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26 July 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, 3 AUGUST 2011 at 2.00 p.m.**

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

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

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

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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 received from Councillor Mervyn Loynes.
2. **General Declarations of Interest** 1 - 2
3. **Minutes of Previous Meeting, and errata**  
To authorise the Chairman to sign the Minutes of the meeting held

on 6 July 2011 as a correct record. The minutes are available online by visiting [www.scams.gov.uk/meetings](http://www.scams.gov.uk/meetings) and following the relevant links.

To note the following corrections to Planning Committee minutes:

**Minute 91 (3 November 2010): S/1101/10/F - Papworth Everard (Land West of Ermine Street South)**

The Minute stated that Paul Hicks addressed the meeting on behalf of Papworth Everard Parish Council. In fact he did not do so, and his name has been removed from the list of non-Committee speakers.

**Minute 206 (11 May 2011): S/1689/10 – Great Shelford (36-38 Woollards Lane)**

The Minute stated that Hilda Wynne (objector) addressed the meeting. In fact she did not do so, and her name has been removed from the list of non-Committee speakers.

**PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

- |            |                                                                                                                                                                                                   |                  |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>4.</b>  | <b>S/1631/10 - Swavesey, Scotland Drove, Rose and Crown Road,</b><br>Appendices 1 and 2 are attached to the electronic version of the agenda. Appendix 2 is confidential and not for publication. | <b>3 - 10</b>    |
| <b>5.</b>  | <b>S/0010/11 - Cottenham, 4&amp;5 Pine Lane, Smithy Fen</b>                                                                                                                                       | <b>11 - 26</b>   |
| <b>6.</b>  | <b>S/1263/09/F - Caldecote, Highfields Court, Highfields</b>                                                                                                                                      | <b>27 - 32</b>   |
| <b>7.</b>  | <b>S/1020/11 and 1042/11 - Rampton, Lantern House</b>                                                                                                                                             | <b>33 - 44</b>   |
| <b>8.</b>  | <b>S/0912/11 - Lt Gransden, Fullers Hill Farm,</b>                                                                                                                                                | <b>45 - 52</b>   |
| <b>9.</b>  | <b>S/1027/11 - Harston, 44 High Street</b>                                                                                                                                                        | <b>53 - 62</b>   |
| <b>10.</b> | <b>S/2079/10 - Longstanton, Garages and 18&amp;19 Haddows Close</b>                                                                                                                               | <b>63 - 74</b>   |
| <b>11.</b> | <b>S/1728/10 - Meldreth, 32 Station Road</b><br>Appendices A, B, C and D are attached to the electronic version of the agenda.                                                                    | <b>75 - 88</b>   |
| <b>12.</b> | <b>S/0984/11 - Milton, Land adjacent to Lea Court, Coles Rd</b>                                                                                                                                   | <b>89 - 100</b>  |
| <b>13.</b> | <b>S/1016/11 - Milton, 17 Pearson Close</b>                                                                                                                                                       | <b>101 - 110</b> |
| <b>14.</b> | <b>S/0919/11 - Conington, 2 Elsworth Road</b>                                                                                                                                                     | <b>111 - 116</b> |
| <b>15.</b> | <b>S/0537/11 &amp; S/0539/11 - Abington Piggotts, Homeside</b>                                                                                                                                    | <b>117 - 124</b> |
| <b>16.</b> | <b>S/0992/11 - Little Wilbraham, Reed Cottage, 1 Rectory Farm Road</b>                                                                                                                            | <b>125 - 130</b> |
| <b>17.</b> | <b>S/2059/10/F - Over, Haden Way</b>                                                                                                                                                              | <b>131 - 142</b> |
| <b>18.</b> | <b>S/0978/11 - Coton, 75 The Footpath</b>                                                                                                                                                         | <b>143 - 150</b> |

## **INFORMATION ITEMS**

- |            |                                                                  |                  |
|------------|------------------------------------------------------------------|------------------|
| <b>19.</b> | <b>Cambourne Drainage update</b>                                 | <b>151 - 152</b> |
| <b>20.</b> | <b>Appeals against Planning Decisions and Enforcement Action</b> | <b>153 - 156</b> |

### **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

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

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### **Recording of Business and Use of Mobile Phones**

The Council is committed to openness and transparency. Until such time as the Council's Constitution is updated to allow public recording of business, the Council and all its committees, sub-committees or any other sub-group of the Council or the Executive will have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) for the duration of that meeting to enable the recording of business, including any audio / visual or photographic recording in any format or use of social media to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

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

### **Disturbance by Public**

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

### **Smoking**

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### **Food and Drink**

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

## 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 – 3 August 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]**

Item no: ..... App. No. .... Villlage: .....

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**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:

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

Item no: ..... App. No. .... Villlage: .....

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/1631/10 - SWAVESEY****Continued and permanent use of land as gypsy caravan site (8 pitches) at  
Scotland Drove Park, Rose And Crown Road  
for W Fuller and Others****Recommendation: Approve for a further temporary period of three years****Date for Determination: 18 November 2010****Notes: This Application has been reported to the Planning Committee for re-determination following the Planning Committee's resolution to approve the application subject to conditions.****Background**

1. This application was first considered at the May Planning Committee meeting when " the Committee granted permanent planning permission being satisfied that the site was now an appropriate site in land use terms, subject to conditions set out in the report from the Corporate manager (planning and New Communities) ... and an additional condition being imposed requiring contributions towards open space and community infrastructure" (Planning Committee minute 217)
2. The possibility of imposing such a condition had not been raised with the applicant while the application was being determined. Neither was it raised as an issue as part of the consultation process. In view of this, the case officer has since written to the applicant's agent seeking confirmation that the need for the contributions is both reasonable and appropriate.
3. The agent has replied suggesting that the payment is inappropriate for a number of reasons. These are set out in a letter dated 10 June 2011, which is appended to this report and a further confidential letter dated 19 July 2011. This second letter contains detailed information on the families' financial circumstances and is available as a restricted electronic appendix.
4. The Committee is therefore requested to reconsider the matter and whether the proposed condition should be imposed. If not, the Committee needs to consider whether permanent planning permission should still be granted.

**Relevant Planning History**

5. The site was originally developed without planning permission in 2002. An enforcement notice (which still remains extant) was issued on 17 September 2002 requiring the use of the site to cease. Separate planning applications for each plot were refused on 22 November 2002 and were dismissed at appeal

on 2 July 2004 (following a successful legal challenge against an earlier inspector's decision in 2003). The inspector accepted there was a need for such a site, but concluded this was outweighed by the harm to highway safety and to the character and appearance of the area. He considered there was no case for a temporary consent given the identified harm

6. Despite this decision, the site remained occupied and a further planning application for the eight pitches was submitted in March 2007 (ref: **S/0601/07**). The Planning Committee considered the application at its meeting in July 2007 when it was resolved that temporary planning permission should be granted. This was subject to various conditions designed to overcome the problems highlighted in the earlier appeal. These included limiting the number of caravans on each plot to no more than five; implementation of an agreed landscaping scheme; suitable provision for foul water drainage; works designed to improve highway safety; and a restriction on external lighting.
7. Occupation was restricted to persons defined as gypsies and was for a temporary period only, expiring 1 September 2010. The reason for granting temporary planning permission was to reflect the advice in government guidance pending the preparation of a Gypsy and Traveller Development Plan Document.
8. The Committee resolved to grant permanent planning permission at its meeting on 6 May 2011.

#### **Relevant Planning Policy**

9. **ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites** aims to increase the number of gypsy and traveller sites in appropriate locations. The only reference to the availability of community facilities is in paragraph 54, which advises that sites "should avoid placing an undue pressure on the local infrastructure". Paragraph 58 advises that "personal circumstances" are a consideration when considering planning applications.
10. **South Cambridgeshire Local Development Framework Development Control Policies 2007**  
**DP/4** Infrastructure and New Developments  
**SF/10** Outdoor Play Space, Informal Open Space and New Developments  
**SF/11** Open Space Standards
11. **Open Space in New Developments SPD** - adopted January 2009
12. **Community Facilities Audit** - Approved as Council Policy November 2009  
**Recreation Study Annex 1: Village Results**. June 2005
13. **Gypsy and Traveller DPD Issues and Options 2, July 2009 (GTDPD)**  
The GTDPD does not contain guidance relevant to the imposition of the condition.
14. **Circular 11/95 (The use of Conditions in Planning Permissions)**  
Advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

15. **Circular 05/2005**

Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development to be permitted, fairly and reasonably related in scale and kind and reasonable in all other respects.

**Consultations**

16. None of those who were consulted or responded to the application raised the issue of infrastructure provision or contributions when the application was first considered. The County Council did not seek contributions towards education provision within the village.

**Planning Comments**

17. The payment of contributions will ultimately be secured by way of a legal agreement. In line with the advice in Circular 05/2005, the key considerations are that the planning obligations must be relevant to planning, necessary, directly related to the proposed development to be permitted, fairly and reasonably related in scale and kind and reasonable in all other respects.

- Relevant to Planning

18. The need for contributions follows the requirements of Policies DP/4, SF/10 and SF/11.

- Necessary

19. The relevant development policies and the documents set out in paragraphs 11 and 12 above explain why the contributions are sought. Policy DP/4 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. The policy goes to say that contributions may be necessary for matters such as public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities.

20. SF/10 states that all residential developments will be required to contribute towards outdoor playspace and informal open space to meet the additional need generated by the development in accordance with defined standards set out in Policy SF/11. Thus there is a need for all sections of the community to contribute to the cost of all, or that part of, additional infrastructure provision, which would not have been necessary but for their development,

21. The South Cambridgeshire District Council Recreation Study June 2005 (Annex 1 Village Results) identifies there is a shortfall of both sports provision and play space within the village and a need to upgrade the children's play area. The basis for calculating open space contributions is set out in the Council's 'Open Space in New Developments' SPD adopted in 2009.

22. The Community Facilities Audit was approved as Council policy in November 2009. The Council is using an informal standard of 111 square metres per 1000 heads of population for developer contributions towards community

facilities in South Cambridgeshire, in advance of a Planning Obligations Supplementary Planning Document being formally adopted.

23. The occupation of the site is clearly a residential development and, as a matter of principle, is therefore required to contribute to both open space and community facilities.
  - Directly related to the proposed development
24. The site occupants are being asked to contribute to the cost of all, or that part of, additional infrastructure provision, which would not have been necessary but for their development. It is therefore directly related to the proposed development. The planning permission relates to the site as a whole. The contribution to be paid is therefore required as a single sum and it would ultimately be for the occupants to decide how the payment would be split between them.
  - Fairly and reasonably related in scale and kind
25. Both the SPD and the Community Facilities Audit seek contributions based on occupancy rates. This is in turn based on the number of bedrooms. Where the number of “dwellings” is not specified, the Council will assume a minimum of 30 dwellings per hectare.
26. In this case, we are not talking about dwellings in the conventional sense, but occupation as a result of a number of caravans. The intention is to limit the planning permission (as before) to a maximum of 5 caravans per plot and indeed some of the plots already have, or have had, this number of caravans on them. While it is impossible to be prescriptive in this case as to what level of occupancy could be achieved on each plot, the SPD assumes that an average occupancy rate of 3.32 persons is likely to arise from a four-bedroom dwelling. This is the maximum basis on which contributions will be sought. As each of the eight plots has the capacity to well exceed this occupancy rate – and many already do – this seems as a minimum, to be a fair and reasonable basis on which to seek contributions.
27. As such, a contribution of £34,071.17 towards open space provision and £5,630.72 towards the provision of community facilities is required. This equates to a total of approximately £4963 per plot.
28. It should be noted that no contribution towards the provision of refuse bins is necessary as these have already been provided on the site.
  - Reasonable in all other respects
29. While the families’ needs are not additional to the community, they have only occupied the site lawfully since August 2007 (the application was submitted shortly before and approved a month after the LDF policies were adopted). The permission was also a temporary one and was therefore expected to cease at some point in the future. In such cases, no contributions would have been sought and that would remain the case if the site had been granted a further temporary planning permission.
30. Because the original recommendation of officers was for a further temporary planning permission, the potential need for contributions was not

communicated to the applicant at application stage. Nonetheless, the Planning Committee has since resolved that the requirement is necessary in order that the application can be granted permanent planning permission. In considering this and the above tests, officers do not consider that the private provision of this site is any more significant than the development of private housing. While it is accepted there is a shortage of Gypsy sites in the district, this fact alone does not obviate the need for a site to address a shortfall in infrastructure provision, which would not have been necessary but for its development.

31. This is not an issue about when payment will be made as this can be negotiated as part of any agreement.
32. In response to the request for contributions, the occupants have questioned the extent to which payments have been sought previously. It appears there have been three other instances of permanent planning permission being granted since the Open Space SPD and Community Facilities Audit were adopted. None of these sites was asked to make a financial contribution and the occupants at Scotland Drove would be the first. The Committee will also be aware of the application for additional traveller pitches at 4 and 5 Pine Lane, Smithy Fen, which is reported elsewhere on the agenda.
33. The letter dated 19 July on behalf of the site occupants sets out their current financial circumstances in some detail. It concludes that the families living on the site are of very limited means, struggling to pay off existing debts and with limited incomes. They say that none of them can afford to pay a commuted sum payment. They also point out the site has been provided at no cost to the Council and helps the Council meet its requirement to provide sufficient sites in the District. While the information put forward cannot easily be tested, it has been confirmed that are two families that have Council Tax arrears as stated. Against this, the letter fails to acknowledge that a permanent planning permission would provide a significant upturn in value of each plot, all of which are above average in size compared to other traveller plots.
  - Conclusions
34. The Council has not previously sought contributions for Gypsy and Traveller sites. While this would be the first, provided that the Council acts consistently in its approach towards contributions and applies the proper tests, there is no reason in principle why contributions shouldn't be secured.
35. The problem arises, however, in securing a sum that is founded on a proper calculation. The requirements for both open space and community facilities provision are based on occupancy rates which cannot readily be calculated from the number of caravans. Caravans may be both static and for touring purposes and will not therefore necessarily be used to accommodate different people.
36. More significantly is the need to take account of the occupant's personal, and particularly their financial, circumstances. These are capable of being a material consideration and there have been instances at appeal where planning inspectors have taken these into account as part of the overall balancing exercise in deciding whether to grant planning permission. I have no reason to doubt the financial circumstances in this case and as such, consider they should be given appropriate weight.

37. Given the lack of precision in the way contributions are currently calculated for development involving caravans and the families' financial circumstances, officers conclude that there is sufficient evidence to suggest that the 'full' contribution as calculated should not be paid in this case. At the same time, it might be the case that a reduced contribution should be paid, albeit this would require further investigation. There is a danger that to not accept a contribution would set a precedent for future applications.
38. Given there remains a sound basis for contributions, officers conclude that it would be most appropriate if the planning permission for this site be granted for a further temporary period to allow a more robust way of securing contributions to be delivered.
39. It is therefore suggested that planning permission be granted for a further temporary period of three years (as originally recommended) subject to the conditions previously agreed. This would allow a policy to be developed which enables contributions to be more ably secured.

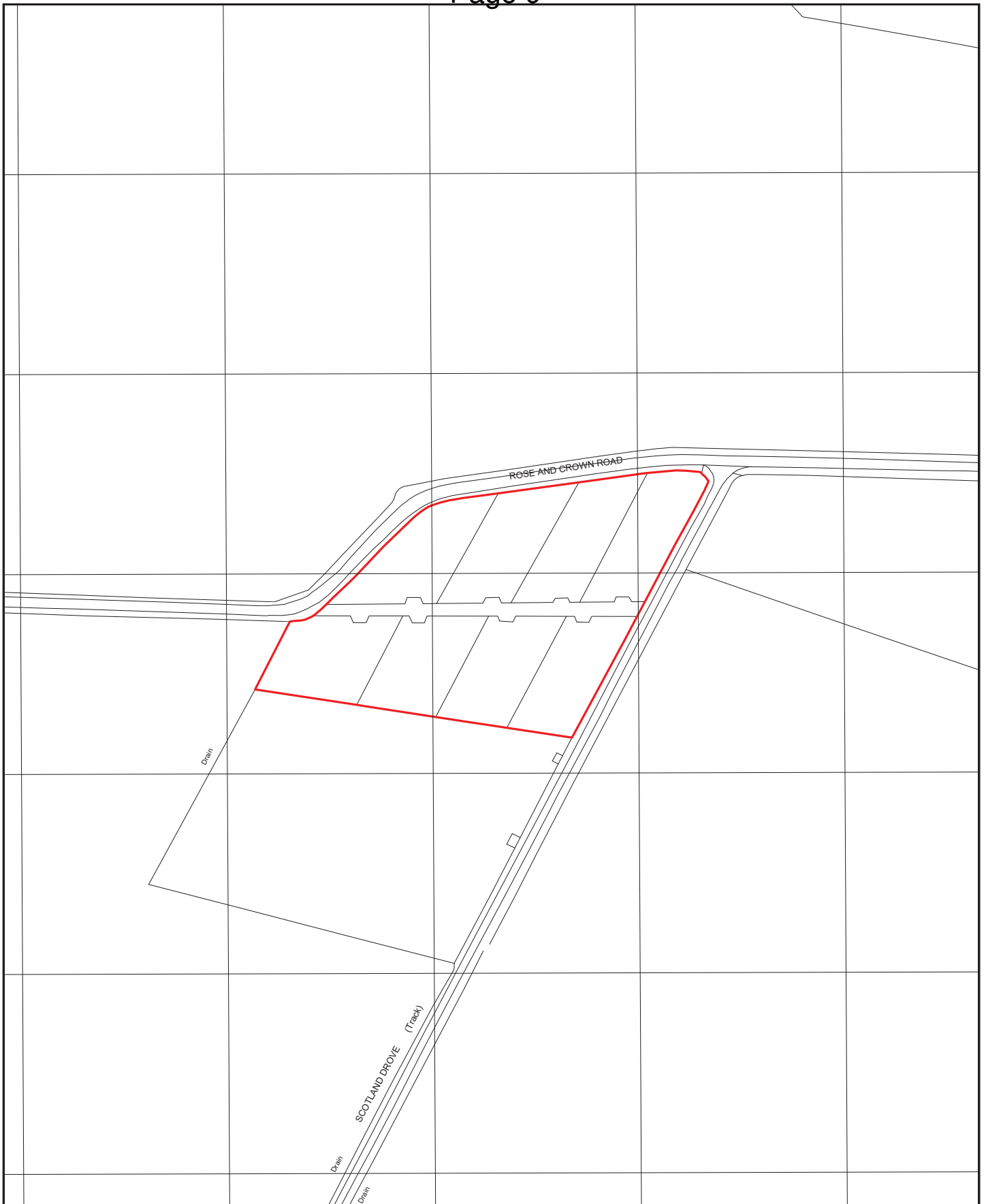
**Recommendation:**

40. Approve for a temporary period of three years subject to the conditions previously agreed, but without the need for contributions to be paid towards open space and community facilities.

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

- South Cambridgeshire Local Development Framework 2007
- Circular 01/2006

**Contact Officer:** John Koch – Team Leader (West)  
Telephone: (01954) 713268



**South  
Cambridgeshire  
District Council**

**Planning Dept - South Cambridgeshire DC**



**FOR INTERNAL USE ONLY**

Scale - 1:2500  
Time of plot: 13:28

Date of plot: 16/03/2011

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0010/11 – COTTENHAM****Siting of 2 static caravans, 2 touring caravans, 2 utility blocks, one temporary portaloo and parking for 4 vehicles at Plots 4&5 Pine Lane, Smithy Fen for Mr Thomas Walls****Recommendation: Approve conditionally****Date for Determination: 10 August 2011****Notes: This Application has been reported to the Planning Committee for determination because the recommendation of approval is contrary to that of the Parish Council.****Site and Proposal**

1. Plots 4 and 5 are the northernmost plots in Pine Lane, which runs along the south western side boundary of the overall Smithy Fen travellers site area. To the north of the site, the row of plots continues as Park Lane but can only be accessed from Setchell Drove to the north of that lane. To the rear of the site are the rearmost part of plots in Setchell Drove which runs at right angles to Park Lane and Pine Lane, and the single plot (12 Victoria View) that falls within the L-shape created by these developments. Further to the rear are former plots which were unauthorised and now vacant as a result of clearance and bunding following an injunction. Further south, beyond this part of Pine Lane, is an area of separation between the northern and southern parts of the Smithy Fen travellers site area (Pine View and the Orchard), beyond which are the approved plots at Water Lane and Orchard Drive.
2. Smithy Fen lies within the countryside to the north of Cottenham and gains access from Twentypence Road. Outside the general travellers' site area, the land is generally flat, open agricultural land with occasional field hedges and ditches, including Cottenham Lode to the south. It is also within Flood Zone 3b (high risk).
3. The site is currently laid to unbound hardcore, and fenced to the sides and rear to mark the boundary of the site from its neighbours. It is occupied by the applicant and his family in touring caravans only, with associated towing vehicles. The family have moved here from the road, having previously had no permanent site elsewhere. They are related to the McCarthy family who already reside at Smithy Fen on other plots nearby.
4. The full planning application, validated on 13 June 2011, effectively seeks planning permission for two traveller pitches. The overall site would comprise 2 utility blocks each providing a kitchen/diner and a bathroom, which would be

joined into one L-shaped building roughly in the centre of the site. Also proposed is the siting of 2 static and 2 touring caravans, arranged so that the static caravans would relate to the entrances to their utility block and so that the touring caravans would be able to exit the site, and a temporary portaloos pending the construction of the utility blocks.

5. The application includes a layout plan, the design of the utility blocks, a design and access statement, and a letter from the Vice-Chair of the Gypsy Council outlining the family's personal circumstances. No flood risk assessment has been submitted.
6. The Design and Access Statement notes that: "the applicant's family owns and lives on the site, and that the site is in a section of Smithy Fen which is classed as "approved plots with planning permission", with the plots on either side of the application site having planning permission. The GTAA indicated that there was an unmet need for more pitches in the area, and local authority sites in the East of England and Cambridgeshire all have waiting lists. The proposed site is situated on the edge of Cottenham and close to the pitches which have been established on Setchell Drove for more than 11 years. The site has been used since April 2003 although not continuously. The Walls family have a local connection to the area going back years, and relatives of the family and many friends live on the Smithy Fen site. The Walls family are part of the Irish Traveller Gypsy community, are well known as members of the Traveller community, who maintain a travelling lifestyle by following their cultural moirés, visiting horse fairs and cultural events, and travelling for the purposes of earning a living.

"The land consists of approximately 920sq.m. on Pine Lane, an established access, outside the flood zone – there appears to be no history of flooding. It is proposed to install a small treatment plant to deal with sewage, although if access to the mains sewers is available it will be undertaken as a better alternative. There is existing electricity and water near the site that will be connected to. The height of the static caravans would be 3.9m or less, and there is sufficient parking for residents and touring caravans. The surface of the site would be shingle or planings as appropriate.

The District has an unmet need for new pitches to be provided for the Gypsy and Traveller community. Permanent permission would reduce the unmet need figure by 2 pitches, but if temporary permission is granted, then the unmet need total cannot be adjusted. Naturally, should the planning committee decide that a temporary permission is in order then the family will more than likely accept a temporary permission. The additional traffic flow would be minimal as expected from a small family site. There will be no commercial activity or commercial storage, and the site would be screened with new planting.

In conclusion, the fall back use of the land has to be a consideration. The scale of the development is small and will have little impact on the surrounding area. The site would be visually unobtrusive between existing pitches. Immediate neighbours in Pine Lane have been consulted and do not object."

7. The vice Chair of the **Gypsy Council** has provided information about the family: Tommy Walls is an Irish Traveller who has been on site at Smithy Fen since last November. He has found it impossible to travel and keep his large extended family together without a permanent base.

No works have been started, even through the severe winter we had last year. Tommy fulfils all the criteria of being a Traveller and needing a base for his grandchildren to attend school and for his sons to work from. Tommy's wife is a McCarthy so is related to that clan on the site.

They have 1 daughter, 4 sons and 9 grandchildren. 6 of these grandchildren are of school age and attend the local school and are all doing well, another will start playgroup in September. By settling they can attend school, get a local doctor who will get to know the family, receive better pre-natal care for the future babies....and be a large extended family supporting and caring for each other.

Their application will accommodate all the extended family and ensure that the grandchildren receive the education that the parents and grandparents did not. The family can live together and support each other, as culturally this is what we value the most. They have been in the Cambridgeshire area for some time and attend all the fairs and shows. Tommy and his 4 sons continue to travel for work and the family attends the fairs.

### **Relevant Planning History**

8. S/0958/03 - retention of Plots at 1-3 and 6 Pine Lane refused on the grounds that filling in the gap between approved plots would be detrimental to the open character of the countryside and that flood risk had not been assessed. Planning permission was subsequently granted on appeal against an enforcement notice. At that time plots 1-3 and 6 were occupied by caravans and the Inspector understood plots 4 and 5 to be intended to be laid out as an amenity and play area. The Inspector concluded that the contribution of the gap between existing authorised sites (including those plots) to the character and appearance of the wider landscape was "minor". He also considered that planning conditions could deal with flood risk. Planning permission was granted subject to conditions which included the submission and implementation of a "Scheme of Works" to incorporate a site layout, parking and turning areas, drainage, reduction of flood risk, boundary treatment and landscaping. Condition 6 required the parking and turning areas within the Scheme of Works to be retained for that purpose. The planning permission was permanent but restricted to personal occupation by named parties.

### **Planning Policy**

9. Paragraph 71 of **PPS3 Housing** states that where local planning authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably applications for housing having regard to policies in the PPS.
10. **PPS25 Development and Flood Risk** states that caravans and mobile homes intended for permanent residential use are classified as highly vulnerable and should not be allocated in Flood Zone 3.
11. **ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites** aims to increase the number of Gypsy and Traveller sites in appropriate locations. This will be achieved by a thorough assessment of needs and the identification of sites by local authorities in Development Plan Documents. Each local authority should have a realistic criteria-based policy to assess other sites that come forward as planning applications. Paragraph 44 of the Circular advises that local planning authorities should take account of a number of factors before refusing a planning application for a Gypsy and

Traveller site. This includes an assessment of need, the number of unauthorised encampments, the numbers and outcomes of planning applications and appeals, occupancy of public sites, the status of authorised sites and the bi-annual Caravan Count.

12. The Government is carrying out consultation on a **Planning Policy Statement** which would replace the current planning circulars regarding Gypsy and Traveller Sites (01/2006) and Travelling Showpeople sites (04/2007). It will become a material planning consideration. It will be incorporated into the new National Planning Policy Statement in due course. Alongside the PPS, other measures to be introduced are the inclusion of Gypsy and Traveller sites in the New Homes Bonus scheme, and the resumption of the Gypsy and Traveller site grant funding from April 2011. The Government also intends to limit the opportunities for retrospective planning applications, in relation to any form of development, and provide stronger enforcement powers for local planning authorities to tackle breaches of planning control. The draft PPS states that, 'Preparation of Development Plans should not be delayed to take the policies in this statement into account'. Following consultation the Government intends to adopt the final PPS in Summer 2011, although the exact date is unknown.
13. The proposed policy changes in the draft PPS have significant implications for planning for Gypsy and Traveller site provision in the District, and preparation of the Gypsy and Traveller Development Plan Document. At the New Communities Portfolio Holder Meeting in December, it was decided to review the way forward on the Gypsy and Traveller DPD in light of changing Government policy. Whilst the current document is only a consultation draft, the final PPS is likely to be published prior to the publication of the draft Gypsy and Traveller DPD and submission to the Secretary of State, and will therefore be a consideration when assessing the soundness of the plan.
14. The key message of the draft PPS is to make planning for travellers more consistent with planning for housing. The consistency theme includes clarifying traveller sites as inappropriate development in the green belt, and stating that windfall sites away from settlements should be strictly limited whilst acknowledging that some rural areas may be suitable for some forms of travellers' sites reflecting local considerations. The draft PPS would require the Council to maintain a five year land supply of pitches, in a similar way to how bricks and mortar housing is planned. If a local planning authority cannot demonstrate a five-year supply of traveller pitches/plots, the draft policy asks them to consider favorably applications for the grant of a temporary permission, after a period of transition when the new guidance comes in.

