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28 June 2011

To: Chairman – Councillor Pippa Corney
Vice-Chairman – Councillor Robert Turner
All Members of the Planning Committee - Councillors Val Barrett, Brian Burling, Lynda Harford, Sally Hatton, Tumi Hawkins, Caroline Hunt, Sebastian Kindersley, Mervyn Loynes, David McCraith, Charles Nightingale, Deborah Roberts and Hazel Smith, and to Councillor Peter Topping (Sustainability, Planning and Climate Change Portfolio Holder)

Quorum: 4

Dear Councillor

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

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AGENDA

PAGES

PUBLIC SPEAKING

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

PROCEDURAL ITEMS

1. Apologies

To receive apologies for absence from committee members.
Apologies have been received from Councillor Mervyn Loynes.

2. General Declarations of Interest

1 - 2

3. Minutes of Previous Meetings

To authorise the Chairman to sign the Minutes of the meetings held

on 26 May 2011 and 1 June 2011 as correct records. The minutes are available online by visiting www.scambs.gov.uk/meetings and following the relevant links.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|------------|--|------------------|
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| 5. | S/0905/11 - Hardwick (Blue Lion, 74 Main Street) | 13 - 20 |
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| 19. | Cambourne Drainage update | 153 - 154 |
| 20. | Appeals against Planning Decisions and Enforcement Action | 155 - 158 |
| 21. | Enforcement Action - current cases
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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.

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

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EXCLUSION OF PRESS AND PUBLIC

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

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

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

Notes

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

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South Cambridgeshire District Council

Planning Committee – 6 July 2011 – Declaration of Interests

Councillor

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villlage:

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

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Reason:

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

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villlage:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

**S/0506/09/F – GREAT WILBRAHAM & WEST WRATTING
Extension to Camgrain APC Comprising Additional Grain Storage Facilities and
Ancillary Works Including Drainage Proposals and Landscaping and Highway
Improvements – Camgrain APC Site, London Road, Balsham for Camgrain Stores
Limited**

Recommendation: Delegated Approval

Date for Determination: 9th July 2009

Notes:

This Application has been reported to the Planning Committee for determination because the original decision, granted on 9th July 2009, has been quashed following which the application requires re-determination.

Members of Committee will visit the site on Wednesday 6 July 2011.

Major Application**Background**

1. The site lies within the countryside and beyond the West Wrattling village framework. It comprises an approved 90,000 tonne grain store facility, for which planning permission was granted in 2006 under application reference S/2494/04/F. Members may recall that a later application proposing to extend the approved facility with an additional 210,000 tonnes of storage (reference S/0506/09/F), was considered at Planning Committee on 1st July 2009. A copy of the Committee report and the subsequent update reported verbally to Members at the meeting are attached as Appendix 1 to this report.
2. Prior to the submission of the planning application for the extension, the Council was asked to give a screening opinion as to whether the development was development requiring the submission of an Environmental Impact Assessment and, on 17 April 2009, a formal opinion was issued that confirmed the Council believed there would be no significant effects on the environment and that an EIA was not required.
3. The Committee gave officers delegated powers to approve the application, as amended, subject to a deed of variation to the legal agreement that formed part of application reference S/2494/04/F in order to restrict development generated traffic to 500 two-way movements each day, to the conditions outlined in the report, and to additional conditions including the requirement for road markings and the widening of Mill Road between the site entrance and the A11 bridge. The legal agreement was then signed and the planning decision issued on 9th July 2009. A copy of the decision notice and deed of variation to the legal agreement are attached as Appendix 2.

4. The pre-commencement details required by the conditions of the planning permission were subsequently submitted to and agreed in writing by this Authority, and development commenced on site.
5. Members may be aware that, in February of this year, following a Judicial Review, the planning permission was quashed by the Court of Appeal, who concluded that the Council had provided insufficient reasoning for its decision not to require an Environmental Impact Assessment (EIA). The outcome of this ruling by the Court is that the Council needs to re-determine the application. The proposal has been re-screened, in order to determine whether an EIA is required, as a result of which it has been concluded, with a greater amount of reasoning for the decision, that an Environmental Impact Assessment is not required. A copy of the revised screening opinion dated 10th June 2011 is attached as Appendix 3.
6. A consultation letter has been sent to all parties that commented in respect of the original application, advising them of the above situation, and inviting the submission of any additional comments over and above those previously made, particularly in response to the additional details now available, namely details approved in connection with conditions of the now quashed consent and the revised EIA screening opinion. This consultation period expires on 5th July, so comments received will need to be reported to Members either in the written update or verbally at the Committee meeting.

Consultations

7. **West Wrattling Parish Council** – No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
8. **Great Wilbraham Parish Council** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
9. **Weston Colville Parish Council** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
10. **Balsham Parish Council** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
11. **Little Wilbraham and Six Mile Bottom Parish Council** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
12. **Linton Parish Council** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
13. **The Landscape Design Officer** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
14. **The Ecology Officer** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.

15. **The Environmental Health Officer** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
16. **The Local Highways Authority** – Raises no objections, subject to the receipt of confirmation from the applicant that they will maintain the unilateral agreement in relation to the routing of heavy commercial vehicles that are associated with the existing development and extend the same to the proposed development. The works requested under condition 13 of the permission (widening of Mill Road) have been completed to the satisfaction of the Highway Authority. Therefore, this condition is no longer required. A condition should be added to any consent requiring that a method statement relating to the construction phase of the proposed development be agreed in writing by the Highways Authority before any works commence on site. The Method Statement approved in connection with condition 15 is based on the premise that the widening has not been undertaken. Clearly, this is not the case and the Method Statement will need to be reviewed in light of this. The drawing showing the give way marking and signage (1122/101 Rev A) is also considered to be acceptable and this condition would no longer be required.
17. **The Highways Agency** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
18. **The Environment Agency** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
19. **East of England Development Agency (EEDA)** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
20. **The Ramblers Association** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
21. **The County Council Countryside Access Team** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.
22. **The County Archaeologist** - No response received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.

Representations

23. No responses have been received to date. Any comments received will be reported to Members in an update prior to, or at, the Committee meeting.

Planning Comments – Key Issues

24. As stated within the Background section of this report, planning permission reference S/0506/09/F was quashed by the Court of Appeal. It must be stressed that, rather than concluding that an EIA would be necessary, the Court found against the Council, by a majority of 2-1, as it considered the reasons given in the original screening opinion did not make it sufficiently clear why an EIA was not required. As the screening opinion forms the foundation upon which a planning permission is based, it was also necessary for the Court to quash the planning consent as well.

25. The Council has now carried out a revised screening opinion, making reference to the documentation submitted with the application as well as responses received from consultees at the time of the consideration of the original application, and has arrived at the same conclusion that an Environmental Impact Assessment is not required.
26. The now quashed consent was subject to a number of pre-commencement conditions that have subsequently been discharged and these can be summarised as follows:
- Surface water drainage and pollution control – details were submitted in November 2009 and, following confirmation from the Environment Agency that the details were acceptable, the relevant conditions of the consent (4 & 5) were discharged in December 2009.
 - Details required by conditions 2 (landscaping), 6 (ecology measures), 10 (noise barrier) and 11 (external lighting) were submitted in January 2010, and following responses received from the Environmental Health, Landscape Design and Ecology Officers that the submitted details were acceptable, were subsequently discharged in February 2010.
 - Details required by conditions 14 (give way marking and signage) and 15 (method statement) were submitted in February 2010, and following written agreement from the Local Highways Authority, were subsequently discharged in March 2010.
 - The decision was also subject to an archaeology condition. Some stripping of the topsoil did take place prior to the implementation of a programme of archaeological investigation. A scheme was subsequently submitted to the County Council's Archaeological unit and, following further investigation on site, this Authority was advised that the requirements of the condition had been satisfied.
27. As stated in paragraph 4, above, development has commenced on site in respect of the works proposed within application reference S/0506/09/F, with the 3,000m² extension to the east side of the flat store building having been constructed. However, no part of the development approved under that consent (and now being re-determined) has been brought into use, with this being the trigger point for implementation of the conditions attached to that decision.
28. The applicant has confirmed that approximately 70% of tree planting has been completed. All the trees on the bund that formed part of the original application (S/2494/04/F) have been transplanted to the new bund, which is shown within the submitted landscaping drawings, and is now around 50% complete. Bird boxes have been put in place, the road marking and signage scheme has been completed, and the widening of Mill Road has been implemented in accordance with the submitted drawings. Additionally, the pollution and drainage design has been completed.
29. Since the application was previously considered at Planning Committee, and as referred to within the information provided by the applicant, the landscaping that was in existence at that time has been significantly enhanced. This has helped to further soften the impact of the existing development in the approach from the north along Mill Road, in views from the adjacent byway situated between the site and adjacent chalk pit and in views from the east and west. The additional development would be sited predominantly to the south of the existing and, as concluded within the previous report and the revised EIA screening opinion, is considered to have an acceptable impact on the landscape.

30. Any further responses received will be reported to Members in an update prior to the Committee meeting and any issues raised therein assessed and considered further. As it stands, and in accordance with the recommendation previously made to Members at the Committee meeting in July 2009, Officers provisional recommendation is that the application be approved, with the wording of conditions being revised to reflect details that have already been submitted and deemed to be acceptable.

Recommendation

31. Delegated powers are sought to approve the application, as amended by Highways Technical Notes 1, 2 and 3 dated 4th June 2009, and additional noise assessment information in WSP's letters dated 3rd, 8th and 10th June 2009, in accordance with the Section 106 Deed of Variation dated 9th July 2009, letter dated 12th November 2009 and accompanying information (drawing numbers RFA/901/01, 02, 03 and 04 Rev B, infiltration basin calculation sheet and surface water drainage design figures), letter dated 23rd December 2009 and accompanying information (Schedule date stamped 23rd December 2009 and drawing numbers 3208/203 Rev P9 (sheet 1 of 2), 3208/203 Rev P9 (sheet 2 of 2) and 1:1000 scale landscaping drawing), and letter dated 2nd February 2010 and accompanying information (drawing numbers 1122/101/ Rev A, 3208/465/P1, and Method Statement):
1. All hard and soft landscape works shall be carried out in accordance with the details shown within the 1:1000 scale landscaping drawing and within drawing numbers 3208/203 Rev P9 Sheets 1 & 2. The works shall be carried out before any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
 2. The surface water drainage scheme shall be constructed and completed in accordance with letter dated 12th November 2009 and accompanying information (drawing numbers RFA/901/01, 02, 03 and 04 Rev B, infiltration basin calculation sheet and surface water drainage design figures) prior to any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted. (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.)
 3. The pollution control scheme shall be constructed and completed in accordance with letter dated 12th November 2009 and accompanying information (drawing numbers RFA/901/01, 02, 03 and 04 Rev B, infiltration basin calculation sheet and surface water drainage design figures) prior to any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted. (Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

4. The pole mounted barn owl nest box shown within the 1:1000 scale drawing shall be provided in accordance with the details and maintained in the approved position thereafter. (Reason – To achieve biodiversity enhancement on the site in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
5. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions. (Reason - To protect the occupiers of adjoining dwellings from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
7. The site shall not be constructed or operated other than in accordance with the predicted noise levels submitted with the planning application and prepared by WSP Environmental UK Reference 12103446 and dated 20th March 2009, as amended by letters from WSP dated 3/06/09, 8/06/09 and 10/06/09. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
8. The noise barrier shall be constructed in accordance with the details set out in accordance with the schedule date stamped 23rd December 2009 , 1:1000 scale landscaping drawing and drawing numbers 3208/203 Rev P9 Sheets 1 & 2 prior to any storage of grain within the flat store extension or within any of the additional storage silos and/or the bringing into use of any of the additional dryers, hereby permitted, and shall be maintained in accordance with the approved details thereafter. (Reason – To ensure that the noise barrier provides mitigating effects to reduce noise and dust emissions from the site in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
9. No external lighting shall be provided or installed within the site other than in accordance with the details set out within the schedule date stamped 23rd December 2009, or an alternative scheme that has previously been submitted to and approved in writing by the Local Planning Authority. (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
10. All vehicles hauling grain shall egress the site through a single weighbridge, which shall be maintained in working order at all times. (Reason – To prevent haulage vehicles leaving the site in platoons, in order to ensure that the A11 Trunk Road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety on that road.)

11. The scheme for give way marking and signage shown within drawing number 1122/101 Rev A shall be permanently maintained on site, unless an alternative scheme has previously been submitted to and approved in writing by the Local Planning Authority. (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. No more than 210,000 tonnes of grain shall be stored on the site at any one time. (Reason – The application has been assessed on the basis of the number of HGV movements associated with the storage of 210,000 tonnes of grain.)
13. For a period of 10 years from the date of first bringing into use the development, hereby permitted, if the site ceases to be used for the purposes described in the application for a continuous period of 12 months, all buildings, silos and associated works (including hardstandings and boundary structures) shall be demolished and removed from the land, and the land restored in accordance with a scheme and timescale that shall previously have been submitted to and approved in writing by the Local Planning Authority. (Reason – To ensure the removal of the structures if no longer required for the purposes, hereby permitted, in order to protect the character and appearance of the countryside in accordance with Policies DP/2 and NE/4 of the adopted Local Development Framework 2007.)

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

Planning Policy Statements 1 and 7

South Cambridgeshire Local Development Framework (LDF) 2007;

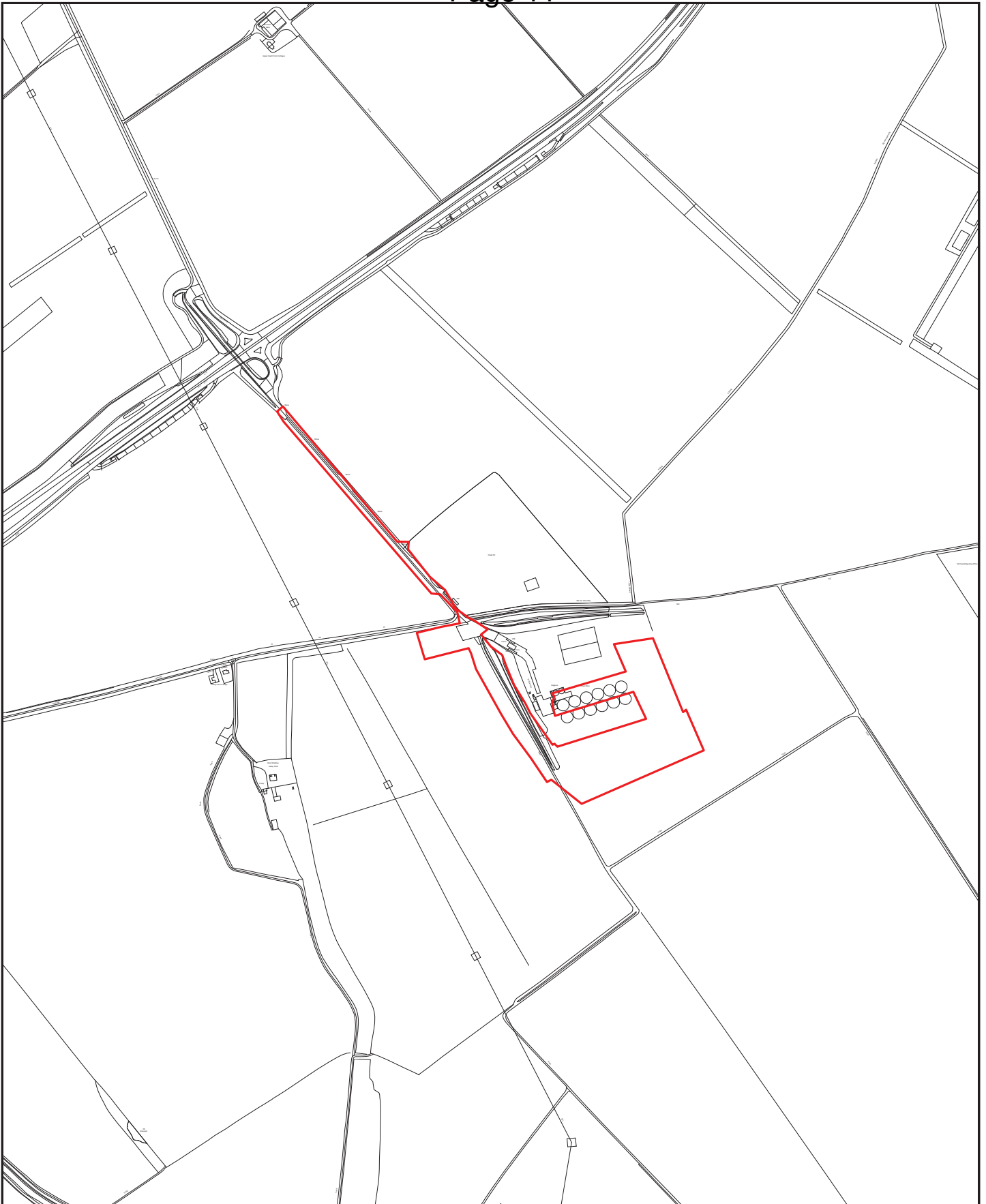
Circular 05/2005 – Planning Obligations

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

Planning application references: S/0506/09/F, S/2494/04/F, S/0623/03/F

Contact Officer: Lorraine Casey – Senior Planning Assistant
Telephone: (01954) 713251

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0905/11 - HARDWICK
Timber decked section to existing pub garden area (retrospective) - Blue Lion,
74, Main Street, Hardwick
for The Blue Lion

Recommendation: Delegated Refusal

Date for Determination: 08 July 2011

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 July 2011

Site and Proposal

1. The site is located within the designated Hardwick village framework, and is within the Hardwick Conservation Area. The building forms the Blue Lion public house, and is a grade II Listed Building. The public house sits central to its plot, and has numerous additions to the rear and a conservatory to the south elevation. Directly to the south is the neighbouring property of 84 Main Street, the shared boundary to which is a fence approximately 1.2m in height.
2. The retrospective application, received on 3rd May 2011, seeks planning permission for an area of decking that has been erected to the south of the building. The decking is raised above ground level and accessed from the front of the site by three steps. The area is enclosed facing the building by post and rail fencing. At the time of the officer's site visit, 11 tables were located on the decking, with the capacity for 39 seated customers. A Design and Access Statement and a Heritage Statement accompany the application.
3. Members should be aware that Listed Building Consent is not required for the works as the decking is not physically attached to the Listed Building.

Planning History

4. The site has been subject to a number of planning and listed building applications. However, none of these are considered relevant to the determination of this application.

Policies

5. **Local Development Framework Development Control Policies DPD (LDF DCP)** adopted July 2007: **DP/2** Design of New Development, **DP/3** Development Criteria, **CH/3** Listed Buildings, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas, and **NE/15** Noise Pollution.
6. **District Design Guide SPD** adopted March 2010, **Development Affecting Conservation Areas SPD** adopted January 2009, and **Listed Buildings SPD** adopted July 2009.
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. **Hardwick Parish Council** requested an extension of time to submit their comments. Members will be updated on these comments.
9. The **Council's Historic Buildings Officer** recommends refusal of the proposal. The inappropriate location, materials and quality causes harm to the Listed Building and affects the significance of the heritage asset. Relevant enforcement action is also encouraged.
10. **Cllr Stewart** has declared an interest as he lives directly opposite the site. The works are considered an improvement as the previous management allowed standards to deteriorate. There is little impact upon the Listed Building. The surroundings of the Listed Building are already considered compromised by the extensions, and the handrail is similar to fencing at the pub. Privacy to 84 Main Street is appreciated but could be mitigated through one-way glass to the window, raising the boundary fence or planting along the boundary.

Representations

11. The occupiers of **84 Main Street** object to the proposal. There are serious concerns regarding overlooking from the decking area to the dining room of the main dwelling. The noise from outside patrons means the dining room window is unable to be opened. The noise level to bedroom windows has also increased. Other concerns are that the security of their dwelling is considered at risk, it is not considered in keeping with the Conservation Area and the Listed Building, night time lighting is unacceptable, parking levels are not adequate, and diners would be located adjacent to the bins of 84 Main Street. The commercial success of the pub is not considered to overcome this. They also state that the decking is visible from the highway, and the handrail does not compare with the front boundary.

Planning Comments

12. The key issues for consideration are the impact upon the setting of the Heritage Assets, the impact upon the amenity of the occupiers of the adjacent property, and the viability of the public house.

Impact upon the Setting of the Heritage Assets

13. The decking is located to the south side of the public house and creates an L-shaped form of development. It has a width of approximately 9m by the Listed Building stretching 19.5m away. The comments from the Council's Historic Buildings Officer are noted with regard to the setting of the Blue Lion. There is little justification for the decking, given the ample space to the front and rear of the building. The quality of the work is considered poor. The timber is unfinished and its appearance is visually intrusive and results in harm through competition with the Listed Building. The site is also located within the Hardwick Conservation Area. Given the above concerns it is not considered to either preserve or enhance the setting of this Conservation Area.

Impact upon the Amenity of Occupiers of the Adjacent Property

14. No. 84 Main Street is a two storey dwelling located to the south of the public house. It has a facing dining room at ground floor level, and this window is the only opening that serves this area. The decking area comes almost up to the fence along the shared boundary, which has a height of approximately 1.2m. Users of the decking therefore have the potential to look over the fencing into the dining room window. Given the formal layout and proximity to the shared boundary, noise disturbance would also increase to the occupiers of 84 Main Street. The proposal therefore has a serious impact upon the amenity of the occupiers of the neighbouring dwelling. The occupier of the neighbouring property states that the land previously sloped from the boundary and therefore no person would ever have been so close to the fence, and they would be set at lower level. The applicant has disputed this and states the land was previously higher. No evidence of either of these matters has been provided. However, the decking does formally create an area for the gathering of people, and it is this that is causing the harm.
15. Cllr Stewart has recognised the privacy concern in his letter, and has suggested some mitigation measures in an attempt to solve the issue. The first seeks one-way glass to be fitted to the window. The main issue with this suggestion is the practicality of implementation. 84 Main Road is outside the application area and therefore no planning condition could be used to secure the glazing. It is also reliant upon the occupiers of 84 Main Road allowing such work to their window. They have stated that light levels would undoubtedly reduce as a result. The occupiers of 84 Main Road also note they are not able to open the window due to the disturbance caused, and the type of glazing would not alter this.
16. The second suggestion is an increase in height to the fence. This would again affect the outlook from the dining room window, which currently looks towards the Listed Building. The fence is only approximately 1.5m from the window and the outlook would be compromised as a result. Whilst no evidence has been provided, it is believed the fence is owned by the occupiers of 84 Main Road, and therefore they would again need to be happy with such works. If the public house owns the fence, then separate planning permission would

also be required for the works. As with the one-way glazing, this option does not prevent noise disturbance. The third option suggests planting along the boundary. Whilst this could again prevent overlooking, it would not prevent noise disturbance from the window.

17. The occupiers of 84 Main Road also raise further concerns relating to security, lighting and parking. The decking is not considered to increase any potential security concerns to 84 Main Street. No new lighting appears to be have been added as a result of the decking, and therefore there is no new impact. With regard to parking provision, the decking is unlikely to attract a significant number of people to the site in itself to require the provision of further parking at the site.

Viability of the Public House

18. The applicant has noted that rural public houses are struggling in general given the economic climate, with closures at a rate of 5 per day reported. Use of the decking area is considered necessary to encourage trade by making more effective use of the garden area. Whilst this is noted, no detailed financial justification has been provided on this subject to suggest the public house would become unviable if the decking were removed.

Conclusion

19. The benefit to the public house from the work is not considered to outweigh the harm to the occupiers of the neighbouring properties or the setting of the heritage assets.

Decision/Recommendation

20. Refuse, for the following reasons

1. The timber decking area measures appropriately 9m in width located directly adjacent to the grade II listed Blue Lion public house and within the Hardwick Conservation Area. It then extends to form an L-shape, with the decking stretching 24.5m along the south boundary of the site. There are also views of the decking and enclosure fencing from Main Street. As a result of the location, materials used, the quality of the finish, the visual impact of the development and the lack of justification for the works, the development is considered to cause serious harm to the setting of the Listed Building, and neither preserves nor enhances the setting of the Conservation Area. The proposal is therefore contrary to Policy CH/3 of the Local Development Framework Development Control Policies (LDF DCP) 2007, which states applications for planning permission will be determined in accordance with legislative provisions and national policy; Policy CH/4 of the LDF DCP 2007, which states planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building; Policy CH/5 of the LDF DCP 2007, which states planning applications for development proposals in Conservation Areas will be determined in accordance with legislative provisions and national policy; and guidance within paragraphs HE7, HE9, and HE10 of Planning Policy Statement 5: Planning and the Historic Environment.

2. The decking is located close to the shared boundary, consisting of a fence approximately 1.2m in height, with 84 Main Street to the south. There is a side window serving a dining room in this neighbouring property. Users of the decking would be located as close as 2m from this window, and given the raised height, would have the opportunity to view straight into the dining room, causing a serious loss of amenity to the occupiers of 84 Main Street through overlooking. The gathering of numerous people on the decking also creates a noise disturbance to occupiers of 84 Main Road, to the detriment of living conditions in this dwelling. No mitigation measures are considered appropriate to prevent both of these harmful impacts without giving rise to further harm to the occupiers of 84 Main Street. The proposal is therefore contrary to Policy DP/3 of the LDF DCP 2007 which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity; and Policy NE/15 of the LDF DCP 2007 which states planning permission will not be granted for development which has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing development.

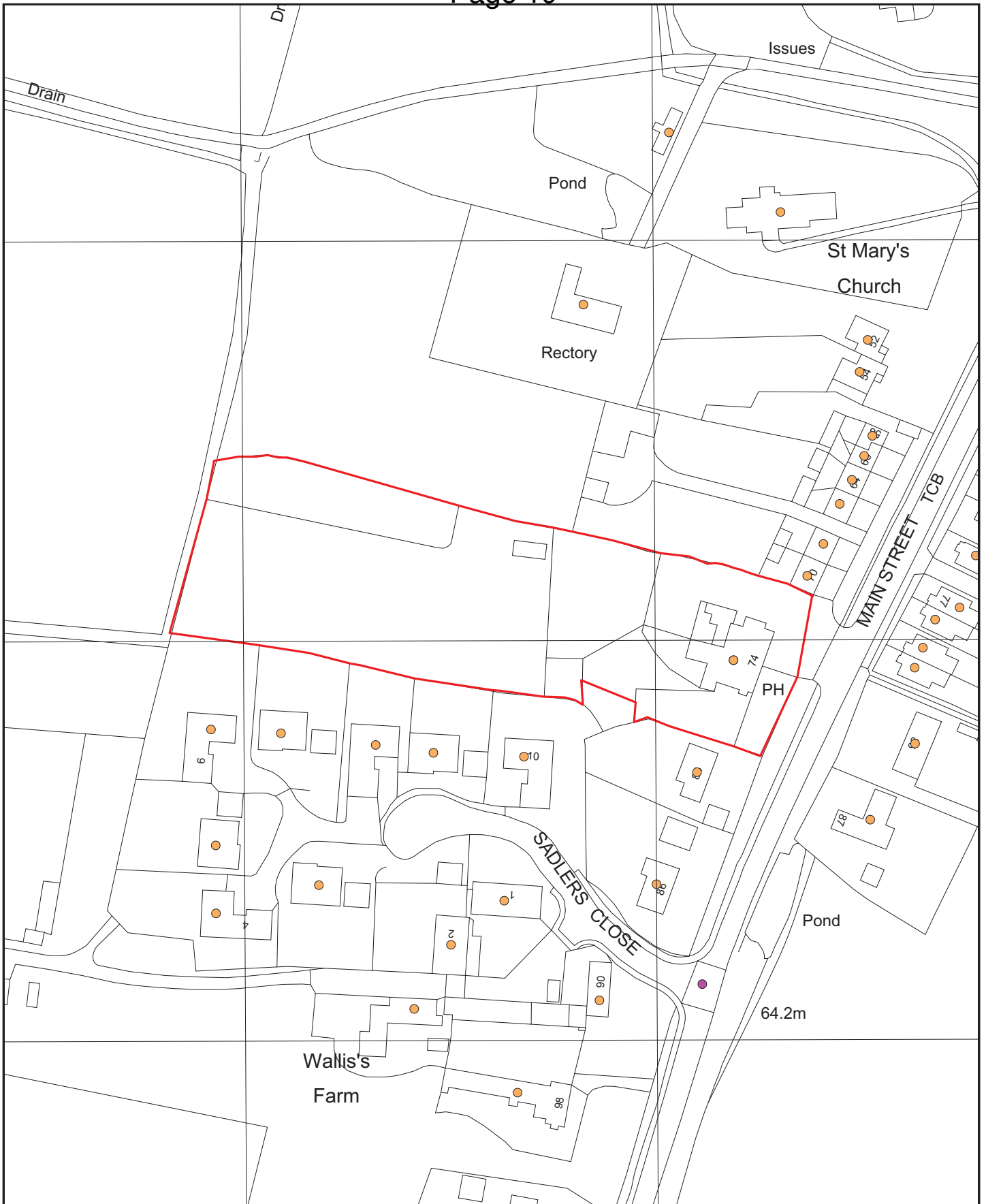
Should Members resolve to refuse the application, it is recommended that an enforcement notice be served with a compliance period of 1 month. The steps required would be to remove the decking and all the materials from the land and to return the land to its condition immediately before the works took place.

