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30 April 2012

To: Chairman – Councillor Pippa Corney
Vice-Chairman – Councillor Robert Turner
All Members of the Planning Committee - Councillors Val Barrett, Trisha Bear,
Brian Burling, Lynda Harford, 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, 9 MAY 2012 at 10.00 a.m.**

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

Yours faithfully
JEAN HUNTER
Chief Executive

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AGENDA

PAGES

PUBLIC SEATING AND SPEAKING

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol.

PROCEDURAL ITEMS

1. **Apologies**
To receive apologies for absence from committee members.
2. **General Declarations of Interest** 1 - 2
3. **Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held

on 4 April 2012 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|------------|---|------------------|
| 4. | S/0268/12 - Haslingfield (18 Fountain Lane) | 3 - 10 |
| 5. | S/0364/12 - Histon (1 Cottenham Rd) | 11 - 24 |
| 6. | S/0458/12 - Impington (Land West of Merrington Place) | 25 - 34 |
| 7. | S/0464/12 - Histon (49 Station Road) | 35 - 42 |
| 8. | S/2290/10 - Longstanton (53 Woodside) | 43 - 52 |
| 9. | S/2455/11 - Melbourn (117A High Street) | 53 - 62 |
| 10. | S/0102/12 - Milton (R/O 53 Cambridge Road) | 63 - 70 |
| 11. | S/0239/12 - Papworth Everard (Unit 1, Papworth Business Park) | 71 - 76 |
| 12. | S/0371/12 - Sawston (9 Babraham Rd) | 77 - 86 |
| 13. | S/0606/12 - Steeple Morden (11 Church Farm) | 87 - 96 |
| 14. | S/0346/12 and S/0347/12/LB - Great Wilbraham (Rookery Farm Barn, Frog End) | 97 - 106 |
| 15. | S/0804/12 - Waterbeach (Rear of 54 Way Lane) | 107 - 114 |
| 16. | S/0185/12 - Waterbeach (64A Cambridge Road) | 115 - 122 |
| 17. | S/0366/12 - Thriplow (Adj. Woburn Mews and Woburn Place) | 123 - 136 |
| 18. | S/0097/12 - Willingham (Meadow Road) | 137 - 148 |
| 19. | Public Footpath: Horseheath 7, proposed diversion of part
Appendices are attached to the electronic version of the agenda on the Council's website. | 149 - 158 |
| 20. | Public Footpath: Oakington 7, Extinguishment of part | 159 - 164 |

INFORMATION ITEMS

- | | | |
|------------|---|------------------|
| 21. | Appeals against Planning Decisions and Enforcement Action | 165 - 168 |
| 22. | Planning Enforcement Sub-Committee
To receive the Minutes of the Planning Enforcement Sub-Committee meetings held on 27 May, 21 July and 17 November 2010, and 16 March, 26 May and 23 November 2011. Copies of the minutes are attached to the electronic version of this agenda on the Council's website. | |

OUR VISION

South Cambridgeshire will continue to be the best place to live and work in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment. The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focussing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

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

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

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

Notes

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

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South Cambridgeshire District Council

Planning Committee – 9 May 2012 – Declaration of Interests

Councillor

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Villiage:

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. Village:

Reason:

Personal / Personal and Prejudicial [delete as appropriate]

Item no: App. No. Village:

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Personal / Personal and Prejudicial [delete as appropriate]

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0268/12/FL - HASLINGFIELD

Erection of a two storey, attached dwelling to side of existing dwellings, including associated parking and access - Land Adjacent to 18 & 18A Fountain Lane, Haslingfield for Mr Tom Jack

Recommendation: Delegated Approval/Refusal

Date for Determination: 13 April 2012

This application has been reported to the Planning Committee for determination as the Parish Council recommendation differs from the officer recommendation.

Members will visit the site on 8 May 2012.

Site and Proposal

1. The application site is located within the designated Haslingfield village framework. 18 and 18a Fountain Lane form ground and first floor flats, similar to the arrangement at the neighbouring property of 16 Fountain Lane. To the east are the rear gardens of the bungalow of 22 Fountain Lane and the two-storey property of 11 New Road. The flats have garden space to the side and rear of the building. 15 New Road on the opposite side of the road is grade II listed.
2. The full application, validated on 17th February 2012, seeks the erection of a single two-storey dwelling. This would be attached to the east elevation of the existing flats, and would continue the roof line along. It also includes a forward projecting porch element, and a flat roof single storey element.

Planning History

3. Application **S/0267/12/FL** granted planning permission for a single storey extension to the ground floor flat of 18/18a Fountain Lane.
4. Application **S/0060/07/F** granted consent for a dwelling at 12 Fountain Lane.

Policies

5. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007: ST/6 Group Villages**
6. **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/1** Housing Density, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/6** Biodiversity, **NE/15** Noise Pollution & **TR/2** Car and Cycle Parking Standards.

7. **Open Space in New Developments SPD** – adopted January 2009, & **District Design Guide SPD** – adopted March 2010.
8. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultations

9. **Haslingfield Parish Council** recommends refusal of the proposal. It is considered too wide, and extends too close to the neighbouring property which it would overshadow. It is also considered to have too few parking spaces with a lack of turning space on site. The existing study window would also open into a passageway.
10. The **Local Highways Authority** objected to the original plan, as vehicle-to-vehicle visibility splays were not shown. Concerns were also raised about the potential impact upon the frontage tree.
11. The **Council's S106 Officer** has confirmed the demand for open space and community infrastructure contributions, and waste receptacle provision, as well the need for a Section 106 monitoring fee.
12. The **Council's Scientific Officer** has considered the implications of the proposal and is satisfied that a condition related to contaminated land investigation is not required.
13. The **Council's Trees Officer** has confirmed there is no objection to the loss of the frontage tree subject to a suitable replacement.
14. The **Council's Building Control Officer** notes there is no obvious problem from the Building Control perspective.

Representations

15. The occupiers of **22 Fountain Lane** agree with the Parish Council view that it would extend too close to their property and it would not enhance the area.

Planning Comments

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

parking provision, impact upon the frontage tree, and infrastructure contributions.

The Principle of Development

17. Haslingfield is classified as a Group Village within the LDF Core Strategy, where residential development up to an indicative maximum scheme of eight dwellings will be permitted within village frameworks subject to site-specific issues. Policy HG/1 of the LDF DCP seeks residential developments to make best use of a site by achieving average net densities of at least 30 dwellings per hectare unless local circumstances require a different treatment. A third dwelling on the site as a whole would represent a density of development of 50 dwellings per hectare. Whilst this is above the density aims of the policy, it is considered appropriate in this instance, especially given the two flats on site.

Impact upon the Street Scene

18. Whilst divided into flats, the building including 16 and 18/18A Fountain Lane itself has the appearance of a pair of semi-detached properties. The proposed extension would follow the “building line” of the building, with the roof ridge matching the existing and hipped as existing. It does differ from the design of the dwelling built through application S/0600/07/F (12a Fountain Lane) in that the roof ridge line has not been dropped. However, this feature is not considered essential in this instance given the size of the new roof in comparison to the existing. The comments from the Parish Council regarding the excessive width are noted. However, it is considered the site has the capacity for a dwelling of this size, and the terrace would be of a similar size to that to the west.
19. 12a Fountain Lane also has a passageway under the dwelling allowing access to the rear for the newly created middle dwelling. This feature in the current proposal is not therefore an alien feature in the street scene. There are no objections to the simple porch or the single storey rear element, the latter of which would match that approved through application S/0267/12/FL at 18 Fountain Lane. The proposal is therefore considered to be acceptable in the street scene, subject to a condition regarding materials.

Impact upon the Amenity of the Occupiers of the Adjacent Properties

20. The proposal would extend the existing building towards the neighbouring property of 22 Fountain Lane. This is a bungalow with a flat roof garage set close to the shared boundary. There will be views of the proposal from the rear garden of 22 Fountain Lane, and some acute views from rear facing windows. The existing garage does screen some of these views. The proposal would not appear overbearing, although conditions would be needed to ensure the east facing first floor window that serves a bathroom is obscure glazed, and no further windows are added to this elevation. The Parish Council notes concerns regarding overshadowing. The proposal is located to the west of 22. The property would result in the reduction of some light in the late evening. However, this reduction is not considered enough to warrant a reason for refusal. Subject to conditions, no harm is considered to result to the occupiers of 22 Fountain Lane.

21. 11 New Road is set to the south of 22 Fountain Lane. It has a larger garden, and is a two-storey property. It also has a large tree close to the shared boundary. Again the proposal would be seen from the rear garden area. However, the bulk of development would be away from the shared boundary, and the degree of separation will ensure an adequate relationship. The proposal does have a first floor window that would potentially cause some overlooking. This serves a landing, and again a condition can ensure it is obscure glazed. The rear facing bedroom 1 window is set further from the boundary and its relationship is considered acceptable. Conditions can ensure no further windows are added to the rear elevation. No harm would therefore result to the occupiers of 11 New Road.
22. Comments from the Parish Council with regard to the existing flats are noted. The first floor flat has a window serving the landing, which would need to be bricked up and therefore this room would not benefit from natural lighting. Whilst unfortunate, this area is not a habitable room and therefore no serious harm would result. The ground floor entrance would face onto the passageway, and this area would not receive direct sunlight. The passageway would be open to the rear and so some light would get to the doorway, which again does not serve a habitable room. The proposal is considered acceptable to the occupiers of the existing flats.

Highway Safety and Provision

23. The proposed layout plan shows the creation of a shared access into the site, serving the flats at 18 Fountain Lane, and the new property. Negotiations are ongoing to ensure that adequate vehicle-to-vehicle visibility splays can be achieved. A satisfactory arrangement has yet to be demonstrated, and Members will be updated on this matter.
24. With regard to parking provision, the site plan shows four parking spaces within the frontage area, which would serve the new dwelling and the two flats at 18 and 18a Fountain Lane. The Council's maximum parking standards seeks 1.5 dwellings per dwelling. A scheme of four spaces is therefore considered acceptable in this instance. A condition is likely to be required when the final detail is approved to ensure retention of these spaces in relation to each unit.

Impact upon the Frontage Tree

25. To the front of the site is a mature tree, which has recently been drastically pollarded. The tree is offered no protection in its own right, although its retention would be preferable. The revised plan show it to be removed, and the Council's Trees Officer has verbally confirmed there is no objection to this, subject to a suitable replacement being planted across the frontage. A landscape condition can ensure this comes forward.

Infrastructure Contributions

26. The Section 106 Officer has confirmed the need for infrastructure contributions within the village. The applicant has completed the draft Heads of Terms form as part of his application, and this was passed to the Council's Legal Team. At the time of writing, no Agreement has been signed, and Members will be updated where appropriate.

Other Matters

27. The setting of the grade II listed property of 15 New Road located to the north side of Fountain Lane is not considered to be compromised as a result of the scheme.

Recommendation

28. Delegated approval/refusal, subject to agreement from the Local Highways Authority regarding vehicle-to-vehicle visibility splays, and the completion of the Section 106 Agreement.
29. If approved, conditions regarding the following will be required: time implementation, plan numbers, materials to match, landscaping and its implementation, obscure glazed to the side facing first floor window, removal of permitted development rights to the side and rear at first floor level, parking spaces and vehicle-to-vehicle visibility splays to be in place prior to occupation and thereafter retained, retention of agreed parking spaces, and a restriction of power operated machinery during construction

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 – adopted January 2009, & District Design Guide SPD – adopted March 2010.**
- **National Planning Policy Framework**
- **Planning Ref Files: S/0268/12/FL, S/0267/12/FL, and S/0060/07/F.**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0364/12/VC – Histon & Impington**Material Amendments for the erection of a dwelling approved under reference S/1013/09/F with the addition of a planning condition specifying substitute approved drawings
at Land Rear of No.1 Cottenham Road, Histon for Mr Angus Sutherland****Recommendation: Conditional Approval Subject to completion of S106 Legal Agreement****Date for Determination: 13th April 2012****This application has been referred to the Planning Committee due to the officer's recommendation conflicting with that of Histon & Impington Parish Council.****Members will visit the site on Tuesday 1st May 2012.****Site and Proposal**

- 1 The application site comprises 0.128 hectares of garden land ancillary to, and west of, no.1 Cottenham Road, Histon. The existing property on site consists of a large detached two-storey dwelling finished in render and timber cladding and plain roof tiles. The site's residential curtilage benefits from large secluded gardens to the front, side and rear of the property with extensive treed boundaries to the north, south, east and west along with a prominent established hedgerow to its frontage. The site is accessed from the end of Cottenham Road via a narrow lane leading from the corner of Cottenham Road with Church Street.
- 2 The site is located within the village's development framework and Histon is designated as a rural centre due to its existing services and facilities and good public transport links. The site is well located to the village's centre, which is within short walking distance. Opposite the site lies St Andrews Church, a Grade II listed building, which is within the Histon Conservation Area. The application site lies outside of both the Conservation Area and the setting of this listed building. The nearest residential property to the application site is No.4 St Andrews Park, to the south of the site. St Andrews Park is a cul-de-sac development of 4 dwellings, with No 4 located adjacent to the proposed housing plot. The trees upon the southern boundary are afforded statutory protection by virtue of tree preservation orders. To the north of the site are the long rear gardens or dwellings in Cottenham Road.
- 3 The application proposes to amend the design of the dwelling previously approved under planning reference S/1013/09/F, with the following revisions:
 - The squaring off of principal front elevation;
 - Increase of length of building footprint by approximately 1.2m;

- Increase in width of two-storey element by approximately 0.5m;
- Introduction of two ground floor openings upon northern flank elevations;
- Introduction of first floor dormer upon southern elevation;
- Alternative fenestration upon ground floor northwest, southeast and southwest elevations, first floor northwest and southwest elevations including the removal of roof light windows upon southwest elevation;
- Omission of pergola to southwest elevation;
- Omission of flue to two-storey roof;
- Introduction of roof light window upon two-storey northeast and southeast roof slopes and introduction of three roof light windows upon single storey northeast roof slope;
- Internal alterations to layout including removal of utility door opening upon southeast elevation;
- Re-grading of ground level resulting in higher level upon northwest section of building envelope of approximately 0.6m and a lower ground levels upon southeast building envelope;

- 4 The above revisions are sought through the introduction of a planning condition to the original planning consent specifying the numbers of the proposed substitute plan numbers. The proposal is in part retrospective, as a considerable amount of work has commenced onsite following the discharge of the pre-commencement conditions on the 10th November 2011. A Design and Access Statement accompanies the application. For the avoidance of doubt the original approved planning drawings are provided in appendix 1 to this report.

Planning History

- 5 Planning Application S/1013/09/F was approved for the erection of a three-bedroom dwelling at land to the rear of no.1 Cottenham Road, Histon. The building's design took two forms, a central two-storey element with a single storey range to the rear.

Policies

- 6 **National Planning Policy Framework 2012**
- 7 **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/4 Rural Centres
- 8 **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

- 9 South Cambridgeshire Supplementary Planning Documents
District Design Guide, Adopted March 2010.
Open Space in New Developments, Adopted January 2009.
Trees & Development Sites adopted January 2009.

Consultations

- 10 **Histon & Impington Parish Council** – Recommends refusal raising concerns over the alterations to the building including its scale, proximity to the boundary, massing and fenestration commenting that the planning application process for this site has been less than rigorous as levels to properties in this area vary and a height for the building should have been controlled by the previous planning consent, as such a site visit and determination by the full planning committee is requested.
- 11 **Environmental Health** – Raise no objections from an environmental health standpoint.

Representations

- 12 Letters of objection have been received from the occupiers of nos. 3, 5, 7, 9 and 21 Cottenham Road and 4 St Andrews Park, the contents of which are summarised below:
- The proposed dwelling restricts light to the dining room of no.4 St Andrews Way and results in the upstairs room being overlooked;
 - The proposal dominates views from the garden of no.9 Cottenham Road;
 - The amended design is inappropriate for this sensitive location;
 - Planning permission for a dwelling was approved despite previous objections and now that work is underway the building sits higher than that originally proposed to the detriment of the privacy to no.4 St Andrews Park;
 - The impact of the increase in ground levels upon the original planning consent are evident given the work that has commenced on site and are intrusive as they overshadow and conflict with the character, setting and amenity of the area;
 - The building has been amended so that it is 1m higher, 1.5m longer and has increased in width, which represents a material change to the approved consent;
 - The boundary fence in situ represents a great intrusion and was not mutually agreed with the applicants;
 - The introduction of a window and door upon the northeast elevation allows users to look over the fence into the garden of no.3 Cottenham Road;
 - The building is visually unacceptable and shades a large area of the garden of no.3 Cottenham Road to the detriment of the amenity of its occupiers;
 - The work that has been carried out onsite has been done so with total disregard to the original planning consent;

- The original planning consent did not accord with development control advice note 8 (backland development) and should not have been granted planning permission;
- The original consent sought a low lying building with an eaves height of 2m and the drawings indicated that the level of the building would be lowered to align with the general established levels to the adjacent no.3 Cottenham Road;
- The original consent showed no openings within its northern elevation looking back over neighbouring properties;
- The dwelling under construction appears alarming high in relation the environment and constitutes a significant intrusion;
- The dwelling at the amended level represents a differential to the surrounding ground levels creating an appearance of approximately 1m higher than originally indicated in relation to the surrounding plots;
- The proposed cross sections fail to suggest a significant variation in ground level across the site, whereas the elevation drawing shows the house towering above the fence line;
- The boundary fence erected raised inordinately high in places adding to the overbearing character of the overall development;
- The drawings also indicate that the boundary fence would be waist height around the new building;
- The degree of visual intrusion into the garden of no.3 Cottenham Road is unacceptable and the reference to obscure glazing is irrelevant;
- Raising the fence line to provide a suitable screen is not an option as it would only add to the looming great height above the boundary line;
- The provision of a retaining wall on the building's southern side in order to establish the appropriate formation level would of allowed the building to site properly within the site;
- The northeast boundary had been screened by mature hedgerow and trees;
- It is not clear if the proper calculations and investigations as to whether the proposed foul drainage connection into the existing 100mm drain that runs across the back of the rear gardens of properties within Cottenham Road can accommodate the 10% increase flow;
- The boundary fence should be stepped so that it is no higher than 2m above ground level from both sides;
- The proposed dwelling sits upon particularly high ground and has the appearance of a raised platform;
- The dwelling fills a substantial part of the landscape and dominates a large part of the horizon as viewed from no.21 Cottenham Road;
- Approval of the proposals would set a undesirable precedent;
- Housing in the area is well established and generally in co-ordinated style, infill houses at 15a and 19a Cottenham road are also co-ordinated aligned appropriately and are not elevated above their surroundings. The proposal is in contrast to this, as it is not in keeping, is excessively large and is being built above the general terrain;
- The development will add load to the part of the sewer not previously affected by new development.

Planning Comments

- 13 The key considerations in the determination of this application are the impact that the proposed amendments to the originally approved development would have upon the residential amenity of surrounding neighbouring properties and the character and appearance of the public realm. The application follows a previous planning application, whereby all planning conditions were discharged, as such, matters such as the principle of residential development, means of access, car parking, highway safety and tree protection are not material considerations in the determination of this planning application. Nevertheless, should permission be granted, the current legal agreement relating to the previous planning consent will need to be varied to take into consideration the new planning application reference and all necessary changes therein.

Character & Appearance

- 14 The development proposal is located to the rear of no.1 Cottenham Road approximately 55m from the adopted public highway. The building currently under construction is partially visible at a distance, at the point of the joint vehicular access serving both it and no.1 Cottenham Road. However, the building sits upon lower land than the highway and is partially obscured by a tree and no.1 itself. There are no other clear vistas of the dwelling other than views of the buildings from the surrounding private dwellings and gardens. Whilst land levels to the rear of the plot have been increased as a consequence of the re-grading of the site the levels to the front of the plot around the principal elevation orientated toward the highway are in fact lower than that previously approved, thus reducing the perception of the building's scale from this public vantage point.
- 15 Despite the proposed material amendments referenced in paragraph 3 above, the development proposal is situated in the same location, is predominantly single storey with a two-storey element and remains of a similar shaped footprint to that which was previously approved. Whilst the proposed amendments materially alter the external appearance and mass of the building, these changes are not considered to represent any undue harm to the visual amenity or character and appearance of the public realm. This has been determined on the grounds that there are very limited views of the building in question and the building's form and external appearance is similar to that which was approved under planning consent S/1013/09/F.

Residential Amenity

16. The development site is flanked by no.1 Cottenham Road to the southeast, no.3 Cottenham Road to the northeast, and no.4 St Andrews Park to the southwest. It is these three properties that are most effected by the development proposal and it is therefore necessary to assess the impact that the material amendments specified within paragraph 3 have upon the amenity that would be experienced by the occupiers of these properties if the original plans were implemented.
- 17 The nearest residential dwelling to the site is no.4 St Andrews Park, which is sited approximately 15m south to southwest of the two-storey element of the development proposal. That property has a gable end and dormer window

facing the common boundary with two first floor windows overlooking the site. The common boundary at this point comprises a chain link fence and evergreen hedge with a tree belt comprising a mixture of pines, which are afforded statutory protection by a Group Tree Preservation Order. The material amendments to the approved dwelling do not propose to add any openings to the elevation facing no.4, but do propose the introduction of a high level roof light window, the cill height of which would be above the internal floor level such as to not allow a direct line of sight from this opening onto the common boundary.

- 18 The Council's District Design Guide SPD outlines the design principles for acceptable building relationships. This adopted policy guidance stipulates that the minimum relationship between an elevation with first floor windows and a blank elevation is 12m, which is considered an acceptable distance to safeguard the impact of direct overlooking and loss of daylight (overbearing). Furthermore, the development proposal sits due northeast of no.4 St Andrews Park and would not therefore impede sunlight to this property. In light of the above, the proposed material amendments are not considered to result in any detrimental harm upon the amenities currently experienced by the occupiers of no.4 St Andrews Park due to the distance between the two properties and the treatment of the southwest elevation of the dwelling.
- 19 The proposed additional ground floor openings upon the southwest elevation are modest and serve a bathroom, with a high level window serving a living room. These openings are minor and being obscure glazed and high level respectively, along with the distance of 15m, would not compromise privacy for both the occupiers and the adjacent occupiers of no.4 St Andrews Park. Indeed the proposed amendments propose to remove a ribbon of high-level fenestration to the single storey element of the proposed building resulting in a decrease in openings facing the common boundary with no.4 St Andrews Park. Whilst re-grading of the site has resulted in the single storey element of the building being raised approximately 0.6m the height of the two-storey element of the dwelling has been reduced as a consequence, and would have no increased impact upon the outlook of no.4 in terms of overbearing than that of the previous planning approval.
- 20 The nearest elevation of No.1 Cottenham Road is sited approximately 13m due southeast of the proposed development with the rear elevation containing first floor openings located approximately 21m from the boundary. In line with the design guide principles referenced in paragraph 17 above the proposed material amendments do not result in a detrimental impact upon the amenity currently experienced by the occupiers of that property. As stated in paragraph 18 above, the two-storey element would sit lower than that previously approved and the alterations to the principal elevation are minor to that previously approved despite the squaring off of this elevation.
- 21 The development proposal is located approximately 30m from the rear elevation of no.3 Cottenham Road to the northwest of the nearest point of the boundary with the application property. The rear garden of no.3 Cottenham Road is characterised in two parts, the immediate garden associated to the rear of the dwelling and a secondary garden located adjacent to the development proposal at a further distance from that house. This further section of the garden (nearest the application site) comprises a vegetable patch and formal planting areas and the ground level is considerably lower than that of the development site.

- 22 Further to the design guidance stipulated in paragraph 17 above, the development proposal is sufficiently spatially divorced from the rear elevation and immediate amenity area of the rear garden to the rear of no.3 Cottenham Road as to not result in a significant detrimental impact upon the amenities currently experienced by the occupiers of this dwelling. Notwithstanding this, the proposed amendments propose material changes to the length, floor level and external appearance of the flank elevation adjacent to the further rear area of the garden to no.3. The increase in the length of the building and the re-grading of the site thus increasing the finished floor level of the development proposal has resulted in the building being more visually prominent from the outlook of this garden. In addition the boundary treatment in situ has been erected upon the sloping common boundary and therefore varies in height to accommodate the different levels between the two properties, thus also being visually prominent from the outlook of this garden area. There are also two proposed openings facing the common boundary with no.3 at ground floor level, which due to the finished floor level and height of the current boundary fence would overlook that garden.
- 23 In light of the above, it is considered that the current (as proposed) situation with regard to the visual impact upon the rear garden of no.3 Cottenham Road, could be mitigated through the use of conditions to ensure that the proposed openings upon the northeast elevation of the development proposal were fixed shut and obscure glazed. Furthermore a revised boundary treatment, set in from the common boundary commensurate to the finished floor level of the proposed dwelling would allow for a standard domestic fence line of approximately 2m in height that would better screen the dwelling to its eaves height, thus reducing the extent of the domestic appearance of the dwelling from the outlook of this garden. The visual prominence of the fence could be further reduced if the fence line was stepped in height for the length of the boundary.
- 24 Prior to the part construction of the proposed dwelling, a hedgerow and an apple tree previously screened the common boundary between the application site and the rear garden of no.3 Cottenham Road. Despite the re-grading of the application site, the garden of no.3 Cottenham Road was lower than that of the application site. However, as stated in paragraph 18 above, the re-grading of the site has resulted in the increase of the finished floor levels of the single storey element in particular, whereas the ground levels to the southwest two-storey element of the building have been reduced as a consequence of the back scraping of soil. It is acknowledged that the finished floor level of the dwelling has resulted in an increase in its visual prominence. However, the building's form as originally designed provides a low profile single storey range adjacent to this common boundary that, subject to a revised boundary scheme, is not considered to be unduly overbearing upon the adjacent further rear area of the garden serving no.3 Cottenham Road and would not result in a significant marked difference in terms of overshadowing, compared to that of the previous landscaping upon this boundary.
- 25 There is no private right to a view in planning, and the building's location and scale would not obstruct public or extensive views of landmarks such as the St Andrews Church and the Conservation Area to the south other than from the furthest part of the rear gardens of no.3 and possibly no.5 Cottenham Road, although it is unclear if the landscape boundary that once existed upon

the common boundary would have similarly screened such views. The trees within the application site, which provide such visual amenity as to be afforded statutory protection by virtue of a tree preservation order, are still widely visible to the surrounding area. Conditions are to be attached to ensure that the building cannot be extended under normal permitted development rights, thereby requiring planning permission for any extension, and that no further openings are permitted upon its principal (front) and flank elevations. In light of the above considerations the amended development proposal is not considered to result in significant harm to the amenity of surrounding residential properties subject to the recommended conditions.

Drainage

- 26 The development proposal indicates a foul drainage connection to the main public sewer. Anglian Water is the foul drainage statutory undertaker serving the village and it is only necessary to consult them on development proposals of 10 or more dwellings. Therefore whilst local knowledge indicates that the capacity of the existing foul sewer connection may not be suitable to take additional flows within this area this will be a matter for a Building Control Inspector and Anglian Water to ensure that a suitable connection is implemented. In the case whereby improvement works are necessary to make such connection it will be the responsibility of the water company to ensure that the necessary works are implemented.