**DCLG "Designing Gypsy and Traveller Sites: Good Practice Guide", May 2008**

15. **Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England-A Revision to the Regional Spatial Strategy for the East of England. July 2009 (RSS)**  
H3 Provision for Gypsies and Travellers

**Cambridge Sub-Region Traveller Needs Assessment, May 2006**

16. **South Cambridgeshire Local Development Framework Core Strategy 2007**

ST/5 Minor Rural centres

17. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
  - DP/1 Sustainable Development
  - DP/2 Design of New Development
  - DP/3 Development Criteria
  - DP/7 Development Frameworks
  - NE/4 Landscape Character Areas
  - NE/10 Foul Drainage
  - NE/11 Flood Risk
18. **District Design Guide SPD - Adopted March 2010**
19. **Draft Gypsy and Traveller DPD (GTDPD)**

The "GTDPD Issues and Options 2 Consultation July 2009". In view of the pending revocation of the RSS, the Council is now awaiting the outcome of an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA) that is currently in preparation by the County Council and revised government guidance (new PPS as noted above). This assessment will assist in identifying what level of local provision should be planned for in South Cambridgeshire. This will then form the basis for further consultation. The possibility of allocating up to 30 more plots at Smithy Fen was tested as an option through the Issues and Options 2 Report. It was considered to fail the testing process, and was subject to consultation as a rejected option for additional pitches. The reasons for rejecting the allocation were that there are already 48 plots on authorised sites, the allocation of the whole Smithy Fen site has been previously demonstrated as inappropriate through the appeals process, as it would reduce the important gap between the two permanent areas. The site has poor access to services and facilities, public transport, and is in flood zone 3.
20. The Council's **Race Equality Scheme 2008-2011** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). The Scheme gives priority to actions relating to travellers.
21. **Circular 11/95 (The use of Conditions in Planning Permissions)**

Advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
22. **Circular 05/2005**

Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development to be permitted, fairly and reasonably related in scale and kind and reasonable in all other respects.

### **Consultations**

23. **Cottenham Parish Council** recommends Refusal of the above application on the following grounds.
  1. The above application is sited within a turning circle and this was defined as such when the Appeal decision (Ref: APP/W0530/C/03/1113679) dated the 14<sup>th</sup> October 2003, allowed planning permission for pitches at 1-3 and 6 Pine Lane. Item 38.6 within the Appeal decision states "the parking and turning area as defined in the Scheme of Works as approval in pursuance of

Condition 5 above shall be retained and kept available for such purposes...”, therefore the retention of this land is required for the use of the legal adjacent pitches to maintain ease of access.

2. Cottenham Parish Council are aware that each and every planning application must be considered on its own merits but as stated by Inspector Baldock in the Appeal decision on Pine View “consideration should be given to the precedent effect” and “consistency is a prerequisite of planning” (Page 67 of the Appeal decision paragraphs 14.12 – 14.14). Since 2003 Appeals for planning permission for pitches at Smithy Fen at 1-6 Water Lane, land off Water Lane, 6A and 7 Orchard Drive, 7, 8, 9, 10, 11, 12, 14, 15 and 16 Pine View, 5, 5A, 6, 10, 11 Orchard Drive and Victoria View have been dismissed, thus showing that successive Inspectors have held the view that further development at Smithy Fen is inappropriate.
  3. Within current recommendations South Cambridgeshire District Council’s proposed policy on Gypsy and Traveller DPD proposes a limit of around 10 pitches per 3000 or so new houses on any new developments. Currently Smithy Fen has 48 legal plots against 2,300 houses within the village, any increase of numbers is therefore totally unacceptable as the village has more than fulfilled this criteria.
  4. In addition the application would, if allowed, seriously affect the current openness of the fen, something that was subsequently secured by the clearance at Victoria View.
  5. The proposed site is within a high risk flood area, zone 3, therefore under the new proposed PPS, which whilst it is still to be enacted, does state that there will be no new sites in high risk flood areas (Policy B11e)
  6. In conclusion South Cambridgeshire District Council has been working on its own Gypsy and Traveller Development Plan Document, and whilst it has not been officially adopted it does state that Smithy Fen should be excluded from all further development therefore Cottenham Parish Council would presume that this will be taken into serious consideration when considering this application.
24. **Local Highway Authority. No comments received.**
25. The **Environment Agency** states: Although no FRA was submitted we have history of adjacent sites that is sufficient (in this instance). Comments relate solely to flood risk from the Cottenham Lode. (The Old West Internal Drainage Board should be consulted regarding flood risk from their system and surface water drainage arrangements). The applicant should be aware that the site is identified as being within flood zone 3, high risk. The site is protected from flooding, to a degree, by a flood bank that the Environment Agency has permissive powers to maintain. As the site is assumed to be below the 1 in 100 year flood level (in the absence of a contemporary topographic survey), the applicant should be aware of the risk of flooding due to a failure or overtopping of the defence by a more severe event than designed for, or maintained against. It should also be ensured that the eventual occupiers of the caravans are sufficiently aware of the risk of flooding to the site and that they are fully aware of the recommended Emergency Evacuation Plan. Recommends conditions that the underside of the proposed caravans and the floor levels of the utility blocks should be a minimum of 300mm above surrounding ground levels, and a scheme for the provision and implementation of foul water drainage.
26. **The Old West Drainage Board** - no comments received.

27. The **Drainage Manager** - no comments received.
28. The **Landscape Design Officer** - no comments received.
29. The **Environmental Health Manager** - no comments received.
30. **Traveller's Liaison Officer** - no comments received.

### **Representations**

31. The Smithy Fen Residents Association (letter signed by the occupiers of 11 nearby properties) asks that the application be rejected. Since 2003 there have been numerous planning applications and appeals for additional pitches, both for permanent and temporary residency, at Smithy fen. These have been rejected by yourselves, Planning Inspectors and the Secretary of State. At the Pine View, Victoria View, Orchard Drive and Water Lane appeals, the Inspectors have concluded that:
  - A precedent would be established should planning permission be granted;
  - Further development at Smithy fen would cause very significant harm to the rural appearance and character of the area;
  - That landscaping cannot satisfactorily assimilate the site into the surroundings;
  - That even temporary permission cannot be justified given the serious harm to the rural area.

We refer to the design and access statement where it is stated that the family have a local connection to the area dating back years, with family members living on the site. This we vigorously contest, the Walls' are relative newcomers to the Fen. SCDC's own records will show that Enforcement Officers first challenged their presence in 2010, and the statement made by the Gypsy Council confirms that Mr Walls has only been at Smithy Fen since November 2010.

The Design Statement goes on to say that the site lies outside the flood zone. This could not be further from the truth – it is very much in the flood zone. The Government's proposed new planning Policy Statement for Gypsies and Travellers states that no permission for new sites/pitches should be granted in flood risk areas.

Finally the applicant states that there are sufficient parking bays but fails to take into account the requirements laid down for this area on the Pine Lane site covered by appeal dated 14 October 2003 which refers to a layout for the site including parking and turning areas, and requires that "the parking and turning areas as defined shall be retained and kept available for such purposes". Mr Walls' plot location is the "turning area" and has long been referred to by SCDC as exactly this.

32. The occupiers of Derwent Cottage, Smithy Fen object: The site has already doubled in size in the last 9 years. Which we know from experience, causes it to be far more volatile for the residents and the authorities. From a planning point of view this application meets NONE of the planning laws. IN PLANNING, DEMAND IS NOT NEED. Owning land and having relatives has no bearing on planning permission. We have people on the Fen that have been born and bred here, who own their land and work it, yet still cannot get planning permission. The applicants have no ties with the Fen or Cottenham. The pitch in question was only ever allowed or tolerated as a turning circle,

please check your records.{BOSWELL'S}. We must insist that this planning application be refused.

33. The occupiers of Turks Head Farm, Smithy Fen suggest refusal for the following reasons:
1. The Design and Access Statement is flawed: the plot is in a flood zone, where the Government's intended new planning policy (a material consideration to be read alongside other relevant statement of policy) states: "do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans)". The policy refers to new sites, but it would be bizarre to suggest that precluding the development of new sites in areas of high flood risk does not apply to new pitches.
  2. The plot is a turning circle as required by the Inspector at appeal in 2003. Condition 5 insists that the parking and turning areas be retained for such purposes. Any accepted change of use would undermine the Inspector's rationale for approving the pitches at 1-3 and 6 Pine Lane.
  3. In the Pine View appeal (to the south of the site) and at successive appeals in Victoria View, Orchard Drive and Water Lane, one theme common to all Inspectors was damage to the open countryside. Any coalescence of the Setchell Drove and Water Lane sites was considered, and remains our view, totally inappropriate. To permit a change of use here would be to permit an inappropriate development in the open countryside, and impair the openness of the countryside recently restored by the clearing of Victoria View.
  4. Mention is made in the application of the Walls family resorting to the area. They may have been visitors from time to time, but the name of Walls has never appeared at the various appeals since 2003, and there has been no stay of substance prior to November 2010. There is thus no history of the Walls family in the immediate area, and they would probably not have been a constituent part of the allocation of regional pitch targets. the Government's new PPS calls for a "robust evidence based assessment of need... with reference to historical evidence" not a quantitative needs assessment. Thus there can be no robust evidence to substantiate their being here, there are no special needs, and therefore no reason to give any further consideration to the planning application.
- Finally, the Government's new PPS appears to discourage a policy of perpetuation of existing sites, it expects fairness and requires full consideration of environmental and social impact of sites. The development of this plot would therefore be wrong and inappropriate. Additionally, the Council's own GTDPD states that further development at Smithy Fen is not an option. he community engaged with travellers is not the community of Cottenham but of Smithy Fen, which is already in a minority of 3 families to 1.
34. The occupiers of Causeway House, Smithy Fen object to temporary or permanent permission. The application is made by a relatively new family appearing at Smithy Fen, which falls short of the Government's recent planning policy statement that a family should provide "a robust evidence based assessment of need, with reference to historical evidence". By ignoring Government guidance, it is our belief that SCDC will encourage further settlement by outsiders seeking to occupy the site illegally in the first instance and thereby risk the continuation of numerous problems on a historically troubled site.
- The previous appeal on this site required parking and turning circles to be retained for such purposes, contravention of which would pose a safety risk to



nearby residents who may be denied emergency service vehicles in the event of accidents, fires etc.

The site falls in flood zone 3 and the Government's intended planning policy states: "do not locate sites in areas at high risk of flooding". This may well apply to the location of new sites but in view of the implicit safety reasons it would be irresponsible to grant planning permission to settle on a site that poses a risk.

The recent clearance of Victoria View was a step towards restoring the openness of the countryside that had previously been considered as blighted as a result of cumulative development. Appeals were dismissed at Pine View, Victoria View, Orchard Drive and water lane on grounds of potential damage to the open countryside. A rejection of this application for no less than 7 accommodation units and 4 vehicles should be made on the same grounds.

As members of the settled community of Smithy Fen, we do not wish to see further development of the Travellers' Site for fear that it will upset the equilibrium and degree of tolerance displayed by all members of the community regardless of their ethnicity. Despite continued tension, relative harmony is finely balanced and liable to fracture if SCDC permits further development and expansion, contrary to SCDC's own opinion that further development on Smithy Fen is not an option, on a historically troubled site, particularly by outsiders. It is our opinion that there is some evidence that this view is also held by certain members of the Smithy Fen traveller community.

35. A Smithy Fen Farmer states: numerous planning applications and appeals for additional pitches, both for permanent and temporary residency, at Smithy Fen. These have been rejected by yourselves, Planning Inspectors and The Secretary of State on the grounds that a precedent would be established should planning permission be granted, that further development at Smithy Fen would cause very significant harm to the area, that landscaping cannot satisfactorily assimilate the site into the surroundings and that even temporary permission cannot be justified given the serious harm to the rural area. Nothing has changed so I would like to register my objection to the application.

### **Planning Comments**

36. The authorised use of the site is as a turning area. That is why planning permission is required for the use of the site for Traveller Pitches.
37. Having regard to the definition of Gypsies and Travellers as set out in paragraph 15 of ODPM Circular 01/2006, the applicant and the other site occupants are considered to be Gypsies for the purposes of planning policy. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites.
38. The main issues in this case are therefore:
- A. The extent to which the application accords with the provisions of the development plan, including the general need for, and availability of, additional Gypsy sites;
  - B. The site occupants' personal needs and circumstances;
  - C. Whether a permanent, temporary or personal permission should be considered; and
  - D. Human Rights Issues

39. Issue A. Because of the changing nature of Government policy at present, the relevant policies to consider the proposal against are:
- ODPM Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites). This remains the national policy until such time as it is superseded, and must therefore be afforded full weight.
  - However, the Government's "Planning for Traveller Sites" consultation should be acknowledged as a material consideration because it indicates the Government's intentions for a Planning Policy Statement to supersede Circular 01/2006.
  - The Council's adopted LDF policies listed in paragraph \*\* above should be given full weight because of their adopted status but there are no specific policies for Gypsy and Traveller development proposals. The Council therefore primarily relies upon the general principles policies DP/1 - DP/3, although these need to be utilised in accordance with the advice in Circular 01/2006 and numerous appeal decisions that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round given Gypsies' normal lifestyle.
  - The Council's draft Gypsy and Traveller Development Plan Document Issues an Options 2 can be afforded limited weight. It will be influenced by the eventual new Planning Policy Statement, and by the results of the County-wide needs assessment. There will be further issues and options consultation before a draft plan is prepared.
  - The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district by 2011 will not be met. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this and Circular 01/2006, which underpins it, is a relevant consideration.
40. Councils are required to identify sufficient land for Gypsy and Traveller sites. Since January 2006 planning permission has been granted for 49 pitches (including 10 pitches conditioned as personal to the applicants). This includes sites at Chesterton Fen Road (Southgate Farm 26 pitches), and Blackwell (1 pitch) which are under construction, and the site of 8 pitches at Rose and Crown Road Swavesey where the Council has resolved to grant permanent permission subject to conditions. Nevertheless, permanent provision falls short of the minimum requirements of the East of England Plan.
41. For some considerable time now, the two public sites at Milton and Whaddon have remained full with waiting lists of at least a year for Milton and considerably longer at Whaddon.
42. The results of the current GTAA are awaited before an accurate up-to-date assessment of current needs can be made. Nonetheless, should this application be refused and the Council decides to enforce against the existing touring caravans using the site, the family would have nowhere to go as there are no other vacant sites in the district.
43. In the most recent appeal decision earlier this year (involving a Traveller family at Victoria View), the inspector found there remains a "substantial unmet general need for additional pitches in the district" and that this "attracts significant weight" in the decision-making process. While there may be some dispute as to whether the demand is "substantial", it is the fact that unmet need is a material consideration that weighs in favour of this proposal. In

coming to a decision the Inspector gave considerable weight to the personal circumstances of the applicants and weighed them against the harm from the proposal before coming to the conclusion to permit the proposal. The key issues were the applicants' poor health and the lack of any alternative accommodation.

44. The principle concerns in terms of this site are the impact on the character and appearance of the area, highway safety and the ability to provide an adequate means of foul water drainage.
45. The site lies in the Fens Landscape Character Area as defined in Policy NE/4, although the District Design Guide SPD classifies the area as 'Fen Edge'. The area is characterised by a generally low-lying, open landscape with large agricultural fields and long-distance views. The land is not otherwise designated or protected. The flat open landscape means that the authorised pitches are not satisfactorily assimilated given their overall number and the extent of land coverage, so that small additions would be cumulatively harmful, especially if they erode the gap between the 2 main parts of the site. The overall effect is that in the main, the overall Smithy Fen site appears as an 'island' in an otherwise open landscape. The application site, however, is effectively an infill plot within a row of pitches. Its development as a traveller pitch would not erode the important gap between the 2 main parts of Smithy Fen. Whilst it would be visually harmful in itself it would have the appearance of a logical infilling rather than an extension to the development.
46. Whilst the allocation of numbers of plots at Smithy Fen is inappropriate due to overdevelopment of the site, impact on the landscape and poor access to services, the lack of alternative sites weighs against this. On balance of these issues, the development of this double pitch would not be so visually detrimental as to warrant refusal.
47. Precedent. Officers are satisfied that the development of this infill plot would not set a precedent for further development at Smithy Fen. This is an unusual situation within the Smithy fen site. There are no other infill-style parcels of land that could be utilised in this way, so any future application for development at Smithy Fen could not rely on an approval of this application as setting any precedent..
48. Drainage. There is a septic tank on the pitch, according to the Council's survey. The Environment Agency has requested a condition to agree foul drainage, since connection to the mains is preferable. A condition to this effect would be appropriate.
49. Flood risk. No FRA was submitted with the application. however, the Environment Agency has taken the pragmatic view in the knowledge of the Smithy Fen site, that ensuring the floor level of the building and the underside of the static caravans are 300mm above ground level will suffice. A condition can be added to this effect.
50. Contributions to support local community facilities and public open space are sought with planning permission for new residential uses under policy SF/10. This has been requested of the applicants and their response will be reported at the meeting.

51. Access. The site is served by a hard-surfaced access track. The local highways Authority has not commented on the application, but the safety of access has not previously been found to be of concern during applications at Smithy Fen. The fact that the site is allocated as a turning area is only through the provision of that use as part of the overall Scheme of Works for the Pine Lane site. It is not common to provide separate turning areas on traveller sites, since the pitches are large enough for the occupiers to manoeuvre vehicles and trailers. It is not considered necessary to retain the site for a turning facility. Building Control officers have confirmed that the layout of the site would be adequate for fire appliance and refuse collection access so the turning head is not required to be retained for that purpose.
52. There are 68 pitches with temporary planning permission, which accommodated 101 caravans at the January 2011 count. There were 11 caravans on unauthorised sites in the latest caravan count (January 2011). This has decreased from the 29 caravans in January 2009.

Issue B: The site occupants' personal needs and circumstances

53. The family has decided to settle so that the grandchildren can receive schooling and so that the family can have a base from which to travel for work and cultural events. It also means they can register with a doctors' surgery. The provision of a site/base is therefore important. In terms of this particular site, (which is owned by the applicant), the applicant's wife is a McCarthy and the family is related to the other McCarthy families at Smithy Fen. The family moved to Smithy Fen from the roadside and would have nowhere else to go if permission was refused. They could not be easily accommodated at other family pitches at Smithy Fen, and would therefore be homeless and without the care and support of their extended family group. Whilst the personal circumstances are not overly compelling, for example there is no strong medical need, the lack of alternative provision means that the general needs of this family need to be met.

Issue C: Whether a permanent, temporary or personal permission should be considered.

54. As stated above, the development of the site for a Traveller pitch is on balance acceptable. Bearing in mind its location between permanent pitches, it would be inappropriate only to grant temporary permission because of the lack of harm to wider landscape. For the same reason, that the application proposal is considered generally acceptable rather than acceptable because of personal circumstances, it would be inappropriate to restrict the use of the site to a personal permission.

Issue D: Human rights.

55. Refusal of permanent planning permission would lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights. This must, however, be balanced against the protection of the public interest in seeking to ensure needs arising from a development can be properly met, or that they do not prejudice the needs of others. These are part of the rights and freedoms of others within Article 8 (2). Therefore, if the application were to be refused, the applicant's Human Rights would not be violated.

**Conclusion**

56. It is not necessary to retain the site for turning purposes. Its development would be infilling, and would not affect the important visual separation between the northern and southern areas of the Smithy Fen travellers' site area. The family has a need to be accommodated, owns the site, and is related to other Travellers in the vicinity. There is nowhere else for the family to be accommodated, since there remains an unmet need in the District. The grant of permanent permission for the use of the site as a double traveller pitch is therefore appropriate.

**Recommendation:**

57. Approve subject to the following conditions:
1. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites. (Reason: The site lies in the countryside where residential development will normally be resisted by Policy DP/7 of the adopted Local Development Framework 2007).
  2. No more than two static and two touring caravans shall be stationed on the site at any one time.. (Reason: To minimise the impact of the development on the surrounding area in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
  3. No commercial activities shall take place on the land, including the external storage of materials. (Reason: To protect the visual amenity of the area in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
  4. No vehicle over 3.5 tons shall be stationed, parked or stored on any part of the site. (Reason: To protect the visual amenity of the area in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
  5. 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.)
  6. The temporary portaloo hereby permitted shall be removed from the site within 28 days of the approved utility blocks being first brought into use.  
(Reason: To minimise the impact of the development on the surrounding area in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007)

7. The underside of the caravans and the ground floor of the utility block, hereby permitted, shall be a minimum of 300mm above the surrounding ground level.

(Reason: To protect the development from flooding in extreme circumstances, in accordance with Policy NE/11 of the adopted Local Development Framework 2007).

8. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained.

(Reason: To prevent the increased risk of pollution to the water environment in accordance with Policy NE/10 of the adopted Local Development Framework 2007).

9. Prior to the commencement of the development hereby permitted a scheme for the provision of community services infrastructure and recreational infrastructure to meet the needs of the development, in accordance with adopted Local Development Framework Policies DP/4 and 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 community services and recreational infrastructure in accordance with Policies DP/4 and SF/10 of the adopted Local development Framework 2007).

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

- Accommodation for Gypsies and Travellers and Travelling Showpeople in the East of England – A Revision to the Spatial Strategy for the East of England. July 2009
- South Cambridgeshire Local Development Framework 2007
- Planning application file S/0010/11
- CLG Count of Gypsy and Traveller Caravans
- CLG Planning for Traveller Sites Consultation
- PPS3
- PPS25
- ODPM Circular 01/2006
- Appeal decisions APP/W0530/C/03/1113679 and APP/W0530/A/10/2135632.

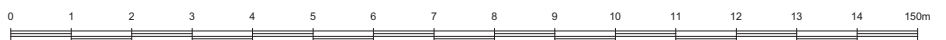
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Telephone: (01954) 713264



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/1263/09/F - Caldecote**

**Variation of Condition 1(a) of consent S/0013/94/F to permit 3 additional pitches on existing Mobile Home Park, Highfields Court, Highfields, Caldecote, CB23 7NX**

**Recommendation: Approve Conditionally**

**Date for Determination: 29<sup>th</sup> October 2009**

**Site and Proposal**

1. Highfields Mobile Home Park lies outside the village framework of Caldecote in the countryside. The site, although in the countryside is well hidden from wider views by the mature hedge and tree screening that was provided as part of an earlier approval. It comprises an adult only residential area with associated parking provision. The closest residential properties are Leylands (northwest), Westwind (to the South) and Casa De Foseta (to the north east). The site is accessed via Highfields Road that runs along the western boundary.
2. The full application dated 2<sup>nd</sup> November 2009 proposes Variation of Planning Condition to form 3 additional pitches on existing mobile home Park, Highfields, Caldecote. In part the condition it proposes to vary reads:
3. *(a) a layout plan showing the siting of no more than 26 mobile homes and the space to be used as amenity area units*

**Planning History**

4. The history for this site is extensive but the most relevant to the current application is as follows:
5. S/0013/94/F Improvements and Extension to Mobile Home Park to site 15 mobile homes - Refused. Allowed at appeal
6. S/0645/00/F - Variation of Condition 2a of planning permission S/0013/94/F to allow for the siting of additional mobile units (15-33) - Refused. Dismissed at appeal.
7. S/1192/00/F - Variation of Condition 2a of planning permission S/0013/94/F to allow for the siting of additional mobile units (15-26) - Refused. Allowed at appeal.

**Planning Policy**

8. **DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Developments,

Consultation, **DP/7** Development Frameworks, **SF/10** Outdoor, Play space, Informal Open Space and New Development, **TR/1** Planning for More Sustainable Travel, **TR/2** Car and Cycle Parking Standards.

9. **Caldecote Parish Council** – recommends refusal for the following reasons:

- Already overcrowded
- It was noted that the park does not have children living on the site but it is likely that residents will have visiting children and the increase would do away with the available space for amenity use.
- The reference to application S/0013/94 is confusing as it only refers to approval of 15 units on appeal.

10. **Local Highway Authority** – Raise no objections to the proposed development and state that no significant adverse effect upon the Public Highway should result from this proposal should it gain benefit of planning permission.

11. **Environmental Health Manager** - No objections

**Representations**

12. None received

**Planning Comments – Key Issues**

13. The key issues to consider in the determination of this application are the impact that the proposed development would have upon the principle of development, residential amenity and the character of the area.

**Principle of Development**

14. Residential development is restricted to that within the village frameworks, however the original consent for this mobile home park would have been assessed at the time of its approval as to whether this type of development was acceptable. The existing permission was granted on the basis that it achieved benefits sufficient to outweigh the policy objections identified at the time. The additional units will not result in any material encroachment into the countryside, or lead to development in an unsustainable location. I therefore consider the principle of additional residential development in this particular location to be acceptable providing it does not compromise other relevant policy criteria.

**Residential Amenity**

15. The units are located within the site in a non-uniform manner. Whilst some units are close and closer than those of permanent dwellings the location of the 3 plots is not considered to negatively impact the neighbouring units. No representations have been received and therefore it is considered that neighbour amenity is acceptable in this instance. The site licence will also ensure adequate spacing between the units.

### **Character of the Area**

16. Previous planning history saw the application S/1192/00/F allowed at appeal, the main reasons being that the increase in the number of units proposed was not considered to be detrimental to the character of the area, and with conditions in place would not have a significant effect on its rural surroundings. This approved scheme was for an increase from 15-26 units, while the dismissed appeal was for an increase from 15-33 units, 3 more than that currently proposed.
17. From outside the site the public views are obtained from Highfields to the west and to a lesser extent from the A428 to the north. The visual impact of the site as a whole would not differ markedly from the approved scheme. The landscaping that was carried out as part of an earlier approval is significantly matured and screens the site well. Views in are very limited. The 3 new units would be sited on the outskirts of the site, utilising small areas of open space. The Parish Council has raised concern about the loss of this space as amenity area however, the development of the three units is not considered to create a cramped form of development over and above what already exists.
18. The increase of the units on site was originally agreed to as part of an overall improvement to the visual appearance that was originally quite poor. It is considered that the proposed 3 units will not have an adverse impact on this and therefore the impact on the character of the area will be minimal.

### **Planning Obligations**

19. As with other residential units obligations are sought and provision will have to be made with regard to open space, community facilities, waste receptacles and monitoring. In light of the restraints on the site regarding no children it is reasonable to suggest that the provision for open space are specifically for outdoor sports and informal play area only. Community facilities, waste receptacles and monitoring are all still applicable. The calculation of this is outstanding whilst the number of bedrooms proposed is unknown.

### **Conclusion**

20. It is considered that the development would not cause significant visual harm to the wider area; it does not create a level of development that is considered to be unsustainable and the impact on neighbour amenity to be minimal.

