldreth Parish Council - Make no recommendation but include the following comments:
21. Meldreth Parish Council makes no recommendation as it feels it does not have enough information to make any other response.
22. We would like to see Fieldgate Nurseries develop as a successful business serving the local community and living in peace with its neighbours. Parts of the application suggest that if this application was approved in its present form, this would not be the case.
23. Since the application in 2006, including the retrospective request, which was refused, there must have been negotiations or discussions between SCDC planners and Fieldgate on this, the 2008 withdrawn application and the unsuccessful enforcement action. None of this has been recorded on the application forms or supporting documents and we have not been kept up to date by SCDC representatives.
24. We would like the following aspects to be investigated by SCDC planners as part of the decision process.
25. Are the proposed entry points for HGV's acceptable to Highways and can the necessary visibility splays be created? Concerns have been raised by neighbours about Highway Safety for vehicles and people, especially school children. Our speed watch team reports that Station Road is the busiest road in Meldreth during the morning rush hour with high levels of speeding.
26. The size of the retail operations on site, including the space occupied by Fieldgate, the butchers shop and the equestrian shop (refused planning but only recently closed) and the range of goods now sold by Fieldgate. We do not know what retail space has permission and what range of goods can be sold. The reference in a historic planning decision is to sell its own produce and bought in fruit and vegetables.
27. We have raised in the past the amount of unauthorised building (a steel framed clad former greenhouse) to the rear of the site. We have received reports of businesses operating here and elsewhere on the site without permission.

28. There is a continuing problem with parking on the site. Are there enough parking spaces reserved for customers for the authorised retail operations on site? Do unauthorised businesses detract from the number of spaces for customers? The siting of the toilet block discourages customers from driving into the rear parking area leading to congestion on the front parking and overflow on to the highway land. Customers driving to parking spaces frequently find themselves competing with HGV delivery vehicles.
29. The application should show, by appropriately coloured boundaries, the area of land that is the subject of the planning application and any other adjoining land (in blue) owned by the applicant.
30. The 2006 application was rejected because the applicant had not demonstrated a need for the loading bay. The need is now given as to allow deliveries on a 24/7 basis. Does the present planning permission have any restriction on working hours? Deliveries by HGV's on a 24/7 basis will be unacceptable to the neighbours of Fieldgate Nurseries. No reason has been given as to why a business operating shop hours needs its deliveries on a 24/7 basis.
31. The standards of design and construction of the existing (but proposed) buildings are not attractive and do nothing to improve the appearance of the site. Have the buildings been built with the guidance of Building Control.
32. There are no ownership or agricultural certificates with the application form
33. Conservation - comments remain the same as those given for planning application S/2054/08. The work has been carried out without the benefit of consent and is not sympathetic to the adjacent Listed Buildings. The units should be relocated to the rear of the site, as they are not only visually inappropriate but conflict with the residential use of the site. If the units are relocated, or removed, the team are willing to support the application. However, if the units are not capable of being relocated (evidence and justification required) a time limitation of 2 years should be implemented, where the removal of all units are to take place. Non-compliance with this time limit should result in enforcement action. If in two years there are additional circumstances to warrant the retention of the units, a new application can be discussed during a pre-application meeting.
34. Acting Environmental Health Manager - No objections
35. Local Highways Authority - The proposed provision of a new toilet block will have no direct impact on the adopted public highway.

The proposed construction of a new lean to building for loading/unloading and or baling of recyclable cardboard may create differing traffic movement patterns, but is unlikely to significantly increase vehicle movements to and from the site. Therefore, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Representations

36. Cllr Soond - While development at Fieldgate Nurseries (FGN) has an extensive planning history, most of which is very convoluted by aspects of planning enforcement coupled with concerns raised by local residents, without complicating things further, I would be grateful if this particular application could be presented to the Planning Committee for the next meeting with a view for members to remark on a possible course of action (based upon their experience and knowledge in such matters).
37. In summary, we would be grateful if the Planning Committee would consider the points in determining the fate of this application, being mindful of the residents immediately residing around this site with a view to unravelling what can only be described as a 'confusing situation', so that retail industry and residents can co-exist within boundaries defined by SCDC Planning Law. Moreover, we believe that the proper and regulated development of this site would be a real asset to the residents of Meldreth and the surrounding villages.
38. Councillor Soond's full representations are at Appendix B.
39. A letter of objection has been received from the occupiers of 55 Station Road who raise the following concerns:
40. The retrospective application refers to the opening hours of the business commencing at 6am Monday to Friday. We are concerned about noise pollution from HGV's affecting our sleep. The Design and Access Statement contradicts the application stating in section 1 that the premises will be in constant use 24/7. The traffic flow plan shows an exit route for HGV's from the premises close to our property. The planning officer is requested to give due consideration to noise and the affects on neighbouring property in its decision. We would request that HGV access is only permitted during business hours stated in the application.
41. An objection has also been received from the occupiers of St Johns Farm, Station Road (SJF). The full representations are at Appendix C.

Planning Comments

42. From the above submissions Members will note the sites long history and the number of ongoing concerns and issues that have been or are in the process of being addressed. The planning department has worked with both the applicant and the occupier of SJF with Enforcement, legal representatives, the Local Government Ombudsman and other third parties such as the Local Highway Authority, the Environment Agency, Environmental Health and officers from the local Constabulary to try and overcome these issues. Whilst all issues are relevant to the site, only a few of the above comments are relevant to this specific application. I have attempted to cover these below and for clarification I can confirm the following points:
43. The application submitted has some errors in the content that have been raised by Cllr Soond and in other representations. These have been brought to the attention of the applicant.

44. Question 6 - is answered correctly. No new access is proposed. The access at point B already exists and can be used by anyone using the site. All the land in the application site edged blue is in the ownership of the applicant. The strip of land to the east of the site, including point B is also owned by the applicant.
45. Question 11 - The spaces shown on the Traffic Flow plan (TFP) do not conflict with the temporary refrigeration unit, as Members will note on site. The total spaces equate to 39 including staff provision. All staff parking is to be located at the rear of the site as shown on the TFP.
46. Question 13 has been answered correctly. The drainage issue that is raised by Cllr Soond is a separate legal matter that has been dealt with by the Environment Agency. The requirement for more transparency is not considered relevant to this application or future planning of the site.
47. Question 16 - is correct insofar as there are no trees on the development site. The development site being the area edged red. There are trees on the site as a whole. None of which are affected by the proposals.
48. Question 19 - Cllr Soond is correct. It should read 58m² and the application suggests 4m² less though the dimensions on the drawings are accurate. The 9m² of proposed toilet space has been missed off the application form but again is apparent in the drawings.
49. Question 21 - the opening hours of the shop are indeed as Cllr Soond has stated. The working hours of the staff are as indicated in the application form. Mr Ward is aware of the Sunday trading hours.
50. Question 23 - The site area is 1.5 hectares and not 3.45 hectares. It does however equate to 3.45 acres.
51. The mobile unit is a matter that is being dealt with by the Councils Enforcement team
52. The storage of handbags in Unit A is a matter that is being monitored by Enforcement. The bags are being slowly removed from the site.
53. The office use in the listed barn (adjacent the house) has been used as such for a continuous period of ten years, primarily as part of the FGN enterprise. The current occupiers are a separate company and not associated to FGN. We are informed the current tenants have been using the space for over 4 years.
54. Other building uses have been investigated regularly over the last 18 months and officers have not discovered any unknown uses that are not included in this report.

Key Issues

55. The key issues to consider in this instance are the impact that proposals would have upon highway safety, the setting of the Listed Building, impact on the wider countryside and residential amenity in respect of noise pollution.