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

- **Local Development Framework Development Control Policies 2007.**
- **District Design Guide SPD** adopted March 2010, **Development Affecting Conservation Areas SPD** adopted January 2009, and **Listed Buildings SPD** adopted July 2009.
- **Circular 11/95 – The Use of Conditions in Planning Permissions.**
- **Planning File ref: S/0905/11**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0226/11 - TOFT**Erection of overnight accommodation and extension to existing clubhouse -
Cambridge Meridian Golf Club, Comberton Road, Toft, Cambridge,
Cambridgeshire, CB23 2RY
for Miss V Saunders & Miss J Wisson****Recommendation: Refusal****Date for Determination: 04 April 2011****This application has been reported to the Planning Committee for
determination at the request of the Development Control Manager****Members will visit the site on 6th July 2011****Site and Proposal**

1. Cambridge Meridian Golf Club is located to the east side of the village of Toft. It is outside the designated Toft village framework, and is within the Cambridge Green Belt. Access is gained from the B1046, serving an informally laid out car park area parallel to the road. There is a two-storey clubhouse building at the site, with a row of dormer windows in the south elevation overlooking the course. To the west of the clubhouse are two large agricultural buildings and a barn used for storage of golf buggys. These buildings are not included within the Green Belt despite being outside the village framework. These buildings are also within the Toft Conservation Area, although the clubhouse and golf course lie outside.
2. The full application, received on 7th February 2011, seeks the erection of overnight accommodation at the golf club, and also seeks an extension to the existing clubhouse. The proposed hotel would be physically linked at ground floor level with the existing clubhouse, and would extend to the east. The hotel would provide 29 en-suite rooms, with guests using the existing clubhouse facilities for meals. The works to the existing clubhouse involve a small kitchen extension, and the addition of a conservatory element for dining. The application is accompanied by a Supporting Statement, a Tree Survey, and Arboricultural Implications Assessment, and a Planning, Design and Access Statement.

Planning History

3. Planning permission for the change of use of the land to a golf course was granted through application **S/0153/90/F**. The clubhouse was originally granted consent through application **S/0254/94/F**, and was extended to

include a changing room through application **S/0490/96/F**, and to include a dining area through application **S/0017/00/F**.

4. Planning application **S/1779/92/F** granted consent for a clubhouse and greenkeepers store. However, this application was never implemented.
5. Planning application **S/1161/09/F** granted consent for the erection of replacement buildings to provide office accommodation together with a new access and parking on the land to the west of the existing clubhouse. Conservation Area Consent for the removal of the buildings was granted through application **S/1163/09/CAC**. Works have yet to commence on this scheme.

Policies

6. **Local Development Framework Development Control Policies DPD (LDF DCP)** adopted July 2007: **DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/7** Development Frameworks, **GB/1** Development in the Green Belt, **GB/2** Mitigating the Impact of Development in the Green Belt, **GB/5** Recreation in the Green Belt, **ET/10** Tourist Facilities and Visitor Accommodation, **NE/1** Energy Efficiency, **NE/3** Renewable Energy Technologies in New Development, **NE/6** Biodiversity, **NE/12** Water Conservation, **NE/15** Noise Pollution, **CH/5** Conservation Areas, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.
7. **District Design Guide SPD** adopted March 2010, **Development Affecting Conservation Areas SPD** adopted January 2009, and **Biodiversity SPD** adopted July 2009.
8. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

9. **Toft Parish Council** recommends approval of the scheme, noting it will assist local business and generate employment, and it will help to protect the Green Belt.
10. The **Council's Conservation Officer** notes serious concerns relating to the bulk, form, design, proportions, character and identity of the building on the entrance to Toft village and its Conservation Area.
11. The **Council's Tree Officer** has no objection to the proposal, subject to tree protection to be installed prior to any development works. The **Council's Landscape Officer** suggests additions to the front hedge, with additional tree planting suggested around the car park.
12. **Cambridgeshire Fire and Rescue** requests a condition on any consent seeking adequate provision be made for fire hydrants across the site. It is

noted that access and facilities for the fire service should meet relevant Building Regulations.

13. The **Local Highways Authority** have verbally confirmed they have no concerns regarding the likely increase in use of the access from the B1046, as trips are likely to be related to the course.
14. The application has been discussed with the **Economic Development Panel** on different occasions. At the latest meeting with up-to-date information, the benefit to the community from the creation of local jobs and the benefits to existing facilities in the village were considered a benefit to the village and South Cambridgeshire District as a whole.

Representations

15. A letter of objection has been received from a Toft resident (no address provided) on grounds of encroachment on Green Belt land, visual impact and environmental detriment, and the lack of guarantee that jobs would go to local people.

Planning Comments

16. The key considerations in the determination of this application are whether the proposal amounts to inappropriate development in the Green Belt, whether it would cause any other harm in addition to that caused by inappropriateness, and whether there are any very special circumstances that clearly outweigh the harm caused by the development by way of inappropriateness and in any other respect.

Inappropriateness

17. The site is located within the Cambridge Green Belt, and therefore guidance within Planning Policy Guidance 2: Green Belts (PPG2) is essential for the determination of the scheme. Paragraph 3.4 of PPG2 lists forms of development that are considered appropriate by definition. One of these is "essential facilities for outdoor sports and outdoor recreation" with examples of small changing rooms provided. The proposed development is not considered to fall into this or any other of these categories, and therefore the proposed overnight accommodation is inappropriate by definition. Similarly, the proposed kitchen extension and conservatory are inappropriate by definition.
18. PPG 2 notes "Inappropriate development is, by definition, harmful to the Green Belt", and continues "very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

Other Harm

19. Policy ET/10 of the LDF DCP 2007 states that overnight visitor and holiday accommodation outside of development frameworks will only be permitted by change of use/conversion or through either appropriate replacement of

buildings or modest extensions to existing facilities. Given the scale of the proposal, it is not considered a “modest” extension, and therefore the proposal would also be contrary to this policy. Should the application be supported, it would represent a Departure from Policy ET/10. Given that the proposal would also be a Departure to Green Belt policy, any approval may need to be referred to the Secretary of State. Members will be updated if that is considered the case in this instance.

20. The building itself would be linked at ground floor level to the existing clubhouse, with a covered way and reception at ground floor level. This then extends to a section of two-storey development that measures 27.5m in length with a height of between 8.3m and 9m dependant upon the levels. The two-storey element would be between 17.5 and 15.2m in width, necessitating the need for a double-pitched roof with valley in between. The eastern element of the proposal returns to single storey, with gables to the rear and both sides. The building as a whole extends approximately 50m in length.
21. The building would be located almost parallel with the B1046, and set approximately 44m from the road at its closest point. There is a parking area to the front, which is shown on the plan to be more formally laid out than existing. There is a small hedge along Comberton Road, with some planting along the boundary. The development would however be easily visible from Comberton Road, and particularly when entering the village from the east. This would not be easily mitigated by additional hedge and tree planting as proposed.
22. The design creates a long building with a variety of gables and elements. Little effort has been taken to respect the rural setting of the building. The two-storey element has been designed to appear like a barn. However, the need for a double-pitched roof and the design of the single storey elements does not represent a traditional barn style of design. The use of the building does present the need for openings to each room, which means a higher number of openings than what would be expected in such a building. The south elevation shows a more urban form with a number of Juliette balconies facing the course. The proposal also seeks use of matching bricks and concrete tiles, which again would not be respectful of the countryside location.
23. The Toft Conservation Area begins to the west of the existing clubhouse and includes the existing agricultural buildings. This effectively signals the start of the village. By proposing a hotel of such size and bulk parallel with the road, it will dominate the entrance to the village and as a result would not respect the setting of the Conservation Area.
24. The comments of the Trees Officer and Landscape Officer are noted. Any approval on the site will require adequate protection of existing planting, and a scheme of new planting to soften any development. The ability to create more screening does not outweigh concerns regarding the scale, mass, form, siting and design of the building discussed above.
25. The application also seeks an extension to the clubhouse itself. This includes an extended kitchen area and new conservatory overlooking the adjacent lake. At the siting of the proposed kitchen element, there is a fenced enclosure with two store units. Whilst the proposal would be significantly taller, it would “tidy up” this area, and the hip would reduce the bulk of development. The conservatory is of simple design and would blend in with

the existing building. Whilst this aspect of the development is within the Green Belt, the scale and in particular the location of the extensions are not considered to harm the openness of the Cambridge Green Belt. There are no objections to these aspects in their own right.

26. The comments from the Local Highways Authority are noted. The current access has been designed to cater for traffic accessing the course. Whilst levels of use would rise from staff and non-golf guests, the access is considered to be adequate to cope with this capacity. A planning condition regarding fire hydrants can also be added as recommended by the Cambridgeshire Fire and Rescue team.
27. The applicant notes Policies NE/3 and NE/12 of the LDF DCP 2007 in the Planning, Design and Access Statement. However, no details are proposed to reach the aims of these policies given the scheme is a major development. Any approved scheme would require conditions to ensure provision of renewable energy technologies and water conservation measures.

Conclusion of Other Harm

28. Officers are of the opinion that the proposed overnight accommodation is both inappropriate in principle having regard to Green Belt and tourism policy, and in terms of its impact on the surrounding area.

Very Special Circumstances

29. The original application as submitted and details within a letter dated 19th May 2011 carried little justification for the proposal. Further information has been provided received on 10th June 2011 that goes into greater depth.
30. The applicants supporting letter provides information as to why they consider the development is necessary. Below is a summary of the points raised:
 - a) The purpose of the Green Belt in this location is to stop Toft merging with Comberton, and there is a clear buffer between the two.
 - b) The proposal meets the aims of the Green Belt as it provides opportunities for access to overnight accommodation in the country promoting sport and recreation near the city.
 - c) The increase in Cambridgeshire golf course numbers from 10 in 1990 to 31 in 2011 means there are not enough players for each course. The majority have to rely on additional facilities to survive, such as the fitness suite and hotel at Abbotsley, the lodges and bowling alley at Pidley, and the fitness centre, swimming pool and caravan park at Bourn.
 - d) The inability to provide a 9-hole course from the existing layout. Gog Magog course can do this given the location of their clubhouse in the centre of the course.
 - e) Financial inequality caused by the taxation at Cambridge Meridian in relation to other clubs exempt from VAT.
 - f) Without further development, the golf course is likely to be lost to the community as it is not financially sustainable.
 - g) The granting of a hotel elsewhere on University land sets a precedent for the proposal.
 - h) Creation of jobs during construction and the running of the hotel.

- i) The fact that the daily manager of the site does not receive a salary, and injections of money into the business from the Abbotsley course or from the owners occurs.
31. Of particular merit are points f) and h) above. Despite the lack of financial information provided, the concerns about the future of the site are understood. It is an employer within a village setting, and closure and return to countryside would not be a welcome scenario. The creation of additional jobs, albeit a number part time and in lower paid roles, would again be of benefit. Whilst there is no guarantee they would be taken by local people, any potential employee is likely to be relatively local.
 32. As a whole, whilst some of the evidence provided and summarised above is not considered to provide adequate justification, the need to expand the business to make it financially sustainable and the creation of jobs are considered, as a matter of principle, capable of clearly outweighing the harm to the Green Belt.
 33. Officers however remain extremely concerned regarding the size of the scheme, particularly the need to provide 29 bedrooms at the site. The applicant has stated this is due to viability, where economies of scale make it more difficult to operate a smaller unit. However, no further justification has been provided to support this and therefore an extension of this scale and form. Whilst the principle of development may be acceptable, there remain concerns regarding the required number of rooms, and therefore the principle for a 29-bed hotel has not been established. A reason for refusal will be added to clarify this issue.
 34. Of the other points raised by the applicants, a number are not considered relevant. No precedent has been set with regard to other hotels in the area. With reference to point a), the scheme would undermine the aims of the Green Belt rather than support it. Comparison with other courses again does not set any precedents given the differing locations and constraints of each course.

Decision/Recommendation

35. Refusal, for the following reasons
 1. The application seeks the erection of a building to be used for overnight accommodation within the Cambridge Green Belt. It is considered inappropriate by definition in line with Planning Policy Guidance 2 (Green Belts). The application is therefore contrary to Policy GB/1 of the Local Development Framework Development Control Policies (LDF DCP) 2007, which states there is a general presumption against inappropriate development in the Cambridge Green Belt.
 2. The application site is also located outside of the designated Toft village framework, and is adjacent to the Toft Conservation Area. The proposal would create a development measuring approximately 50m in length, including a two-storey element of 27.5m running parallel with the B1046 that has a double-pitched roof with a valley in between. The two-storey elements would range between 8.3m-9m in height dependent upon the levels of the site. There would be clear views of the development from the B1046,

especially when approaching the village from the east. The bulk and scale, the proportions of the building, and the overall design are not considered to respect the rural setting of the building, and it would be significantly out of context with its location. It would have a clear impact upon the openness of the Green Belt and would neither preserve nor enhance the setting of Toft Conservation Area. The application is therefore contrary to Policy GB/2 of the (LDF DCP) 2007, which states any development considered appropriate within the Green Belt must be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt; Policy DP/2 1a and 1f of the LDF DCP 2007 which states all new development must be of high quality design, and as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area, and should be compatible with its location and appropriate in terms of (amongst others) scale, mass, form, siting, design, proportion in relation to the surrounding area; Policy DP/3 of the LDF DCP 2007 which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on village character and on the countryside; and Policy CH/5 of the LDF DCP 2007 which states planning applications for development proposals affecting Conservation Areas will be determined in accordance with legislative provisions and national policy.

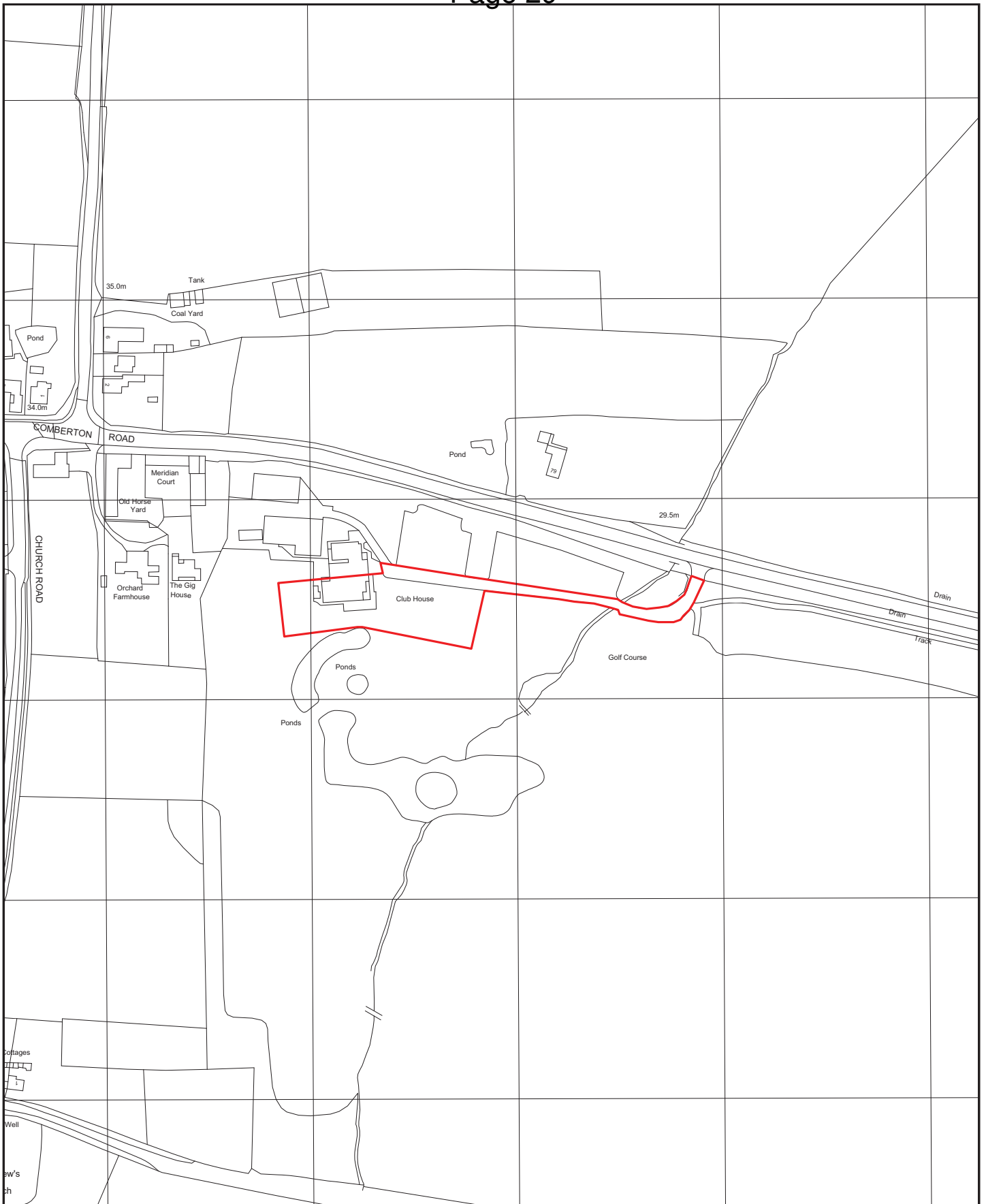
3. The application seeks 29 bedrooms to be provided as part of the scheme. In light of the constraints of the Cambridge Green Belt and concerns regarding the bulk and design discussed above, the applicant has failed to satisfactorily demonstrate why the hotel would require so many rooms, and why a lower number could not be sustainable for the future of the site. The applicant has therefore failed to demonstrate very special circumstances to clearly outweigh the harm to the Green Belt resulting from the development of this size and form.

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

- **Local Development Framework Development Control Policies 2007.**
- **District Design Guide SPD** adopted March 2010, **Development Affecting Conservation Areas SPD** adopted January 2009, and **Biodiversity SPD** adopted July 2009.
- **Circular 11/95 – The Use of Conditions in Planning Permissions.**
- **Planning File ref: S/0226/11, S/1163/09/CAC, S/1161/09/F, S/1779/92/F, S/0017/00/F, S/0490/96/F, S/0254/94/F and S/0153/90/F.**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0779/11 – COTTENHAM**Erection of Farmhouse, Five Agricultural Buildings, and Ancillary Works at Cuckoo Hill Farm, Oakington Road for Mr S. Wright****Recommendation: Delegated Approval****Date for Determination: 3rd August 2011****Notes:**

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

Site and Proposal

1. The site is located outside the Cottenham village framework and in an isolated position within the countryside. It measures 2.36 hectares in area and currently comprises an open area of agricultural land. The ground levels rise gently to the north. The site is accessed via a single width unmade track to the north of Oakington Road. It is aligned both sides by grass verges, ditches, and hedging. The site lies within Flood Zone 1 (low risk).
2. A group of dilapidated agricultural buildings and a mobile home, with a gated access and surrounded by trees, are situated to the south. Further open agricultural land that is separated into paddocks by post and rail fencing surrounds the site. A grass verge, ditch and sporadic hedge align Oakington Road. Oakington Road links the villages of Oakington and Cottenham and is a long straight section of road adjacent to the site access with a speed limit of 60 miles per hour.
3. This full planning application, received 13th April 2011, proposes the erection of a farmhouse, five agricultural buildings, and ancillary works. The farmhouse would be sited on the eastern side of the access on a triangular shaped plot 0.44 of a hectare in area. The dwelling would be situated centrally within the plot and have a vegetable garden and orchard to the north and a driveway and parking/turning area to the south along with a detached double garage. It would be a chalet style, L-shaped, three-bedroom farmhouse with height of 3.7 metres to the eaves and 7 metres to the highest ridge. The dwelling would be finished in traditional materials.
4. The five agricultural buildings would be sited on the western side of the access on a rectangular plot of land that measures 1.68 hectares in area. It would be laid to hardstanding to form a fenced yard. Four buildings that measure 63.4 metres in length, 12.2 metres in width, and have an eaves height of 4.6 metres and a ridge height of 6.4 metres, would be situated alongside on the eastern side of the plot adjacent the access. These buildings would accommodate livestock comprising of up to 75 cattle. The other building would be situated on the western side of the plot and measure 18.3 metres in length, 12.2 metres in width, and have an eaves height of 4.2 metres and ridge height of 5.8 metres. This building would be for treatment purposes

and have an isolation yard and handling area attached. A feed store and farm machinery would be located in existing buildings. The buildings would have concrete/ timber boarded walls and fibre cement corrugated roofs. The applicants owns a total of 27 hectares of land at the site but currently farms approximately 500 hectares of land elsewhere partly under ownership and partly rented.

5. The application has been submitted as a result of the applicant's current agricultural holding, Brookfield Farm, Rampton Drift, Longstanton, being located on the site covered by the Council's Area Action Plan for the new settlement of Northstowe. It requires the relocation of the business outside this area, hence the purchase of Cuckoo Hill Farm to facilitate this. The existing holding comprises two dwellings and a range of agricultural buildings. The agricultural buildings accommodate 120 Longhorn cows and heifers and 8 bulls, 20 Belted Galloway cows and 2 bulls, a number of store cattle (approx. 140), 3 Highland cows and 2 Dexters, 150 ewes, and 40 hens. The applicant also runs an amenity contract business that undertakes grass managements, landscaping and fencing and some agricultural contracting including straw baling, mowing, and grain carting.

Planning History

5. Planning permission was granted for a dutch barn on the adjacent site (reference S/0093/94/F).
6. Planning permission was refused and an enforcement notice served for a mobile home on the adjacent site (reference S/0094/94/F). Both were later dismissed at appeal. The reason that the proposal was not supported was because the owner at the time had not adequately demonstrated an agricultural justification for a dwelling on a site in the countryside.

Planning Policy

7. **Local Development Plan Policies**

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/9 Dwelling to Support a Rural-Based Enterprise
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/11 Flood Risk
NE/12 Water Conservation
CH/2 Archaeological Sites
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
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009

District Design Guide SPD - Adopted March 2010

8. **National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 7 (Sustainable Development in Rural Areas)

9. **Circulars**

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

Consultation

10. **Cottenham Parish Council** – Strongly recommends approval but requests a condition to ensure that appropriate landscaping and screening of all buildings is included.
11. **Local Highways Authority** – considers that the proposal would not result in significant additional traffic movements that would have an adverse impact upon the public highway.
12. **Environment Agency** – Has no objections in principle to the Flood Risk Assessment subject to conditions in relation to the schemes for the provision and implementation of pollution control, foul water drainage, and surface water drainage. Also requests various informatives.
13. **Trees and Landscape Officer** – Comments are awaited.
14. **Landscape Design Officer** – Comments that this is a substantial development with very little landscaping proposed. It would need a planting scheme to integrate it into the landscape. The development would have a significant visual impact upon the immediate area and long distance views. Additional landscaping is specifically required on all sides of the proposed agricultural buildings, and the west boundary hedge around the perimeter of the plot for the dwelling should be extended, the buildings moved away from the boundaries, and fruit trees planted within the garden.
15. **Ecology Officer** – Comments are awaited.
16. **Environmental Health Officer** – Concerned that problems could arise from noise and suggests a conditions that limits the times of use of power-operated machinery during the period of construction. Also requests informatives in relation to pile driven foundations and the burning of waste on site.
17. **County Archaeologist** – Comments that the site lies in an area of high archaeological potential and on a ridge where intense Iron Age and Romano-British settlement remains are known. The site should be subject to a programme of archaeological investigation, to be a condition attached to any consent.
18. **New Communities Team** – Confirms that the farmhouse where the applicant presently operates is within the area of land identified by the Northstowe Area Action Plan (adopted 2007). Although an outline application for 9500 dwellings has been submitted on the applicant's land (reference S/7006/07/F), and it is yet to be determined, it is a live project and the delivery of homes on the site is a Council priority.

19. **Cambridgeshire Fire and Rescue Service** – Requests that adequate provision is made for fire hydrants as a condition or legal agreement of any consent.
20. **Independent Agricultural Consultant** – Confirms that there is a functional and financial need for a dwelling on the site in accordance with Policy HG/9 of the Local Development Framework and Annex A of Planning Policy Statement 7 as result of the applicant's current business at Brookfield Farm and the essential need for relocation.

Representations

20. The **Local Member** supports the application and considers that it is in the public interest for it to be determined at planning committee.
21. **Cottenham Village Design Group** has made the following comments: -
"The Design Group supports the retention and development of agriculture in the surrounding area.

The site is very visible from Oakington Road as it is upon the ridge between Cottenham and Westwick and is higher than the road at this point, it is also possible to view it clearly as the immediate section of road here is without the benefit of hedging. The siting of the new buildings behind and adjacent to the existing agricultural buildings, using these as a partial screen, therefore seems logical. The intention to landscape around the residential site with indigenous hedgerows and to provide an orchard within the garden is welcomed, however the landscaping is noted as not being part of the application; the Design Group would welcome further planting around the proposed agricultural buildings together with a formalisation of the landscaping proposals if consent were granted.

The intent for the design of the farmhouse itself is much less satisfactory, this appears to be essentially a 'pattern-book' design which lacks specific knowledge of its Cottenham context - both in terms of physical design and in relation to highly distinctive traditional settlement patterns of the parish. The concept for the design as both a barn and a traditional farmhouse seems both confused and inappropriate for this area. Prior to the enclosure of Cottenham's open fields and fen grazing in the 1840's, building in the open countryside was effectively prohibited- even farmhouses were concentrated in the village core. The farmhouses built subsequently were constructed to more or less the same designs, and using the same materials, as the detached suburban houses of the mid nineteenth century- or are more obviously modern replacements. The barns and other outbuildings of this period were generally of very simple and functional appearance. The proposed design does not reflect either the typical farmhouse or the typical barn of the area, referencing inappropriately early models and including come features - notably the half hip roof - which are not typical of Cottenham.

It would be preferable for any design to based either on a locally appropriate historical precedent (as has been the case on the new house on a farm site near Westwick), or to be an honestly designed bespoke modern house of the highest quality using locally appropriate materials and expressing its function as a dwelling."

22. An anonymous letter from a **local resident** questions whether an independent consultant has assessed the need for the dwelling, why a temporary dwelling could not be considered firstly, issues regarding highway safety, and the presence of badgers on the site.

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application are the principle of the development on the site and the impacts of the development upon the character and appearance of the countryside, flood risk, and highway safety.

Principle of Development

24. The site is located outside of any village framework and within the countryside where the development of a new permanent dwelling for agricultural purposes is only considered acceptable in principle if it is demonstrated that the following criteria under Policy HG/9 of the Local Development Framework has been met: -
- 1a. There is a clear, existing functional need relating to a full-time worker or one who is primarily employed in agriculture;
 - b. It relates to a well-established agricultural unit (which has been established for at least three years, has been profitable for at least one of them, is currently financially sound, and has a clear prospect of remaining so);
 - c. There are no suitable existing buildings available in the area;
 - d. The conversion of appropriate nearby buildings would not provide suitable accommodation;
 - e. No existing dwelling serving the unit or closely connected with it has either recently been sold off or in some way separated from it.
2. Where criterion b cannot, for the time being, be met, or it relates to a new farming activity on a well established unit, development of a temporary dwelling may be permitted for up to three years where all the other criteria above are met, and there is clear evidence demonstrating:
- f. A firm intention and ability to develop the enterprise concerned;
 - g. That the proposed enterprise has been planned on a sound financial basis;
 - h. That the functional need cannot be fulfilled by another existing building on the unit or any existing accommodation.
3. The District Council will require “Functional” and “Financial” tests to be undertaken in accordance with PPS7 to demonstrate the above criteria have been met.
25. Whilst it is acknowledged that the proposal does not comply in a straightforward sense with the above criteria as there is no existing established agricultural unit on the site and that the dwelling would be permanent rather than temporary, this is considered a unique situation where other material considerations, specifically the success of the applicant’s current business on a different site that is required to be relocated to allow the new settlement of Northstowe, would justify the development.
26. A report from the applicant’s agricultural consultant submitted with the application states that the applicant’s current business is well established having been operated on the current site at Brookfield Farm for approximately 30 years. The business provides labour for at least two full-time employees, it is currently financially sound being profitable over the last 3 years and has a clear prospect of remaining so, that there are plans for expansion, that there are no other existing suitable buildings in the area. A dwelling is required on site as a result of the management of the number and types of livestock accommodated on the unit. There is a stock unit of cattle that specialises in Pedigree traditional breeds. These animals are of high value and require a close degree of care and attention, particularly during calving, for 24 hours a day. Any losses have a severe effect upon profitability and breeding lines being developed. The sheep also require a high level of surveillance, specifically during the lambing period. Although the stock is not currently on site, when it is moved there would be an immediate need for at least one full time worker.
27. The Council’s independent consultant has visited the applicant’s existing business at Brookfield Farm, interviewed the applicant, and verified the information provided in

the report from Acorus supporting the application. His assessment states that the functional need relates mainly to the care of animals and that the provision of a dwelling on the site would be essential to provide for the functional requirements of the livestock. The financial test has been passed as it is an established business with a recent history of profitability, is currently sound and has good prospects for the future. There are also no other buildings or dwellings that would be suitable to fulfil the need.

28. Given the above comments, the proposal is therefore considered acceptable in principle. A condition would be attached to any consent to restrict the occupancy of the dwelling to an agricultural worker.

Character and Appearance of the Area

29. The proposed siting and scale of the dwelling is considered acceptable. However, its design, form, and details are not considered appropriate to the character and appearance of the area. The design of the dwelling would be complex and neither reflects that of a traditional farmhouse nor a simple agricultural outbuilding. The proposed half hipped roofs, incorporation of a porch, domestic style fenestration including features such as juliet balconies, and the lack of any articulation between the different sections of the building would not be appropriate. However, these final details of the design could be a condition of any consent.
30. The siting of the new agricultural buildings to the rear of the existing agricultural buildings, their length and scale, simple form, functional design, and utilitarian materials are considered acceptable in relation to the specific requirements of the application business and the impact upon the countryside. The existing buildings are of a poor standard and not fit for purpose in relation to the accommodation of the livestock although they would be used for the storage of feed and machinery.

Flood Risk

31. The applicant has submitted a Flood Risk Assessment and this is considered acceptable. The site is set on a ridge and there are no significant water sources that which could affect the site or cause flooding elsewhere. Surface water run-off from the buildings and from hard surfaced areas within the site would be directed to appropriately designed soakaways, a rainwater harvesting system with overflow to a ditch, or piped direct to a water storage pond. The proposal therefore appears to not result in a risk of flooding to the site and surrounding area.