### **Recommendation**

21. Approve

### **Conditions**

These will be provided in full as an update and will include the following

1. Time Scale
2. Approved Plans
3. No more than 3 mobile homes (subdivision/number etc)

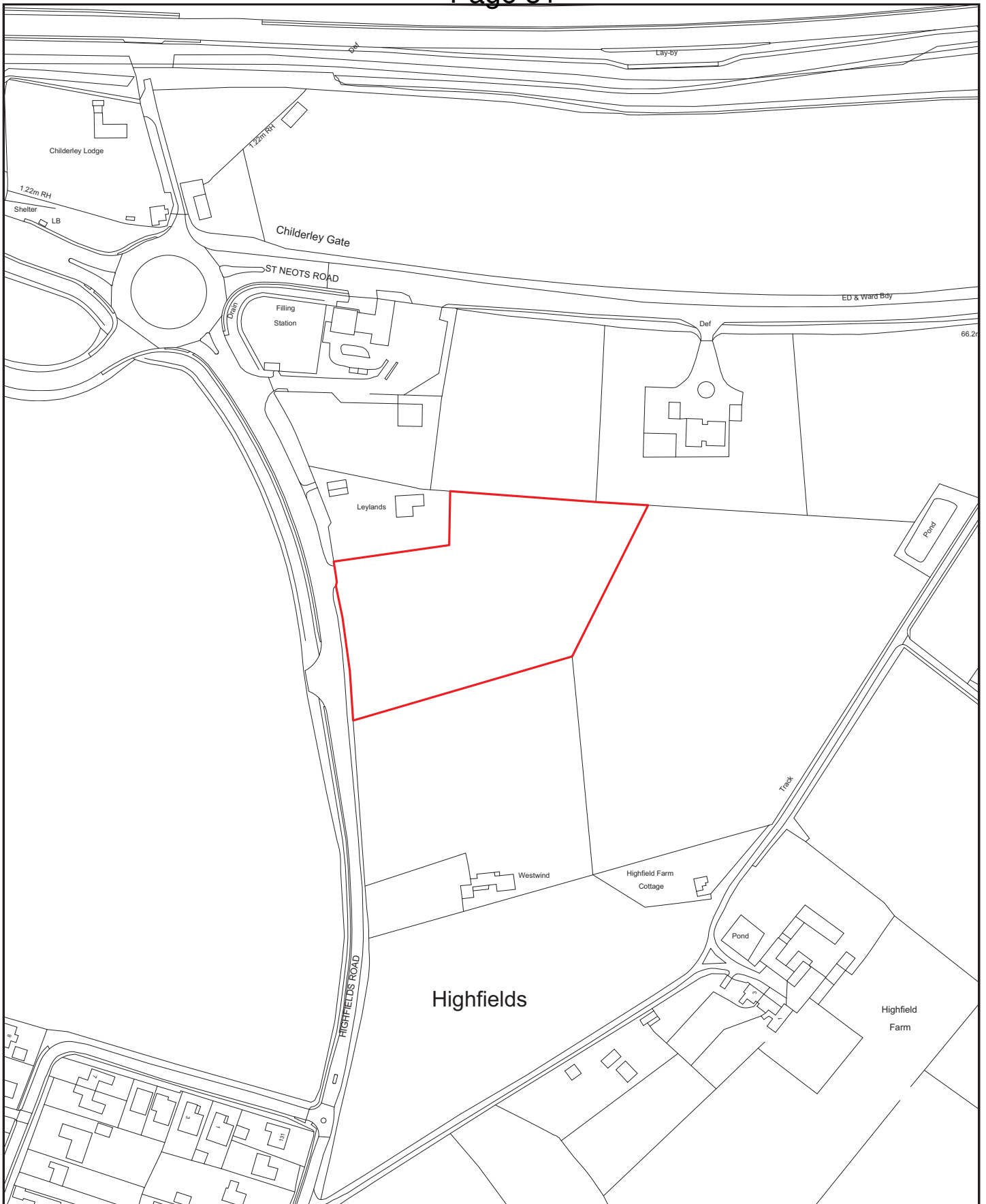
4. Obligations

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

- a. **South Cambridgeshire Local Development Framework Core Strategy.**
- b. **Local Development Framework Development Control Policies 2007.**
- c. **Circular 11/95 – The Use of Conditions in Planning Permissions.**
- d. **Circular 05/2005 - Planning Obligations.**
- e. **Planning File ref: S/1263/09/F, S/1192/00/F, S/0645/00/F**

**Contact Officer: Saffron Garner - Senior Planning Officer**

1. 01954 713256



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)**S/1020/11 - RAMPTON****Erection of dwelling following demolition of existing tractor shed and carport. -  
Tractor Shed Adjacent to, Lantern House , Ivy Farm, The Green, Rampton,  
Cambridge, CB24 8QB for Mr Gareth Griffiths****S/1042/11 – RAMPTON****Demolition of existing tractor shed and carport - Tractor Shed Adjacent to,  
Lantern House , Ivy Farm, The Green, Rampton, Cambridge, CB24 8QB for Mr  
Gareth Griffiths****Recommendation: Delegated Approval****Date for Determination: 01 August 2011****Notes:****These applications have 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 site is located on the south side of The Green within the Rampton village framework and Conservation Area and adjacent to the curtilage of the Grade II listed cottage at 1/3 Kings Street to the west. There are also a number of other listed buildings in the vicinity of the site.
2. The site comprises a 5.4 metre high timber boarded and brick building with a corrugated sheet roof, that is estimated to have been constructed in the early 1950's. There is an attached single-storey double carport, of more recent construction, on the south side of the barn and this provides car parking for the adjacent dwelling to the south, Lantern House. On the north side of the building is a former barn that has been converted to a dwelling, whilst on the east side is a driveway that provides access to five existing properties (Lantern House, Barnfield, Ivy Farm Barn, Lantern House Barn and No.14 The Green).
3. The full planning application (S/1020/11) seeks to erect a dwelling on the site following the demolition of the existing building and carport. The proposed dwelling would occupy approximately the same footprint and be the same height as the existing building. It would comprise black stained timber boarded walls under a natural slate roof, and stained softwood joinery details. A double carport would be attached to the north side, in lieu of the existing carport. The dwelling would be a one-bedroom property, with a studio area

provided at first floor level that would be lit by two rooflights in the front and rear elevations. Two replacement parking spaces for the existing dwelling (Lantern House) would be provided on the south side of the proposed dwelling between the carport and front elevation of Lantern House.

4. Conservation Area Consent for the demolition of the existing tractor shed and carport is proposed under application reference S/1042/11.

### **Planning History**

5. The following planning history relates to the dwellings in the immediate vicinity of the site:

S/1839/91/O – Outline application for 2 houses and garages – approved.

S/0610/92/F – House and change of use of land to garden – approved.

S/1630/94/F – Dwelling and garage adjacent to Barnfield – refused and dismissed at appeal.

S/0451/98/F – Conversion of barn to dwelling – approved.

### **Planning Policy**

6. **South Cambridgeshire LDF Core Strategy DPD 2007:**  
ST/7: Infill Villages
7. **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: Density  
NE/6: Biodiversity  
NE/11: Flood Risk  
NE/12: Water Conservation  
NE/15: Noise Pollution  
CH/4: Development Within the Curtilage or 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
8. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
Development Affecting Conservation Areas – Adopted January 2009  
Open Space in New Developments – Adopted January 2009  
Trees and Development Sites – Adopted January 2009  
Listed Buildings – Adopted July 2009  
Biodiversity – Adopted July 2009  
District Design Guide – Adopted March 2010  
Landscape in New Developments – Adopted March 2010
9. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.



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

### **Consultations**

11. **Rampton Parish Council** - Recommends refusal of both applications. With regards to the planning application (S/1020/11), it states:

“Application be refused on the grounds that the proposal over develops the site within the village conservation area. Tightly positioned residences will affect the ambience of the site for both the applicant and neighbours. This in turn will affect on site parking, access and egress. Although not mentioned, it would appear some trees would be lost.”

In response to the application for Conservation Area Consent (S/1042/11), the Parish Council comments as follows:

“Application be refused until such time as an approved development is proposed.”

12. **The Conservation Manager** – States that the property can be seen from The Green, but views are minimal, although the rear of the building can be seen down the track behind the buildings. The building is physically attached to Ivy Farm and consists of a barn structure, that formerly housed a tractor, and an open carport constructed of crude materials. The proposal is considered to have a neutral impact on the Conservation Area, although there are some concerns regarding the amount and size of glazing, and the addition of the lean-to component, as well as the rooflight to the rear which impacts on the setting of the adjacent listed building.
13. **The Trees Officer** – States that the development would result in the loss of two trees, to which there are no objections as they are fairly poor specimens.
14. **The Landscape Design Officer** – States that the ash and sycamore to the rear of the building will not survive the construction of the dwelling. The ash is considered to make a contribution to the street scene and soften the courtyard and it is therefore suggested that a replacement tree be provided in the front garden of Ivy Farm.
15. **The Local Highways Authority** – Recommends refusal on highway safety grounds. The applicant does not appear to control sufficient land to provide the 18.3m to the west and 43m to the east visibility splays as shown on the drawing at the site access. The applicant should provide empirical data, in the form of speed and traffic flows and subjective observations, to substantiate the visibility splays which are approximated to be 14m to the west and 32m to the east. This information may then demonstrate that the use of lower visibility splays, as detailed in Manual for Streets, may be applicable.
16. **The Old West Internal Drainage Board** – Raises no objections, stating that, providing the proposed method of surface water accommodation (via soakaways) is suitable, the Board’s surface water receiving system would not be affected.

## **Representations**

17. Letters of objection have been received from Lantern House Barn, Barnfield and Ivy Farm Barn. The main points raised are:
- The development would offer the occupants no outside living space or shared amenities. This would result in a cramped form of development that would be out of keeping with the character of the area. It would also result in residents sitting outside and consequent noise disturbance and overlooking of adjoining properties.
  - The dwelling would look directly through windows of Ivy Farm Barn's bedrooms, living room, hall and kitchen into the back garden. If approved, Ivy Farm Barn should be provided with trees and shrubs in order to screen views from the windows.
  - The development would increase the number of dwellings served by the existing access from 5 to 6. This would cause additional noise and disturbance to all the properties in the courtyard as a result of passing traffic and vehicles manoeuvring within the courtyard.
  - There is inadequate visibility to the south onto King Street to accommodate the additional traffic generated by the development.
  - The development would result in too much traffic and an over dominance of parked vehicles.
  - No arboricultural information has been submitted with the application.
  - The proposed porch may affect access to Ivy Farm Barn for the heating oil lorry.
  - If approved, details of proposed drainage should be provided.
  - A noise assessment should be carried out to ensure there would be no transmission of noise to the adjacent property, Lantern House Barn.
  - A sunlight and daylight assessment should be provided, to assess the impact of the porch upon the adjacent property, Lantern House Barn.
  - The applicant is intending to move from Lantern House to the proposed dwelling. Contrary to the information provided with the application, it is uncertain if the existing dwelling would be occupied by the applicant's daughter.

## **Planning Comments**

### ***Principle of development***

18. The site lies within the Rampton village framework. The erection of a dwelling on the site would equate to a density of approximately 72 dwellings per hectare, and the proposed development therefore complies with the minimum

density of 30 dwellings per hectare required by Policy HG/1 of the Local Development Framework.

***Impact upon the character of the area***

19. The Council's Conservation Officer has advised that the main barn (tractor shed) is of no historic interest and that its demolition would have a neutral impact on the character of the area, whilst the removal of the unsightly carport is considered to be of some benefit to the visual appearance of the area. There is therefore no in principle objection to the loss of the existing building. The proposed replacement dwelling would, other than the porch, occupy the same footprint as the existing structure, and have the same eaves and ridge heights. It would therefore be in keeping with the scale, character and appearance of the building. Whilst some reservations have been expressed by the Conservation Officer regarding the size and extent of window openings, these would be in keeping with the character of the adjacent converted barn to the north (Lantern House Barn), and are not therefore deemed to be inappropriate or harmful to the character of the area. Concerns have also been raised regarding the addition of a roof light to the west facing roof slope and its consequent impact upon the setting of the adjacent Listed Building to the west. However, during pre-application discussions, the Conservation Team indicated that there would be no objections to the addition of a rooflight to the west facing roof slope providing it would be of conservation form and flush with the roof plan. The proposed rooflight in this elevation has been designed to accord with this advice.

***Residential amenity***

20. The accommodation within the proposed dwelling would be predominantly at ground floor level. The front of the building is situated approximately 22 metres from the front elevation of Ivy Farm Barn, on the opposite side of the driveway. Given this distance, together with the fact that the shared driveway (which serves two further properties to the south) lies between the two sites and that it is proposed to introduce some low level screening to the front of the property, the development is not considered to give rise to an unacceptable level of overlooking of Ivy Farm Barn. At first floor level, a small studio/reading area is proposed, with this area being served by rooflights to the front and rear. The rooflight in the front elevation would be sufficiently low to provide a means of escape. However, given the very shallow roofline, together with the distance to the front elevation of Ivy Farm Barn, this is not considered to give rise to an unacceptable degree of overlooking. To the rear, the building is situated directly adjacent to the boundary with 1/3 King Street. The opening on this roof slope has been positioned at a high level, thereby avoiding any direct overlooking into this adjacent property's garden area.
21. Concerns have been raised regarding the increased use of the driveway and noise and disturbance to occupiers of adjoining dwellings. The existing shared driveway serves five properties, with two of the dwellings (Lantern House and Barnfield) being located beyond the site to the south. Residents of the properties to the north and opposite are therefore subject to some degree of noise and disturbance by the existing properties to the south, and the additional vehicle movements associated with a small, one-bedroom dwelling are not considered to exacerbate this issue to an extent that would harm the amenities of occupiers of adjoining properties.

22. The owner of the attached property to the north, Lantern Farm Barn, has raised concerns regarding the impact of the proposed porch. The floor levels within this neighbouring property are set at a slightly lower level than the site and ground levels. The proposed porch would be 3.4 metres high and project 1.8 metres from the front of the building. The nearest part of Lantern Farm Barn to the site is used as a lounge, which is lit by two large openings in the front elevation. The proposed porch would marginally encroach into a 45 degree angle drawn from the centre of the nearest window but, given that the lounge is also served by another window positioned further to the north of the front elevation of the property, the proposed porch is not considered to result in an undue loss of light or outlook to this neighbouring property.
23. The Parish Council and a number of local residents have raised concerns on the basis that the proposal would result in an overdevelopment of the site. The adopted District Design Guide SPD states, with reference to private gardens and amenity space, that each house comprising one or two bedrooms should ideally have private garden space of 40m<sup>2</sup> in urban settings and 50m<sup>2</sup> in rural settings. The proposed dwelling would not have any private amenity space. However, given the small scale of the dwelling, the fact there is sufficient space on the site for parking and that there is a large area of public open space at The Green (opposite the entrance to the shared access), the lack of private space is not considered to result in an unacceptable level of amenity for future occupiers of the proposed dwelling or the harm the amenities of occupiers of adjoining properties.
24. The owners of the adjoining house, Lantern House Barn, have commented that a noise assessment should be required given that the proposed dwelling adjoins their property. This matter would be covered as part of the Building Regulations and is not an issue that required consideration as part of the planning application.

#### ***Trees and Landscaping***

25. The proposal would result in the loss of two trees to the rear of the building. The Trees Officer has advised that these are poor specimens and has therefore raised no objections to their loss. Whilst the Landscape Design Officer has recommended that a replacement tree be planted, there is no space within the curtilage of the proposed dwelling to provide this, with the suggested location being sited on land that is not under the applicant's control. The supporting Design and Access Statement makes it clear that it is intended to carry out some planting at the front of the dwelling, in order to provide some screening and privacy, as well as between the carport and adjacent parking spaces serving Lantern House. This would help to soften the development and can be secured through a landscaping condition of any planning permission.

#### ***Highway safety and car parking***

26. The means of vehicular access to the proposed dwelling already serves five properties, and the proposal would result in a sixth dwelling being served by the shared driveway. Following the objection from the Local Highways Authority, the applicant's agents have appointed consultants to carry out a traffic survey. This was undertaken on 1<sup>st</sup> July, following which a meeting took place on site with a representative from the Local Highways Authority. The consultants have concluded that the available splay provision is sufficient to

provide a suitable means of access for an additional single dwelling, and the response of the Local Highways Authority is presently awaited.

27. The existing carport was designated within planning approval reference S/0610/92/F for car parking to serve Lantern House. This area, upon which it is proposed to erect a replacement carport, would be set aside for parking for the new dwelling. As a result, the application shows the provision of two replacement spaces for the existing property. A condition should be added to any permission to ensure these spaces are provided before the first occupation of any dwelling, and maintained in accordance with the submitted details thereafter.

### ***Ecology***

28. In pre-application discussions, the Ecology Officer advised that the building is unlikely, due to its age and form, to provide a roost site for bats, and therefore considered a biodiversity survey and report would not be required.

### ***Infrastructure requirements***

29. 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. For the one-bedroom dwelling proposed, this amounts to £743.82, 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 (£290.11) 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 his client's agreement to such payments.

### **Recommendation**

30. Subject to the prior resolution of the highway safety objections raised by the Local Highways Authority, delegated powers are sought to approve the applications.

### **S/1020/11**

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: 539.04, 539.05, 535.06 and 535.07 Rev A.  
(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 samples 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 full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

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

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

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

6. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

7. The replacement parking to be provided for the existing dwelling at Lantern House shall be provided in accordance with drawing number 539.04 and thereafter retained as such.

(Reason – To ensure that sufficient parking is provided to meet the needs of the existing and proposed dwellings, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - i) Contractors' access arrangements for vehicles, plant and personnel;
  - ii) Contractors' site storage area(s) and compounds(s);

- iii) Parking for contractors' vehicles and contactors' personnel vehicles;
- iv) The control of debris, mud and dust.

Development shall not be carried out other than in accordance with the approved details.

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

9. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays 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.)

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the 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.)

11. 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)

12. 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)

13. 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. 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)

**S/1042/11**

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: 539.01, 539.02 and 535.03.

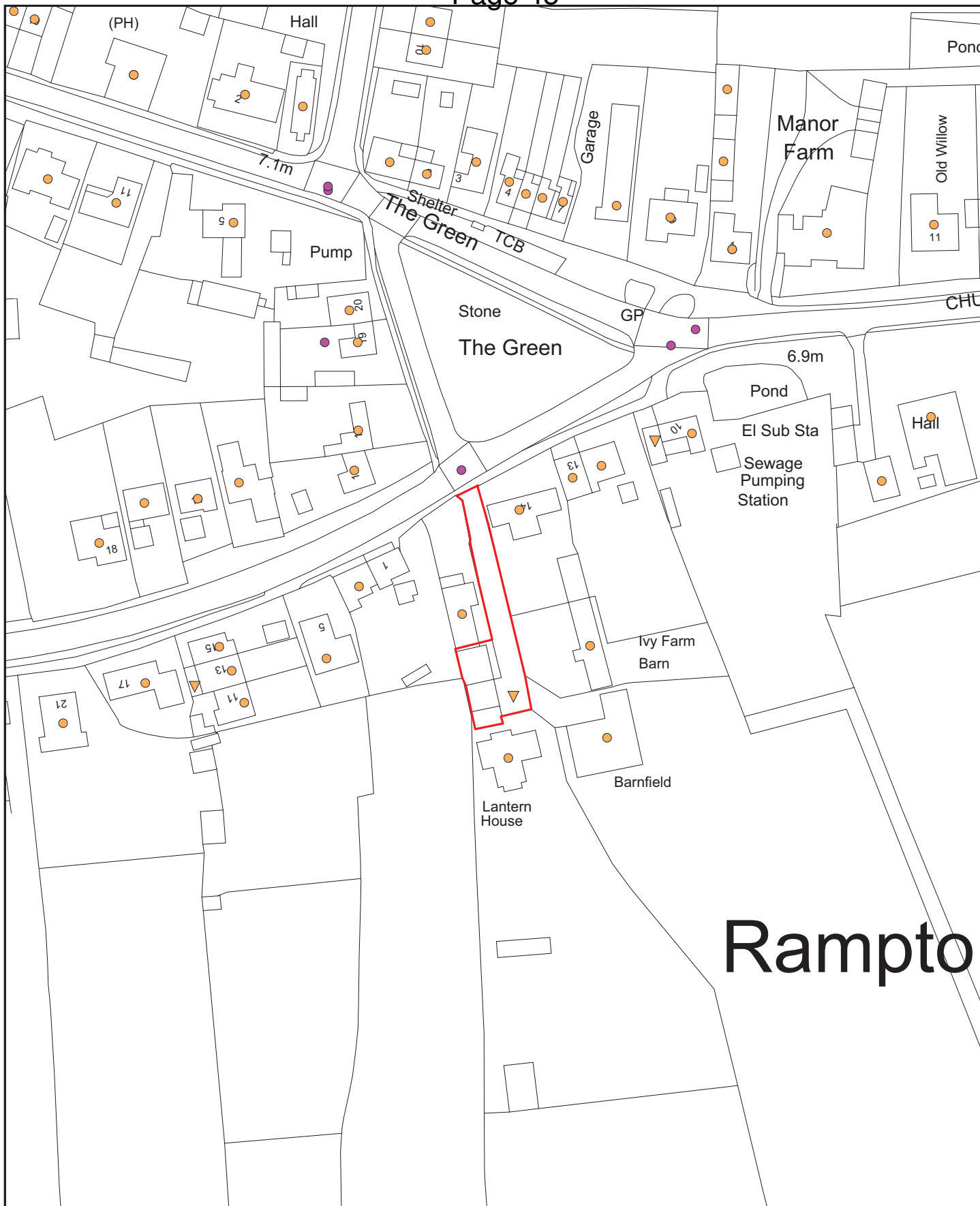
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Development Affecting Conservation Areas, adopted January 2009; Open Space in New Developments, adopted January 2009; Trees and Development Sites, adopted January 2009; Listed Buildings, adopted July 2009; Biodiversity, adopted July 2009; District Design Guide, adopted March 2010; Landscape in New Developments, adopted March 2010.
- Circular 11/95 and 05/2005
- Planning File References: S/1020/11, S/1042/11, S/0451/98/F, S/1630/94/F, S/0610/92/F, S/1839/91/O.

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

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0912/11/F – LITTLE GRANSDEN****Variation of condition 12 of application reference S/1956/10 to allow insertion of rooflights in south elevation, Fullers Hill Farm, Fullers Hill for J Jefferies****Recommendation: Refusal****Date for Determination: 29 June 2011****Notes:**

**This Application has been reported to the Planning Committee for determination at the request of the local member Councillor Mrs Bridget Smith**

**Members will visit this site on 3<sup>rd</sup> August 2011**

**Site and Proposal**

1. This application, received on 4 May 2011, seeks a variation of Condition 12 of planning consent S/1956/10 to allow the insertion of three rooflights in the south facing elevation of a barn at Fullers Hill Farm, Little Gransden.
2. Fullers Hill Farm is located to the west of the road leading from Little Gransden to Gamlingay. It comprises residential dwellings, agricultural buildings, and buildings and land used in association with Little Gransden Aerodrome.
3. The buildings the subject of this application are located at the main entrance to the site, to the north of Fullers Hill Farmhouse, a 19 Century red brick Grade II listed building, with slate roof and end stacks. The buildings, which are curtilage listed, comprise a two storey red brick and slate roofed stables with a hayloft above and an attached single storey range constructed from the same materials, a three bay brick barn with a slate roof and a timber framed and pantiled outbuilding formerly a dairy, which is attached to the west gable of the barn. The buildings are contemporary with the farmhouse. In more recent times a common brick lean-to was added to the rear elevation of the stables and a modern corrugated open fronted lean-to attached to the north elevation of the dairy. Attached to the south elevation of the former dairy is a large modern corrugated open fronted structure.
4. The buildings benefit from extant consents for planning and listed building permission for change of use to B1 business units and 4 holiday lets.
5. The proposal shows the insertion of three conservation style rooflights, two single units and one double, in the south facing elevation of the three bay brick barn. The single units measure 1021mm x 1180mm and the double unit measures 1021mm x 2300mm. The rooflights will serve an open plan office area which will occupy the whole of the first floor of the main barn. The approved scheme includes a similar arrangement of rooflights in the north facing roofslope of the barn, a full height central

glazed opening in the north elevation and narrower full height opening in the west facing gable, all of which light the office area.

### History

6. Planning and Listed Building consent was granted in December 2010 for the change of use of farm outbuildings to B1 business use (office) and 4 holiday lets (**Ref: S/1956/10 and S/1957/10**).
7. Condition 12 of the planning consent stated 'Notwithstanding the annotations on Drawing Nos SU-A202 and SU-A203 this notice does not grant consent for conservation rooflights with solar panels on the south elevation or a new catslide dormer.' The reason for condition stated 'the approved elevations do not show these details, which have been omitted in order to preserve the character of the building and to safeguard the setting of the adjacent listed building.'
8. **S/0736/10** – Change of Use and conversion of farm building into 4 holiday lets and B1 business units – Withdrawn
9. **S/0737/10/LB** – Alter and convert barn and outbuildings into Bi business use (office) and 4 x 2 bed holiday lets – Withdrawn
10. **S/1067/07/LB** – Internal and external alterations to barn and outbuildings to offices and 4 two bedroom holiday homes – Approved
11. **S/0957/10** – Change of use of barn for B1 business use and 4 holiday lets - Approved

### Planning Policy

12. **South Cambridgeshire Local Development Framework Development Control Polices adopted July 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, Space Standards, NE/1 Energy Efficiency, CH/3 Listed Buildings, CH/4 Development within the Curtilage or Setting of a Listed Building.**
13. Listed Buildings SPD, District Design Guide SPD.
14. **Planning Policy Statement 5: Planning for the Historic Environment**

### Consultation

15. **Little Gransden Parish Council** recommends approval.
16. The **Conservation Manager** comments that the most significant building on the site is the farmhouse and although the barn is not listed in its own right it is a building of historic merit and makes a positive contribution to the setting of the listed farmhouse, together with the other outbuildings.
17. Following lengthy pre-application discussions a scheme for the conversion of the group of former agricultural buildings was approved in December 2010 (S/1956/10 & S/1957/10) but the rooflights on the south elevation were omitted from the approval on the planning permission as they would result in a domestic appearance and cause notable harm to the setting of the listed farmhouse and the simple character and appearance of the barn.

18. As this elevation is seen in conjunction with the farmhouse in views from it, it was considered to be more significant and important that the character and appearance was retained and openings kept to the minimum. There was particular concern about the view from the farmhouse garden where the unaltered roofscape of the existing farm buildings and farmhouse are seen as a group. In the approved scheme the only visible alteration on the south elevation is the glazed door in the existing opening. Rooflights were approved on the north elevation as this faces away from the listed farmhouse onto an area that is occupied by more modern buildings and is therefore of less significance.
19. The Design, Access & Heritage Statement states “a balance needs to be achieved between securing the objectives of creating an acceptable working environment, a well converted attractive scheme which respects the character of the building and an energy efficient and sustainable conversion. It is argued that the provision of rooflights on the southern roof slope will enable the scheme to achieve all these objectives”. It goes on to state that “there is a need to ensure that the building is well ventilated and naturally lit both to meet Building Regulations and to create a good working environment”. Building Regulations stipulate that the amount of natural light should be equivalent to 10% of the floor area and natural ventilation 5%. The approved conversion to an office barn retains the open plan of the building on the first floor with the first floor set back above the entrance to create a full height void. The large opening on the north elevation will be fully glazed. The ground floor is partly enclosed to provide a plant room and toilets but the majority of the space is retained as one large office. If additional light and ventilation is required this could be provided artificially but the Design, Access & Heritage Statement argues that the use of artificial light and ventilation would have a greater impact as this would require more plant and machinery which would detract from the simple open plan character. However, a large plant room has been approved and no evidence has been submitted to demonstrate that this will be inadequate. The approved layout and openings should be sufficient to comply with Building Regulations and while it may be desirable to increase the amount of natural light and ventilation this is not a requirement and the justification does not outweigh the harm.

### **Conclusion**

20. There is some public benefit in finding a suitable new use for the buildings that will ensure their long-term viability and maintenance and while the approved conversion will cause some harm it is considered that the benefits will outweigh the harm. The proposed rooflights are not considered to be necessary in order to implement the approved scheme and the justification for additional natural light and ventilation is not considered to outweigh the harm to the character and appearance of this curtilage listed building.
21. It is recommended that the application is refused for the reasons set out at the end of this report.

### **Representations**

- 22... None received

### **Applicants Representation**

23. The application is accompanied by a Heritage and Planning Consent. The full document can be viewed as part of the background papers however the summary is set out below:

24. 'The Local Planning Authority has accepted the office and holiday let conversion scheme secures a suitable reuse of the outbuildings. The buildings are redundant and this secures them being brought back into viable economic use. The works will ensure that the historic interest of the site is retained and significantly enhanced. The key elements of importance which contribute to the heritage value of the building are the brickwork to the external walls and the internal timber framing.
25. The issue being considered here is whether the installation of three roof lights to the southern roof slope of the building will significantly harm the historic significance of the building to warrant refusal. The barn building is not listed in its own right; it is a curtilage building to the Listed farmhouse. The principle of having rooflights on the out buildings has been accepted with three roof lights approved to the northern elevation. The approved roof lights are argued to be to the principal elevation of the building. The provision of matching roof lights to the southern roof slope will not have any greater harm than those already granted permission.
26. Any potential harm caused by the roof lights has to be balanced against the benefits they give of allowing the building to be lit and vented naturally thus removing the need for mechanical ventilation and less reliance on artificial lighting. This is argued to be far more sustainable. Equally the alterations to the roof are argued to be far less harmful than the intervention approved in the 2008 scheme whereby windows were formed to the north western side brickwork. The need to provide mechanical ventilation would be far more intrusive to the internal character of the barn and harmful to the appearance and appreciation of the timber framing.
27. The Councils SPG guidance acknowledges that roof lights to slate roofs are less intrusive than to roofs with alternative roof coverings. The visual impact of the roof lights proposed have been minimised by them being to a traditional 'conservation' form and having flush detailing. It is therefore argued that the works can be shown to accord with local and national policies and guidance and the condition should be amended to allow the installation of these three rooflights.'