Highway Safety

56. Of all the planning applications that have been submitted highway safety implications have not been of a major concern. The site has been used as a nursery for many years and whilst there are no longer goods grown on site, the site has undoubtedly intensified, with more vehicles, which is common with many commercial premises. Previous planning history did not consider it practical nor desirable to control vehicle movements generated by the whole site through the various minor applications that have been submitted and no historic decision notice aims to control vehicle type or numbers through condition.
57. There are two access points to FGN, these are marked A and B on the Traffic Flow Plan (TFP) submitted with the application. These access points have been in place for in excess of 10 years and can be used as such. The main entrance has always been at the front of the shop, however, discussions between the applicant and officers has led to point B being brought into a more productive use. The Local Highway Authority (LHA) was not been overly keen on this access being used, but as it is an existing access considers it acceptable in this instance.
58. The refused application under reference S/0182/08 was considered to be unacceptable to the LHA, as it did not adequately address highway safety or parking facilities. Given its countryside location the LHA requested that the maximum provision of parking spaces be made to ensure accommodation was made clear of the public highway. It was concerned about conflict of vehicles using the site and an intensification of use due the increased number of vehicles additional retail use would bring to the site. The additional retail use that was proposed in that scheme has since been removed from the current application. The applicant has aimed to show a plan of proposed traffic flow and an indication of where parking spaces can be made available on site. These would be demarcated on site if approved.
59. The applicant has tried to separate the customer and staff parking to avoid conflict and shows a route that larger vehicles would take to avoid unnecessary manoeuvres on site. This would in turn aid the reduction of noise from reversing beepers on vehicles (this is covered in more detail under Neighbour Amenity).
60. Officers are of the view that the site could have adequate parking provision and have been working with Mr Ward to overcome some of the parking problems, particularly at the front of the site. This is ongoing but the intention is to create a more desirable area for customer parking to discourage parking in the highway at the front of the site.
61. At present the site has insufficient parking arrangements as set out in the Parking Standards in the South Cambridgeshire Development Framework Development Control Policies adopted July 2007. Parking standards are based on the use class of the buildings and officers have spent considerable time visiting the site to ensure the uses are in accordance with the approved schemes submitted to date.
62. Units H and C have been used for retail for a period of over 10 continuous years, all other buildings are primarily for storage purposes. Following site visits I have included a list of all the buildings uses, unlawful and lawful to

show how many spaces would be required under the current uses on site. Please note that units E and F are the subject of this application.

Uses, sizes of buildings and required parking

Unit	Use class	Size (approx m2)	Parking spaces required (max)
A	Storage B8 (unlawful)	469	5
B	Storage B8	214	2
C	Retail A1 (non food)	223	11
D	Storage B8	211	2
E	Storage B8 (unlawful)	55	½
F	Toilet block (unlawful)	-	-
G	Refrigeration Unit (unlawful)	-	-
H	Retail A1 (food)	163	12
I	Dwelling C3	1 dwelling	1 ½
J	Storage B8 (LB)	79	1
K	Staff Office B2	93	2
L	Storage B8	123	1
M	Storage B8	90	1
Total Spaces			40

7 spaces per 10 employees and 5% required for disabled parking preferably to the front of the site

63. If the unlawful uses were removed adopted standards would require 5.5 less spaces totalling a maximum requirement of 33.5 customer parking spaces. To date Mr Ward has submitted a scheme for 24 customer spaces and approximately 16 staff spaces. The removal of the warehouse building will result in the loss of 0.5 spaces, the toilet block 0 spaces and the removal of the refrigeration unit, which is the subject of another application, although intrinsically linked, 1 space.
64. Ongoing (recent) trials to assess the way in which customers park at FGN and associated access problems for the residents at St Johns Farm have resulted in the loss of 1 customer parking space to the front of the site, thus reducing the overall parking provision for customers down to 23.
65. If spaces are demarcated on site it will visually encourage customers to park in them. Disabled spaces should be located closest to the shop front and marked accordingly, again this should encourage customers to use the spaces properly. Whilst there are signs located at the front of the site to indicate parking provision, old habits die-hard and regular visitors to the site are likely to park in their usual manner regardless of parking layout. Hopefully this will change over time. Having worked with the local police in trying to rectify parking in the highway, it may be appropriate to erect a small sign indicating that parking in the highway and blocking an access is an obstruction and dealt with as a civil matter.
66. Whilst there is a parking shortfall, it is considered that with the traffic flow scheme in place the conflict of vehicles is significantly reduced and the desire to have maximum parking provision no longer required.

Impact on the Setting of the Listed Building and Visual Amenity

67. The warehouse extension takes on the form of the existing building to which it is attached and therefore the materials are in keeping with the existing structure. The warehouse extension in this instance is not considered to be harmful to the setting of the listed building.
68. The main problems from the listed building viewpoint are the siting of the toilet block and the temporary refrigeration unit (the refrigeration unit is not part of this application). These structures bring the development closer to the listed building, closing the space between them. Additionally neither structure is aesthetically pleasing and their temporary nature detracts from the wider setting of the listed building. Whilst the Conservation comments suggest that the units conflict with the residential nature of the site, it is fair to say that this has never been obvious or very clear due to its intrinsic link with the business. Both are uses that are owned by the applicant and the dwelling lived in by Mr Ward himself. It has been a long running family business and the built relationship has not changed much over the years. The intensity in which the business is run seems to be more problematic. The comments made by Conservation officers suggest that the temporary units, whilst necessary for the running of the business are visually inappropriate and that they should be relocated to the rear of the site.
69. There seems no reason or evidence as to why the toilets cannot be relocated away from the setting of the listed building. Mr Ward has tried to make the toilet look more aesthetically pleasing, however, it is considered that its relocation would improve the appearance of the site and aid towards better manoeuvrability. The existing siting is not considered to be acceptable by reason of harm to the adjacent listed building but the relocation of the toilet block to the rear of the site would be acceptable from a conservation viewpoint.
70. The same is said for the temporary refrigeration unit, however, this is part of another application that will be determined separately though predominately based on the outcome of this planning application.

Impact on the Countryside

71. The site is located outside of the village framework for Meldreth and therefore in the countryside. Development in the countryside is restricted to that for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses, which need to be located in the countryside. The site is bound on all boundaries by mature and well-established hedging. Views of the entire site are glimpsed through the trees when driving north along the A10, however, most other views are limited to those seen when approaching the access points from Station Road or from the property at St Johns Farm. The actual impact on the countryside from this site is minimal. Whilst the buildings have changed in appearance the footprints have remained predominately the same. The glass house to the rear (unit C) is now clad in grey metal sheeting and barns (unit B) have been extended, however, it is considered that the increased level of use makes its presence more prominent in the countryside rather than its visual appearance.
72. The shop floor area is of a size that is not permitted to operate outside Sunday trading times and the applicant is aware of this. This suggests that

the retail floor area is at its peak in terms of its location in the countryside and officers would not wish to see the retail area increase in any way. The warehouse building is not for any further retail floor space but in light of the other buildings on the site it is considered there are other locations that the delivery of goods and the cardboard crusher could go, therefore limiting additional built form in the countryside. However, the impact of the warehouse extension is not considered to be detrimental to the listed building and Members should be aware that officers have no control over the use of the existing buildings in terms of deliveries to them.

73. Whilst development in the countryside is restricted, officers are of the view that the level of development on this site could be considered favourably where control over the delivery times and traffic movement could have a positive impact on the existing commercial and residential relationships.

Residential Amenity (Noise)

74. The toilet block and warehouse extension are not considered to be noisy structures in themselves, however, it is suggested that the extension, being an open fronted structure allows for deliveries 24/7. This is stated as part of the application within the Design and Access Statement under sub heading 'Use and Amount'. It clearly states that the proposed extension allows staff to load and unload in better and safer conditions (out of poor weather) and also says it will be in constant use. It is this level of use that is the cause for grave concern, particularly to the residents of St Johns Farm who have regularly complained about large articulated lorries turning up in the early hours of the morning. The reversing beepers, the noise of the unloading forklift and the lights from the vehicles 24/7 is considered highly undesirable, particularly in an area with little background noise at night. There is currently no control over the movement of vehicles on site.
75. Having worked with the applicant to try and resolve this problem the application aims to promote a route for vehicles to take when visiting the site. The arrows on drawing titled Traffic Flow indicate that HGV's (and other vehicles) should be able to enter and exit in forward gear, therefore reducing the need to reverse on site and associated noise. However, this does not aid the reduction in delivery vehicles. Various traffic movements are made throughout the night, this is mainly due to deliveries. These are for goods sold on site, such as flowers, compost, fruit and vegetables. There is currently no control over the hours of working on site or delivery times.
76. The warehouse extension is also used to house a cardboard crusher, which aids the recycling of rubbish on site. This is not a particularly noisy machine and is only used in normal working hours. Whilst this machine could be housed elsewhere on site it is contested that this is the most convenient location for staff to use it as it is linked directly with the shop floor.
77. The proposal to retain the retrospective structures could be positively supported subject to restrictions on delivery hours to the warehouse extension and control over the movement of vehicles on site. This application could help support the reduction of noise and lessen conflict of traffic between customer vehicles and neighbour amenity. This application, however, cannot restrict deliveries to other buildings on this site that are associated with the FGN enterprise.