Trees / Landscaping and Boundary Treatment

32. The proposal would not result in the loss of any important trees that contribute to the visual amenity of the area. Whilst landscaping in the form of a hedgerow is proposed on all boundaries of the plot for the dwelling and groups of trees are proposed to be planted to the south of the dwelling, further landscaping is required to integrate the development into the rural landscape particularly within the plot for the dwelling and on the boundaries surrounding the agricultural buildings. A condition would be attached to any consent agree additional landscaping and further details such as species for the soft landscaping and details of hard surfaced materials for the driveway and parking/turning area for the dwelling and the hardstanding adjacent the agricultural buildings to ensure that the landscaping is appropriate to its countryside location. Landscaping is also proposed outside the site area, and is not therefore under the control of this application.
33. The erection of post and wire, post and rail, and stock proof fences for the treatment of the boundaries of the plot for the dwelling and agricultural buildings are

satisfactory. A condition would be attached to any consent to agree exact details such as height and finish.

Highway Safety

34. The traffic movements from the development would be low from the dwelling given that the occupiers would walk to work as they would be employed on the site, there would be approximately 8 to 9 farm traffic movements per day, few movements from produce grown as most of it would be stored at the site, and limited livestock movements with peak times being one week in April and one week in October. The development is not therefore considered to significantly increase traffic generation to and from the site that would be detrimental to highway safety.

Developer Contributions

35. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Cottenham. No open space would be provided on site. Due to the increase in the demand for the use of such space, a financial contribution of £3,104.38 (index linked) is required towards the provision and management of open space off-site and within the village to comply with Policy SF/10 of the LDF.
36. The South Cambridgeshire Community Facilities Assessment 2009 states that Cottenham has indoor community space that is of a poor standard and there is a shortfall of such space. Due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (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.
37. 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 £69.50 per dwelling.
38. The applicant has signed a unilateral undertaking in relation to the contributions required in relation to the development. This includes a monitoring fee.

Other Matters

39. It is understood that the applicant is currently undertaking an archaeological investigation to determine whether the site has any archaeological remains. A condition would be attached to any consent if this is not completed prior to any consent being granted.
40. The design and access statement submitted with the application states that the applicant is investigating renewable energy methods such as wind and solar power. However, no measures have been confirmed and therefore such provision would be subject to a condition of any consent.
41. The design and access statement submitted with the application states that rainwater harvesting would be impractical with the exception of rainwater butts. This is considered acceptable. Foul drainage would be directed to a small package sewage treatment plant.
42. The design and access statement submitted with the application states that the new dwelling would achieve above average thermal standards with regards to energy

efficiency and would accord with building regulations and some elements of good practice on site layout and building design.

Conclusion

43. 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

44. Delegated approval. The following conditions and informatives are suggested: -

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: 1:2500 location plan and drawing numbers 1464.100A (excluding design of dwelling), 1464.101 (excluding design of dwelling), 11-17281-1 Revision A, and 11-17281-2 Revision A.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, forestry, or a widow or widower of such a person, and to any resident dependants.**
(Reason - The dwelling is situated in a rural area outside any established settlement where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfil a need to satisfy the requirement of Local Development Framework Policy HG/9 adopted 2007.)
4. **Drawing numbers 1 Revision D, 2 Revision D, 3 Revision D, 4 Revision D, and E12 Revision D are specifically excluded from this consent. No development shall take place until precise details of the roof form, fenestration, omission of porch, and articulation of the building's elements 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 development preserves the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. **No development shall take place until precise 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 development preserves the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. **No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the**

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

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

- 7. 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.)
- 8. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D, and E of Part 1, and Class A of Part 2 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – To preserve the character and appearance of the conservation area in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
- 10. 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.)
- 11. 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.)
- 12. No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage shall be completed**

before the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.

(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 13. No development shall take place until a scheme for the provision of renewable energy technologies has been submitted to and approved in writing by the Local Planning Authority. The provision shall be completed before the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.**

(Reason - To provide for renewable energy technologies in accordance with Policy NE/3 of the adopted Local Development Framework 2007.)

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

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

- 15. No development shall begin until details of a scheme for the provision of recreational and community services infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards recreational and community services infrastructure in accordance with the above-mentioned Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

- 16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological, hydro-geological and environmental context of the development has been submitted to and approved in writing by the local planning authority.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

(Reason - To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system.)

- 17. Development shall not begin until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.**

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

(Reason - To prevent the increased risk of flooding and/or pollution of the water environment.)

- 18. Prior to the commencement of any development, a scheme for the provision and implementation of (i) pollution control (ii) foul water drainage and (iii) surface water drainage shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme.**

(Reason - To prevent the increased risk of flooding and/or pollution of the water environment.)

+ any additional conditions required from outstanding consultee responses.

Informatives

1. See attached Environment Agency advice regarding soakaways.
2. 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.
3. The applicant has not provided an appropriate drainage plan; this is often the most effective means of demonstrating how the water environment is to be safeguarded against pollution.
4. Although there is reference to building design, further detail is required concerning the following:
 - i) Will yard areas be roofed?
 - ii) Will yards have concrete or hardcore surfaces?
 - iii) Floor levels; is the base enveloped, to prevent dirty water from running away from the building?
 - iv) Is the ground/ apron around buildings engineered to fall away, preventing the ingress of surface water?
 - v) Are there any designated FYM stores?
5. Only clean, uncontaminated surface water may be discharged to any soakaway, watercourse or surface water sewer. The maximum acceptable depth for soakaways is 2 metres below existing ground level.
6. Only surface water from roofs and paved areas not accessible to vehicles should be discharged to any soakaway, watercourse or surface water sewer. All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
7. Subject to the approval of the Local Authority a percolation test should be undertaken to ensure that soakaways will work adequately in adverse conditions. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals should be submitted.
8. An acceptable method of sewage treatment would be the provision of a septic tank. Before any such unit is commissioned you should ensure that the necessary registration/ permit is in place. Please contact your local Environment Agency office for further information.
9. The above comments are made only on the understanding that no public foul sewer is available to serve the proposed development.

10. Wash water and manure being spread to land should be managed in accordance with a MMP and COGAP. What's more there are further requirements under the Nitrate Pollution Prevention Regulations 2008 (as amended). Further information can be found on the Environment Agency's website, at <http://www.environment-agency.gov.uk/business/sectors/54714.aspx>.
11. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
12. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

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- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees and Development Sites, Landscape in New Developments, Biodiversity, and District Design Guide
- Planning Policy Statements 1 and 7
- Planning File References: S/0779/11, S/0093/94/F, and S/0094/94/F

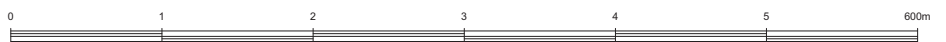
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0928/11 – COTTENHAM
Extension, Alterations and Conversion to Dwelling (Revised Design)
at 137 High Street for Mr P. Tompkins

Recommendation: Delegated Approval

Date for Determination: 7th July 2011

Notes:

This application has been reported to the Planning Committee for determination as the applicant is the civil partner of a Local Member.

Site and Proposal

1. The site is located within the Cottenham village framework. It measures 33.5 metres long and 4.8 metres wide and is almost entirely occupied by a single storey, former bicycle workshop and forge building that is set back from the road and finished in brick with corrugated asbestos/ pantile roof. The site also previously comprised a one and a half storey, brick/ timber clad and corrugated asbestos attached shop that was situated on the back edge of the footpath that has now been demolished (c 1993) although the foundations remain. The site lies within the conservation area and adjacent to a listed building (No. 135 High Street).
2. No. 135 High Street is a detached, two-storey, render and plain tile dwelling that is situated on the back edge of the footpath. It has an access and parking area to its western side and a large rear garden. No. 139 High Street is a detached, three storey, gault brick and slate house that has a limited area of planting to the front and is situated close to the footpath. It has a single parking space to its western side and a large rear garden. The building at No. 137 High Street forms part of the eastern boundary to No. 135 and western boundary to No. 139.
3. This full planning application, received 12th May 2011, proposes the extension, alteration and conversion of the former workshop and forge to create a dwelling (revised design to that approved under reference S/1760/03/F). The extension would be one and a half storeys in height and be attached to the north western (front) elevation of the building. It would partially replace the shop but be 350mm higher than the original building and set back 5 metres from the road behind a small sunken garden. It would be constructed from reused gault bricks on the front and south side elevation, blockwork to the north elevation, and new buff bricks to the rear elevation. The roof would be clay plain tiles. The chimney would be removed. The door to the front elevation as previously approved would be replaced with a

window. Three roof lights would be inserted into the north facing roof slope. The single storey element would comprise new south and west elevation walls, retention and underpinning of the north and east walls, the removal of the hearth and fireplaces, the removal of a chimney, the use of slate for the roof rather than clay pantiles as previously approved, the insertion of pv panels in the south facing roof slope, an additional escape door in the south elevation, and the insertion of three groups of roof lights and an area of glazing in the north facing roof slope. A new wall would be erected around the sunken garden without the railings as previously approved. There would be two cycle parking spaces with a ring built into the side of the wall. The accommodation would comprise two bedrooms including one new bedroom at first floor level that was previously approved as a store.

Planning History

4. Planning permission was granted for conversion to form dwelling under references S/1760/03/F, S/1140/98/F, S/0114/93/F, and S/1298/92/F (appeal allowed).
5. Conservation Area Consent was granted for demolition of the old bicycle shop under reference S/1299/92/CAC and S/1777/91/CAC (appeal allowed).

Planning Policy

6. **Local Development Plan Policies**

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/5 Minor 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
NE/1 Energy Efficiency
NE/6 Biodiversity
CH/4 Development Within the setting of a Listed Building
CH/5 Conservation Areas
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):

Cottenham Village Design Statement - Adopted November 2007
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Open Space in New Developments 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

7. **National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 5 (Planning for the Historic Environment)

8. **Circulars**

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

Consultation

9. **Cottenham Parish Council** – Comments are awaited.

10. **Local Highways Authority** - Comments are awaited.

11. **Conservation Officer** - Has the following comments: -

"There are a number of concerns some of which may be able to be dealt with by condition. We would prefer to have more time to achieve a scheme which we can support. Our comments take the plans and Inspector's Decision of 1993 as the starting point.

It would be helpful to have the Structural Engineer's justification for the rebuilding of the walls.

There are concerns about the design of the front sunken garden because this is not a feature found along the High Street. The appeal scheme retained the sense of enclosure formed by the original building with a traditional wall and railing enclosing a courtyard.

Only the street elevation of the new (replacement) two-storey section of the building is being rebuilt in the salvaged materials from the original whilst the remainder is to be constructed from a mixture of new materials. It is unclear why so few of the walling materials can be reused. There are concerns that fairfaced blockwork is proposed where the work is "hidden", it would be preferable if quality materials were to be used.

The original building had two chimneys which were proposed for reinstatement in the appeal scheme as they formed an important feature, these are not part of the current proposal.

There is an additional rooflight shown in the roof of the rebuilt section (although only 2 are mentioned in the text on the drawings)- this is required as there has been an intensification of use with an additional bedroom and bathroom being installed in what had originally been intended as a first floor store.

No details have been provided of the new wall and fencing proposed on the boundary with No.139 (it is marginally above the "permitted " height) and appears to restrict the vehicular access to that property.

The works to the existing building involve substantial reconstruction – 2 external walls are to be rebuilt and 2 others are to be underpinned, in addition the roof will require replacement.

Solar panels are now proposed on the South elevation but will these not impact on the Conservation Area, as they will not be prominent in relation to the High Street.

The major impact on the adjoining Listed Building (No.135) are the rooflights in the north elevation roof slope which replace the small areas of glass pantiles shown in the original scheme. The rooflights are considered to be a disruptive feature and it would be preferred if the areas of glazing were full height to match that of the garden room. The replacement of the original pantiles on this roof with slate is unfortunate as the simple character of the building will change. Can they not be salvaged and reused on part of the roof of this building?

The intensification of use mentioned above will potentially create future problems, as there is no private amenity space or parking – an issue which the Inspector addressed in 1993 when considering and allowing the scheme for a one-bedroom dwelling."

12. **Acting Environmental Health Manager** - Suggests a condition that limits the times of use of power-operated machinery during the period of construction. Also requests informatives in relation to pile driven foundations and the burning of waste on site.
13. **Trees and Landscapes Officer** - Has no objections.
14. **Landscape Design Officer** - Comments are awaited.

Representations

15. None received.

Planning Comments – Key Issues

16. The main issues to consider in the determination of this application relate to the principle of residential development on this site and the impacts upon the character and appearance of the conservation area and the setting of the adjacent listed building.
17. An Appeal Inspector accepted the principle of the demolition of the front extension of the building and its re-building and the conversion of the remaining section of the building to a dwelling in his appeal decision in 1993 in relation to planning application S/1298/92/F and conservation area consent reference S/1777/91/CAC. Subsequent planning permissions have altered the detailed design of the scheme which could be constructed as approved under planning consent S/1760/03/F, as works have already commenced.
18. The proposal seeks a number of internal and external alterations to the approved scheme as described in paragraph 3.
19. Given that the proposed changes to the detailing of the approved scheme would be relatively minor, they are not considered to harm the character and appearance of the conservation area or damage the setting of the adjacent listed building. A structural engineer has deemed the works to the existing

walls and the new walls necessary. The loss of the railings around the sunken garden is acceptable as the Appeal Inspector considered that the setting back of some buildings created visual interest to the area. The agreement of materials would be a condition of any consent. The loss of two chimneys would not warrant refusal of the application, as the main existing chimney would be retained. A condition could be attached to any consent to agree details of boundary treatment if required. The solar panels are considered appropriate. The roof lights are considered to affect the setting of the listed building but alternative methods of glazing could be agreed by condition.

20. The proposal is not considered to be detrimental to highway safety. Whilst it is noted that the number of bedrooms has increased, it would remain a small unit of accommodation within a sustainable village with good access to a range of services. It is not considered to lead to sole reliance on the private car, would provide cycle parking, and any on-street parking would be unlike to cause a hazard and affect the free flow of traffic along the High Street, as there are designated parking bays immediately adjacent the site.
21. The creation of an additional bedroom to the first floor is not considered to harm the amenities of neighbours through noise and disturbance or overlooking, as the rooflights would face the existing two-storey side elevation of No. 135 High Street.
22. As works have already commenced, the imposition of a condition on the consent to seek financial contributions towards public open space, community facilities, and waste receptacles is not considered justified.
23. 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

24. Delegated approval subject 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: Drawing numbers 532.01 Revision B (location plan only) and 532.05 Revision B.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. Drawing numbers Drawing numbers 532.01 Revision B (site plan only), 03 Revision C, and 04 Revision B are specifically excluded from this consent.
(Reason- to ensure the development preserves the character and appearance of the conservation area and protects the setting of the adjacent listed building in accordance with Policies CH/4 and CH/5 of the adopted Local Development Framework.)

4. The gable wall facing the High Street shall be constructed in gault bricks salvaged from the demolition of the former gable wall to the High Street.
(Reason- to ensure the development preserves the character and appearance of the conservation area and protects the setting of the adjacent listed building in accordance with Policies CH/4 and CH/5 of the adopted Local Development Framework.)
5. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development 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 development preserves the character and appearance of the conservation area and protects the setting of the adjacent listed building in accordance with Policies CH/4 and CH/5 of the adopted Local Development Framework.)
6. No development shall commence until details of the glazing to the roof of the single storey building 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 development preserves the character and appearance of the conservation area and protects the setting of the adjacent listed building in accordance with Policies CH/4 and CH/5 of the adopted Local Development Framework.)
7. No development shall commence until precise details of the rooflights to the roof of the extension, at a scale of 1:10, 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 development preserves the character and appearance of the conservation area and protects the setting of the adjacent listed building in accordance with Policies CH/4 and CH/5 of the adopted Local Development Framework.)
8. The secondary glazing to all windows in the south western elevation of the dwelling, hereby approved, shall be fixed shut and glazed with obscured glass. The window to the kitchen shall be glazed with obscured glass.
(Reason- To ensure the privacy of occupiers of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework.)

Informative

1. The materials schedules shown on the application drawings are excluded from this consent.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Biodiversity, Landscape in New Developments, and District Design Guide
- Planning Policy Statements 1 and 5
- Planning File References: S/1760/03/F, S/1140/98/F, S/0114/93/F, S/1298/92/F, S/1299/92/CAC, and S/1777/91/CAC

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

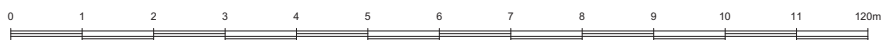
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0772/11 – GAMLINGAY
Erection of Replacement Dwelling following Demolition of Existing
Robsie, Potton Road, Mill Hill, Gamlingay
for Mr & Mrs Squance

Recommendation: Refuse

Date for Determination: 13 June 2011

**The application has been referred to the Planning Committee at the request
of the local District Councillors Kindersley and Smith.**

Committee Members will visit the site on the morning of 6 July 2011.

Site and Proposal

1. The application site is a single storey, pitched roof, detached bungalow situated on a parcel of land historically associated with Mill Farm. The property was granted outline planning permission in 1978 and was subject to an agricultural occupancy condition. In 2010 a Lawful Development Certificate was granted for the removal of that condition, as it had been successfully demonstrated that the property had been continuously used in breach of that condition for a period of not less than 10 years. The property is located to the South of Gamlingay, outside of the Development Framework of the village in the countryside. The front boundary of the site is enclosed by 3.5 metre high dense hedging and the site is open to the rear, facing onto land within the ownership of Mill Farm. The Northern boundary behind the line of the bungalow is largely enclosed by trees and at the time of the site visit, a close-boarded fence was being erected in the only existing gap in the boundary treatment adjacent to the bungalow. The Southern boundary is largely open to the other farm buildings on the wider site including the other dwelling. The bungalow itself is situated with its front elevation facing South, meaning the property is side on to the main road to the West. The site is not within a Conservation Area.

The proposed development is the erection of a replacement dwelling.

Relevant Planning History

2. S/1364/77/O – Planning permission granted for the erection of a detached bungalow subject to an agricultural occupancy condition.
3. S/1379/10 – Lawful Development Certificate for the use of the dwelling without the agricultural occupancy condition was granted.

4. S/0658/11 – An application for a Lawful Development Certificate for proposed extensions comprising separate single storey extensions to the front (South), side (East) and rear (North) of the bungalow was issued on 16 June 2011.

Planning Policies

5. **Local Development Framework Development Control Policies DPD (LDF DCP)** adopted July 2007:
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
HG/7 Replacement Dwellings in the Countryside
NE/1 Energy Efficiency
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.

Consultation Responses

8. Gamlingay Parish Council – has recommended approval commenting that it has no concerns about the application. It notes its view that the site is screened by a tall hedge to the front of the site and suggests that it would not be prominent from the road. It suggests that the dwelling would have less impact than the development proposed under the granted Lawful Development Certificate application and states that it prefers this application on design grounds and footprint and its ability to improve the energy efficiency of the building.

Representations

9. Four representations have been received in respect of the above application.
10. The owner/occupier of 89 Orchard Close, Warboys supports the application noting that it adds to the village's ongoing development plan.
11. The owner occupier of 14 Brockwood Close, Gamlingay supports the application, noting that the replacement dwelling would be of great benefit to the plot and to the village.
12. The owner occupier of 14 Dolphins Way, Sandy supports the application, as it will allow the rejuvenation of an ageing dwelling into a modern family home that will be in keeping with the village and neighbouring properties.
13. The owner occupier of Fordhams Mill Cottage, Fen Road, Diss supports the application, noting that they have lived in the area for many years and have young children and want to build a family home that will sit perfectly within its surroundings.

Planning Comments

14. The main planning considerations in this case are the principle of the replacement, the impact on the countryside parking and highway safety, residential amenity and flood risk.
15. Principle of the development and impact on the Countryside – The application site is not located within a Development Framework and is in the countryside. As defined by policy DP/7, there is a general presumption against the erection of dwellings outside of Development Frameworks in the countryside. As an exception to this general presumption, policy HG/7 allows the replacement of an existing dwelling with a new dwelling, provided the proposed dwelling is in scale with the dwelling it is intended to replace, in character with its surroundings and would not materially increase the impact of the site on the surrounding countryside.
16. As regards the scale of the replacement dwelling compared to the existing bungalow, the replacement dwelling proposed in this application is 7.8 metres to its ridge, and increase in overall height of 3.5 metres above the ridge of the existing bungalow which is 4.3 metres in height. The footprint of the proposed dwelling would represent a 38% increase over the existing bungalow (141 sqm compared to 102 sqm) and, because the proposed dwelling has a first floor, the internal floor area of the proposed dwelling is approximately 200 sqm as opposed to approximately 93 sqm of existing floor space in the bungalow, an increase of approximately 115%. The volume of the proposed dwelling, discounting the dormers, would be approximately 770 cubic metres as opposed to approximately 360 cubic metres for the existing dwelling; an increase of approximately 114%. By any of these measures, the proposed dwelling is considerably larger than the dwelling it replaces. In particular the height and volume, which largely determine the overall scale and mass of the proposed dwelling, are very significantly greater than the existing bungalow. As such it cannot be considered that the proposed dwelling is in scale with the bungalow it replaces and is therefore contrary to policy HG/7, whose supporting text specifically states that “replacements should be similar in size and height to the original structure”.
17. The increase to the overall height of the dwelling would take it well above the tree and hedge line at the front of the site and, although no photomontages of proposed views of the dwelling have been submitted with the application, it is considered that the significantly increased scale and mass of the proposed dwelling would result in the dwelling being more prominent in views from the road and pavement to the front of the site, from the public right of way to the rear of the site and in longer distance views from the North of the site. The increased perception of a dwelling on the site would materially increase the impact of the site on the countryside, causing incremental harm to openness of the countryside and its rural and generally undeveloped character, which is contrary to the aims of policy HG/7, DP/2 and DP/3.
18. The supporting information submitted with the application asserts that the option of considerably extending the existing dwelling under Permitted Development rights, as demonstrated by the Lawful Development Certificate (LDC) now granted should be given material weight. Whilst it is accepted that extensions could be made to the existing property under the LDC which would be greater than the footprint of the proposed replacement, they could not increase the height of the existing dwelling. As the main impact on the countryside from the proposed replacement comes from the

combination of height and additional bulk at first floor level, which would be above the level of the existing boundary screening, it is not considered that the single storey development allowed by the LDC provides any significant justification or precedent for the proposed replacement. As the scheme granted in the LDC would be screened to a similar extent as the existing dwelling by the boundary planting, whereas the proposed replacement would be significantly larger and higher, given the additional prominence above the height of boundary planting, it is considered that the replacement dwelling causes a significantly greater increase in the impact of the site on its surroundings than the scheme which benefits from the LDC.

19. The issue of the increased energy efficiency of a two storey dwelling over a single storey dwelling has also been raised as a consideration, however it is not considered that this is sufficient to outweigh the harm caused by the additional height and bulk of the replacement dwelling. In addition, given the age of the existing bungalow it is considered that its energy efficiency could be considerably improved, without its replacement. A replacement dwelling more in keeping with the scale of the dwelling it replaces could also be designed to be significantly more energy efficient than the existing 1970s bungalow.
20. Consideration has also been given to the applicants' longstanding connection to the site, and their desire to return to the site and build a family home. However, it is considered that this could be achieved through the replacement of the existing dwelling with a modern, single storey, family home, which would have a significantly lesser impact on the surrounding countryside or by the scheme granted in the LDC.
21. Parking and Highway Safety – The proposed dwelling would provide similar parking and turning facilities as the existing dwelling, allowing vehicles to turn on site and exist onto the road in a forward gear. The proposed dwelling is considered acceptable in terms of its impact on parking and highway safety.
22. Residential amenity – The proposed dwelling is considered to be far enough from the neighbouring property on site that it would not cause any significant loss of privacy or residential amenity.
23. There is potential for the North facing roof windows in the proposed dwelling to provide some opportunities for overlooking of the garden area to the front of the adjacent care home, however it is not considered that this would cause any significant harm to the privacy of residents.
24. The proposed dwelling is therefore considered to be acceptable in terms of its impact on neighbouring residential amenity.

Recommendation

25. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that the application be refused Planning Permission, for the following reason(s):
 1. The proposed replacement dwelling, by virtue of its height and mass, which are significantly greater than the existing dwelling, would not be in scale or character with the dwelling it is intended to replace or with its surroundings and would materially increase the impact of the site on the surrounding countryside causing harm to the generally rural and undeveloped character of

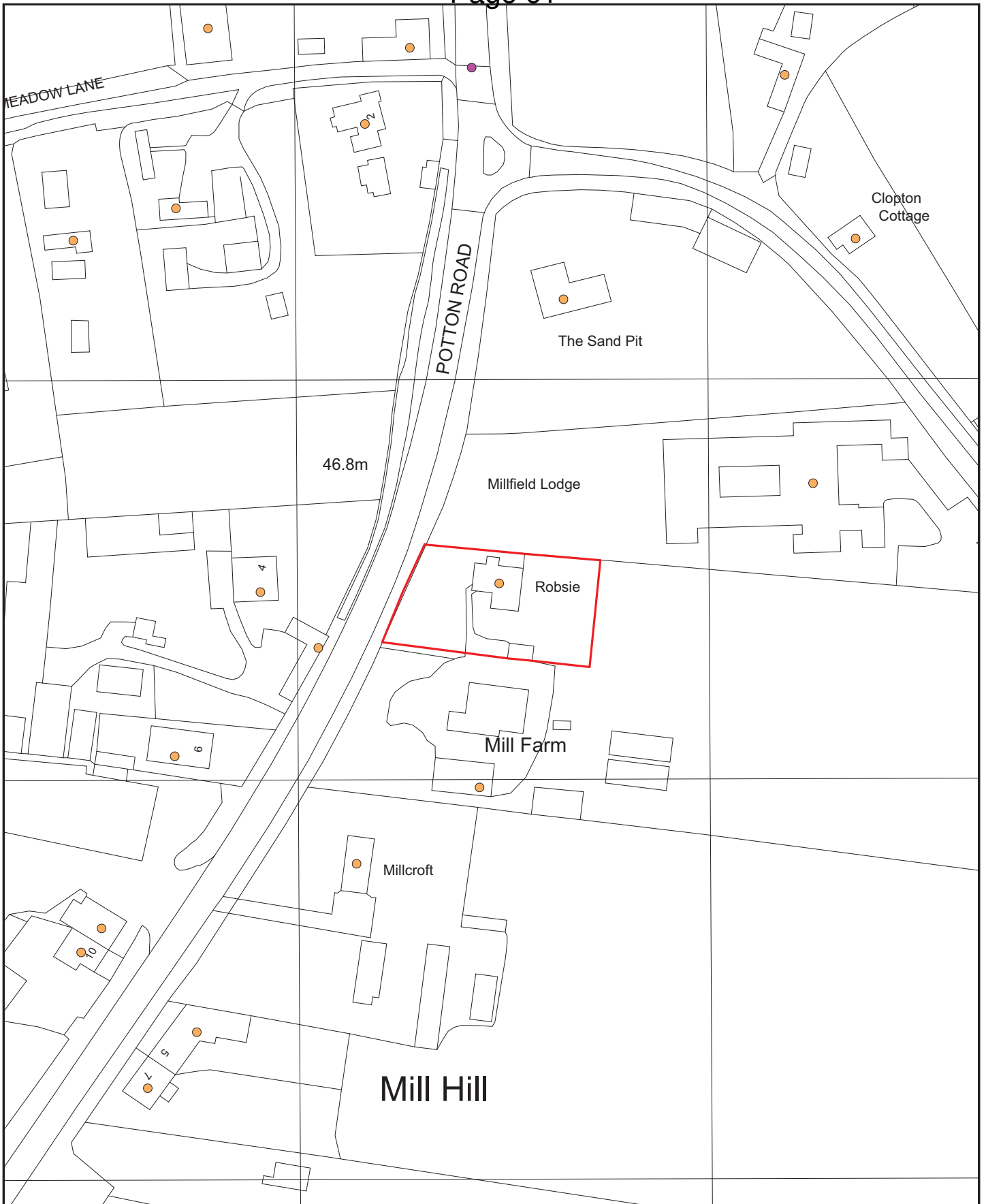
the wider countryside. The proposal is therefore contrary to policies DP/2, DP/3 and HG/7 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.

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

- **Local Development Framework Development Control Policies 2007**
- **District Design Guide SPD** adopted March 2010
- **Circular 11/95 – The Use of Conditions in Planning Permissions**
- **Planning File ref: S/0772/11**

Contact Officer: Dan Smith - Planning Officer
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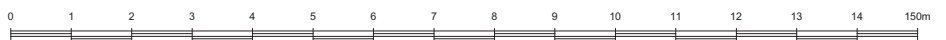
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0842/11 - HISTON**Extension and conversion of house to form two dwellings. - 1, Kingsway,
Histon, Cambridge, Cambridgeshire, CB24 9HB for Mrs Jenny Clark****Recommendation: Delegated Approval****Date for Determination: 15 June 2011****Notes:**

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

Site and Proposal

1. The application site is located within the Histon village framework and is occupied by an end-terraced render and tile dwelling that has previously been extended on its south side. The dwelling has no vehicular access or parking, with pedestrian access being obtained via Kingsway, a pedestrian footpath located on the west side of the dwelling. To the south-west are the front elevations of properties fronting Symonds Close whilst, to the rear, the site backs onto a garage and parking court at the end of Symonds Close. Between the garden and parking area is an overgrown strip of land that is a Right of Way providing individual access to the rear of properties on Kingsway. On the opposite side of the footpath to the west are dwellings located within Nuns Orchard.
2. The full application, received on 20th April 2011, proposes to extend the existing dwelling, and to convert the extended property into two dwellings. The proposed extension would be set 1.2 metres off the boundary with No.2 Kingsway and would comprise a 2 metre deep two-storey element, attached to which would be a single-storey (4.1 metre high) addition that would project for a further 4 metres beyond the existing rear elevation. The existing property is a four-bedroom dwelling and the proposal would result in the creation of 2 no. two-bedroom properties.
3. The submitted plans and supporting information show that provision would be made for the storage of three bins, as well as a shed, within the rear garden area of each property.