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

28. The key issues to be considered in the determination of this application are the impact of the proposed rooflights on the character of the barn and setting of the adjacent Grade II listed building.
29. Planning and listed building consent exists for the proposed change of use. The scheme originally submitted under application references S/1956/10 and S/1957/10 contained the three rooflights in the south facing roof slope of the brick barn, however these were deleted during the consideration of the application, at the request of officers, to allow the consents to be granted.
30. The Conservation Manager's comments quotes a section from the applicant's Design and Access Statement which refers to the need to achieve a balance between securing the objectives of creating an acceptable working environment, a well converted attractive scheme which respects the character of the building and an energy efficient and sustainable conversion.
31. In the officer's view the approved scheme achieves this by allowing a number of openings to be inserted in the less sensitive elevations of the existing simple brick barn form to serve the proposed first floor open plan office area. This included a range of rooflights in the north facing roof slope. The Conservation Manager has

emphasised the importance of retaining the character of this barn, which makes a positive contribution to the setting of the Grade II listed farmhouse, the most important building on the site. The existing south facing roof of the barn is viewed from the garden of the listed farmhouse and the current simple plain form of the roof adds to its setting and the grouping of buildings. In officer's view the insertion of the proposed rooflights into the south facing roofslope would disrupt this simple form and materially detract from the existing character of the building and the setting of the Grade II listed building.

32. Officers note the arguments put forward by the applicants agent in support of the proposal but in this case do not feel that they outweigh the resultant identified harm to the character of the building and setting of the listed building.

### **Recommendation**

#### **Refusal**

1. The proposed installation of rooflights on the south elevation of this 1840 curtilage listed barn will harm the special character and appearance of this simple former agricultural building. While it may be desirable to increase the amount of natural light and ventilation there is no evidence that the approved arrangements will not comply with Building Regulations and the justification does not outweigh the harm. The proposal is therefore contrary to Policy CH/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD) and policies HE7 and HE9 of Planning Policy Statement 5: Planning for the Historic Environment (including 7.2, 7.4, 7.5, 9.1, 9.2 and 9.4) and PPS 5 Historic Environment Planning Policy Practice Guide (including 78, 79, 80, 85, 87, 95).
2. The alterations to the curtilage listed barn will materially detract from the simple rural agricultural character of the building and harm the setting of the adjacent Grade II Listed farmhouse. As such the proposal is contrary to Policies CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD) and Policy HE10 of Planning Policy Statement 5: Planning for the Historic Environment and PPS 5 Historic Environment Planning Policy Practice Guide (including 113 and 114).

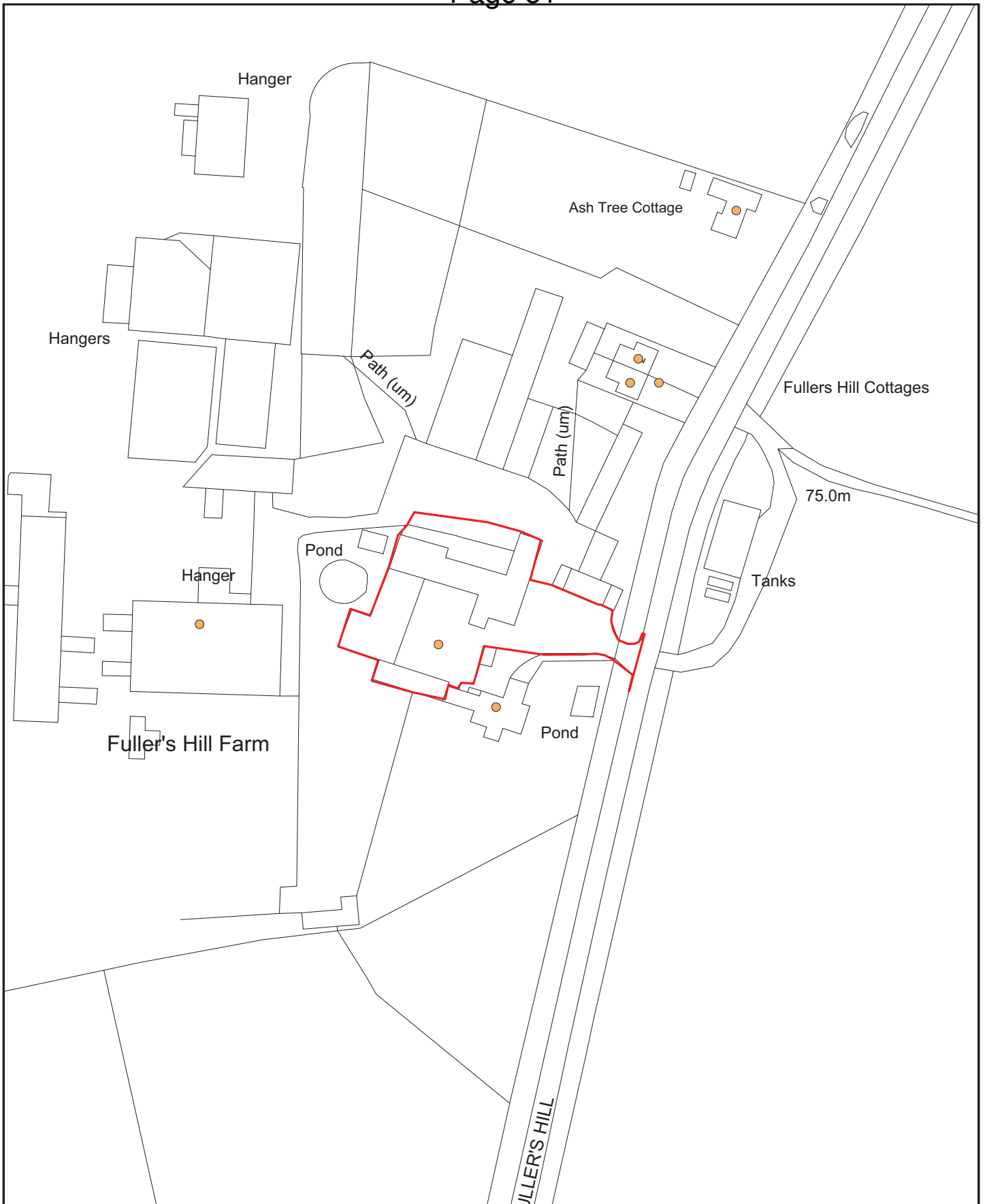
**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0912/11, S/1956/10 and S/1957/10

**Case Officer:** Paul Sexton – Principal Planning Officer  
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/1027/11 - HARSTON****Erection of dwelling, together with two-storey extension to rear of existing property. - 44, High Street, Harston, Cambridge, Cambridgeshire, CB22 7PZ for Mr T Jack****Recommendation: Delegated Approval****Date for Determination: 14 July 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 Harston village framework on the east side of the High Street and is occupied by an end-terraced brick and slate two-storey dwelling. The other properties within the terrace comprise a mix of brick and render finishes, all with slate roofs. The dwelling is accessed via a shared driveway on its south side that also provides vehicular access to a number of other dwellings. Beyond this driveway to the south is the village shop and post office. In front of the shop and the terrace of dwellings, Nos. 44-50 High Street, is a layby area providing a number of parking spaces clear of the main carriageway.
2. The full application, received on 19<sup>th</sup> May 2011, proposes to extend the existing dwelling on its south side in order to create a two-bedroom two-storey end terraced dwelling. It would be constructed from rendered walls under a slate roof. A centrally positioned two-storey wing would be added to the rear of the existing and proposed properties. Vehicular access to both properties would be via the existing shared driveway, with one parking space for each property provided to the rear of the new dwelling.

**Planning History**

3. None

**Planning Policy**

4. **South Cambridgeshire LDF Core Strategy DPD, 2007:**  
ST/6: Group Villages
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  
HG/1: Housing Density  
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

6. **South Cambridgeshire Local Development Framework Supplementary Planning Documents:**

Open Space in New Developments – Adopted January 2009  
District Design Guide – 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. **Harston Parish Council** - Recommends refusal, stating:  
  
“Plot is very small for this type of development.  
Will exacerbate existing parking problems.”
10. **The Local Highways Authority** – No comments received to date. Any comments received will be reported to Members in an update prior to the meeting.
11. **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**

12. Letters of objection have been received from the occupiers of Nos. 28, 30, 34, 38, 46 and 48 High Street. The main points raised are:
- Traffic safety – 9 cars currently require use of the narrow driveway between No.44 and the shop. Another 2 will impact upon this side road significantly. Safety concerns have previously been raised with the Highways Authority resulting in new keep clear markings being put down the road.

- Parking – The houses on the High Street rely fully on the layby spaces in front of their houses for parking. It can currently be difficult to find space, and use by more residents and their visitors cars would negatively impact the local post office and store, which require the laybys for deliveries and passing trade.
- First floor windows in the rear elevation would overlook No.46 High Street's rear garden. The two-storey extension would also result in overshadowing of No.46's rear bedroom and rear garden area.
- The plans show access to No.44's waste bin location from the rear pathway. This is unacceptable as the path is owned by No.46, whilst No.48 also has a right of access across the path.
- Waste storage – The path is only 1.2m wide and is not wide enough for the waste storage proposals.
- No pre-application consultation with nearby residents was undertaken by the applicant.
- Foul sewage – the application state the development will not be connecting to the existing drainage system, but it also states that foul sewage will be disposed through the mains sewer. This should be clarified.
- Flood Risk – The application refers to soakaways as the method of disposal of surface water. There has been a problem with the land next to No.44 flooding over the last year following a burst water main. This should be taken into account.
- Hedges and Trees – Contrary to the information in the application form, there is a well-established hedge running along the boundary of the site and the side road. Removal of this hedge would adversely affect local ecology.
- Design and access statement – Why is No.55 High Street, a house on the opposite side of the road, a reference point in terms of appearance? The proposed elevation refers to the house on the opposite end of the terrace in terms of matching its appearance. This should be clarified.
- The back garden appears larger on the drawing than it actually is. As the proposed development is so close to the boundary, this could seriously compromise access during construction.
- The proposed development involves removal of the existing garage. This is believed to be asbestos and correct measures should be followed.
- Neither the front elevation or rear elevation are in keeping with the rest of the terrace in terms of the quantity of ground floor fenestration at the front. The rooflines on the rear elevation also do not match other properties.
- There was previously a property on the site that had to be removed for structural reasons. The development may lead to similar subsidence issues and could affect the structural stability of existing properties.

## **Planning Comments**

### ***Principle of development – density and mix issues***

13. The site measures 0.0163 hectares in area. The erection of one dwelling on this site would equate to a density of approximately 64 dwellings per hectare. This accords with the minimum requirement of 30 dwellings per hectare required by Policy HG/1 of the Local Development Framework.

### ***Impact upon the character of the area***

14. The proposed dwelling would continue the ridge and eaves lines of the existing terrace (Nos. 44-48 High Street) and would be of similar width and depth as the existing properties within the row. Nos. 44 and 46 are brick and slate dwellings whilst the property at the northern end of the terrace, No.48, is a render and slate house with a chimney on the flank wall. The proposed house comprises rendered walls under a slate roof, and includes a dummy chimney on the end elevation, thereby replicating the materials of No.48 and providing symmetry to the appearance of the terrace. On the front elevation is a centrally positioned window at first floor level and a bay window on the ground floor, and this mirrors the design of the adjacent property at No.44 High Street. The appearance of the front of the proposed dwelling is therefore considered to be in keeping with the character of the terrace of properties, thereby avoiding undue harm to the character and appearance of the wider area.
15. The scheme also includes the erection of a two-storey wing to the rear. This would be centrally positioned, extending both the existing and proposed properties, and would comprise a kitchen extension at ground floor level and bathrooms on the first floor. This rear element would be just 1.4 metres deep, with a ridge line 1 metre lower than that of the main dwellings and positioned 3.1 metres in from the end wall of the new dwelling. There are no other two-storey additions at the rear of the existing terrace but, as the proposed extension would clearly be subservient to the main property, it is not considered to be harmful to the character and appearance of the area.
16. The front garden areas of the existing terrace of dwellings are open in nature, with boundaries defined by either hedgerows or low fences. To maintain this character, the application shows the retention of hedges to the front and side boundaries, with a 1 metre high timber fence erected along the boundary between the existing and proposed properties. The boundary treatments proposed are considered to reflect the character of the area and a condition should be added to any consent requiring these boundaries to be maintained in accordance with the details shown.

### ***Parking and highway safety issues***

17. Strong concerns have been raised by the Parish Council and local residents regarding the lack of parking for the property and the highway safety implications of the proposal.
18. The scheme includes the provision of one off-street parking space per dwelling, with both spaces to be provided to the rear of the new property. The Council's parking standards require a maximum average of 1.5 spaces to be

provided per dwelling. Given that both the existing and proposed dwellings would be small two-bedroom dwellings, the provision of one space per dwelling is considered to be acceptable in this instance.

19. Whilst no response has been received to date from the Local Highways Authority (LHA), the application has been submitted following pre-application correspondence that included discussions with the LHA. The LHA raised no in-principle objections to the use of the existing shared driveway by an additional dwelling. However, the applicant initially sought to explore the possibility of providing a parking space within the front garden area of the new dwelling, with this space being accessed via the shared driveway. The LHA raised serious concerns about the highway safety implications of providing a parking space in this location. Due to the narrow width of the access and the position of the post office building directly opposite, the restricted width available for manoeuvring and proximity of the turning space to the main road, was considered to result in a situation whereby cars wishing to access the driveway from the High Street would be forced to wait in the main road, thereby obstructing the free flow of traffic on the highway. The LHA advised that, if both spaces could be provided to the rear, so that any manoeuvring takes place well away from the main road, this would provide sufficient space for other vehicles to pull completely clear of the highway whilst cars are manoeuvring on and off the site.
20. The proposed layout is therefore considered to be acceptable from a highway safety perspective. A condition should be added to any consent to prevent the front garden from being used for parking at a later date.

***Residential amenity***

21. The owner of No.46 High Street has objected to the application on the basis that the development would result in overlooking of No.46's garden. The proposed two-storey addition to the rear would include two first floor openings in the end elevation, both serving bathrooms. These openings would look towards No.46's garden at an oblique angle and are not therefore considered to have an unacceptable impact upon this directly adjoining property. However, these additional rear windows would look towards the rear garden of the property to the east, No.38 High Street, and, to avoid any adverse impact from overlooking, should be required by condition to be fixed shut (apart from any top hung vent) and obscure glazed. The scheme shows no first floor window openings in the side elevations of either the two-storey rear element or in the flank wall of the proposed dwelling. A condition should be added to any consent preventing the insertion of first floor windows in these elevations at a later date in order to protect the privacies of adjoining residents.
22. The owner of No.46 High Street has also expressed concern on the grounds that the two-storey rear addition would overshadow a bedroom window in the rear elevation and the rear garden area. This element of the proposal would be sited 3 metres away from the boundary with No.46 and, as previously referred to, would be just 1.4 metres in depth. Due to the size of the extension, together with its distance from the boundary, it would not encroach into a 45-degree angle drawn from the centre of No.46's bedroom window, nor would it result in an unacceptable degree of overshadowing of the rear garden area.

***Access and waste storage***

23. The owner of No.46 High Street has advised that the access path shown on the plans beyond the rear boundary of the site is under the ownership of No.46. This has implications for the development in that the plans indicate that the path would be used to access the bin storage areas. The applicant's agent has been advised of this problem and requested to amend the plans in order to ensure access to the bin storage areas for both properties can be achieved without use of the rear pathway.

***Other issues***

24. The applicant has clarified that the new dwelling would be connected to the main sewer via new drainage runs to be constructed as part of the development, whilst all soakaways would be constructed in accordance with Building Regulations, thereby ensuring flooding problems would not arise as a result of the development.
25. The applicant has also confirmed the existing asbestos garage will be disposed of safely. In addition, with regards to concerns raised relating to the structural stability of the dwelling, stresses that it would be constructed in accordance with Building Regulations and with the advice of qualified Structural Engineers.

***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 proposed two-bedroom dwelling, this amounts to £2,244.90, 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 (£378.88), and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £350). The applicant has confirmed his agreement to such payments.

***Recommendation***

27. Subject to the receipt of amended plans showing satisfactory access to the waste storage areas for both properties, delegated powers are sought to approve the application:
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: H/TB/10/1B.  
(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 development 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 elevation of the new dwelling, and in the side and rear elevations of the two-storey rear extension, 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 bathroom windows in the rear elevation of the two-storey rear extension 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. The proposed parking spaces shall be provided in accordance with drawing number H/TB/10/1B before the dwelling hereby permitted is occupied and thereafter retained as such.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. The front garden of the dwelling, hereby permitted, shall not be used for the parking of vehicles.  
(Reason - In the interests of highway safety, and in order to preserve the character of the area, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. The boundary treatments shown on drawing number H/TB/10/1B shall be completed before the new dwelling, hereby permitted, is occupied and shall be retained in accordance with these details thereafter.  
(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.)

10. 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.)
11. 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.)
12. 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 Reference: S/1027/11.

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

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/2079/10 - LONGSTANTON****Erection of 5 affordable dwellings including one bungalow following demolition of two existing dwellings and garage blocks - Garages & 18 & 19 Haddows Close, Longstanton for Bedfordshire Pilgrims Housing Association****Recommendation: Approve Conditionally****Date for Determination: 17 January 2011****This Application has been reported to the Planning Committee for determination because the land is owned by South Cambridgeshire District Council.****Site and Proposal**

1. Members will recall an application for 8 dwellings following the demolition of 2 Airey dwellings was heard at Planning Committee on 2nd March 2011. Given the recommendation of refusal, members deferred the decision to allow further time for negotiations between the applicant and the Environment Agency given the concerns regarding flood risk and the risk of contamination to groundwaters. Talks were held and concluded that the site did not have the capacity for the 8 dwellings as originally proposed. The application was left "open" and a revised scheme for 5 dwellings has now amended the originally submitted plans. This relates to a terrace of 4 dwellings to be located on the site of the Airey homes, with a single plot for a bungalow to the rear of 20 Haddows Close. The previous scheme sought 4 flats and 2 dwellings in this location.
2. The application site is located within the designated Longstanton village framework. The two Airey houses have now been removed and the front site is open with temporary fencing around the boundary. The site is located partially within flood zones 1, 2 and 3a given the proximity of the Awarded drain to the south. The existing track leads to 21 garages and an area of hardstanding. The proposal seeks the removal of these garages.
3. The full application was originally validated on 22nd October 2010. It was accompanied by a Design and Access Statement, a Flood Risk Assessment, an Ecological Appraisal, and a Landscape Strategy. The amendment of the scheme was dated 10th June 2011, and included a revised Design and Access Statement and Flood Risk Assessment to cover the changes to the design.

### **Planning History**

4. A parking area for residents of 22-25 Haddows Close was granted planning permission through application **S/1010/05/F**, extending the cul-de-sac to allow vehicle access.
5. Parking bays between 27 and 28 Haddows Close were granted consent through application **S/1411/97/F**.
6. An application for a residents parking bay to the south of 13-16 Haddows Close (**S/1703/94/F**) was withdrawn.

### **Planning Policy**

7. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007: ST/6 Group Villages**
8. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/4 Infrastructure and New Development, HG/3 Affordable Housing, SF/10 Outdoor Playspace, Informal Open Space, and New Developments, SF/11 Open Space Standards, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/11 Flood Risk, NE/15 Noise Pollution & TR/2 Car and Cycle Parking Standards.**
9. **Open Space in New Developments SPD** – adopted January 2009, **Affordable Housing SPD** – adopted March 2010, **Trees and Development Sites SPD** – adopted January 2009 & **District Design Guide SPD** – adopted March 2010.
10. **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.
11. **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 (Original Application)**

12. **Longstanton Parish Council** recommends approval subject to attention paid to flooding potential and the effect of flooding on the foul drainage system. Off street parking is considered essential for 30 Haddows Close.
13. The **Environment Agency** objects to the proposal as submitted on grounds of flood risk and the risk of contamination to groundwaters. The first objection is based on the flood risk assessment not complying with the requirements of Planning Policy Statement 25. The proposal does not have a safe means of access during floods, is not currently defended to appropriate standards, would impede flood flow and reduce storage capacity, and is inappropriate in a flood risk vulnerability category. With regards to groundwaters, the Environment Agency object as inadequate information has been provided to demonstrate that risks posed to groundwater can be satisfactorily managed.

14. The **Council's Trees Officer** notes the trees are already compromised by the hardstanding on the site, and the area that would become garden. There would be potential pressure on the trees from shading, but the trees are not considered of a quality worthy of a Tree Preservation Order.
15. The **Local Highways Authority** note they would not adopt the road as it does not serve five or more individual dwellings. Conditions are requested seeking a traffic management plan for the demolition and construction phase, pedestrian visibility splays to be retained, materials to be used for the access, and drainage mechanisms for the access. An informative regarding works to the public highway is also proposed.
16. The **Council's Housing Strategy Assistant** notes the site has funding secured from the Homes and Communities Agency. It has the full support of the Team, and would not be an exceptions site so there is no requirement for the dwellings to be made available for people with a connection with the village.
17. Comments have been received from the **Council's Landscape Officer**, who has requested landscape conditions are added if the scheme is approved.
18. The **Council's Environmental Health Officer** notes concerns regarding noise and therefore suggests conditions regarding timings for the use of power-operated machinery, use of drive pile foundations. He also requests a condition regarding external lighting and informatives regarding bonfires and burning of waste and a Demolition Notice.

#### **Consultations (Amended Application)**

19. **Longstanton Parish Council** retain their recommendation of approval, and make no further comment.
20. The **Environment Agency** have confirmed the additional detail submitted regarding ground water contamination is considered acceptable, and the objection is withdrawn subject to a comprehensive condition which would include intrusive ground investigation and remediation works. Following a meeting on site on 13th July 2011, the Environment Agency have also verbally confirmed that design of the bungalow and land is considered acceptable with regards to flood risk.
21. The **Council's Housing Strategy Assistant** continues to support the scheme. No tenure mix is provided but the majority of the units should be rented.

#### **Representations (Original Application)**

22. Letters of objection have been received from occupiers of 16 dwellings on Haddows Close. The objections are based on the following:
  - Flood risk
  - Proposed drainage and waste disposal methods
  - Design of the dwellings
  - Impact upon the character and appearance of the area

- Impact upon the trees along the southern boundary
- The proposed tenure mix
- Parking provision in Haddows Close
- Highway safety along Haddows Close and High Street
- Lack of public consultation

### **Representations (Amended Application)**

23. No further correspondence was received.

### **Planning Comments**

24. The key issues for the determination of this application are the principle of development, whether the revised layout overcomes previous concerns regarding flood risk and pollution to groundwaters, and the impact upon the street scene, impact upon the amenity of occupiers of adjacent properties, open space provision, and highway safety and parking provision.

#### *The Principle of Development*

25. The application site lies within the Longstanton village framework. The village is classified as a Group Village under Policy ST/6 of the Core Strategy 2007, where residential development or redevelopment up to a maximum scheme size of eight dwellings will be permitted within village frameworks, subject to site-specific issues. The proposal is for 100% affordable housing but given Policy ST/6 of the Core Strategy, the proposal is not an exceptions site.
26. The site has an area of approximately 0.198 hectares. Policy HG/1 of the LDF DCP 2009 seeks residential developments to make best use of a site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment, and higher densities of 40 dwellings per hectare should be achieved in more sustainable locations close to services. The development provides 25 dwellings per hectare. Given the location of the flood zone (see below), such a lower density is considered acceptable in this instance.
27. The Housing Team are fully in support of the scheme. Clarification is being sought as to the new proposed tenure mix. The bungalow will be rented to a local family in need. Members will be updated on any tenure confirmation received.

#### *Flood Risk and Groundwater Pollution*

28. The south boundary of the site is adjacent to an Awarded watercourse, the flood zone to which runs northwards into the application site. The original scheme was recommended for refusal on the advice of the Environment Agency given the location of a significant amount of built form in this area. The terrace of four dwellings on the amended scheme are located inside flood zone 1, and are therefore not considered to increase flood risk. The concern regarding the amended plan is the location of the bungalow, which is within flood zone 3a.
29. Negotiations have taken place between the applicant and the Environment Agency on this matter. A site meeting took place on 13th July 2011 and



concluded the details of the amended plan showing levels and the relationship with the watercourse are acceptable, subject to conditions. The Environment Agency will supply some draft conditions, and Members will be updated on these when received. The Environment Agency have also withdrawn their objection on the risk to groundwater pollution, and again a condition is likely.

### *Impact upon the Street Scene*

30. The large difference to the scheme is the creation of a terrace of four properties along Haddows Close, which will be visible from High Street given their location. This is the location of the now demolished Airey homes, and the original application sought an attached two-storey property and bungalow. The terrace would create more bulk in this area, and would also require a more visible parking layout as the dwellings are pushed deeper into the plot. However, the area is characterised by parking areas given pressures in the area. There are terraces of three in the area although these are single storey units. The terrace would be a new feature, but is considered acceptable in this location. There is an opportunity for landscaping to the front, and a condition can ensure some greenery is provided to soften the impact.
31. The bungalow would be visible from the Haddows Close. However, it would be more visually appealing than the garage blocks currently on site.

### *Impact upon the Amenity of Occupiers of Adjacent Properties*

32. The previous scheme was considered acceptable from a neighbour amenity perspective. The revised scheme does require a re-assessment of some of the relationships. 17 Haddows Close is a two-storey dwelling with a garage to its western side. The Airey dwelling was located in line with this dwelling. The proposed two-storey dwelling would now be located closer to the shared boundary and would also extend beyond the rear building line of 17 Haddows Close. However, given the orientation and location of the garage, no serious loss of light or overbearing impact would result. A condition would be required to prevent any side window at first floor level to plot 5. A condition would also be required to prevent windows in the side of plot 2, which could overlook 20 Haddows Close. The relationship with this neighbouring property is otherwise satisfactory.
33. The rear facing first floor windows of plot 5 would be within 10m of the shared boundary with 16 Haddows Close. This is 3m closer than the Airey house. This would increase potential overlooking from the window serving bedroom 1. However, the single storey rear range would allow retention of a private area. Given the previous situation, the relationship is considered acceptable. The occupiers of this property will benefit from the removal of the garage and will be offered this additional garden land for themselves.
34. The occupier of 20 Haddows Close would lose half of the rear garden to allow for the turning and parking area to the rear. The dwelling would still have a rear garden approximately 12m in length although this would include the newly created parking space. The location of a bungalow to the south would remove potential overlooking, and the low height would not cause any serious loss of light.

35. As a whole, the proposal is considered to be acceptable in relation to the neighbouring properties.

*Open Space Provision*

36. The applicant is aware of the need to provide contributions towards open space provision in the village. The required amount has altered given the reduced number of properties within the consent, and the figure would be £6,734.70, Members will be updated as to whether the applicant is willing to make such a contribution. The pre-application advice prior to submission did not make reference to community facility provision, or the Section 106 monitoring and waste receptacle provision. It is considered unreasonable to now add these requirements.

*Highway Safety and Parking Provision*

37. The revised scheme with only the bungalow set back from the road has created a new road layout. The access to this bungalow has been reduced in width to 2.5m given it now serves a single dwelling. This is the width of the existing road that serves 21 garages. Given the significant reduction in intensity of use of the access, there would be no serious harm to highway safety, and the situation is likely to improve. It is noted the Local Highways Authority have chosen not to comment on the amended plans.

38. The proposal does remove the existing garages from the area. The occupiers of neighbouring properties note the garages and hardstanding area are regularly used as an overflow area given parking pressures in the vicinity. It is however noted that the garages are not specifically let to occupiers of Haddows Close. The applicant states that of the 21 garages, two are let to residents of Haddows Close, one is let to another Longstanton resident, two are let to occupiers of other villages, whilst the remaining are vacant. Whilst the loss of the hardstanding itself may reduce parking options, I do not consider the loss of this area in itself would cause any serious parking issues in the local vicinity.

*Other Matters*

39. The trees along the southern boundary are considered important in the street scene. The revised layout brings development significantly further away from the boundary, and therefore reduces any pressure on these trees.