Other Matters

78. Goods Sold - The goods sold on site are primarily 'bought in' goods. The site no longer creates its own produce, although there is capacity on site for it to take place. The shop sells mostly convenience goods such as bread, fruit, vegetables, flowers, compost and plants. However, it does sell other goods such as giftware, pet produce and seasonal goods. The butcher produces meat and associated goods. The shop (and butchers) are classified as A1 retail and whilst specific consent was that granted for the sale of 'bought in fruit and vegetables' the small area of sale for additional goods outside of this category has never been considered to amount to a material change to warrant the submission of a planning application to sell comparison goods. The site sells produce at a wholesale level to local businesses such as hotels and restaurants. I am informed that the butcher sells at a wholesale level also. There has never been any restriction on the level of sales of produce through a planning application.
79. The site has, as far as can be found, sold at a wholesale level, however, it is apparent that wholesale 20-30 years ago was very different to the wholesale level of today.
80. Other business on site – The operation of other businesses on site at FGN has been brought to the attention of officers. Site visits made by officers recently and regularly over the years has not raised major concern. We have been informed that other businesses use and are using the site for the temporary storage of vehicles, however, officers have yet to find other businesses operating from the site without our knowledge. The barns to the rear are being used for storage and past planning consent (specifically under planning reference S/1124/85/F) states that the site shall not be sold as a separate unit to any other enterprise other than FGN. To date the applicant is not in breach of this condition, although we are aware that the applicant rents out parts of his barns for the purposes of storage, in which the use class is established.
81. The parking plan shows no area for other businesses to utilise parking space on site and therefore this could be addressed via condition, however, the parking of other business vehicles tends to be at the end of the day when the shop is shut and the site predominately clear of customers. To restrict the parking of other vehicles on site whilst there was space to do so would be considered as not meeting the six tests of Circular 11/95. Any condition to do this would have to be relevant and reasonable.
82. Restrictions on working hours – There is no consent to date for this site that has restricted working hours or deliveries. Trading Standards have different allowances for various retail floor areas and this site should be opened in accordance with specifically Sunday opening hours. Working on site and trading hours are different and therefore would not specifically cover the working of employees on site whilst the shop was closed.

Conclusion:

83. Whilst the development has been suggested to add to the potential for overnight deliveries there is currently no control on deliveries to the other buildings on site. However, it would seem that the practicality of the open fronted element and the relationship to the shop floor adds to the

convenience of this warehouse extension remaining in situ, particularly for the applicant and his staff. By allowing the development to remain officers could reasonably restrict the times and number of deliveries to better respect the relationship with the neighbouring residential property. This combined with the traffic flow plan could help improve the existing relationship immensely.

84. The toilet block building, whilst not too problematic with regards to parking provision would be better sited to the rear of the site, say where the existing unlawful mobile home will be removed. This will enhance the appearance of the site and the wider setting of the listed building.
85. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that permission should be approved in this instance, subject to the relocation of the toilet block and to appropriate safeguarding conditions.

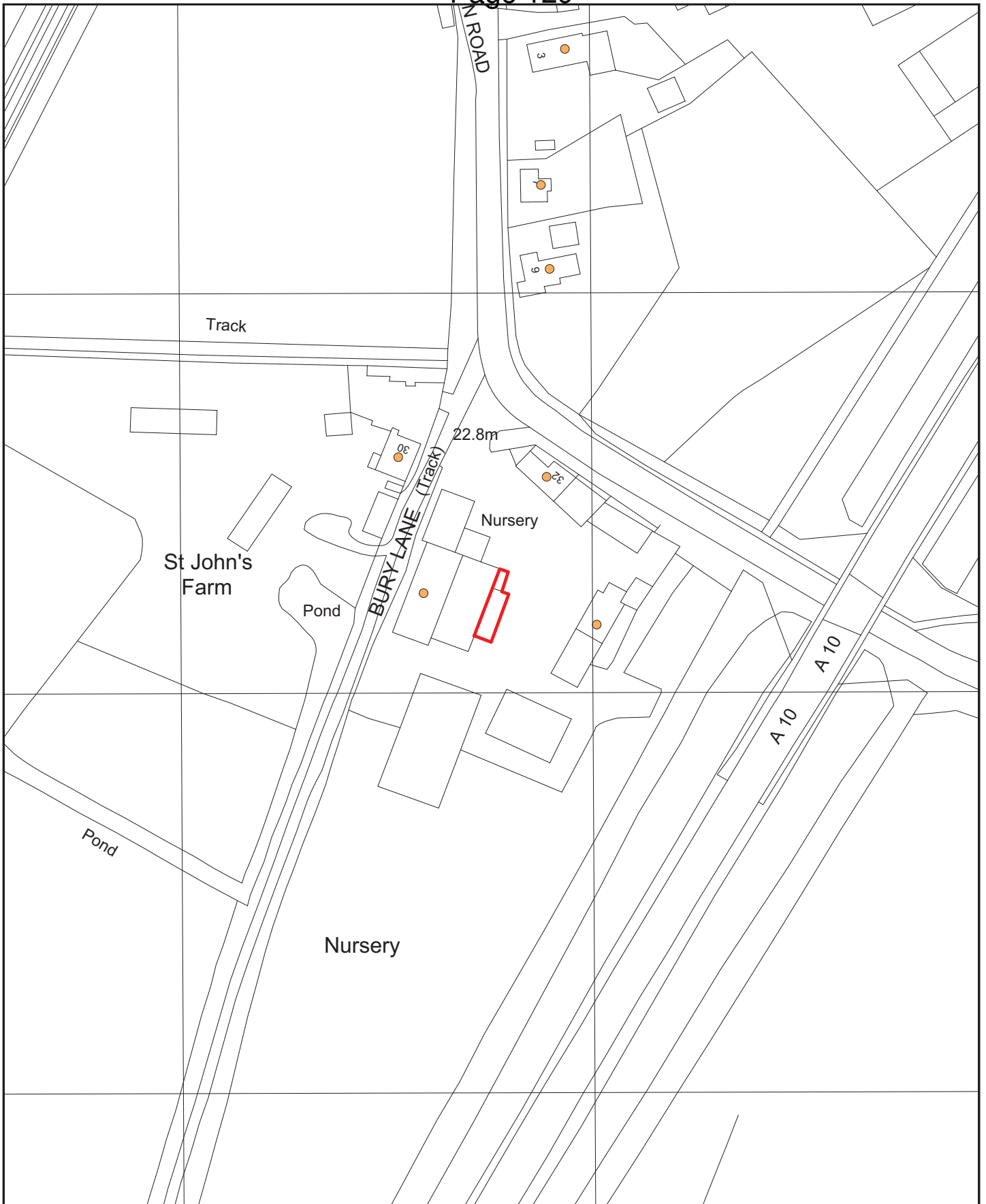
Recommendation

88. Delegated approval subject to the relocation of the toilet block and to appropriate conditions (to follow in update report)

Background Papers:

- South Cambridgeshire Local Development Framework 2007
- South Cambridgeshire Local Plan 2004
- Planning applications: SC/0136/70/, S/1666/77/F, S/0450/85/F, S/1124/85/F, S0040/99/F, S/0055/01/O, S/0555/05/F, S2418/08/F, S/0182/08/F, S/1832/08/LB, S/2054/08/F

Contact Officer: Saffron Garner - Senior Planning Officer: 01954 713256



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

**S/0393/11 - SHEPRETH
Extension at 12, Station Road
for Mr R Mungovan****Recommendation: Delegated Refusal****Date for Determination: 22 April 2011**

This application has been reported to Planning Committee for determination as it has been submitted by a Member of staff of the District Council's Planning and New Communities Service.