Planning History

4. S/0975/89/F – Extension – approved. This permission was subject to conditions requiring the provision and subsequent retention of 3 parking spaces on the site.

Planning Policy

5. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/4: Rural Centres
6. **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
HG/1: Housing Density
HG/2: Housing Mix
NE/1: Energy Efficiency
NE/15: Noise Pollution
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
7. South Cambridgeshire Local Development Framework Supplementary Planning Documents:
Open Space in New Developments – Adopted January 2009
District Design Guide – Adopted March 2010
8. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
9. **Circular 05/2005 (Planning Obligations)** - Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

10. **Histon Parish Council** - Recommends refusal, stating:

“Committee felt the extension likely to interfere with daylight to rear windows of No.2, and noted permission given in 1989 for extension (S/0975/89/F), conditional on parking being provided. This condition appears not to have been complied with; this may have increased the problems in surrounding areas of Nuns Orchard, Symonds Close and Clay Street which has become a real problem. Committee feel if this application approved it will exacerbate problems. For these reasons Committee recommend refusal.
11. **The Local Highways Authority** – Raises no objections although states that, if the application is approved, it may lead to an increase in demand for on street parking in an area of already intensive on street parking.

12. ***The Environmental Health Officer*** – Raises no in-principle objections, although expresses concern that problems could arise from noise and recommends that the hours of use of power operated machinery be controlled during the construction period.

Representations

13. Letters of objection have been received from the occupiers of No.2 Kingsway, Nos. 12 and 13 Nuns Orchard, No.14 Symonds Close and from the Narrow Lane Estate Residents Society. In addition, 2 further letters of objection have been received from local residents, but with no postal address provided. The following concerns have been raised within the letters of objection:

- Due to the height of the proposed single-storey extension and its proximity to the boundary with No.2 Kingsway, it would have an overbearing presence upon the rear courtyard area.
- The proposed extension would dominate and overlook adjoining properties.
- Kingsway residents currently park in Nun's Orchard and opposite the Old Farm Close junction on Clay Street. This contributes to problems such as blocking the turning area at the end of Nun's Orchard (particularly for emergency and service vehicles), parking on the pavement, obstructing visibility from private driveways, and obstructing the Old Farm Close/Clay Street junction.
- Due to problems of on-street parking in the area, off-road parking for at least two cars should be provided on the site.
- The previous planning application for the property was subject to a condition requiring the provision and maintenance of 3 parking spaces. For many years, the access track to the rear has been impassable to vehicles and these conditions have not therefore been complied with.
- One local resident notes that re-establishing the right of way to provide parking could be detrimental to pedestrian safety as this right of way is also the entrance for the Kingsway footpath.
- How would access be obtained for building works? The Narrow Lane Estate Residents' Society would object to any proposed access across either the garage forecourts to the rear, which are jointly owned and maintained by the 22 garage owners, or across the grassed areas at the front of Nos. 12 – 17 Symonds Close, which are owned and maintained by the Residents' Association.
- No.2 Kingsway has a legal right of access across the existing property. The plans should therefore ensure this right is maintained.
- If the land to the rear is to be cleared in order to provide vehicular access, the trees at the bottom of the garden should be retained and maintained at their existing height.

Planning Comments

Principle of development – density and mix issues

14. The subdivision of the existing dwelling in order to create two separate properties would equate to a density of approximately 71 dwellings per hectare. This is in compliance with the minimum density of 40 dwellings per hectare required by Policy HG/1 within the more sustainable settlements such as Histon.
15. Policy HG/2 of the Local Development Framework requires 40% of all new dwellings to comprise one or two bedrooms. In this case, the replacement of the existing four-bedroom property with 2 x two-bedroom dwellings would be in compliance with Policy HG/2.

Impact upon the character of the area

16. The proposal involves the addition of a part two-storey, part single-storey extension to the rear of the existing dwelling. The rear elevation of the house is relatively prominent in views of the site from Symonds Close to the rear. However, the two-storey element would be just 2 metres deep and would incorporate a hipped roof and a lower ridge line than that of the main dwelling. It would therefore be subservient in appearance to the main house.
17. The conversion of the extended property to form two dwellings would result in the subdivision of the existing rear garden into two narrower plots. No.1 Kingsway occupies a wider plot than that of the other dwellings within Kingsway, and the resultant plot widths would be comparable to those of nearby dwellings.
18. Taking the above points into consideration, it is considered that the development would not result in undue harm to the character and appearance of the area.

Residential amenity

19. The proposed two-storey extension would be approximately 2 metres in depth and would protrude no further into the garden than No.2 Kingsway's single-storey rear extension. As this element would also be set off the boundary by around 1.2 metres, it would not result in an unacceptable loss of light or outlook to either the ground floor kitchen window in the single-storey or the first floor window in the main rear elevation.
20. The proposed single-storey extension would project a further 4 metres beyond the two-storey element. As referred to above, there is a kitchen window in the rear elevation of No.2 Kingsway, whilst there are also two-bathroom windows in the south side elevation of this property's single-storey rear element. A 45 degree line drawn from the centre of the kitchen window would clip the very end of the proposed single-storey extension. However, this would be set 1.2 metres away from the boundary and would be designed with the roof sloping away from the boundary. In addition, the adjacent part of the neighbour's property is used as an access/footpath to the garden, with the main sitting-out area being located to the rear of the longer single-storey element at the back of the house. As a result, this extension is not considered

to result in an unacceptable loss of amenity to the occupiers of No.2 Kingsway.

21. The proposal seeks to insert two additional first floor windows into the side elevation of the existing house. In order to prevent overlooking of No.17 Symonds Close to the south-west, these should be required by condition to be fixed shut and obscure glazed (apart from any top-hung vent). A condition should also be added to any consent preventing the insertion of any further first floor windows in the side elevations without planning permission, in order to protect the amenities of residents in Symonds Close as well as No.2 Kingsway.

Parking and highway safety issues

22. Significant concerns have been raised by the Parish Council and local residents on the basis that the existing property has no off-street parking, and that the creation of an additional property would exacerbate existing on-street parking problems in the area. The Local Highways Authority has also referred to this problem, although has not specifically recommended refusal on highway safety grounds.
23. The streets in the vicinity of the site, namely Clay Street, Symonds Close and Nuns Orchard, have no on-street parking restrictions. In addition, the proposal, whilst increasing the number of dwellings on the site, would not result in any increase in the current number of bedrooms. The parking requirements for two small properties are therefore unlikely to be substantially different to a single large family dwelling. A further factor to take into consideration is that the site is located within Histon, a large, sustainable settlement with a very good range of services and facilities within easy walking and cycling distance of the site, as well as good public transport and cycle links to Cambridge. Unlike the situation in more isolated villages, therefore, residents would not necessarily need to own or rely upon a car. Taking these factors into consideration, together with the lack of any specific objections from the Local Highways Authority, the application is considered, on balance, to be acceptable from a highway safety perspective.
24. Reference has been made to the fact that conditions attached to the 1989 planning permission, requiring the provision of three parking spaces on the site, have not been complied with. It appears from the evidence provided within the responses and Design and Access Statement, as well as from the physical condition of the land, that this situation may well have been in existence for in excess of 10 years, in which case it would be immune from enforcement against any breach of condition.
25. The Design and Access Statement explains that the rear access has fallen into disuse but that the applicant is making enquiries at present to establish the legal status of the land, and hopes to be in a position in the future to provide two parking spaces (one for each property) within the garden area. These spaces have been indicated on the site plan but, it must be stressed, do not form part of the application and, as per the discussion above, the application has been considered on the assumption that there would be no off-street parking provision for either dwelling.

Infrastructure requirements

26. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. Based on the increase in the number of dwellings and a comparison of the number of bedrooms in the existing and proposed properties, this amounts to £230.90, as calculated at the time of the application. It would also result in the need for a contribution towards the provision of indoor community facilities (£38.97), and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £350). The applicant's agent has confirmed the client's agreement to such payments.

Access arrangements

27. A number of concerns have been raised regarding how access would be obtained for building works. The applicant's agent has confirmed that no access would be sought across the garage forecourts and grassed areas within Symonds Close. All materials used in the development would be off-loaded from goods vehicles parked temporarily in the turning area of Nun's Orchard. From there, they would be met by the contractor's labourers and wheeled in barrows (or similar) along the footpath, through the entrance gate and onto the site. Removal of debris and demolition materials would follow a similar pattern. Non-hazardous materials would be loaded onto the truck and taken to a licensed recycling centre whilst any hazardous materials uncovered would be dealt with in accordance with statutory regulations.
28. With regards to the concerns raised by No.2 Kingsway regarding maintenance of the existing legal right of access across the property, the Design and Access Statement makes reference to this arrangement. However, a copy of the neighbour's response has been forwarded onto the applicant's agent and any response received will be reported to Members in an update prior to the Committee meeting.

Recommendation

29. Approval:
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: 1:1250 site location plan, 2010-1039-03, 04, 05 and 07.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. The materials to be used for the external walls and roofs of the extensions hereby permitted shall accord with the specification in the application form and approved plans, 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 Local Development Framework 2007.)

4. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason – To minimize noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
5. 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 side elevations of the development 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.)
6. Apart from any top hung vent, the proposed first floor windows in the side elevation of the existing dwelling shall be fixed shut and 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.)
7. No development shall begin until details of a scheme for the provision of recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009)
8. No development shall begin until details of a scheme for the provision of community facilities infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards community facilities infrastructure in accordance with Policy DP/4 of the adopted Local Development Framework 2007)
9. No development shall begin until details of a scheme for the provision of household waste receptacles to meet the needs of the development in

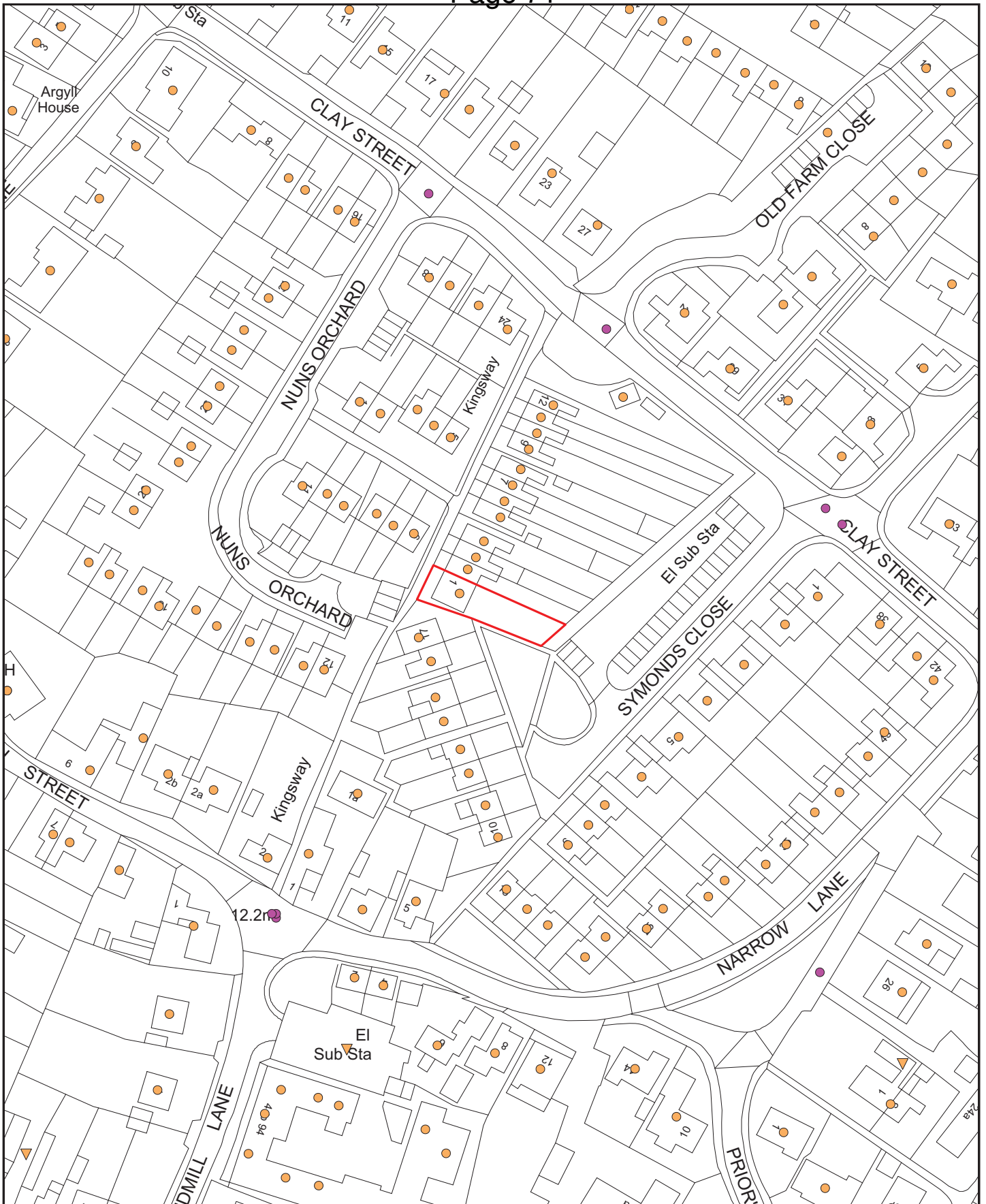
accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To ensure that the development contributes towards the provision of household waste receptacles in accordance with Policy DP/4 of the adopted Local Development Framework 2007)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Open Space in New Developments – Adopted January 2009, District Design Guide – Adopted March 2010.
- Circular 11/95 and 05/2005
- Planning File References: S/0842/11 and S/0975/89/F.

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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 July 2011

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

S/0710/11 – ORCHARD PARK**Erection of 34 Dwellings and Associated Infrastructure at Land Parcel H1, Orchard Park, Kings Hedges Road, Cambridge****Recommendation: Delegated Approval****Date for Determination: 6 July 2011****Major Application****Members will visit the site on 4 July 2011.****This Application has been reported to the Planning Committee for determination because the concerns of Orchard Park Community Council are not satisfied by the officer recommendation.****Site and Proposal**

1. This site is a broadly L-shaped parcel of land, flat and open in nature, measuring approximately 0.43ha in size. It is located at the junction of Kings Hedges Road and Chieftain Way, within the Orchard Park development site. The site is largely surrounded to the south-west and north-west by new build housing, although the Orchard Park Community Centre lays adjacent to the most western tip of the application site. The housing is broadly a mixture of 2 and three storey houses, and flats, with the housing to the south-west accessed via an existing roadway (Cornell Court) which bi-sects the site and is separated from the site by 2 metre high close boarded fencing and a brick built electricity substation. The Community Centre is a single storey structure, featuring a curved 'green' roof, whose principle aspect faces away from the application site, over an area of green open space. The facing elevation of the Centre does include some secondary openings and plant that adjoin the application site. An equipped play area and general circulation routes also abut the Community Centre, with footpath links separating the application site from such various spaces. Across the road from the application site, to the north-east is a vacant parcel of land. This land, identified as land parcel G in the Orchard Park Design Guide, is designated for housing, but, as yet, does not benefit from detailed planning approval in this regard. The applicants for the current proposal are also seeking to develop this land.
2. The current application, received on dated 6 April 2011, and amended on 18 April 2011 and 2 June 2011, seeks consent to erect 34 market dwellings on the site, with associated roads, sewers and ancillary works. The dwellings would be provided as a mixture of 3 bedroom 2 1/2 storey houses, and 2 bedroom flats. Parking for the dwellings is proposed to be achieved through a series of 4 internal parking courts, incorporating garaging, carports and open spaces.
3. The scheme equates to a density of 79 dwellings per hectare (dph).

4. An amendment, received on the 6 April 2011 provided a corrected Planning Statement and the submission of financial viability information in respect of the proposed scheme.
5. In response to comments raised by the Council's Urban Design Officer, the County Council's Highways Department, Cambridgeshire Police and Sustrans, the agent has submitted revised drawings received 2 June 2011 which show revisions to the site layout to increase the widths of garages, provide additional cycle parking, relocate the disabled parking spaces to nearer the buildings, revise some proposed boundary treatments and provide dimensions for internal roads, shared surfaces, garages and visibility splays. Corrected application forms were also received in respect of the proposed method of surface water disposal.
6. The application is supported by:
 - Planning Statement, including:
 - Affordable Housing Statement,
 - Viability Report and
 - Draft Planning Obligations
 - Design and Access Statement
 - Flood Risk Assessment
 - Utilities Report
 - Landscape Proposal Plan
 - Transport Statement
 - Waste Management Strategy
 - Health Impact and Sustainability Statement, including:
 - Waste Management Strategy/Waste Design Guide Toolkit
 - Air Quality Assessment
 - Noise Assessment
 - Renewable Energy Statement and
 - Water Conservation Strategy

Planning History

S/2379/01/0 Outline planning permission for the erection of Orchard Park, comprising 900 dwellings, employment, retail, leisure, social/community Uses, open space, educational facilities and associated transport infrastructure.

The application was the subject of a Section 106 Agreement, which secured a series of payment and other provisions including the following:

- County Council: £2.2m for Education Infrastructure, £2m towards the Cambridge Guided Bus, £635,920 towards Interchange Infrastructure and £4.264m towards the North Cambridge Area Transport Plan (with a built in period for review upon the construction of the 300th dwelling on site – this subsequently translated into a lower number figure being paid due to progress on site);
- £100,000 for the provision of Public Art,
- Combined total of approximately £209,400 for the provision and maintenance of community infrastructure/development, alongside requiring the

provision and transfer of the existing Community Centre.

- Landscape and sports pitch maintenance sums, totalling approximately £427,400

S/0981/08/RM Reserved matters application for the erection of 34 dwellings with associated infrastructure was refused on design grounds. Four key areas of concern were raised: 1) the visual relationship between the proposed development and existing adjoining sites; 2) physical relationships between the units proposed within the development within the context of the adopted Design Guide for the wider site; 3) overbearing impact upon existing adjoining residential dwellings and 4) insufficient accommodation of designing crime out of the parking areas within the site.

Planning Policy

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

Circular 05/2005 – Planning Obligations: States that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. This advice has been reissued in the Community Infrastructure Regulations 2010

8. **South Cambridgeshire Core Strategy DPD 2007**
ST/2 (Housing Provision)
9. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 (Sustainable Development)
DP/2 (Design of New Development)
DP/3 (Development Criteria)
HG/1 (Housing Density)
HG/2 (Housing Mix)
SF/6 (Public Art and New Development)
SF/10 (Outdoor Playspace, Informal Open Space and New Developments)
SF/11 (Open Space Standards)
NE/1 (Energy Efficiency)
NE/3 (Renewable Energy Technologies in New Development)
NE/6 (Biodiversity)
NE/9 (Water and Drainage Infrastructure)
NE/11 (Flood Risk)
NE/12 (Water Conservation)
NE/15 (Noise Pollution)
TR/1 (Planning for More Sustainable Travel)
TR/2 (Car and Cycle Parking Standards)
TR/3 (Mitigating Travel Impact)

Site Specific Policies DPD (2010)

SP/1 (Cambridge Northern Fringe West – Orchard Park)

Trees and Development Sites SPD (2009)
Open Space and New Developments SPD (2009)
District Design Guide SPD (2010)
Landscape in New Developments SPD (2010)
Arbury Camp Design Guide (8th March 2007)
Orchard Park Design Guidance SPD (March 2011)

Consultations

10. **Orchard Park Community Council** – recommends refusal of the scheme. They have raised detailed concerns regarding the following points:
 - Height, mass and design of the building containing the flats proposed to be on the entry to Orchard Park from Kings Hedges Road (a key gateway building)
 - Particular concerns regarding the number of windows on the flat building on the corner of Kings Hedges Road and Chieftain Way
 - The colour of the rendering on the street houses fronting the Central Avenue
 - Whether the mix of dwellings proposed accords with emerging Subregional Housing Market Assessment (SHMA).
 - Considers that the application is unambitious in respect of the use of renewable technology
 - The nature of the parking bays in relation to the landscaping of these spaces and the number of cars within each area, relative to the Orchard Park Design Guide.
 - Lack of information regarding whether sufficient provisions have been made for cycle parking.
 - Insufficient information regarding the S.106 proposals, and particularly in respect of Public Art provision. In addition to suitable Public Art provision, the Community Council would like to see payments made to further to support the education and community facility provision for Orchard Park residents.
 - Lack of consultation with the Community Council from the Developers.
 - Concerns regarding previous experiences of mud on roads during construction phase of development.

11. **SCDC S106 Officer** – commented that, in terms of the viability appraisal submitted by the applicants, the assumptions as to sales values and build cost are relevant in today's market, but it is very apparent that they acquired the land for a considerable sum. Slight variations could be made to the appraisal, but it won't result in closing the gap (between the Grimley appraisal tool's proposed land value and the price that the applicant purports to have paid for the land). Queries whether the Authority has received any evidence of the applicant's claim to recover the quoted land value.

12. **SCDC Scientific Officer** – originally raised concerns regarding the submitted Air Quality report, due to both the model input and output data submitted, querying the accuracy of modelled NO₂ concentrations, impact of the delayed A14 widening, traffic data for the A14 slip road, and the Cambridge Guided Bus. Commented that the conclusions of the original report could not be agreed without a satisfactory air quality assessment and requested that modelling be carried out again. Following the submission of additional information, he has commented that his concerns have largely been satisfied, although he is still not convinced by one of the predicted NO₂ concentrations. He is, however, willing to accept the findings of the report given that monitored levels of nitrogen dioxide and PM_{2.5} are significantly below the relevant National Objectives. He agrees with the conclusions that no mitigation measures will

be required for this particular proposal, although this would not necessarily be the case for other developments within Orchard Park.

13. **SCDC Environmental Health Officer** – has considered the proposals against a broad range of environmental health considerations, including demolition/construction phase noise/dust, traffic noise, artificial lighting, contaminated land, health impact and operational/residential waste/recycling provision. In principle he does not raise an objection to the scheme, and finds that no further action is required in respect of health impact or contaminated land. However, he queries some of the noise findings, whilst commenting that further information is required in respect of construction noise/dust, and artificial lighting. To resolve these issues he recommends the use of a number of conditions and informatives requiring the submission of additional information prior to works commencing.
14. **SCDC Joint Urban Design Team** – commented that they have been involved in numerous pre-application discussions prior to the scheme being formally submitted. They believe that the current layout and design satisfactorily addresses the issues raised in the previously refused application. The current scheme meets the urban design requirements for appropriate design response to its context, public realm and landscape framework, creating a sense of place and active public realm stated in the District Design Guide (March 2010).
15. However, commenting on the scheme as originally submitted, they feel that there is certain amount of detailing that requires further refinement for the scheme to work on the whole. One key area was the width of proposed garages needs to be a minimum of 3m wide or in accordance with the dimensions suggested in the SCDC District Design Guide (March 2010). Amendments were also required for the access arrangements to bins on properties 5 and 8 to work effectively. Revision to the car parking spaces for units 10, 13 and 9 based on 'Lifetime Homes units' ease of accessibility. Given the heavy use of render on this scheme, the materials and colour palette need to be carefully assessed at all levels of delivery to ensure high quality for the development.
16. They therefore recommended approval of the above application, subject to amendments to the above issues. The amendment, received on 2 June 2011, satisfied the concerns regarding garage width, bin access for properties 5 and 8 and the arrangement of the parking spaces for units 10, 13 and 9. The outstanding element of the comments to be satisfied related to the use of the colour palette.
17. **Joint Enabling and Development Officer (Affordable Housing)** – comments that the decision to not accept affordable housing on this site has previously been agreed.
18. **Local Highway Authority (LHA)** – originally raised comments that the internal roads, parking spaces and garages, and vehicular and pedestrian visibility splays were not annotated on the drawings, and outlined their requirements for these elements of the scheme. They have also queried whether the shared road surface is to be offered for adoption. Provided that the applicant could satisfy those elements, the LHA request a number of conditions be added to any consent to control elements of construction of the roadways including drainage specifications, restricting the use of unbound materials, the use of gates without prior permission from the LHA, restricting buildings overhanging the public highway, provision of visibility splays and manoeuvring areas. In correspondence, the LHA have accepted that visibility splays for the parking courts can be achieved by measuring from the centre line of the accesses.

19. **Environment Agency** – has confirmed that the submitted Flood Risk Assessment is acceptable in principle.
20. **Sustrans Cambridgeshire** – commented in respect of the proposals, as originally submitted, that little is said in the Design and Access Statement about cycles or cycling, and it appears from the ground floor plan that little thought has been given to locating them conveniently for residents. There appeared to be a lack of spaces for some plots, with further plots located with awkward access arrangements. The parking in this development failed to meet adopted policy intentions, and should be required to meet them in quantity and convenience of use.
21. The amendments to the scheme have included the provision of an additional 10 visitor cycle parking spaces, located in close proximity to the accesses serving the flat accommodation. Additionally, the garages serving the dwellings have been increased in size to allow for ease of car access and facilitating internal cycle storage by meeting SCDC Design Guidance. No comments have been received from Sustrans in respect of the amended details.
22. **Police Architectural Liaison Officer (PALO)** – comments that the area within which the application site is set suffers from an average level of crime and disorder. Considering the proposals, he queries the nature of surveillance afforded to some of the parking areas/spaces from the existing and proposed dwellings. With regard to Secured By Design principles, he makes a number of detailed comments in respect of preferred boundary treatments along rear and sides of gardens, recommends the provision of gates to parking courts, provision and nature of street lighting and technical specifications in construction in respect of windows, location of utility boxes, letter box construction, access control systems and internal communal bicycle stores.
23. **Cambridgeshire County Council’s Financial Planning Officer** – comments that “The County Council would be seeking to secure a Northern Corridor Area Transport Plan (NCATP) contribution for this application. In accordance with the adopted policy, 34 dwellings would be expected to generate 289 multi-modal trips. A trip is costed at £399. Therefore we would wish to secure a NCATP contribution of £115,311 (£399 x 289).
24. With regard to education, the proposed development falls within the catchment of Orchard Park Primary School. This School has permanent accommodation available for 120 places. From 2012, the School is expected to be full and will remain full. The County Council has identified the need for a 90 place extension to Orchard Park Primary that is estimated to cost £1.6m. This project has been identified in the County Council's Integrated Plan and is scheduled for commencement in 2013/14. Using our detailed multiplier, we would expect this development to accommodate 3.6 children of primary school age. Therefore these children would take up 4% of the 90 place extension. 4% of £1.6m = £64,000. We therefore seek a primary education contribution of £64,000. In addition, there is also a shortage of pre-school places in the area. We would expect this development to accommodate 1.2 children of pre-school age. The County Council cost a pre-school place at £8,400. Therefore we seek a pre-school contribution of £10,080.
25. The secondary catchment is Manor CC which has sufficient capacity to accommodate the expected demands from a development of 34 dwellings.
26. **S106 CONTRIBUTIONS**

NCATP = £115,311

Education = £74,080 (£64,000 Primary and £10,080 Pre-School)

TOTAL = £189,391”

27. **Cambridgeshire Guided Bus Team (CGB)** – recommend that any development adjacent to and interfacing with the CGB (such as the current proposal) should be conducted in accordance with the CGB’s ‘Guidance for Developers’ and ‘Operations Policy’. They have provided copies of this guidance, which has been forwarded to the applicants, but covers items such as operational issues during construction, nature and type of landscaping suitable alongside shared boundaries and the need for the development to suitably mitigate the noise and vibration that may occur as a result of the proximity to the CGB once operational. The CGB team also request a condition requiring the prior approval of design and construction methodology, to address the issues contained within the guidance, but particularly concerning any footway connection between the application site and the CGB.
28. **Anglian Water** – has made comments in respect of their assets within the site, waste water treatment, foul sewerage provision and surface water disposal. In respect of their assets they have commented that their location should be taken into account within any design for the site or, if not possible, diversion should take at cost to the developers. Regarding waster water and foul sewerage treatment they have noted that sufficient capacity exists within the existing network to cater for the needs of the development. In respect of Surface Water drainage they consider the submitted water strategy/flood risk assessment to be acceptable and request a condition of consent requiring that the development shall not be occupied until the works have been carried out in accordance with the strategy, to prevent future environment and amenity problems arising from flooding.

Representations

29. No representations have been received from residents or other parties adjoining the site. However, following discussions with the Local Planning Authority, the applicants have indicated that they would be willing to submit a Unilateral Undertaking (UU), to accompany the scheme. The UU would provide for contributions of £6,000 to be paid towards a scheme of Public Art to support the development, and contributions of £115,311 to be paid towards achieving the aims of the North Cambridge Area Transport Plan (NCATP), subject to suitable criteria being agreed for basis and timing of payments. It is understood that draft wording for such an undertaking is to be presented to the Authority, although this has not been received at the time of preparing this report to members. Members will be verbally updated on progress at the meeting.

Planning Comments

30. The application site is one of the remaining land parcels, originally identified for the construction of residential units at the time of granting the outline planning consent for Orchard Park. Although the outline consent for the site has now expired, the principles of developing the site for residential units remain through the original design guide for the site (adopted in March 2007) and unaltered through the recent adoption of the Orchard Park Design Guidance earlier this year (2011). Accordingly, the principle of developing the site for residential accommodation is deemed acceptable, subject to all other material planning issues being satisfied.