**Recommendation**

40. Approve the application (as amended by plans HCL-PL-01-RevII, HCL-PL-06, HCL-PL-07 & HCL-PL-08 date stamped 10th June 2011), subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: HCL-PL-01-RevII, HCL-PL-06, HCL-PL-07 & HCL-PL-08 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 in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority.  
Development shall be carried out in accordance with the approved details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. No power operated machinery (or other specified machinery) shall be operated on the premises before 08.00 am on weekdays and 08.00 am on Saturdays nor after 18.00 pm on weekdays and 13.00 pm on 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.)
5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. 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 plot 2 and the east side elevation of plot 5 at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

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

8. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i. The type of the affordable housing provision to be made;
  - ii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
  - iii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
- (Reason - To ensure the provision of an agreed mix of affordable housing in accordance with Policy HG/3 of the adopted Local Development Framework 2007.)

9. No development shall begin until details of a scheme for the provision of open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
- (Reason - To ensure that the development contributes towards open space infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

10. The dwellings, hereby permitted, shall not be occupied until the areas reserved for car parking has been laid out as per approved site plan HCL-PL-01-RevII date stamped 10th June 2011, and the spaces shall thereafter be retained for such use.
- (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

11. Visibility splays shall be provided on both sides of the parking spaces to the front of plots 2-5 and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.
- (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

AND – Conditions agreed with the Environment Agency regarding flooding and the risk of groundwater pollution

### **Informatives**

The granting of planning permission does not constitute a permission or license to a developer to carry out works within, or disturbance of, or interference with, the Public

Highway, and a separate permission must be sought from the Local Highways Authority for such works.

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

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

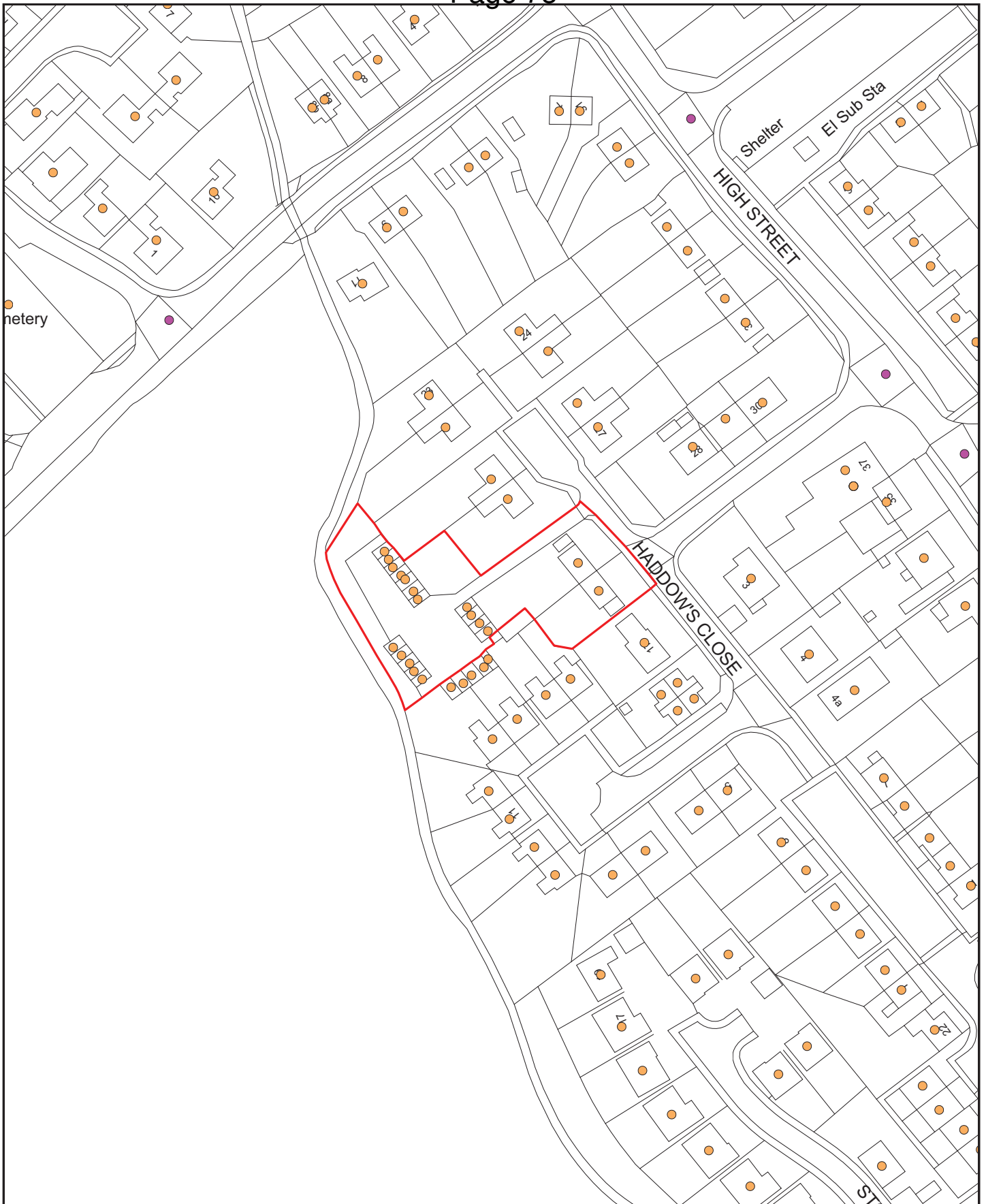
The development results in infrastructure requirements to meet the needs of the development in accordance with Policies DP/4 and SF/10 of the adopted South Cambridgeshire Local Development Framework 2007 and Open Space in New Developments SPD. Should financial contributions be proposed, this would total contributions of £6,734.70 towards the off-site provision and maintenance of open space, £69.50 towards the provision of household waste receptacles and £250 towards Section 106 monitoring. 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). The applicant has confirmed the client's acceptance to these requirements.

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

- **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**
  - **Local Development Framework Development Control Policies 2007**
- **Open Space in New Developments SPD, Affordable Housing SPD, Trees and Development Sites SPD & District Design Guide SPD.**
  - **Circular 11/95 – The Use of Conditions in Planning Permissions**
  - **Circular 05/2005 - Planning Obligations**
  - **Planning Ref Files: S/2079/10, S/1010/05/F, S/1411/97/F, and S/1703/94/F**

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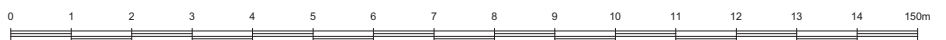
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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/1728/10 - MELDRETH****Retrospective extension to warehouse and toilet block at Fieldgate Nurseries,  
32 Station Road for Mr Ward****Recommendation: Approve Conditionally****Date for Determination: 12th January 2011****Notes: This application is being presented to Planning Committee as requested  
by Councillor Surinder Soond.****Members previously visited the site on 6<sup>th</sup> April 2011 when consideration of the  
application was deferred.****Site and Proposal**

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

**Aerial Map**

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

**Planning History**

4. SC/0136/70 - Erection of a green house - Permitted Development
5. S/1666/77/F - Conversion of top level of Barn into Flat for a Farm worker - Approved

6. S/0450/82/F - Sale of 'bought in fruit' and vegetables - Approved. This application allows for the sale of bought in fruit and vegetables on the entire 1.4ha site and is not specific to the shop building. No conditions are attached to the decision notice.
7. S/1124/85/F - Replacement Shop and Store - Approved. Refers specifically to a unit comprising approximately 160m<sup>2</sup>. Conditioned to be used as part of FGN enterprise and not to be sold as a separate unit. Part of the shop is being let to Russells Butchers (also A1 use) but this remains in the ownership of FGN.
8. S/0040/99/F - Storage Buildings - Approved. To be used as storage only and ancillary to FGN
9. S/0055/01/O - Bungalow - Refused
10. S/0555/05/F - Change of Use of Barn No.4 for Fruit Juice and Bottled Water storage and distribution - Approved.
11. S/2418/08/F - Warehouse Extension - Refused
12. S/0182/08/F - Change of Use from Agricultural storage to pet food retail and siting of a porta cabin toilet block (Retrospective Application) - Refused
13. S/1832/08/LB - Alterations - internal changes to 2 dwellings remove & replace partitions & ceiling, install chipboard floor, convert attic space & implement structural works. (Regularisation of unauthorised works). - Approved.
14. S/2054/08/F - Erection of Lean-to Extension to Warehouse, Toilet Block and Change of Use from Agricultural Building to Retail (Equestrian Supplies) (Retrospective Application) - Withdrawn

### **Enforcement History**

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

### **Planning Policy**

16. **South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007:**
  - DP/1 Sustainable Development
  - DP/2 Design of New Development
  - DP/3 Development Criteria
  - DP/7 Development Frameworks
  - CH/3 Listed Buildings
  - CH/4 Development within the Setting of a Listed Building
  - ET/5 Development for the Expansion of Firms
  - NE/15 Noise Pollution

17. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
Listed Buildings SPD - March 2010  
District Design Guide - March 2010

**Government Circulars:**

18. Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
19. Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

**Consultation**

20. Meldreth Parish Council - Make no recommendation but include the following comments:
21. Meldreth Parish Council makes no recommendation as it feels it does not have enough information to make any other response.
22. We would like to see Fieldgate Nurseries develop as a successful business serving the local community and living in peace with its neighbours. Parts of the application suggest that if this application was approved in its present form, this would not be the case.
23. Since the application in 2006, including the retrospective request, which was refused, there must have been negotiations or discussions between SCDC planners and Fieldgate on this, the 2008 withdrawn application and the unsuccessful enforcement action. None of this has been recorded on the application forms or supporting documents and we have not been kept up to date by SCDC representatives.
24. We would like the following aspects to be investigated by SCDC planners as part of the decision process.
25. Are the proposed entry points for HGV's acceptable to Highways and can the necessary visibility splays be created? Concerns have been raised by neighbours about Highway Safety for vehicles and people, especially school children. Our speed watch team reports that Station Road is the busiest road in Meldreth during the morning rush hour with high levels of speeding.
26. The size of the retail operations on site, including the space occupied by Fieldgate, the butchers shop and the equestrian shop (refused planning but only recently closed) and the range of goods now sold by Fieldgate. We do not know what retail space has permission and what range of goods can be sold. The reference in a historic planning decision is to sell its own produce and bought in fruit and vegetables.
27. We have raised in the past the amount of unauthorised building (a steel framed clad former greenhouse) to the rear of the site. We have received

reports of businesses operating here and elsewhere on the site without permission.

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

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

### **Representations**

36. Cllr Soond - While development at Fieldgate Nurseries (FGN) has an extensive planning history, most of which is very convoluted by aspects of planning enforcement coupled with concerns raised by local residents, without complicating things further, I would be grateful if this particular application could be presented to the Planning Committee for the next meeting with a view for members to remark on a possible course of action (based upon their experience and knowledge in such matters).
37. In summary, we would be grateful if the Planning Committee would consider the points in determining the fate of this application, being mindful of the residents immediately residing around this site with a view to unravelling what can only be described as a 'confusing situation', so that retail industry and residents can co-exist within boundaries defined by SCDC Planning Law. Moreover, we believe that the proper and regulated development of this site would be a real asset to the residents of Meldreth and the surrounding villages.
38. Councillor Soond's full representations are at Appendix B.
39. A letter of objection has been received from the occupiers of 55 Station Road who raise the following concerns:
40. The retrospective application refers to the opening hours of the business commencing at 6am Monday to Friday. We are concerned about noise pollution from HGV's affecting our sleep. The Design and Access Statement contradicts the application stating in section 1 that the premises will be in constant use 24/7. The traffic flow plan shows an exit route for HGV's from the premises close to our property. The planning officer is requested to give due consideration to noise and the affects on neighbouring property in its decision. We would request that HGV access is only permitted during business hours stated in the application.
41. An objection has also been received from the occupiers of St Johns Farm, Station Road (SJF). The full representations are at Appendix C.
42. A letter from Richard Buxton, the solicitor for the occupiers of St Johns Farm was received 5<sup>th</sup> April 2011 raising concern with regard to Environmental Impact Assessment (EIA) for this site. The application was subsequently withdrawn from the Committee Agenda to further investigate whether an EIA was applicable for this site. In screening the site in accordance with Circular 02/99, officers have concluded that EIA is not required.

### **Planning Comments**

43. From the above submissions Members will note the site's long history and the number of ongoing concerns and issues that have been or are in the process of being addressed. The planning department has worked with both the applicant and the occupier of St Johns Farm with Enforcement, legal representatives, the Local Government Ombudsman and other third parties such as the Local Highway Authority, the Environment Agency, Environmental Health and officers from the local Constabulary to try and overcome these issues. Whilst all issues are relevant to the site, only a few of the above comments are relevant to this specific application. I have

attempted to cover these below and for clarification I can confirm the following points:

44. The application submitted has some errors in the content that have been raised by Cllr Soond and in other representations. These have been brought to the attention of the applicant.
45. Question 6 - is answered correctly. No new access is proposed. The access at point B already exists and can be used by anyone using the site. All the land in the application site edged blue is in the ownership of the applicant. The strip of land to the east of the site, including point B is also owned by the applicant.
46. Question 11 - The spaces shown on the Traffic Flow plan (TFP) do not conflict with the temporary refrigeration unit, as Members will have noted on site. The total spaces equate to 39 including staff provision. All staff parking is to be located at the rear of the site as shown on the TFP.
47. Question 13 has been answered correctly. The drainage issue that is raised by Cllr Soond is a separate legal matter that has been dealt with by the Environment Agency. The requirement for more transparency is not considered relevant to this application or future planning of the site.
48. Question 16 - is correct insofar as there are no trees on the development site. The development site being the area edged red. There are trees on the site as a whole. None of which are affected by the proposals.
49. Question 19 - Cllr Soond is correct. It should read 58m<sup>2</sup> and the application suggests 4m<sup>2</sup> less though the dimensions on the drawings are accurate. The 9m<sup>2</sup> of proposed toilet space has been missed off the application form but again is apparent in the drawings.
50. Question 21 - the opening hours of the shop are indeed as Cllr Soond has stated. The working hours of the staff are as indicated in the application form. Mr Ward is aware of the Sunday trading hours.
51. Question 23 - The site area is 1.5 hectares and not 3.45 hectares. It does however equate to 3.45 acres.
52. The mobile unit is a matter that is being dealt with by the Councils Enforcement team
53. The storage of handbags in Unit A is a matter that is being monitored by Enforcement. The bags are being slowly removed from the site.
54. The office use in the listed barn (adjacent the house) has been used as such for a continuous period of ten years, primarily as part of the FGN enterprise. The current occupiers are a separate company and not associated to FGN. We are informed the current tenants have been using the space for over 4 years.
55. Other building uses have been investigated regularly over the last 18 months and officers have not discovered any unknown uses that are not included in this report.

### **Key Issues**

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

### **Highway Safety**

57. Of all the planning applications that have been submitted highway safety implications have not been of a major concern. The site has been used as a nursery for many years and whilst there are no longer goods grown on site, the site has undoubtedly intensified, with more vehicles, which is common with many commercial premises. Previous planning history did not consider it practical or desirable to control vehicle movements generated by the whole site through the various minor applications that have been submitted and no historic decision notice aims to control vehicle type or numbers through condition.
58. There are two access points to FGN, these are marked A and B on the Traffic Flow Plan (TFP) submitted with the application. These access points have been in place for in excess of 10 years and can lawfully be used as such. The main entrance has always been at the front of the shop, however, discussions between the applicant and officers have led to point B being brought into a more productive use. The Local Highway Authority (LHA) was not been overly keen on this access being used, but as it is an existing access considered it acceptable in this instance.
59. The refused application under reference S/0182/08 was considered to be unacceptable to the LHA, as it did not adequately address highway safety or parking facilities. Given its countryside location the LHA requested that the maximum provision of parking spaces be made to ensure accommodation was made clear of the public highway. It was concerned about conflict of vehicles using the site and an intensification of use due the increased number of vehicles additional retail use would bring to the site. The additional retail use that was proposed in that scheme has since been removed from the current application. The applicant has aimed to show a plan of proposed traffic flow and an indication of where parking spaces can be made available on site. These would be demarcated on site if approved.
60. The applicant has tried to separate the customer and staff parking to avoid conflict and shows a route that larger vehicles would take to avoid unnecessary manoeuvres on site. This would in turn aid the reduction of noise from reversing beepers on vehicles (this is covered in more detail under Neighbour Amenity).
61. Officers are of the view that the site could have adequate parking provision and have been working with Mr Ward to overcome some of the parking problems, particularly at the front of the site. This is ongoing but the intention is to create a more desirable area for customer parking to discourage parking in the highway at the front of the site.
62. At present the site has insufficient parking arrangements as set out in the Parking Standards in the South Cambridgeshire Development Framework Development Control Policies adopted July 2007. Parking standards are based on the use class of the buildings and officers have spent considerable

time visiting the site to ensure the uses are in accordance with the approved schemes submitted to date.

63. Units H and C have been used for retail for a period of over 10 continuous years, all other buildings are primarily for storage purposes. Following site visits I have included a list of all the buildings uses, unlawful and lawful to show how many spaces would be required under the current uses on site. Please note that units E and F are the subject of this application.

Uses, sizes of buildings and required parking

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

Total Spaces 40

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

64. If the unlawful uses were removed adopted standards would require 5.5 less spaces totalling a maximum requirement of 33.5 customer parking spaces. To date Mr Ward has submitted a scheme for 24 customer spaces and approximately 16 staff spaces. The removal of the warehouse building will result in the loss of 0.5 spaces, the toilet block 0 spaces and the removal of the refrigeration unit, which is the subject of another application, although intrinsically linked, 1 space.
65. Ongoing (recent) trials to assess the way in which customers park at FGN and associated access problems for the residents at St Johns Farm have resulted in the loss of 1 customer parking space to the front of the site, thus reducing the overall parking provision for customers down to 23.
66. If spaces are demarcated on site it will visually encourage customers to park in them. Disabled spaces should be located closest to the shop front and marked accordingly, again this should encourage customers to use the spaces properly. Whilst there are signs located at the front of the site to indicate parking provision, old habits die-hard and regular visitors to the site are likely to park in their usual manner regardless of parking layout. Hopefully this will change over time. Having worked with the local police in trying to rectify parking in the highway, it may be appropriate to erect a small sign indicating that parking in the highway and blocking an access is an obstruction and dealt with as a civil matter.



67. Whilst there is a parking shortfall, it is considered that with the traffic flow scheme in place the conflict of vehicles is significantly reduced and the desire to have maximum parking provision no longer required.

#### **Impact on the Setting of the Listed Building and Visual Amenity**

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

#### **Impact on the Countryside**

72. The site is located outside of the village framework for Meldreth and therefore in the countryside. Development in the countryside is restricted to that for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses, which need to be located in the countryside. The site is bound on all boundaries by mature and well-established hedging. Views of the entire site are glimpsed through the trees when driving north along the A10; however, most other views are limited to those seen when approaching the access points from Station Road or from the property at St Johns Farm. The actual impact on the countryside from this site is minimal. Whilst the buildings have changed in appearance the footprints have remained predominately the same. The glasshouse to the rear (unit C) is now clad in grey metal sheeting and barns (unit B) have been extended; however, it is considered that the

increased level of use makes its presence more prominent in the countryside rather than its visual appearance.

73. The shop floor area is of a size that is not permitted to operate outside Sunday trading times and the applicant is aware of this. This suggests that the retail floor area is at its peak in terms of its location in the countryside and officers would not wish to see the retail area increase in any way. The warehouse building is not for any further retail floor space but in light of the other buildings on the site it is considered there are other locations that the delivery of goods and the cardboard crusher could go, therefore limiting additional built form in the countryside. However, the impact of the warehouse extension is not considered to be detrimental to the listed building and Members should be aware that officers have no control over the use of the existing buildings in terms of deliveries to them.
74. Whilst development in the countryside is restricted, officers are of the view that the level of development on this site could be considered favourably where control over the delivery times and traffic movement could have a positive impact on the existing commercial and residential relationships.

#### **Residential Amenity (Noise)**

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

could help support the reduction of noise and lessen conflict of traffic between customer vehicles and neighbour amenity. This application, however, cannot restrict deliveries to other buildings on this site that are associated with the FGN enterprise.

**Other Matters**

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

84. The site has not benefitted from the Councils Building Control officers advice. However, officers have been asked to visit the site for comment and Members will be updated accordingly.
85. The application was submitted with full ownership certificates and a site location plan clearly indicating the application areas in red and the land ownership in blue.

**Conclusion:**

86. Whilst the development has been suggested to add to the potential for overnight deliveries there is currently no control on deliveries to the other buildings on site. However, it would seem that the practicality of the open fronted element and the relationship to the shop floor adds to the convenience of this warehouse extension remaining in situ, particularly for the applicant and his staff. By allowing the development to remain officers could reasonably restrict the times and number of deliveries to better respect the relationship with the neighbouring residential property. This combined with the traffic flow plan could help improve the existing relationship immensely.
87. The toilet block building, whilst not too problematic with regards to parking provision would be better sited to the rear of the site, say where the existing unlawful mobile home will be removed. This will enhance the appearance of the site and the wider setting of the listed building.
88. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that permission should be approved in this instance, subject to the relocation of the toilet block and to appropriate safeguarding conditions.

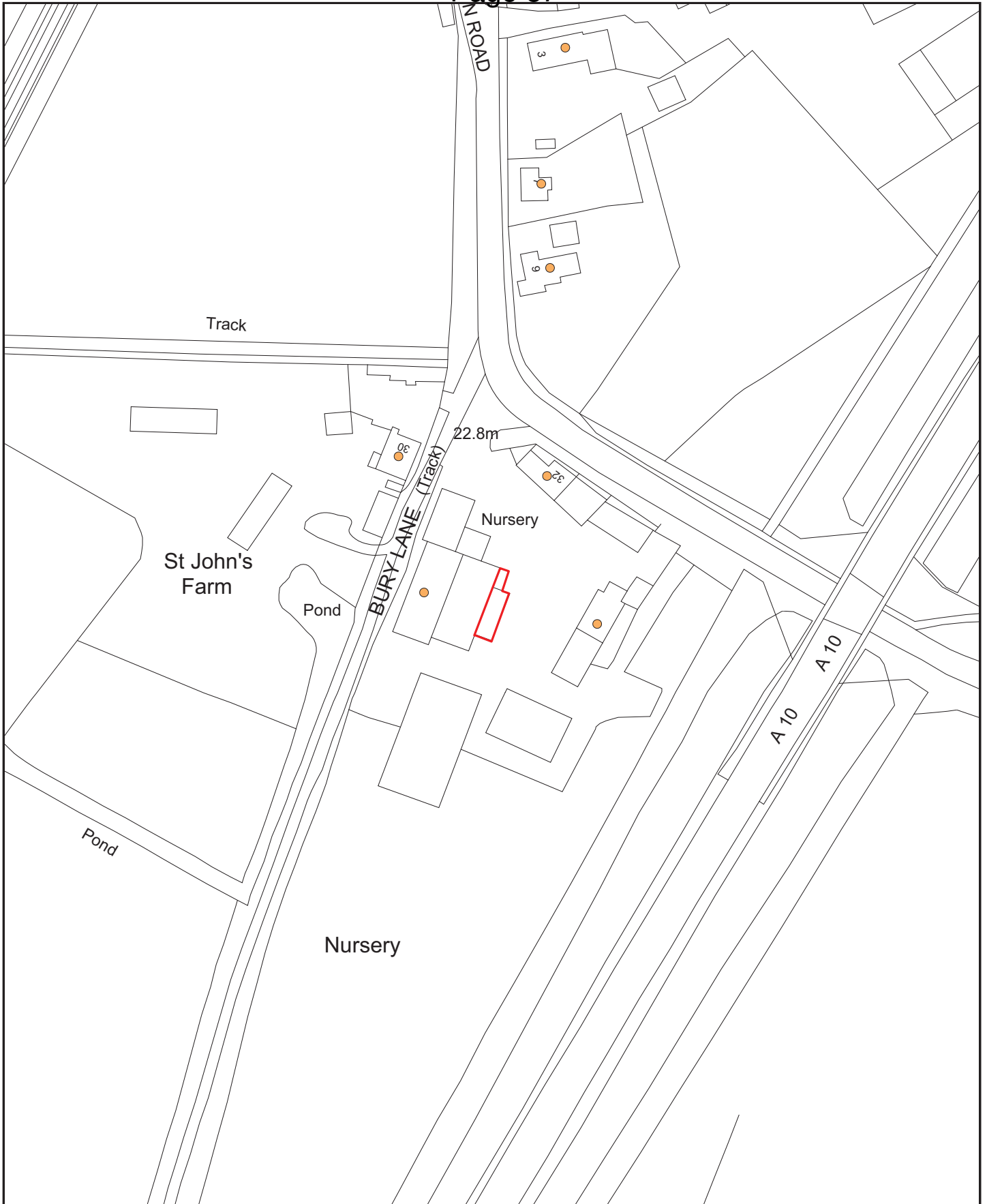
**Recommendation**

89. Delegated approval subject to the relocation of the toilet block and to appropriate conditions. These are provided in Appendix D

**Background Papers:**

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

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



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District Council

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0984/11 - Milton****Erection of a Dwelling and Garage at land adjacent to Lea Court, Milton for Mr  
A. De Simone****Recommendation: Approve Conditionally****Date for Determination: 15<sup>th</sup> July 2011****This application has been referred to the Planning Committee for determination because the recommendation of the Milton Parish Council does not accord with the officer recommendation.****Site and Proposal**

- 1 The application site comprises a piece of amenity land, which serves as gap between a block of three-storey flats and a pair of semi-detached dwellings. The site is accessed off Coles Road and is within the village development framework. Coles Road is a predominantly linear residential road with a mixture of semi-detached houses, bungalows and flats. However, despite the various house types the street scene does have a strong uniform character with a horizontal emphasis to housing design and a relaxed urban grain. The site forms part of a communal garden area for six flats within Lea Court with windows in the flank elevation of the flats overlooking this space.
- 2 The proposal comprises the subdivision of the land (0.021ha) to the southeast of Lea Court and the erection of a detached two-storey three-bedroom dwelling and detached single garage. The dwelling would be clad in a mixture of brick and render with a pantile roof. The property would be approximately 7.2m to ridge, 5.5m wide, and 6.7m deep with a single storey element to the rear. The plot would provide suitable private amenity space and 2m x 2m pedestrian visibility splays at its access.
- 3 The application is supported by a Design and Access Statement and a draft Heads of Terms for a S106 legal agreement.

**Planning History**

- 4 Planning Application S/0097/10/F for the erection of a dwelling was refused by virtue of its unacceptable impact upon the public realm, residential amenity and highway safety.
- 5 Planning Application S/0553/10/F for the erection of a dwelling was refused by virtue of its unacceptable impact upon residential amenity of adjacent properties. An appeal against both refused applications was subsequently dismissed.

## **Policies**

- 6 South Cambridgeshire Local Development Framework Core Strategy 2007  
**ST/6** Infill Villages
- 7 South Cambridgeshire Local Development Framework Development Control Policies DPD 2007  
**DP/1** Sustainable Development  
**DP/2** Design of New Development  
**DP/3** Development Criteria  
**DP/4** Development Infrastructure  
**DP/7** Development Frameworks  
**HG/1** Housing Density  
**NE/1** Energy Efficiency  
**TR/1** Planning for More Sustainable Travel  
**TR/2** Car and Cycle Parking Standards  
**SF/10** Outdoor Playspace, Informal Open Space, and New Developments
- 8 South Cambridgeshire Supplementary Planning Documents  
**District Design Guide**, Adopted March 2010.  
**Open Space in New Developments**, Adopted January 2009.

## **Consultations**

- 9 **Milton Parish Council** – Recommend refusal on the grounds that the application shows no significant change from the previously refused applications, which were dismissed at appeal and support the objections raised by local residents that the development would be detrimental to the street scene, overbearing and would result in the loss of light and amenity space to the flats within Lea Court.
- 10 **Local Highway Authority** – Raise no objections subject to the pedestrian visibility splays shown on drawing no.20 are conditioned to be kept clear of obstructions above 600mm, that no unbound material shall be used within 6m of the adopted highway and that permitted development rights are removed with respect to access gates.