Site and Proposal

1. The site lies within the designated Shepreth village framework, which is located along the rear boundary of the garden. The Shepreth Conservation Area is adjacent to the site, although the application site is not included within it. The existing dwelling is a two-storey semi-detached property. It currently has a flat roof element to the rear, with a shared pitched roof extension along the boundary with 14 Station Road.
2. The full application, received on 25th February 2011, seeks the erection of a two-storey rear extension to the property. This would extend back 3.5m, the same depth as the existing flat roof element. The extension would also extend above the shared element with 14 Station Road, which extends 5.8m from the existing two-storey element. The proposal would be hard against the boundary with 14 Station Road.

Planning History

3. There is no planning history relating to the site that is relevant to the determination of this application. An application was approved at 18 Station Road for a two-storey extension through application **S/0190/00/F**, which the applicant refers to in his accompanying Planning Statement. This brings the extension against the boundary with the neighbouring property of 16 Station Road.
4. Members should also be aware that both 8 and 10 Station Road have rear two-storey elements, although these are set off the boundary with each other to create separation between the extensions.

Policies

5. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP2** Design of New Development, **DP/3** Development Criteria and **CH/5** Conservation Areas.
6. **District Design Guide SPD** – adopted March 2010
7. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

8. No comments have been received at the time of writing the report. Members will be updated on any consultation responses received.

Representations

9. No comments have been received at the time of writing the report. Members will be updated on any consultation responses received.

Planning Comments

10. The key considerations for the determination of this application are the impact upon the occupiers of the neighbouring property and the impact upon the adjacent Conservation Area.

Impact upon the Occupiers of the Neighbouring Property

11. The proposal would bring a two-storey element to the boundary between the application site and 14 Station Road. This property has a bedroom window in its rear elevation, the centre point of which is located approximately 1.7m from the shared boundary. The proposal would extend 3.5m from the main two-storey element of the existing dwelling. The side elevation of the proposal would therefore be easily visible and be located very close to this bedroom window.
12. The District Design Guide SPD provides a rule of thumb for extensions to the rear of properties. Whilst it relates to daylight and sunlight impacts, it also refers to the blocking out of views, and is therefore relevant to this application. The Design Guide states “buildings will not normally be allowed to protrude beyond a 45-degree line drawn horizontally from the nearest window of a neighbouring property”. If this is applied to the proposal from the bedroom window of the neighbouring property, then the application fails the 45-degree rule of thumb. To comply, a rear extension on the boundary should only extend by 2m. The proximity of the proposal to the shared boundary would therefore be viewed as overbearing when viewed from the bedroom window of 14 Station Road.
13. It is noted there is a similar two-storey rear extension to the rear of 18 Station Road, which does create a similar relationship with 16 Station Road.

However, this does not set a precedent for works that would create new harm to occupiers of another dwelling in the locality.

Impact upon the adjacent Conservation Area

14. The boundary of the Shepreth Conservation Area runs to the front of the application site. The proposed extension is to the rear of the building, and there would be some views from between nos. 12 and 10 Station Road. However, a number of the dwellings in the locality have similar extensions, and the views would be minimal. As a result, no significant harm would be caused to the setting of the adjacent Conservation Area. There would also be no significant impact upon the street scene.

Recommendation

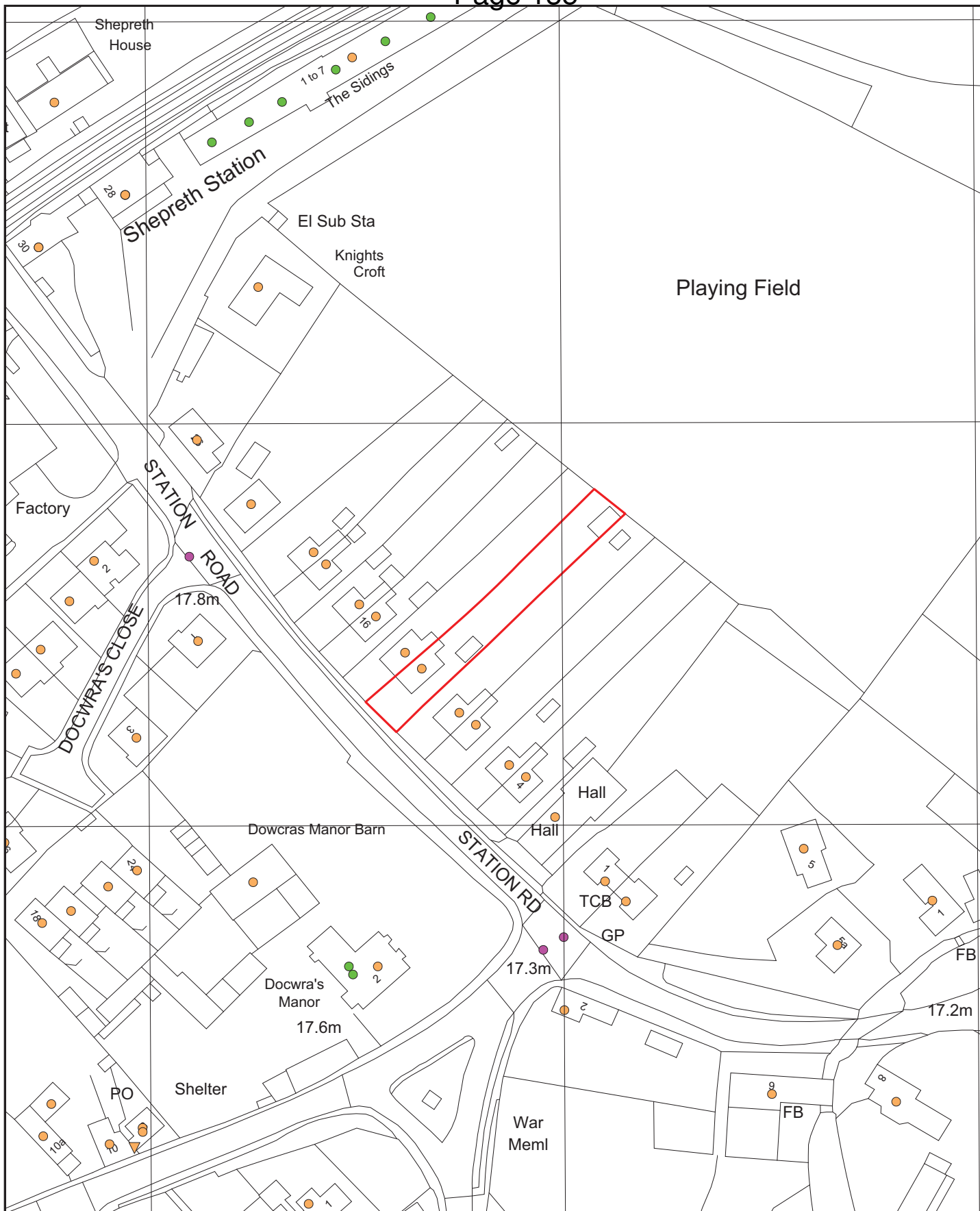
15. Delegated refusal subject to any other material planning considerations being raised during the consultation period that expires on 12th April 2011, on the following grounds

The proposed extension would be located at first floor level on the shared boundary with 14 Station Road. This neighbouring property has a bedroom window in its rear elevation, the middle point of which is located approximately 1.7m from the shared boundary. Given the length of the extension and proximity to the boundary, the proposal would be viewed as overbearing from this bedroom window, and would therefore seriously impact upon the amenity of the occupiers of this property.

The proposal is therefore contrary to Policy DP/3 of the Local Development Framework Development Control Policies 2007, which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity; and paragraph 6.65 of the District Design Guide Supplementary Planning Document March 2010, which states buildings where possible should not block views of a neighbouring property's window, and buildings would not normally be allowed to protrude beyond a 45-degree line drawn horizontally from the nearest window of a neighbouring property.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

**PUBLIC SPEAKING PROTOCOL – REVIEW OF ARRANGEMENTS AT PLANNING
COMMITTEE MEETINGS****Purpose**

1. To conduct a review of the public speaking protocol in the context of experience gained during the past two years.

Recommendations

2. It is recommended that the Planning Committee endorses the draft protocol attached at Appendix A, and adopts it for use with immediate effect.

Reasons for Recommendations

3. The protocol needs to be amended in order to remain effective, relevant and understandable.

Background

4. At its meeting on 24 May 2007, Council resolved that public speaking at Planning Committee be introduced, and that the Planning Committee be authorised to review and amend the scheme at its discretion, Part 4 of the Constitution being amended accordingly.
5. Planning Committee last reviewed the protocol in April 2009.