Infrastructure

- 27 The development proposal would comprise 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 was calculated at £3,104.38 (index-linked) at the time of the previous consent and remains the same for the current proposal. The development proposal also requires a contribution to the sum of £284.08 towards community infrastructure within the village in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50. Histon and Impington have a recognised shortfall in these services and facilities and the applicant entered into a S106 legal agreement to secure obligations for public open space only, as part of the previously approved consent. In light of the current material amendment application, this agreement will be required to be amended in order to reference the approved planning consent that is implemented onsite. Therefore should members of the planning committee approve the development proposal, a deed of variation will need to be completed.
- 28 The developer has acknowledged the above planning obligations and has agreed to enter into a varied S106 agreement, they are also aware of bearing the cost of all associated legal fees.

Conclusion

- 29 The retrospective nature of the works undertaken resulting in material alterations to the original planning consent is unfortunate and has caused undue anxiety to a number of surrounding residents. However, based on the assessment within this report, officers are of the opinion that the proposed

alterations do not represent significant undue harm to either the character of the area of the residential amenity of neighbouring dwellings to warrant a refusal of planning permission. At present the scaffolding and boundary fence in situ exacerbates the visual impact of the development proposal, as does the lack of external finish to the building. Officers consider that a revised boundary scheme and the implementation of the external finish to the building will represent an acceptable visual impact in relation to the outlook of neighbouring residents.

- 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 subject to the conditions noted below and the completion of an amended S106 legal agreement.

Recommendation

- 31 Approve subject to completion of a variation to the S106 legal agreement and the following Conditions

1. The development, hereby permitted, shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
 - i) Within 3 months of the date of this decision there shall have been submitted for the written approval of the Local Planning Authority schemes for the provision of alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road including section and elevation drawings and the said schemes shall include a timetable for their implementation.
 - ii) Within 11 months of the date of this decision, the alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority fail to approve such schemes, or fail to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
 - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the submitted the alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road scheme shall have been approved by the Secretary of State.
 - iv) All works comprised in the alternative boundary treatment upon the northern common boundary with no.3 Cottenham Road schemes as approved shall have been implemented, and completed within the timetable set out in the approved schemes.

(Reason - To ensure that a scheme of appropriate appearance and privacy is implemented in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, AS07-11A, AS01-11, AS02-11, AS03-11, AS04-11, AS06-11, AS05-11, Envirosearch Residential report RS34726939_1_1 dated 10th May 2011 & approved landscape plan dated 8th November 2011.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).
3. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C 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 - To ensure adequate private amenity space for future occupiers and to safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. The existing hedge on the front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
(Reason - To protect the hedge, which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

8. The proposed ground floor windows in the northeast elevation of the building, hereby permitted, shall be fitted and permanently maintained with obscure glass and fixed shut.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the side or principal elevations of the dwelling 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.)
10. The development, hereby permitted, shall be carried out in accordance with the approved external materials, Anthracite colourcoat urban roofing, Larchwood timber cladding and bloc and smooth white painted render.
(Reason - To ensure the appearance of the development is satisfactory 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)
- NPPF
- Planning application files S/0364/12 and S/1013/09.

Contact Officer: Mike Jones – Senior Planning Officer
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**South
Cambridgeshire
District Council**

Planning Dept - South Cambridgeshire DC



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0458/12/VC – HISTON & IMPINGTON

Variation of Condition 2 of Planning Permission S/1847/10 to substitute approved plans for a variation of house plots 20, 21, 30 and 31 and to substitute approved plans for the transfer of affordable housing from plots 20, 21, 30 and 31 to plots 23, 25, 27 and 29 Merrington Place – Land West of Merrington Place, off Impington Lane for Almaren Plc

Recommendation: Approval Subject to Deed of Variation to Section 106 Legal Agreement.

Date for Determination: 01st June 2012

Notes:

This application has been reported to the Planning Committee for determination due to the need for a deed of variation to the S106 Legal Agreement associated with Planning Permission S/1847/10/F.

Site and Proposal

1. The site comprising 0.97ha is located within village development framework boundary with the vast majority of the site being situated within flood zone 3 (High Risk) of the Strategic Flood Risk Assessment (SFRA). A narrow strip of land to the west of the application site lies within the village Conservation Area. The site is accessed via Impington Lane and Glebe Way and is within walking distance to the centre of the village with close proximity to its services and facilities. The site forms the southern part of an allocated housing site under Policy SP/6.
2. The site benefits from planning permission for the erection of 31 dwellings as cumulative development with the residential development located to the east at Merrington Place. The site is bounded to the south by long gardens serving properties within Impington Lane and to the west at Glebe Way. The site's northern boundary is shared with a piece of open agricultural land, which forms the northern part of the allocated housing site under Policy SP/6 with the boundary being defined by a landscaped hedgerow and ditch.
3. The full planning application received 1st March 2012 seeks the variation in design to plots 20, 21, 30 and 31 of Planning Permission S/1847/10 by extending this block of apartments to provide 2-bedroom dwellings due to inability to sell 1-bedroom market units upon the phase 1 development at Merrington Place. In addition the application proposes to transfer the affordable housing allocated to these plots over to plots 23, 25, 27 and 29 of the phase 1 development at Merrington Place, which is also an apartment block. The tenure of the transferred housing affordable housing is 100% shared ownership only. The application is supported by the following documents:

- Planning Design & Access Statement;
- Deed of variation agreement.

Planning History

4. Planning Application S/1847/10/F was approved for the erection of 31 dwellings (12 affordable dwellings) and associated landscaping (including Local Area for Play and Community Orchard), cycle and refuse enclosures, car parking, garaging and internal roadways and footpaths.
5. Planning Application S/1217/10/F was approved for revised design to plots 4 and 5 for the erection of two garages with associated driveways and landscaping.
6. Planning Application S/1235/09/F for the revised design to house types A and the merging of plots 6 and 7 to form one large affordable dwelling was approved.
7. Planning Application S/1356/08/F was approved for the erection of 35 dwellings (including 14 affordable homes), roadways, and landscaping and open space.
8. Planning Application S/0146/08/F was refused for the erection of 113 dwellings on the grounds that the proposal would result in an insufficient design, layout, parking provision, would not be in keeping with the character of the area and would prejudice the development of neighbouring land. In addition the proposal failed to provide adequate infrastructure provision for public open space and did not market the use of employment uses within the site.
9. Planning Application S/0321/05/O for residential development was refused and dismissed upon appeal on the grounds of loss of employment, flood risk and impact upon potential archaeological findings.

Planning Policy

10. **National Planning Policy Framework 2012**
11. **Site Specific Policies Development Plan Document (DPD) 2010:**
SP/6 North of Impington Lane, Impington
12. **South Cambridgeshire LDF Core Strategy Development Plan Document (DPD), 2007:**
ST/4 Rural Centres
13. **South Cambridgeshire LDF Development Control Policies Development Plan Document (DPD), 2007:**
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/5 Cumulative Development
DP/7 Development Frameworks
HG/1 Housing Density

HG/2 Housing Mix
HG/3 Affordable Housing

14. **South Cambridgeshire LDF Supplementary Planning Documents (SPD:**
District Design Guide SPD – Adopted March 2010
Affordable Housing – March 2010

Consultations

15. **Histon & Impington Parish Council** – Recommend approval commenting that the meeting was not quorate.
16. **Housing Enabling Officer** – Raises no objection to the proposals as amended.

Representations

17. 2 letters from the owner/occupiers of nos.15 and 27 Merrington Place has been received, the contents of which are summarised below:
- The purchase of no.27 Merrington Place was undertaken on the grounds that the allocation of affordable housing was known to the searches for this sale and marked out accordingly;
 - Whilst mixed housing tenure is fair and reasonable across a development site it is not common for such mix to take place within a confined apartment block;
 - The proposed transfer of affordable housing into a market housing apartment block may lead to difficulties within the priorities of both tenants and the housing association, such as tenancy agreement and private leases;
 - Whilst property value is not a material planning consideration the development proposal will negatively impact upon the value of no.27;
 - Had the proposals be made known at the time of the searches then the purchase would not of gone ahead;
 - The proposal would result in a concentration of affordable housing within Merrington Place, which does not seem to represent the integrated approach originally envisaged for the development;
 - The amended plans proposing a shared ownership tenure are acceptable and I wish to be informed should these plans change in the future.

Planning Comments – Key Issues

18. The key issues to consider in this instance are the impact of proposals upon the public realm, infrastructure provision, residential amenity, housing mix and affordable housing provision.

Housing

19. The proposal seeks the transfer of four affordable housing units allocated to plots 20, 21, 30 and 31 from the phase 2 development approved under consent S/1847/10/F to four unoccupied plots (nos. 23, 25, 27 and 29) within the phase 1 development at Merrington Place. This is due to the difficulty found in the sale of the 1-bedroom units within the Merrington Place development, as these remain the only unoccupied units to date. The

applicant recognises that the 1-bedroom units across both development sites are unfavourable to purchasers under current market conditions and that the transfer of affordable housing units will allow the phase one development to be fully occupied and allow the full completion of this development. In addition the transfer will allow for much needed accommodation for those in need of affordable housing within the district. In doing so it is proposed to vary the design of the original units within the unbuilt phase 2 development making them 2-bedroom units through modest enlargement of the apartment block.

20. The application originally proposed the like-for-like transfer of the allocated tenure of 50% social rented and 50% shared ownership. However, given representations from existing occupiers of the units within the apartment block that would be affected by the proposal the applicant has amended the proposal to transfer shared ownership tenure housing only. As a consequence the tenure of the units affected would be closer to market housing in consideration of the expectations of the existing residents who own and occupy units within the apartment block effected. The proposal would result in the bringing forward of affordable housing delivery, which is to be supported. Whilst the proposal would result in a lesser threshold of affordable housing for the phase 2 development, the sites are linked and designed as such, that they will read as one, therefore it is not considered that the integration of housing tenure across the overall site would be detrimental to the social cohesion of residents.
21. The housing association for both development sites has been identified as Luminus and therefore there is continuity in both the delivery and management of affordable housing across the two sites. Furthermore, Luminus are also responsible for the maintenance of the site including open spaces and communal areas throughout the apartment units, such as those effected by the development proposals. Therefore, it is considered that there would be no adverse impact to the management and expectations of both private market and housing association land.
22. Council Housing Mix Policy does not differentiate between one and two bedroom dwellings and therefore the proposed enlargement of plots 20, 21, 30 and 31 to two-bedroom dwellings would not impact upon the overall housing mix of the development site. In addition the provision of two-bedroom units is favourable in that it provides more affordable smaller house types that allow for a greater range of occupation for new or small families.

Public Realm

23. Plots 20-31 comprises an apartment block of 11 residential units located due west of the Merrington Place development site within the northeast corner of the residential development approved under planning permission S/1847/10/F. Plots 20, 21, 30 and 31 of this block were approved to comprise 1-bedroom flats. As referenced within paragraph 18 above, the proposal seeks to enlarge these units, thus making them 2-bedroom units in order to be more favourable under current market conditions. The proposed enlargement of these units would comprise a modest increase by approximately 2m in width, along with internal alterations and landscape works.
24. As a consequence of the proposals it was the view of officers that the enlarged width of the apartment block should be mitigated to reduce the apparent

elongation of its elevations. As such, amended plans providing a hipped roof end to the block and increased vertical timber cladding have been introduced, thus providing a contrast and breaking up the horizontal emphasis created by the proposed design alterations. In light of the amended plans the proposed revisions are considered to be commensurate to the high quality standard of design throughout the development and would result in an acceptable visual impact upon the public realm.

Residential Amenity

24. Plots 20-31 are set back within a corner plot of the development site and are significantly spatially divorced from the nearest residential properties to the east and south. The nearest dwelling that would be affected as a consequence of the proposed enlargement to this block is plot 19. Plot 19 is detached housing plot located due west of plots 20-31 with a detached garage upon the common boundary between the two plots. This plot is considered to be sited at an appropriate distance from the proposed enlargement to the adjacent block and the garage sited upon the boundary provides a sufficient barrier. In light of this, the proposal is not considered to result in an adverse impact upon the residential amenity currently experienced by surrounding residents nor that of future occupiers of the extant consent for the land west of Merrington Place.

Legal Agreement

25. As referenced within paragraph 21 above, the proposals would not impact upon the housing mix of the wider development proposal and as such would not impact upon the planning obligations secured under the original planning permission S/1847/10/F. However, given the transfer of affordable housing proposed the original S106 legal agreement pursuant to planning permission S/1847/10/F requires amending in order to reference the suitable provision of affordable housing and tenure commensurate to the development proposal. A deed of variation has therefore been submitted in accompaniment to the application and subject to the approval of the planning committee this agreement will be signed and dated to secure the necessary changes proposed by the applicant.

Other Matters

26. The application provides addendums to the original drainage strategy and transport assessment for the approved consent S/1847/10/F, which detail that the development proposals would not impact upon these approved assessments, which given the nature of the proposals is considered to be acceptable, pursuant to the details approved under S/1847/10/F.

Conclusion

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

Recommendation

28. Approve as amended by plan no.2009H dated stamped 13th April 2012 and Planning Design and Access Statement and Deed of Variation Agreement date stamped 16th April 2012.

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans and documents:** CBC303-107 C, 2200 B, 2009H, CBC303-410, CJM-2 2000A, CJM-2 2001A, CJM-2 2002A, CJM-2 2010A, GPM 558-1 Lighting Design, Sustainability Statement dated 4th October 2010, Development Brief June 2010, 160-02D, CBC303-107 C and Landscape Management Plan 18th January 2011.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **The development, hereby permitted, shall be carried out in accordance with the approved external materials schedule dated 29th July 2011.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. **The development, hereby permitted, shall be carried out in accordance with the approved boundary treatment, plan no. CBC303-103 REVISION A.**
(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.)
5. **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. **The development, hereby permitted, shall be carried out in accordance with the approved foul water drainage scheme, plan no. 210/465/05 REV B.**
(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.)

- 7. The development, hereby permitted, shall be carried out in accordance with the approved Surface Water Drainage Scheme, plan no. 10/465/01K.**
(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.)
- 8. The development, hereby permitted, shall be carried out in accordance with the approved Pollution Control Scheme, plan no. 10/465/01K.**
(Reason - To reduce the risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
- 9. The development, hereby permitted, shall not be occupied until all identified flood alleviation and protection measures have been completed in accordance with the approved scheme.**
(Reason - To prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- 10. The development, hereby permitted, shall be carried out in accordance with the approved Fire Hydrant Scheme, plan no. SC-0613 REV B.**
(Reason - To ensure an adequate water supply is available for emergency use.)
- 11. The finished floor levels of the proposed dwellings in relation to the existing and proposed ground levels of the surrounding land shall be no lower than 10.80m above Ordnance Datum Newlyn (ODN) unless otherwise agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.**
(Reason - In the interests of residential/visual amenity, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 12. The garages, hereby permitted, shall not be used as additional living accommodation.**
(Reason - To ensure the continued provision of off-street parking space in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 13. The development, hereby permitted, shall be carried out in accordance with the approved Refuse Storage Scheme, plan no. CJM-02 2010 REV A.**
(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 14. The development, hereby permitted, shall be carried out in accordance with the approved Contamination Remediation Scheme MLM Environmental Report Dated February 2011.**
(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

15. The development, hereby permitted, shall be carried out in accordance with the approved External Lighting scheme GPM Lighting Design, dated 20th July.

(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.)

16. The development, hereby permitted, shall be carried out in accordance with the approved cycle gate under plan no. CBC3030-110.

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

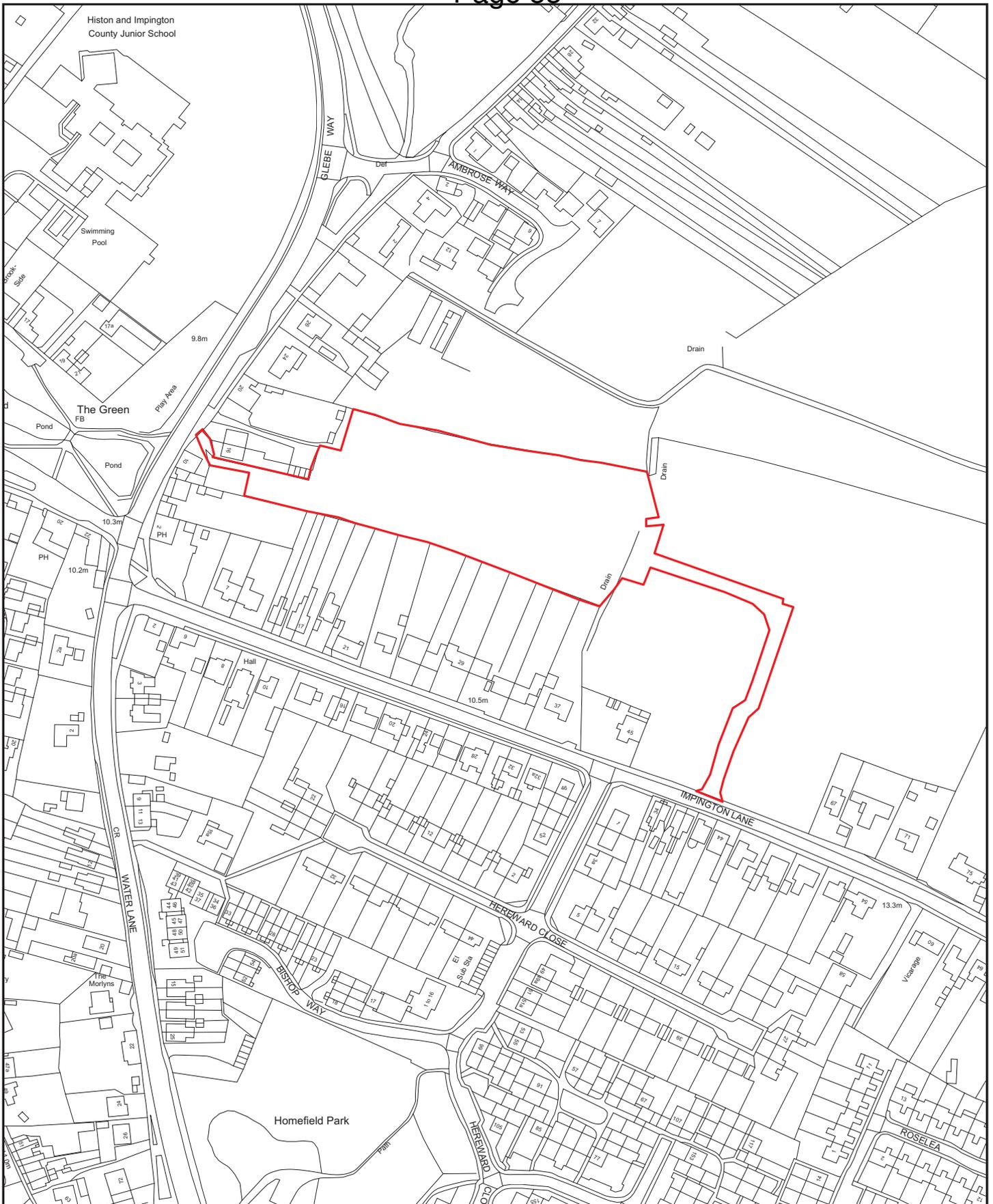
17. The development, hereby permitted, shall be carried out in accordance with the approved transport management schem, plan no. CBC303 TRAFFIC.

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

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

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

Contact Officer: Mike Jones – Senior Planning Officer
01954 713253



**South
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Planning Dept - South Cambridgeshire DC



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0464/12/VC – HISTON & IMPINGTON
Erection of Four Residential Units Following Demolition of Existing Buildings
and Rationalisation of Rear Gardens to Nos. 51, 53, and 55 Station Road
(Variation of Condition 5 of Planning Permission S/0307/08/F)
at 49 Station Road for The Strategic Land Partnership LLP

Recommendation: Approval

Date for Determination: 30th April 2012

Notes:

This application has been reported to the Planning Committee for determination as the recommendation of officer's conflicts with the recommendation of Histon Parish Council

Site and Proposal

1. The site is located within the Histon village framework and conservation area. It formerly comprised No. 49 Station Road, which was a detached dwelling and Bishops Cycles, a retail unit that projected to the rear of the adjacent terrace of dwellings at Nos. 51, 53, and 55 Station Road. These buildings have now been demolished and the site is vacant. A beech tree subject of Tree Preservation Order is situated in the north eastern corner of the site. A hedge aligns part of the western boundary adjacent Station Road.
2. This full planning application, received 5th March 2012, proposes changes to the approved plans listed under condition 5 of planning consent S/0307/08/F. The changes apply to all four units and comprise the following: -
 - i) Provision of a basement to provide a utility room, wc, storage and family room;
 - ii) Removal of rear single storey conservatory;
 - iii) Internal layout changes to the ground floor and second floor;
 - iv) Additional first floor window to side elevation to serve shower room to bedroom 2;
 - v) Additional second floor window to rear elevation to serve bedroom 4; and,
 - vi) Increase in size of the rear carport that serves all the dwellings.

Planning History

3. Planning permission was granted under reference S/0073/11 for the erection of four residential units following demolition of existing buildings and rationalisation of rear gardens to Nos. 51, 53, and 55 Station Road (variation of conditions 5 and 13 of planning permission S/0307/08/F).

4. Planning permission was granted under reference S/0307/08/F for the erection of four residential units following demolition of existing buildings and rationalisation of rear gardens to Nos. 51, 53, and 55 Station Road.
5. Conservation area consent was granted under reference S/1113/07/CAC for total demolition of the dwelling at No. 49 Station Road.
6. Planning permission was refused under reference S/0163/07/F for the erection of four residential units following demolition of existing buildings and rationalisation of rear gardens to Nos. 51, 53, and 55 Station Road.
7. Conservation area consent was refused under reference S/0164/07/CAC for total demolition of the dwelling at No. 49 Station Road.
8. An appeal was dismissed under reference S/2111/06/F for the erection of seven dwellings and two retail units.
9. An appeal was dismissed under reference S/2090/06/CAC for total demolition of the dwelling at No. 49 Station Road.
10. An appeal was dismissed under reference S/1007/06/F for the erection of four dwellings and garages following demolition of existing cycle shop and the provision of rear gardens to Nos. 51, 53, and 55 Station Road.
11. Planning permission was refused under reference S/0124/06/F for the erection of four dwellings and garage following demolition of existing cycle shop and the provision of rear gardens to Nos. 51, 53, and 55 Station Road.
12. Planning permission was refused under reference S/0584/05/F for the erection of two dwellings and one bungalow following demolition of existing cycle shop.
13. Conservation area consent was granted under reference S/0583/05/CAC for total demolition of the cycle shop.
14. A planning application under reference S/1260/04/F for a residential development was withdrawn.
15. An appeal was dismissed under reference S/0911/02/F for a residential development.

Planning Policy

16. **Local Development Plan Policies**

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

South Cambridgeshire LDF Development Control Policies DPD, 2007:
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density

HG/2 Housing Mix
HG/3 Affordable Housing
NE/6 Biodiversity
CH/5 Conservation Areas
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Development Affecting Conservation Areas SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010
Affordable Housing SPD - Adopted March 2010

17. **National Planning Guidance**

National Planning Policy Framework

18. **Circulars**

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

19. **Histon Parish Council** – Recommends refusal and makes the following comments: -

- i) Proposal to form a basement to each property makes this application out of proportion to the one previously passed;
- ii) Highlight protection of tree when excavating basement;
- iii) Concerns of debris on highways during excavation and request for a wheel wash on site;
- iv) Insurance for properties with a basement in close proximity to the brook;
- v) Would like to see an archaeological survey before works commence; and,
- vi) Site visit from SCDC Building Control followed up by a report.

20. **Environmental Health Officer** - Comments are awaited.

21. **Land Contamination Officer** - Comments that no contamination investigation condition is required.

22. **County Archaeologist** - Comments that the archaeology condition subject of the original planning permission has been discharged so no further condition is necessary.

23. **Building Inspector** - Has no adverse comments.

24. **Trees and Landscapes Officer** - Comments are awaited.

25. **Landscape Design Officer** - Comments are awaited.

Representations

Neighbours

26. The occupier of No. 26 Water Lane objects to the application on the grounds that the carport and higher roof lines of the houses would block evening sunshine to the garden, the redevelopment of the site will not retain the well to the rear of No. 55 Station Road, two trees have been removed where the proposed carport would be located and these should be replanted in the same position which would result in the loss of two parking spaces.
27. The occupier of No. 57 Station Road requests access to the rear of the property as proposed for neighbours.

Applicant's Agent

28. The applicant's agent has the following comments in response to the objections from the Parish Council and neighbour: -

PC comments:

- i) The basement will not be visible from the public domain, and does not offend any provisions within the development plan.
- ii) Tree protection measures around the tree are already in place and the details have been approved through the discharge of conditions.
- iii) If necessary wheel washing can be covered through condition, although it typically would not be required for scheme comprising 4 dwellings.
- iv) Insurance for properties is not a material consideration.
- v) Archaeological investigation has already been carried out and the relevant condition has been discharged by SCDG.

Neighbour comments:

- i) We have consent for the carport. The proposal seeks a modest extension, which we do not believe will have a material impact on no. 26.
- ii) There is a well, privately owned, and previously covered by the previous building for 40 plus years. It is located in the parking area, so there would in theory be access. The covenant is not a planning issue.
- iii) We are unclear what trees are being referred to, as there have not been any trees around parking spaces 1 and 2. The 2005 topographic survey shows no trees along either the boundary with 26 Water Lane, or 57 Station Road, nor do photos taken in July 2006.

Planning Comments – Key Issues

39. The main issues to consider in the determination of this application relate to the impacts of the changes to the approved development upon the character and appearance of the conservation area, the amenities of neighbours, and trees and landscaping.

Principle of Development

30. The principle of the erection of four dwellings on the site has already been established through planning consent S/0307/08/F.

Character and Appearance of the Conservation Area

31. The proposed creation of a basement to the dwellings, removal of a single storey rear extensions, and additional fenestration would not change the visual impact of the dwellings upon the character and appearance of the conservation area.

Neighbour Amenity

32. The new first floor windows in the side elevations would not harm the amenities of neighbours through overlooking providing a condition is attached to any consent to ensure that they would be obscure glazed and fixed shut. The second floor rear windows would be at the same position as the first floor rear windows and not result in a loss of privacy.
33. The increase in the length of the carport is not considered to have an adverse impact upon the amenities of neighbours. It would have a similar impact as the previous building had on the neighbour at No. 55 Station Road and is not considered seriously harmful to the neighbour at No. 26 Water Lane: whilst it is acknowledged that it would be visible from the rear garden and the dwelling at No. 26 Water Lane, it is not an unduly overbearing mass and would not result in undue overshadowing to that property given its position to the west of the dwelling and north west of the patio area, and that it would be low in scale and height at a distance of 8 metres from the window in the rear elevation and have a roof sloping away from boundary fence near the patio area.

Trees and Landscaping

34. The important Beech tree on the site would be protected during construction.

Other Matters

35. An archaeological investigation report has been submitted as part of a condition of the previous planning permission under reference S/0307/08/F.
36. The Local Highway Authority has not requested a wheel wash strategy for this scale of development.
37. The properties are not located within close proximity of the Brook or the high risk flood zone. Building Regulations will ensure the basements are fit for habitation.
38. Building Control officers would assess the development for compliance with the Building Regulations during construction as part of a building regulations application.