## **Representations**

- 11 4 Letters have been received from the occupiers of nos.26 Coles Road, 4 Pembroke Court, 22 and 24 Lea Court and raising the following objections:
- The original design for Lea Court was to provide space around the building and the proposal would reduce that space to an unacceptable level to the detriment of its setting;
  - The view from no.26 would be upon a blank wall, which will reduce the light to this property by casting it in shade;
  - There are a number of utility and drainage pipes running through the application site serving Pembroke Court and if the site is developed access for maintenance will be restricted;
  - The proposal would appear cramped with the space to the southwest of the flats reduced in contrast to the spacious setting to the northeast and setting of other flats within the vicinity;



- The proposal fails to adhere to Policy DP/2 in that it would not achieve a high standard of design;
- The proposed dwelling, garage and boundary fence would result in a loss of light to the ground floor flat at no.24 due to the close proximity to the kitchen window contrary to the criteria of Policy DP/3;
- The proposal would represent garden grabbing;
- The current proposal does not differ substantially to the schemes dismissed upon appeal;
- The length of the proposal would affect the light into a ground floor window within the extension serving a kitchen at no.26 Coles Road;
- There is a hedge running along the common boundary between the site and no.26 Coles Road;
- There is no requirement for a dwelling in an already densely populated area;
- The proposal would result in the loss of on road car parking and the road is heavily congested as the occupiers of Lea Court do not have any off road parking;
- Properties within Coles Road are open plan to their frontages and the provision of a fence and hedge to the frontage of the plot would be out of character with the wider area;
- The resultant noise and construction dust and pollution would have an adverse impact upon the child minding business run from no.26 Coles Road.

- 12 **Local Member Cllr Hazel Smith** has commented that the site is unsuitable for a building plot in line with the two recent dismissed appeals. Whilst the proposed house is an improvement in design terms it would still result in an overbearing impact upon the ground floor flat of Lea Court and would remove the necessary village space and setting that was planned around this three-storey building.

#### **Planning Comments**

- 13 The key considerations in the determination of this application are sustainability, and the impact that the development would have upon public realm, residential amenity, highway safety and village infrastructure.

#### **Sustainability**

14. The principal of housing is considered acceptable within this location subject to the material planning considerations stated above as the proposal would be located within the village development framework of a Group Village within a sustainable location at an acceptable density of 45dph.
15. The revisions to Planning Policy Statement 3 “Housing” (PPS3) were considered by the Inspector in the previous appeal decision. This policy seeks to protect garden land from unacceptable forms of development with each development proposal being considered upon its own merits. Due to a range of material planning considerations the Inspector found the previous development proposals to be harmful and arrived at the decision that the overall balance was to favour the retention of the garden land in question. Based on the current proposal officers are of the opinion that the reasons for refusal stated in the previous decisions have been overcome by the current proposal subject to suitable conditions and therefore the overall balance is to

favour the development of the garden land in question to facilitate sustainable housing development, as discussed below:

### **Character & Appearance**

16. Coles Road is characterised by a linear uniform pattern of predominantly residential development, comprising semi-detached properties, flats and bungalows. The proposal would represent a two-storey detached dwelling with a similar horizontal emphasis to that of the standard house types within the vicinity. Furthermore, the proposal has replicated the height of the neighbouring two-storey dwellings and proposes the use of materials and fenestration to match that of no.26 Coles Road.
17. The blocks of flats within Coles Road are sited within large plots with green open space around their building envelopes. This is considered to provide much needed amenity area around the building but more importantly allows the large overbearing buildings to sit comfortably within their context. The current proposal departs from the previous refused schemes in that it provides a rectangular plot providing a straight boundary with Lea Court. This is considered to be in character with the street scene, which provides gaps between dwellings that facilitate glimpses of garden areas beyond.
18. It is acknowledged that the inspector in the recent appeal for this site stated that the previous development proposals would comprised of a building sandwiched between plots that would result in a cramped appearance not compatible with the locale in contrast to the wider setting of the surrounding three-storey development. However, the current proposal increases the expanse of open space between the proposed development and the adjacent Lea Court compared to that of previous proposals by virtue of the increase of land retained by Lea Court and the provision of a linear curtilage for the new dwelling akin to the character of the area. This would consist of a gap of 4m from elevation to elevation to the front of the site increasing to 6m to the rear due to the staggered orientation of Lea Court. Furthermore, the garage proposed to the rear the proposed dwelling would be sited similar to that at no.26 Coles Road allowing enhanced views between the built developments.
19. The provision of boundary treatment along the common boundary with Lea Court can be controlled by condition to provide a low level treatment in the main including soft landscaping where appropriate to retain a degree of openness to the street scene. It is however noted that some high-level boundary treatment will be required to secure the privacy of both the rear garden of the development site and Lea Court. The character of the street scene is one of openness to front boundaries and the provision of conditions controlling hard and soft landscaping will seek a scheme that is appropriate to this setting.
20. In light of the above, the development proposal is considered to overcome the reasons for refusal of the previous applications due to the re-configuration of the plot to conform to the character and planned layout of the character of the street scene. It is acknowledged that the development of the site would reduce the amount of open space around Lea Court, which comprises part of its setting that distinguishes the three-storey building to the pre-dominant two-storey development around it. Nevertheless, this reduction is not considered to be harmful to the character and appearance of the public realm to warrant a refusal of planning permission and negate the provision of a sustainable

housing plot. A condition will be added to ensure that the external materials used are appropriate to that found within similar properties within the street scene.

### **Residential Amenity**

21. It is of note that the Inspector considered that the remaining space allocated for communal gardens to the residents of Lea Court was satisfactory to serve as adequate amenity space. Since the current proposal would increase the amount of retained land serving Lea Court the proposal is not considered to adversely impact upon the amenity garden land serving the residents of Lea Court. The development proposal is considered to mostly affect the adjacent properties, namely no.26 Coles Road due to its close proximity to the site and nos.22 and 24 Lea Court both of which have windows overlooking the site.
22. The current proposal represents a marked decrease of the span (depth) of the previously refused development proposals from 10.5m to 7m at two-storey height. As a consequence the proposal would project a marginal distance past the rear building line of no.26 Coles Road at two-storey height, with the provision of single storey rear element sited 1m off the common boundary projecting a modest distance of 3m parallel with the common boundary. The BREEAM light tests referenced within the District Design Guide have been applied in this instance and show that a 45-degree horizontal angle from rear fenestration to no.26 Coles Road would not be disrupted by the proposed development. As a consequence of this the proposal would not result in a material loss of sunlight or daylight to the rear first floor or rear ground floor windows serving this property, nor would it appear visually overbearing upon the outdoor private rear amenity area serving of this property.
23. The reduction in the span of the proposed dwelling referenced above would ensure that a clear vertical line of sight from the ground floor kitchen window of flat serving no.24 Lea Court would not be obstructed by the two-storey from of the proposed dwelling. Furthermore, the BREEAM light test undertaken illustrates that a 25-degree vertical angle from this window would not be disrupted by the development proposal. It is acknowledged that the ground floor window serving a bathroom to no.24 Lea Court would have a direct line of sight of the development proposal. However, this is not a habitable room and is treated with an obscure glazed window. In addition to the above, the re-configuration of the application site provides an increased amount of open space to the outlook of no.24 with any boundary treatment and the proposed garage being 4m away from the ground floor windows in question.
24. The appeal Inspector concluded that the ground floor window serving no.24 Lea Court is a kitchen and therefore not habitable and gave little weight to the effect that the previous development proposals had upon the outlook of this window. The Inspector also commented that the previous development proposals would have less impact upon the facing windows serving the first floor flat at no.22 Lea Court due to these rooms being served by secondary windows and being higher from the ground. In light of the assessments undertaken detailed within paragraph 22 above and the observations made by the Inspector it is considered that the development proposal would not result in an adverse impact upon the amenity current experienced by the occupiers of nos.22 and 24 Lea Court.

25. The siting and layout of the single storey rear element and detached garage would provide some private amenity area within the overall garden of the proposed dwelling to preclude overlooking from the first and second floor windows within the southwest elevation of Lea Court.

#### **Village Infrastructure**

26. The proposal would provide a three-bedroom property and in order to meet the requirements of this development in respect of the increase in the capacity of occupants to the village the proposal would require the provision of an off-site contribution towards off-site public open space within the village. This has been calculated at £3,104.38 (index-linked). The proposal would also require the developer to pay a sum of £523.93 towards community infrastructure within the village in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50. Milton has a recognised shortfall in both its play space and formal sports provision and requires indoor community facilities to accommodate its population.
27. The developer has acknowledged the above planning obligations and has agreed to enter into said agreements and is aware of bearing the cost of associated legal fees.

#### **Highway Safety & Car Parking**

28. The proposal would provide car parking for at least 2 vehicles clear of the public highway as well as the proposed garage, exceeding the Council's car parking standards. However, the proposal fails to provide any turning or maneuvering space to allow vehicles to enter and exit within a forward gear. Despite Coles Road being a through road, it is considered that it is lightly trafficked and other properties within the area do not benefit from turning areas. Furthermore, the proposal would provide the required 2m x 2m pedestrian visibility splays. The access is therefore considered to be appropriate and would not be detrimental to highway safety. Representations have raised concerns about the loss of on street car parking within the area, however, the proposal would only prevent one or two vehicles from parking on Coles Road due to the new access to the proposed dwelling.

#### **Other Matters**

29. Representations with regard to public utilities will be subject to Building Regulations and the assessment by statutory undertakers.

#### **Conclusion**

30. 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**

31. 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: 11, 20, 21,14a and 23.**  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 3. 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, D and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**  
(Reason - In the interests of safeguarding the character of the area and the amenities of the occupiers of neighbouring properties in accordance with Policies DP/2 and DP/3 of the adopted 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 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.)
- 5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 6. No development shall 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.)

- 7. 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.)

- 8. No development shall commence until a scheme for the provision of off-site public open space infrastructure, community infrastructure, S106 monitoring and refuse bin provision to meet the needs of the development 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 the necessary infrastructure provision in accordance with the Policies SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

- 9. The proposed 2m by 2m pedestrian visibility splays shown upon drawing no.20 are to be kept clear of obstruction above a height of 600mm and no unbound material shall be laid within 6m of the adopted highway.**

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

- 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be inserted in the side elevations of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

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

- 11. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the vehicular access shall be un gated unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

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

- 12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed**

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

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

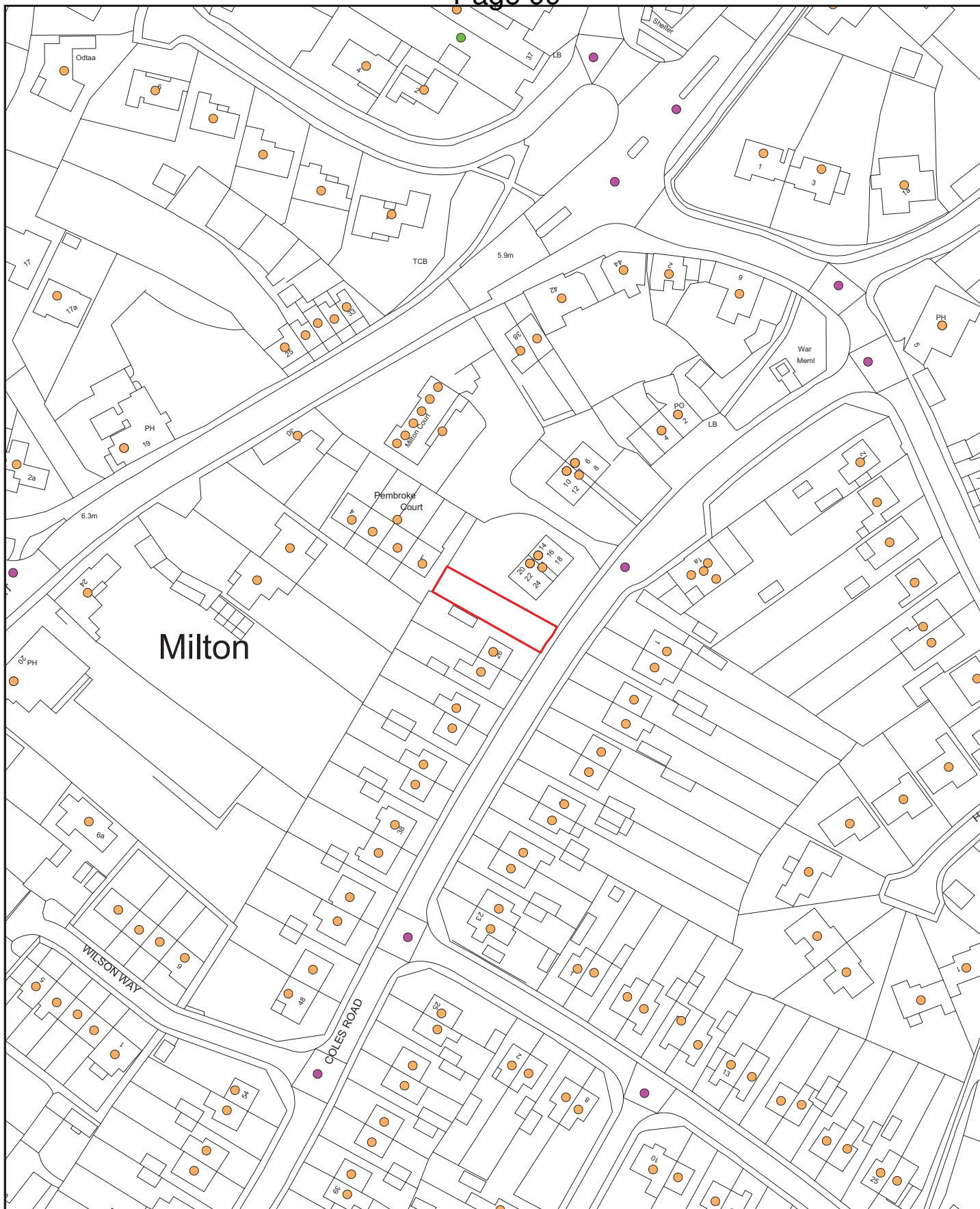
**Background Papers: the following background papers were used in the preparation of this report:**

- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- LDF Adopted Core Strategy Development Plan Document (2007)

**Contact Officer:** Mike Jones – Senior Planning Officer  
01954 713253

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)**S/1016/11 – MILTON****Extensions and Conversion of Garage to Form Bungalow at 17 Pearson Close.****(for Mr and Mrs Witt)****Recommendation: Approve Conditionally****Date for Determination: 13<sup>th</sup> July 2011****Notes:**

**This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council conflicts with the recommendation of officers. District Councillor Hazel Smith has also requested the application be determined at Planning Committee.**

**Members will visit the site on 3<sup>rd</sup> August 2011.**

**Site and Proposal**

1. The site comprises a modern detached dwelling and detached garage located towards the end of a residential cul-de-sac with adjoining neighbours to the north and south. The site does not fall within a Conservation Area but does fall within Milton village framework.
2. The proposal involves the conversion and extension of the existing garage to form a bungalow. The garage would be extended to the front and rear, and slightly to the side, as well as increasing in height. The height increase would however be marginal at 0.2m. Parking for both the existing and proposed dwellings would be at the front of the site and a 1.8m fence would be erected to the new side boundary to subdivide the plot.

**Planning History**

3. Planning permission was originally granted for 28 dwellings at Pearson Close in 1979 under planning reference **S/2124/78/F**.

**Planning Policy**

4. **South Cambridgeshire Core Strategy DPD – Adopted January 2007**  
Policy ST/6 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  
HG/1 Housing Density  
NE/9 Water and Drainage Infrastructure  
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):**

6. District Design Guide SPD – adopted March 2010  
Open Space in New Developments SPD – adopted January 2009

**CONSULTATIONS**

7. Milton Parish Council – Recommends refusal due to the following reasons: overdevelopment, inappropriate design, harm to the street scene, loss of privacy and harm to residential amenity, inadequate parking, increased traffic, inadequate garden area, setting a precedent and inadequate/inaccurate plans. If officers are minded to approve the application the Parish Council recommends that the application be referred to Planning Committee.
8. Local Highway Authority – The proposed plans do not show a sufficient area of 5m x 2.5m for a parked vehicle leading to overhanging and obstruction of the public footpath to the detriment of highway safety. Please request 2m x 2m visibility splays be provided and shown on the drawings and no unbound material to be used in the surface finish of the driveway within 6m of the highway boundary. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

**Representations**

9. District Councillor Hazel Smith – Objects to the proposal, which is out of keeping with the street scene and the character of the area, particularly given the close proximity of housing already present in the estate. Parking is an existing problem in the estate, as well access and turning for refuse lorries. Neighbour amenity will be damaged. If officers are minded to approve this application, a recommendation is made that it be referred to planning committee.
10. Objections from 15, 16, 19, 20, 21, 23, 24, 25 and 28 Pearson Close, raising the following issues:
  - (a) Harm to the street scene and character of the area
  - (b) Inadequate parking and highway safety
  - (c) Traffic generation and on-street parking
  - (d) Loss of light to neighbouring gardens
  - (e) Overbearing impact
  - (f) Overdevelopment
  - (g) Loss of privacy
  - (h) Night time light pollution from proposed roof lights
  - (i) Existing taxi business use at the site
  - (j) Inadequate foul water drainage to cope with the development

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

11. Milton village is identified as a Group Village in the Core Strategy DPD 2007 and, as such, can accommodate residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings within the village framework. The developable area in this instance is approximately 0.0445ha and the proposed subdivision of the plot into two units would equate to a density of approximately 45 dwellings per hectare (dph). The proposed development would therefore achieve a high density of development within a sustainable location and is therefore considered appropriate in principle with regard to Policies HG/1 and ST/6.
12. Subsequently, the application is principally assessed in relation to the following issues: the character of the area, parking and highway safety, residential amenity, foul drainage, and community open space and infrastructure.

### **Impact on the Character of the Area**

13. Pearson Close is residential in character and dominated by modern, two-storey detached dwellings. The site is located towards the end of the cul-de-sac and concern has been raised that the proposed dwelling would be out of character with the area and harmful to the street scene.
14. It is agreed that the proposed single storey dwelling would be different to the existing size and style of housing in the local area; however, this difference alone is not assumed to result in unacceptable harm to the character of the area and further material planning considerations must first be taken into account.
15. A single storey domestic building is already established in this location and the proposal would not change this. Whilst the building would be slightly wider, its front elevation would remain simple in form and appearance. The proposal would also be set back from the front of the site by approximately 7m and set back behind the existing dwelling and the neighbour dwelling to the north. The proposed dwelling, as with the existing garage, therefore presents a subservient form of building within the street scene and is argued to result in little change to the overall appearance of the street scene. Parked cars are already present to the front of the garage and, whilst the site would be subdivided, the proposed design is on balance considered to preserve the character of the local area. Consequently, there is considered to be no strong planning reason why the development would be contrary to Policies DP/2 and DP/3.

### **Highway Safety, Parking and Access**

16. The Local Highway Authority considers that the submitted plans do not show sufficient parking area to the front of the existing dwelling of 5m x 2.5m parking bays. The submitted block plan however shows that such area is available for two parked cars in front of the existing dwelling. A total of 4 parking spaces would be provided for both the existing and proposed dwelling and therefore the development would meet the parking standards of Policy TR/2, which requires a total of 3 car spaces.

17. Vehicles already reverse out onto the public highway from the existing site and this situation would not change and has not been raised as an issue by the Local Highway Authority. The proposed parking area is already hard surfaced with tarmac and gravel and the recommended conditions of the Local Highway Authority with regard to visibility splays and unbound material are added below in paragraph 29. Appropriate surface water drainage measures for the proposed driveways can be recommended to the applicant via informative.
18. The parking of commercial vehicles at the site has been raised as a concern by local residents due to the potential for on-street parking. As mentioned above, the submitted proposal meets the parking standards of Policy TR/2 and the parking of taxis at this site represents a separate issue to this planning application, which will be raised with the applicant and considered with regard to whether a change of use has occurred at the existing site.

### **Residential Amenity**

19. The proposed building would be located adjacent to the southern boundaries of 15 and 16 Pearson Close. The north side of the proposal would therefore face both neighbouring rear gardens and a garage at No.15.
20. The proposal would be 2.3m to eaves level and therefore marginally above the height of an average 1.8m garden fence. The ridge of the roof would be 4.1m in height and would be sited away from the neighbours due to the sloped roof form. The proposal has been assessed with regard to the Building Research Establishment (BRE) guide 'Site Layout for Daylight and Sunlight: a good practice guide (March 1992) and, whilst the proposal would be located alongside the shared boundary, its overall mass and height would not result in a significant loss of light to the adjoining neighbouring properties. The form and limited height of the development is also considered to avoid any undue overbearing impact upon neighbours.
21. The proposed roof lights in the northern elevation would be high level to avoid any overlooking. The adjoining neighbour to the north has raised concern with light emittance from these openings and, whilst this is not considered to result in an unacceptable adverse impact on residential amenity, the applicant has submitted revised drawings showing a sun pipe in lieu of the kitchen roof light to reduce any perceived impact upon the neighbour.
22. Consequently, the proposal is considered to have an acceptable impact on residential amenity, subject to the recommended conditions in paragraph 29 below.

### **Amenity Area**

23. The Council's District Design Guide SPD (paragraph 6.75) recommends a private garden space of 40m<sup>2</sup> for two bedroom dwellings and the submitted scheme shows an area of approximately 35m<sup>2</sup>. The applicant has subsequently revised the drawings to show a 40m<sup>2</sup> private garden area and consequently the development would accord with the District Design Guide SPD.

### **Foul Drainage**

24. Concern has been raised in relation to the efficiency and capability of the existing sewerage system to cope with the new development. The proposal represents the introduction of a small, two-bedroom bungalow and the increased demand on existing foul drainage would not be considered significant in such circumstances. Moreover, this issue would appear to be a wider issue affecting Pearson Close and not one that can reasonably be dealt with through an individual site. Consequently, there is considered to be no strong planning reason why the development should be refused on these grounds.

### **Open Space and Community Infrastructure**

25. The new development would put extra demand on community infrastructure and community open space in Milton and the applicant has confirmed that a contribution towards these elements, and refuse bins, in accordance with Policies DP/4 and SF/10, can be secured via a Section 106 agreement.

### **Other Issues**

26. Legal issues have been raised with regard to the deeds affecting the properties along Pearson Close and this is not a planning material consideration.
27. The issue of inadequate plans has been raised as an issue, alongside errors and discrepancies found on the site plan. The submitted site plan is considered to identify the site correctly, however the submitted block plan has been revised in drawing SF 10 101.2.B to show the correct position of the footpath adjoining the front of the site. The proposed roof overhang, across the rear garden of No.15, has also been addressed in these revised plans.

### **Conclusion**

28. The development is considered to be sustainable in this location and is not considered to have an unacceptable adverse impact upon the character of the area, residential amenity, highway safety or foul water drainage.

### **Recommendation**

29. Approve, as amended, subject to the following conditions:

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: SF 10 101.2.B (stamped 15<sup>th</sup> July 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 in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

4. 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 in accordance with any agreed noise restrictions.

(Reason - To minimise noise disturbance for 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 north wall of the bungalow 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. The proposed parking area for the existing dwelling, known as 17 Pearson Close, shall be provided before the development commences and thereafter retained as such. The proposed parking area for the new bungalow, hereby permitted, shall then be provided before the bungalow is occupied and thereafter retained as such.

(Reason – To ensure parking provision on both sites accords with the Council's parking standards in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)

7. Visibility splays shall be provided on both sides of the proposed accesses and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the:

- (a) highway boundary
- (b) back of the footway
- (c) edge of the carriageway

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

8. No unbound material shall be used in the surface finish of the driveways within 6 metres of the highway boundary of the site.

(Reason – To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)



9. 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.)

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

(Reason - To ensure that the development contributes towards community services infrastructure in accordance with Policy DP/4 of the adopted Local Development Framework 2007.)

11. 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 Class A or B of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason – To protect the amenities of adjoining neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007
- South Cambridgeshire LDF Supplementary Planning Documents (SPD): District Design Guide SPD and Open Space in New Developments SPD – adopted January 2009

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0919/11 - CONINGTON****Erection of two storey side extension including demolition of existing garages  
2 Elsworth Road, Conington  
for Mr & Mrs Holmes****Recommendation: Refuse****Date for Determination: 29 June 2011****The application has been referred to the Planning Committee at the request of Councillor Wright.****Site and Proposal**

1. The application site is a two storey, semi-detached house with a single storey extension to the rear and a flat roof, attached garage to the side. The house is located to the South of Conington, outside of the Development Framework in the countryside. The South side and rear boundaries of the site are enclosed by timber post and rail fencing and trees. There is vehicle access from the road to the front. To the South side and rear of the site there is open countryside.
2. The proposed development is the erection of a two storey side and rear extension, including the demolition of the existing attached garage.

**Relevant Planning History**

3. C/0391/65/D – Planning permission granted for the erection of the attached garage to the side of the property.

**Planning Policies**

4. **DP/2** Design of New Development  
**DP/3** Development Criteria  
**HG/6** Extensions to Dwellings in the Countryside

**Consultations**

5. Parish Council – has recommended approval.

**Representations**

6. One representation has been received in respect of the proposed development, from the owner of the attached property to the North, No. 1 Elsworth Road, supporting the proposed development.

### Planning Comments

7. The main planning considerations in this case are the Impact on the countryside and the impact on residential amenity.
8. Impact on the countryside – The proposed development has been considered under policy HG/6 – Extensions to Dwellings in the Countryside as the site falls outside of the Development Framework of Conington. The policy seeks to prevent incremental harm to the openness of the countryside from large extensions and maintain a stock of smaller and medium sized dwellings in countryside areas.
9. The extension is clearly in compliance with clauses (a), (b) and (e) of the policy as it would not create a separate dwelling, is no higher than the main house and is of a permanent design and construction.
10. HG/6 (c) requires that the extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling. In this case, the original property is not considered to include the single storey rear extension which appears to be post 1948, and therefore has a gross internal floor area (GIA) of approximately 95 sqm. The combination of the existing rear extension and the proposed two storey extension would provide approximately 94 sqm of total GIA, resulting in almost a 100% increase. This is double the limit set by the policy and the proposed extension is therefore contrary to clause (c) of policy HG/6. In addition, the property currently has 3 bedrooms and is considered to be a medium sized dwelling. The two storey extension would provide two further bedrooms and is considered to result in the loss of a small or medium sized dwelling, something that the policy specifically seeks to prevent.
11. With regard to clause (d) of HG/6, extensions to dwellings in the countryside are required to be in scale and character with the existing property and to not materially change the impact of the dwelling on the surrounding countryside. In isolation, the design of the proposed two storey side extension is broadly in scale with the existing property set down from the ridge slightly and back from the main front elevation. The rear element is set down further from the side element and has a narrower span. Although the large wrap around windows are not particularly characteristic of the main house, the scale of the extensions relate reasonably well to the existing house. However, clause (d) also requires that the proposed extension not materially change the impact of the dwelling on its surroundings. The combination of the two storey extension to the side of the property which would significantly increase the width of the property and the two storey element of the extension which extends further to the rear would significantly increase the impact of the dwelling on the openness of the countryside and materially increase the impact of the dwelling on its surroundings. This is contrary to the aim of the policy which is to prevent the incremental loss of openness of the countryside.
12. The proposed extension is therefore considered to be harmful in terms of its impact on the countryside and unacceptable in terms of policy HG/6 clauses (c) and (d) and also to policies DP/2 and DP/3.
13. Impact on the residential amenity – The proposed extension is far enough from the nearest neighbouring properties that it would not cause any significant loss of light, visual intrusion or overshadowing. The future insertion of windows into the first floor of the North side of the extension could be controlled by condition, to successfully mitigate any potential overlooking of the neighbouring property, protecting current

levels of privacy.