31. In light of the above, the nature of the development proposed and the comments received I consider the following to represent the key planning issues to be considered for the current proposal:
- Character and Design
 - Car Parking and Highway Safety
 - Mix of Dwellings, including affordable housing provision
 - Contributions towards Supporting Infrastructure/Public Art
32. As noted in the planning history section above, this scheme follows on from an earlier proposal for 34 dwellings on the site, which was refused principally on four points: (a) the height, scale and massing of the landmark building. Un-distinctive architecture and detailing for a key landmark building at junction of Kings Hedges Road and entrance to Arbury Park; (b) the inconsistency of design elements and visuals between adjoining and existing parcels; (c) the disjointed building lines, which were out of keeping with the principle of continuous frontage mentioned in the Arbury Camp Design Guide (d) the relation between two storey dwellings of land parcel H2 that front on to the public open space of 'the square' would have unduly over bearing height detrimental to the amenities of the adjoining properties.
33. Following the refusal of this scheme officers from the Local Planning Authority have discussed the proposals at length with the applicants, with a view to overcoming the previous reasons for refusal and providing an acceptable development proposal.

Character and Design

34. Considering the previous reasons for refusing the earlier scheme one of the key design considerations to take into account was the existing context between the application site, parcel H2 to west, which abuts the site and G to the east, and the Arbury Camp Design Guide, to ensure the development relates to its surroundings without causing a conflict in terms of height, scale and massing whilst delivering a strong landmark building at the Kings Hedges Road junction with entrance to Orchard Park.
35. Although mindful of the Community Council's concerns regarding the design of the scheme, officers consider that the current proposal rectifies a major concern on the previously refused scheme in that it is considered to be of appropriate scale and massing along this key entrance frontage to Orchard Park.
36. The proposed form introduces an interesting composition of varied sight lines and colours along Kings Hedges Road due to its position and visual dominance on the junction with appropriate level of fenestration. The proposed rooflines tie in successfully with the adjoining parcel H2's existing pyramid style roof and go on to complement each other effectively along this section of Orchard Park.
37. Officers consider that the proposed form, height and massing provides the appropriate extent of closure along Kings Hedges Road junction and generally along the approach roads with key a focal point to 'The Square' area, which will be much appreciated within the given context. The residential dwelling types proposed facing onto Central Avenue, although featuring varied render colours for projecting elements on their frontage, generally accord with the character of development already prevalent in the street scene, and so are therefore considered to be acceptable.
38. There was also a concern raised in the previous application over the adjoining and proposed heights overlooking the Community Centre. This has been addressed by a

subsequent reduction in height to the ridgeline of the units overlooking the Community Centre in relation to existing two storey units on Parcel H2.

39. In considering the site layout, the scheme suggests a strong building line along the edge of the street with main access to the units placed strategically along the street frontage. Officers consider that this adequately rectifies the concern raised about the principle of continuous building line in the previous scheme and conforms with the Arbury Camp design Guide (March 2008). The layout is considered to provide a better definition to the public realm particularly along where the scheme faces onto the Community Centre. As recommended this part of the scheme has been reassessed to address the issue of intermediate spaces within the existing phases. To ensure definitive boundaries between public and private realms and avoid any in-between left over spaces a green buffer has been proposed between the dwelling overlooking community centre and public footpath. This clearly rectifies the concern raised over the previous scheme.
40. Further considering the Community Council's concerns regarding the proposed fenestration of the landmark building on the corner of Kings Hedges Road and Chieftain Way, again officers consider that the landmark building form has been appropriately broken up by use of varied sightlines, fenestrations and materials. Although the building contains a significant number of openings, required to provide sufficient light into the internal accommodation, these are designed featuring variation in size and shape so as to provide visual interest to the exterior.
41. Noting the concerns expressed regarding the proposed mixture of facing renders, officers also consider that particular attention should be taken to ensure that the final treatment of these elements does not detract from the overall quality of the scheme or result in elements of the scheme being incongruous in the street scene. Given the range of materials and colours being used on the building to create a strong form, officers consider that this needs to be particularly carefully executed and therefore propose that a condition of consent requires specific additional details of external materials be submitted for approval prior to development being commenced.
42. Noting the comments of the Community Council in respect to lack of engagement in the design process, officers are meeting with the Council to discuss the scheme on 24th June 2011. Members will be updated verbally at the Committee meeting of any additional matters should they arise from that meeting.

Car and Cycle Parking and Highway Safety

43. The scheme provides for 49 parking spaces across the site as a whole, an average of just under 1.5 spaces per dwelling. This provision, in basic terms, meets the Council's adopted parking standards for domestic dwellings.
44. Through amendments to the scheme, the applicant has sought to address the concerns of the Council's Urban Design Team, Sustrans and the Community Council in respect of usability of the spaces and the degree of cycle parking provision offered through the scheme, by amending the widths of the garages, so that they now meet the standards sought within the Council's adopted Design Guide SPD to include sufficient circulation space around vehicles to make the spaces more usable, as well as providing additional cycle parking within the garages (for those dwellings that benefit from them). In addition to the increased garage sizes, the applicants have provided additional cycle storage racks outside the proposed flats on both the corners of Kings Hedges Road/Chieftain Way and Chieftain Way/Central Avenue. This has served to provide an additional 14 cycle parking spaces, over and above additional

space being available within garaging for cycle storage and the provisions made within the footprint of the flat buildings originally. This has resulted in the total provision of a claimed total of 102 cycle parking spaces across the site, an average of 3 spaces per dwelling. Whilst some of these spaces are located within garage accommodation, and therefore cannot be guaranteed to be used as such, the total provision is so far in excess of the minimum standard of 1 space per dwelling as required by the Council's adopted policy, that the provision is considered sufficient to meet the likely demands of the development.

45. Noting the comments of the Local Highway Authority, in respect of the intention to adopt the internal roadways, the applicants have not stated whether it is their intention for the roads to be adopted. With the exception of the internal parking courts, however, the only roadway to cross through the site is Cornell Court, which links land Parcel H2 to Chieftain Way. The applicants have annotated the plans to illustrate that this roadway meets the sufficient dimensions required for adoption purposes, should this be the intention of the applicants in due course.
46. The remaining accesses within the proposed development relate to shared parking courts, a feature not uncommon to other developments within Orchard Park. The scheme includes four such spaces, providing 8, 8, 9 and 15 spaces respectively. No mention is made of any intention to gate these parking courts. Noting the comments of the Community Council, in respect of the number of spaces provided in comparison to the number of spaces suggested as a typical maximum for parking courts within the Arbury Park Design Guide, whilst it is accepted that the number of spaces exceeds the suggested guidelines, it is important to consider the overall functionality of the spaces, when considering the design. The spaces have been arranged so that, for the most part, no more than four or five households are making use of the parking courts, providing for an overall level of natural management of the spaces, whilst the areas are designed to allow sufficient space for internal vehicular movements to allow vehicles to enter and leave in a forward gear. The exception to this is the parking court provided to the rear of the landmark building on the corner of Kings Hedges Road, where a total of 14 households would be accessing the parking area. This space, however, is laid out so that it functionally works, whilst also allowing for a degree of internal landscaping, to soften the appearance of the space. Given that the design of the space works from a functional perspective, whilst being landscaped to a degree, officers are satisfied that given the space constraints available within the scheme, combined with the typically higher density of flat accommodation compared with more traditional detached or semi-detached dwellings, the approach adopted is acceptable for the scheme.
47. Noting the other comments of the Local Highway Authority, officers are satisfied that the issues in respect of construction of the roadways including drainage specifications, restricting the use of unbound materials, the use of gates without prior permission from the LHA, restricting buildings overhanging the public highway, provision of visibility splays and manoeuvring areas can all be reasonably controlled by planning condition, should members be minded to approve the scheme.
48. Officers have also considered the comments of the Police Architectural Liaison Officer, in respect of surveillance of parking courts, the treatment of site boundaries and other security issues. With regard to surveillance, whilst the comments are noted, officers have reconsidered the position of windows and other openings in the proposed structures. Generally, most areas of the parking courts are afforded surveillance through the location of windows, which would face over the communal areas within the site. The only such areas that are not so well observed are those areas whereby overlooking windows would present a potential loss of privacy to the

gardens of adjoining residential dwellings in land parcel H2. The amenity of these dwellings needs to be preserved when considering the current proposals. Officers are also mindful that views are afforded into the site at ground level from the entrances to the parking areas. Whilst officers accept this is not an ideal solution, this would provide a degree of openness that may serve to deter anti-social or criminal behaviour.

49. Noting the comments in respect of the use of more defensible boundary treatments, the applicants have amended some outline boundary details to make them more robust. Specific boundary details can be required by planning condition, to ensure that all boundaries are suitably detailed for aesthetic and security purposes. With regard to the use of gates to enclose the parking courts, this is not a feature typical to Orchard Park, and would serve to significantly alter the character of the streetscene, as well as potentially pose issues for highway safety, including requiring vehicles to wait in the public highway whilst gates are opened and/or also impacting upon manoeuvring spaces and visibility splays. Accordingly, whilst gates may be attractive from a security perspective, officers would not recommend their inclusion for the reasons outlined above. The other elements raised by the PALO, in respect of construction matters, have been forwarded to the applicants for their consideration at the detailed implementation stage of the scheme, should members be minded to approve the development. The elements covered do not pose any material planning consideration for the scheme, but present issues for the developer should they wish to obtain Secure By Design accreditation.

Mix of Dwellings, Including Provision of Affordable Housing

50. The comments of the Community Council, in respect of the proposed mix of dwellings on the site, are noted. The scheme proposes the erection of 22 2-bedroom flats, and 12 3-bedroom dwellings. No provision is made on site for 1 bedroom accommodation, or larger 4 or 5 bedroom accommodation. Whilst such a mix, taken in isolation, would not typically accord with the mix standards set out in policy DP/2 of the adopted LDF, it is important to consider that the site, although submitted as a full proposal, was planned as part of the wider Orchard Park development site. At the time of considering the outline consent for the development as a whole, the Planning Inspector considered how residential mix should be apportioned across the site so as to achieve a mixed and balanced community, whilst achieving deliverability for individual land parcels. In this regard, the mix of dwellings apportioned across the Orchard Park development as a whole, meant that some land parcels were identified as being suitable for a concentration of larger residential units, whilst others were identified as being more suited to smaller units of accommodation. In the case of the current site, the mix was envisaged as smaller units of 1, 2 and 3-bedroom accommodation. Whilst the development does not include any 1 bedroom units, and notwithstanding that the application has come forward as a full, rather than reserved matters proposal, in light of the above, the scheme is considered by officers to propose a mix that continues to serve the overall needs for Orchard Park.
51. In respect of the provision of affordable housing on the site, the scheme does not make any allowance in this regard, after land parcel C3, from the same developer, came forward featuring 100% provision of affordable housing, rather than the previously anticipated mix of affordable and market units. The application has set out evidence to demonstrate that the mix of units proposed across the two land parcels, in combination with land parcel G, which has yet to come forward with a suitable scheme, would continue to meet the Council's strategic aim of achieving 40% affordable housing across the whole of the Orchard Park site.

Contributions towards Supporting Infrastructure/Public Art

52. Through representations made during the consideration of the application, as members will note above, Cambridgeshire County Council have sought payments from the developers to support the infrastructure requirements of the development in respect to education and transport. In addition the Community Council have also requested that provisions be made for further funding towards the education provisions on Orchard Park, to community infrastructure and public art. With regard to the latter point they have queried the details proposed by the applicants, considering them to lack clarity, whilst they have set out their own opinions in respect to the sought highway infrastructure payments from the County Council.
53. Officers, including the Council's Section 106 Officer and Planning Lawyer, have discussed the sought sums, in addition to the viability arguments that have been put forward by the developers.
54. In considering the sought education and community infrastructure payments, officers have had regard to the fact that payments for such infrastructure was secured under the terms of the Section 106 agreement for the development of Orchard Park as a whole, which secured sums based upon the erection of 900 dwellings (a breakdown of the sums secured is outlined above in the planning history section of this document). Regard has also been had to the criteria set out in Circular 05/2005 for assessing whether requested infrastructure payments can be sought which states that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.
55. Notwithstanding that the current application has been submitted as a full, rather than reserved matters application, given the criteria contained within the circular, and given that education and community infrastructure payments have previously been paid for Orchard Park to meet the calculated needs of up to 900 dwellings, it is officers opinion that until there is permission for more than 900 dwellings at Orchard Park, there should not be any revisiting of the education or community infrastructure contributions as these facilities should have been planned to be accommodated through the terms of the 2005 outline planning consent. At present, the number of dwellings that benefit from planning consent across Orchard Park is 810, leaving capacity for a further 90 dwellings to be consented before additional infrastructure requirements can be considered. In reaching this view, officers had regard to recent consideration of the situation in Cambourne, where, in effect, it is considered that a precedent has been set, acknowledging that the scheme for a further 950 units should not bear any additional costs due to incorrect capacity assessment being made in relation to the originally planned number of units. Once the number of dwellings consented on Orchard Park exceeds the 900 units threshold, it is considered that it would be reasonable to seek such further contributions to meet the needs of any additional dwellings. However, the current proposal would result in such a situation and, therefore, could not reasonably seek to secure such sums.
56. Given the terms of the original Section 106 agreement for Orchard Park, however, the same situation is not considered to apply to the proposed transport infrastructure (NCATP) or public art payments. In the case of the NCATP payment, officers have had regard to the fact that the original agreement required a review and potential recalculation of the number of dwellings that could be erected at Orchard Park under the terms of the outline consent, with specific regard to establishing whether the full sum for NCATP payments was payable against the outline consent. This review took place upon the occupation of the 300th dwelling on site and established that a lower

fee was payable to meet this need, as fewer than 900 dwellings could be built against the outline consent. The transport payments made, therefore, did not account for remaining undeveloped land parcels, including the current application site. Therefore, unlike the education and community infrastructure payments, sums payable to meet the need of the current proposal have not already been paid to the relevant parties.

57. With regard to public art, although an original sum of money was payable to meet more general community needs, no sum was secured to meet the needs of individual land parcels.
58. Following discussions between officers and the applicants, the applicants have agreed, in principle, to pay the figures sought by the County Council in respect of NCATP contributions with an additional sum of £6000 to be paid towards meeting the public art needs of the particular land parcel, subject to agreeing appropriate wording of clauses. Whilst the sum proposed for public art is below the 1% of build costs typically sought by adopted policy, given the applicants viability arguments, which show that this scheme has potential financial constraints, officers recommend that the sum proposed is reasonable. Noting the concerns of the Community Council, in terms of the lack of clarity regarding what the scheme of public art may achieve, given the lack of specific detail, it would be considered reasonable to require a suitable scheme to be agreed by way of planning condition, which would relate to the terms of any agreement secured through S.106.

Other Matters

59. The comments of the Scientific Officer, and Environmental Health Officer are noted in respect of the impact of the development with regard to material considerations of air quality, demolition/construction phase noise/dust, traffic noise, artificial lighting, contaminated land, health impact and operational/residential waste/recycling provision. The comments also reflect the considerations put forward by the Cambridgeshire Guided Bus team. Should members be minded to approve the development, officers would advise that the recommended conditions proposed would be reasonable as they serve to ensure that sufficient information has been provided to ensure that the development is not harmful to existing or proposed residents, during either the construction phase, but also to ensure reasonable environmental conditions for future residents of the site.
60. In respect to the Community Council's comments regarding the use of renewable technologies on the site, whilst officers support the aspirations to achieve higher sustainable standards than the minimum required by policy, it is acknowledged that the proposals meet the criteria of 10% provision to meet adopted requirements. Accordingly, it is considered that there is no policy justification to pursue further demands from the scheme such as to recommend any approach other than approval in this regard.
61. Noting the comments of the Community Council regarding previous experiences of mud being deposited on road surfaces during construction works, whilst this is not normally an issue for development, it is worth noting that the application site is subdivided by an existing roadway, which will need to be maintained free from obstruction during development works for the benefit of existing residents. Accordingly it would be reasonable to impose a planning condition that requires a construction management plan to be submitted and subsequently adhered to, to ensure all construction/logistical issues are identified before they occur and a suitable plan is in place to resolve them, to the satisfaction of all parties.

Recommendation

62. Delegated approval, as amended by plans received 18 April 2011 and 2 June 2011, subject to conditions, and to the receipt of Unilateral Undertaking or signing of an appropriate S.106 agreement to secure the necessary payments towards securing a scheme of public art and highway network improvements.

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:
16229/1000, 16229/1004, 16229/121, 16229/122, 16229/123, 16229/124, 16229/125, 16229/126, 16229/127, 16229/128a (amended 2 June 2011), 16229/1002a (amended 2 June 2011), 16229/1003a (amended 2 June 2011), PER17134-10 (amended 2 June 2011), Transport Statement April 2011, Health Impact Assessment April 2011, Utilities Report WH Ref – CSB/KM/DC/16229/B4, Waste Management Strategy April 2011, and Flood Risk Assessment WH Ref – CSB/KM/DC/16229/B4. (Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of 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.)
4. Prior to the commencement of any development, details of the materials to be used for the external walls and roofs, to include details of the render specification and colour palette, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason: To ensure the 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 and both the Arbury Park Design Guide 2007 and the Orchard Park Design Guide SPD 2011.)
5. No development shall begin until details of a scheme for the provision of public art to meet the needs of the 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 public art in accordance with the above-mentioned Policy SF/6 and Policy DP/4 of the adopted Local Development Framework 2007.)

6. No dwellings/premises shall be occupied until the works have been carried out in accordance with the approved surface water strategy unless otherwise approved in writing by the Local Planning Authority. (Reason: To prevent environmental and amenity problems arising from flooding, in accordance with Policy NE/11 of the adopted LDF 2007.)

7. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

Contractors' access arrangements for vehicles, plant and personnel;
Contractors' site storage area(s) and compounds(s);
Parking for contractors' vehicles and contractors' personnel vehicles.

Development shall not be carried out other than in accordance with the approved details. (Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

8. Prior to the commencement of any development, full details of the design and construction methodology, including details of phasing and methodology to include maintaining the openness of Cornell Court for the benefit of existing residents and the footway connection to the Guided Bus, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with such details as are so approved. (Reason: To ensure that the development has an appropriate interface with the CGB for the wider integration of the development into its setting, and to preserve the amenity of existing residents during construction, in accordance with Policies DP/2, DP/3 and DP/6 of the adopted LDF 2007.)

9. No construction work shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

10. No construction related deliveries and or collections shall take place other than between the hours of 07.00 to 21.00 on Monday to Friday and 08.00 to 13.00 on Saturdays unless otherwise agreed in writing with the local planning authority. No construction related deliveries and or collections shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the local planning authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

11. In the event of the foundations for the proposed development requiring piling, prior to the commencement of development the applicant shall provide the local planning authority with a report/method statement for approval, detailing the type of piling and mitigation measures to be taken to protect local residents from noise or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of "BS 5228 - Part 4: COP for noise and vibration control applicable to piling operations". Development shall be carried out in accordance with the

approved details. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

12. Before any residential development / use is commenced, a noise attenuation / insulation scheme (having regard to the building fabric, glazing and ventilation requirements) for the residential units, to protect occupants from Kings Hedges Road, the Cambridgeshire Guided Bus (CGB) and A14 related traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The noise insulation scheme shall demonstrate that external and internal noise levels recommended in British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of Practice" shall be reasonably achieved, having particular regard to rapid / purging ventilation and comfort cooling requirements, should achieving acceptable internal noise levels rely on keeping openable windows closed. The scheme as approved shall be fully implemented before the residential use hereby permitted is commenced / prior to occupation of the residential units and shall be retained thereafter and not altered without prior approval. (Reason: To ensure that sufficient noise attenuation is provided to all residential properties to protect the residents from the impact of Kings Hedges Road, the Cambridgeshire Guided Bus (CGB) and A14 traffic noise and safeguard the amenity and health of future residents in accordance with Department of Environments, Planning Policy Guidance Note 24, "Planning and Noise" and Policy NE/15 of the South Cambridgeshire Development Control Policies.
13. Prior to the commencement of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security lighting, shall be submitted to and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare and shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) 'Guidance Notes for the Reduction of Obtrusive Light'. The submitted scheme shall include isolux diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details measures unless the Local Planning Authority gives its written consent to any variation. (Reason: To protect local residents from light pollution / nuisance. To protect / safeguard the amenities of nearby residential properties in accordance with NE/14-Lighting Proposals.)
14. No development shall commence until details of a scheme to achieve 10% renewable energy has been submitted to and approved in writing by the local planning authority. Such scheme shall be agreed in conjunction with the details to be approved for the ventilation scheme (which may affect the energy use of the building) and with the need to ensure emissions do not adversely affect the air quality management area within which the site is located. (Reason - To ensure the use of renewable energy and safeguard the air quality management area in accordance with Policies NE/3 & NE/16 of the South Cambridgeshire Local Development Framework 2007.)
15. No unbound material shall be used in the surface finish of any driveway within 6 metres of the highway boundary of the site. (Reason: To avoid displacement

of loose material onto the highway in the interests of highway safety, in accordance with Policy TR/3 of the adopted LDF 2007.)

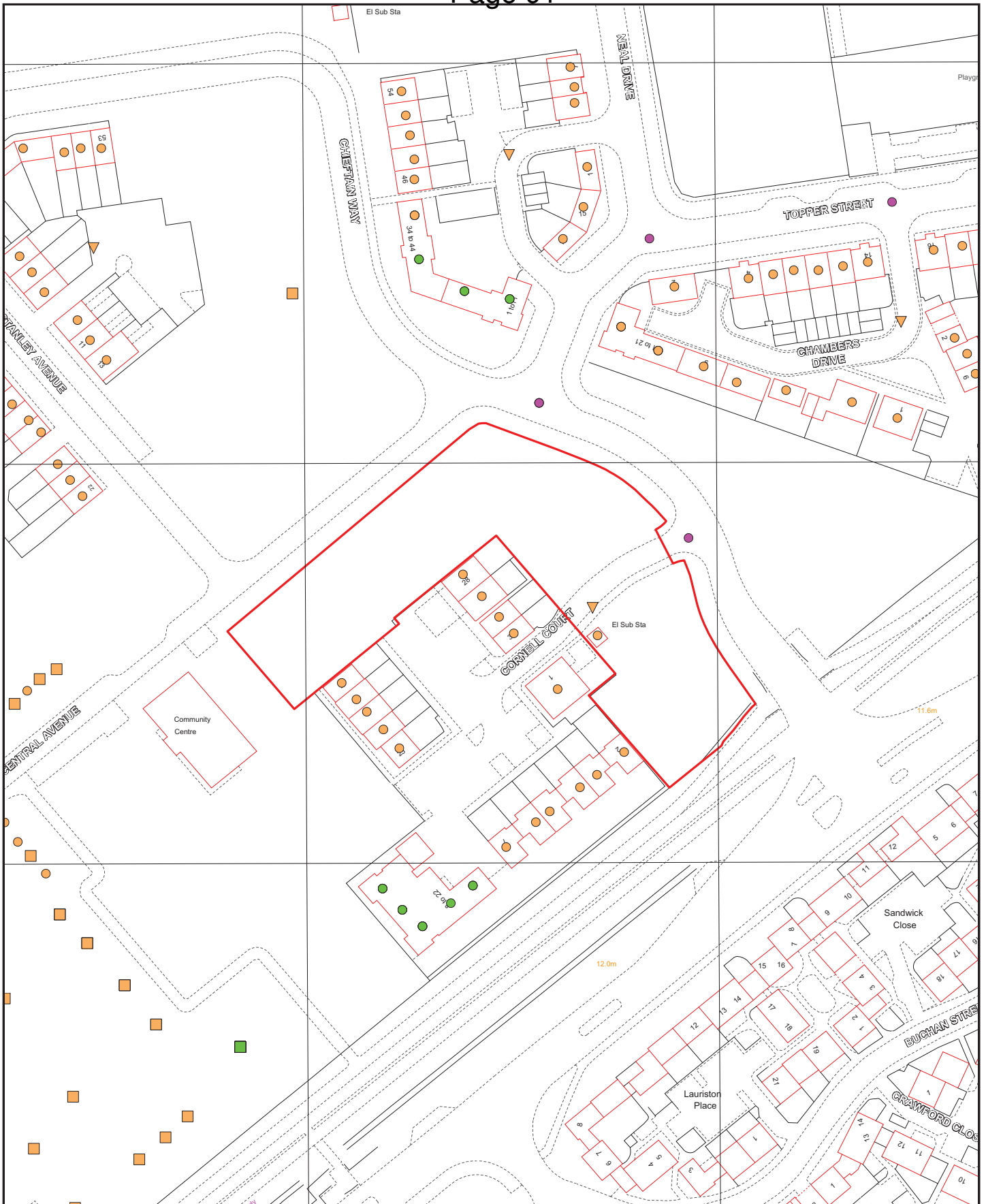
16. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority. (Reason: In the interests of highway safety, in accordance with Policy TR/3 of the adopted LDF 2007.)
17. Prior to the commencement of the first use of any vehicular access where it crosses the public highway the vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. (Reason: In the interests of highway safety and to ensure satisfactory access into the site, in accordance with Policy TR/3 of the adopted LDF 2007.)
18. No part of any structure shall overhang or encroach under or upon the public highway and no gate / door / ground floor window shall open outwards over the public highway. (Reason: In the interests of highway safety, in accordance with Policy TR/3 of the adopted LDF 2007.)
19. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. (Reason: To prevent surface water discharging to the highway, in accordance with Policy TR/3 of the adopted LDF 2007.)
20. Pedestrian visibility splays shall be provided as shown on the drawings. The splays are to be included within the curtilages of the new dwellings. One visibility splay is required on each side of each vehicular access, measured to either side of the access, with a set-back of two metres from the highway boundary along the centre of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high. (Reason: In the interests of highway safety, in accordance with Policy TR/3 of the adopted LDF 2007.)
21. The accesses and manoeuvring areas shall be provided as shown on the drawings and retained free of obstruction. (Reason: In the interests of highway safety, in accordance with Policy TR/3 of the adopted LDF 2007.)

Also include a copy of Environmental Health comments, which outlines informatives regarding burning of waste materials, sought noise mitigation standards, and waste and recycling provision.

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

- South Cambridgeshire Local development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- Arbury Camp Design Guide SPD 2008
- Orchard Park Design Guidance SPD 2011
- Planning files: S/0710/11, S/0981/08/RM and S/2379/01/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/1023/10/F - MELBOURN**Replacement of existing outbuilding additions and change of use from residential (C3 use) to A1 Use (Part Retrospective Application) at 49 High Street, for Mr Dipak Solanki****Recommendation: Delegated Approval****Date for Determination: 1st August 2011****Notes:**

This Application has been reported to the Planning Committee, as the officer recommendation to approve is contrary to that of the Parish Council.

The site lies within the conservation area.

Site and Proposal

1. The application site is approximately 0.08 hectares and is within the village framework. The public highway defines the northern boundary. There are residential properties located to the northeast and southwest. Melbourn Primary School is located to the southeast. There is an existing shop (A1 Use Class) on site.
2. The site is within the Melbourn Conversation Area. The properties to the northeast are Grade II Listed Buildings. Approximately 20m to the southwest and 55m to the north there are two more Grade II Listed Buildings.
3. The proposal was submitted to the Local Planning Authority on the 23rd June 2010 but following the amended ownership certificate B (required due to the lean-to overhanging the adjacent property), the application was considered to be valid on the 7th June 2011. Since the submission of the amended Certificate the proposed lean-to was removed from this application and will be submitted under a separate planning application before the end of June 2011; this was done by the applicant in order for Officers to support the current planning application.
4. The application seeks to remove the unauthorised and previously refused additions to the outbuildings at the rear of the property. Then following the removal of the unauthorised works the applicant wants to erect new walls to a suitable standard. The proposed change of use part of this application is from residential (C3 Use) to an A1 Use. With the additional information the applicant has provided since submission the A1 Use will be used as a mix between sandwich shop, bakery shop and internet café. This does not prevent it being used subsequently as an alternative A1 Use.

Relevant Planning History

5. **S/1675/10** – This application is for proposed signs that was submitted at the same time as planning application S/1023/10/F. This application is still being determined.

6. **S/2023/05/F** – The proposal was for the change of use of part ground floor from residential to Post Office. Extension, conversion and change of use of outbuildings to hot food preparation for proposed home delivery business and in connection with a change of use of the shop to a mixed use as shop and hot food take away. Erection of lean-to to side of shop and erection of shed in connection with the commercial uses (Part Retrospective Application).
7. This application was refused due to the harm to the residential amenity of 51 High Street, the failure to demonstrate that the proposed use of the premises for hot food preparation and take-away would not result in an unacceptable level of odour to adjacent residential properties, the extension and conversion of two small outbuildings into one large flat roofed building and the erection of the lean-to, represent structures that neither preserve nor enhance the character and appearance of the Melbourn Conservation Area or respect the setting of the adjacent Grade II Listed Buildings (43-47 High Street) and notwithstanding the above the submitted plans are inadequate in that the precise impact on the character and appearance of the Melbourn Conservation Area and the setting of adjacent Listed Buildings of the proposed Post Office conversion cannot be assessed.
8. **S/2206/06/F** – The proposal was for the change of use of ground floor from residential (Class C3) to Coffee Shop (Class A3). This application was refused on the grounds that it did not demonstrate that it would not result in the unacceptable level of odour to the occupiers of adjacent residential properties and the application fails to demonstrate how necessary odour extraction systems will further impact on the Conservation Area and the setting of the Listed Buildings at 43-47 High Street. In addition to this it was also refused, due to the harm of the new shop front would cause upon the streetscene and Conservation Area.
9. **Enforcement** - Unauthorised works to the outbuildings at the rear and the lean-to are under current enforcement action (Reference PLAENF.3009). The enforcement notice was issued on the 30th June 2008 requiring the unauthorised works to be removed by 4th November 2008. Despite court action the unauthorised building remains. This application seeks to remedy the situation by replacing the additions to the outbuildings.