Conclusion

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

Recommendation

40. Approval. The following conditions and informatives are suggested: -

Conditions

- i) Time Limit
- ii) Approved Plans
- iii) Materials
- iv) Timber Windows
- v) Dormer Details (as approved)
- vi) Tree Protection
- vii) Trees- Hand Dug Construction
- viii) Hedge Retention
- iv) Hard and Soft Landscaping
- x) Landscaping Implementation
- xi) Boundary Treatment
- xii) Archaeological Investigation (as approved)
- xiii) Bins and Carport (as approved)
- xiv) Access, Parking, and Turning (as approved)
- xv) Vehicular and Pedestrian Visibility Splays
- xvi) Removal of PD Rights
- xvii) Power Operated Machinery

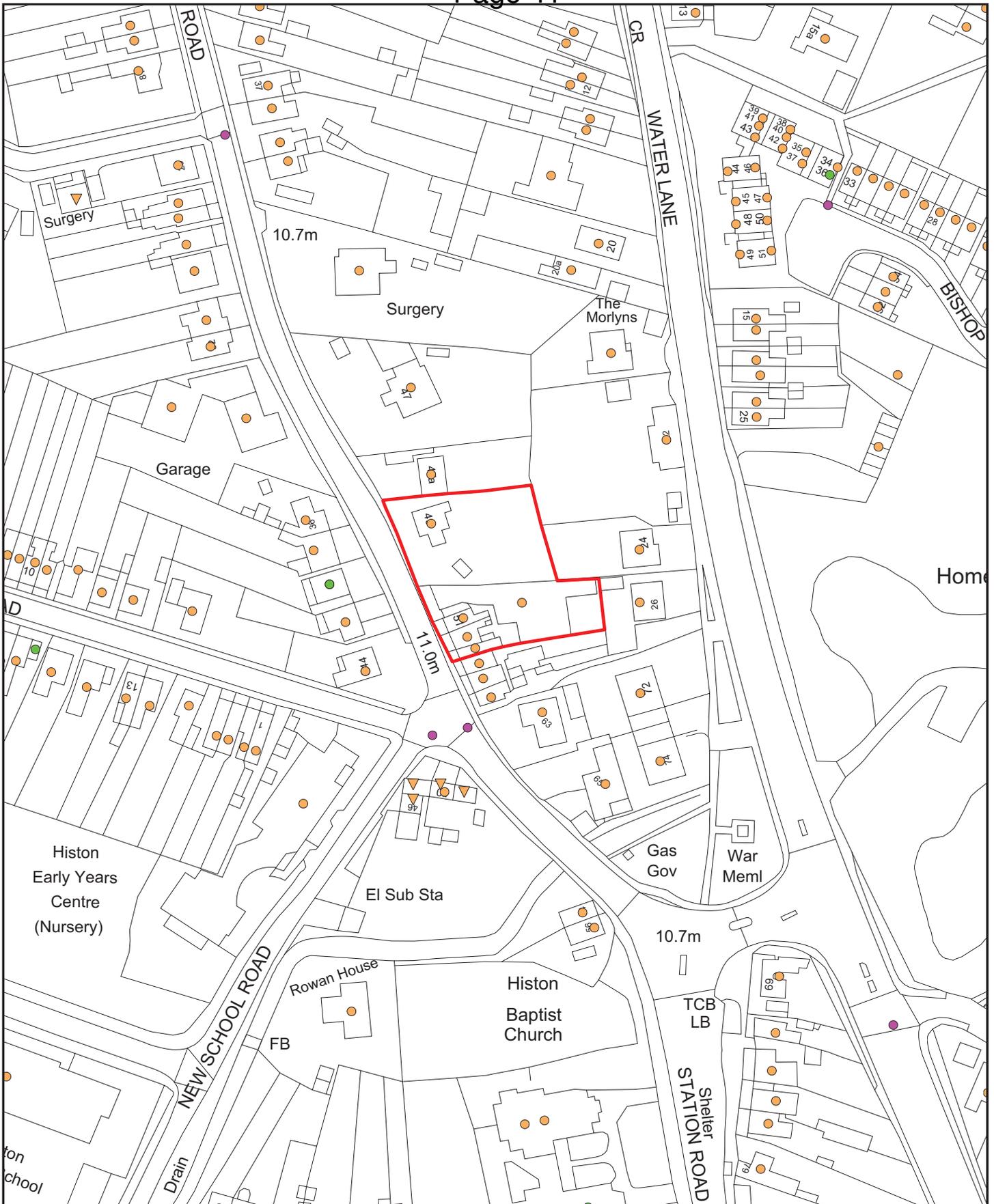
Informatives

- i) Section 106 agreement
- ii) Burning of waste

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Biodiversity, Landscape in New Developments, and District Design Guide
- National Planning Policy Framework
- Planning File References: S/0464/12/VC, S/0073/11, S/0307/08/F, S/1113/07/CAC, S/0164/07/CAC, S/0163/07/F, S/2111/06/F, S/2090/06/CAC, S/1007/06/F, S/0124/06/F, S/0584/05/F, S/0583/05/CAC, S/1260/04/F, & S/0911/02/F.

Contact Officer: Karen Pell-Coggins - Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

**S/2290/10 - LONGSTANTON
10 Dwellings - 53 Woodside, Longstanton
for Stepford Homes (Southern) Limited****Recommendation: Delegated Approval****Date for Determination: 18 March 2011**

This application has been reported to the Planning Committee as a recommendation of approval would conflict with written representations on material planning grounds received from the Parish Council

Members will visit the site on 8th May 2011

This is a Departure application

Site and Proposal

1. The existing dwelling of 53 Woodside sits on a large plot located inside the designated Longstanton village framework. The site is excluded from the Longstanton Conservation Area, although this runs along the northeast, southwest and partially across the southeast boundaries of the site. The other boundary to the Conservation Area is to the northwest boundary of the neighbouring property at 41 Woodside. The southwest boundary of the site is adjacent to a Protected Village Amenity Area that includes the frontage trees along Thatchers Wood.
2. The full application, received on 24th December 2010, seeks the demolition of the existing bungalow and replacement with 11 dwellings on the site. The amendment dated 14th February 2012 reduces the number of dwellings to 10. This would include the provision of four affordable units. The development would create a cul-de-sac with a turning head. The application is accompanied by a Design and Access Statement, an Ecology Survey and Code for Sustainable Homes Assessment, a Tree Report, a Sustainability Statement, an Open Space Statement, a Heritage Statement, a RECAP Waste Management Design Toolkit, and a Flood Risk Assessment.

Planning History

3. Application **S/0303/78/F** granted consent for a bungalow following the demolition of the existing dwelling on the site.

Policies

4. **Local Development Framework Core Strategy Development Plan Document (LDF CS) 2007: ST/6 Group Villages**
5. **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 Developments, DP/7 Development Frameworks, HG/1 Housing Density, HG/2 Housing Mix, HG/3 Affordable Housing, SF/6 Public Art and New Development, SF/10 Outdoor Playspace, Informal Open Space, and New Developments, SF/11 Open Space Standards, NE/1 Energy Efficiency, NE/3 Renewable Energy Technologies in New Development, NE/6 Biodiversity, NE/9 Water and Drainage Infrastructure, NE/12 Water Conservation, NE/15 Noise Pollution, CH/5 Conservation Areas, CH/6 Protected Village Amenity Areas & TR/2 Car and Cycle Parking Standards.**
6. **Open Space in New Developments SPD – Adopted January 2009, Trees and Development Sites SPD – Adopted January 2009, Development Affecting Conservation Areas - Adopted January 2009, Biodiversity SPD – Adopted July 2009, District Design Guide SPD – Adopted March 2010, Affordable Housing SPD - Adopted March 2010 & Public Art SPD - Adopted January 2009.**
7. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultations

8. **Longstanton Parish Council** recommends refusal of the scheme. They note concerns that parking would cause difficulties for refuse vehicles, that the development would conflict with the character of the Conservation Area, that the development is too large and out of character, and that the scheme is “garden grabbing”. The amended plans were not considered to overcome the objection.
9. The **Council’s Conservation Officer** has been involved in the negotiations on site. The amended plans, despite not including the recommended changes to the access, are considered acceptable.
10. The **Council’s Section 106 Officer** notes the recreation ground is over a kilometre from the site. Provision should be made on site for a LAP but 259 square metres of informal space is proposed instead. Given constraints of the site, this is considered reasonable. There would be a financial payment, to be paid prior to occupation of the 5th dwelling. Contributions towards community facilities, public art, Section 106 monitoring and provision of waste receptacles are also required.

11. The **Council's Housing Development and Enabling Manager** notes the scheme would provide four affordable units, to be socially rented. Given the district need for socially rented two and three bedroom units, this proposal is acceptable. The affordable dwellings shall remain so in perpetuity. There is no requirement for the units to be made available for people with a connection to Longstanton.
12. The **County New Communities Team** seeks contributions towards pre-school need and secondary school need given the shortfall of places at Hatton Park (£8,400) and Swavesey Village College (£15,000). It is noted Cottenham Village College also has no capacity. These figures are based on the latest amended plans.
13. The **Local Highways Authority** notes they would wish to adopt the access and the shared surface should therefore be constructed with blockwork. Conditions are recommended regarding the vehicle-to-vehicle visibility splays, pedestrian visibility splays, drainage of water away from the public highway and materials to be used for individual driveways. An informative regarding works to the public highway is also requested.
14. **Anglian Water** notes the foul drainage development is in the catchment of Over STW that at present has available capacity for these flows. The sewerage system also has available capacity. Surface water disposal is an issue for the Environment Agency although a condition is recommended.
15. The **Council's Trees Officer** notes the Tree report does not include tree protection details for those to be retained on site. The reduced number of dwellings in the amendment is considered positive. A condition is recommended to ensure this information is provided prior to works commencing on site.
16. The **Council's Ecology Officer** has been involved in the negotiations. The amended plans show retention of some fruit trees, with further planting elsewhere on site. No off-site contribution towards orchards is considered necessary. A wildflower grassland below the orchard should be encouraged. The primrose frontage should be protected during construction. A scheme for bird and bat boxes is also recommended.
17. The **Council's Landscape Officer** notes the amendments to the landscape plan are an improvement, although relevant landscape and boundary conditions should be added to the consent.
18. The **County Archaeology Team** notes the site has a high archaeological potential, and suggests an investigation is submitted prior to the granting of planning permission.
19. The **Council's Environmental Health Officer** requests conditions regarding the timing of use of power operated machinery, use of pile driven foundations and a lighting scheme. An informative regarding bonfires and burning of waste is also proposed.

Representations

20. Letter of objection have been received from the occupiers of 9 neighbouring properties and the Thatchers Wood Residents Company Ltd. These letters

relate to the original and amended plans, and multiple letters have been received from some of the objectors. The objections are based upon:

- The principle of development in a Group Village
- Overdevelopment of the site and housing mix
- Impact upon the adjacent Conservation Area
- Impact upon the adjacent Listed Building of The Manor
- Impact upon the designated Protected Village Amenity Area
- Impact upon the street scene
- Design of the units
- Loss of the frontage hedge, trees and an orchard
- Ecological implications and loss of habitat
- Redevelopment of brownfield land
- Archaeological implications
- Overlooking and loss of privacy to a number of neighbouring properties
- Highway safety
- Pressure on the sewage system

Planning Comments

21. The key considerations for the determination of this application are the principle of development, impact upon the setting of the adjacent Conservation Area and Listed Building, impact upon the Protected Village Amenity Area, ecological considerations, impact upon the amenity of the occupiers of neighbouring dwellings, and the Section 106 package.

The Principle of Development

22. Longstanton is classified as a Group Village in the LDF CS 2007, where residential development and redevelopment up to an indicative maximum scheme of 8 dwellings will be permitted within village frameworks. As the scheme seeks 10 dwellings (a net gain of 9), it is considered a Departure from Policy ST/6 of the LDF CS 2007. The application has been publically advertised as such.
23. Policy HG/1 of the LDF DCP 2007 seeks residential developments to achieve average net densities of 30 dwellings per hectare. The site has an area of approximately 0.43 hectares. The existing single dwelling on the site represents development at a density of 2 dwellings per hectare, whilst a scheme of 8 in line with Policy ST/6 represents 19 dwellings per hectare. The proposed amended scheme of 10 units would represent development of 23 dwellings per hectare. This is still below the target densities required within Policy HG/1. There is conflict between policy ST/6 and Policy HG/1 for sites of this nature, as both seek a different number of dwellings from the site. Given the services and facilities within the village, it is considered that the site has the capacity for 10 dwellings, and therefore officers support the Departure from the Local Development Framework in this instance.
24. Policy HG/2 of the LDF DCP 2007 seeks residential developments to contain a mix of units providing accommodation in a range of types, sizes and affordability. In developments of 10 market dwellings, the mix should provide at least 40% one or two-bed units, with 25% of three-bed units and 25% four-bed units. The proposal provides 2 two-bed units and 4 three-bed units, and no larger units form part of the scheme. One of the three-bed units directly

replaces that already on site. There are no objections to the proposed mix of dwellings, which are considered to meet the aims of Policy HG/2.

25. Policy HG/3 seeks 40% or more of dwellings to be affordable in order to meet housing need. The proposal represents a net gain of 9 dwellings, of which 4 (plots 7-10) would be affordable. These numbers are in line with the policy aims. The units comprise of 2 two-bed units and 2 three-bed units and would be rented. The Housing Development and Enabling Manager has confirmed there is the demand for such dwellings and the application is supported. Members should note the site is not an "exceptions site" given its location within the village framework, and therefore the dwellings would not be specifically for those with a local connection to Longstanton. The affordable housing would need to be tied up through a Section 106 Agreement to ensure they remain as such in perpetuity.
26. To summarise the principle of development, the proposal would represent a Departure from Policy ST/6 of the LDF CS 2007, and this is considered appropriate in this instance. The density of development is below the usually required level, the mix provides smaller housing, and the application would provide four affordable units. Members should also be aware that if only 8 dwellings (a net gain of 7) were proposed in line with ST/6, only three affordable units would be required. The Departure therefore does allow the opportunity to secure another unit.

Impact upon the Setting of the Adjacent Conservation Area and Listed Building

27. As noted, the Longstanton Conservation Area runs along the front and rear boundaries of the plot, as well as a portion of the southeast boundary. The land and the neighbouring property at 41 Woodside have therefore specifically been omitted from this designation.
28. The area has a green character, with a lot of hedgerows across front boundaries. This does give Woodside a rural setting, although members should note there are a number of road junctions with Woodside in the vicinity. Opposite the application site is an area of trees that front the Thatchers Wood estate. These also contribute to the green frontages. The application site does have a hedge running the majority of the frontage of the plot. By needing a vehicle access into the site and appropriate vehicle-to-vehicle visibility splays, some of this hedge will need to be removed. However, the proposal includes plans to retain a firm green frontage, supplemented by planting of fruit trees by the open space area. The design also keeps dwellings away from the frontage, with plots 1 and 10 set 10m into the site. It is noted the neighbouring properties of 41 and 57 Woodside are bungalows. However, there is sufficient gap between the proposed units and these dwellings to ensure the increase in height is not prominent in the street scene. 55 Woodside to the rear is a large two-storey dwelling.
29. The Conservation Officer has been involved in the negotiations with regards the amended plans received. The amended schemes appear to have taken into account the requests by the Conservation Officer, except the access has not been altered to show a slight bend of Y-shaped turning head, both requested to break the uniformity of the access road. Despite this omission, the Conservation Officer has confirmed the acceptability of the amended plans dated 14th February 2012.

30. The Manor is a grade II listed property located next to 41 Woodside. The access to the dwelling would be approximately 110m from the boundary of the application, and would not be viewed alongside the application site. The proposal is not considered the proposal would harm the setting of this Listed Building.

Impact upon the Protected Village Amenity Area

31. The footpath to the front of the site, the road and the tree area opposite are all located within a Protected Village Amenity Area. Policy CH/6 of the LDF DCP 2007 states development would not be permitted within or adjacent to a Protected Village Amenity Area if it would have an adverse impact on the character, amenity, tranquillity or function of the village. The area is again characterised by the green areas along the roads. The development would remove a section of the existing hedge, particularly southeast of the access. However, the planting proposed would retain the green front. It is appreciated that the planting would take time to mature, but it should ensure the green frontage retention needed in the area. Subject to a landscaping scheme, it is considered the proposals would not harm the adjacent Protected Village Amenity Area or the principles behind this designation.

Ecological Considerations

32. The application site has been cleared of vegetation prior to the submission of the application. This vegetation was not considered of any great merit in itself, and was not protected in its own right. The fruit trees to the rear of the site have been retained. The amended plans show retention of a number of these trees (which were originally all to be removed). Further fruit tree planting has also been incorporated into the design. The amendments are therefore a significant improvement. A condition can ensure bat and bird boxes are placed on site, whilst details of the fruit trees can be clarified by way of a landscape condition.

Impact upon the Amenity of the Occupiers of Neighbouring Dwellings

33. The neighbouring property to the northwest is 41 Woodside. This is a bungalow set quite close to the boundary of the site. This shared boundary is an unkept leylandii hedge that is currently significantly taller than the bungalow itself. The plan shows that works would take place to this hedge, the details of which would be confirmed in the landscape plan. The development proposes five dwellings on the northwest side of the cul-de-sac. These are all located more than 15m from the shared boundary except for plot 5 set deep into the site which comes within 11.5m of the shared boundary. Whilst the dwellings will be visible from the rear openings of the bungalow and the rear garden, the proposal would not appear unduly overbearing. The distance also allows first floor windows serving habitable rooms in the rear elevations of the units and no overlooking or loss of privacy would result.
34. To the southeast of the site is the bungalow of 57 Woodside. This dwelling is located on the opposite side of a vehicle access that serves 55 Woodside to the rear. The southeast boundary of the application site has a large area of planting, and this would be retained. Plots 7-10 would be located between 18m and 22m from the boundary of 57 Woodside. At this distance, the

proposal would not be viewed as overbearing from 57 Woodside, and would not cause any overlooking to the occupiers of this property.

35. The backland plot of 55 Woodside is a large detached two-storey property with a large rear garden. Plot 5 would be located 5m from the shared boundary at its nearest point. The first floor windows to the rear elevation could allow some overlooking to the rear garden area. However, the dwelling has been designed to have a bathroom and landing nearest 55 Woodside. A condition can ensure these openings are obscure glazed. A condition can also prevent openings in the side openings, which would cause more serious overlooking. This elevation is currently blank. Plot 5 is considered to have an acceptable relationship with 55 Woodside.
36. Plot 6 sits approximately 4m from the shared boundary. It has a blank facing elevation, and a condition can prevent first floor windows to prevent any potential overlooking toward 55 Woodside. No overlooking of private areas should result from the layout of the property.

The Section 106 Package

37. The applicant is aware of the need to submit a Section 106 Agreement that would cover the retention of the affordable units in perpetuity, educational contributions, open space provision and public art provision. Negotiations are taken place between solicitors and a draft Section 106 has been produced. An area of open space is proposed to the rear of the site with planting areas to the front, which would allow the dwellings to be set back, and the green frontage retained. Members will be updated on any further progress on this matter. The Section 106 should be signed prior to the issue of an approved decision notice.

Other Matters

38. Policy NE/3 of the LDF DCP 2007 seeks development greater than 10 dwellings will to include technology for renewable energy to provide at least 10% of predicted energy requirements. The Sustainability Statement submitted with the application does provide details as to energy and water saving methods to be used, but does not mention energy generation. A later e-mail states renewable technologies will be encouraged. A condition can ensure they do take place as part of the development. Details of water conservation are shown in the Sustainability Statement and the e-mail dated 16th March 2011. Whilst this approach is encouraging, a full Water Conservation Strategy will be needed and can be conditioned in line with Policy NE/12 of the LDF DCP 2007.
39. The comments from the Local Highways Authority are noted, and the proposed conditions and informative can be added to any consent. Local concern regarding the proximity of the proposed access to that serving 55 Woodside is noted. However, it is considered there would be good separation between the two. The existing access to 55 Woodside would serve plot 6. There is an existing access to the existing dwelling at 53 Woodside, and therefore this access would not have a material change in journey numbers. It is slightly sub-standard by Woodside, but there is no justification for any upgrade given the current situation. The Parish Council's concerns that parking would cause difficulties for refuse vehicles are not supported.

40. The comments from the Environmental Health Officer are noted. The conditions and informatives can be added, although detailing of pile foundations would be added as an informative rather than a condition as it is governed by Environmental Health legislation.
41. The comments from Anglian Water are noted. The site does have the capacity for the increased flows, and a surface water drainage condition can be added to ensure flood risk is minimal. There is also existing capacity to deal with the additional foul water drainage.

Recommendation

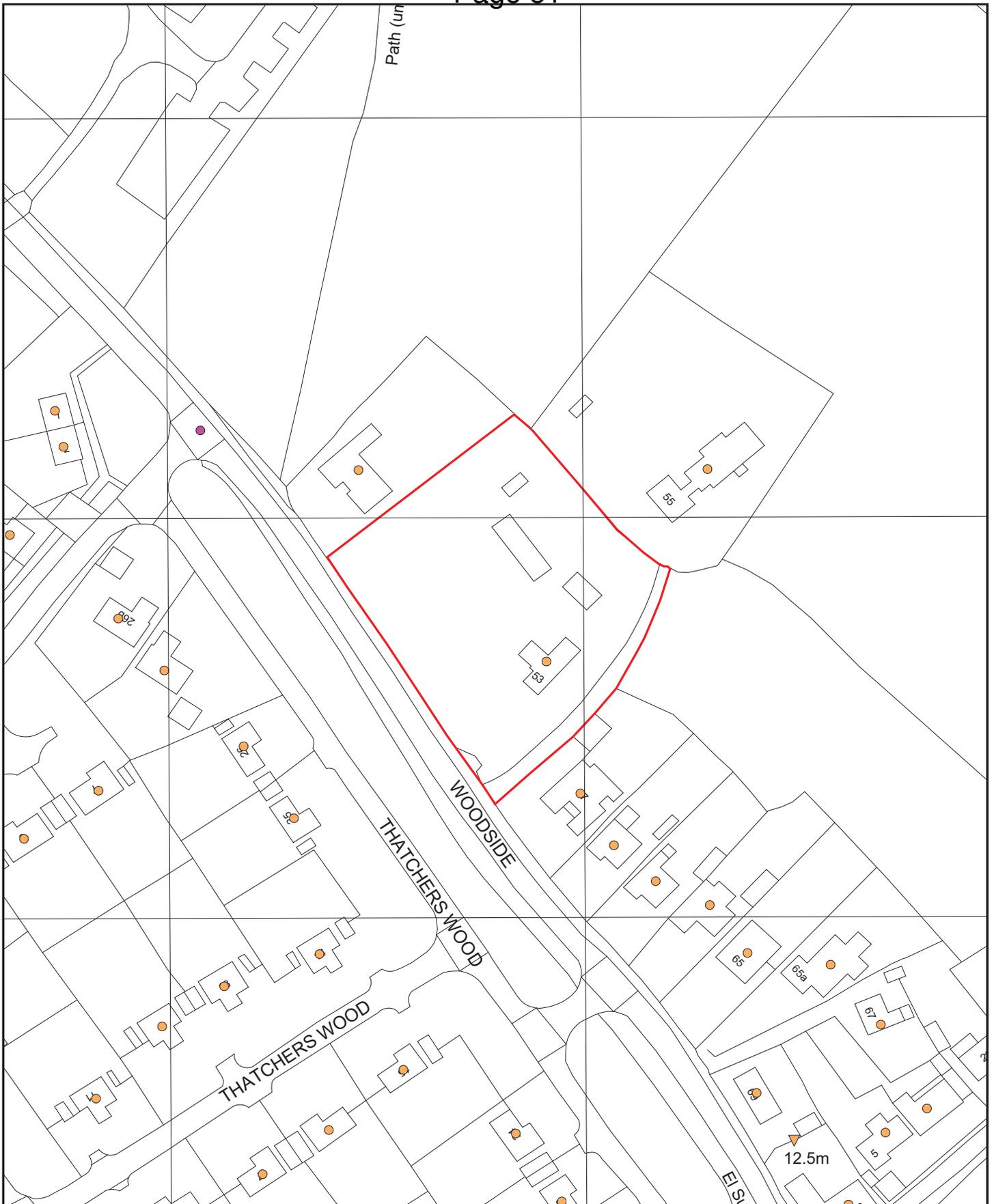
42. Delegated Approval, subject to completion of an archaeological investigation of the site and the completion of the Section 106 Agreement. If the scheme is approved, conditions would be required regarding the time for implementation, the approved plans, vehicle-to-vehicle visibility splays, pedestrian visibility splays, drainage of water from the public highway, materials to be used for the access and individual driveways, tree protection measures, surface water drainage, a scheme of ecological enhancement, a landscaping plan and implementation plan, boundary details, timing of use of power operated machinery, lighting from the proposal, removal of permitted development rights for windows to plots 5 and 6, obscuring glazing at plot 5, a scheme of ecological enhancement, a scheme for renewable energy generation and a Water Conservation Strategy.

Informatives regarding works to the public highway, bonfires and burning of waste, and pile driven foundations can also be added.

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

- **South Cambridgeshire Local Development Framework Core Strategy.**
- **Local Development Framework Development Control Policies 2007.**
- **Open Space in New Developments SPD, Trees and Development Sites SPD, Development Affecting Conservation Areas, Biodiversity SPD, District Design Guide SPD, Affordable Housing SPD & Public Art SPD.**
- **Circular 11/95 – The Use of Conditions in Planning Permissions.**
- **Circular 05/2005 - Planning Obligations.**

Planning File ref: S/2290/10 and S/0303/78/F.



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/2455/11/F - MELBOURN**Change of Use of 3 and 4 Falconer Court at rear of site from Offices to Class C3 Residential (2 x 1 bed units) at Falconer Court, rear of 117A High Street Melbourn for Ms Rachel Jones****Recommendation: Delegated Approval****Date for Determination: 02 March 2012****Notes:**

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Melbourn Parish Council

The site lies in the Conservation Area.

Site and Proposal

1. The application site is located off of Melbourn High Street adjacent listed buildings and located in the designated Conservation Area. It has a shared access with No. 17 High Street and the neighbouring salon via the High Street and sited between both the residential and commercial premises. The application building is set back from the main building line that fronts the High Street. There is manoeuvrable off road parking for up to 3 vehicles, spaces of which are shared with the commercial use sited at 1 and 2 Falconer Court (Hair Salon). The application property comprises a two storey rendered building that has been used as offices. It has recently been refurbished and has an area of undercover storage located at ground floor (shown as bin storage on the site layout plan). To the north/north east is No. 17 High Street and associated garden. This is a listed residential property. To the south/south west is another residential property and ancillary garden space. To the south east (immediately to the rear of the application building) is garden land not owned by the applicant. The site is bound predominately by close boarded fencing.
2. The application dated 8th December 2011 proposes the conversion of the existing building from office use to residential comprising two 1 x bedroom houses. There is no garden land associated with the existing building and none is proposed. Off road parking is to remain unchanged and 2 spaces are proposed, 1 for each unit. No changes are proposed to the external appearance of the property and no new openings are proposed. The application, since its registration, has had marketing evidence submitted to show that the property has been marketed under its current use prior to seeking a formal change of use via this application.

Planning History

3.
 - S/0350/77/A – Advert - approved
 - S/0225/79 – Addition of a consultation room – Approved
 - S/0913/76 – Use of building as office – Approved

- S/0804/81 – Change of use from Barn to office – Approved
- S/0276/08 – Change of Use to 2 residential units – Withdrawn.
This application was withdrawn as the scheme was being recommended for refusal due to lack of marketing information and parking layout.