Considerations

6. Public speaking at Planning Committee meetings, which includes contributions from local Members not on the Committee and members of parish councils, has been well received generally, and has allowed applicants, their agents, and objectors to take a greater part in the planning application process.
7. During the past two years, public speaking has operated well, but unforeseen circumstances have arisen from time to time, which have been dealt with under the Committee Chairman's general discretionary powers. The current review proposes the incorporation of those circumstances into the written protocol. This will provide clarity and certainty for Committee members and other interested parties.
8. The review focuses on the following new or clarified issues:
 - A. Can members of the public speak at Planning Committee meetings?**
 - The proposed revision gives the Chairman formal and sole authority to allow more than one public speaker for or against an application. In

practice, it is unlikely that the Chairman will exercise that authority except in very special circumstances.

- The proposed revision allows Parish Council clerks duly authorised by their Council to address the Committee. In practice, the Chairman might want to see a formal scheme or minute delegating authority to the clerk for speaking on behalf of the parish council.
- At the sole discretion of the Committee Chairman, up to one objector, one supporter, the Parish Council and local District Councillor(s) from adjacent parishes to the parish containing an the relevant application site may be granted speaking rights.
- The Committee Chairman may allow a local District Councillor from a single-councillor ward and unable to attend in person to appoint another South Cambridgeshire District Councillor, with appropriate knowledge of the site and other issues, to speak on his or her behalf.

B. Can public speakers give Committee members written information or photographs relating to an application or objection?

- The proposed revision emphasises the need for natural justice.

Options

9. The Committee has the option to approve the proposed protocol, either in whole or in part or as amended, or continue with the existing protocol.

Implications

10.	Financial	None
	Legal	None
	Staffing	None
	Risk Management	None
	Equality and Diversity	The protocol is available electronically and in hard copy. Provision has been made for the document to be provided in alternative formats. Democratic Services Officers can advise verbally about the protocol's main requirements.
	Equality Impact Assessment completed	No An EqIA will be carried out during 2011-12 looking at public speaking and public questions on a corporate basis
	Climate Change	None

Consultations

11. The Corporate Manager (Planning and New Communities), Head of Planning, Senior Lawyer and Democratic Services Team Leader have all been consulted. Apart from some minor amendments to the text, the main response was that reference should be made to the need for natural justice – the idea that everyone should be treated fairly and that there should be no suggestion of bias.

Effect on Strategic Aims

12. The introduction of, and subsequent agreement of improvements to, the public speaking scheme, enables effective engagement by residents and parish councils with the decision-making process.

Conclusions / Summary

13. To be effective, any system of public speaking must be clearly understood. It must be seen to be fair to everyone, and members of the Planning Committee should adhere to its general principles. A system of customer feedback is in place.

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

- None

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Telephone: (01954) 713028

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Public Speaking at meetings of the Planning Committee

— April

2009(month) 2011

When and where do Planning Committee meetings take place?

The Planning Committee meets in the Council Chamber at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA at 2.00pm on a Wednesday, which is usually the first Wednesday each month. Further details, including contacts, directions, and variations to dates are available on the Council's website or by phoning Democratic Services on ~~08450-03450~~ 450 500.

Can members of the public attend Planning Committee meetings?

Yes. The vast majority of agenda items will be considered in public. However, the law does allow Councils to consider a limited range of issues in private session without members of the Press and public being present. An example would be a planning ~~enforcement~~ issue in which sensitive personal or commercial matters are discussed, or options, which, if publicised, could prejudice the Council's position. 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.

Can members of the public speak at Planning Committee meetings?

~~Yes, so long as they fall into one of these categories:~~

- ~~– One objector to a proposal (including someone on behalf of a protest group)~~
- ~~– Applicant (or the applicant's agent) or one supporter of the proposal~~

~~who has already written to the Council in response to formal consultation.~~ Yes. However, because agendas are fairly long and there is a need to manage the meeting effectively, only one person can speak in opposition to each application and only one can speak in support (If there is more than one person interested in speaking for or against, they need to come to an agreement between themselves as to what issues need to be covered).

Elected or co-opted members of parish councils (who are not also district Councillors) or, in exceptional circumstances, Parish Council clerks duly authorised, and local district Councillors also have speaking rights. Those wishing to speak must register with Democratic Services by 12 o'clock noon on the Monday immediately before the meeting. Speaking to a Planning Officer will not register someone to speak at the meeting; they must register with Democratic Services. ~~Parish Councillors (usually the Parish Council's chairman) and local district Councillors not on the Planning Committee also have speaking rights.~~ Members of the public and parish councils are not allowed to ask questions of each other, officers or the Committee once the meeting has started. Further details are available on the Council's website or from Democratic Services.

At the sole discretion of the Committee Chairman, up to one objector, one supporter, the Parish Council and local Member(s) from adjacent parishes to the parish containing an the relevant application site may be granted speaking rights. The Committee Chairman may also allow a local Member from a single-Member ward and unable to attend in person to appoint another Member of South Cambridgeshire District Council, with appropriate knowledge of the site and other issues, to speak on his or her behalf.

What can people say and for how long can they speak?

Each speech is limited to three minutes. Speakers must restrict themselves to material planning considerations such as:

- ~~Cambridgeshire and Peterborough Structure Plan 2003~~ now almost redundant
- Design, appearance, layout, scale and landscaping
- Environmental health issues such as noise, smells and general disturbance
- Government Planning Policy Guidance
- Highway safety and traffic issues
- Impact on trees, listed buildings, conservation areas and other designated sites.
- Loss of an important view from **public** land that compromises the local character
- Planning law and previous decisions

- South Cambridgeshire Local Development Framework
- Visual and residential amenity

Councillors will **not** be able to take into account issues such as:

- boundary and area disputes
- the perceived morals or motives of a developer
- the effect on the value of property
- loss of a **private** view over adjoining land (unless there is a parallel loss of an important view from public land)
- matters not covered by planning, highway or environmental health law
- **private rights of access and covenants**
- suspected future development,
- processing of the application.

Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action. After the objector and applicant (or agent or supporter) have spoken, Committee members may ask speakers to clarify matters relating to their presentation. If those registered to speak are not present in the meeting room by the time the relevant item is considered, the Committee won't be able to wait, and will determine the application – officers will be able to say whether a particular item is at the beginning, middle or end of the agenda, but cannot give an accurate idea of when it will be considered.

Can public speakers give Committee members written information or photographs relating to an application or objection?

Yes, but **not** at the meeting itself. Councillors will be given lots of information to read and digest before the meeting, so need to be given as much time as possible to read or view the information. ~~Contact details are available on the Council's website or from Democratic Services. The same information must be sent to every member of the Committee and to local Councillors representing the parish in which the proposal is located. All the members of the Committee can be contacted by sending one e-mail to planningcommittee@scambs.gov.uk (replace (at) with @). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.~~

Please send such information, preferably by e-mail, to Democratic Services, who will circulate the information for you. In practical terms, such information will not be distributed earlier than seven days or later than two days before the meeting.

Projection equipment operated by Council officers is available in the Council Chamber.

How are applications considered?

The appropriate planning officer will introduce the item. Councillors will then hear any speakers' presentations. The order of speaking will be (1) One Objector, (2) The Applicant or the agent or one supporter (3) Parish Council (4) local Councillor(s). The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made and seconded by members of the Committee. Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

~~Further information is available from Democratic Services, South Cambridgeshire District Council, South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA — Telephone 08450 450 500.~~

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.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

Purpose

- To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 18 March 2011. Summaries of recent decisions of importance are also reported, for information.