Planning Policy

10. **South Cambridgeshire Local Development Framework, Core Strategy, Adopted January 2007:**

ST/5 – Minor Rural Centre
11. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/1 – Sustainable Development
DP/2 - Design of New Development
DP/3 - Development Criteria
ET/4 – New Employment Development in Villages
NE/14 – Lighting Proposals
NE/15 – Noise Pollution
NE/16 - Emissions
CH/4 – Development Within the Curtilage or Setting of a Listed Building
CH/5 – Conservation Areas

CH/9 – Shop Fronts

TR/1 – Planning for More Sustainable Travel

TR/2 – Car and Cycle Parking Standards

Consultations

12. **Melbourn Parish Council** – The Parish recommends refusal that there are still environment orders in existence on this site. There may be problems with internal design of kitchen/toilet areas. Opening times need to be clearly specified.
13. (The applicant's comment in the Design and Access Statement regarding if the Parish Council has a conflict of interest has not been considered to be material in determining this application. This application has been assessed, as any other application would have been.)
14. **Environmental Health** – (10/03/2011) The Environmental Health Officer states that from the details received, accompanying this application, it is unclear as to what the exact intentions are with regard to a change to an A1 use.
15. The design and access statement states that there is provision for 20 people. The proposals include a bakery on site and the provision of hot food including hot food such as pies, sausage rolls, chicken, chips, wedges etc.
16. While it is appreciated that Planning Officers will be forming a view on the primary use in planning terms, but provision of hot food will require a suitable and sufficient ventilation system that has potential odour and noise impacts, depending on the nature and degree.
17. The Environmental Health Officer concludes that unless further details are submitted outlining the specifications of the kitchen exhaust system and how cooking odour will be mitigated effectively so as not to adversely effect the amenity of nearby residential properties, and in particular those on the first floor above, then the recommendation would be to refuse this planning application.
18. (9/06/2011) The Environmental Health Officer acknowledges the points raised in Mr Solanki's letter of 1st June 2011. Whilst there is no further comments to add at this time, it is assumed that the reheating of food will take place without cause for a kitchen extract system. Only if this is the case can Environmental Health support this application, otherwise the previous comments dated 10th March 2011 should still apply.
19. (17/06/2011) The Environmental Health Officer suggested some conditions regarding delivery times and opening times to add to the decision notice if approved.
20. **Conservation** – (4/2/2011) The Conservation Manager states that the building is in a conservation area with listed buildings either side at numbers 43-47 and 53-55 and opposite at number 38, the former vicarage in verdant surroundings. There are many listed buildings in the vicinity, including the parish church and war memorial. The building itself has considerable architectural interest, despite the modern shop front and other alterations.
21. The application seeks retrospective permission to add a lean-to structure on the west side of the existing rear wing, and to enlarge the store at the south end of the site. Both the existing outbuildings are negative features and their enlargement would only exacerbate their ill effect. The lean-to in particular would be visible from the street.

22. (10/06/2011) The Conservation Manager states that the additional information does not change the previous comments.
23. **Local Highways Authority** – No concerns over the proposed A1 use class.

Representations

24. **51 High Street** – (22/02/2011) The occupant objects to the proposed development on the following grounds:
- Lack of parking space (including existing illegal parking of customers) and unwillingness for customers to use nearby public car park.
 - Highway Safety
 - Concerns over noise pollution caused by early opening time and existing delivery times.
 - Want to ensure opening times are controlled.
 - Lack of action regarding the lean-to.
25. (14/06/2011) The occupant states the letter posted by hand on the 1st June 2011 refer to the wrong address and then provide detailed history over the lean-to.
26. **Glebe House, High Street** – The occupant states that the applicant submitted an earlier planning application (reference S/2206/06/F), which was refused and is now the subject of an enforcement notice. Despite this decision, the occupant states that it is their belief that the buildings that had already been constructed without planning permission are still in existence, as no enforcement procedure has been carried out. There is, therefore, a significant risk that should the latest application be granted, the buildings that have been constructed without planning permission will be used as part of the proposed Coffee Shop business. This would result in the realisation of all the problems for the local residents, which were of concern in relation to the earlier application including additional noise and disturbance.

The occupants object on the following grounds:

- Lack of parking nearby and the problems caused by illegal parking.
 - Highway Safety
 - Noise pollution
 - Residential Amenity
27. **Grove House, 43 High Street** – The occupants state that further to their objection to the previous application S/2206/06/F on this site and again they feel that they must object to the new application on the following grounds:-
- Lack of detail/information to overcome previous refusal
 - Concerns over odours and mentions previous problems of odour from the application site.
 - Extract fans would be both harmful to the character of the local area and cause odour problems.
 - Noise pollution
 - Additional shop frontage not in keeping with Conservation Area and nearby Listed Buildings.
 - Over development of the site
 - Concern that the proposed description does not meet with intended use
 - Creation of additional litter and attracting rats into the area
 - Lack of car parking and illegal parking of vehicles.

To conclude, the development would have a large detrimental impact on the quiet enjoyment of the surrounding properties and gardens by causing unwanted noise, smell, litter and parking problems. In addition, the development is not sympathetic to the conservation area in terms of its design, siting and materials and in no way would enhance Melbourn.

Should the café get permission they request that the opening hours be restricted to start no earlier than 8am.

28. **44 High Street** – The occupant objects to the proposal to convert the premises into an internet café on the following grounds:
- Lack of parking
 - Possible risk to users of the public highway
 - Highway Safety

Planning Comments

29. The key issues to consider in the determination of this application are; is the proposal acceptable in principle, does it pose a risk to highway safety, is the design and appearance of the proposal acceptable and is there any harm to residential amenity
30. Principle of Development – The proposed additional shop (without the loss of a residential property) within the village framework of a Minor Rural Centre is likely to lead to an increase in sustainability for this village, as there will be additional services within walking distance of most dwellings.
31. There has been much discussion over what Use Class this application is applying for. The original use of Internet Coffee Shop and the description in the Design and Access Statement has caused people to consider the development as an A3 Use Class (Restaurants and Cafes) rather than an A1 Use Class. It is noted that the difference between an A1 Use Class and A3 Use Class can be a grey area. However, the statement in the Design and Access Statement of providing enough space for 20 people would require space for several computer terminals in order to consider this as an A1 Use Class. The proposed floorspace is not considered to have sufficient space in order to provide this. To provide clarity to the applicant an informative should be added to state that provision of more than four spaces/seats to eat would be considered as being an A3 Use Class on this site.
32. The proposal to cook hot food mentioned in the Design and Access Statement has been changed through additional communications with the applicant so that only the reheating of food is being proposed. A condition can be added to ensure that no food requiring a kitchen extract system can be cooked or sold on the premises, though this condition is to protect residential amenity point of view rather than a use class restriction it should ensure that the food prepared on site is with an A1 Use Class.
33. The proposal to sell cakes, sandwiches and fresh bread baked on site is considered to fall within the description of a Bakery Shop or Sandwich Shop, which are both A1 Use Class. The selling of teas and coffees is unlikely to change the use class, if these sales are ancillary to the bakery/sandwich shop/internet café proposed use.
34. It is considered that the change of use to A1 (retail) is being applied for and is appropriate in principle.
35. Highway Safety – It is noted that the Local Highway Authority has raised no objection on highway safety grounds to this application.

36. Approximately 45 metres to the northeast of the site is a communal parking area. The proposed A1 use class is considered to require approximately 5 parking spaces. Having visited the site twice and looking at photographic records over the past 10 years it does not appear that this car park is ever used close to capacity.
37. It is noted that a common theme from the objection letters is that the users of the existing shop at 49 High Street park on the double yellow lines and the "Keep Clear" markings. While it is understood that this must cause great frustration to the local residents, it is not something that decision making process can add weight to. A different public body covers the enforcement of road regulations. The car park is considered to have sufficient space to cater for the additional parking required by this A1 use class.
38. The proposed works on the outbuilding at the rear has no impact on parking provision.
39. With no new access being proposed there is not considered to be any other impact upon highway safety.
40. Visual Impact – It should be noted that the signs shown on the proposed elevations are being considered under planning application S/1675/10. The current front elevation seeks to insert a door where currently there is a window, this is not considered to have any detrimental impact on the external appearance of the building. However, the proposed front elevation shows the loss of the voussoirs (vertical bricks) and this is detrimental to the streetscene and Melbourn Conservation Area. In order to avoid this loss of Victorian detailing a condition will be added to ensure that an acceptable front appearance is achieved.
41. The proposed A1 Use is not considered to have any detrimental impact upon the appearance of the local area, if appropriately conditioned.
42. The applicant has agreed to remove the unauthorised works at the rear of the site on the outbuilding. It is considered that one month would be a reasonable time to expect the removal of the authorised works, this will not be conditioned but a separate letter sent to the applicant following the determination of this application. In addition to this before the replacement works are carried out the Local Planning Authority would need to agree the materials and Builders Schedule. This is in order to ensure that the replacement development is of an acceptable standard within the Melbourn Conservation Area and in the proximity of several listed buildings.
43. Residential Amenity – The proposed development on the existing outbuildings is unlikely to have any detrimental impact upon residential amenity.
44. The local residents concerns are noted concerning the current proposed noise problem being caused at the existing shop. It must be remembered that the application is for the proposed shop and not to fix any existing problems in determining this application. However, having taken into consideration the comments from Environmental Health it is considered appropriate to place conditions that protect local residents from any detrimental impact from the proposed use. It is considered reasonable to ensure that delivery times are not too early in the day and do not cause undue disturbance during days of expected rest. In addition to this the opening times of the A1 Use shall be restricted to ensure that they reflect normal working hours, this is not uncommon as many shops shut around 6pm. Finally power operated machinery times shall be restricted and that no food shall be cooked on site

that would require an extract system to be installed. The Local Planning Authority recently refused the proposal for an extract system in planning application S/2206/06/F on residential amenity and conservation/listed building grounds. It is considered that the placing of these conditions will prevent there from being any detrimental harm to residential amenity.

45. The residential property of 49 High Street could also suffer from undue harm to its residential amenity if sold separately from the shop. In order to prevent this a condition will be added linking the shop to the residential property of 49 High Street.

Conclusion

46. The proposal is considered to be acceptable in regards to its principle, impact upon highway safety, impact upon the historic character of the local area and the residential amenity of nearby properties if the development is appropriately conditioned.

Recommendation

47. **Approve**

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DD 616B (excluding front elevation), SC-01, SC-02, SC-03 and SC-04.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No external work or alterations shall commence on the front elevation of 49 High Street until a revised front (north) elevation is submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policies DP/2, CH/4 and CH/5 of the adopted Local Development Framework 2007.)
4. The replacement additions to the outbuilding at the rear of the site shall not commence until full material details and a schedule of works is submitted and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policies DP/2, CH/4 and CH/5 of the adopted Local Development Framework 2007.)
5. The A1 use, hereby permitted, shall be carried on only so long as the residential property 49 High Street is occupied by the present or any future owner of the application premises or by an employee of such an owner working at the application premises.

(Reason - To protect the residential amenities enjoyed by the occupiers of 49 High Street due to the proximity of that property to the application premises and to ensure there is space for the provision of refuse bins off the public highway in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

6. No deliveries shall be taken at or despatched from the site outside the hours of 0730 - 1800 Mondays to Saturdays, nor at any time on Sundays, Bank or Public holidays.

(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. The class A1 Use Class (retail), hereby approved, shall only be open between the hours of 0800 – 1800 on any day.

(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. No food shall be cooked, prepared or sold on the premises hereby approved that would require a kitchen extract system.

(Reason - Without the kitchen system there would be the potential to cause unacceptable odour problems problem for local residents. The previous planning application on this site that the installation will inevitably will harm the character and appearance of the conservation area and the setting of listed buildings (43 – 47 High Street). Contrary to Policies NE/16, DP/3, CH4 and CH/5 of the adopted Local Development Framework 2007.)

9. No power operated machinery (or other specified machinery) shall be operated on the premises before 0730 am on weekdays and 0800 am on Saturdays nor after 1800 pm on weekdays and Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.

(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Informatives

1. It is likely that the provision of more than 4 spaces/seats to eat would constitute a change of use to A3 Use Class, unless space is made for more than 4 computer terminals.
2. Notwithstanding the approved plans no signs are hereby approved under this application.
3. Please read the covering letter that covers when the unauthorised works on the rear outbuildings shall be removed.

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

- South Cambridgeshire Local Development Framework 2007

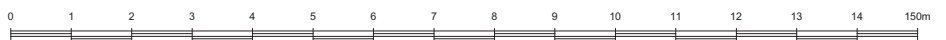
Contact Officer: Andrew Phillips Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 6 July 2011
AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0798/11 - PAPWORTH EVERARD
**Erection of temporary sales centre at Summersfield Ermine Street, for David
Wilson Homes**

Recommendation: Approval

Date for Determination: 10th June 2011

Notes:

This application has been reported to the Planning Committee due to Papworth Parish Council recommending refusal.

Site and Proposal

1. The site defined within this application measures approximately 0.06 hectares (the agent stated it to be 0.33 hectares). To the north, west and east is the residential development site that was approved under planning application S/1101/10 and to the south is an area of grassland and beyond this is the public highway (A1198).
2. The application, validated on the 15th April 2011 is for the temporary sales office which the developer has requested to be on site for 6 years before it is removed and replaced by a double garage as approved under planning approval S/1101/10.
3. While this application is not a retrospective application, a site visit on the 8th June 2011 confirmed that development of the triple garage/sales office has been started since submitting the application. The Parish Council has been consulted again for 14 days following the submission of a landscape plan on the 15th June 2011. This consultation period will end before Planning Committee and any additional comments will be provided to members through an update during the committee.

Planning History

4. **S/2476/03/O** – The proposal for Residential Development including Public Open Space, Vehicular Access together with Demolition of 18, 20, 52, & 54 Ermine Street South and 1&3 St John's Lane was conditionally approved.
5. **S/0093/07/RM** – The proposal for the Erection of 365 Dwellings with Associated Open Space and Landscaping (Reserved Matters Pursuant to Outline Planning Permission Ref. **S/2476/03/O**) was conditionally approved.

6. **S/1688/08/RM** – The proposal for the Siting design and external appearance of 166 dwellings was conditionally approved..
7. **S/0097/06/RM** – The proposal for the Erection of 397 Dwellings with Associated Open Space (The First Reserved Matters Application) Pursuant to Outline Planning Permission Ref: S/2476/03/O was withdrawn.
8. **S/1424/08/RM** – The proposal for the Approval of appearance, landscaping, layout & scale for the erection of 81 dwellings was conditionally approved.
9. **S/1624/08/RM** – The proposal for Details of reserved matters for the siting, design and external appearance of 118 dwellings, associated works, garaging and car parking, and landscaping for the northern phase 2 (amended scheme to part of reserved matters **S/0093/07/RM**) was conditionally approved.
10. **S/1101/10** – The proposal for the Variation of Conditions 12 & 26 of Planning Application S/1688/08/RM was approved and development has started on this application.

Planning Policy

11. South Cambridgeshire Local Development Framework, Core Strategy
ST/5 (Minor Rural Centres)
12. South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.

DP/1 (Sustainable Development)

DP/2 (Design of New Development)

DP/3 (Development Criteria)

DP/6 (Construction Methods)

ET/4 (New Employment Development in Villages)

SF/6 (Public Art and New Development)

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

SF/11 (Open Space Standards)

NE/1 (Energy Efficiency)

NE/3 (Renewable Energy Technologies in New Development)

NE/6 (Biodiversity)

CH/2 (Archaeological Sites)

CH/5 (Conservation Areas)

TR/2 (Car and Cycle Parking Standards)

Consultation

13. **Papworth Everard Parish Council** – The Parish Council recommends refusal. The Parish state that with development having been started that this application should be identified as a retrospective application. The Parish continue with the following comments:
14. The additional size and bulk of the garage block and the proposed car parking spaces adjacent to the main access road will severely detract from a key view on

entering this new residential area and will continue to do so for up to six years (according to the design and access statement). This is unacceptable on such a large and important new development.

15. A further unacceptable element is that the trees proposed to be planted in the landscape strip on the south side of the access road would not be planted until after the sales office and car parking is gone. The parish council do not want the trees on the south side to be several years smaller than those on the north. The delay in establishing the approved landscaping on this part of the access road will not only affect the residents of the estate, but also all those passing the estate, as there are clear views into the development from the junction with Ermine Street South.
16. There is no logical reason why the parking for the sales office needs to be located on this important landscaping area. The garages already constructed at plots 22 & 26 would be equally useable as a sales office, throughout the Summersfield construction phase.
17. Any temporary grant of planning permission for the additional garage and parking would not be accepted to the Parish Council as there can be no guarantee that an application for renewal at the end of the period would not be approved.
18. There are clear and very recent (2nd December 2010) planning conditions in place for Summersfield (southern half) development (S/1101/10) to discourage parking on landscape areas and to ensure that the landscaping scheme is established at the earliest opportunity. The current application contravenes Condition Nos. 16, 20 and 21 of S/1101/10.
19. **Landscape** – (9th June 2011) The Landscape Officer states that the hedge boundary is a very important edge to the development and needs to be established as soon as possible. The third garage would directly impinge on the rooting environment of this hedge and for this reason the application should be refused. There are other areas on site where an office could be erected without harm to the planting.
20. (13th June 2011) The Landscape Officer restates the point that the proposal as it currently stands would detrimentally harm the agreed landscaping scheme. However, the Landscape Officer is prepared to remove the objections to the temporary triple garage provided the hedge is relocated to the boundary and ground levels are married up using good quality topsoil, as this will be the planting position for the hedge. A revised landscape plan for this section of the boundary will be necessary, with notes on the ground levels adjustments. This part of the perimeter planting should be done in the season following the completion of the adjacent houses so that it starts to provide visual enclosure to the site from the east and helps to give the development a settled appearance at the earliest opportunity. Ideally this planting should be carried out in late autumn before the end of the year while the soil is still warm.
21. (15th June 2011) The Landscape Officer confirmed that the submitted landscaping plan is acceptable.
22. **Legal** – The legal view is that the removal of the temporary sales office can be achieved through condition and that a unilateral undertaking is not required.

Representations

23. No representations received

Planning Comments

24. The main planning considerations for this development are the principle of the development, does it preserve or enhance the visual appearance of the area, impact upon residential amenity and level of parking provision.
25. The principle of the development – The proposed development is for a temporary commercial use within the village framework. The proposal would lead to the employment of 1 full time person and 1 part time person. With the proposal being a Minor Rural Centre it is not considered that this development would lead to an unsustainable level of development.
26. Visual Impact – The proposed design of the development is a triple garage and is the first building you see on the south side when entering the residential development site (defined within S/1101/10). The proposal, while considered to be of an acceptable design, is considered to be too large in scale for this prominent location. However, the proposal is for a temporary use only and therefore so is the harm. It would be possible to condition that the approved garage (Planning Application S/1101/10) is reinstated at an appropriate time.
27. The proposed landscaping as approved under planning application S/1101/10 would be significantly hampered by the foundations of the triple garage. In addition to this the triple garage would be clearly seen from the public highway to the south of the site. However, the developer has submitted a revised landscaping plan that will not be detrimentally impacted upon by the proposed sales office. In addition to this the landscape plan will screen the development from both the south and east. With this being the case it is considered that this landscape plan is acceptable and can be conditioned to be maintained for an appropriate time, taking into account the need to replace the triple garage with the double garage. It is also noted that some of the landscaping is not within the redline but it is all within land that the developer owns (see planning application S/1101/10).
28. While the developer has applied for a six year period this is considered to be too long a period to grant for this development. A period of three years is considered to be more appropriate in order to limit the possible harm. This is not to say that at the end of the three years that the developer could not apply for the additional three years. This possible future application would be determined upon its individual merits at the time of submission.
29. Impact upon residential amenity – With the nearest dwelling being the proposed show home it is not considered that the proposal will have any detrimental impact upon residential amenity. The proposal will be conditioned so that it is only used as a business premise, as long as the show home (plot 66 in the approved planning application of S/1101/10) is being used as such.
30. Level of parking provision – The sales office has three parking spaces and the temporary sales parking area (as approved in planning application S/1101/10) has

approximately 6 parking spaces. The proposed development has been considered as a Professional Service (A2 use class), which usually requires no more than 3 parking spaces for this size of office space. However, with the likelihood of busy times and the building being temporary the parking provision in this case is considered to be acceptable.

Conclusion

31. In conclusion it is considered that the views of the Parish Council do not warrant refusal of this planning application, as the suggested conditions will mitigate any harm that is caused.

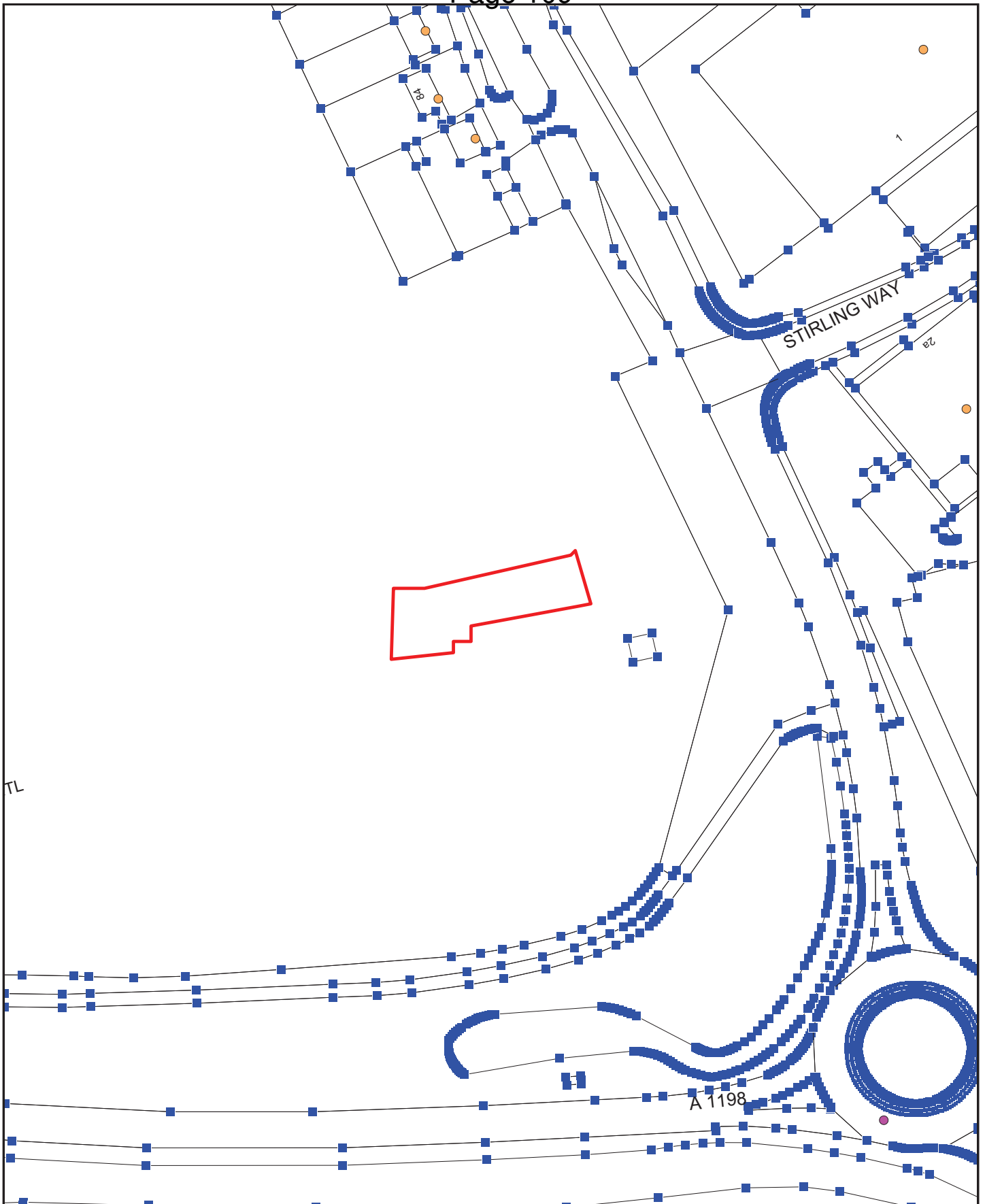
Recommendation

Approve

1. The development hereby permitted shall be carried out in accordance with the following approved plans: PAP_TGSC, SX320EA004-01, H3777 TG and 03178 02.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
2. All soft landscape works shall be carried out in accordance with the approved drawing number 03178 02. 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 eight 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.)
3. Within three years of this decision notice, or when plot 66 of the approved planning application S/1101/10 is no longer being used as a show home, the sales centre shall be demolished and prior to the occupation of Plot 66 the double garage shall be erected and all other agreed details with the Local Planning Authority within S/1101/10 complied with.
(Reason – In order to ensure a satisfactory end appearance for the residential development approved under planning application S/1101/10 and to ensure that the dwelling of Plot 66 has adequate off road parking provision in accordance with policies DP/2 and TR/2 of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0776/11 – FEN DRAYTON**Change of use and extension of existing buildings to dwelling - 54 Park Lane,
Fen Drayton, Cambridge, Cambridgeshire, CB24 4SW
for Mr & Mrs O Fox****Recommendation: Refusal****Date for Determination: 07 June 2011****This application has been reported to the Planning Committee for
determination at the request of the Local Member****Site and Proposal**

1. The site is located outside of the designated Fen Drayton village framework, the boundary to which is located to the west and north boundaries of 10 Daintrees Road to the east. The land is included within the former Fen Drayton Land Settlement Association (LSA) Estate, which comprises a large area of land immediately north of the A14, west of Fen Drayton and east of Fenstanton.
2. The application is a large plot related to the main detached dwelling. An existing access runs along the southern boundary to the location of two existing single storey outbuildings in the southwest corner of the plot. One building appears incomplete but consists of a boarded exterior with a red tiled roof above. The other also has a weatherboarded exterior set on a brick plinth with pantiles on the roof above. The buildings are 15.4m apart at their closest, with an area of hardstanding between the two. A public footpath runs to the south and west boundaries of the site. Beyond the footpath to the south is the recreation ground, whilst there is agricultural land to the west.
3. The full application, received on 12th April 2011, seeks the change of use and extension of the existing buildings into a dwelling. The proposed site layout does not show how the land would be separated between the proposal and the existing dwelling, although there is sufficient land to create a safe divide. The application is accompanied by a Planning Statement incorporating the Design and Access Statement, and a Sustainability Appraisal.
4. Members should be aware that this is the first application for a dwelling to be submitted on the LSA land since the adoption of the Fen Drayton Former Land Settlement Association Estate SPD.

Planning History

5. Planning application **S/0485/10/F** for the change of use and extension of buildings to form a dwelling, and the addition of a garage to 54 Park Lane was withdrawn. The plans were similar to those currently under consideration, although the workshop building did show two additional bedroom elements.
6. A lawful development certificate was issued for the construction of a link between the two existing outbuildings through application **S/0997/10/LDC**. This link is slightly different in design to that to be determined through the current application.
7. Planning application **S/0343/00/F** granted consent for the erection of a carport to the main dwelling and a replacement storage building at the site. Members should be aware that the applicant stated in the application forms that the development comprised of “operations within residential curtilage for domestic purposes”.

Policies

8. **Local Development Framework Development Control Policies DPD (LDF DCP)** adopted July 2007: **DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/6** Biodiversity, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/15** Noise Pollution, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.
9. **Local Development Framework Site Specific Policies DPD** adopted January 2010: **SP/11** Fen Drayton Former Land Settlement Association Estate.
10. **Fen Drayton Former Land Settlement Association Estate SPD** adopted May 2011, **Open Space in New Developments SPD** adopted January 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. **Fen Drayton Parish Council** recommends approval of the application on the condition that the footprint remains unchanged from what is shown on the drawings, and that it remains single storey.
14. The **Council's Planning Policy Team** recommend refusal of the application as it fails to meet the key criteria as set out in Policy SP/11 and the Fen Drayton Former Land Settlement Association Estate SPD, by not involving the reuse or redevelopment of former agricultural buildings, proposing a larger footprint than the existing buildings, and by not demonstrating that it can achieve Code for Sustainable Homes Level 6.

Representations

15. None were received.

Planning Comments

16. The key issues for consideration of this application are the principle of development, assessment against the criteria within the Fen Drayton Former Land Settlement Association Estate SPD, impact upon the street scene, impact upon the amenity of the occupiers of the neighbouring property, and infrastructure provisions

The Principle of Development

17. The site lies outside the designated Fen Drayton village framework. Policy DP/7 of the LDF DCP 2007 lists forms of development considered appropriate outside these areas. Residential developments are not on this list. There is an in-principle objection to additional residential development in this location. The reasoning for this is to ensure the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations. Whilst a similar link building could be built under permitted development, the division of the plot and the potential for an increased amount of domestic paraphernalia across the site means that the area would take on a more urban feel. Currently, the rural character of the area is emphasised by the existing outbuildings and their visual link to the main dwelling. The adoption of the Fen Drayton Former Land Settlement Association Estate SPD does allow some potential for dwellings in the area, and this is discussed below.

Assessment against the Criteria within the Fen Drayton Former Land Settlement Association Estate SPD

18. Policy SP/11 is an unusual and innovative policy for the Fen Drayton former Land Settlement Association (LSA) estate that allows the reuse or redevelopment of former agricultural buildings (excluding glasshouses) "for experimental and groundbreaking forms of sustainable living, provided that the development does not occupy a larger footprint than the existing buildings". The purpose of the policy is to find a sustainable alternative use for the former agricultural buildings within the policy area that have become

redundant following the demise of the LSA and agricultural / horticultural production. Although the policy allows development, it is necessary to control the impact of any development proposals due to the continuing designation of the policy area as countryside. The Council has subsequently adopted a Supplementary Planning Document (SPD) to provide practical advice and guidance on how to develop a proposal that will comply with Policy SP/11.

19. Under the terms of Policy SP/11, any proposed development can only involve the reuse or redevelopment of former agricultural buildings, must not occupy a larger footprint than the existing agricultural buildings, and must be zero carbon and for experimental or groundbreaking forms of sustainable living

1. Eligible Agricultural Buildings

20. The eligibility criteria for the assessment of buildings is set out in the SPD (Chapter 4), and all buildings and structures within the policy area have been classified as eligible, non-eligible or not surveyed. For a building to be eligible, it must have been erected for agricultural purposes or have been formally changed to an agricultural use before the Site Specific Policies DPD was adopted on 28 January 2010.