Planning Policy

4. Local Development Plan Policies

South Cambridgeshire LDF Core Strategy DPD, 2007:

ST/5 – Minor Rural Centre

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

CH/4 Development within the Curtilage or Setting of a Listed Building

CH/5 Conservation Areas

ET/6 Loss of Rural Employment to Non Employment Uses

HG/3 Affordable Housing

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

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009

District Design Guide SPD - Adopted March 2010

5. National Planning Guidance

National Planning Policy Framework

6. Circulars

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

- Melbourn Parish Council** –Recommend refusal – Unacceptable vehicular exit/entrance already, these changes will make matters worse. (Opposite bus stop in the High Street and parking allowed on either side of the entrance etc.) Unrealistic parking allocation. Adjacent dwellings have objected because of traffic problems. This change will deplete a viable office type activity in the village.
- Local Highways Authority** –The LHA objected to the originally submitted parking layout as it was impractical. It considered it possible to park two vehicles safely within the required dimensions with adequate reversing space. The revised parking layout is considered to be acceptable.
- Economic Development Panel** – The applicants need to be aware of the relevant policies in place to protect commercial premises within villages. Appropriate marketing evidence will be required to prove that this site has endured the correct processes that are required by policy ET/6.

Representations

10. Three representations have been made with regard to this application. Two of these come from the occupiers of No. 117 High Street. Other representations are from the occupiers of 82 High Street, located opposite the entrance of the application site. Concern has been raised with regard to the following points:-
- The address of the application site is inaccurate and should be referred to as No. 3 Falconer Court rather than 117a High Street.
 - The application information is incorrect as internal works were carried out to the building prior to this application being submitted.
 - As a resident of the neighbouring property it is stated that this property has never been or intended to be used as residential from its conception.
 - Increased traffic movement in the existing access that is used by 117 High Street, 1 and 2 Falconer Court (the salon) and 3 Falconer Court (which currently has an office use class).
 - The current parking arrangement for altered images comprises two car spaces and one motor cycle space. Not as shown on the plans submitted.
 - The space does not allow for safe vehicle movement
 - With the unacceptable off road provision it would create an increase of on road parking on an already busy High Street
 - The salon customers already park on the High Street
 - The Post office located on the High Street generates significant on road parking levels
 - The entrance to the site is opposite a busy bus stop.
 - Intensification of the access onto the busy High Street due to inadequate parking provision. None received.

Planning Comments – Key Issues

11. The main areas of concern with regard to this application are the principle of the development, impact on Conservation Area and the neighbouring listed buildings wider setting, impact on neighbour amenity and highway safety.

Principle of development

12. The proposed loss of an existing business use in a village is not normally considered acceptable. Once lost it is very unlikely that the use will return in years to come and therefore the loss of a commercial/employment use must be examined carefully. As part of the determination process this application was discussed at the officers Economic Development Panel, the comments of which are noted above. The applicant was referred to the relevant policy (ET/6) and has since submitted marketing evidence to show that the premises have been marketed as office space for some time. The evidence submitted shows copies of 18 of the 19 adverts that were placed in the Cambridge Evening News and Business Weekly during the period April 2010 and April 2011. Advertising is said to have stopped after April 2011 because of the cost and lack of enquiries but the property remains on the books (and website) and has been effectively and publically marketed for two years with no serious interest being shown.
13. In light of the above it is considered by officers that the application site has been adequately marketed for a considerable time period and at a reasonable price.

Impact on Conservation Area

14. There are no changes to the external appearance of the building in the proposed scheme. As indicated by one of the neighbours, the refurbishment of the building was carried out sometime ago. It was raised as an Enforcement request and officers visited the site to assess the changes. These consisted of predominately internal works and changes to the fenestration (removal of a garage door to a door and a window). It was considered that the retrospective changes did not require specific planning permission in this instance as the property was not listed and the changes matched the existing property well. It was considered an improvement to the external appearance of the property and no change of use was proposed at that time.
15. The change of use to the application building is not considered to have an adverse impact on the setting of the neighbouring listed building or the wider Conservation Area. The external appearance will remain unchanged and the overall use reflective of other neighbouring properties which is a mixture of both residential and commercial premises. The appearance of the yard is considered to have been improved visually; however, the premises as a commercial unit did not look particularly different to that of a residential property in the first instance.
16. With the revised parking layout having been submitted and in line with the parking standards as set out in the Local Development Framework Policies adopted 2007 the visual impact of cars on the site within the conservation area and listed building are not considered to materially harm the heritage assets and vehicle parking may even be reduced in the long term. In light of the above it is not considered reasonable for officers to recommend refusal based on impact of the proposal on the conservation area, setting of the neighbouring listed building or street scene.

Impact on Neighbour Amenity

17. The change of use does not propose any external changes. The openings in the building already exist and the internal arrangement appears to best reflect a scheme that respects the neighbouring units. The openings on the rear for the bathrooms and light over the bedrooms can be appropriately conditioned to be obscure glazed and/or high level where considered necessary. As the openings look over existing garden space that is not in the applicants' ownership this would help address any potential overlooking. However, as an office use this arrangement was already in place and overlooking has never been raised as issue in the past. As an existing building it is not considered to present any new problems with regard to being overbearing or overlooking.
18. The biggest concern with regard to impact on neighbour amenity that has been raised by the Parish and neighbours is the proposed provision of off road parking and the potential increase in traffic movement. It is considered by some neighbouring occupiers that the proposed change of use will have a knock on effect on highway safety off site.
19. The applicant has revised the scheme to show that there is one space to be made available to each property. This is in line with the parking standards adopted in the local plan and detailed further below under Highway Safety. Melbourn is considered as a Minor Rural Centre and as such is considered to have good transport links. A bus stop is located directly outside the application site and a train station is located in the neighbouring village. The properties are very small units comprising only one bedroom each, shared living/dining space with limited storage space (for bins and bikes) and 1 car parking space each.

20. The worst case scenario is that at most two people are likely to reside in each property and there is the potential for each person to own a car; the comings and goings of which are expected to coincide with the neighbouring units and increase on road parking. The Councils standards are to promote sustainable transport and the aim of the 'maximum' figure is to aid reduction in car use. Properties with 3 bedrooms in a similar location are requested to provide up to 1.5/2 off road spaces, yet the occupancy could be as high as 6 residents with 6 separate cars. The particulars of properties are made available to the occupiers when rented or sold and parking is a key factor for those who own vehicles. In this case if the occupants own 2 cars each, one that always remains on the drive and the other in the road because they only drive at weekends the aim of the policy has worked and more sustainable transport methods used. In addition the movements are decreased to and from the site. If the occupiers require more parking spaces they are likely to choose to reside elsewhere. In short it is difficult to predict how the occupiers may choose to travel but the parking standards have been met and the provision relative to the house size and location. It is an added advantage that each unit has one space available, in some instances parking for this size unit in similar locations is not required at all.
21. It is likely that these units will attract young couples, individuals, potentially even single parents with a young child but it is not likely that it will generate a significant level of noise and disturbance over and above what is already permitted as an office use and nor is it considered that the proposed use will result in an unacceptable increase in vehicular movements. There will be people resident for a longer period over certain times of the day, but on balance this is not considered to be harmful to neighbour amenity. It may even result in less vehicular movement as residents may not have a car, may use the public transport or work locally in the village where more sustainable methods may be utilised such as walking or cycling. This may/may not have been the case whilst the building was used as an office, but with limited interest and predominately empty premises over the last two years, any movement here will be more than what has recently been experienced and this also has to be taken into account.
22. It is considered that the impact the proposed parking and vehicular movement will have on neighbouring properties is minimal and therefore a recommendation of refusal based on neighbour amenity is not considered reasonable or justified.

Impact on Highway Safety

23. A proposal for 2 x 1 bed units in an area with good transport links would require no more than 1 space per unit as a maximum. The application proposes 2 spaces and therefore is considered to have adequately addressed off road parking provision for the proposed change of use. The originally submitted scheme proposed an over provision that was not workable and the Local Highway Authority raised an objection to the scheme. Further discussion with the applicant has enabled a revision to the scheme that reflects policy but at the same time takes on board the comments made by the LHA. These changes are considered to address the highway safety concerns previously raised.
24. It is reasonable to say that at times, when occupiers of the proposed or surrounding units have visitors or the High Street is particularly busy parking on and off site may be difficult not just for users of the said buildings but other High Street users also. However, it is not considered that the proposed change of use will adversely impact highway safety over and above the existing office use that these buildings already have. With regard to the above officers do not consider it reasonable to warrant a recommendation of refusal based on Highway Safety.

Developer Contributions

25. The applicant is aware of the required contributions and has accepted the calculations. A Council Heads of Terms document has been submitted as part of this application.

Affordable Housing

26. Notwithstanding the proposed change of use the site sees the development of two new dwellings. In line with policy requirements one of the properties should be made available as an affordable unit. The provision of two units such as these positively adds to the much needed smaller housing stock that is likely to be at the bottom of the housing market in terms of price; however this is not considered enough to meet the requirements of the policy HG/3. Based on the small size of the units (115m² in total) it is unlikely that an RSL would want to take an individual unit on. However, the applicant is aware that a contribution is required and happy to proceed with the application on these grounds. Discussions have taken place with regard to figures based on further viability assessments and it is hoped an agreement can be made by the Committee date. Members will be updated accordingly.

Conclusion

27. It is not considered to be good practice to allow buildings to remain unused or redundant when there is an increasing need for uses such as housing. The evidence has been produced to show that this site has been marketed within the specified timescales and longer. It is surrounded by residential properties in a busy and clearly thriving High Street where the impact is considered to be minimal on the Conservation Area. Parking on this site appears to have always been constrained, yet an office use has existed in the past without major problem. Space has been provided on site for storage and parking that meets the requirements of the Councils standards. The proposed use will create two new small residential units with off road parking in one of the District's Minor Rural Centres where space for residential development in the framework is limited. It is not considered an ideal situation to lose commercial premises, however, if the need is not there and it has been clearly demonstrated it is difficult for officers to insist that such uses are retained for the benefit of the local economy. In light of the above officers are of the view that the scheme is recommended for approval subject to conditions and an agreed scheme for affordable housing provision.

Recommendation

27. Approve. The following conditions are suggested: -

Conditions

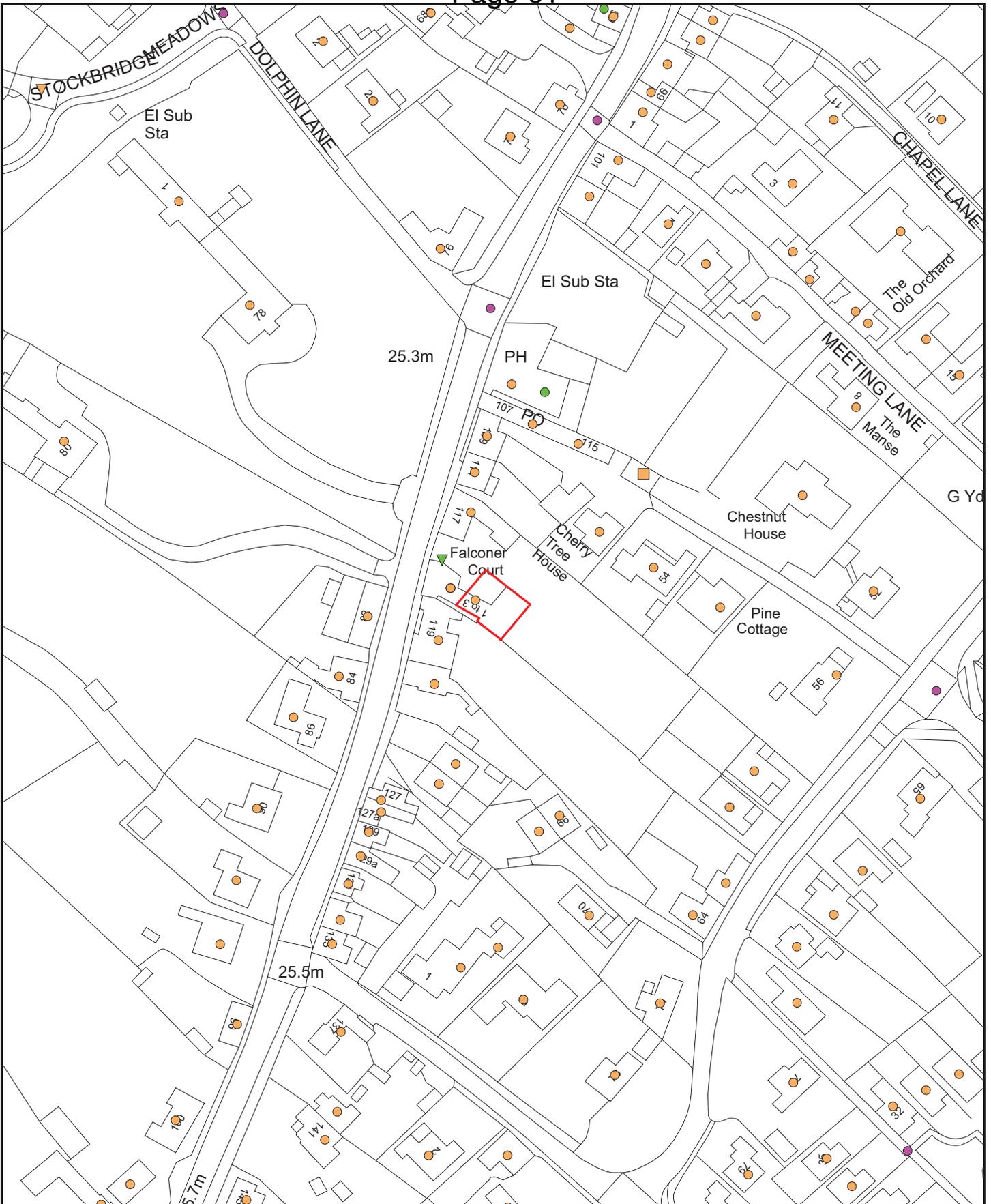
- i) Time Limit
- ii) Approved Plans
- iii) Removal of Permitted Development Rights for Extensions
- iv) Windows on the rear to be fixed obscured
- v) No further openings in any of the elevations or roof slopes
- vi) Parking spaces to be retained for parking only
- vii) Developer Contributions including affordable housing if required.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments and District Design Guide
- National Planning Policy Framework
- Planning File References: S/2455/11

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Telephone: (01954) 713256

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0102/12/FL – MILTON
Dwelling at 53 Cambridge Road for Mr J. Hammond**Recommendation: Approval****Date for Determination: 9 May 2012****Notes:**

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Milton Parish Council

Members will visit the site on Tuesday 8th May.

Site and Proposal

1. The site is located within the Milton village framework. It currently forms part of the rear garden to No. 53 Cambridge Road and measures 0.03 of a hectare in area. No. 53 Cambridge Road is a single-storey detached bungalow that has its gable fronting the road, but the adjacent dwellings are two-storey. It has a long rear garden that backs on to a private road that serves Barnabas Court, a sheltered housing scheme. 1.8 close boarded fences align the boundaries. A grassed verge / amenity area with a walnut tree is situated to the north. The garden to No. 55 Cambridge Road lies to the south.
2. This full planning application, received 16 January 2012, as amended, proposes the erection of a detached, two-storey four bedroom dwelling. It would measure 10.2 metres in length, 6.1 metres in width, and have a height of 4.9 metres to the eaves and 8.9 metres to the ridge. Access would be via Barnabas Court to the rear and the dwelling would be set back 5.5 metres from that road, to allow two parking spaces to be provided to the front. The materials of construction would be bricks for the walls and concrete tiles for the roof.

Planning History

3. A lawful development certificate was approved for a loft conversion and garage conversion under reference **S/0400/10/LDC** at No. 53 Cambridge Road.
4. An appeal was dismissed for a replacement dwelling under reference **S/1314/09/F** at No. 53 Cambridge Road on the grounds of harm to the amenities of the neighbour.

Planning Policy

5. ***Local Development Plan Policies***

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/6 Group Village

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/6 Biodiversity
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Trees & Development Sites SPD - Adopted January 2009
District Design Guide SPD - Adopted March 2010

6. ***National Planning Guidance***

National Planning Policy Framework

7. ***Circulars***

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

Consultation

8. **Milton Parish Council** – Recommends refusal as amended on the grounds that the height of the building is too great in relation to the bungalows at Barnabas Court and 53 Cambridge Road. Cramped and congested form of development, incongruous, and inappropriate. Harmful to the character and appearance of the area contrary to the aims of the relevant Development Control Policies including DP/2.
9. **Local Highways Authority** – Comments that the proposed access to the new dwellings is off the private section of Barnabas Court and there would be no significant affect upon the public highway.
10. **Environmental Health Officer** – Has concerns that problems may arise from noise and suggests conditions restricting times of use of power operated machinery and deliveries. Also suggests informatives with regards to pile driven foundations and the burning of waste on site.
11. **Trees and Landscapes Officer** – Request details of canopy works and no-dig foundation details to be submitted.
12. **Landscape Design Officer** – Comments are awaited.

Representations

13. None received.

Planning Comments – Key Issues

14. The key issues to consider in the determination of this application are the principle of the development and the impacts upon the character and appearance of the area, the amenities of neighbours, highway safety, and trees and landscaping.

Principle of Development

15. The site is located within the village framework of a 'Group Village' where there is a reasonable range of services and facilities and residential developments of up to eight dwellings are considered acceptable in principle subject to all other planning considerations.

Housing Density

16. The site measures 0.03 of a hectare in area including shared parking area. The erection of one dwelling would equate to a density of 33 dwellings per hectare. Whilst this density would not meet the requirement of at least 40 dwellings per hectare for sustainable villages such as Milton as set out under Policy HG/1, it is considered acceptable in this case as the area comprises detached dwellings set within similar sized plots.

Character and Appearance of the Area

17. Cambridge Road is characterised by two-storey detached dwellings set within moderate sized plots in a linear form of development. The exceptions are the commercial garage premises at No. 61 Cambridge Road that has buildings to the rear and No. 53 Cambridge Road that is a single storey dwelling. To the rear of Cambridge Road is Barnabas Court that comprises a building that rises up to three storeys in height.
18. Whilst it is acknowledged that the siting of the proposed dwelling to the rear of No. 53 Cambridge Road and its two-storey scale would be visible above the roofline of the existing property due to its single storey nature, it should be noted that the existing building at Barnabas Court is already seen from public views in Cambridge Road and forms the backdrop this dwelling. At the rear of Cambridge Road, the dwelling would be seen as part of a cluster of buildings including the Barnabas Court development and the buildings to the rear of the commercial garage. The design of the dwelling would be simple and the materials would be similar to that in the surrounding area. The proposed dwelling is therefore considered appropriate and would not result in harm to the character and appearance of the area.

Neighbour Amenity

19. The dwelling would be sited 15 metres from the boundary of No. 53 Cambridge Road and have a window-to-window distance of 25 metres to the main habitable room in the rear elevation of that property. This relationship is considered acceptable in compliance with the Design Guide, and would not result in an unduly overbearing mass that would lead to a loss of outlook or light, or overlooking that would lead to a loss of privacy.
20. The dwelling would be sited adjacent to the very rear section of the adjoining garden at No. 55 Cambridge Road. It is not considered to adversely affect the amenities of that property through being visually dominant when viewed from that garden as the main sitting out area is the rear of the property approximately 20 metres away. It would not result in overshadowing as it would be orientated to the north.

21. The dwelling would be sited 15 metres from the west elevation of Barnabas Court. It is not considered to harm this neighbour as the closest windows serve a stairwell and the main habitable room windows to this building face north. The dwelling would only overshadow part of the verge / amenity area along the Barnabas Court access road. In terms of neighbour amenity, therefore, the proposed dwelling would have an acceptable impact.

Highway Safety

22. The proposal is not considered to result in an increase in traffic that would be detrimental to highway safety. Access would be off a private road and therefore local highway authority standards do not apply. However, adequate pedestrian visibility splays have been provided to ensure the safety of pedestrians from the adjacent sheltered housing scheme.
23. Two on-site parking spaces have been provided in accordance with the Council's maximum standards. The proposal is therefore unlikely to result in on-street parking that would cause a hazard.

Trees and Landscaping

24. The proposal would not result in the loss of any important trees that contribute significantly to the visual amenity of the area providing foundation details and no-dig construction techniques in relation to the adjacent walnut tree are agreed as a condition of any consent.

Developer Contributions

25. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Milton. No open space is shown within the development. The increase in demand for sport and playspace as a result of the development requires a financial contribution of approximately £4,258.90 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution.
26. The South Cambridgeshire Community Facilities Assessment 2009 states that Milton has an excellent standard of facilities. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £703.84 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution.
27. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The agent has confirmed that the applicant would be willing to contribute towards this request.

Conclusion

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

Recommendation

29. Approval as amended. The following conditions and informatives are suggested: -

Conditions

- i) Time Limit
- ii) Approved Plans
- iii) Materials
- iv) Removal of Permitted Development Rights for Extensions
- v) Hard and Soft Landscaping
- vi) Foundations and No-Dig Construction
- vii) Implementation of Landscaping
- viii) Parking
- ix) Power Operated Machinery noise during construction
- x) Developer Contributions

Informatives

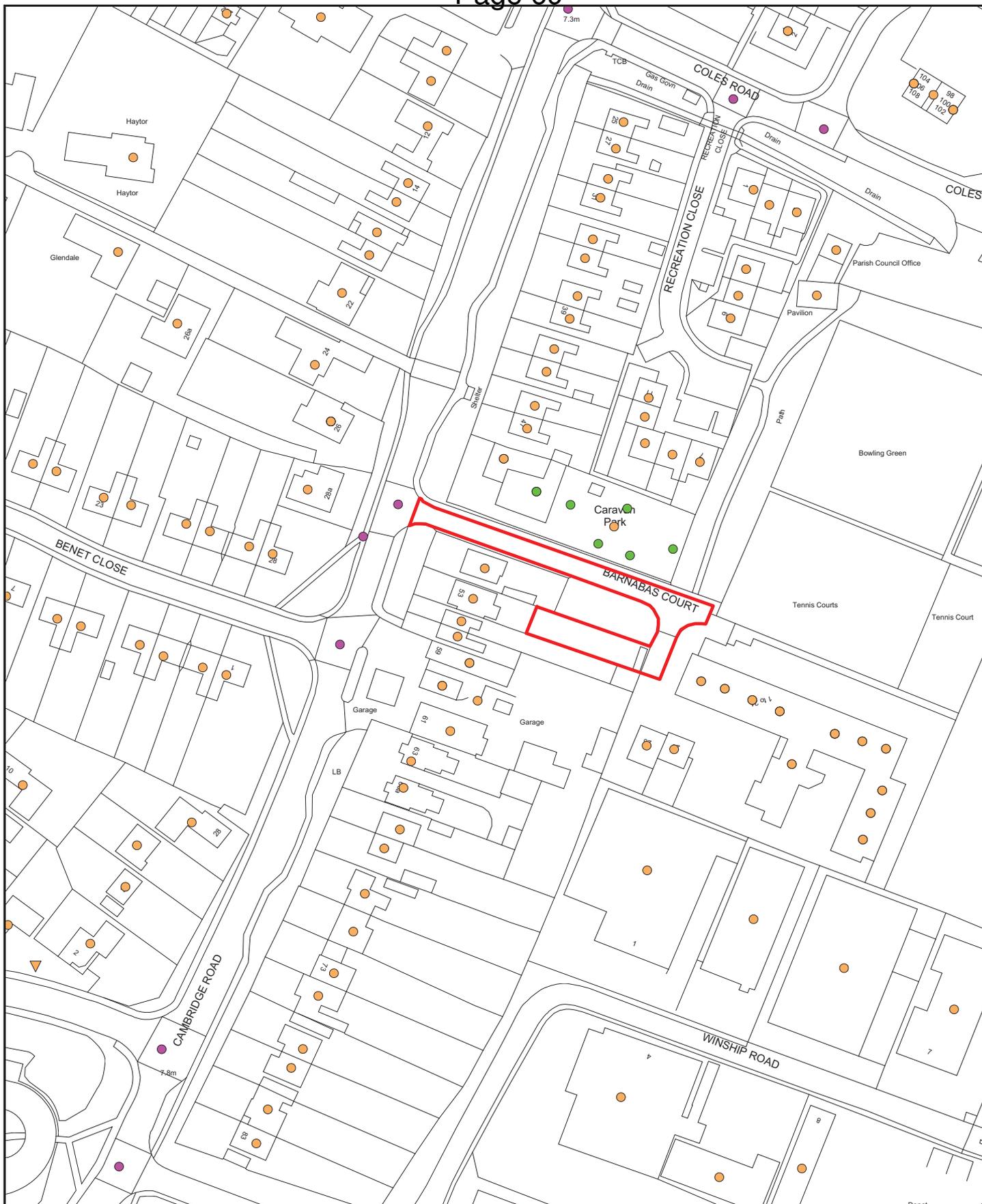
- i) Burning of Waste
- ii) Pile Driven Foundations

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Landscape in New Developments, and District Design Guide
- National Planning Policy Framework
- Planning File References: S/0102/12/FL, S/0400/10/LDC, and S/1314/09/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0239/12/FL – PAPWORTH EVERARD
Change of Use from B2 (General Industrial) to B1b/B1c/B2/B8 in the alternative
- Unit 1, Papworth Business Park, Stirling Way
for The Varrier-Jones Foundation

Recommendation: Approve Conditionally

Date for Determination: 29 March 2012

This application has been reported to the Planning Committee for determination as the Parish Council recommendation differs from the officer recommendation.

Site and Proposal

1. The application site lies to the south of the village, within the village framework, and consists of a large industrial unit with a floor space of approximately 4,650 square metres. The site is accessed from Stirling Way, which serves the whole Business Park. A new junction has been completed between Stirling Way and Ermine Street South, and the Papworth by-pass is also now open. There are business units to the east and south of the site. To the north is residential development.
2. The application, validated on 2nd February 2012, seeks to change the use of the building from B2 (General Industrial) to either B2, B8 (Storage and Distribution), B1b (Research and Development), and B1c (Light Industry) in the alternative, meaning the use can move freely between those uses without the need for any future change of use applications.

Planning History

3. Application **S/1900/98/F** granted consent for the erection of the industrial building (Class B2), together with associated vehicle parking, estate road and access and water attenuation pond. This application was accompanied by a Section 106 Agreement dated 3 March 1999 seeking a contribution towards the construction of the Papworth by-pass.

Policies

4. **South Cambridgeshire Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 – Sustainable Development, DP/2 – Design of New Development, DP/3 – Development Criteria, DP/7 – Development Frameworks, ET/4 – New Development in Villages, NE/15 - Noise Pollution & TR/2 – Car and Cycling Parking Standards.**
5. **Local Development Framework Site Specific Policies (LDF SSP) DPD 2010: SP/13 Allocations for Class B1, B2 and B8 Employment Uses.**

6. **National Planning Policy Framework:** Advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultations

7. **Papworth Everard Parish Council** recommend refusal of the scheme as originally submitted. They note Papworth is a minor rural centre and needs the sustainability of employment. The village faces the loss of the hospital in the future, and a B8 use would have fewer jobs on site. If approved, the Parish Council recommends a personal condition to an individual company, with the use referring back to B2 when vacant.
8. The application has since been amended to include change of use to Class B1b and B1c uses. Members will updated on any further comments regarding the addition of these uses as part of the application.
9. The **Local Highways Authority** notes no significant adverse effect upon the public highway should result from the proposal.

Representations

10. None were received.

Planning Comments

11. The key issues regarding the application relate to the principle of the development, and parking provision at the site.