- Decisions Notified By The Secretary of State**

Ref. no.	Details	Decision	Decision Date
S/1178/09/F	Mr P McCarthy Plot 12 Victoria View Smithy Fen Cottenham Chalet, touring caravan and wooden day room (retrospective)	Allowed	04/02/11
S/0177/03/F	Biddalls Boulevard Kneesworth Road Meldreth Increase in the number of travelling showpeoples plots from 11 to 17	Invalid	04/02/11
S/0177/03/F	Biddalls Boulevard Kneesworth Road Meldreth Variation of condition 9 to increase the number of travelling showpeoples plots from 11 to 13	Invalid	04/02/11
S/1051/10/F	Mr & Mrs N Belbin Orchard Cottage 20 Town Green Road Orwell Demolish existing lean-to extension and construction of replacement to provide additional and improved accommodation.	Dismissed	11/02/11
S/1052/10/LB	Mr & Mrs N Belbin Orchard Cottage 20 Town Green Road Orwell Demolish existing lean-to extension and construction	Dismissed	11/02/11

	of replacement to provide additional and improved accommodation.		
S/0980/10/F	Mr L Blake Lilac Cottage 69 High Street Orwell Demolition of existing lean-to extension; refurbishment of existing cottage including installation of new services and sanitary facilities; erection of new extension to existing cottage and replacement outbuildings.	Part Allowed Part Dismissed	11/02/11
S/0981/10/LB	Mr L Blake Lilac Cottage 69 High Street Orwell Demolition of existing lean-to extension; refurbishment of existing cottage including installation of new services and sanitary facilities; erection of new extension to existing cottage and replacement outbuildings.	Part Allowed Part Dismissed	11/02/11
S/0014/10/F	Mr A Greed Land south of Brickhills Willingham The development is 19 proposed dwellings.	Dismissed	15/02/11
S/0794/10/F	Mr & Mrs Andrews Station Cottage Oakington Road Side and Rear Extension	Dismissed	22/02/11
S/1499/10/F	Mr & Mrs Bradford 2 Pampisford Road Great Abington Two storey side extension	Dismissed	22/02/11
S/1397/09/O	Banner Homes Ltd Rear 18-28 Highfields Road, Highfields Caldecote. 97 Houses, with vehicular access from Blythe Way & pedestrian link to Highfields	Dismissed	23/02/11
S/1048/10/F	Cambridge University Hospital NHS Foundation Trust, Magog Court Hinton Way	Dismissed	02/03/11

	Great Shelford		
S/0665/10/F	Falck Renewables plc Land west to A1198 Arrington	Dismissed	04/03/11
S/0653/10/F	Mr R Pleasants 18 The Knapp Haslingfield Erection of New Dwelling	Dismissed	07/03/11
S/0191/10/F	Mr R Wotherspoon Pightle Park Lane Castle Camp Change of Use from Agricultural Land to Garden Lane	Allowed	10/03/11
S0147/10/LDC	Mr J Calladine Land west side of Oakington Road Girton	No award of costs is being made against the Council	07/03/11

- **Appeals received**

3.

Ref. no.	Details	Decision	Decision Date
S/1477/10/F	Mr & Mrs B Morgan 19 Corbett Street Cottenham Extension	Delegated Refusal	01/02/11
S/0920/10/F	Mr & Mrs G Jennings Land to the west of Grove Farm, Harlton Road Haslingfield Agricultural Store Building	Committee Refusal	09/02/11
S/0784/10/LB	Mr L Duke Abbey Farm Duxford Road Ickleton Alter, extend and convert 2 out buildings to offices with attached wall and gates(revised design)	Delegated Refusal	15/02/11
S/1154/10/F	Amber Homes Ltd Plot 7 Land North of Mortimers Lane Foxton Variation of House Type	Delegated	22/02/11
S/2078/10/F	Mr O Kuwaidar 144 Cambridge Road Great Shelford Extension to Residential Home	Committee Refusal	22/02/11
S/1935/10/F	Mr P Jackson	Delegated	04/03/11

	21 The Sycamores Milton Single Storey Side Conservatory	Refusal	
S/1859/10/F	Mr J J Tilley 45 North Road Abington Replacement Dwelling	Refused	14/03/11

- **Summaries of important decisions**

Banner Homes Ltd – Outline application of erection of 97 dwellings – Land rear of 18 – 28 Highfields, Highfields Road, Caldecote – Appeal dismissed

4. This application was refused on the grounds that the development would be unsustainable in this group village. This was in spite of the fact that the developer had offered a package of financial contributions to facilitate various improvements to local services and facilities. The appeal was considered by way of a hearing at which County Councillor Fiona Whelan, District Councillor Tumi Hawkins and four Parish Councillors spoke, primarily against the proposal.
5. As part of the appeal, the appellant submitted a completed Section 106 legal agreement. This included provision for financial contributions towards such matters as education, transport, the provision of 39 units of affordable housing, public open space and an equipped play area. The Council had entered into the agreement on a without prejudice basis.
6. The site was previously allocated for housing. In January 2010, the Site Specific Policies DPD was adopted, superseding the remaining relevant policies of the 2004 Local Plan. The allocation of the appeal site for development was not carried forward, and the site thus became simply land without notation.
7. The inspector noted that the appeal proposal is in conflict with the aims of Policy ST/6, and those of the Core Strategy as a whole, in that it would result in a development of excessive size, in a relatively minor and unsustainable settlement, which has not been selected for growth on the scale now proposed. In terms of development plan policy therefore, the previous allocation is now nothing more than a matter of historical record. The appellant was naturally frustrated regarding the timing of this change as the application had been submitted before the change in development plan policy. However, a decision must follow current policies and other material considerations that apply now.
8. The existing facilities at Highfields, were considered to be “not insignificant”. Most of the facilities that were planned for earlier expansion of the village have now been provided. There was no evidence that the completion of the original plans is now necessary to support those facilities. In some respects the development now proposed would enhance Highfields’ sustainability and would increase the population base. It would also provide contributions towards some additional new facilities, including temporary support for a new bus service. But similar arguments could be made in support of other large developments in group villages. Both cumulatively and individually, the effect would be to undermine the wider housing strategy.

Development of the size now proposed would conflict with the aims of Policy ST/6 relating to housing development in 'group' villages, causing unacceptable harm to the development strategy for South Cambridgeshire District.

9. While the scheme is not an unusually high density, and would be acceptable in many locations, the inspector still concluded that the development would appear unusually intensive in this rural context. For the most part, the houses would be closely spaced in continuous rows; they would be set close up to the roads or shared surfaces; and any space in front would be largely taken up with car parking and hard surfacing. These aspects would give the development a hard and urban appearance that would be uncharacteristic of the locality. It would completely change East Drive's present open and spacious character. Similarly, the plots backing onto the existing development at Roman Drift would appear uncomfortably close to those properties, giving this part of the development a cramped appearance. In addition, the layout in the south-western part of the site would result in the total loss of the existing tree group in that area.
10. Thus, while the Council had not raised objections in this respect, the inspector was in agreement with those local residents who argued that the scale and density of the development would not sit well with the village surroundings. Whilst the Council has not yet had time to formally review HG/1, it was confirmed at the hearing that it has already informally changed its application of that policy, by giving more weight to local circumstances. The scale and intensity of the proposed development would be out of keeping with the village and unacceptably harmful to its character and appearance.
11. So far as the contributions were concerned, the inspector noted the concerns expressed by the District and Parish Councils, school governors and others, that Caldecote School has no room for expansion; and also that the contributions agreed by the County would not be enough to fund expansion there to 2-form entry, or to provide sufficient extra places at other schools. But it appears that the present capacity problems are at least partly related to the new settlement at Cambourne, where school provision has lagged in recent years, distorting the pattern of demand in surrounding areas. It now appears that additional provision for that development is planned in the reasonably near future, which is likely to relieve some of the pressure on existing schools. In any event, it would not be lawful for the appeal scheme to contribute financially beyond what is strictly necessary to mitigate its own impact. The County Council had entered freely into the Section 106 agreement, and is bound by its terms. In so doing, it has clearly signalled its acceptance that the contributions provided are sufficient to enable it to make adequate provision for the educational needs generated by the development.
12. Similar conditions applied to the public transport and drainage contribution. The other contributions towards recreation, community facilities, public art, and household waste facilities; plus on-site open space and play areas, with a commuted sum for maintenance, and 39 units of affordable housing were found to comply with the relevant legislation governing their provision.
13. Nonetheless, these did not outweigh the harm caused by the scale and intensity of the development both in terms of its effect on settlement strategy and the character and appearance of the village.