**Recommendation**

14. 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 development, by virtue of the scale and massing of the two storey extension to the side and rear of the property resulting in a 99% increase in floor area over the original dwelling, would materially increase the impact of the dwelling on the countryside and result in a loss of openness and consequent harm to the character of the area. In addition, the increase in the size of the property would result in the loss of a small or medium sized dwelling in the countryside and contribute towards the gradual reduction in the stock of such dwellings in countryside areas. The proposal is therefore contrary to policies HG/6, DP/2 and DP/3 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**
- **Circular 11/95 – The Use of Conditions in Planning Permissions**
- **Planning File ref: S/0919/11**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0537/11 AND S/0539/11 – ABINGTON PIGGOTS  
Single Storey Extension for Mrs Julie Farquhar****Recommendation: Refuse****Date for Determination: 11<sup>th</sup> May 2011****Notes:**

**This Application has been reported to the Planning Committee due to the request of the Local Member.**

**The application has been advertised as a departure on the 12<sup>th</sup> July 2011.**

**The site is within the Conservation Area.**

**S/0539/11 is the Listed Building application.**

**Site and Proposal**

1. The application site measures approximately 0.1 hectare. The site is located within the village framework though to the northwest of the site is the countryside. To the northeast and southwest are residential properties. The public highway defines the southern boundary. The existing dwelling is a Grade II Listed Building and is located within the Abington Piggotts Conservation Area. To the northeast are two Grade II Listed Buildings and the historic area of Homestead Moat.
2. The existing building is large in size and the ground floor has a good size kitchen, two living rooms, a small study, a water closet and utility room. It is not considered that this building requires extension in order to meet modern standards of living. The existing garden of the site is of a good size with a large and a small outbuilding. The garden is also able to host a range of planting, a sitting area, lawn, storage space and the space to currently park approximately 6 cars off road. There is no vehicle turning area on this site.
3. The application, validated on the 16<sup>th</sup> March 2011, is for a single storey extension on the rear of this Grade II Listed Building. It was requested by the agent that the application not be determined in early May in order for the application to avoid refusal and to give time for a meeting with Officers to discuss the proposal in greater detail. The meeting with officers, agents and the applicants was held on the 24<sup>th</sup> June 2011. The Local Member requested that the application go to Planning Committee on the 29<sup>th</sup> June 2011.
4. With the application being called to Planning Committee after the 8 week determination period, officers had already come to the view that the application would be harmful to the historic environment and contrary to policies CH/3 and CH/5 of the

Local Development Framework. The application has, therefore, been advertised as a departure in case the application is approved at planning committee.

### **Planning History**

*Within the previous 10 years*

5. **S/1456/10 and S/1457/10**– The proposal for the erection of a rear single storey glazed garden room was refused on the grounds of harm to the special character and appearance of the rear elevation of this 17<sup>th</sup> Century Grade II Listed Building. The proposal was considered to be detrimental to the simple appearance of the rear elevation and would obscure part of the elevation. In terms of design it was considered to be inappropriate and complex and would result in a visually intrusive addition that would compromise the simple character and appearance of this elevation. The proposal was also considered to be harmful to the Conservation Area due to its scale, form, massing, and design. Finally the application failed to provide sufficient information to assess the impact of the proposal on any heritage assets.

### **Planning Policy**

6. **National Guidance**

#### **Planning Policy Statement 5: Planning for the Historic Environment**

Policy HE7 and HE9 (including 7.2 and 9.1)

PPS 5 Historic Environment Planning Policy Practice Guide (including 86, 111, 142, 178 and 182)

7. **South Cambridgeshire Local Development Framework Development Control Policies DPD 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 Area

**TR/1** – Planning for More Sustainable Travel

**TR/2** – Car and Cycle Parking Standards

8. **South Cambridgeshire Local Development Framework, Supplementary Planning Documents**

**Development Affecting Conservation Areas SPD – Adopted January 2009**

**Listed Building SPD – Adopted July 2009**

### **Consultations**

9. **Abington Piggotts Parish Council** – The Parish Council supports this application. It states that the reasons for refusing the last application are not understood and considered specious, ill informed and unprofessionally high handed (remarks to size of family). It considers the development to be a reasonable request that has no deleterious impact on either building or Conservation Area.
10. **Conservation** –. (19<sup>th</sup> April 2011) During pre application discussions the Conservation Manager suggested a less harmful alternate location for a gabled garden room at the other end of the rear elevation off the existing lean-to extension.



The advice of the Conservation Manager was not taken and the proposed development is at right angles to the rear wall in the location previously refused. The proposal is almost as deep as the refused scheme but being at 90° obscures less of the rear wall. However, the form of the structure is contrary to the linear plan form of the historic building and its position and form would dominate the rear and side elevations because the long rear elevation characteristic of the existing will be truncated.

11. A garden room is not typical of the date of the house and is contrary to the character and status of this simple vernacular building. Paragraphs 10.2 and 10.2 of the SPD giving specific guidance on conservatories and state “historic examples of conservatories, greenhouses and orangeries were typically found on grander and larger, not cottages or vernacular architecture”.
12. The heaviness and complexity of the design with visible roof framing at intervals in the glazing and heavy bargeboard would compound the inappropriate form and result in a dominant structure that would detract from the character of this simple former farmhouse.
13. The Conservation Manager has commented on an amended scheme and this provides the wording which it is requested that the application be refused upon.
14. (12<sup>th</sup> July 2011) The Conservation Manager states that the amended design is an improvement on the previous proposal but does not address the concerns about the location and form of the garden room. The extract of the 1903 Ordnance Survey map submitted as part of the application shows that there was an extension on the rear elevation but this is in the location of the existing extension and there is no precedent for an extension in the proposed location.
15. Following the submission by the agents that there are similar examples in the locality, the examples have been investigated. The Conservation Manager confirms that most of the examples are modern buildings and the listed buildings shown were all extended in the mid 1980s. In addition to this the main objection to the current scheme is the amount of rear elevation that would be covered together with the position, which is almost central and would obscure and truncate all view of the rear elevation from close the building. However, only two examples show a combination of rear extensions and both have main projections to one side, not almost central, and both examples are unlisted. None of the examples given would therefore give a precedent for the proposal.
16. The Conservation Manager has examined the additional reasons given by the applicant as to why the extension onto the existing lean to would not work:
17. “It would cause that part of the site to be cramped” – The report suggests that an extension in this location would be cramped versus the proposed location but the drawing of the proposed location (890C – 08 Rev A) does not show the proximity of the tree and the suggested location would be no more cramped than the proposed location, which is equally close to existing buildings and the tree.
18. “Access through the utility would be awkward due to differing levels” – there are no details of where or how much the levels change or what solutions have been considered. On the floor plan submitted there appears to be no changes of level and this would remain the case if the new floor level matched the existing.

19. “Structural Changes would add unacceptable expense” – There is no indication of how much or what is considered to be an unacceptable sum and the scheme could retain the entire structure of the existing unchanged if costs were the main issue.
20. “The purpose of enjoying the garden would be lost” – This is an emotive statement, unrelated to planning policy, and which is not agreed as views across the garden would still be visible from the suggested location.
21. “Cars parking the driveway restrict access to the garden” – There is nothing on drawing 890C – 09 to qualify this statement and an extension in the alternative location would appear to be no more restricted than the existing.
22. “Alternative system for storing waste and recyclables would need to be established” – It would not be too difficult to find an alternative location that is still convenient for the drive and not too far from the house.
23. The Conservation Manager concludes that all views of the listed building are relevant to its interest including non-public views. The rear elevation is significant as it emphasises the long linear character of the building and the traditional and less formal layout of openings at the rear. These views of the rear elevation within the garden would be obscured and restricted by an extension in the proposed location.

#### **Representations**

24. None currently received

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

25. The key issues to consider in the determination of this application are:
  - Impact upon Listed Building and Conservation Area
  - Residential Amenity
26. Impact upon Listed Building and Conservation Area – The existing Grade II Building has a simple linear shape following the orientation of the road, apart from a small ground floor lean to on the northeast rear edge of the building. The proposed garden room is located approximately in the middle of the rear elevation and seeks to create a much more complex historic plan of the dwelling that no longer follows a clear linear pattern nor follows side boundaries in a traditional form. In addition to this the depth of the proposed garden room is approximately the same as the existing building, rather than being clearly subservient.
27. The applicant considers that the development is required in order to provide a space filled with natural light in order to enjoy the garden. While this request is fully understood the harm to the historic form of the Listed Building is not outweighed by the wish for a better view of the garden space. Furthermore, this is achievable by a more appropriate alternative.
28. The alternative scheme of proposing a similar size development extending from where the current lean-to currently would follow the historic form of the Listed Building. It is considered by officers that the existing roof and structure could remain as an alternative to being altered therefore the cost differences could be minimal and that it is justified in order to allow the owners of this property to extend in a less harmful way to the Grade II Listed Building.

29. The argument that the proposed development will not be viewable from public views does not prevent there being specific and detrimental harm to the Listed Building and the Conservation Area. The fact that the development cannot be seen from any public views only means the development does not have a detrimental impact upon the streetscene and therefore the proposal will not be refused under the specific Policy DP/2. The harm to other views and character of the building would still occur.
30. The advice and proposed reasons for refusal as stated by the Conservation Manager are supported.
31. Residential Amenity – The proposed development is a single storey rear extension in the middle of a two storey building, so it will have no impact upon the residential amenity of any adjacent residential property.

### **Conclusion**

32. The proposed development goes contrary to the historic plan of this Grade II Listed Building and the scale, form and massing of the development is considered to be inappropriate.

### **Recommendation**

33. **Refuse, for the following reasons:**

1. The proposed garden room will cause harm to the special character and appearance of the rear and side elevations of this 17<sup>th</sup> Century timber framed and tiled former farmhouse by virtue of its scale, form and massing. The proposal would be detrimental to the simple character and appearance of the rear elevation and contrary to the linear plan and form of the existing building. In addition it would result in a visually intrusive addition that would compromise the simple character and appearance of the rear and side elevations and obscure part of the rear wall. The proposal is therefore considered to be contrary to Policy CH/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD); Policy HE7 and HE9 of Planning Policy Statement 5: Planning for the Historic Environment (including HE7.2 and HE9.1); PPS 5 Historic Environment Planning Policy Practice Guide (including 86, 111, 142, 178 and 182) and paragraphs 10.2 and 10.3 of the Local Development SPD Listed Buildings: Works to or affecting the setting 2009.
2. The Listed Building makes a strong visual statement within the Conservation Area and due to its inappropriate scale, form and massing the proposed conservatory will neither preserve nor enhance the character and appearance of the conservation area. The proposal is therefore contrary to Policy CH/5 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD).

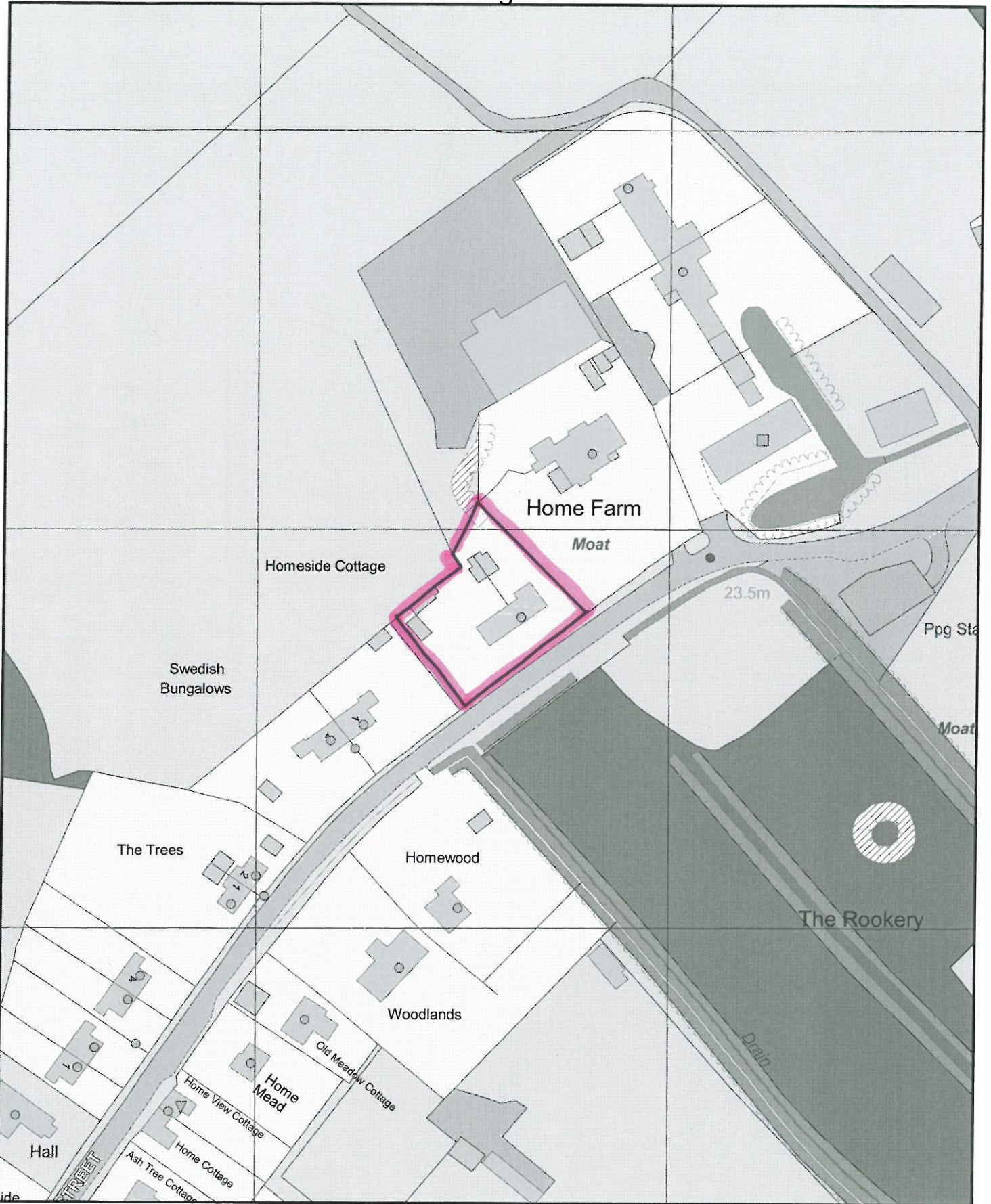
**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework 2007

**Contact Officer:** Andrew Phillips, Planning Officer  
Telephone: (01954) 713169

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Planning Committee

3 August 2011

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

**S/0992/11- LITTLE WILBRAHAM**

**Alterations – Two replacement single glazed windows to front dormers and replacement roof covering for front porch  
At Reed Cottage, 1 Rectory Farm Road, Little Wilbraham  
For Mr Robert Turner**

**Recommendation: Approval**

**Date for Determination: 15 August 2011**

**Notes:**

**This Listed Building application has been reported to the Planning Committee for determination as the applicant is a district councillor.**

**Conservation Area**

**Site and Proposal**

1. Reed Cottage is a grade II listed building dating from the late 18<sup>th</sup> or early 19<sup>th</sup> century and is constructed from yellow-grey brick with a water reed thatch. The main elevation has a doorway with a 19<sup>th</sup> century reeded doorcase, a shingle roofed porch flanked by two canted bay windows and two dormers above.
2. The Listed Building application proposes to replace the deteriorating timber shingles on the porch with slate and replace the modern first floor dormer windows and the 19<sup>th</sup> century bays with single glazed timber windows to match the style of the existing. The dormer windows, which have a square section glazing bar would be replaced with a traditionally detailed moulded glazing bar.

3. **Planning Policy**

**South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007**

CH/3 Listed Buildings

CH/4 Conservation Area

4. **Planning Policy Statement 5: Planning for the Historic Environment**

5. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**

Listed Buildings: Works to or affecting the setting of

**Consultation**

6. **Little Wilbraham Parish Council** – Recommends approval.



**Representations**

7. None received

**Comments – Key Issues**

***Impact on the character and appearance of the listed building and the conservation area***

8. There is no objection to the replacement of the timber shingles on the porch with slate. The existing shingles are decaying and slate to match the bay windows will be an enhancement.
9. There is no objection to the replacement dormer windows as the existing windows are modern and of no historic interest. The change in design of the glazing bars from a square section to an ovolo moulding will result in a more traditional appearance.
10. The application originally proposed the replacement of the bay windows. These are a prominent feature of the main elevation and contribute to the significance of the cottage and to the character of the conservation area. They are probably early 19<sup>th</sup> century additions and have thin glazing bars with some original glass. There are some obvious signs of decay in part of the frame and sub cill but the sashes appear to be in reasonable repair although some reputtying and repainting is required. The sashes do not close properly but this is probably due to overpainting and a skilled joiner could refurbish and refit them and carry out any minor repairs that are necessary.
11. Replacement bay windows would result in a significant loss of 19<sup>th</sup> century fabric and there is insufficient justification for their replacement as the sashes and the majority of the frames are in reasonable repair. If there are concerns about energy efficiency and heat loss, secondary glazing would be considered a suitable alternative to replacement windows.
12. The agent was advised that the bay windows should be retained and repaired and the replacement windows omitted from the application. Following a site meeting with a joiner the application has been amended: the bay windows will be overhauled and rather than secondary glazing the main windows as previously suggested, they will be weatherproofed with brush seals to the opening edge. Side windows will remain fixed shut. Cills will be replaced and minor repairs to the frame will be carried out.
13. Secondary glazing is not proposed at this stage but may be an option in the future and could be the subject of further discussion.

**Recommendation**

14. The recommendation is for approval of the submitted plans as amended by email of 7 July.

**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 works will not be prejudiced by listed building consents which have not been acted upon).

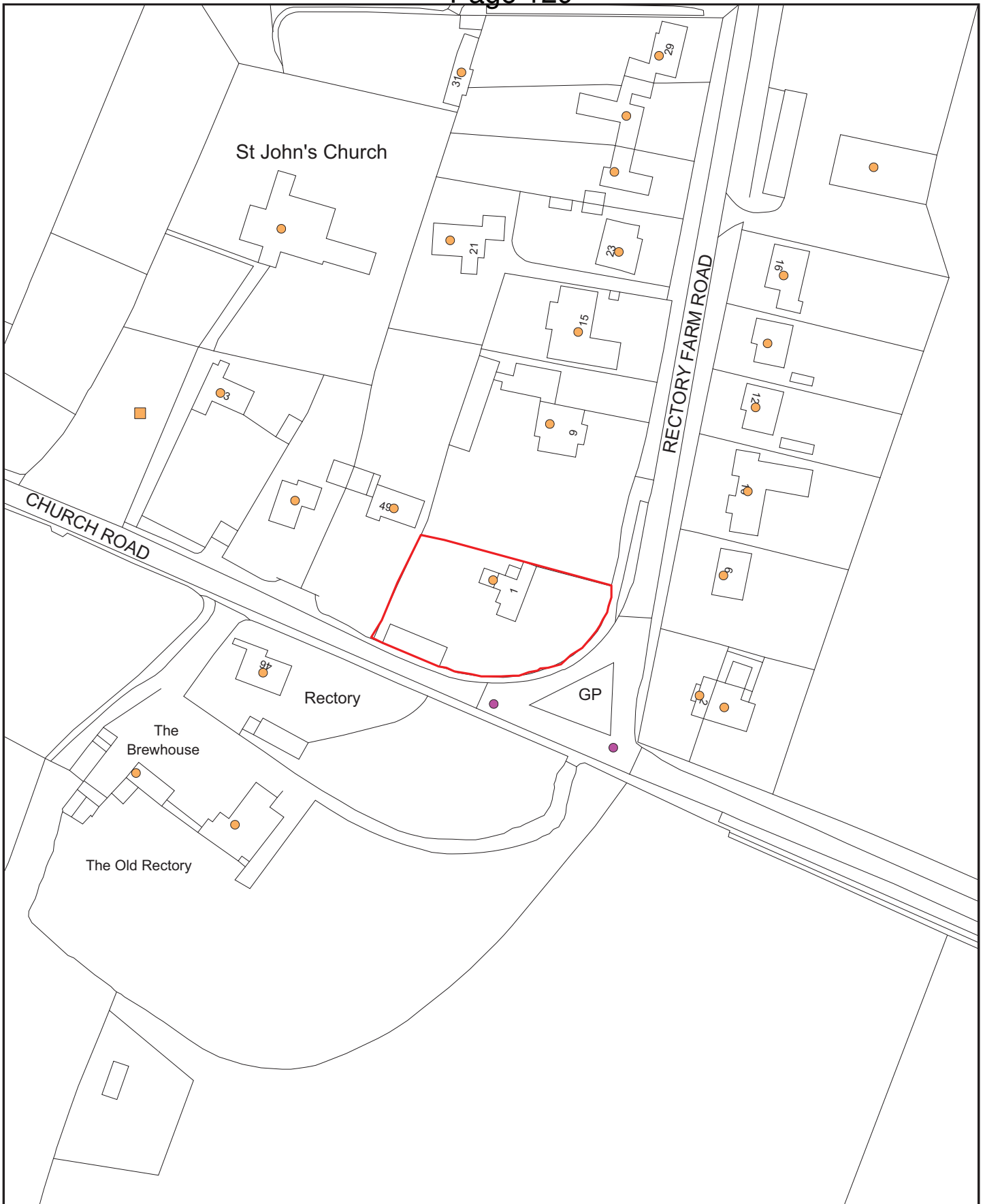
2. The development hereby permitted shall be carried out as amended by email of 7 July and in accordance with the following approved plans D.100.2 (two drawings) and R01.  
(Reason – To ensure compliance with the approved plans).
3. The roof of the porch shall be covered in Welsh slate, a sample of which shall be provided on site for the prior written approval of the Local Planning Authority.  
(Reason – To ensure the use of roofing material appropriate to this listed building).

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

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

**Case Officer:** Barbara Clarke – Conservation Assistant  
Telephone: (01954) 713310

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/2059/10/F - OVER****Change of Use from Agricultural building to B1 and B8 at Land North of The Piggery, Haden Way, Willingham for Mr Flack and Chapman.****Recommendation: Approval subject to the comments of the Environmental Health Officer and conditions****Date for Determination: 31<sup>st</sup> January 2011****Notes:**

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

**Site and Proposal**

1. This 0.2ha site is located in the southwest of Willingham approximately 30m outside the village framework boundaries and approximately 37m from its closest residential property. It is very close to the Parish of Willingham.
2. Immediate surrounding land comprises countryside with paddock and stables located to the south. The site is predominately open on its north-facing boundary with a few small trees and shrubs. To the south and west this is again predominately open and bound by post and wire fencing no higher than 1.2m in height. To the eastern boundary there are mature trees and hedge screening, particularly a large willow located close to the entrance of the site.
3. Access to the site is via a rural track a short distance from Haden Way, which is adopted road. An existing large metal gate secures the site.
4. The existing building on site is 8.5m in height to the ridge, approximately 19m in width and 25m in length; it is partly open at the bottom of the building. There are also several small single storey timber buildings on site that are currently used for storage.
5. The full application received 18<sup>th</sup> November 2010 and later amended, proposes the change of use of an existing agricultural building to that of B1 and B8. It proposes improvements to the track where it crosses from the highway into the application site.
6. The existing building is to be completely enclosed with access via roller shutter doors and the inside adapted to allow for 121.55m sq. of office space at first floor level and toilets, secure storage and mess room comprising 84.7m sq. at ground level. The remainder of the ground floor is proposed as storage and goods in/out space. The timber buildings are to be removed to allow for 9 car/van parking spaces.
7. The area outside is to be resurfaced and used as the service yard. The applicant also owns land to the west of the application site, shown outlined in blue.

### Planning History

8. A previous application (S/1699/09/F) was submitted for a change of use to B1, B2 and B8. This application was recommended for approval at March 2010 Planning Committee. Members refused the application contrary to the officer recommendation as, notwithstanding the positive comments made by the Local Highway Authority, Members were not convinced at the time that the applicant had carried out an appropriate traffic survey. Additionally it was refused on grounds of impact on neighbour amenity by virtue of noise. The application, whilst in the process of an independent assessment on highway safety, was later withdrawn, before a formal decision notice was issued.
9. This application was originally submitted as a change of use to just B1, however, this has since been amended to B1 and B8 use. The B1 use is at first floor and the B8 use at ground floor.

### Planning Policy

10. Local Development Plan Policies

South Cambridgeshire Local Development Framework Development Control Policies  
DPD 2007:

**DP/1** Sustainable Development

**DP/3** Development Criteria

**DP/7** Development Frameworks

**ET/7** Conversion of Rural Buildings for Employment

**NE/15** Noise Pollution

**TR/1** Planning for More Sustainable Travel

**TR/2** Car and Cycle Parking Standards

### National Planning Guidance

#### Circulars

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

### Consultation

11. **Willingham Parish Council** – Recommends refusal. The Parish Council feel that this site is inappropriate for the type of business and to their knowledge the building has never been put to agricultural use. Further the Parish Council recommend refusal because of poor access on the grounds that the site is not appropriate for that type of business use. To Willingham Parish Councils knowledge, the building has never been put to agricultural use.
12. **Over Parish Council** – Recommends refusal. This would industrialise a rural area and introduce industrial traffic into a residential area. Concerns are expressed over additional vehicular movements onto an already hazardous junction at Willingham Road. The application reference should be applying for additional B2 and B8 uses as indicated in the application submissions. The closest residential property is 35 metres away and the council considers noise generated from the unloading and loading of sheet metal deliveries would cause undue nuisance.

13. **Chief Environmental Health Officer** – comments for amended scheme not received at time of writing report. Members will be updated accordingly.
14. **Local Highway Authority** – comments for the amended scheme not received at time of writing report. Members will be updated accordingly. Earlier comments requested the following conditions be included.
- The proposed gate must be set at least 10 metres from the boundary of the adopted public highway to enable HCV to stop wholly off the adopted public highway while the gates are opened or closed.
  - The access from the boundary of the adopted public highway to the gates (ie. A distance of not less than 10m) be paved in a bound material to prevent debris from spreading onto the adopted public highway.
  - The radii to the access be at least 12m to enable a HCV or similar vehicle to access the site without over running the adopted highway.
  - The access 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.
  - An informative included in any consent, to the effect that the granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with the public highway, and that a separate permission must be sought from the Highway Authority for such works.
15. **Countryside Access Team** – No public rights of way are affected by the proposed change of use and the Countryside Access Team therefore has no objections.
16. **Ecology Officer** – Has no objection subject to a condition to secure the placement of a barn owl box.

### **Representations**

17. A supporting statement was submitted as part of the application. This informs that the agricultural building has been redundant since the retirement of the applicants Father 4 years ago which was then used for the storage of fertilizer, feed, equipment, straw and hay. It informs that the building was built some 10 years ago though never completely finished. The applicant is a resident of Willingham who is looking at relocating his existing business located outside of the district to within the village. The changes made to this application are reflective of the previous concerns raised at planning committee.
18. There have been 13 letters of representation received from local residents. Most of the letters are the same with different signatures. The following areas of concern are as follows:
- Earlier scheme was rejected
  - My house is 35 metres away from the site and not '*away from residential properties*' as indicated in the application
  - Inaccurate or missing information from the application with regard to what will be carried out on site and/or inside the building.

- Noise and disturbance a major concern to all residents who reside in Haden Way
- Highway Safety still a major concern – Haden Way is a cul de sac and the junction with Over Road is dangerous due to a blind bend.
- Questions what restrictions would be made on the number and size of vehicles accessing the site, particularly if the business was to expand
- Questions whether delivery times can be outside of opening hours.
- Concern that the site notice had been erected in the wrong location and would not be seen by all the residents it would affect.
- Increase in traffic and traffic associated noise, such as parking of vehicles, reversing beepers etc
- Change of character to the rural country lane used by many
- Change in character of Haden Way which is predominately residential – not industrial
- Very little work traffic that accesses Haden Way
- Existing highway movements are massively exaggerated, even at harvest time.
- More suitable sites located for this type of development in Over or Swavesey industrial sites
- Potential damage to road, vehicles parked on the road and devaluation of properties

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

19. The key issues to be considered in this application are as follows;
- Principle of Development
  - Highway Safety
  - Noise
  - Residential amenity
  - Character
  - Biodiversity

#### **Principle of Development**

20. There is policy support for the conversion of agricultural buildings to employment use under policy ET/7 of the LDFDCDP 2007, though other criteria must be met.

#### **a) The buildings are structurally sound**

The proposal seeks to retain all elements of the existing structure and to completely enclose the area that is currently open. It is accepted that the structure of the buildings could be successfully re-used.

#### **b) The buildings are not makeshift in their nature and are of permanent, substantial construction**

It is assumed this building was erected under agricultural permitted development rights, as there is no obvious planning history for its erection. It is no longer required for the purposes of agriculture. It is accepted that the building is not in any disrepair and the proposal would meet this part of the policy criteria

**c) The buildings are capable of re-use without materially changing their existing character or impact on the surrounding countryside**

The existing building can be re-used and new materials will reflect those of the existing. This proposal intends to retain the character of the existing buildings to an acceptable level by avoiding the insertion of new openings and not adding any extensions. The visual impact the change of use would have on the wider countryside would be minimal and in accordance with this part of the policy criteria.

**d) The form, bulk and general design of the buildings are in keeping with their surroundings.**

On the grounds that the building is predominately unchanged it is concluded that the form, bulk and general design of the building would have an acceptable impact on the character of its immediate and wider surroundings.