The Principle of Development

12. Papworth Business Park was originally a designated employment site, with now superseded Policy EM/2 of the 2004 Local Plan allowing B1 and B2 use on the Business Park. The application seeks to increase the flexibility of the use of the building by allowing other potential uses. The site is no longer within a designation within the Local Development Framework. However, the unoccupied land on the Business Park further east is now allocated for B1, B2 and B8 use in the Site Specific Policies DPD 2010.
13. The application was discussed at the Council's Economic Development Panel, where the conclusion was the application should be supported. It was also at this meeting where the addition of the B1b and B1c was suggested, and subsequently agreed by the applicant. The panel also noted that the size of the building is in excess of the maximum sizes noted within policy ET/4 of the LDF DCP, and the size of the unit cannot be described as "small-scale".
14. By their very nature, B8 uses tend to have lower employment figures. The actual figure depends on the individual company who would locate to the site. A good guide to employment is the Council's parking guide, which is based on demand for such uses. A B8 use may have 50% less jobs than the lawful B2 use. Members should balance the desire for an occupied building against occupation with potentially fewer employment opportunities. In this instance, the increased

flexibility is considered acceptable and is not considered to harm the long term aims of Papworth Business Park. The comments from the Parish Council are noted, especially given the house building in the village and the likely future relocation of the Hospital.

15. The Parish Council has not commented upon whether they consider a B1b or B1c use acceptable. These uses are more specialised in their nature, and the layout of the building may not be practical for such uses. However, they are uses encouraged in the area, especially for companies with links to Cambridge University. The National Planning Policy Framework focuses on the need to support a prosperous rural economy. This includes the sustainable growth and expansion of all types of business and enterprise in rural areas and to avoid the long-term protection of sites allocated for a particular use where there is market demand and need for alternative uses.
16. As a matter of principle, there are no objections to a change of use to any of the classes applied for.

Parking Provision

17. The site has an existing parking area to the front, which has space for 48 vehicles. There is also a large area of hardstanding to the rear of the building that has the potential for parking should the frontage spaces all be in use. The Council's maximum parking standards seeks 1 space per 50 square metres of floor space. B1b and B1c uses are considered to create more parking demand with the maximum standards seeking 1 space per 30 square metres. No further parking is proposed as part of the application. There is already a large shortfall of designated spaces in line with the Council's maximum standards. However, given the large hardstanding to the rear, the site appears capable of catering for parking demand. A B8 use would seek a reduced parking figure of 1 space per 100 square metres, and therefore the existing layout would be acceptable for such a use.

Other Matters

18. Members may recall three applications at Atria Court (S/0400/09/F, S/0401/09/F and S/0402/09/F) for which a change of use from B2 to B8 were approved at Planning Committee in June 2009. There were concerns during the determination of these applications regarding impact upon the amenity of the occupiers of neighbouring properties. As a result, a condition preventing the timings for deliveries or collections was added to the approvals. In the name of consistency, it is recommended the same condition be added to this consent to prevent noise from vehicles outside of sociable hours should a B8 use be implemented on site.

Recommendation

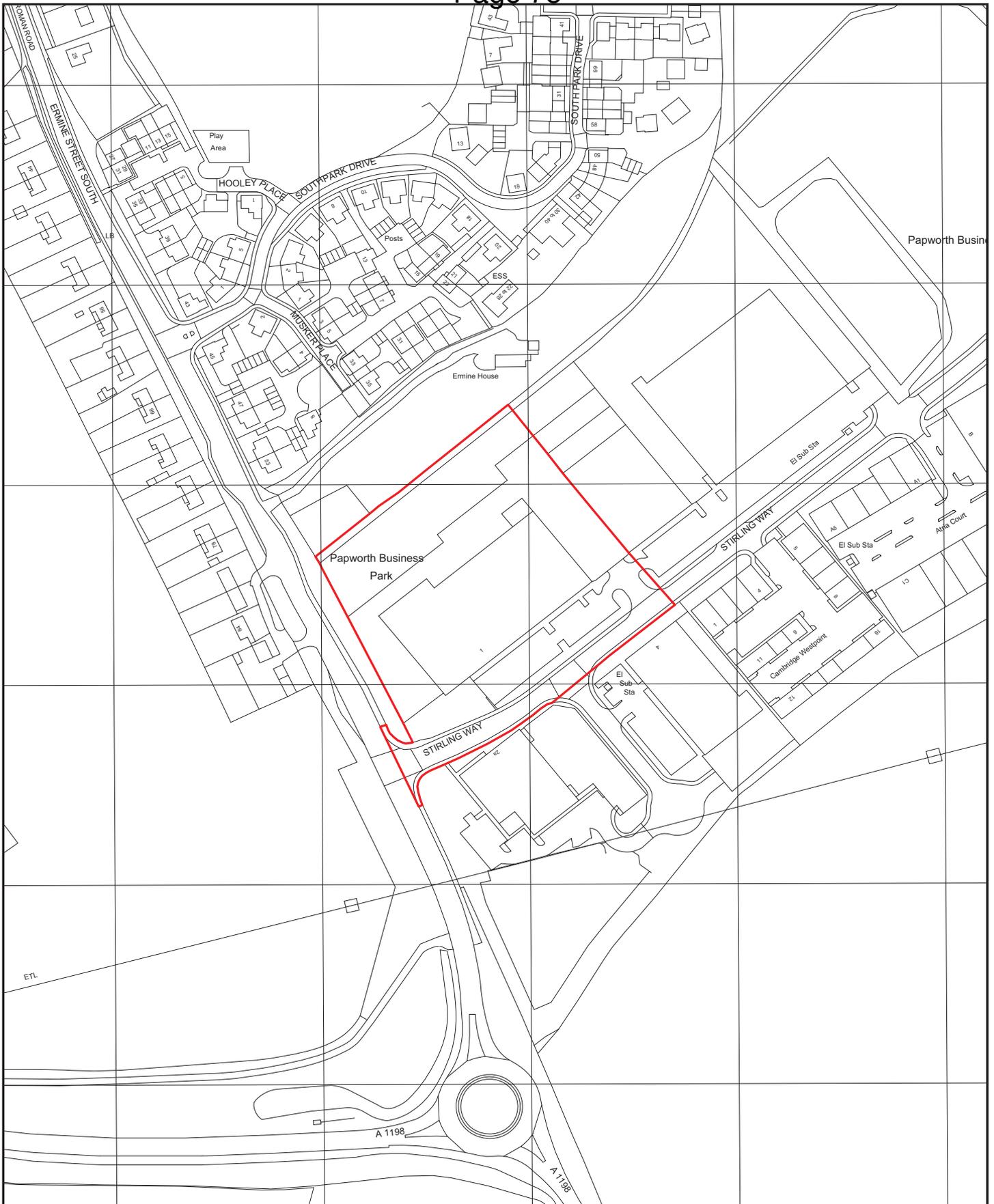
19. Approval, (as amended by e-mail dated 22nd March 2012) subject to the following conditions
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan date stamped 2nd February 2012 and e-mail dated 22nd March 2012.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. Following the implementation of any B8 use in the building, deliveries or collections shall not take place outside the hours of 08.00-18.00 on weekdays and 08.00-13.00 on Saturdays (nor at anytime on Sundays and Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To protect residents from noise disturbance in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

- **Local Development Framework Development Control Policies 2007.**
- **Local Development Framework Site Specific Policies DPD 2010.**
- **National Planning Policy Framework.**
- **Planning File ref: S/0239/12/FL, and S/1900/98/F.**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0371/12 - Sawston**Erection of a single storey dwelling, garage and associated access at land to the rear of 9 Babarham Road, Sawston for Daleway Developments Ltd.****Recommendation: Approve Conditionally subject to completion of S106 Legal Agreement****Date for Determination: 23rd April 2012****This application has been referred to the Planning Committee as the recommendation of refusal by Sawston Parish Council conflict with the officers' recommendation.****Site and Proposal**

1. The application site of approximately 0.0056ha comprises part of the driveway and rear garden serving no.9 Babraham Road. The existing dwelling at no.9 Babraham Road is single storey detached bungalow finished in dark red facing brick and a brown concrete roof tile, which has been significantly extended. The property is set back from the roadside with an established landscaped frontage screening views of the site. Babraham Road contains a variety of house types with the immediate property to the west at no.7a being a two-storey dwelling and the plot to the east at no.11 currently being developed for a single storey bungalow to the rear. There is a mature Walnut tree sited upon the western boundary between nos.9 and 7a.
2. Proposals comprise a full planning application for the erection of a single storey four-bedroom dwelling, detached double garage, associated landscaping and vehicular access. The proposal would also involve alterations to no.9 Babraham Road to provide vehicle parking to its frontage and improved boundary treatment to the common boundaries either side of the proposed vehicular access.
3. A Design & Access Statement accompanies the application, along with an Arboricultural Assessment, and the proposals benefit from Pre-Application advice and previous outline consent.

Planning History

4. Outline Planning Application S/1331/11/O for the erection of single storey dwelling was approved.
5. Outline Planning Application S/0930/11/O for the erection of a dwelling was withdrawn.

6. Planning Application S/2450/06/F was approved for the erection of two bungalows and garages in a tandem arrangement following the demolition of existing house at the adjacent property no.11 Babraham Road.
7. Planning Application S/1939/87/F was approved for extensions.
8. Planning Application S/1496/84/F was approved for extensions.

Policies

9. National Planning Policy Framework
10. South Cambridgeshire Local Development Framework Core Strategy 2007
ST/4 Rural Centres
11. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
 - DP/1 Sustainable Development**
 - DP/2 Design of New Development**
 - DP/3 Development Criteria**
 - 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**
12. South Cambridgeshire Supplementary Planning Documents
 - District Design Guide**, Adopted March 2010.
 - Open Space in New Developments**, Adopted January 2009.
 - Trees & Development Sites**, adopted January 2009.

Consultations

13. **Sawston Parish Council** – Recommend refusal based on the change of width of the proposed vehicular access, which is narrower than that previously approved and that the development represents overdevelopment of the site.
14. **Local Highways Authority** – Raise no objection to the development subject to the following conditions:
 - Provision of 2.4m x 43m vehicle visibility splays;
 - Construction to provide adequate drainage measures;
 - Provision of 2m x 2m pedestrian visibility splays;
 - Use of no unbound material within 6m of the highway boundary;
 - Provision of a method statement during construction.
15. **Environmental Health** – Raise no objections subject to a condition limiting the use of power-operated machinery during construction to safeguard the amenity of residents, and the approval of details where pile driven foundations are proposed.

16. **Trees & Landscaping**_– Raise no Objections on the condition that the details supplied within the arboricultural report are acceptable. Since the previous approval site visits have identified no significant tree roots in the area of the driveway and normal construction measures and trenching for services can be carried out.

Representations

17. None have been received.

Planning Comments

18. The key issues to consider in this instance are the impact of the proposal with regard to Housing Provision, the public realm, highway safety, car parking, residential amenity, biodiversity and infrastructure provision.

Housing

19. The site benefits from an extant outline planning consent for the access and erection of a single storey dwelling. The current proposal would result in a density of approximately 18dph as a result of the subdivision of garden land to the rear of an existing property. Sawston is designated as a Rural Centre and is one of the larger and more sustainable villages within the District with a wide range of services and facilities. This density would be below the 30dph threshold outlined within Policy HG/1, but the layout would be in character with the area. Additionally, the site is sufficiently served by public transport links and within reasonable distance from local services and facilities and would therefore facilitate sustainable development. The development proposal would also provide adequate private amenity space and car parking to serve both the proposed and existing dwellings. The layout of the local area is one of linear form of mainly detached properties fronting Babraham Road, however, the plots at nos.11 and 19a Babraham Road set a precedent within the area for backland development.

Public Realm

20. The proposal would be significantly set back from Babraham Road and screened from view by the existing dwelling and would not therefore be prominent within the street scene due to its siting behind no.9 and its single storey height. The proposal would utilise the existing access to no.9, albeit extended into the site, which is not uncommon given similar relationships at nos.11 and 19a Babraham Road. The building design is of a simple character similar to that of the adjacent single storey buildings and would be finished in appropriate external materials. In light of the above the proposal would have an acceptable impact upon the character of the area.

Highway Safety & Car Parking

21. The proposal would utilise the existing access onto Babraham Road that is currently used by no.9 Babraham Road. This access allows for the adequate provision of pedestrian visibility and a condition will be attached to the consent requiring 2m x 2m visibility splays to be provided and permanently maintained. Due to the nature of Babraham Road and the fact that the access would serve only two dwellings, inter-visibility for vehicles is not required in this instance. In addition to the above, conditions will be attached to ensure

that materials and the method of surface water drainage to the access road are approved in writing prior to development commencing on site. The site's access is marginally narrower than that previously approved as it proposes a side access and boundary treatment upon the western boundary of the existing dwelling. However, the previous approval required access for both the existing and proposed dwelling, whereas the current proposal provides alternative car parking to the front of no.9 Babraham Road. As a consequence the narrow pinch point to the access would only serve the proposed new dwelling. This pinch point is set back a sufficient distance from the adopted highway and would not result in an adverse impact upon highway safety.

22. Notwithstanding the above, a methodology statement will also be sought via condition to ensure that the proposed development is constructed with as little interference to the free flow and safety of the adopted public highway as is possible.

Residential Amenity

23. The proposal would comprise a similar building layout to that approved upon the adjacent site at 11 Babraham Road, which is currently under construction and located to the northeast of the site. The proposal would be located at a distance of approximately 4m from the common boundary with no.11 and 7m from the side elevation of that property. The site would also abut the rear garden boundaries of properties within Eccles Close, with the proposed dwelling being sited approximately 21m from the rear elevations of these properties located to the northwest. Given the single storey nature of the proposed dwelling, it is considered that the proposal would not impact upon the amenity of these properties. The residential properties located within Woodland Road to the north are sited a considerable distance away from the proposed development and the proposal is therefore considered to not impact upon the amenity serving these dwellings.
24. In light of the above the proposal is considered to have most impact upon nos.7a and 11 Babraham Road and the existing dwelling at no.9 Babraham Road.
25. As stated above the proposal would be sited parallel with no.11 and would consist of a similar building envelope to this property. Given the modest scale of the building, which is similar to that of no.11, the distance between these properties is considered to be appropriate and would not be unduly overbearing or result in any significant loss of sunlight or daylight. The proposed layout of the double garage to serve the proposed dwelling would also resemble a similar layout to that of the adjacent plot (No.11) and therefore the use and activity of car parking and movement within this area is not considered to result in a significant noise nuisance to the detriment of the living conditions of no.11 Babraham Road.
26. The proposed access would run parallel with the common boundary of no.7a Babraham Road for a distance of approximately 60m. Given that the extent of this access involves a sizeable increase to that which exists currently and would run parallel with the rear garden of this property it is considered that suitable measures will need to be in place in order to mitigate potential noise nuisance resulting from vehicle movements. The proposal indicates the use of a permeable tarmac surface, which would provide a quiet and sustainable

drainage solution for the length of this boundary. In addition it is proposed that a solid brick boundary wall would be provided in sections along the common boundary with no.7a along with replacement fencing to that, which currently exists. This provision is considered to provide adequate mitigation with regard to noise and disturbance. In light of this, it is considered that the proposal would not result in a detrimental impact upon the living conditions currently experienced by the occupiers of this property.

27. The proposed access would also pass the side elevation and proposed garden area serving the existing property no.9 Babraham Road. As a consequence, suitable boundary treatment by way of timber fence and brick wall is proposed to surround the rear garden and side access to this property. This boundary treatment in addition to the access surface material is considered adequate to mitigate the impact of the associated vehicle movements of the new dwelling upon the amenity of the occupiers of no.9 Babraham Road.

Biodiversity & Landscaping

28. There is an existing Walnut tree sited upon the common boundary between nos.7a and 9 Babraham Road, which would be within close proximity to the proposed access drive to the proposed dwelling. A arboricultural assessment and method statement has been submitted, which outlines that the proposed access road will require a no-dig construction and the use of bark savers prior to development and remaining in situ thereafter in order to protect the Walnut tree within the adjacent property. Similarly the Walnut tree has been identified to require a crown lift and reduction in order to facilitate the demolition of the existing garage and proposed access road. This work has since been undertaken. Site investigations have also since been undertaken, which identify that there are no significant tree roots within the vicinity of the proposed access.
29. In addition to the above it is also identified that 14 other trees require removal to facilitate the proposed layout but these are of poor quality and are of little visual amenity value. The current proposal provides full hard and soft landscaping proposals, which are considered to be sympathetic to this backland setting.

Infrastructure Provision

30. The proposal would provide a four-bedroom property. In order to meet the requirements of this development in respect to the increase in the capacity of occupants to the village the proposal would require the provision of an off-site contribution towards public open space within the village and community infrastructure. This has been calculated at £4,258.90 (index linked) with respect to public open space infrastructure and £718.78 with respect to community infrastructure.
31. In addition to the above the proposal would require a sum of £69.50 to provide refuse bins and a £50.00 S106 Monitoring fee. The applicant has agreed to meet the above obligations by way of a S106 legal agreement.

Conclusion

32. 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

33. Approve subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Haydens Arboricultural Impact Assessment dated 27th June 2011, 01, 03, 05, 06, 07, 08, 09, 10 and 11.

(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 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 boundary details, hereby approved, upon drawing nos.06 & 10 shall be implemented in full prior to the first occupation of the proposed dwelling.

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

7. 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.)

8. The proposed 2m by 2m pedestrian visibility splays shown upon drawing no.5 are to be implemented and thereafter permanently maintained kept clear of obstruction above a height of 600mm.

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

9. The garage, hereby permitted, shall be retained for the purposes of car parking.

(Reason - To ensure the continued provision of off-street parking space in the interests of highway safety and to safeguard the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

10. No development shall commence until a methodology statement of the construction of the development, hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

11. 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.)

12. The materials to be used for 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 Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)

Informatives

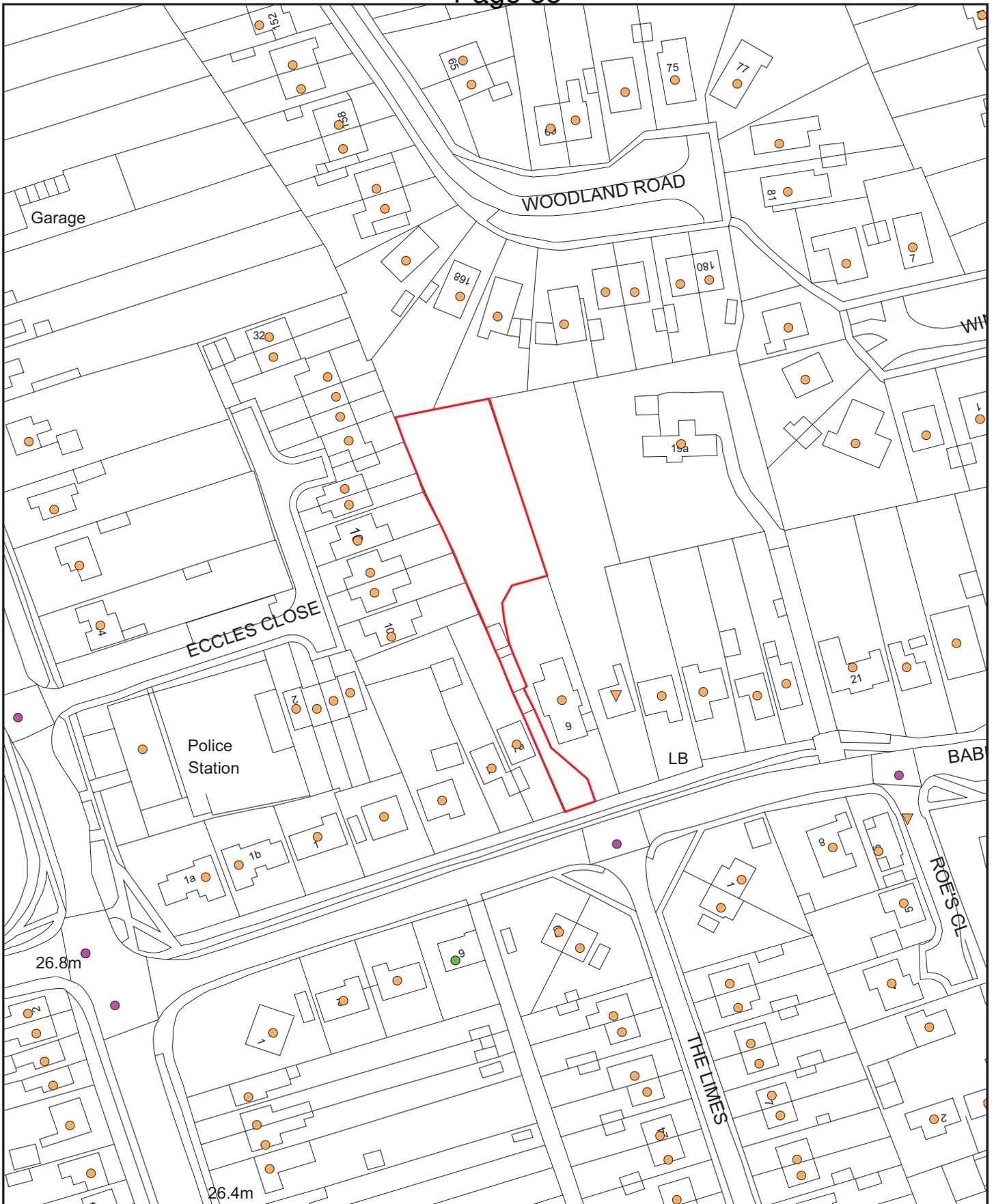
1. In order to prevent surface water discharging to the public highway the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway.

2. In the interests of highway safety the access shall be a minimum width of 5.0m for a minimum distance of 6m measured from the near edge of the highway boundary.
3. In the interest of highway safety no unbound material shall be used in the surface finish of the driveway within 6.0m of the highway boundary.
4. The development involves work to the public highway that will require the approval of the County Council as Highways Authority. It is an offence to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 19780 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5. 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.
6. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0606/12/FL – STEEPLE MORDEN**Dwelling and associated works at 11 Church Farm Lane for Mr and Mrs Dickinson****Recommendation: Delegated Approval, subject to the satisfactory completion of a S106 Agreement****Date for Determination: 16th May 2012****Notes:**

This Application has been reported to the Planning Committee, as the Parish Council's recommendation of refusal conflicts with Officers' recommendation.

Members will visit the site on the 8th May 2012

The site is within a Conservation Area

Site and Proposal

1. The application site measures approximately 0.075 hectares (including the access track) and is within the village framework. The village framework runs along the eastern boundary line. There are two public footpaths (No's 30 and 31) that run along the northern and eastern edge of the site. The site is within the conservation area.
2. To the east of the site is an agricultural field that the public footpaths cut across and a hedge that is approximately 2.5m in height that surrounds an area used as garden land by 17 Church Farm Lane. To the north of the site is a line of mature trees that form the boundary between the site and the rear grassed area to the Wagon and Horses Public House. The Wagon and Horses Public House is a Grade II Listed Building and is set over 55m from the site. To the west of the site is a residential property and the public highway defines the boundary to the south.
3. The application was validated on the 30th March 2012. The proposal is for a single one storey dwelling (2 bedrooms) located in the rear garden of 11 Church Farm Lane. The application has benefited from pre-application advice.

Planning History

4. Within the previous 10 years:
S/2032/11 – Proposed single storey detached dwelling and associated works was withdrawn.

Planning Policy

5. **South Cambridgeshire Local Development Framework Core Strategy 2007:**
ST/6

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

DP/1 – Sustainable Development

DP/2 - Design of New Development

DP/3 - Development Criteria

DP/4 – Infrastructure and New Developments

NE/1 – Energy Efficiency

NE/6 – Biodiversity

NE/15 - Noise Pollution

CH/5 – Conservation Areas

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

SF/11 – Open Space Standards

South Cambridgeshire Local Development Framework, Supplementary Planning Documents

District Design Guide SPD – Adopted March 2010

Development Affecting Conservation Areas SPD – July 2009

Biodiversity SPD – Adopted July 2009

Open Space in New Developments – Adopted January 2009

Consultations

7. Steeple Morden Parish Council – The Parish Council recommends refusal.
8. The Parish Council states that it appreciates the efforts made to reduce the perceived bulk of the dwelling, compared with that in the original application (S/2032/11) and also its slight relocation for better screening from the north.
9. However, the Parish Council continues to state that it must still lodge a technical objection for much the same grounds as previously. It considers the development to be back land development and therefore does not comply with Development Affecting Conservation Areas SPD and District Design Guide SPD.
10. In addition, it states that in 2004 it opposed the conversion of Church Farm Barns to dwellings, primarily on account of the limited vehicular access afforded by Church Farm Lane. This view was strongly supported at the time by several of those living in the vicinity, who were most likely to be affected by the new development.
11. It considers that a restricted access roadway such as this can only accommodate a finite number of vehicle movements each day and that, with the approval of the barn conversions that limit is now reached on Church Farm Lane. The addition of daily trips, as well as delivery vehicles and visitors, from this single dwelling will in the Parish Council's view is a step too far.
12. They request that members make a site visit, to evaluate for themselves the viability of this access route, barely wide enough to allow two small cars to pass each other without great care, and with its limited sightlines at its junction with Church Street.
13. Without prejudice to these objections, it would suggest that conditions are added that the new dwelling is tied to the existing one and that permitted development rights are removed.

14. Environmental Health – The Environmental Health Officer states that conditions should be added to control times when power operated machinery can be used and the use of pile foundations.
15. Landscape Officer – The Landscape Officer states the landscape plan (drawing number 238-A3-PA) is generally acceptable. However, the Landscape Officer suggests that Euonymus Fortune Emerald Gaiety or one of the other forms would be a good choice for the house wall against the footpath, as provided it has some wires to support it will climb against the building without attaching itself in any way and therefore becoming a nuisance. It is an evergreen with a green and cream leaf. I should like to see tree protection measures during construction, in accordance with the British Standard, for the existing planting at the side of the new drive.

Representations

16. 3 Church Farm Lane – The occupant states that the additional dwelling is very unlikely to be an issue for existing residents. The conversion of the barns at the end of the lane (10 peoples and 8 cars) 8 years ago was absorbed without any detriment to access.

Planning Comments – Key Issues

17. The key issues to consider in the determination of this application are:
 - Principle of Development
 - Visual Impact and Impact on Historic Character
 - Highway Safety and Parking Provision
 - Residential Amenity
18. **Principle of Development** – The site falls within a Group Village that allows development of up to 8 dwellings. With the proposal being for a single dwelling the development complies with Policy ST/6. The density of the proposed development is approximately 13 dwelling per hectare. It is noted that the density will be made artificially low by the relatively long access track but this density is appropriate for this location. A higher density on this site would likely prevent vehicles entering and leaving in a forward gear and in addition would likely lead to a proposal for taller buildings (1 ½ or 2 storey dwelling) that would not gain officer support, as it would be an inappropriate design on this edge of village framework location.
19. The applicant has submitted a draft legal agreement in order to provide a commuted sum for off site open space provision Community Space and waste receptacle provision. This legal agreement is still under consideration by the Council's Legal Department.
20. The proposed condition mentioned by the Parish Council that the proposed dwelling must be tied to the existing one is not reasonable. This application is for a single self-contained dwelling and not an annexe, the application must be determined on these grounds.
21. The development proposes the installation of solar panels on the south facing roof, this goes beyond the requirements of adopted policies and this has been given this some weight. More importantly these solar panels combined with what appears to be a wood burning stove will maximise the potential this dwelling has for using renewable energy resources.
22. The proposal does not lead to any concerns in principle.