21. The two buildings proposed for conversion are classified as non-eligible buildings, as they were not constructed for agricultural purposes. The two buildings are currently used as ancillary buildings within the curtilage of the existing dwelling. One of the buildings was constructed as an ancillary building. The other building was constructed as a replacement implement shed under planning permission S/0343/00. This assessment has been made on the basis that the planning application form states that the use of the buildings / land was "garden"; and aerial photographs from 1998, 2003 and 2008 show that within the curtilage of the 54 Park Lane the land is garden (grass) and that there is no delineation between this and any agricultural use. Reuse of the buildings would not therefore be in line with guidance within the SPD.

2. Footprint

22. Policy SP/11 specifically states that development must not occupy a larger footprint than the existing buildings to avoid an adverse impact upon the countryside. The development proposal submitted includes the erection of a solar link between the two existing buildings. The solar link would result in an increase in footprint.

3. Experimental and Groundbreaking Sustainable Living

23. The criteria for the assessment of the sustainability of a new development is set out in the SPD (see Chapter 5). Any new dwellings proposed must achieve Code for Sustainable Homes (CfSH) Level 6, which requires the development to be zero carbon and predicted water consumption to be a maximum of 80 litres per person per day. The proposed new dwelling includes some sustainable design solutions and an assessment to confirm that it will achieve zero carbon based on its design and renewable energy technologies. However no CfSH assessment is submitted with the planning application.

24. Paragraph 4.18 of the SPD states “The CfSH is used to assess the sustainability of new dwellings built in the UK. Each new dwelling is assessed against nine sustainability categories: energy / carbon dioxide; water; materials; surface water run-off; waste; pollution; health and wellbeing; management; and ecology. Within each category a number of credits are available. Credits for each of the categories are weighted and added together to produce a single overall score. The score is translated into a rating from 1 to 6 stars to provide the overall sustainability performance of a dwelling. CfSH Level 6 (6 stars) is the highest rating and dwellings meeting this standard are seen as exemplar sustainable dwellings as the development must be zero carbon”.
25. Using the information available, it is likely that the proposed dwelling would not achieve CfSH Level 6. To achieve CfSH Level 6, water recycling through rainwater harvesting or greywater recycling is required. Neither of these systems are included in the proposed development. The predicted water consumption of 105 litres per person per day is above the allowable level for CfSH Level 6 and is consistent with the allowable level for CfSH Levels 3 and 4. Assessment against the nine criteria would be required to ensure CfSH level 6 can be achieved, and also allows inspection after construction. The required information has not therefore been submitted to allow determination in line with the SPD. As a result the applicant has failed to demonstrate the proposal would create an experimental and groundbreaking form of sustainable living.

4. Other Matters

26. The SPD provides guidance to promote the principles of sustainable living. This includes the ability for residents to grow their own produce. Each new dwelling should have a dedicated garden area and a separate dedicated area that could be used as an allotment, at least 250 sqm in area. The site plan does not show such an area.

Impact upon the Street Scene

27. Park Lane is a private road, and therefore there is limited public access along it. Given the location of the existing outbuildings and the screening along the south boundary, there would be limited views from the road in any case. Public footpaths run along the south and west boundaries of the site. Whilst there is vegetation along these boundaries, there would be clear views into the site. The proposal shows a weatherboarded finish set upon a brick plinth, with the fully glazed glasshouse between the outbuildings. Given its single storey nature and the fact a similar link could be built as permitted development, the proposal is not considered to cause any harm to views from these public footpaths.

Impact upon the Amenity of the Occupiers of Neighbouring Properties

28. The outbuildings are currently within the residential curtilage of 54 Park Lane, which is a large two-storey detached property set in the southeast corner of the plot. As noted, the proposed site layout plan does not show where the proposed division between the plots would be located. There are approximately 28m between the existing dwelling and the closest outbuilding. Given this amount of separation, there is adequate space to ensure the private garden of the proposed dwelling would not be seriously overlooked

from the existing property. There would be no harm to the amenity of the existing property as a result of the proposal.

Infrastructure Provisions

29. The application shows a single bed unit at the site. The applicant has verbally confirmed their willingness to contribute in line with an e-mail dated 18th April 2011. In line with Policies DP/4, SF/10 and SF/11 of the LDF DCP 2007 and the Open Space in New Developments SPD, contributions of £743.82 towards open space provision, £284.08 towards community facilities, £50 for Section 106 Monitoring, and £69.50 for the provision of waste receptacles would be required. An informative would be added to the recommended refusal to highlight the above.
30. The applicant has confirmed that the workshop element would be retained as such in order to encourage a live/work style of development. The plans submitted for application S/0776/10 shows this space to be two additional bedrooms. The contributions reflect the fact that the dwelling would only have a single bedroom. A condition could be added to ensure that this space is not used as habitable space in the future unless contributions are raised accordingly.

Summary

31. This application is the first to be tested against Policy SP/11 and the recently adopted SPD. This application clearly fails to adhere to what are necessarily strict criteria for allowing residential development on the former LSA.

Decision/Recommendation

32. Refuse, for the following reasons
- i. The proposal is located outside of the village development framework for Fen Drayton, and is therefore contrary to Policy DP/7 of the Development Control Policies DPD (July 2007), which restricts development outside of village development frameworks to that which has a need to be located in the countryside.
 - ii. The proposal is located within the former LSA estate at Fen Drayton which is covered by Policy SP/11 of the Site Specific Policies DPD (January 2010). The purpose of Policy SP/11 is to find a future sustainable use for the former agricultural buildings within the policy area following the demise of the use of the land and buildings for agricultural and horticultural uses. The policy therefore allows the reuse or redevelopment of former agricultural buildings within the former LSA estate at Fen Drayton for experimental and groundbreaking forms of sustainable living, provided that the development does not occupy a larger footprint than the existing buildings. The proposal is contrary to Policy SP/11 as the buildings that are proposed for reuse are not former agricultural buildings and the proposal involves the creation of additional footprint in the form of a solar link between the two existing buildings.

- iii. The proposal is contrary to the guidance provided in the Fen Drayton Former LSA Estate Supplementary Planning Document (May 2011) because the application does not demonstrate that the proposal would achieve Code for Sustainable Homes Level 6 (see Chapter 5) or clearly define a dedicated garden area and separate dedicated allotment area necessary to encourage a sustainable lifestyle (see paragraph 5.18).

Informative

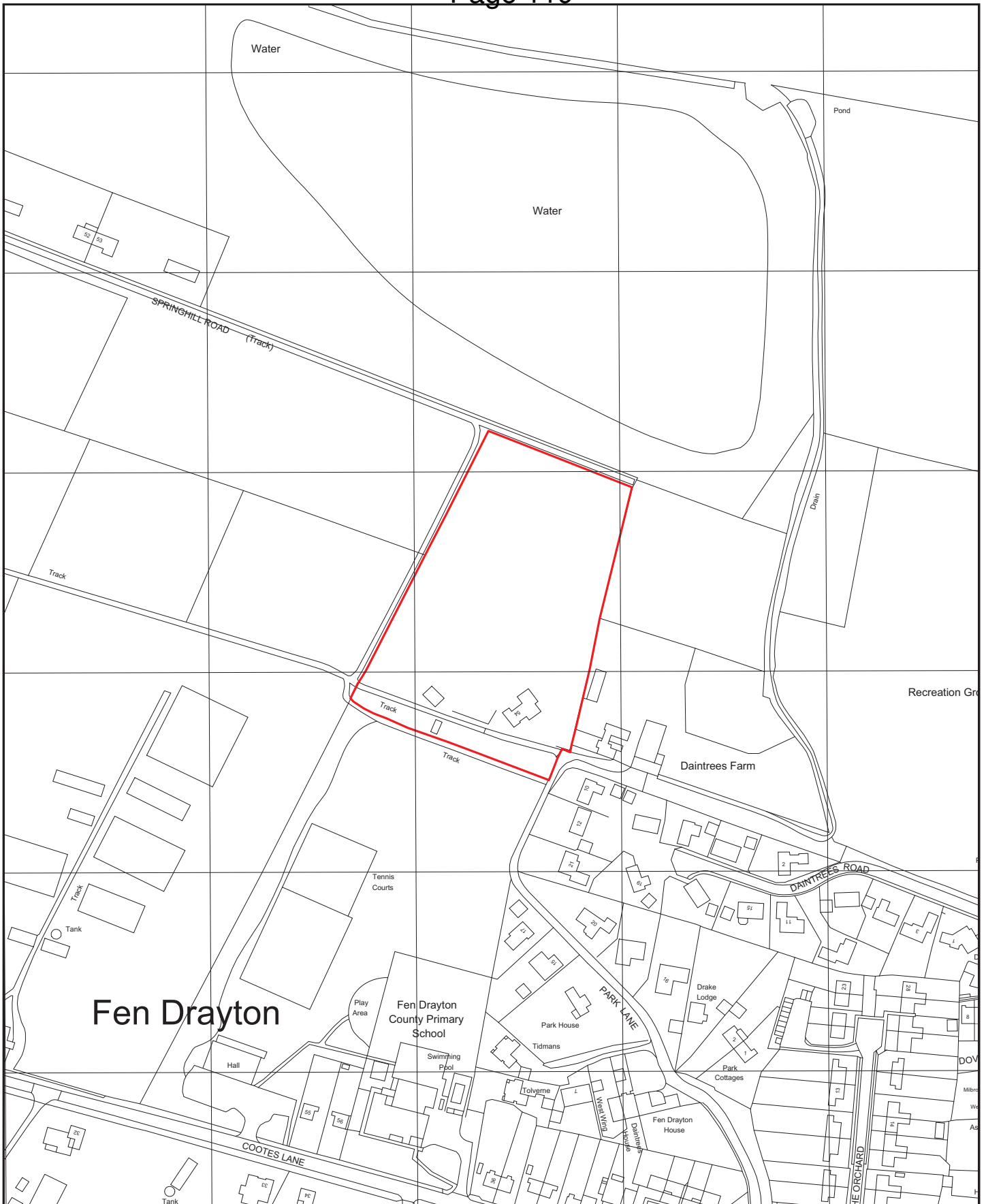
The development results in a number of infrastructure requirements to meet the needs of the development in accordance with Policies DP/4 and SF/10 of the adopted South Cambridgeshire Local Development Framework 2007 and Open Space in New Developments SPD. Should financial contributions be proposed, this would total contributions of £743.82 towards the off-site provision and maintenance of open space, £284.08 towards the provision of indoor community facilities and £69.50 towards the provision of household waste receptacles. These figures are as calculated on the date of the decision and are index linked so may be subject to change when any payment is made. These contributions would be secured through a scheme (Section 106 Agreement). There would also be additional charges of £50 towards a S106 monitoring fee. The applicant's agent has confirmed the client's acceptance to these requirements and this does not therefore form part of the reason for refusing the application.

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

- **Local Development Framework Site Specific Policies DPD**
- **Local Development Framework Development Control Policies 2007.**
- **Fen Drayton Former Land Settlement Association Estate SPD** adopted May 2011, **Open Space in New Developments SPD** adopted January 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 ref: S/0776/11, S/0997/10/LDC, S/0485/10/F and S/0343/00/F.**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/1077/11 - SWAVESEY**Vehicular Crossover at 104 Middle Watch, for South Cambridgeshire District Council****Recommendation: Approve****Date for Determination: 22nd July 2011****Notes:**

This Application has been reported to the Planning Committee as the applicant is South Cambridgeshire District Council.

Site and Proposal

1. The application site measures approximately 0.06 hectares and is within the village framework. The public highway defines the eastern and southern boundary. The public highway to the east has traffic calming measures along the stretch of road directly in front of the application site. There are also two Grade II Listed Buildings to the east on the opposite side of the road. The attached neighbour is located to the north and there is another residential property to the west.
2. The bungalow on site is of very similar design to the surrounding residential properties to the north, west and south. These nearby properties all have driveways.
3. The planning application was valid on the 27th May 2011. The proposal seeks to create a vehicular crossover. The proposed driveway is not being applied for, as it can be achieved under permitted development.

Planning History

4. **C/0469/50** – No objections to houses, road and sewer.

Planning Policy

5. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/2 - Design of New Development

DP/3 - Development Criteria

Consultations

6. **Swavesey Parish Council** – The Parish Council recommends approval with no additional conditions.

7. **Conservation** – No harm to nearby Listed Building, recommends some additional landscaping to preserve the streetscene.
8. **Local Highways Authority** – It requests that the visibility splays are maintained free of any obstructions over 600mm high. It also requests a condition to ensure adequate drainage so that no water drains into the public highway. In addition it requests informatives to ensure the developer has all relevant information.

Representations

9. None currently received

Planning Comments – Key Issues

10. The key issues to consider in the determination of this application are:
 - The impact of proposals upon the character and appearance of the area
 - Highway Safety

Character and Appearance

11. The site currently comprises of a relatively large front garden, with a footpath leading up to the bungalow and some garden planting.
12. It should be noted that nearly the entirety of the front garden could be covered in tarmac or concrete without requiring planning permission under The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 Part 1 Class F. This part of the act allows for significant areas of hardstanding subject to that all water drains within the developer's own land. The focus of the application should, therefore, be the vehicular cross over and not the hardstanding and gravel turning area within the front garden. While additional planting to help screen the proposed driveway might be desirable it would not be reasonable to add a landscape condition onto this application.
13. With many of the properties within the local area having driveways over the grass verge and the loss of a small area of grass verge, the proposed vehicular crossover is considered to preserve the visual appearance of this local area.

Highway Safety

14. The proposal is for a vehicular crossover to serve a single dwelling. There are no material considerations that outweigh the comments made by the Local Highways Authority. It is, therefore, considered the proposal will not have a detrimental impact upon Highway Safety subject to appropriate conditions being added to any consent.

Conclusion

15. The proposal is considered to preserve the visual appearance of the local area and does not detrimentally affect highway safety, subject to appropriate conditions.

Recommendation

16. **Approve**

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: CP/95/3.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. The 2.0 x 2.0 metre visibility splays as shown on drawing number CP/95/3 must be permanently maintained free of any obstruction exceeding 600mm high.
(Reason – In the interests of Highway Safety.)
4. The access shall be constructed with adequate drainage measures so that water run-off does not drain onto the adjacent public highway, unless otherwise agreed in writing with the Local Planning Authority.
(Reason – In the interests of Highway Safety.)

Informatives

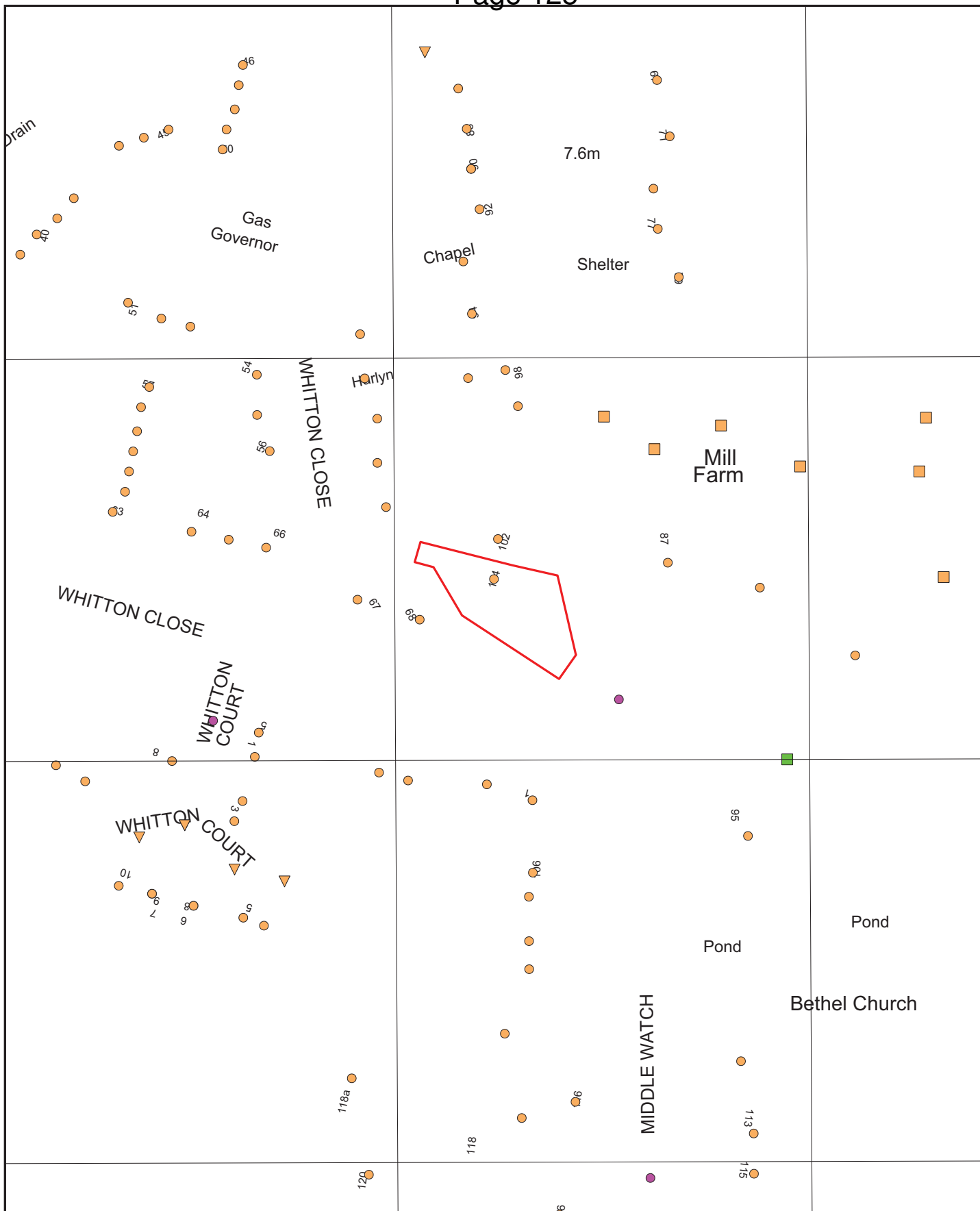
1. County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
2. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

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

- South Cambridgeshire Local Development Framework 2007

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0380/11 & S/0381/11 – BABRAHAM

Alterations and Conversion of Offices and Annexe to Dwelling and Annexe at Chalk Farm, High Street for Mr and Mrs N. Kotschy

Recommendation: Refusal

Date for Determination: 22nd April 2011

Notes:

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

Site and Proposal

1. The site is located within the Babraham village framework and conservation area. Chalk Farm, High Street comprises a grade II listed, detached, two-storey, render and plain tile farmhouse that is set on the back edge of the footpath with gardens to the north and south; a grade II listed, single storey, brick/flint and tile granary that has been converted to a residential annexe to the north east, and a range of single storey, brick/flint and pantile /slate curtilage listed outbuildings are situated to the south east that are used for domestic purposes (garaging/stores) and offices. The buildings are situated around a gravel parking area. Access is from a single track driveway between the garden to the farmhouse and the granary.
2. An access track and some redundant grade II listed agricultural buildings lie to the north east with The George Inn Public House beyond. A dwelling lies to the south east.
3. This full planning application, received 8th March 2011 as amended 3rd June 2011, proposes alterations and conversion of offices and annexe to dwelling and annexe, (i.e. the existing annexe would be associated with the new dwelling to which it is attached, rather than the existing farmhouse as at present). The alterations comprise the insertion of a window in the north-east elevation of the building, the installation of internal flues that terminate at ridge height with vents, and a revised internal layout with the insertion of partition walls.

Planning History

4. Listed building consent was granted for alterations and conversion of outbuilding to residential annexe under reference **S/1887/99/LB**.
5. Planning permission and listed building consent was granted for alterations and conversion of stables into offices under references **S/0499/93/F** and **S/0500/93/LB**. Condition 1 of the planning consent stated "The use, hereby permitted, shall only be carried on so long as the residential property known as Chalk farmhouse is occupied

by the present or any future owner of the application premises or by an employee of such an owner working at the application premises". The reason for this condition was to protect the amenities enjoyed by the occupiers of Chalk Farmhouse due to the proximity of that property to the application site.

6. Planning permission was refused for use as a preparatory school under reference **S/0939/92/F**.

Planning Policy

7. **Local Development Plan Policies**

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/7 Infill Villages

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
NE/1 Energy Efficiency
HG/1 Housing Density
ET/6 Loss of Rural Employment to Non-Employment Uses
CH/3 Listed Buildings
CH/4 Development Within the Setting of a Listed Building
CH/5 Conservation Areas
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
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

8. **National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 4 (Planning for Sustainable Economic Growth)
Planning Policy Statement 5 (Planning for the Historic Environment)

9. **Circulars**

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

Consultation

10. **Babraham Parish Council** – Recommends approval.
11. **Conservation Officer** – Recommended refusal as originally submitted on the grounds that the change of use and subdivision of the site would have a significant impact upon the setting of the listed farmhouse and the character and appearance of

the curtilage listed buildings. Comments on the amended plans are awaited although informally I have been advised that the changes may have addressed the objections.

12. **Trees and Landscape Officer** – Has no objections.
13. **Landscape Design Officer** – No reply (out of time).
14. **Acting Environmental Health Manager** – Has concerns that problems could arise from noise and light pollution and suggests conditions in relation to the hours of use of power operated machinery during the alterations and any external lighting scheme to be agreed. Also requests an informative in relation to the burning of waste on site.
15. **Contaminated Land Officer** – Requires a condition in relation to an investigation into contamination from the former agricultural use of the buildings and the presence of potential contaminants. This is due to a residential use being more sensitive as a result of the increased occupational time and garden areas and that receptors would be placed at a higher risk to any contamination present than an office use.
16. **Economic Development Panel** – The proposal would result in the loss of a currently occupied small unit of employment within a village framework. Considers that a low scale employment use would not harm the setting of the listed building or the amenities of Chalk Farmhouse through noise and disturbance and that an application should be submitted to remove condition 1 of planning consent S/0499/93/F so that the existing office use can be marketed separately before conversion to a non-employment use is considered acceptable.

Representations

20. The **Local Member** supports the application and considers that it complies with policy ET/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPS 2007.

Planning Comments – Key Issues

23. The key issues to consider in the determination of this application are the principle of the use, the loss of local employment, and the impacts of the development upon the character and appearance of the curtilage listed buildings, the setting of adjacent listed buildings (Chalk Farmhouse, the Granary and barn), and the character and appearance of the conservation area.

Principle of Development

24. The site is located within the village framework of an infill village. The conversion of the building to a residential use of up to two dwellings that comprise the redevelopment or sub-division of an existing residential curtilage is therefore considered acceptable in principle subject to all other planning considerations.

Housing Density

25. The site measures 0.12 of a hectare in area. The conversion of the building to one dwelling would equate to a density of 8 dwellings per hectare. Although this would not meet the density requirements of 30 dwellings per hectare, it is considered satisfactory in this case, given the sensitive location and nature of the site.

Loss of Employment

26. The building currently provides 185 square metres of B1 office space that is currently partially occupied by an architect's practice that has 5 employees. The conversion of the building to a dwelling would result in the loss of a small employment unit within the village. Whilst it is acknowledged that the property has a planning condition that links the offices to the main farmhouse and that both uses have been marketed for 12 months with no offers being made, evidence has been provided that states there would be commercial interest in the offices if not tied to the dwelling. Therefore, it is considered that to approve the use as a dwelling without firstly submitting an application to remove the condition that ties the dwelling and office uses, and then market the uses separately, would be premature, inappropriate, and contrary to Policy ET/6. Although it is accepted that the reason for the condition on the original planning consent that tied the offices to the dwelling was to protect the amenities of Chalk Farmhouse, officers consider that the site would be suitable for a low key (B1a) employment use without causing harm to that neighbour and would enable the retention of a local employment site. It is noted that the Babraham Institute is close by and employs a number of staff, but this employment is of a specialist nature and the site provides a different type of employment opportunity.

Listed Buildings / Conservation Area

27. The proposed alterations to provide a dwelling would be limited and are not considered to result in harm to the simple agricultural character of the curtilage listed building, nor damage the setting of the adjacent listed farmhouse, or adversely affect the character and appearance of the conservation area. It should be noted that the building has already been altered significantly to create the existing office use.
28. The subdivision of the site to create two separate dwellings is not considered to damage the setting of the adjacent listed farmhouse or harm the character and appearance of the conservation area. No physical subdivision would be introduced and the provision of domestic paraphernalia could already arise from the current uses.

Neighbour Amenity

29. The proposed dwelling is not considered to seriously harm the amenities of neighbours or the occupiers of the new dwelling. The proposed new bedroom window in the south east elevation facing the neighbour at 'Fidelis Fortis' would replace a kitchen window to the offices and would overlook a driveway. This opening would not therefore result in a loss of privacy.
30. The proposed new bedroom window in the north east elevation facing the access is not considered to result in harm to the occupiers of the new dwelling through noise and disturbance, given the limited use of the access. The existing windows on this elevation would not serve the main habitable rooms.

Highway Safety

31. The proposal is not considered to be detrimental to highway safety, given that the existing level of traffic from the office use may be reduced by use as a dwelling and there is adequate parking on the site for both dwellings.

Developer Contributions

32. The South Cambridgeshire Recreation Study 2005 identified a surplus of sport and play space within Babraham. However, it stated that new facilities are required to

meet local need. No open space would be provided on site. Due to the increase in the demand for the use of such space, a financial contribution of £3,104.38 (index linked) is required towards the provision and management of open space off-site and within the village to comply with Policy SF/10 of the LDF. The applicants have agreed to the contribution.

33. The South Cambridgeshire Community Facilities Assessment 2009 did not audit the standard of indoor community space in Babraham. However, it identified that there is a shortfall of such space. Due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (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. The applicants have agreed to the contribution.
34. 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 £69.50 per dwelling. The applicants have agreed to the contribution.

Other Matters

35. The proposal is not considered to result in significant noise or contamination of its occupants subject to safeguarding conditions.

Conclusion

36. 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 refused in this instance.

Recommendation

37. Refusal

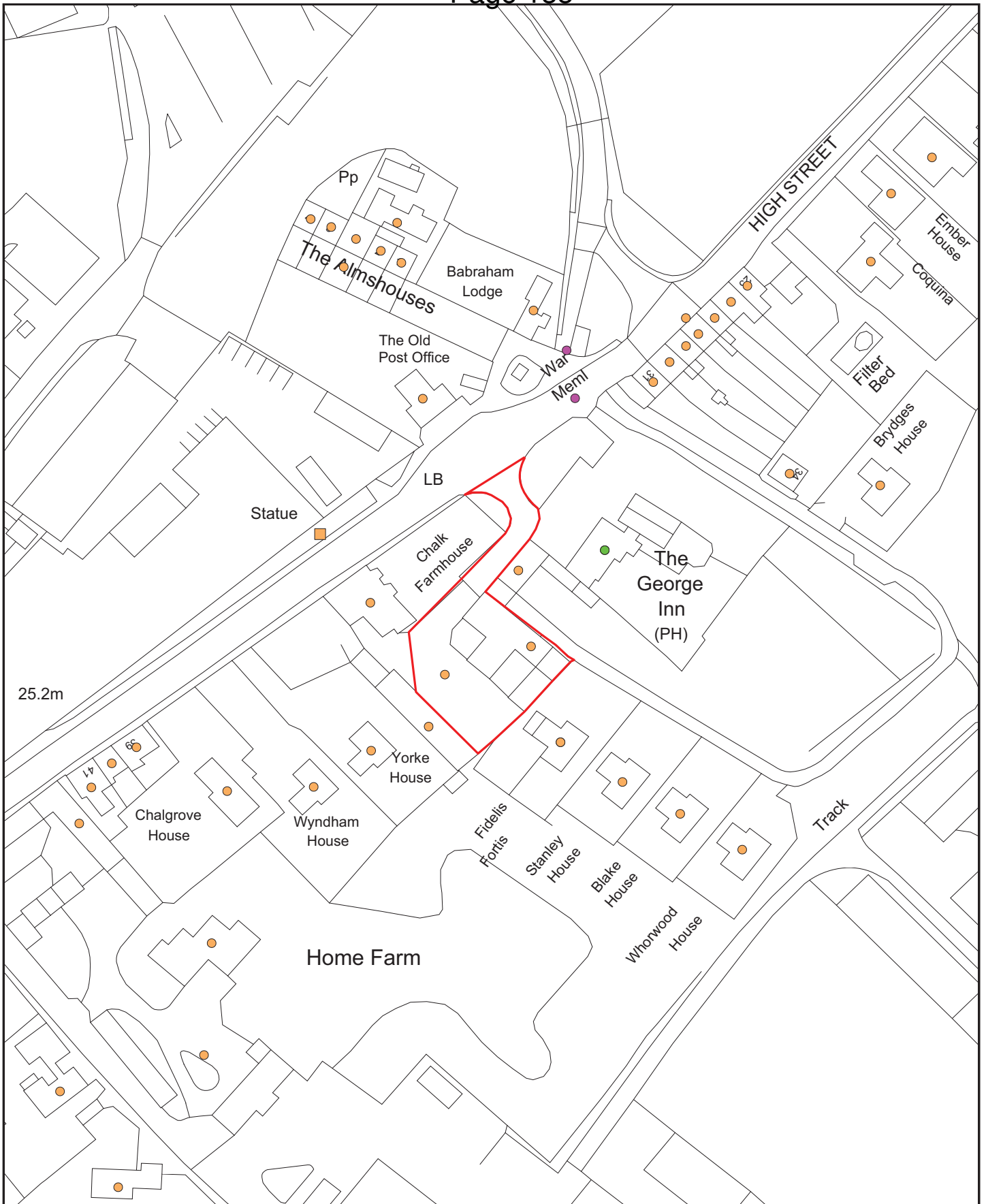
The proposed alterations and conversion of the offices to a dwelling would result in the loss of local employment. Given that the site is considered suitable for an employment use, such development is considered premature and inappropriate without first considering the removal of the current condition that ties the existing dwelling and offices, and the uses then marketed separately. The proposal would therefore be contrary to Policy ET/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states the conversion, change of use or re-development of existing employment sites to non-employment uses within village frameworks should be resisted unless it is demonstrated that the site is inappropriate for any employment use to continue having regard to market demand.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Development Affecting Conservation Areas, Listed Buildings, and District Design Guide
- Planning Policy Statements 1, 4, and 5
- Planning File References: S/0380/11, S/0381/11, S/1887/99/LB, S/0499/93/F, S/0500/93/LB, & S/0939/92/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0654/11 - STAPLEFORD**Replacement two-storey dwelling. - 27, Mingle Lane, Stapleford, Cambridge,
Cambridgeshire, CB22 5SY for Mr & Mrs Robert Mill****Recommendation: Delegated Approval****Date for Determination: 25 May 2011****Notes:**

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

Site and Proposal

1. The application site is located on the north side of Mingle Lane and is occupied by a single-storey hipped roof render and tile bungalow. A one-and-a-half-storey brick and tile dwelling of half-hipped design lies to the west whilst, to the east, is an open area of grassland beyond which is a single-storey render and tile property. To the rear, the curtilage of the property bounds land that falls outside the village framework and within the countryside and Green Belt.
2. The full application, received on 30th March 2011, and amended on 26th April and 10th June 2011, proposes to erect a two-storey dwelling on the site following the demolition of the existing property. The replacement dwelling would be a 7.6 metre high render and tile property that would be constructed mainly on the footprint of the existing bungalow. The design of the dwelling incorporates a two-storey gable to the front and two-storey projecting wings to the rear, whilst the west side nearest to No.25 Mingle Lane consists of a single-storey flat-roofed element which includes an integral double garage.