**e) Perform well against sustainability issues**

The site is well related to the village and there are existing services and facilities within the vicinity.

21. A query received has raised concern with regard to the level of use this site may have in the future if officers are minded to approve all Use classes on one site. The application is applying for two changes of use in that the office (B1) and storage uses (B8). Given the size of the building and its proximity to dwellings it would not be unreasonable to condition the level of use unless otherwise agreed by specific planning application.

**Highway Safety**

22. The building has been redundant for several years and therefore the existing use produces very little traffic generation, if any. When used for agricultural purposes the application advises that the level of traffic amounted to 16 trips per day and considerably more during harvest time (approx 30 per day). This is proposed to increase to approximately 20 per day. In addition to this, deliveries are proposed as one per week (one by a fixed wheel base van of up to 15 tonnes and one by a smaller 1.5 tonne van). This increase is considered to be acceptable.
23. Haden Way is an adopted road that primarily allows for access to residential properties in a cul de sac. There is space to turn at the end of the Haden Way, however, vehicle turning is proposed within the application site and should not conflict with parked cars. There is off road parking for the majority of Haden Way residents along the stretch of Haden Way that would be used by the application site, however, on visiting the site there were a lot of vehicles parked on the road. The road is approximately 6m in width and a footpath is located on the property side of the highway only. It is of a standard size, the layout identifies its users by clear markings and levels and the relationship of its users is not viewed differently to that of any other road with the same users. Walkers and riders use the track leading to the application site, however, it is not an adopted public footpath and there is vehicular access to other permitted uses along it, such as other agricultural buildings and stables. There is no clear hierarchy along this track and the Countryside Access Team and the Local Highway Authority have raised no concern with regard to safety of its users with regard to the proposed change of use.

24. Concern has been raised about the impact this development will have on the surrounding roads. At the top of Haden Way, approximately 300m north of the application site there is an existing and well-established commercial site used by several different companies. To the west of the junction of Haden Way/Over Road is the village of Over and to the east the road leads into the centre of Willingham. It is agreed that the centre of Willingham does get busy, however, this is a Minor Rural Centre and the level of activity is expected to be reasonably high during peak times. It is controlled by traffic lights at the centre of the village and the route from the application site to these lights is along a residential stretch of road where vehicles park on the public highway. Movement along this stretch of road can be slow, however, it is not considered to be dangerous.
25. It is considered by Over Parish Council to be a dangerous junction with Willingham Road and additional traffic creating even more hazardous arrangements. This is not reflected in the original comments from the Local Highway Authority and therefore the proposed development does not increase highway safety to a level where the scheme is unacceptable on highway safety grounds.
26. Parking provision on site is seen as acceptable for the level of use proposed and in accordance with the Local Development Framework Development Control Parking standards, which requires a maximum of 8 spaces for the uses proposed.

#### **Noise**

27. Details with regard to noise levels of noise are not included as part of the application. The EHO Manager comments were not available at the time of writing and Members will be updated accordingly. Without the comments of the Environmental Health Officer it is difficult to assess the impact this scheme would have on the residents of nearby properties by way of noise nuisance. Should there be any problems with regard to noise it is suggested that the appropriate attenuation is conditioned accordingly. It is suggested that the removal of the B2 use from the application as originally submitted will help address any potential noise issues.

#### **Residential amenity**

28. No windows are proposed and lighting of the site can be controlled via condition to ensure there is no unacceptable light spillage. The boundaries are to be improved with planting allowing for better screening of the site. The access road is to be improved and opening hours proposed are reflective of regular working hours.
29. With regard to deliveries and activity outside of the building, this can be controlled to allow for a better neighbour relationship reflective of its location. It is the view of officers that in light of its immediate neighbours it would not be unreasonable to put a condition in place.
30. The proposed operating hours are reflective of the normal working hours for this type of use.
31. Noise is an outstanding issue that needs appropriate attention.

#### **Character**

32. The appearance of the building will be predominately unchanged. No windows are proposed and the up and over door will fit the existing opening. The removal of the timber sheds will tidy up the site as these are showing wear and tear. The yard is to

be resurfaced to allow for manoeuvrability and parking provision and the scheme proposes a planting scheme on its boundaries to improve the appearance of the site externally.

33. Whilst the use of the building will change it is the view of officers that the site's character will still retain an agricultural appearance. The site will differ mainly through the introduction of organised parking provision on site and the improvements to the access road, the material and specification of which will have to be agreed with the Local Planning Authority as well as that of the Local Highway Authority.
34. It is the opinion of officers that the changes will not have an adverse impact on the character of the site or its surroundings.

### **Biodiversity**

35. The Ecology Officer has assessed the site for bats and confirmed that having visited this site it is confirmed that a bat survey is not required given the poor state of the sheds to be removed and the general lack of potential roost sites.
36. The planting of native hedging along the boundaries will enhance the site's biodiversity value. The site also offers the potential to erect a barn owl box upon the side of the large barn. Especially given the suitable foraging habitat nearby. A condition should be to secure the placement of a barn owl box.

### **Conclusion**

37. The LDFDCP 2007 supports development of this kind subject to criteria requirements that this application meets. The building is located very close to the village framework boundary. The proposed changes to the building are minimal; the changes to the site are likely to improve the appearance on its surroundings and it will bring a redundant building back into use. It is considered that this scheme be recommended for approval subject to the following conditions:

### **Recommendation**

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: Site location Plan SCDC1, cmk/asca/08/09/8 and ckm/asca/08/09/5 franked 19 November 2010**  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No development shall take place until 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 materials to be used for all hard surfaces within the site and surface water run off, 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 materials used do not increase surface water run off and increase localised flooding on site, on the surrounding area or into the Public Highway, to ensure the appearance of the site does not detract from the character of the area, to minimise the effects of noise pollution on the surrounding area and enhances biodiversity in accordance with Policies NE/6, NE/11, DP/2 and NE/15 of the adopted Local Development Framework 2007)

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

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

5. **The use, hereby permitted, shall not commence until parking, turning, loading and unloading space has been laid out within the site in accordance with drawing no. ckm/asca/08/09/8 franked 19<sup>th</sup> November 2010. These areas shall thereafter be errantly maintained and available for parking, turning and loading and unloading.**

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

6. **The use, hereby permitted, shall not commence until details of covered and secure cycle parking has been submitted and agreed in writing by the Local Planning Authority. The covered and secure cycle parking area shall be provided in accordance with the details.** (Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)

7. **No operational activities associated with the permitted use shall be undertaken externally within the site between the hours of 1800hrs and 0800hrs.**

(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)

8. **Deliveries or collections shall not take place outside the hours of 0800 – 1800hrs on weekdays and 0800-1300hrs on Saturdays (nor at any time on Sundays, Bank or Public holidays) unless otherwise agreed in writing with the Local Planning Authority**



(Reason - To limit the impact of vehicle movements and minimise the effects of noise pollution on residential amenities in accordance with Policy DP/3 and NE/15 of the adopted Local Development Framework 2007.)

9. **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 with 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. **No power operated machinery shall be operated on the premises before 08.00 am on weekdays and 08.00 am on Saturdays nor after 6.00pm on weekdays and 1.00 pm on 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.)
11. **Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**  
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
12. **No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority; the building shall not be occupied until the nest boxes have been provided in accordance with the approved scheme.**  
(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

#### **Reasons for Approval**

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

- **South Cambridgeshire Local Development Framework (LDF) Core Strategy**, adopted January 2007

#### **South Cambridgeshire Local Development Framework Development Control Policies 2007**

- DP/1 Sustainable Development
- DP/3 Development Criteria
- DP/7 Development Frameworks
- ET/7 Conversion of Rural Buildings for Employment
- NE/15 Noise
- TR/1 Planning for More Sustainable Travel

**TR/2 Car and Cycle Parking Standards**

2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:

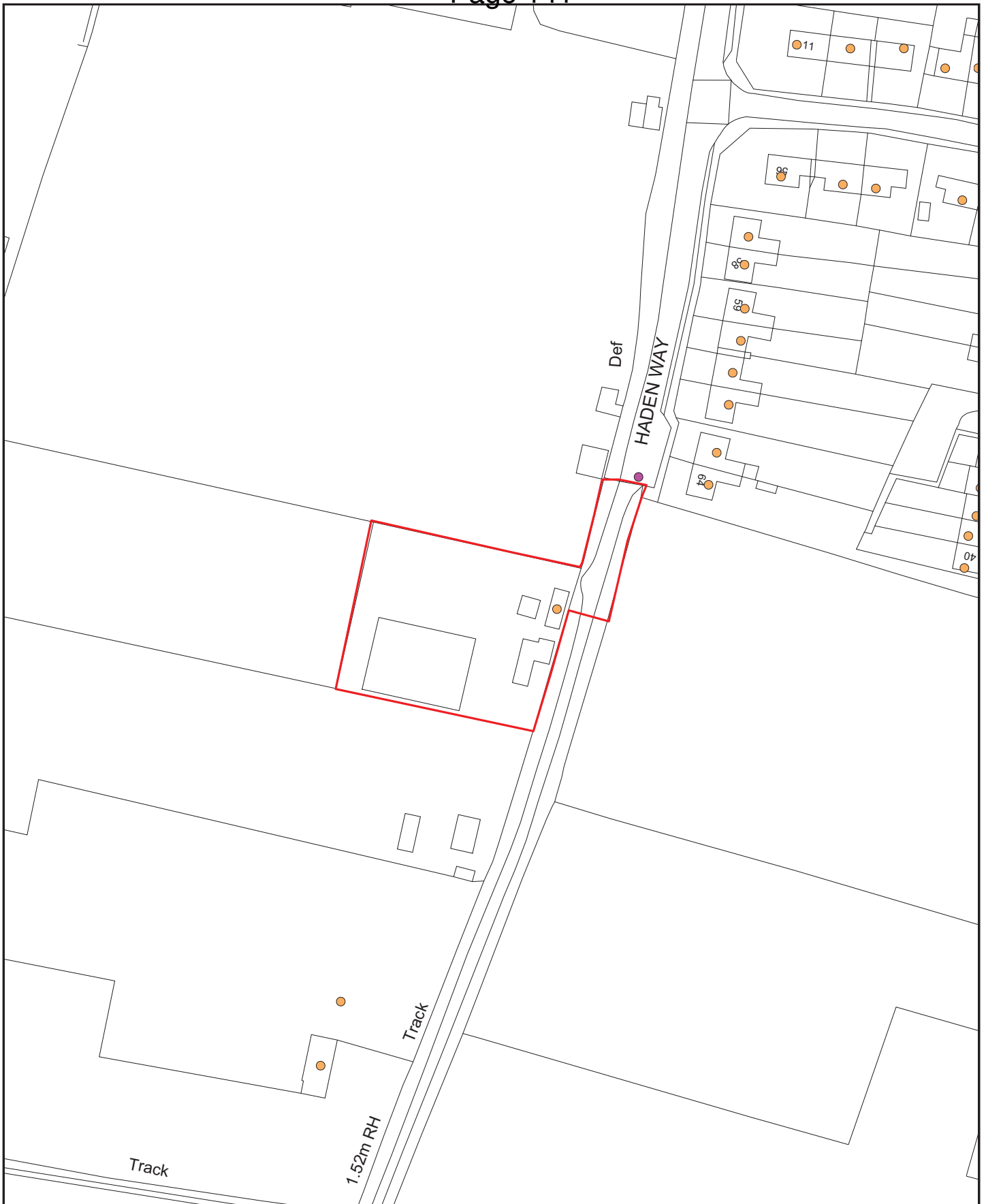
- Residential amenity
- Highway safety
- Noise

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

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

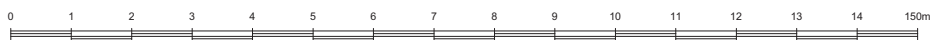
- South Cambridgeshire Local Development Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework 2007
- Planning File Ref: S/1699/09/F

**Contact Officer:** Saffron Garner – Senior Planning Officer  
Telephone: (01954) 713256



South  
Cambridgeshire  
District Council

Planning Dept - South Cambridgeshire DC



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**S/0978/11 - COTON  
Replacement Dwelling - 75, The Footpath  
for Mr & Mrs Paul Bradbury****Recommendation: Refusal****Date for Determination: 07 July 2011****This application has been reported to the Planning Committee for  
determination at the request of the Local Member****Site and Proposal**

1. The application site is located within the designated Coton village framework, the boundary of which runs along the north boundary of the site and also to the southern side of The Footpath and the southern side of the access. The land beyond the framework is within the Cambridge Green Belt.
2. The application site is a large plot with a single access that runs parallel with that serving 77 The Footpath. The existing property is a two-storey property, with the first floor within the roof space. To the rear, the roof slopes down above an almost fully glazed ground floor elevation. Both of the neighbouring properties are currently taller than no. 77. There is no distinct architectural style in the area.
3. The full application, received on 12th May 2011, seeks the construction of a replacement dwelling on the site. This would be set slightly deeper into the plot, and would be a full two-storey dwelling with a single storey range to the side. The application is accompanied by a Design and Access Statement and a Daylight/Shadow Study.

**Planning History**

4. An application to extend the existing dwelling at two-storey level to the front of the existing garage was approved through application **S/0306/09/F**. Works on this extant scheme have yet to take place.
5. There are other planning applications historically related to the site. However, no others are considered relevant to the determination of this application.

**Policies**

6. **Local Development Framework Core Strategy Development Plan Document 2007: ST/6** Group Villages.

7. **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, **GB/3** Mitigating the Impact of Development in the Green Belt, **HG/1** Housing Density, **NE/1** Energy Efficiency, **NE/6** Biodiversity, **NE/15** Noise Pollution & **TR/2** Car and Cycle Parking Standards.
8. **District Design Guide SPD** adopted March 2010.
9. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

### **Consultations**

10. **Coton Parish Council** recommends approval of the application. They wish potential builders to be aware of the hazards of building in the summer such as children playing by the recreation ground. The footpath and roads are narrow, so any damages to verges should be repaired.
11. The **Local Highways Authority** wish a Method Statement to be provided relating to the process of demolition and construction and any effects this may have on the adopted public highway, with reference to control of debris, mud and dust, pedestrian and vehicle movements and the control of contractors parking. They add temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during construction.
12. **Cllr Burkitt**, having visited the site, notes the existing property is of no architectural merit. The replacement is considered to be acceptable. He also notes there is no policy to reduce heights of dwellings at village edges, and that the symmetry is very pleasing. The proposal is considered a good statement at the start of the village, which would enhance the countryside and landscape character.

### **Representations**

13. The occupier of **73 The Footpath** notes concerns about the height of the proposal, which is taller than the other houses, and its potential to dominate the street scene. The use of soakaways for the disposal of surface water is also questioned.
14. The occupiers of **77 The Footpath** note the proposed dwelling would crowd out and restrict evening sunlight to their own property. The replacement dwelling would be taller and located closer to the shared boundary, and would restrict light to the south facing master bedroom window, and the two ground floor windows in the side facing elevation. The shadow study does not show evening light. The increase in width across the plot would also dominate the street scene.

### **Planning Comments**

15. The key considerations in the determination of this application are the principle of development, the impact on the street scene, and the impact upon the amenity of the occupiers of adjacent properties.

#### *The Principle of Development*

16. Coton is classified as a Group Village in the LDF Core Strategy 2007, where residential development and redevelopment up to an indicative maximum size of eight dwellings could be acceptable subject to site-specific concerns. There is a principle to support one-for-one replacements within village frameworks, subject to the density of development. There are no objections to the demolition of the existing dwelling, despite its unusual design.
17. The site has an area of approximately 0.26 hectares. Policy HG/1 of the LDF DCP 2007 seeks residential developments to make the best use of sites by achieving average net densities of at least 30 dwellings per hectare unless there are local circumstances that require a different treatment. A single dwelling on the plot relates to development of 4 dwellings per hectare, significantly below that required. The applicant has not addressed the issue of density within their planning application.
18. Whilst it should be for the applicant to demonstrate, a single replacement dwelling on the plot is likely to be acceptable in this instance. This edge of village location is currently characterised by three large dwellings on three large plots. Backland development would be out of character and there are concerns about the location of more than one property across the frontage. The access is narrow and angled from the road, and given potential conflict with the adjoining access serving 77 The Footpath, there are likely to be highway concerns at this point.

#### *Impact upon the Street Scene*

19. The existing property measures 6.3m to the roof ridge, and has a width of 16m across its plot. It has an unusual design where the eaves are set artificially high to the front although they fall for the garage element, and are low to the rear. The building is currently located almost in line with the two-storey element to the neighbouring property of 73 The Footpath, with no. 77 set deeper into its plot.
20. The replacement dwelling would be set slightly deeper into the plot, and there are no objections to this per se. However, the replacement dwelling has an eaves height of 6m, almost the same as the ridge of the existing dwelling. The proposed ridge level of the property is 8.7m in height, 2.4m taller than existing. The two-storey bulk of the property would measure 19.4m in width across the plot, with an additional single storey element measuring 2.6m across the frontage.
21. The proposed replacement dwelling is therefore significantly larger than the dwelling it would replace. The plan does show the neighbouring properties to measure 7m in height. However, the applicant has confirmed that no. 73 The Footpath is 7.8m in height and they query whether no. 77 is taller too. However, the proposed dwelling would remain almost 1m taller than the

neighbouring properties, and significantly wider at this taller height. Given the scale and bulk of the property, it would dominate the street scene in this edge of village location and be out of character with the dwellings in the immediate vicinity.

22. There are also concerns regarding the design of the front elevation. The proposal shows a sandstone plinth at the front, creating a very small balcony accessed from the gallery. This feature is very urban and would sit out of context in this location. Also, the front elevation has 18 openings in its front elevation, with a number of rooms served by more than one window. The use of full-length openings or casements again creates a significantly urban appearance in the front elevation, to the detriment of the character of the village.

*Impact upon the Amenity of the Occupiers of Adjacent Properties*

23. The dwelling would be relocated slightly deeper into the plot than the existing dwelling. This would locate the dwelling beyond no. 73 The Footpath to the west. This property has a single storey range close to the boundary, with two openings and a glazed door serving this element. There are no facing windows at first floor level in the side elevation. The proposal would move the dwelling away from these windows and their outlook would be improved.
24. No. 73 The Footpath does have a number of rear facing ground floor and first floor windows from which some views of the new dwelling would be likely. However, no serious harm would result from the outlook of these windows. The dwelling would be more visible from the rear garden of no. 73, and would be only 4m from the shared boundary. The dwelling would therefore have a greater impact upon users of the rear garden. However, this is still considered to be an acceptable relationship. Moving the dwelling any further back is likely to be unacceptable due to the increased overbearing impact. If the scheme is approved, a condition would be required to ensure that no windows are located in the west side elevation at first floor level or above.
25. No. 77 The Footpath is set deeper into its plot. It is a two-storey dwelling with a two-storey range located forward of the main dwelling. This has a window in the southern elevation and the concerns from the occupiers of this dwelling regarding the location of the proposed dwelling are noted. The two-storey bulk of the proposed dwelling would be approximately 3.9m from the shared boundary, and has been designed with a hip that would shift some of the bulk from the boundary. Unfortunately the Daylight/Shadow Study submitted does not show information beyond 3pm where the proposed dwelling would start to create shadowing to this window. The loss of some light from this window is inevitable given the relationship between the units. However, it is not considered to be serious enough to warrant a refusal in this instance.
26. No. 77 also has ground floor windows in its west elevation. These are already overshadowed by the vegetation close to the shared boundary. The single storey range to the replacement dwelling would be located 1.8m from the boundary, and would measure 2.8m and 3.5m to the eaves and ridge respectively. Given this relationship, no significant increase in loss of light would result to the ground floor windows. The proposal is therefore not considered to seriously harm the amenity of the occupiers of the neighbouring properties.



*Other Matters*

27. The existing property is a four-bedroom dwelling. As a result, there is no requirement for contributions towards open space provision and community facilities infrastructure.
28. Comments regarding surface water drainage are noted. It is believed the existing property uses soakaways, and the new dwelling would do the same. Although the dwelling has a larger footprint, soakaways are likely to be adequate. However they may need to be increased in size through the Building Regulation process.
29. Comments from the Local Highways Authority regarding the need for a Method Statement are noted. A condition can be added to any consent. Comments from the Parish Council are also noted and an informative regarding damages to the verge could be added to any consent.

**Recommendation**

30. Refuse for the following reason

The proposed replacement dwelling is 2.4m taller to the roof ridge than that it would replace, and would have an additional 3.2m of two-storey bulk across the frontage of the plot. The replacement dwelling would therefore be significantly larger than that it would replace, and would be significantly taller and wider than the neighbouring properties. Also, the front elevation proposes a sandstone plinth and 18 full-length openings in the two-storey element. These features are very urban in nature and draw the eye from the public views of the site. Such features are inappropriate given the location of the site. The dwelling would therefore dominate the street scene when viewed from the Footpath and the Recreation Ground to the south, and subsequently would be out of character in this edge of village location.

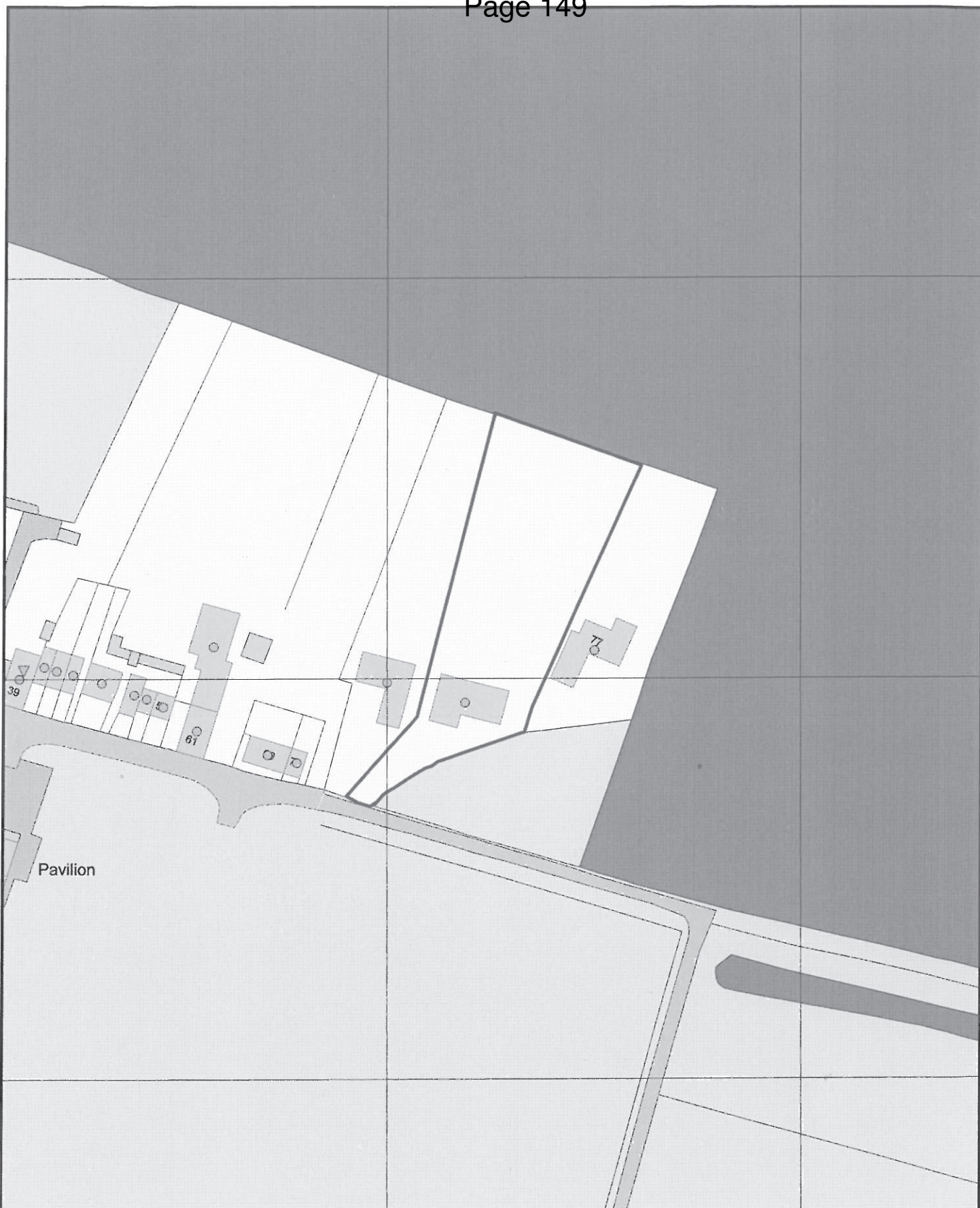
The proposal is therefore contrary to Policy DP/2 of the Local Development Framework Development Control Policies (LDF DCP) 2007 which states all new development must be of high quality design and as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area; and 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.

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

- **Local Development Framework Core Strategy Development Plan Document 2007.**
- **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/0978/11 and S/0306/09/F.**

**Contact Officer:** Paul Derry - Senior Planning Officer  
01954 713159

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Pavilion



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 August 2011

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

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**CAMBOURNE - DRAINAGE**

1. It was reported to the last Planning Committee that representatives from the Cambourne Consortium and their Engineers, WSP as well as Anglian Water were to have met with local members and also relevant Portfolio Holders in July for the purposes of giving a technical briefing. That briefing was postponed for the reasons set out in the last report and because of holiday commitments a new date for that technical meeting has still to be fixed . Accordingly it is now proposed by the Cambourne Consortium ,with the support of Anglian Water, that a drainage presentation will be made to the September Committee for the purposes of the Planning Committee being asked to give its approval to allow the section 106 Agreement to proceed to completion. There have been no adverse drainage matters reported despite some further heavy rainfalls in July. The September Committee will also receive a full up-date as to Uttons Drove matters .
2. Gary Duthie, Senior Lawyer, will present this item to Committee on 3 August 2011. Stephen Reid, Planning Lawyer, is unable to attend the meeting due to annual leave, but he can be contacted up to 29 July 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

3 August 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
S/1881/10/F	Mr A Taylor Oak Cottage 6a Vicarage Close Melbourn First Floor Extension	Allowed	28/06/11
S/2078/10/F	Mr O Kuwaidar 144 Cambridge Road Great Shelford Rear extension to residential home to	Allowed	29/06/11

	provide residential accommodation		
S/1139/10/F	Mr & Mrs J West 5 The Pudgell Great Chishill Replacement garage with new detached carport, storage facility gym garden store & workshop	Dismissed	06/07/11

- **Appeals received**

3.

Ref. no.	Details	Decision	Decision Date
S/0048/11/F	Mr & Mrs A Meikle 41 Chestnut Close Haslingfield Erection of Dwelling	Refused	06/06/11
S/1957/10	Mr J Jefferies (H G Jefferies & Son) Fullers Hill Farm Fullers Hill Little Gransden C of U of outbuildings to office & 4 holiday lets, and rebuild of old dairy.	Non-determination	21/06/11
S/0133/11/F	Manhattan Corporation Ltd The Railway Tavern Station Road Great Shelford Erection of 13 Flats (5 affordable Units) following demolition of existing public house with flat above	Refused	22/06/11
S/0768/11/F	Mr J Holroyd 36 High Street Guilden Morden Installation of 10no photovoltaic solar panels to garage roof	Refused	22/06/11
S/0687/11/F	Mr I McFadyen 2 Poplar Farm Close Bassingbourn 16 no Photovoltaic Solar Panels on the south facing roof	Refused	22/06/11
S/0688/11/LB	Mr I McFadyen 2 Poplar Farm Close	Refused	22/06/11



	Bassingbourn 16 no Photovoltaic Solar Panels on the south facing roof		
S/0050/11/F	Mr P Salt 38 High Street Grantchester First Floor Extension	Refused	06/07/11
S/0724/11/F	Mr N Jones Elmlea 13 Silver Street Litlington Single Storey Extension. Existing Garage to form additional accommodation	Refused	14/07/11
S/0725/11/LB	Mr N Jones Elmlea 13 Silver Street Litlington Single Storey Extension. Existing Garage to form additional accommodation	Refused	14/07/11

- **Summaries of important decisions**

4. None

- **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 3 August 2011.**

5. None

- **Appeals withdrawn or postponed:**

6. None

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

7.

Ref. no.	Name	Address	Date
S/1793/10/LB	Ms L Boscawen	The Grange, St Michaels, Longstanton	14/09/11

**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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