23. **Visual Impact and Impact on Historic Character** – The entrance to Church Farm Lane is defined by two rows in parallel of listed buildings. The residential properties along the road then change to 3 detached dwellings, of which 11 Church Farm Lane is the most easterly dwelling in this row. Church Farm Lane then ends in a converted farmyard to residential properties. This road is, therefore, not clearly defined by a linear pattern and not all the dwellings along this road face the public highway.
24. The proposed landscaping scheme is considered to be appropriate for this location but it is lacking in some detail on the species of plants and how the existing trees will be retained but this can be conditioned.
25. The development is going to have the greatest impact upon those using the public footpaths, in particular those walking along the northern edge of the site and those travelling into the village from the east. The design of the proposed dwelling has been carefully designed in order to keep the roof and ridge height as low as possible combined with designing a roof that has minimum mass. These design elements include the breaking up the front elevation into three distinct principle elevation walls and the splitting of the roof into two elements. In addition the materials being proposed involve a significant amount of timber that will give the building a slightly modern but also rural appearance.
26. The public footpath that runs along the northern boundary of the site has the appearance of being very enclosed to the west of the site and begins to open as the footpath reaches the site boundary. To the east of the site boundary the public footpath opens up significantly, as it crosses the open field. The proposed dwelling by being set 1 metre away from the edge of the public footpath and thus giving space for planting to establish will not detrimentally harm the character and appearance of the area that the public footpath crosses.
27. The proposed solar panels will not be directly seen from any public view and is in keeping with the local area, as the existing property of 11 Church Farm Lane already has them on its front elevation.
28. The proposal is not considered to affect the setting of the nearby Listed Building (Wagon and Horses Public House), due to the developments height and location.
29. With this development being within the conservation area permitted development rights for future extensions and outbuildings will be very limited and it is not considered reasonable to remove these householder permitted development rights.
30. The design of the dwelling combined with it being set away from the public footpaths in order to allow landscaping to establish should mean on balance that the proposal does not harm the rural and historic character of the local area.
31. **Highway Safety, Parking Provision and Public Rights of Way** – The Local Highways Authority and Rights of Way & Access Team have considered a very similar application approximately 6 months ago. These departments did not raise any significant concerns and recommended that the application should be approved, subject to conditions and informatives.
32. With the Local Highways Authority not objecting 6 months ago on the additional vehicles that would use Church Farm Lane if the application were approved, it is considered that the current proposal will not lead to a significant increase in traffic movement along Church Farm Lane.

33. The development shows that there is sufficient space for visibility splays to serve both the existing and proposed property; in addition the vehicles of both dwellings will be able to enter and leave in a forward gear.
34. A condition can be added to ensure that the 2.0 metre x 2.0 metre visibility splays shall be maintained free of any obstruction exceeding 0.6 metres in the future.
35. The requested informatives from the Local Highways Authority and Rights of Way & Access Team can be added if the application is approved.
36. **Residential Amenity** – The proposed dwelling by virtue of it being single storey will not cause any loss of privacy to the adjacent residential properties.
37. The comments from Environmental Health are noted and the condition to control power operated machinery is considered reasonable in order to prevent occupants from adjacent properties being subjected to significant noise pollution at anti-social hours. The request for condition relating to pile foundations shall be added as informative along with the informative relating to bonfires.
38. The proposed driveway goes straight past the sitting room windows of the existing property of 11 Church Farm Lane. The movement of cars while likely to cause a momentary nuisance is not considered to be detrimental to the enjoyment of this habitable room. The fact that the driveway will be made of a reinforced grass mesh means that noise from the driveway should be kept to a minimum. It is considered reasonable to condition that this reinforced grass mesh is maintained in order to prevent gravel, which would lead to greater noise disturbance, from being laid down in the future.
39. The proposed dwelling is set approximately 2 and 6 metres away from the boundary line of 9 Church Farm Lane (located to the west of the site), with the proposed dwelling getting closer to this boundary line to the north of the site. It is also noted that the proposed dwelling is set away from the main dwelling of 9 Church Farm Lane and its main garden area. With the proposed development having a low eaves height and the roof sloping away from the boundary line it is not considered to cause a detrimental level of undue overbearing or loss of light.

Conclusion

40. The proposed development is considered to be acceptable subject to conditions as detailed below.

Recommendation

Approve, subject to 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: 238-A3-PA.7, 238-A3-PA.9, 238-A3-PA 8, 238-A3-

PA.3, 238-A3-PA.1, 238-A3-PA. 6, SC-1 (Mini Stonewold Slate Grey) and SC-02 (Solar PV Tile).

(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 soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
4. All 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. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
6. The visibility splays as shown on drawing number 238-A3-PA.3 shall be maintained, in perpetuity, free of any obstruction exceeding 0.6 metres in height.
(Reason - In the interests of Highway Safety.)
7. The area defined on drawing number 238-A3-PA.3 as UPVC reinforced grass mesh must be maintained in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
(Reason - In the interests of preventing a detrimental level of noise pollution to the occupants of 11 Church Farm Lane from vehicles travelling past the living room windows in accordance with Policy DP/3 of the Local Development Framework.)

The Development shall commence in accordance with the Legal Agreement dated...

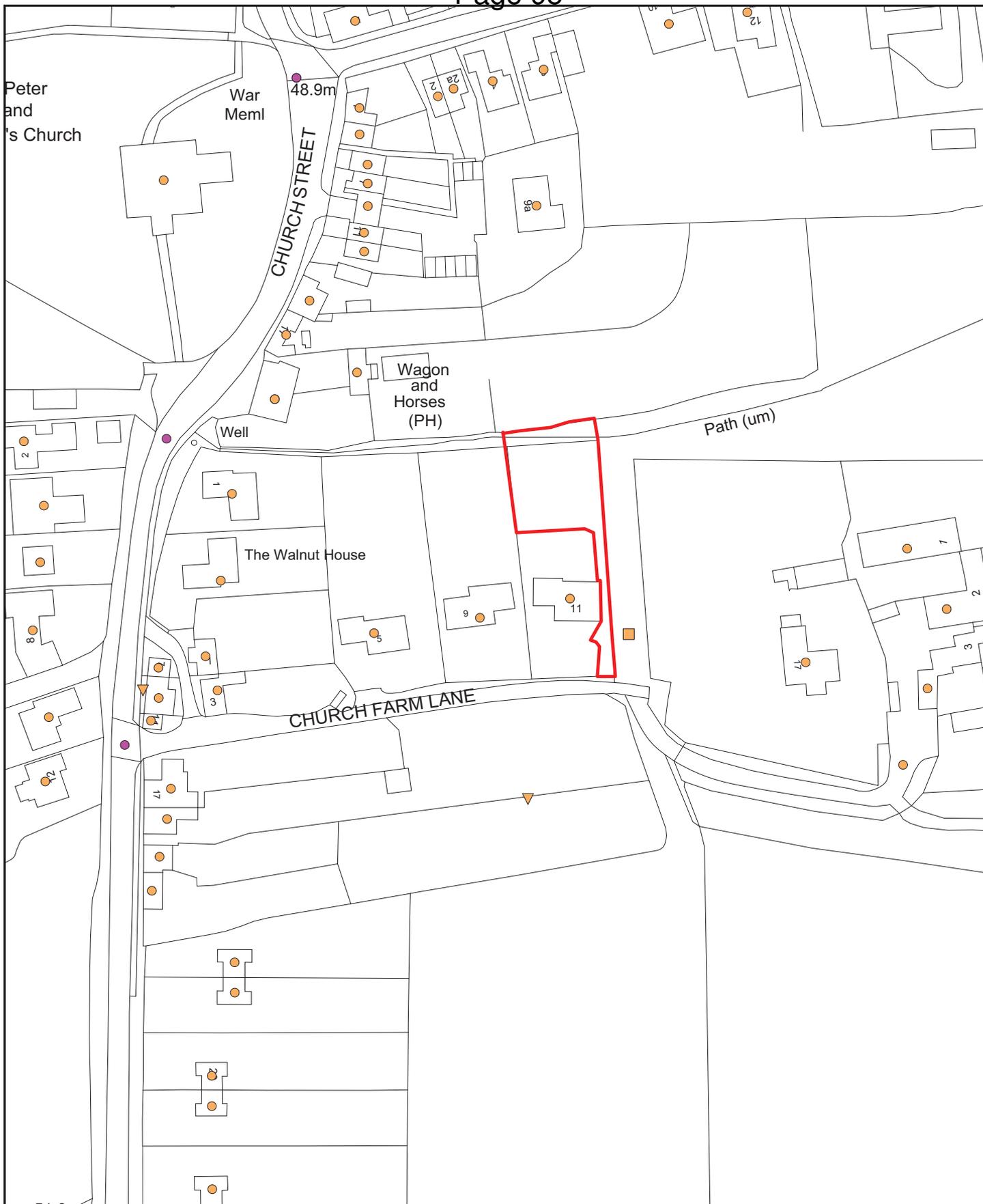
Informatives shall be added as previously requested by the Local Highways Authority and the Rights of Way & Access Team requested.

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

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0346/12 & S/0347/12/LB – Great Wilbraham
Conversion of barn to 5-bedroom dwelling involving internal & external alterations to barn including re-thatching, new weatherboarding, structural works & installation of partial first floor with pantile roof to existing flint extension. Demolition of bay of open cart shed with conversion to garage/garden store. Installation of roof lights in proposed workshop/office & conversion of corrugated iron shelter to storage at Rookery Farm Barn, Frog End, Great Wilbraham for Mrs Caroline Courtauld, Spencers Properties Ltd.

Recommendation: Delegated Approval subject to amendments and S106 Legal Agreement / Refusal

Date for Determination: 16th April 2012

This application has been referred to the Planning Committee at the request of local Member Cllr Robert Turner.

Members will visit the site on Tuesday 8th May 2012.

Site and Proposal

1. The application site of 0.297ha comprises a six bay timber framed, weather boarded barn with a half hipped thatched roof of long straw thought to have been erected in the late 17th century and associated open sided cart sheds and structures. The barn was Grade II Listed in 1984 and is within the curtilage of the adjacent "Rectory Farm House", which is a Grade II Listed residential dwelling. The application site forms part of Rookery Farm and is accessed and located off Frog End, a continuation of the High Street in the southwest corner of the village. The site is located about 500 m from the village centre. Frog End is predominantly residential with C20th development now incorporating Rookery Farm buildings into the village
2. The application site is located within the Village Development Framework adjacent to the Cambridgeshire Green Belt. A paddock also within the application site located to the rear and contains four agricultural grain silos. These would be demolished and the paddock would form the rear garden. This rear section of land is situated outside of the development framework and within the Green Belt. The front northeast corner of the site is within flood zone 3 as identified by the Council's Strategic Flood Risk Assessment. The plot of land southeast of the site was formerly within the curtilage of the farm, but has been developed as a detached chalet style dwelling, No 41 Frog End.
3. The planning application proposal comprises the change of use, conversion and alteration of the barn to a five-bedroom dwelling. The proposal also incorporates the re-use of an existing clunch outbuilding as an ancillary workshop, the cart lodge building as residential parking and partial retention

of a detached shelter for refuse/general storage. Landscape proposals comprise the provision of a private residential garden and courtyard with the planting of a wild seed meadow and orchard to the paddock to the rear of the site following the removal of the grain silos.

4. The Listed Building development proposals specifically comprise the stripping out of the C20th concrete render to the walls of the barn, repairing or underpinning the brick plinth where necessary and boxing out with clean, simple rendered walls that enhance and emphasise the qualities of its timber frame. It is proposed to remove the existing slab of the building to facilitate appropriate headroom and to replace and add contemporary, high performance glazed fenestration of an industrial character. A freestanding internal frame is proposed to provide a first floor at either end of the barn. The timber frame is to be repaired using conservation principles as will the replacement thatched roof. The building is proposed to be re-clad in timber weatherboarding with the addition of appropriate insulation.
5. A Heritage Statement, Historic Building Analysis, Flood Risk Assessment, Design & Access Statement, Bat Survey, Planning Statement and land contamination assessment accompanies both the planning and listed building applications.

PLANNING HISTORY

6. Planning Application S/1609/08/F for the conversion and extension of barn into residential dwelling was withdrawn.
7. Listed Building Application S/1610/08/LB for the conversion and extension of barn into residential dwelling was withdrawn.

Policies

8. National Planning Policy Framework 2012
9. Local Development Framework Core Strategy 2007
ST/6 Group Villages
10. Local Development Framework Development Control Policies 2007
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
CH/3 Listed Buildings
CH/4 Development Within the Curtilage or Setting of a Listed Building
NE/6 Biodiversity
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
SF/10 Outdoor Playspace, Informal Open Space, and New Developments

Consultations

11. **Great Wilbraham Parish Council** – Recommend Approval commenting that members of the Parish Council strongly support the application as the

building is a landmark in the village, and if a use for the building is not found there are concerns that it will be lost. It is unrealistic to consider a commercial use for the building.

12. **Conservation Manager**– The applications in their present form are premature, the development proposals mark a work in progress and need significant amendments and the submission of additional details before a favourable recommendation can be made. The Conservation Team would welcome further discussions with the applicant's agent, should members permit officers delegated powers to approve the scheme subject to suitable amended plans and supporting documentation. **Should the applicant not wish to explore alternatives then the applications should be refused due to the resultant harm to the character and fabric of the listed building.**
13. **Ecology Officer** – No comments have been received.
14. **Local Highway Authority** – Raise no objection to the development proposal, subject to the use of the present secondary access following its widening to 5m for a distance of 5m on the condition that no gates are erected. Furthermore, the primary access is not recognised as a suitable or established point of entry from the highway network and will required to be permanently closed and not used by vehicular traffic by way of condition.
15. **Environmental Health** – Recommend the use of conditions to secure a scheme for contaminated land assessment and remediation where required due to the sites agricultural history and conditions limiting the use of power operated machinery during construction including details of pile driven foundations where necessary.
16. **Building Control** – Raise no objections to the development proposals.
17. **S106 Officer** – Recommends the provisions of planning obligations with regard to off site public open space, community infrastructure, and S106 monitoring and waste receptacle provision by way of legal agreement.
18. **Environment Agency** – Raise no objection subject to a condition requiring a land contamination assessment is carried out prior to work commencing on site. In addition it is considered necessary that the Flood Risk Assessment submitted is amended to acknowledge means of access/egress into Flood Zones 2/3.

Representations

19. 2 letters from the occupier of nos.16 and 41 Frog End have been received, the contents of which are summarised below:
 - A well designed barn conversion would enhance the building adding value to the surrounding dwellings;
 - The building in its present condition is an eyesore and would welcome the renovation and re-use of the building;
 - No objections are raised in principle subject to suitable controls being applied with regard to noise, dust, vermin and the safe removal of hazardous materials and waste materials.

20. Local Member Cllr Robert Turner has written requesting that the applications be determined by the Planning Committee as it is felt that a commercial use of the barn would be unsuitable in terms of residential amenity and unlikely to come forward given current market conditions.

Planning Comments

21. The key considerations in the determination of this application are the impact that the development proposal would have upon the character and fabric of the Listed Building and surrounding heritage assets, the public realm, residential amenity, car parking, highway safety, ecology, flood risk, environmental protection and infrastructure provision.
22. Core Strategy Policy ST/6 designates the village of Great Wilbraham as a Group Village, permitting residential development of up to 8 dwellings within the village development framework. The development proposal relates to the bespoke conversion and re-use of an existing listed barn within the confines of the village development framework. Given the site's sensitive nature due to the building's listing and nearby heritage assets and its location upon the village edge it is considered that the provision of a single residential unit would represent the best use of land and result in the provision of a sustainable development plot. In light of this, housing density, mix and affordability are not material to the determination of this application as the site is recognised as being able to accommodate a single dwelling by way of conversion only.

Heritage Assets

23. The condition of the listed barn is deteriorating with a tarpaulin to part of the thatch roof and the thatch is thin and in need of re-covering. The C19th barrel roofed buildings end wall onto the street is also suffering due to weathering and decay of softer mortar. It is apparent that in the current market a residential use for the building is the most viable option. However the Conservation Manager does not necessarily consider this to be the best option to safeguard the fabric of the historic building. Nevertheless, it is recognised that the repairing of the fabric of the barn is expensive and the applicant indicates an approximate £80,000 estimate for re-thatching alone. Furthermore, given the residential nature of the surrounding area commercial uses are considered to be unfavourable with specific regard to safeguarding the amenity of nearby residents and preserving the semi-rural character of the village edge location. As such, the method for a residential use of the building needs to be balanced, as it is the most invasive form of re-use available due to the need to turn an open non-insulated storage space into a heavily insulated domestic space.
24. The development proposal is considered to represent a creative response to the creation of openings by placing contemporary glazing to replace weatherboarding as a building skin, thus retaining the building's internal historic fabric. The proposal seek to minimise the impact of dividing the internal space of the building by locating divisions at either end of the barn upon a free-standing steel frame to create first floor space. The planning statement references viability, and reviews the costing of a ground floor only office development. Local examples of barns converted to offices have also been referenced. It is apparent that an office or a residential use would have different but similar levels of intervention but it is recognised that on the basis

of this current information a residential use would be considered acceptable in principle.

25. Notwithstanding the above, whilst the design approach proposes creative solutions and quality industrial glazing with minimal framing has appeal, both the south and north elevations are proposed to be altered through the creation of openings. This approach does not accord with suggestions of the Conservation Team to retain the south elevation as a 'simple black box'. As such, the glazing approach needs further consideration to seek a reduction in the extent to the south elevation glazing. In addition certain details of the proposal are unclear with regard to the extent of intervention required, such as the impacts of openings and supporting structure, the removal of the concrete floor, the extent of underpinning to the brick plinth, the boxing out with clean, simple rendered walls, and how insulation will be approached for the timber framed areas and the brick masonry walls. The nature and impact of the freestanding steel structures and partitioning elements have not been justified within the development proposals. The section drawings suggest a significant subdivision of the space of the barn to facilitate bedrooms at each end of the structure. An alternative solution resulting in less impact would be the removal of the upper floors and consideration to two or three bedrooms integrated at ground level into each end of the barn.
26. In summary a residential use has potential and the creative design approach to the proposal is supported in principle. However the development proposal in its current form is considered to be too invasive and lacks a sufficient level of detail in terms of the potential impact upon the character of spaces and the fabric from insertions and finishes in which to convince the Conservation Manager that the development proposal would not result in a detrimental impact upon the listed building.
27. In isolation of the above comments the proposed demolition of the C20th open sided agricultural building to the north of the listed barn and adjoining Rookery Farmhouse is considered to enhance the setting of the barn and farmhouse. The other proposed repairs and alterations to the curtilage buildings and walling are not considered to have a detrimental impact on the setting of the barn or the Farmhouse. The alterations proposed to the north elevation of the Rookery Farm barn as part of the proposed conversion including new glazing, re-thatching, new cladding and the limited information on the landscape scheme for the barn conversion are similarly not considered to have a significant impact on the setting of the listed farmhouse.

Residential Amenity & Public Realm

28. The development proposal would result in the re-use of a dilapidated site for residential use thus clearing the site from debris, disused grain silos and significant repair and re-use of redundant buildings. As a consequence, it is considered that the conversion and occupation of the building for residential use would enhance the character and appearance of the area through enhancing through repair and additional works the external fabric of a prominent landmark building to the benefit of the public realm. In addition the occupation of the site would provide a greater level of activity and natural surveillance to the site and the surrounding residential properties. As referenced in paragraph 26 above, the development proposals are also considered to preserve the character and appearance of the historic setting to the listed building. The proposed method of conversion is not considered to

result in an adverse impact upon the surrounding residential properties as openings at first floor level would be limited to the ends of the building and within roof space above internal floor level. Nevertheless, it is acknowledged that the method of construction including management of building waste will need careful consideration in order to minimise noise and disturbance to nearby residents.

Highway Safety & Car Parking

29. The site has been previously used as a working farm and the grain silos and existing access onto Frogs End are evidence that the site has previously been used for agricultural vehicular traffic. In light of this it is the view of officers that the change of use and conversion of the barn into a dwelling would represent a modest impact in terms of vehicle movements to that previously experienced by the site. The views of the local highway authority are acknowledged with regard to the width of the current farm entrance between no.41 Frog End and the barn. However, there is sufficient room for a vehicle to leave Frog end and wait upon the cross over in front of the existing gates to open them and drive through to no.41 or the barn. In addition there is sufficient space at the proposed store area for vehicle parking, which would make vehicles entering the shared access visible. Therefore it is considered that the removal of the existing gates, which serve as part of the semi-rural character of the site is unnecessary.
30. The development proposal seeks to accommodate the private vehicle parking for the dwelling within the northwest courtyard re-using existing outbuildings. Whilst this is favourable in terms of screening vehicle parking mitigating the proposed domestic use of the dwelling from public views the local highway authority do not recognise the access, as it has been disused for some time. Whilst this access is wider than that located further southeast, it has limited vehicle visibility due to it being sited between the barn and an outbuilding where it meets the adopted public highway. As such, the access cannot provide suitable pedestrian or inter-vehicle visibility splays within land that they control. Furthermore, as the access has been disused it is far less apparent than that of the main entrance leading to the fields beyond the site. Therefore given its limited visibility and lack of prominence within the street scene, officer concur with the view of the Highways Authority that the use of this entrance would not provide an appropriate point of access from the adopted highway and would be detrimental to highway safety.
31. In light of the above officers wish to seek an amendment to the development proposal to close off the yard access entrance to vehicular traffic and utilise the main farm entrance adjacent to no.41 Frog End for vehicular access to the property. This would involve the proposed car parking being provided within the store structure attached to the southeast elevation of the building, with the cart shed within the main courtyard reverting to a store. The provision of two car parking spaces would be sufficient to serve the proposed dwelling. Subject to the agreement of the applicant, officers shall seek the above aforementioned revisions. However, these are not considered to represent reasons for refusal, as these measures could be overcome through the use of planning conditions.

Biodiversity & Landscaping

32. The proposal is accompanied by a detailed bat survey and proposes suitable bat mitigation proposals through the provision of a bat loft and bat boxes. The

land to the rear of the application site shown to be in the ownership of the applicant is sited outside of the village development framework. The development proposal includes this land to be landscaped for the purposes of an orchard and wild flower meadow to provide an attractive backdrop to the site and village edge thus providing biodiversity enhancement. Part of these proposals would remove the C20 grain silos, which whilst agricultural in character are an eyesore within the backdrop to the setting of the Listed Barn and curtilage. It is considered that this element of the proposal represents suitable mitigation to the green belt and countryside beyond the development site whilst improving the ecology of the area. The proposed landscaping around the listed barn is considered to be sympathetic to its setting and could be further controlled by condition to secure more specific details.

Flood Risk & Pollution Control

33. The proposal is located within a low risk flood zone and whilst the Flood Risk Assessment (FRA) provided is sufficient with regard to the risk of flooding, it fails to sufficiently identify appropriate means of access and egress to and from the site as the site's entrance is located upon the edge of a higher risk flood zone. The applicant has been made aware of this and the need to amend the FRA accordingly.
34. The site's former use as an agricultural building and the proposed works to the slab level of the building present the potential for risk by way of contamination. As such, it is necessary to require a scheme of contaminated land assessment and subsequent remediation works where required by way of a condition.

Planning Obligations

35. The development proposal would result in the creation of a five-bedroom dwelling 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 off-site contributions towards public open space and community facilities within the village. Great Wilbraham has been identified as having a shortfall in these services and facilities, such as the need for a replacement village hall and social club. A sum of £4,258.90 (index-linked) toward public open space and £284.08 towards community infrastructure in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50 is therefore sought. The applicant has acknowledged these obligations and has submitted a draft heads of terms in order to enter into a S106 legal agreement

CONCLUSION

36. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be refused.
37. Notwithstanding the above, officers are in discussions with the applicants agent to discuss potential alternatives to the concerns raised within paragraphs 22-26 above to see if a resolution can be met. Should the applicant wish to explore these amendments then officers would seek delegated approval to advise on the necessary amendments in order to arrive at a favourable recommendation

Recommendation

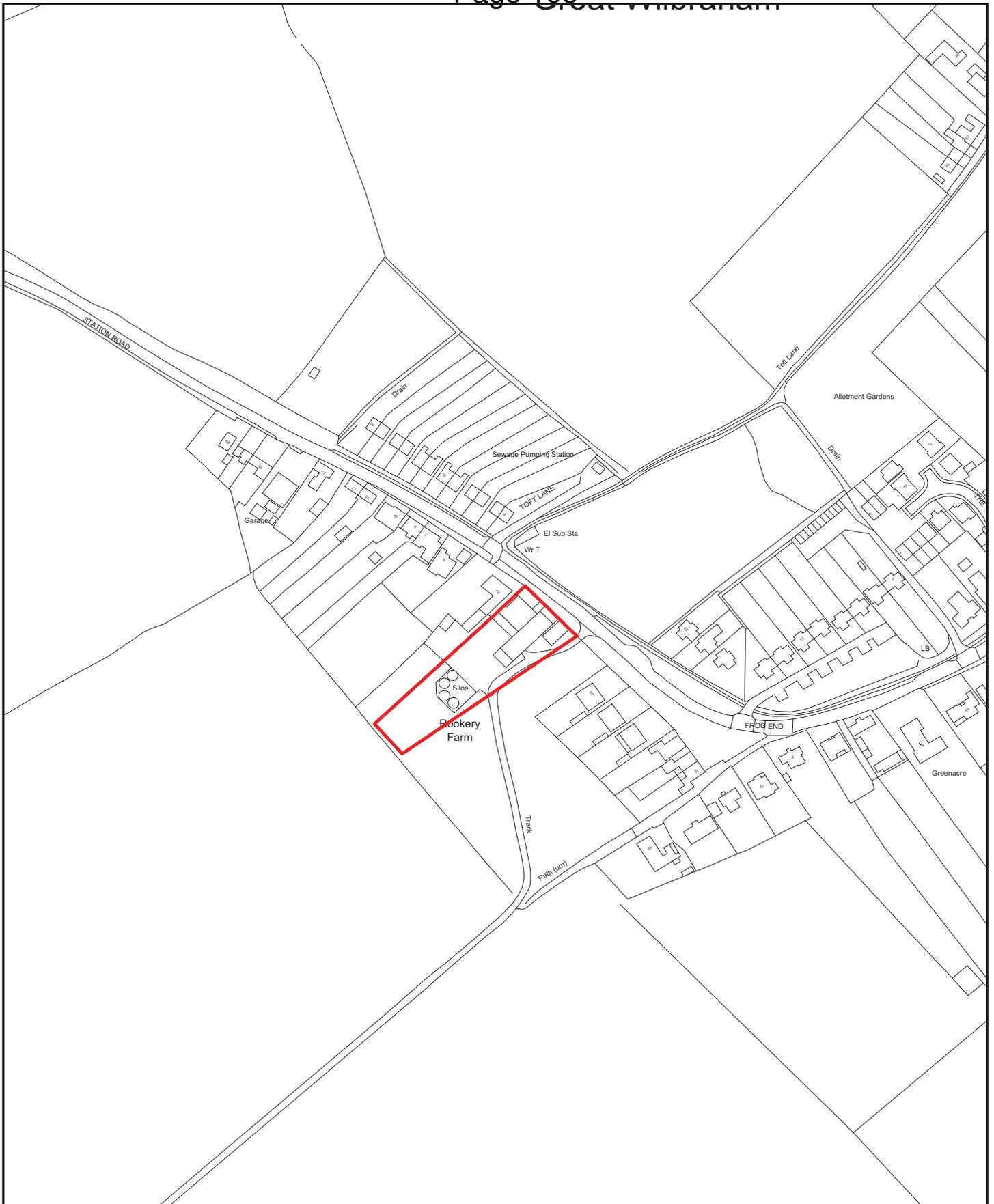
38. Delegated to powers to approve the application subject to achievement of the amendments referred to above, or Refuse for the following reasons:
1. **The proposed conversion to residential use including the installation of two new steel structures to support first floor rooms, partitioning, the extent of glazing and the level of alterations to fabric would result in an invasive detrimental impact on the significance of the open character, plan form and fabric of this listed building contrary to LDF Policy CH/3 Listed Buildings and the National Planning Policy Framework, 2012.**
 2. **The development proposal provides inadequate details to properly assess the extent of the impacts of the method of conversion on the open character and the level of alterations to the existing fabric and plan form of this listed building contrary to LDF Policy CH/3 Listed Buildings and National Planning Policy Framework, 2012.**

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)
- NPPF 2012
- Planning files S/0346/12 and S/0347/12.