Planning History

3. C/0140/50 – Bungalow – approved.

Planning Policy

4. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/4: Rural Centres
5. **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
GB/3: Mitigating the Impact of Development Adjoining the Green Belt
HG/1: Housing Density
NE/15: Noise Pollution
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

6. South Cambridgeshire Local Development Framework Supplementary Planning Documents:
Open Space in New Developments – Adopted January 2009
District Design Guide – Adopted March 2010
Landscape in New Developments – 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.
8. **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

9. **Stapleford Parish Council** - Recommends approval, stating:

“Application S/0654/11 by Mr and Mrs Robert Mill for replacement two-storey dwelling at 27 Mingle Lane led to members endorsing the views of the immediate neighbour about previous height restrictions and negative impact on their property. Members agreed that there must be consistency but resolved to approve the plan subject to officers ensuring the consistency referred to and the application of strict working conditions.”
10. During a subsequent telephone conversation, the Parish Council clarified that the Parish Council comments amount to a recommendation of refusal as the application stands and that approval is only recommended if the drawings are amended to ensure consistency with the scheme approved for the property at No.25 Mingle Lane.
11. Any responses received in respect of the amended plans will be reported in an update prior to the Committee meeting.

Representations

12. Letters of objection have been received from the occupiers of No.25 Mingle Lane, the adjacent property to the west, and Nos. 22a and 22b Mingle Lane on the opposite side of the road.
13. No. 25 Mingle Lane objects for the following reasons:

- The height and volume of the proposed development would have a detrimental impact on the rear living rooms and sitting out areas by reason of overshadowing.
 - The development should be reduced in height and designed with a fully hipped roof.
 - Is there a need for a first floor element across the whole of the rear elevation? If the master suite could be reduced in size, this would lessen the impact on the rear living rooms.
 - The above change would also improve the appearance of the development, which needs careful consideration due to the prominent position of the development from surrounding properties and from fields to the rear.
 - First floor windows would overlook neighbouring properties. Also, there are windows directly facing No.25 that should be frosted glass.
 - Numerous design matters had to be addressed in obtaining planning permission for the development at No.25, with the height of the proposal and possible impact on adjoining properties being a primary consideration. These considerations resulted in the current one and a half storey design with bedrooms in the roof space.
14. No.22a Mingle Lane states that the development would result in the loss of another bungalow. As the population is ageing, the need for bungalows is increasing, and the type of development proposed is therefore of no benefit to the village. Long established hedges have already been removed resulting in considerable environmental damage.
15. No.22b Mingle Lane objects to the loss of a bungalow, stating that the village character requires an appropriate mix of different types of housing. The height of the proposed development is excessive and out of proportion with nearby houses on that side of Mingle Lane, and around 1 metre higher than the immediately adjacent property at No.25. The volume is also excessive and should be reduced by the use of hipped roofs. The proposed render would give the house a harsh appearance, out of keeping with the general style of Mingle Lane, which is generally characterised by brick dwellings.
16. Any further responses received in respect of the amended plans will be reported in an update prior to the Committee meeting.

Planning Comments

Principle of development

17. The site measures approximately 0.136 hectares in area. The erection of one dwelling on the site equates to a density of approximately 7 dwellings per hectare. This is below the minimum 40 dwellings per hectare density required within sustainable locations by Policy HG/1. The starting point as part of the consideration of the application is that a minimum density of 40 dwellings per hectare should be achieved (in this instance 5 dwellings) unless other material considerations indicate a different density would be more

appropriate. The supporting statement explains that the government amended Planning Policy Statement 3 last year to abolish the national indicative density of 30 dwellings per hectare and change the definition of previously developed land to exclude residential gardens. The statement then argues that there is an established pattern of development along Mingle Lane that suggests a single dwelling on the site would be appropriate, that there is countryside and Green Belt land to the rear, and that the introduction of a different form of development would amount to an alien addition to the longstanding layout of the area. Given the character of the area, it is argued that there is no justification for the loss of this land for development. Officers consider that accommodating any more than one dwelling on the site would either result in development in depth or the subdivision of the site into long narrow plots. Development in depth would be out of keeping with the immediate character of the area whilst the vertical subdivision of the site, even into just two plots, would result in each plot being narrower than any other site in the vicinity. As such, Officers concur that erecting any more than one dwelling on the site would result in a form of development that would be out of keeping with, and result in harm to, the linear character and appearance of the area.

18. Concerns have been raised by the occupiers of Nos. 22a and 22b Mingle Lane (both located opposite the site) on the basis that the development would result in the loss of a bungalow, the need for which is increasing in view of the ageing nature of the population. Whilst this fact is not disputed, there are no planning policies in place requiring the retention of single-storey dwellings and, as such, refusing the application on this basis could not reasonably be justified.

Impact upon the character of the area

19. Concerns have been raised regarding the scale and visual impact of the proposed dwelling. No.25 to the west is an approximately 6.7m high dwelling with a half-hipped roof and first floor rooms in the roof space lit by rooflights. Additionally, the dwelling beyond the grass strip of land to the east is a single storey property. Beyond these two properties, the dwellings on the north side of Mingle Lane include bungalows, chalet-style dwellings and two-storey properties, with both brick and render finishes. The two-storey properties are generally in the region of 7.5-8m high with their principal ridge lines running parallel to the road and, in some cases, incorporating a two-storey subservient projecting wing to the front. The proposed replacement dwelling would be 7.6m high and would occupy the approximate footprint of the existing bungalow. It has been designed with its ridge parallel to the road and with a subservient forward projecting wing. Although the dwelling would be approximately 1 metre higher than No.25, its scale and design is not out of keeping with the character of other properties in the immediate area, and the development is not therefore considered to result in undue harm to the character and appearance of the area.
20. The Parish Council and owner of the adjacent property at No.25 Mingle Lane have stressed the need to ensure consistency between the approach to this site and that taken in respect of the works approved for No.25. The extensions to No.25 were approved in 1986 (S/0166/86/F). There is no indication from the paperwork available on the file that dormer windows or full two-storey height development was deemed to be unacceptable and it is therefore assumed that this may have been the subject of pre-application

discussions. It is evident from the file, however, that amendments were requested to the proposed scheme in order to resolve concerns regarding the impact of the development upon the amenities of occupiers of No.23 Mingle Lane. It must also be stressed that each application has to be considered on its own merits. In this instance, the plot occupied by No.27 is much wider than that of No.25, whilst the open parcel of land to the east side provides more flexibility in the scope to accommodate a two-storey dwelling on the site. For these reasons, it is considered that there would be insufficient justification to require any development on the plot to replicate that approved at No.25 Mingle Lane.

Residential amenity

21. The owners of No.25 Mingle Lane to the west of the site have expressed strong concerns regarding the impact of the development upon their rear living rooms and sitting out area. This property has no windows in the east side gable facing the site. There is however a private sitting out area/patio immediately to the rear of the dwelling adjacent to the boundary of the site, and patio doors and a window serving a dining area in the eastern part of the rear elevation. At present, the existing dwelling has an approximately 4 metre high single-storey element (with approximately 3 metre high eaves) directly adjacent to No.25's patio area. This already has quite an overbearing impact on the neighbour's patio area and the effect of the proposed development therefore needs to be judged against the existing situation. The original plans included a 5.3 metre deep two-storey wing set around 4 metres away from the boundary with No.25. This was considered to have a greater impact upon No.25 than the existing single-storey element and to have an unacceptably overbearing presence upon the patio and rear windows. The scheme has therefore been amended to reduce the size of the westernmost two-storey gable to the rear, resulting in this element being positioned an additional 1.8 metres away from the boundary with No.25, whilst the depth of the entire two-storey rear section has been reduced by in excess of 400mm. As a result of these changes, the impact of the proposed development upon No.25's sitting-out area and rear windows would be no greater than that caused by the existing high single-storey. Additionally, the development would not encroach into a 45 degree line drawn from the centre of the affected windows and projected 25 degrees upwards, as recommended within the Building Research Establishment's Guidance. In this respect, the proposal is therefore considered to be acceptable.
22. The proposal includes two first floor windows in the west side elevation. These both serve bathrooms and can be required by condition to be fixed shut and obscure glazed, whilst permitted development rights should be removed for the insertion of further first floor windows in the side elevation of the dwelling.

Infrastructure requirements

23. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. Based on the increase in the number of bedrooms between the existing and proposed dwellings (3 and 4+ bedrooms respectively), this amounts to £1,154.52, as calculated at the time of the application. It would also result in the need for a contribution towards the provision of indoor

community facilities (£194.85), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £350). The applicants have confirmed their agreement to such payments.

Recommendation

24. Approval, as amended by drawing numbers PL01 Rev B, PL02 Rev B, PL03 Rev B and PL04 Rev B date stamped 10th June 2011:
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: PL05 and PL06; and PL01 Rev B, PL02 Rev B, PL03 Rev B and PL04 Rev B date stamped 10th June 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 details of the materials to be used for the external walls and roof of the dwelling 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 Local Development Framework 2007)
 4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason – To ensure the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
 5. 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 or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, no windows, doors or openings of any kind, other than those

expressly authorised by this permission, shall be constructed in the west side elevation 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.)

7. Apart from any top hung vent, the proposed first floor windows in the west side elevation of the dwelling hereby permitted shall be fixed shut and 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.)
8. No development shall begin until details of a scheme for the provision of recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009)
9. No development shall begin until details of a scheme for the provision of community facilities infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards community facilities infrastructure in accordance with the Policy DP/4 of the adopted Local Development Framework 2007)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Open Space in New Developments – Adopted January 2009, District Design Guide – Adopted March 2010, Landscape in New Developments – Adopted March 2010.
- Circular 11/95 and 05/2005
- Planning File References: S/0654/11, C/0140/50 and S/0166/86/F.

Contact Officer: Lorraine Casey – Senior Planning Officer
Telephone: (01954) 713251

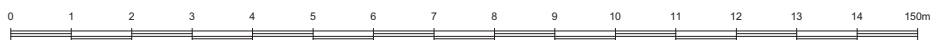
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 2011

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

S/0856/11 - Sawston
Change of use of three car parking spaces to hand car wash for Mr Paul Gravelle

Recommendation: Approve Conditionally

Date for Determination: 21st June 2011

This application has been referred to the Planning Committee for determination because the recommendation of Sawston Parish Council does not accord with the officer recommendation.

Members will visit the site on 6th July 2011.

Site and Proposal

1. The application site comprises the northwest corner of the existing public car park located within the centre of the village, within the village development framework. Car parking is not charged nor is it exclusive to the users of the supermarket Budgens. The site in question comprises three existing disabled car parking spaces located adjacent to the car park entrance off Selsingen Way. The site is partially enclosed by a timber fence to the northern and western boundaries with a concrete finish to the ground surface.
2. The proposal would comprise the change of use of 3 car parking spaces for the provision of a hand car wash business. The application site once formed disabled car parking bays, which have since been re-located and the site is now designated as a non parking area, delineated by hatched yellow lines. The site is located within close proximity to the Budgens store to allow for adequate connections to the water supply and existing foul water drainage system. The car washing will involve hand washing with buckets and a jet wash hose.

Planning History

3. Planning Application **S/1519/10/F** for the change of use of car parking spaces for hand car wash was refused on the grounds that it would have an adverse impact upon ground water.
4. Planning Application **S/0132/06/A** was partly approved and partly refused for the erection of signs.
5. Planning Application **S/1810/96/F** was approved for the erection of a Village Hall Community Centre & County Library Building.

6. Planning Application **S/1777/82/F** was approved for a new car park.

Policies

7. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
TR/2 Car and Cycle Parking Standards
NE/15 Noise Pollution

Consultations

8. **Sawston Parish Council** – Recommend refusal on the grounds that the proposal would result in the loss of car parking spaces in an area that is accessed off a busy road with Heavy Goods Vehicles turning within close proximity to the site, which already cause congestion. There is also another application for a car wash in the village and the applicant did not approach the Parish prior to the submission of the application.
9. **Environmental Health** – Raise no objections to the proposal subject to the use of conditions to limit the operating hours of the business to 08.30-17.30 Monday to Saturday and 10.00-16.00 on Sundays and Bank Holidays. In addition the use of equipment associated with the car washing shall be operated in accordance with the noise levels provided within the supporting planning statement.
10. **Environment Agency** – Raise no objections confirming that the proposal development is acceptable in principle on the premise that all surface water from the proposed use is discharged to the public foul water sewer with the approval of Anglian Water.
11. **Local Highway Authority** – Raise no objections to the proposal commenting that no significant impact upon the public highway would result from this proposal.

Representations

12. 2 letters of objections have been received from local residents raising the following comments:
- Car parking is at a premium in the village at peak shopping times, there is already a large hatched area for lorry turning, which takes up a potential four car parking spaces;
 - Sawston will soon suffer from shoppers going to supermarkets out of the village, which have adequate car parking;
 - The car parking is regularly full to capacity and the further reduction of spaces would result in even more wasted trips around the car park looking for spaces;
 - Local staff park within the car park, which also reduces the amount of spaces;

- There are currently spaces within the Budgens service yard, which are full with damaged shopping trolleys and broken plant frames, this would be a better location for the proposal;
- There is a concern with regard to the use of chemicals and surface water run off;
- Most shoppers at Budgens are basket shoppers and would not be in the store long enough to have their car washed;

Planning Comments

13. The key considerations in the determination of this application are the impact that the development would have upon car parking provision, highway safety, noise and the protection of groundwater.

Car Parking & Highway Safety:

14. The proposal would not result in the loss of any car parking spaces as the disabled bays have been re-sited and the application site is currently delineated as a non-parking area. Nevertheless, whilst the proposed car parking spaces would be inclusive to the car wash use, they would still be retained for customer car-parking as customers would park and await their car being washed during a visit to the local shops and businesses. Therefore the proposal would not result in a net-loss of car parking spaces for the overall car park although it is acknowledged that the car park has been reconfigured prior to the submission of this application. The re-located disabled car parking spaces have been sited immediately opposite their original location and are well sited to the public footpath and car park entrance for ease of access to the High Street and Budgens store.
15. The Parish Council has raised concerns about the potential for traffic queuing within Selsingen Way and any conflict that would result with HGV delivery. It is considered that the provision of three car parking spaces for car washing would not result in vehicles queuing to use the facilities. The car park benefits from a wide access road whereby vehicles can wait and pass one another during high volumes of traffic. Furthermore, it is not uncommon for vehicles to wait and allow others to park or manoeuvre within a car park. Whilst the proposal would be sited within close proximity to the store's loading bay it is considered that the two are physically separate from one another so that no conflict between vehicles would occur. There is at present a timber fence that separates the two along with a considerable drop in ground levels. The Local Highway Authority has confirmed that the proposal would not result in a significant impact upon the adopted public highway.

Noise:

16. The proposal has been sited as to minimise the impact of the use of power-operated machinery (namely the jet wash equipment) from surrounding residential properties, with the provision of a condition limiting the use of the jet wash equipment outside of unsociable hours being appropriate to ensure that no adverse noise impact would result. In addition a condition shall be added requiring the use of the equipment, including its maintenance to be carried out in accordance with the specifications set out within the Planning Statement.

Drainage & Pollution:

17. The application site is within a groundwater protection zone above a major aquifer. As a consequence it is essential that the use recycles water and discharges any surface water to a controlled drainage system. The proposal seeks to provide a new gully to the entrance of the car parking, which will ensure that surface water run-off (waste water) drains into the existing foul water sewer. In addition the jet wash equipment would be fitted with a shutoff nozzle to prevent the continuous flow of water. The Environment Agency is satisfied with the proposed drainage proposals subject to the agreement with Anglian Water to the connection to the foul water drain. The applicant has approached Anglian Water and subject to the approval of planning permission will enter into an agreement with them to discharge into the foul water drainage system. As such, a condition will be imposed requiring the written agreement of Anglian Water to be submitted for approval prior to the use commencing on site.

Conclusion

14. 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

Approve 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: Site Location plan, and drawing SDL/02.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No power operated machinery (or other specified machinery) shall be operated on the site before 08.30am on weekdays and Saturdays, nor after 17.30 pm on weekdays and Saturdays, and before 10.00am nor after 16.00 on Sundays (nor at anytime on Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.**
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
4. **The use, hereby permitted, shall be carried out in accordance with the noise levels specified within the Planning Statement dated the April 2011 (SDL Planning Associates Gravelle's**

Budgens Car Park, Sawston) unless otherwise agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.

(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

- 5. Prior to the commencement of the use, hereby permitted, details of the written approval of Anglian Water for the discharge of waste surface water into the foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority.**

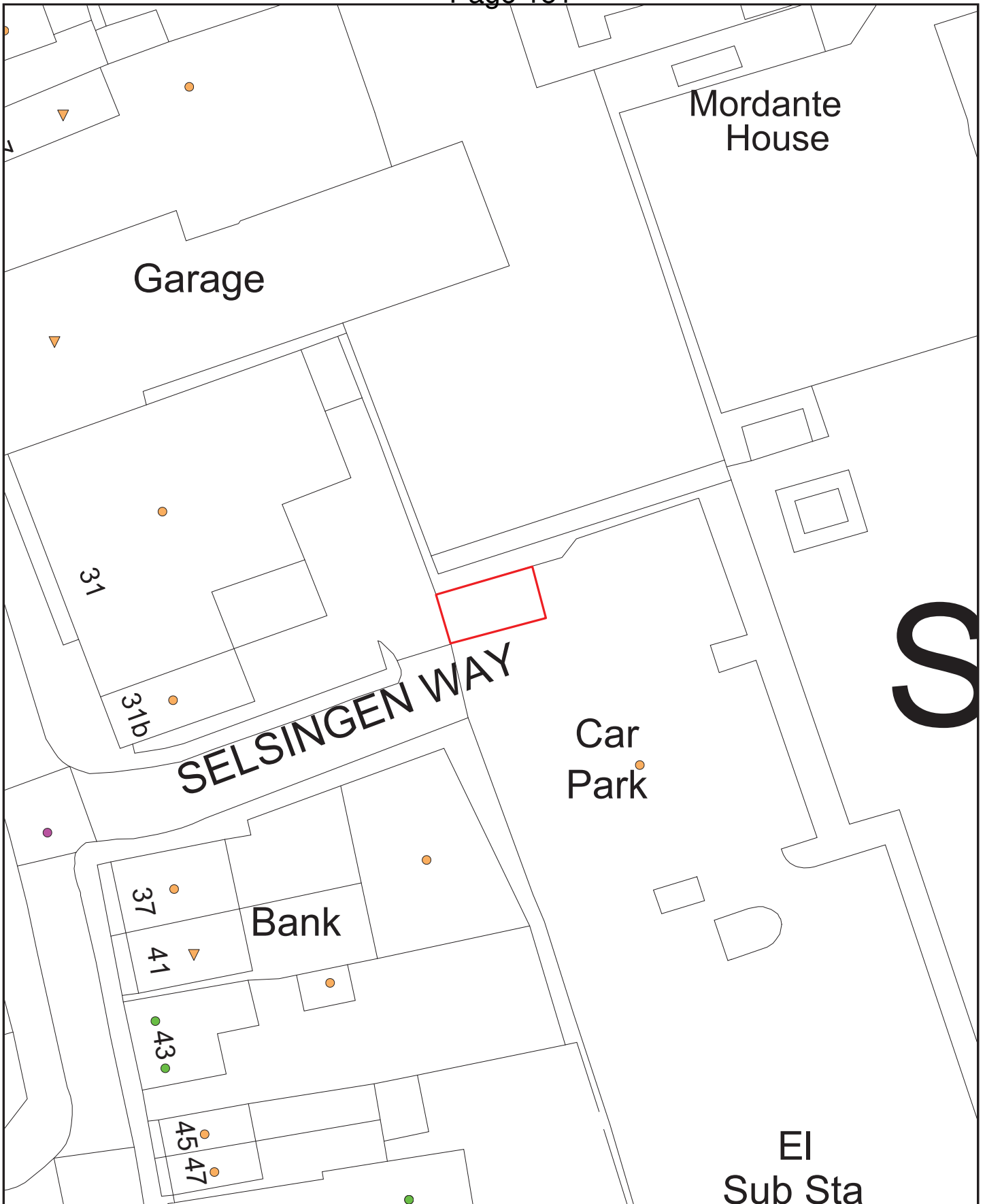
(Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: District Design Guide
- Planning file reference: S/0700/11.

Contact Officer: Mike Jones – Senior Planning Officer
01954 713253

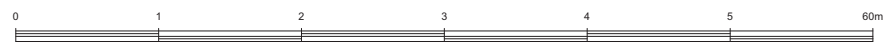
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 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. It was reported to the April Planning Committee that repair works had been progressing and Anglian Water (AW) had 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. Representatives from the Cambourne Consortium and their Engineers, WSP as well as AW will be presenting to the July Committee on the analysis testing of the system's reaction to rainfall over recent months and it is understood the Cambourne Consortium will be asking that part of the embargo on the 950 application as relates to the infiltration issue be lifted. A separate report is still to be presented in relation to Uttons Drove and it is intended this is likely to be in August or September when Heads of Terms have been exchanged as to future works at Uttons Drove and agreement as to payment of monies for such works.
3. Gary Duthie, Senior Lawyer, will present this item to Committee on 6 July 2011. Stephen Reid, Planning Lawyer, is unable to attend the meeting, but he can be contacted beforehand by telephone or e-mail.

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 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 Date report written. 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/1477/10/F	Mr & Mrs Morgan 19 Corbett Street Cottenham Single storey extension to rear	Dismissed	08/06/11
S/1859/10/F	Mr & Mrs Tilley 45 North Road Great Abington Replacement dwelling	Dismissed	08/06/11
S/0920/10/F	Mr & Mrs G Jennings Grove Farm Harlton Road Haslingfield Erection of Agricultural Store Building	Allowed	08/06/11
PLAENF.4367	Mr T Aresti Odsey Grange Baldock Road Guilden Morden Erection of Garage	Dismissed	09/06/11

- Appeals received**

Ref. no.	Details	Decision	Decision Date
S/0016/11/F	Ms K Williams 113 Cambridge Road Wimpole	Appealing Condition	06/05/11
S/1745/10/F	Mrs L Swift 17 Long Road Comberton Extension and Alteration to Garage to Form Annexe	Refused	12/05/11
S/1238/10/F	Mr J Atherton	Refused	25/05/11

	Upper Farmhouse 151 Alms Hill Bourn Erection of Timber Post and Rail Fence with Gates		
S/1240/10/F	Mr J Atherton Upper Farmhouse 151 Alms Hill Bourn Demolition of garden wall	Refused	25/05/11
S/1793/10/LB	Ms L Boscawen The Grange, St Michaels Longstanton Internal and External alterations	Refused	25/05/11
S/0048/11/F	Mr & Mrs A Meikle 41 Chestnut Close Haslingfield Erection of Dwelling	Refused	06/06/11

- **Summaries of important decisions**

Mr and Mrs G Jennings – Erection of an agricultural store building – Part OSP No. 0051, Harlton Road, Haslingfield – Appeal allowed

4. The Planning Committee refused the application because of the effect of the proposed development on the openness and visual amenities of the Green Belt.
5. At the time of his visit, the planning inspector commented that he could see four horses on the site. He has therefore regarded the proposed development as being for recreational purposes and was required to consider whether the building should be regarded as an essential facility. He was satisfied that there is a genuine need for the building and that it would therefore not be inappropriate development in the Green Belt
6. The inspector found this would be a relatively small building and, while it would be close to the road, it would lie behind a hedge with a mix of deciduous and coniferous planting several metres high. It would thus not be prominent in open countryside or detrimental to the appearance of the Green Belt. He was therefore satisfied that the development would not result in a harmful loss of openness or visual amenity and would thus be acceptable in relation to policy GB/2 of the South Cambridgeshire Development Control Policies DPD 2007 and the advice in PPG2.
7. The appeal was therefore allowed subject to no development commencing until a sample of the colour of the external finish of the building being submitted to and approved in writing by the local planning authority.

- **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 1 June 2011.**

8. None

- **Appeals withdrawn or postponed:**

9. None

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

10. None

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

- None

Contact Officer: Mr N Blazeby
Telephone: (01954) 713165

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 July 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 24 June 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	<p>Defendants appeared before Cambridge Magistrates Court on 15th May 2007. Each given a conditional discharge for 18 months with £200 costs. Planning permission S/1653/07/F approved 12th August 2008 Letter received from defendants Solicitors regarding current circumstances – File submitted to Legal for opinion. Defendant's circumstances remain unchanged. Legal Officer informed.</p> <p>Defendants indicate their intention to move to the site at Southgate Farm, Chesterton Fen Road by July 2011. Waiting delivery of replacement mobile home.</p>

Ref No	Village	Location	See Page No for full update	Remarks
10/03	Cottenham	Plot 12 Victoria View, Smithy Fen	10 – 14	<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> <p>Conditions currently being monitored remove from listing</p>

Ref No	Village	Location	See Page No for full update	Remarks
19/03	Histon	Land adjacent to Moor Drove Cottenham Road	14 - 17	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	17 - 20	<p>Defendant appeared at Cambridge Magistrates Court on 10th January 2008. Each fined £700 with £200 costs. Refusal of planning permission S/1823/07/F and S/1834/07/F appealed. Hearing date listed for 6th January 2009 S/1823/07/F "Appeal B" dismissed - Legal Officer to issue an Injunction in the High Court. 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. Site inspection carried out on the 3rd December 2009 revealed that the Order had not been complied with. Legal Officer informed.</p> <p>Formal warning letter issued to the defendants to vacate the premises. Further inspections confirmed that although the touring caravan had been removed from the site the defendants were still residing at the premises contrary to the Injunction Order.</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> <p>Monitoring visits have confirmed that the one of the defendants is still residing on site and is therefore in breach of the Injunction Order</p>

Ref No	Village	Location	See Page No for full update	Remarks
				<p>The defendant appeared at the High Court on 22nd June 2011 and was found to be in contempt of court and was sentenced to 90 days imprisonment and ordered to pay the Councils costs totalling £7,135.00p</p>
13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	20 - 24	<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	24 - 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	30 - 31	<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	31 - 32	<p>Enforcement Notice issued 28th September 2007 for unauthorised work on Listed building.</p> <p>At Cambridge Magistrates Court on 10th January 2008 the owner was fined £10,000 for unauthorised works.</p> <p>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.</p> <p>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	32 - 34	<p>Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted.</p> <p>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.</p> <p>Further planning application submitted – Ref: S/0246/10/F.</p> <p>Planning permission refused.</p>
6/08	Milton	6 Sunningdale Fen Road Chesterton	34 - 35	<p>Enforcement Notice appealed. Inquiry date 10th February 2009</p> <p>Appeal allowed on ground (a) Conditional planning permission granted. Compliance period six months i.e. by 18th August 2009. Planning application received and registered.</p> <p>Application S/1154/09 approved 5th October 2009 – Conditions to be monitored.</p> <p>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	35 - 36	<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	36 - 37	<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	38 - 39	<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> <p>Remedial works commenced, completion due November 2011</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- 42	<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>
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>
17/10	Croxtan	The Car Wash facility St. Neots Road	42 - 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> <p>No change – Remove from listing</p>

Ref No	Village	Location	See Page No for full update	Remarks
19/10	Stow-Cum-Quy	Park Farmhouse Station Road	43	Listed Building Enforcement Notice issued – Compliance period to remove the unauthorised gates three months i.e. by 8 August 2010. Notice Appealed. Listed Building Enforcement Notice withdrawn and reissued – See case 24/10
23/10	Meldreth	Field Gate Nurseries 32 Station Road	44	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. 12 th August 2010 Application submitted
24/10	Stow-Cum-Quy	Park Farm Station Road	44	Enforcement notice issued – Compliance period to remove unauthorised gates, one month i.e. by 6 th September 2010 Appeal submitted 1 st December 2010 appeal dismissed – Time period to comply extended to 12 months – Revised scheme to be submitted and agreed by SCDC.
26/10	Whaddon	8 Church Street	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.

Ref No	Village	Location	See Page No for full update	Remarks
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 Appeal dismissed – Compliance period 3 months i.e by 9th September 2011

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

- Enforcement Action Progress Report as at 24th June 2011 (attached to the electronic version of the agenda on the Council's website)

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