Mr A Greed – Erection Of 19 dwellings – Land to the south of Brickhills, Willingham – Appeal dismissed

14. This application was originally recommended for approval by officers, but this recommendation was changed at the Committee meeting following objections from the conservation officer. The application was subsequently refused on the grounds of its impact on the character and appearance of the conservation area and the setting of nearby listed buildings; harm to the outlook of residents in Brickhills; and the failure to provide a sufficient number of affordable houses. The application also required suitable contributions to education and open space provision. The appeal was conducted by way of a hearing, attended by four local residents.
15. 45 and 47 Church street are listed buildings and the Council was concerned that their existing curtilages would be reduced in such a way as to undermine their historic context. In response, the inspector concluded that a substantial distance would still remain between the southern boundary of the site and these 2 listed buildings, thereby ensuring the concept of long thin rear plots was maintained to a sufficient degree. In the circumstances, reducing the length of these curtilages by building on their northern halves would not harm the historic pattern of development in the village or the historic context of these 2 listed buildings.
16. The site is not in the conservation area, and it does not abut the conservation area when crossing the gardens of the listed buildings. The only point where it touches the conservation area boundary is at the south-west corner of the curtilage to 15 Rockmill End. Although the proposed houses are of a modern design with a distinctive profile, the roof formation was found to limit their height and their scale to generally accord with that of the surrounding properties. When looking from Church Street views of the new houses on this portion would be extremely limited because of their height, the distances involved, and the existing buildings and landscaping in between. When seen from the back gardens of properties in the conservation area the development here would still be separated and significantly screened by 15 and 17 Rockmill End. In the light of these factors, the inspector concluded that the housing at the east end of the site would not have a harmful effect on the conservation area. While trees would be lost, none are subject to tree preservation orders and their removal would not be a basis to resist the scheme.
17. The properties on Brickhills along the site's northern boundary have short back gardens. However, there would only be an interface distance of about 17m between the front of Plots 12-15 and the Brickhills houses. The proposed dwellings would have relatively tall front elevations due to their style of roofing. At this distance the inspector agreed that the dwellings would be overwhelming due to their height and scale. They would therefore unreasonably harm the living conditions of these neighbours and erode their enjoyment of their rear rooms and gardens. Given their distance from the Brickhills dwellings the first floor bedroom windows on the north-facing elevations of Plots 12-15 would allow for an unacceptable level of overlooking. While these windows could be fitted with obscured glazing to a height of 1.8m, this would result in these 2 bedrooms providing an unreasonably poor outlook for their occupiers, and so they would not create the high quality housing sought by PPG3.
18. The Council sought eight affordable units as 40% of the total amount of housing. The scheme proposed 6. The appellant said the reason for this lower figure was because of the development's abnormal costs, which included drainage and water storage. In the light of these, he contended that providing more than 6 affordable units would mean the scheme would not be viable. The Council's Housing Manager had previously recommended that 6 units was appropriate and the Council was unable to

provide any substantive evidence at the hearing to challenge the appellant's case. Consequently there was no basis to disagree with the Appellant's view that the provision of only 6 affordable homes is viable on this site.

19. While the inspector queried the basis on which the financial contributions for education and open space provision had been calculated, he accepted there was a need for a fair and reasonable contribution. However, not all of the landowners had signed the undertaking. As such, it had not been properly secured and the inspector could only give it limited weight in resolving the planning objections concerning these matters. The appeal therefore failed in this respect.

20. In conclusion, given its effect on living conditions and its failure to provide a satisfactory legal agreement, the appeal was dismissed.

- **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 6 April 2011.**

21.

Ref. no.	Name	Address	Hearing
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None

- **Appeals withdrawn or postponed:**

22.

Ref. no.	Name	Address	Hearing
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None

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

23.

Ref. no.	Name	Address	Date
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None

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

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

CURRENT ENFORCEMENT ACTION CASES

1. Purpose

To update Members about current enforcement action cases as at 25th March 2011.

Ref No	Village	Location	See Page No for full update	Remarks
18/98	Cottenham	Setchell Drove	1 – 4	Plots 7, 7A and Four Winds being monitored.
34/98	Milton	Camside Farm Chesterton Fen Road	4 – 10	Defendants appeared before Cambridge Magistrates Court on 15 th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12 th August 2008 Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed. Defendants indicate their intention to move to the site at Southgate Farm, Chesterton Fen Road by July 2011.

Ref No	Village	Location	See Page No for full update	Remarks
10/03	Cottenham	Plot 12 Victoria View, Smithy Fen	10 – 13	<p>Site being monitored. Not currently proceeding with legal action as a result of decision by Planning Sub-Committee on 18th June 2007. Further assessment of the current occupants medical needs to be carried out in order that the Planning Sub-Committee can be informed of the current position at plot 12 Victoria View.</p> <p>Further planning application submitted reference no S/1178/09/F - Refused at Planning Committee 3rd March 2010. Report to be submitted to Planning Sub Committee.</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches. A further report to be submitted to the Sub-Committee upon determination of the Section 78 Appeal presently running in respect of plot 12 Victoria View, with recommendations dependant upon the outcome of that Appeal</p> <p>Appeal allowed subject to conditions set within the decision notice dated 4th February 2011.</p>

Ref No	Village	Location	See Page No for full update	Remarks
19/03	Histon	Land adjacent to Moor Drove Cottenham Road	13 - 16	Application for injunction refused by the High Court, 5 th June 2008 Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. The planning officer has requested further information in order that the schemes relating to conditions can be discharged.

Ref No	Village	Location	See Page No for full update	Remarks
9/04	Swavesey	Land adjacent to Cow Fen Drove	16 - 20	<p>Defendant appeared at Cambridge Magistrates Court on 10th January 2008. Each fined £700 with £200 costs.</p> <p>Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6th January 2009</p> <p>S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court.</p> <p>S/1834/07/F "Appeal A" allowed subject to conditions.</p> <p>Defendants currently in discussions/ negotiations with housing and legal departments to comply with cessation of residential use.</p> <p>Negotiations have failed to provide an acceptable solution. Legal Officer to pursue Injunctive action.</p> <p>Injunction Order granted 4th November 2009 by His Honour Justice Seymour, requiring the Owners to cease residential occupancy by the 2nd December 2009.</p> <p>Site inspection carried out on the 3rd December 2009 revealed that the Order had not been complied with. Legal Officer informed.</p> <p>Formal warning letter issued to the defendants to vacate the premises.</p> <p>Further inspections confirmed that although the touring caravan had been removed from the site the defendants were still residing at the premises contrary to the Injunction Order.</p> <p>Committal Order instigated</p> <p>Defendants found guilty of contempt and were ordered to be committed to prison for a period of three months, suspended provided that the residential use of the land ceased and residential paraphernalia removed by the 4th June 2010. In addition the defendants were ordered to pay costs totalling £9556</p> <p>Further inspection carried out confirmed compliance with the Order. Monitoring to continue.</p>

Ref No	Village	Location	See Page No for full update	Remarks
13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	20 - 23	<p>Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.</p> <p>No change - Needs Audits to be carried out</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches.</p> <p>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town & Country Planning Act 1990 to remedy and restrain continuing breaches of development control, against those adults identified as being either an owner and /or an occupier of plots 5,5A, 6, 10, 11 Orchard Drive and 15 Water Lane, and against persons unknown in respect of those plots, upon the completion of updated needs audits, and provided these do not indicate any change in personal circumstances requiring further consideration by the sub-committee.</p>

Ref No	Village	Location	See Page No for full update	Remarks
4/06	Cottenham	Plot 15 Water Lane Smithy Fen	23 - 27	<p>Appeal dismissed on 29th January 2007. File submitted for an application for an injunction. Report to be considered by Planning Sub Committee No change - Needs Audits to be carried out</p> <p>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town & Country Planning Act 1990 to remedy and restrain continuing breaches of development control, against those adults identified as being either an owner and /or an occupier of plots 5,5A, 6, 10, 11 Orchard Drive and 15 Water Lane, and against persons unknown in respect of those plots, upon the completion of updated needs audits, and provided these do not indicate any change in personal circumstances requiring further consideration by the sub-committee.</p>
8/06	Melbourn	1 London Way Clunchpits	27 - 29	<p>Appeal allowed in part and dismissed in part. Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly. No Change – Matter to be referred back to Planning Officer Institute Occupational Management to undertake a further risk assessment on the right of way / asbestos issue</p>
7/07	Barton	The Drift Cambridge Road	29 - 30	<p>Appeal dismissed on the 1st April 2008. Compliance date 1st October 2008 Partial compliance. Discussions continue.</p>