Contact Officer: Mike Jones – Senior Planning Officer
01954 713253

Plans to be stamped: **PSRF SL/01, PSRF LP/01, PSRF GA/01, PSRF GA/02, PSRF GA/03, PSRF EL/01, PSRF EL/02 & PSRF SE/01.**



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0804/12 - Waterbeach**Outline Planning Application for the determination of the means of access for the erection of a single storey dwelling at land to the rear of 54 Way Lane, Waterbeach for RJC Construction Ltd.****Recommendation: Refusal****Date for Determination: 27th May 2012****This application has been referred to the Planning Committee for determination at the request of the Local Member Cllr Johnson.****Members will visit the site on Tuesday 8th May 2012.****Site and Proposal**

- 1 The application site of 0.08ha comprises a piece of land situated to the rear of the garden of no.54 Way Lane. The site is accessed off Way Lane by a gated driveway to the side of no.54 Way Lane and is within the village development framework. Way Lane has predominantly linear frontage residential development with a mixture of house types. The site is undeveloped and at present is un-kempt and has a storage container and shed structure in situ.
- 2 The proposal seeks the outline determination for the means of access to the land to the rear of no.54 Way Lane for the erection of a dwelling, with illustrative details outlining the layout and elevations to show how a detached single-storey, two-bedroom bungalow and detached single garage could be accommodated on the site.
- 3 The application is for outline consent only with details of scale, layout, appearance and landscaping to be agreed by Reserved Matters. A Planning Statement, Design and Access Statement and Ecological assessment accompany the application. In addition a letter of support from local member Cllr Peter Johnson also accompanies the application.

Planning History

- 4 Planning Application S/2520/11 for an outline application for the means of access for a single storey dwelling was withdrawn
- 5 Planning Application S/1235/11 for an outline application for the means of access for a single storey dwelling was withdrawn.
- 6 Planning Application S/0494/11 for an outline application for the means of access for a single storey dwelling was withdrawn.

7. Planning Application S/0201/96/F for an outline application for the means of access for a single storey dwelling was refused and dismissed upon appeal on the grounds of loss of privacy, noise and disturbance and loss of character of the area.

Policies

8. National Planning Policy Framework
9. South Cambridgeshire Local Development Framework Core Strategy 2007
ST/5 Minor Rural Centres
10. 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
11. South Cambridgeshire Supplementary Planning Documents
District Design Guide, Adopted March 2010.
Open Space in New Developments, Adopted January 2009.

Consultations

12. **Waterbeach Parish Council** – No comments have yet been received (Consultation period ends on the 8th May 2012)
13. **Local Highway Authority** – No comments have yet been received (Consultation period ends on the 8th May 2012)

Representations

14. One letter from the owner/occupier of no.54 Way Lane has been received, raising the following objections:
- The site benefits from an appeal decision for a similar development proposal, which was dismissed;
 - The application is incorrect as no consultation with the applicant has taken place and the development is not welcome;
 - The noise of passing vehicles and pedestrians next to bedrooms would result in a disturbance to sleep;
 - Windows serving bathrooms open onto the proposed access and the development proposal would result in a compromise of security;

- The roof of the development proposal would be visible from the house and rear garden of no.54 Way Lane;
- The development would result in activity associated with a dwelling to the rear of no.54 Way Lane, which would be intrusive to the peaceful secluded nature of the amenity currently enjoyed;
- The development proposal would be out of keeping with the pattern of development in the vicinity and the re-siting of the building footprint does not overcome this issue following the previous appeal decision;
- The reasons for the dismissed appeal are still relevant today and should stand.

15. **Local Member Cllr Peter Johnson** requests that this application is determined at the Planning Committee on the grounds that there is a wish to give committee members the chance to visit the site and investigate the changes in circumstances since the appeal was dismissed for the residential development of the site. Cllr Johnson comments are summarised below:

- The proposal for a two-bedroom bungalow would fit well into the proposed area and would not be overbearing upon adjacent properties or result in a loss of privacy.
- The site has an existing means of access to a site of no lawful use leaving the site's future unclear and open to abuse.
- There is a shortage of small single storey properties within the village allowing elderly people to downsize their accommodation with manageable gardens.
- There are other examples of similar types of development within Way Lane such as at sites at 11, 55 Way Lane, and 22 High Street. Therefore there needs to be a consistency with decisions;
- The development within Saberton Close has a greater impact upon properties in Hartley Close than this proposal;
- There is genuine support from various close neighbours including those to the opposite side of the access.

Planning Comments

16 The key considerations in the determination of this application are the impact that the development would have upon residential amenity, highway safety, character and appearance of the area and village infrastructure.

Character and Appearance

17. In the previous appeal decision the Inspector differentiated between the western side of Way Lane and the east, where examples of back land development have been undertaken as referenced by the Local Member and applicant. The Inspector stated that the western side of Way Lane has a strongly defined character of frontage development with enclosed private gardens to the rear of properties due to the roads running parallel to one another. The Inspector referenced the importance of the value of the sense of privacy of the gardens to properties within Hartley Close and this side of Way Lane. In consideration of this issue the Inspector gave significant weight to

the level of activity and sense of proximity that would result from the siting of the proposed bungalow concluding that it would be alien within this location and would spoil the general sense of privacy and seclusion within the rear gardens that was considered to be important to the character of the immediate area.

18. The examples of other similar development within the vicinity are not considered to relate to the context referred to within the inspector's decision where an assessment of the parallel nature of this specific part of Way Lane and Hartley Close was referenced. The development within Saberton Close loosely conforms to the pattern of development within the area, as it continues the parallel linear form between Way Lane and Hartley Close. In light of the above the introduction of built form due east of the swathe of secluded private garden land to the rear of nos.66-50 Way Lane would be contrary to the planned layout of the area and would result in uncharacteristic alien development to the detriment of the character and appearance of the area, which benefits from secluded garden land free of built form and activity.

Residential Amenity

19. The Inspector reviewed the impact that the proposed access would have upon the amenity of no.54 Way Lane. It was concluded that the arrangements including the 1m separation strip from the access road and the brick wall that encloses the garden and rear habitable rooms serving this property would be adequate to safeguard the privacy and protection from noise and disturbance for the occupiers of no.54 Way Lane. Following this appraisal it is considered that no material change in circumstances have taken place to alter this assessment. Therefore the means of access to the proposed dwelling is not considered to result in an unacceptable impact upon the amenity of the occupiers of no.54 Way Lane by way of noise and disturbance or loss of privacy.
20. Notwithstanding the above, the siting of a dwelling would as stated within the appeal decision introduce a level of activity alien to this area by providing a dwelling and associated residential activity that is currently not present within close proximity to other residential properties due to the layout and nature of the existing private gardens. No material change in circumstances has taken place since this decision and the proposal would be no different to that previously dismissed upon appeal. Furthermore, this adverse introduction in activity is most significant to the occupiers of no.54 Way Lane as this property abuts the site and has a significantly smaller garden than that of surrounding neighbours, as the application site once formed part of its original garden.

Infrastructure

21. The dwelling that would result from the proposal would provide a two-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 £2,224.90 (index-linked). The proposal would also require the developer to pay a sum of £378.88 towards community infrastructure within the village in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50. The village of Waterbeach has a shortfall in both its play space and formal sports

provision and requires indoor community facilities to accommodate its population.

22. The developer has acknowledged the above planning obligations and has agreed to enter into a S106 agreement, and is aware of bearing the cost of all associated legal fees.

Highway Safety and Car Parking

23. Access to the site has not been contested in the past by the previous refused planning consent or the dismissed appeal decision that followed. Therefore it is considered that the proposal would be served by adequate provision of an access onto the public highway that would not result in detriment to highway safety subject to the provisions of conditions requiring details of the surface material to be laid, the set back of gates, and pedestrian visibility splays.
24. The illustrative plans show that the plot would provide sufficient car parking for a single dwelling with two spaces with adequate turning clear of the public highway.

Conclusion

25. The applicant's planning statement references that the application site has been physically divorced and in separate ownership from the garden of no.54 for approximately 6 years. Furthermore, the site has an established access and has been used for the temporary storage of materials and equipment of a former construction business. Therefore the site should be considered as brownfield land as it has been previously developed and is now effectively derelict for practical purposes. The applicant therefore argues that in line with the National Planning Policy Framework (NPPF) that the "answer to development and growth should, wherever possible, be 'yes', except where this would compromise the key sustainable principles set out with the National Policy Framework". The applicant's statement therefore concludes that in line with the key principles mentioned above there should be a presumption in favour of development following the desire to make effective use of land and re-use of land accordingly.
26. Notwithstanding the above argument, for the reasons set out with paragraphs 15-18 above, officers disagree with the assessment of the site's context in relation to surrounding development and are of the opinion that the development proposal would not follow the planned layout of the site's surrounding context to the detriment of the amenity of surrounding neighbours. Therefore whilst the presumption in favour of sustainable development outlined within the NPPF is a material planning consideration in the determination of this application, other material considerations outweigh the benefit of the provision of a sustainable home in this location. Nevertheless, officers acknowledge that the site within its present form is also unsatisfactory and that as the land, whilst divorced from the ownership and garden of no.54 Way Lane for some time, has no present lawful use other than its previous garden designation as it has remained undeveloped. Therefore, it will be necessary to ensure that the site is subsequently tidied up, with the removal of left over building materials should the application be refused as recommended.

27. In light of the above and having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be refused in this instance.

Recommendation

28. Refuse for the following reason:

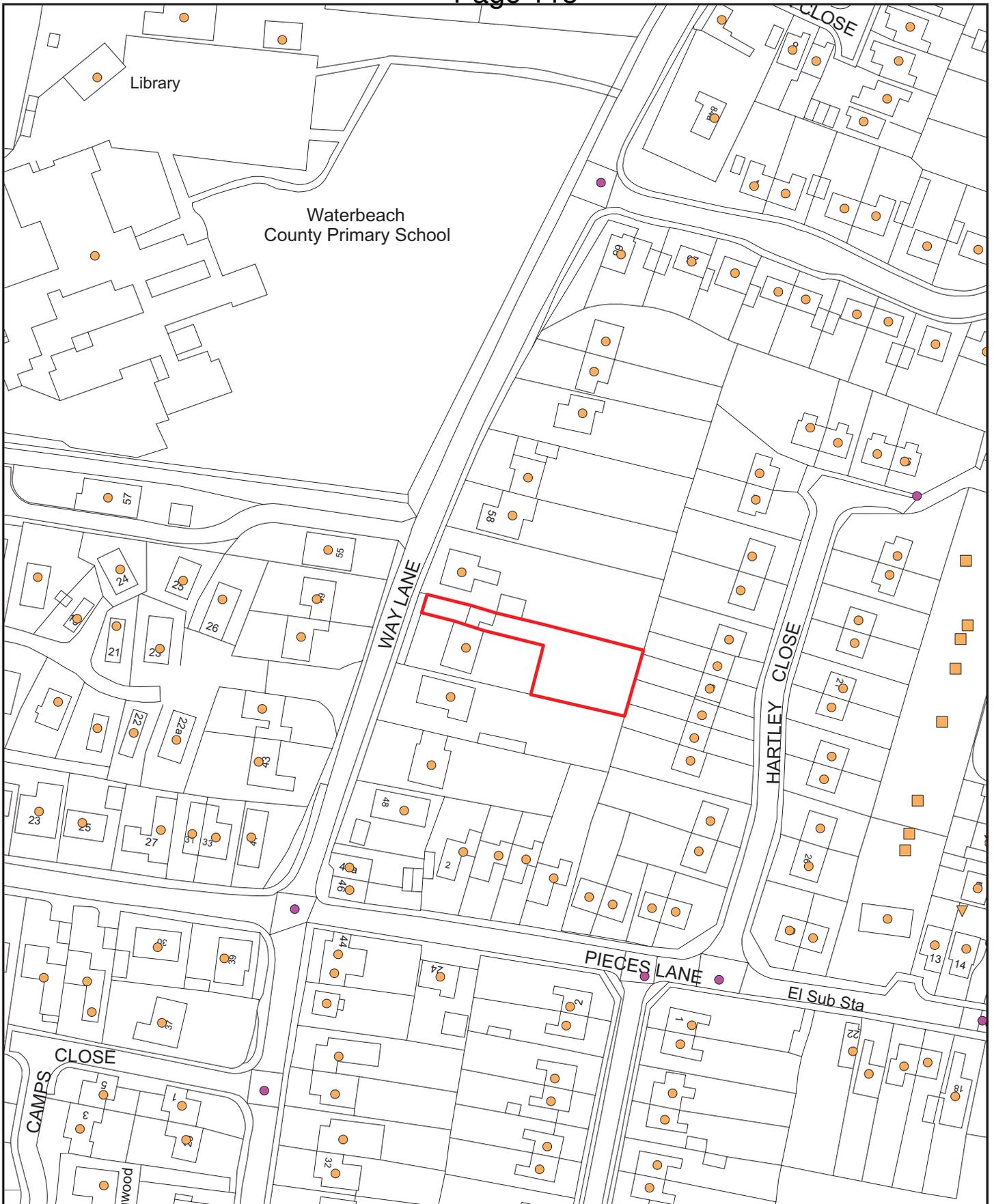
1. **The proposal to develop the land to the rear of nos.54 Way Lane for the erection of a dwelling would introduce a level of activity and sense of proximity that is alien within this locality at present, that would spoil the general sense of privacy and seclusion to the rear garden of this property, and that provides a significant part of the character of the immediate area. The site does not provide a satisfactory building plot for the acceptable siting of a dwelling that would not result in a detrimental impact upon the amenity, sense of place and character for the surrounding inhabitants, which within this location carries greater weight than the consideration of an efficient use of land for the provision of housing.**

The proposal is therefore contrary to Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007, which require that 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 that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity and village character.

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)
- NPPF

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

**S/0185/12/FL – WATERBEACH
Dwelling at 64A Cambridge Road for Mr and Mrs P. Clark****Recommendation: Approval****Date for Determination: 4 April 2012****Notes:**

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Waterbeach Parish Council

Site and Proposal

1. The site is located within the Waterbeach village framework. No. 64A Cambridge Road is a two-storey, link detached, buff brick and concrete tile house that is situated in a prominent corner position at the entrance to the village. It has a small front garden and a parking area to the rear shared with No. 64 Cambridge Road. A high hedge aligns the front and side boundaries. There is a large open grass amenity area at the corner of Cambridge Road. Green Belt land lies opposite the site. The site is situated in flood zone 1 (low risk).
2. This full planning application, received 8 February 2012, proposes the erection of two-storey dwelling attached to the existing dwelling at No. 64A Cambridge Road. It would measure 4.2 metres in width, 8.1 metres in length and have a height of 4.8 metres to the eaves and 7 metres to the ridge. It would be set down in height by 0.5 metres from the adjoining dwelling and be set back from the front elevation of that property by 3 metres and project beyond the rear elevation by 1.2 metres at ground floor level and 3.6 metres at first floor level. One parking space would be provided within a previously approved garage within a shared parking area to the rear. The hedge along the front and side boundaries would be retained.

Planning History

3. Planning permission was granted under reference S/1897/11 for a two-storey side extension of the same design and size as the proposed dwelling.
4. Planning permission was granted under reference S/1883/11 for triple garage in the shared parking area to the rear to serve Nos. 64 & 64A Cambridge Road.
5. Planning permission was refused under reference S/0851/08/F for a dwelling on the site on the grounds of its size and scale, a lack of car parking, an inadequate amenity space for the existing dwelling, and a lack of developer contributions.
6. Planning permission was granted under reference S/1802/95/F for a dwelling at No. 64A Cambridge Road.

7. Planning permission was refused under reference S/0765/95/O for two dwellings on the site and at No. 64 Cambridge Road on the grounds of resulting in a cramped development that would be out of keeping with the character and appearance of the area.
8. An appeal was dismissed under reference S/0941/87/O for one bungalow on the site and at No. 64 Cambridge Road on the grounds of resulting in a development that would be out of keeping out of keeping with the character and appearance of the area and poorly related to adjacent dwellings.
9. Planning permission was refused under reference S/0942/87/O for two houses and garages on the site and at No. 64 Cambridge Road on the grounds of being out of keeping with the character and appearance of the area and poorly related to adjacent dwellings.

Planning Policy

10. ***Local Development Plan Policies***

South Cambridgeshire LDF Core Strategy DPD, 2007:

ST/5 Minor Rural Centres

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

HG/1 Housing Density

NE/6 Biodiversity

NE/11 Flood Risk

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

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009

Landscape in New Developments SPD - Adopted March 2010

Trees & Development Sites SPD - Adopted January 2009

District Design Guide SPD - Adopted March 2010

11. ***National Planning Guidance***

National Planning Policy Framework

12. ***Circulars***

Circular 05/2005 Planning Obligations

Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

13. **Waterbeach Parish Council** – Recommends refusal on the grounds of being out of character with the street scene, overdevelopment of the site and cramped, and loss of visual amenity in a prominent position at the entrance to the village.

14. **Local Highways Authority** – Requests conditions in relation to the removal of permitted development rights for the creation of an access to the front of Nos. 64, 64A, and the proposed dwelling from Cambridge Road as the dwellings have car parking to the rear and that the manoeuvring area shown on the drawings is maintained so that vehicles can leave the property in forward gear. Also suggest informatives in relation to works to the public highway, dimensions of parking spaces and reversing area, and that the existing gate is oversailing the highway that is in breach of the Highways Act 1980.
15. **Environmental Health Officer** – No reply (out of time).
16. **Landscape Design Officer** – Has no objections but requests a landscaping condition to retain and protect the existing hedge along the site boundaries.

Representations

17. None have been received.

Planning Comments – Key Issues

18. The key issues to consider in the determination of this application are the principle of the development and the impacts upon the character and appearance of the area, the amenities of neighbours, and highway safety.

Principle of Development

19. The site is located within the village framework of a 'Minor Rural Centre' where there is a good range of services and facilities and residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations.

Housing Density

20. The site measures 0.04 of a hectare in area including shared parking area. The net site area measures 0.02. The erection of one dwelling would equate to a density of 50 dwellings per hectare. This density would meet the requirement of at least 40 dwellings per hectare for sustainable villages such as Waterbeach as set out under Policy HG/1.

Character and Appearance of the Area

21. The extant consent under reference S/1897/11 for a two-storey side extension to the existing dwelling has the same siting, scale, design, and materials as the proposal. The dwelling is not therefore considered to harm the character and appearance of the area subject to retention of the hedge along the boundaries of the site. The private amenity area of the existing house would be reduced to 60sq.m. which is smaller than the 80sq.m. guideline in the District Design Guide. The new dwelling would exceed the guideline amenity space. As the guidelines are not standards set in policy this would not warrant refusal of the application, and officers are satisfied that the garden areas would be adequately usable.

Neighbour Amenity

22. Given the existing extant consent under reference S/1897/11 for a two-storey extension to the dwelling of the same siting, scale, and design, the proposed dwelling in lieu is not considered to adversely affect the amenities of neighbours.

Highway Safety

23. The development is not considered to result in an increase in traffic generation that would be detrimental to highway safety.
24. Three parking spaces would be provided in the approved but unimplemented consent for a garage that would be situated within the shared parking area to the rear of the dwellings. This would result in one garage space per dwelling plus one informal parking space. This is considered acceptable for a sustainable location such as Waterbeach with good public transport links, as the Council's maximum parking standards require an average of 1.5 spaces per dwelling. It should also be noted that there is unrestricted parking along Cambridge Road. If the garage is not implemented then there will remain ample informal parking in this area. The submission and approval of a plan to show how spaces within the parking area will be allocated between the 3 dwellings it serves would be a condition of any consent.
25. A condition would be attached to any consent to remove permitted development rights for an access on to Cambridge Road. An informative will be attached with regards to the gate oversailing the highway.

Developer Contributions

26. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The increase in demand for sport and playspace as a result of the development requires a financial contribution of approximately £2,244.90 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution.
27. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £371.00 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution.
28. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The agent has confirmed that the applicant would be willing to contribute towards this request.

Other Matters

29. The proposal would not increase the risk of flooding to the site and surrounding area subject to satisfactory methods of surface water drainage.
30. A landscape condition would be attached to any consent to retain the existing soft landscaping along the boundaries.

Conclusion

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

Recommendation

32. Approval. The following conditions and informatives are suggested: -

Conditions

- i) Time Limit
- ii) Approved Plans
- iii) Materials
- iv) Boundary Treatment
- v) Removal of Permitted Development Rights for Extensions and Outbuildings and Access
- vi) Hard and Soft Landscaping
- vii) Implementation of Landscaping
- viii) Parking and Turning plan to be agreed
- ix) Contractors Parking
- x) Cycle Store
- xi) Power Operated Machinery noise during construction
- xii) Developer Contributions

Informatives

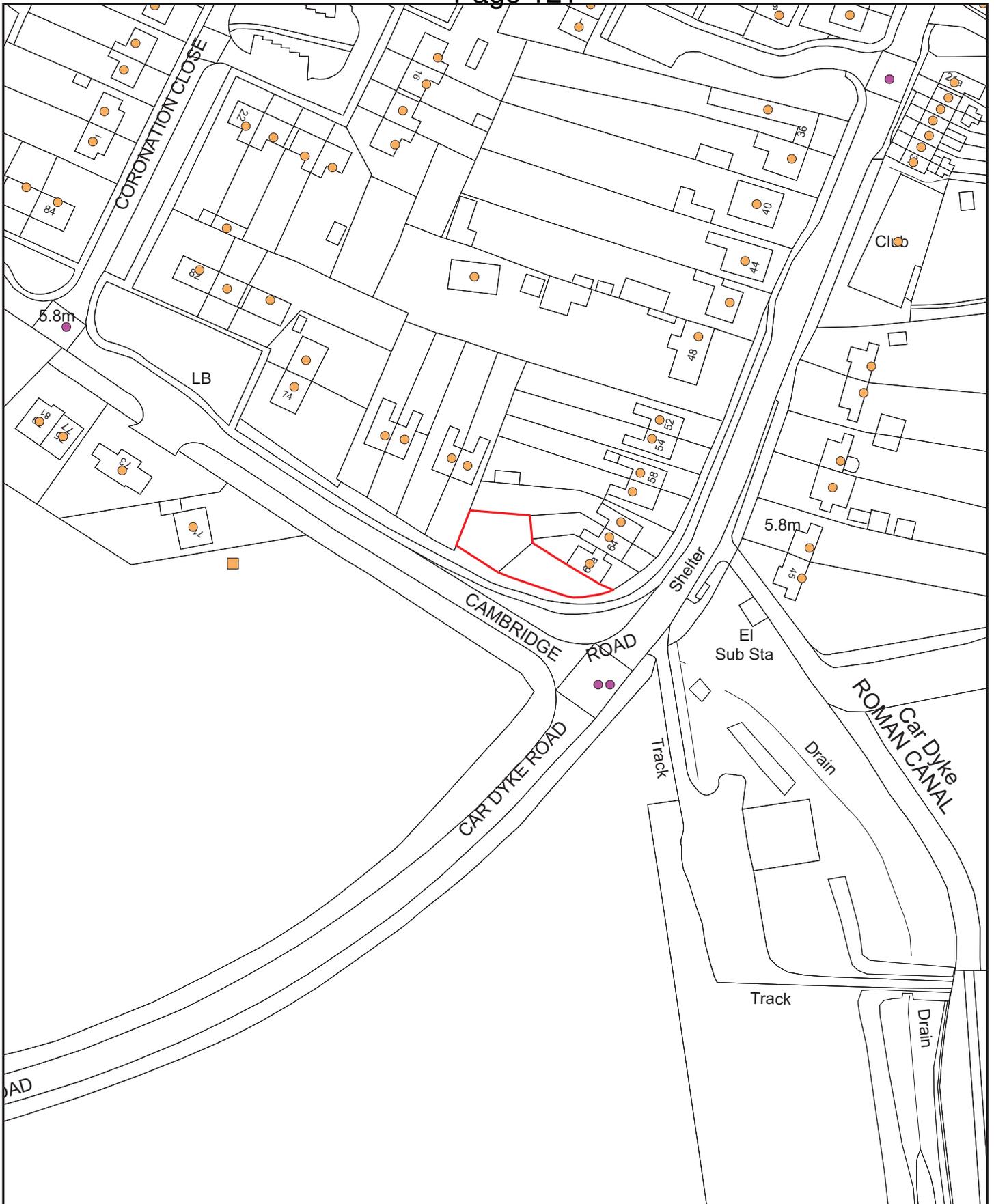
- i) Works to Highway
- ii) Gate
- iii) Burning of Waste
- iv) Pile Driven Foundations

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Landscape in New Developments, and District Design Guide
- National Planning Policy Framework
- Planning File References: S/0185/12/FL, S/1897/11, S/1883/11, S/0851/08/F, S/1802/95/F, S/0765/95/O, S/0941/87/O, & S/0942/87/D

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0366/12/FL – THRILOW**Two Dwellings and Garage at Land to the South West of 8 Woburn Mews and 54 Woburn Place, Heathfield for Landmark Real Estate****Recommendation: Approval****Date for Determination: 20 April 2012****Notes:**

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Thriplow Parish Council

Site and Proposal

1. The site is located within the Heathfield village framework. It comprises an open, roughly grassed strip of amenity land at the entrance to the Heathfield Estate adjacent to the A505. The land rises from north west to south east and is elevated above the level of the adjoining residential properties and communal parking area to the north east. The site lies within flood zone 1 (low risk). A service station and trees and a grass verge is situated on the opposite side of the road. The Duxford Imperial War Museum is located to the south east of the A505 within the conservation area.
2. This full planning application, received 16 February 2012 and as amended, proposes the erection of two dwellings. The dwellings would be sited in line with, and at the same ground level as, the existing dwellings in Woburn Mews. They would be two-storey in height and be constructed from red brick/ render for the walls and concrete pantiles for the roof. The housing mix would consist of 1 x 4 bedroom dwelling and 1 x 2 bedroom dwelling. The access would measure 4.5 metres in width and be situated centrally. It would lead to a garage and parking area that comprises two parking spaces for the 2 bedroom dwelling and three parking spaces for the 4 bedroom dwelling. A 1.6 metre high wall with a landscape strip would align the south west boundary.

Planning History

3. An appeal was dismissed for the erection of two dwellings and a garage on the site under reference **S/1679/09/F** on the grounds of the impact upon the character and appearance of the area.
4. Planning permission was refused for one dwelling on the site under reference **S/2013/08/F** on the grounds of the impact upon the character and appearance of the area, piecemeal development, and highway safety.