Ref No	Village	Location	See Page No for full update	Remarks
16/07	Willingham	38 Silver Street	30 - 31	<p>Enforcement Notice issued 28th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19th March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance. Owner interviewed regarding failure to instigate remedial works. Timetable agreed.</p> <p>Works commenced</p> <p>Majority of work now complete although minor finishes to be completed. House still unoccupied</p>
5/08	Milton	27/28 Newfield's Fen Road Chesterton	31 - 32	<p>Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6th May 2009, four months compliance period. Further planning application received and registered. Application S/1170/09 approved 24th November 2009, Conditions to be monitored. Further planning application submitted – Ref: S/0246/10/F. Planning permission refused.</p>
6/08	Milton	6 Sunningdale Fen Road Chesterton	33 - 34	<p>Enforcement Notice appealed. Inquiry date 10th February 2009 Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18th August 2009. Planning application received and registered. Application S/1154/09 approved 5th October 2009 – Conditions to be monitored. Original building not removed as per condition – File to be submitted to Legal</p>

Ref No	Village	Location	See Page No for full update	Remarks
12/08	Histon	Plot 4 Moor Drove	34 - 35	<p>Prosecution file submitted to Legal regarding failure to comply with a "Temporary Stop Notice" Enforcement Notice Issued.</p> <p>Retrospective planning application submitted.</p> <p>Approved at Committee 10th June 2009</p> <p>Conditions to be monitored</p>
13/08	Melbourn	49 High Street	35 - 36	<p>Enforcement Notice issued.</p> <p>Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court.</p> <p>Enforcement Notice still not complied with. Further prosecution file submitted</p> <p>Hearing date set for 9th July 2009. Male Defendant ejected from court, case adjourned until 23rd July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520</p> <p>Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17th December 2009</p> <p>Both defendants found guilty at Cambridge Magistrates Court and fined £2195 each including costs of £180 each and £15 each victim surcharge.</p> <p>Enforcement Notice still not complied with. File submitted to Legal to instigate formal action.</p> <p>Retrospective planning application submitted.</p>
01/09	Great Abington	82 High Street	36 - 37	<p>Listed Building Enforcement Notice no 3342 issued 6th January 2009 for unauthorised works on a Listed building. Compliance period 3 months.</p> <p>Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve.</p> <p>Listed Building Enforcement Notice complied with in part – Negotiations continue.</p> <p>Planning Appeal dismissed 26th May 2010.</p> <p>Negotiations continue – Owners currently living abroad.</p>

Ref No	Village	Location	See Page No for full update	Remarks
06/09	Over	16a Norman Way Industrial Units	37 - 39	<p>Enforcement Notice issued for change of use of premises without consent. Appealed. Appeal allowed on ground (g) and enforcement notice varied by the deletion of three months and substitution of six months as the period for compliance. Subject to this variation the enforcement notice is upheld.</p> <p>Further planning application submitted, validated 27th January 2010. Planning reference S/0114/10/F.</p> <p>Planning application unsuccessful, formal notice to cease unauthorised use issued.</p> <p>Warrant obtained and executed, evidence obtained regarding the continued breach of the Enforcement Notice, reference no 3457 issued 7th April 2009. Owner and Operator summoned to appear at Cambridge Magistrates Court 16th September 2010.</p> <p>Court date deferred until 7th October 2010</p> <p>Further appeal made against the refusal of planning permission. 1st December 2010 appeal dismissed. 6th December 2010 operator appeared in court and was found guilty of breaching the planning enforcement notice and was fined £12500.00p with additional cost totalling £300.00p and £15.00p Victim Support charge. Upon advice from Counsel a formal warning has been issued to the operator with regard to future breaches of planning control within South Cambridgeshire. Monitoring to continue.</p> <p>Operator has vacated the premises and is now relocated to the Truck stop at Alconbury, nr Huntingdon – Remove from active list</p>

Ref No	Village	Location	See Page No for full update	Remarks
07/09	Sawston	163 High Street	39	<p>Listed Building Enforcement Notice issued for dismantling and removal works without authorisation Appealed – Hearing date 5th January 2010.</p> <p>Appeal withdrawn.</p> <p>Formal discussions with Conservation Team as to next steps.</p>
16/09	Milton	The Barn, Chesterton Fen Road,	40	<p>Enforcement Notice issued in respect of breaches of control – Compliance period four months i.e. by 6th February 2010. Appealed – Inquiry 13th & 14th April 2010 Inquiry date moved to 18th & 19th May 2010.</p> <p>Appeal dismissed – Compliance period 9 months i.e. February 2011.</p>
01/10	Histon	Land at Moor Drove	40 - 41	<p>Enforcement Notice issued – Compliance period to cease the unauthorised use two months i.e. by 15th April 2010 – Appeal submitted</p> <p>6th December 2010 appeal dismissed, compliance period 6th February 2011</p> <p>Further report received that the HGV vehicle previously identified, is continuing to breach the planning enforcement notice. Breach confirmed and formal copy of the appeal decision notice and warning issued to the vehicle operator. Monitoring continues.</p>

Ref No	Village	Location	See Page No for full update	Remarks
02/10	Stapleford	Hill Trees Babraham Road	41	<p>Enforcement Notice issued - Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15th April 2010 Appeal submitted.</p> <p>Public Enquiry date 12th October 2010</p> <p>Appeal dismissed 4th November 2011 partial costs awarded. Application to appeal against the Inspectors decision has been made</p>
05/10	Great Wilbraham	9 Toft Lane	41 - 42	<p>Enforcement Notice issued - Compliance period to remove the mobile home six months i.e. by 15th September 2010 and one month for the two sheds and storage container i.e. by 15th April 2010. Part compliance – Steel storage container, and mobile home removed. Rear wooden structure dispute, waiting for further evidence.</p> <p>Referred back to planning officer</p> <p>Complied in part – Rear wooden structure being painted/stained No further action to be taken – Remove from active list</p>
13/10	Whaddon	North Road Farm Ermine Way	42	<p>Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22nd April 2010</p> <p>Appeal submitted 4th March 2010.</p> <p>Appeal dismissed – New planning application (S/0292/10/LB) refused, further appeal lodged.</p> <p>Enforcement Notice withdrawn – Planning and Conservation Officers currently in negotiation with Owner</p>

Ref No	Village	Location	See Page No for full update	Remarks
17/10	Croxtton	The Car Wash facility St. Neots Road	43	<p>Enforcement Notice issued – Compliance period to cease using any part of the land for residential use, two months i.e. by 12th June 2010. Enforcement Notice Complied with – Site to be monitored for 3 months.</p> <p>Dawn inspection revealed that residential occupation had recommenced – Prosecution file raised</p> <p>Operator appeared at Court, however due to the recent change in ownership of the premises and that the new operators are no longer using the premises for residential occupation the case was withdrawn – Monitoring continues.</p>
19/10	Stow-Cum-Quy	Park Farmhouse Station Road	43	<p>Listed Building Enforcement Notice issued – Compliance period to remove the unauthorised gates three months i.e. by 8 August 2010.</p> <p>Notice Appealed.</p> <p>Listed Building Enforcement Notice withdrawn and reissued – See case 24/10</p>
23/10	Meldreth	Field Gate Nurseries 32 Station Road	44	<p>Enforcement Notice issued – Compliance period to dismantle or demolish the structure of the extension and remove all resulting materials, rubble and /or spoil from the site, one month i.e. 12th August 2010</p> <p>Application submitted</p>
24/10	Stow-Cum-Quy	Park Farm Station Road	44	<p>Enforcement notice issued – Compliance period to remove unauthorised gates, one month i.e. by 6th September 2010 Appeal submitted</p> <p>1st December 2011 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC.</p>

Ref No	Village	Location	See Page No for full update	Remarks
26/10	Whaddon	8 Church Street	44 - 45	Listed Building Enforcement Notice issued. Compliance period 3 months i.e. by 15 th March 2011 Appeal made - Dismissed Further Listed building Consent and planning application submitted inline with the planning inspectors appeal decision.
28/10	Odsey	Odsey Grange Baldock Road	45	Enforcement Notice issued – Compliance period to remove the unauthorised garage, three calendar months i.e. by 21 st April 2011 Appeal submitted

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

- Enforcement Action Progress Report as at 25th March 2011 (attached to the electronic version of the agenda on the Council's website)

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