Planning Policy

5. ***Local Development Plan Policies***

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

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
NE/6 Biodiversity
NE/11 Flood Risk
NE/15 Noise Pollution
CH/5 Conservation Areas
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Development Affecting Conservation Areas - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Trees & Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

6. ***National Planning Guidance***

National Planning Policy Framework

7. ***Circulars***

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

Consultation

8. **Thriplow Parish Council** – Recommends refusal and comments that the majority of councillors object to the application. It was felt that there are serious issues regarding traffic, transport links and development of open land. Many agree with the points made by one councillor below: -

- i) The rear wall of the 4 bedroom house on the site plan is in a different location compared to the landscape drawing and visual images. The French door will not be able to open;
- ii) When landscaping matures it will reduce the visibility causing a safety issue. Who is responsible for maintaining it after the year has lapsed and what is the frequency that it will be maintained?
- iii) Plot 2 has no garden which is inconsistent with other houses. Where are the residents going to relax and play?
- iv) With a total of 6 bedrooms between the two houses, the number of parking spaces is insufficient to cater for the potential needs of the residents and their visitors. Inevitable this will lead to cars needing to be parked on the

- roadside, which will result in obstructing the traffic entering and exiting the Heathfield ward;
- v) If the properties are rented out, it is likely that the 4 bedroom house will have more than 2 cars. A similar house in Heathfield has 4 people sharing a 4 bedroom house and each has a car. No provision has been made or restriction put in the plans to prevent this from happening;
 - vi) If both parking spaces are of either house are occupied, there is insufficient room to turn another car in the drive, which would mean any visiting vehicle would need to reverse out if it drove in forward;
 - vii) The application says that there are no parking restrictions on the road- are they seriously suggesting that the residents and visitors to these houses are to be freely allowed to park on the roadside in front of these houses and thus block the road leading to/from the adjacent traffic lights. On many occasions, the residents of Heathfield ward have requested that these sections of roads have parking restrictions applied yet the Council has steadfastly refused. Is it normal to allow cars to park quite so close to a junction and a set of traffic lights on a very narrow road;
 - viii) In addition to having a bus parked at this site, we often have car transporters (off loading and loading cars), a school bus, a minibus as well as Icenis who have large lorries entering and leaving the site. Having additional cars parked will result in a dangerous entrance to the Heathfield ward;
 - ix) In the Design and Access Statement, much is made of the fact that the land has previously been subject of a successful planning application, namely S/1891/90/F, which is then used to justify why the land is considered to be a "brownfield" site. From the memory of several longstanding local residents, application S/1891/90/F concerned the development of the entire Copywrite site. This parcel of unused land was on the periphery of the Copywrite site, and it was proposed to use this land for a grassed overflow parking area. This land has never been built on, even in the times of ownership by the RAF- it was a mix public open space and garden land, and even after S/1891/90/F was granted, this area of land was never developed and never actually put into service as an overflow car park; it was left as scrub land. On this basis, it is reasonable to consider this land to still be considered as "greenfield". As it stands, it could be considered that this parcel of land falls within the definition of LDF 2007 policy SE6, and as detailed below, Copywrite were more than happy to allow a bus shelter to be located on their land, thus making it available for public use;
 - x) When the land was owned by Copywrite, Copywrite granted TPC permission to site the bus shelter for the bus stop on the edge of the land. The bus shelter was sited there for 8 years, and has only recently been relocated after the site was acquired by Landmark Estates. Are the planning officers and Council committee aware that Landmark Estates threatened TPC (who paid for the bus shelter) to get the bus shelter removed from their newly acquired land, and then after a few days offered to rent the bus shelter sized bit of land back to TPC for £100 per week. To see that Landmark Estates are now proposing to site the bus shelter back in its original position looks like a cynical act to simply impress the planners and Council committee to make them look community spirited;
 - xi) The Planning, Design and Access Statement paragraph 5.4 says that the proposed housing follows the pattern established by the adjacent housing (Woburn Mews). None of the houses in Woburn Mews has a garage, therefore this statement is erroneous and confusing, and appears to be designed to justify the positioning of the a garage on this site, when none of the adjacent houses have garages;

- xii) Plot 2 will obstruct the view of traffic entering and existing the former RAF housing section of the Heathfield ward;
- xiii) The street lights are not shown, neither are the traffic lights- they will all be intrusive through the windows of both houses;
- xiv) Entry and exit from the driveway will trigger the traffic sensor embedded in the road which will cause unnecessary stopping of traffic on the A505 whenever a car enters the property;
- xv) There appears to be no provision for storage or recycling of rainwater;
- xvi) The Heathfield sewage treatment plant is already overloaded beyond its design capacity and has to be relieved by tinkering raw sewage from holding tanks to another treatment plant a few miles away. More houses in the area will simply add to the existing problem and will result in additional more frequent tanker journeys to empty the holding tanks. This flies in the face of LDF2007 policy NE9;
- xvii) Although the applicant has consulted a planning officer and some members of TPC, they have failed to consult any of the parish councillors that live in the Heathfield ward, and thus better represent the views of the Heathfield ward residents. They have also failed to consult the Heathfields Residents Association;
- xviii) There is no natural gas supply to the Heathfield ward, and most of the houses are heated with oil fired heating. The proposed plan does not make provision for heating oil storage, and given the current regulations for the positioning of storage tanks, it is difficult to visualise how the tanks would be sited without having to reorganise the site;
- xix) LDF 2007 policy HG2 says that to meet the housing needs for South Cambridgeshire, 40% of a development should be 1 or 2 bed houses, 25% should be 3 bed houses, and 25% should be 4 bed houses. This would imply that there should be a 2 bed house and 3 bed house rather than a 2 bed house and 4 bed house to be in line with local needs and existing house types in the area, where there is a shortage of smaller houses; and,
- xx) LDF 2007 Policy SF10 contribution to playspace needs to be adequately addressed, especially when housing with a total of 6 bedrooms is being proposed.

Another councillor produced his own comments outlined below: -

This very lengthening story is frustrating. The appeal has been lost and yet it reappears again as a new application. However it is the same design with minor changes that do not satisfy the views of the appeal inspector who said "The development of this site requires a particularly sensitive and imaginative approach". Clearly, he didn't see it in application S/1679 of 2009 and I don't see it in application S/0366 of 2012. What we do still see is: -

- i) inadequate space allowed for each dwelling;
- ii) inadequate parking for such large houses;
- iii) potentially dangerous and annoying access provision to the highway for cars, with inevitable obstruction at busy times; and,
- iv) a cynical approach to letting it look like an agreement with the PC has been now been made when for years there has been antagonism and obstruction by Landmark Estates.

We see a design that is totally at odds with the houses that this development neighbours, in respect of garages, garden size, openness, and scale. There has been no consideration to sympathetic design. The two new houses do not fit in with the existing built environment for the reasons described in detail here: -

- i) Space- There is hardly any real garden shown in the application with about 1/3 of the area of the development given to car parking, garage and driveway and only 1/3 to garden including hedges. Look at the recently built house sin Woburn Mews, where 2/3 of the total space of the plots is garden. Look at the

- original houses on Kingsway, where perhaps 80% of each plot area is garden. It seems that landmark are trying to build too many houses on their area.
- ii) Parking- In the current application, parking and the houses are hidden from view by hedges and there is a garage. Look at Whitehall Gardens, hardly anyone has a garage and all parking is communal on the street, there is plenty of it around the green. Look at Kingsway, all the cars are in front of the houses, readily visible from the road, providing an open frontage. In today's way of living, are five car parking spaces adequate for these dwellings, especially in light of the fact that parking on the public highway must be deemed dangerous or at least that it would cause obstructions. No, surely five spaces is inadequate for residents and visitors;
 - iii) Access- This has always been a major concern of local residents and the Parish Council. Nothing has been done to improve the access from the development to the public highway. The bus stop has been moved and is now in a safer position but many movements of large vehicles still occur on this side road (buses, car delivery trucks, sewage tankers, pallet lorries from Icen) and of course this is the only access to the outside world for residents of the whole Heathfield estate (now about 600 people with 400 cars). Sooner or later, the access shown in the application will be the cause of an accident; and,
 - iv) Relations with Parish Council- Are we really expected to believe that Landmark want to move the bus stop back to the location shown in the application after the aggravation over the urgent removal demanded by landmark when the last application was turned down? Can we believe that the "rank grass" currently on the plot will be transformed into lush cultivated gardens when Landmark have been solely responsible for maintaining the site for the past few years? Can we believe that the applicant will adhere to any approval restrictions when it cannot even prepare its previous appeal with the correct set of referenced documents? Can we trust this landowner at all?

This is the wrong development for this site. History suggests that it was intended to remain green space but a planner has recently said that it could be open for development. That doesn't mean it should be developed. This entrance to the estate is valuable open land, let keep it that way.

The councillor in the minority felt that the application addresses the concerns raised in the appeal decision dated 17 August 2011.

9. **Local Highways Authority** – Requires conditions in relation to the provision and retention of sufficient parking and turning on site, the provision of pedestrian visibility splays measuring 2.0 metres x 2.0 metres of each side of the access within the site area, the access being constructed from unbound material within 6 metres of the public highway, adequate surface water drainage measures for the access, the provision of temporary facilities off the public highway for parking, turning, loading and unloading of all vehicles visiting the site during construction. Also requests informatives with regards to planting outside the boundary wall having a minimum stem height of 2 metres and vegetation not exceeding 600mm in height, the access being constructed in accordance with local highway authority standards, the dimensions of the parking and turning spaces, works to the public highway, and public utility apparatus.
10. **Environmental Health Officer** – Concerned that problems could arise from noise and disturbance for the occupiers of the new dwellings. The noise survey submitted with the application highlights that the site is classed as NEC C. It is therefore imperative that if planning permission is granted, appropriate and stringent measures will have to be implemented in respect of attenuating noise from the dominant source identified as being adjacent the A505 and meeting the views in section 3.7 of the report. Requires conditions in relation to an acoustic scheme to protect the dwellings

internally and externally from noise from the A505 road and limitations on the use of use of power operated machinery during construction. Also suggests informatives in relation the acoustic scheme having regard to Planning Policy Guidance 24 (Planning and Noise), the burning of waste on site, and pile driven foundations.

11. **Land Contamination Officer** – Comments that the site is former military land and requests a condition in relation to a contamination investigation to ensure that the development would not pose a risk to human health.
12. **Trees and Landscapes Officer** – Has no objections as no significant trees are being compromised.
13. **Landscape Design Officer** – Comments are awaited.

Representations

14. The Heathfield Residents Association strongly object to the application for the same reasons put forward by Thriplow Parish Council.
15. Eight letters of objection have been received from nearby residents that raise the following issues: -
 - i) Insufficient on site parking that may lead to on-street parking close to a busy junction;
 - ii) Access position close to junction;
 - iii) Limited width of access to allow two vehicles to pass;
 - iv) Poor visibility from access;
 - v) Traffic congestion from number of vehicles and type of vehicles (buses, commercial vehicles and service delivery vehicles) using the access;
 - vi) Traffic generation;
 - vii) Lack of space for parking during construction;
 - viii) Pedestrian safety;
 - ix) Open amenity land at entrance to estate should be retained;
 - x) Lack of landscaping to east to soften views;
 - xi) Ecological value of site;
 - xii) Cramped plot;
 - xiii) Size and style of dwellings out of keeping with area;
 - xiv) Height of dwellings;
 - xv) Loss of light, overshadowing and overlooking of neighbour;
 - xvi) No justification of need for dwellings;
 - xvii) Flawed traffic survey as carried out at quieter time of year;
 - xviii) Impact upon drainage and roads; and,
 - xix) Damage to cables and manhole cover.
16. One letter of support has been received that comments the development would make good use of a poorly kept piece of land and provide two much needed homes.

Planning Comments – Key Issues

17. The key issues to consider in the determination of this application are the principle of residential development on the site and the impacts upon the character and appearance of the area, highway safety, and the amenities of neighbours.

Principle of Development

18. The site is located within the village framework of an 'Infill Village' where residential developments of up to two dwellings are acceptable in principle subject to all other materials planning considerations.

19. The site measures 0.06 of a hectare in area. The erection of two dwellings on the site would equate to a density of 33 dwellings per hectare. This would comply with the density requirement of at least 30 dwellings per hectare for villages such as Heathfield as set out under Policy HG/1 of the LDF.
20. The proposal would provide one two bedroom dwelling and one four bedroom dwelling. This would fulfill the required housing mix of at least 40% smaller sized dwellings on sites comprising two or more market dwellings to meet local needs as set out under Policy HG/2 of the LDF.
21. One of the dwellings on the site needs to be provided as an affordable to meet Policy HG/3 of the LDF that requires at least 40% of dwellings to be affordable to meet local needs. Neither of the proposed dwellings is designated as affordable and both would be market dwellings. However, it is unlikely that a single dwelling would be taken on by a Housing Association and therefore subject to the applicants submitting information that demonstrates this would be the case, a contribution towards affordable housing off site would be acceptable. This would be secured by a legal agreement.

Character and Appearance of the Area

22. The site is currently an open amenity area that is located in a prominent position at the Heathfield Estate. Whilst it is acknowledged that it does provide some positive visual quality to the area, it is not considered a significantly important open piece of land that should be retained in its current state. The Council and the Inspector that determined the previous appeal consider that it could be developed providing the scheme retains some openness and landscaping along the south west boundary to provide a soft edge to the development. The Inspector specifically commented that "The site may have potential to provide some form of development although it may represent a challenge in design terms to ensure that the amenity of the occupiers adjacent to the site are safeguarded. The development of the site requires a particularly sensitive and imaginative approach to secure a satisfactory form of development. The site could remain an asset to the entrance to the estate with some form of development, with more attention being given to landscaping and the position of dwellings in relation to the road".
23. The proposed layout, as amended, shows Plot 1 sited in the same position as that previously submitted as amended. The proportions reflect that of the existing dwelling at 8 Woburn Mews and the siting, although slightly staggered, would be in keeping with the linear pattern of development. The Inspector when determining the appeal considered this to be acceptable by commenting that "The amendments made to Plot 1 significantly improve the appearance of the property against the adjoining dwelling". However, there was some concern in relation to inadequate landscaping. This would be a condition of any consent to ensure that adequate landscaping can be achieved.
24. The proposed layout, as amended, is considered to have addressed the reason for the appeal being dismissed. The Inspector when determining the appeal commented that "The dwelling on Plot 2 would have a bland and uninspiring flank elevation unrelieved by landscaping with the corner of the property almost at the back of the footway. Being detached, it would appear as an isolated afterthought, unrelated to the adjacent form of development and out of character with the immediate surroundings". Whilst it is noted that the dwelling would still be detached and its siting would be slightly staggered, it has been reduced in width to be more proportionate to the existing blocks of housing adjacent and would retain the linear pattern of development. The side elevation has also been improved with the provision of a feature bay window at ground floor level and two first floor windows, which would

create interest within the street scene. The dwelling has been moved further away from the footpath to create an open area with significant landscaping that would contribute positively to the visual amenity of the area.

25. The proposed dwellings would be situated at the same ground level as the existing dwellings at Nos. 54 Woburn Place and 8 Woburn Mews. The height of the dwellings, as amended, would be marginally higher than the existing dwellings at Nos. 54 Woburn Place and 8 Woburn Mews and therefore in keeping with the scale of buildings in the area.
26. The design and external appearance of the dwellings would take features and materials from the existing dwellings in the surrounding area. Both plots would have ridgelines parallel to the road in line with the design of the existing dwellings. The front elevation of Plot 1 would have a dormer window that would reflect the existing gable features in the design of the existing dwellings in Woburn Mews. Plot 2 would have a simple design that is dominant in the character of the existing dwellings in Woburn Place. The use of brick and render would replicate materials used on adjacent dwellings. The dwellings are therefore considered to be in keeping with the character and appearance of the area.
27. Although it is noted that the majority of properties in the area do not have garages, the proposed garage is not considered to adversely affect the visual appearance of the street scene, as a result of its siting between the dwellings and away from the road, and its low scale.

Highway Safety

28. The increase in traffic generation from the proposal is not considered to be detrimental to highway safety given that the road already serves a significant number of dwellings and access and egress on to the A505 is controlled by traffic lights.
29. The proposed access would be positioned centrally and measure 4.5 metres in width. Its position is situated far enough away from the junction to not cause a hazard and its width would allow two vehicles to pass. Although it is noted that traffic waiting at the traffic lights to exit the Heathfield Estate may obstruct vehicles from entering the site when travelling from the A505, this is unlikely to significantly affect the free flow of traffic using the A505 as there is a separate right hand turning lane on to the Heathfield Estate at the junction. It may also be possible to have a keep clear restriction on the road that would address this issue.
29. Adequate vehicular visibility splays and pedestrian visibility splays can be achieved on the site in accordance with Local Highway Authority standards. Although the vehicular splays would measure 2.4 x 23 metres and these would be reduced from that normally required, evidence in the form speed and traffic surveys was submitted with the previous application to justify shorter splays. All splays will need to be unobstructed from low level planting above 600mm in height and stems that are lower than 2 metres in height. The retention of the splays clear from obstruction would be conditions of any consent.
30. The Council parking standards require a maximum of two car parking spaces on the site per dwelling. The scheme would provide three spaces for Plot 1 and two spaces for Plot 2. This would exceed the Council's standards and the proposal is therefore unlikely to result in on-street parking that would affect traffic flows from the A505 to the Heathfield Estate. This was supported by the appeal Inspector that stated "There is a need to ensure that the appeal site provides sufficient space for residents and visitors to park, and in my judgement the proposal would do so." It should be noted

that there are currently no parking restrictions on this road so vehicles could park there legally at present.

31. A condition would be attached to any consent in relation to the provision of space off the public highway for contractor's vehicles visiting the site during construction.

Neighbour Amenity

32. The proposed dwellings, as amended, are not considered to unduly harm the amenities of neighbours. Whilst the dwelling on Plot 1 would be set forward of the neighbour at No. 8 Woburn Mews, it would not obstruct a 45 degree angle of view from the windows closest to the boundary in the front elevation of that dwelling and not therefore result in a significant loss of outlook or light to those rooms. It would overshadow the front garden for a significant amount of time but this is not the main private amenity area. The main area is to the rear which would only be overshadowed in the evening. The loss of light to the bathroom window on the side elevation is not considered harmful, as it is a non-habitable room. Whilst the dwelling on Plot 2 would be set back behind the neighbour at No. 54 Woburn Place, it would not obstruct a 45 degree angle of view from the windows closest to the boundary in the rear elevation of that dwelling and not therefore result in a significant loss of outlook or light to those rooms. It would also not significantly overshadow the main private amenity area as it would only have a minimal set back and enjoy sunlight the majority of the day. The garage would be located adjacent the communal parking area and a significant distance from the neighbouring dwellings.

Developer Contributions

34. The South Cambridgeshire Recreation Study 2005 identified a shortage of playspace within Thriplow and Heathfield. No sport or public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £6,503.80 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution through the submission of a Heads of Terms that would form the basis of a legal agreement.
34. The South Cambridgeshire Community Facilities Assessment 2009 states that Thriplow has an excellent level of community facilities. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £1074.84 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. The applicant has agreed to this contribution through the submission of a Heads of Terms that would form the basis of a legal agreement.
35. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. The applicant has agreed to this contribution through the submission of a Heads of Terms that would form the basis of a legal agreement.

Other Matters

36. The noise assessment submitted with the application states that the site is classified Noise Exposure Category (NEC) C due to its proximity to the A505. The Environmental Health Officer has no objections subject to appropriate and stringent

measures to attenuate the proposed dwellings from the noise source. An acoustic installation scheme to protect the dwellings from noise from the A505 would therefore be a condition of any consent. A limitation on the hours of use of power operated machinery during construction will also be a condition of any consent in order to protect neighbours from noise.

37. Private amenity spaces would be provided for each dwelling. Whilst they would not meet the guideline of 80 square metres for rural areas as set in the Design Guide, they are considered adequate in size. There are no policy standards in the LDF that would warrant refusal of the application on these grounds.
38. A condition will be attached to any consent in relation to foul water drainage to ensure that the method of disposal is satisfactory in accordance with Policy NE/9 of the LDF.
39. The provision for the storage and recycling of rainwater is not required in policy terms for this size of development.
40. The site is not defined as brownfield land, as it has not been previously developed. The need for the housing on the site does not need to be justified, as it is acceptable in principle in policy terms.
41. The proposal would not result in the loss of any protected species or important wildlife habitats.
42. Any prospective purchasers of the properties will be aware of the streetlights and traffic lights.
43. The bus shelter is not currently on the site and the provision of it on the site is not required to make the development acceptable in planning terms. The issue of the bus shelter is a matter between the applicants and Parish Council and is not a planning consideration that can be taken into account in the determination of this application.

Conclusion

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

Recommendation

45. Approval (as amended). The following conditions and informatives are suggested: -

Conditions

- i) Time Limit
- ii) Approved Plans
- iii) Materials
- iv) Boundary Treatment
- v) Removal of Permitted Development Rights for Extensions and Outbuildings
- vi) Hard and Soft Landscaping
- vii) Implementation of Landscaping
- viii) Materials and Drainage for Driveway
- ix) Parking and Turning
- x) Visibility Splays
- xi) Contractors Parking
- xii) Cycle Store
- xiii) Foul Drainage

- xiv) Contamination Investigation
- xv) Acoustic Scheme
- xvi) Power Operated Machinery
- xvii) Affordable Housing
- xviii) Developer Contributions

Informatives

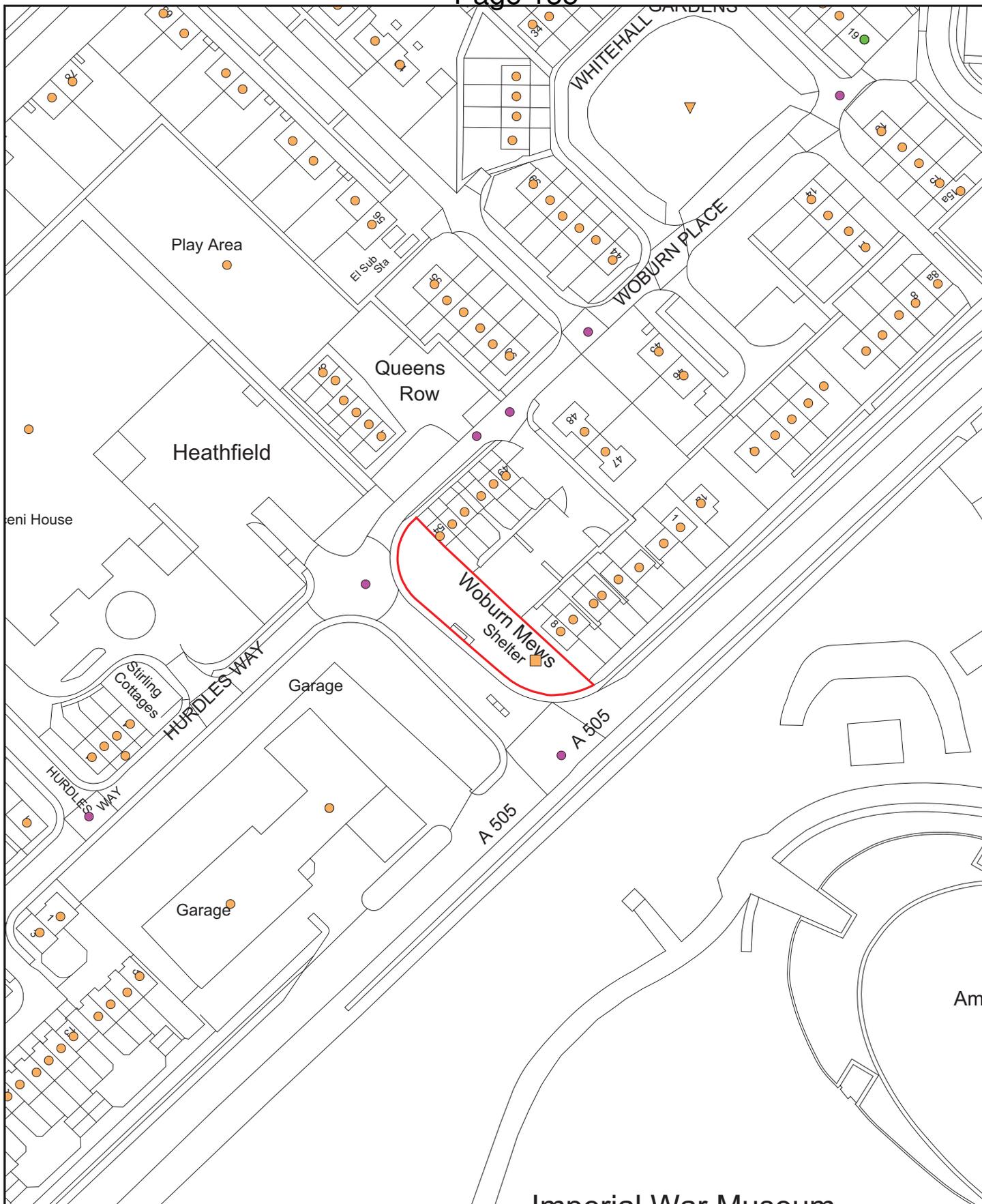
- i) Planting within Visibility Splays
- ii) Works to Highway
- iii) Public Utility Apparatus
- iv) Burning of Waste
- v) Pile Driven Foundations
- vi) Acoustic Scheme

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents: Open Space in New Developments, Trees & Development Sites, Biodiversity, Landscape in New Developments, and District Design Guide
- National Planning Policy Framework
- Planning File References: S/0366/12/FL, S/1679/09/F, & S/2013/08/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Planning and New Communities Director

S/0097/12/FL - VILLAGE

Continued use of land as gypsy site for the stationing of two mobile homes, touring caravan and amenity block. - Willow, Greenacres, Meadow Road, Willingham, Cambridge, Cambridgeshire, CB24 5JL for Mrs Caroline Sylvia Smith

Recommendation: Approve for a temporary period

Date for Determination: 13 March 2012

This application has been reported to the planning Committee for determination as the Parish Council's recommendation differs from the officer recommendation.

Site and Proposal

1. The Willows is a rectangular parcel of land located on the south side of Meadow Road and behind two other sites occupied by travellers. It lies outside the defined village framework and sits within a generally flat and open fen-edge landscape. The site is surrounded by farmland to the west and south with hedges along both boundaries. To the north and east there are a total of six other traveller sites. The relevant side boundaries are fenced. Access to the site is via a long, narrow access off meadow Road. The site lies in flood zone 1 (low risk).
2. The site is currently occupied by two mobile homes, a touring caravan and an amenity block. These are occupied by the applicant, her son and her daughter with her three children. The site is not particularly tidy, but is largely invisible from public view.
3. Access to the whole site is via an existing access that runs along the length of the site.

Relevant Planning History

4. The applicant has owned the site for about 20 years. She moved here from a Council-run site at Earith and lived here for about seven years without planning permission. She moved off the site and moved to Mildenhall but returned in 2006 after discovering that others had occupied the land in her absence. A planning application was submitted under reference **S/2048/06/F** to regularise the use although a three-year temporary planning permission was not granted until January 2009. The reason for granting a temporary permission was so as not to prejudice the outcome of the then pending Gypsy and Traveller DPD. The permission expired on 31 January 2012 and the application seeks to renew this albeit that permanent planning permission is now requested.

Planning Policy

National Planning Policy

5. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for lpa's to have due regard to the protection of local amenity and the local environment. Paragraph 22 states that lpa's should strictly limit new traveller site development in open countryside away from existing settlements or areas allocated in the development plan. Sites should not place an undue pressure on local infrastructure.
6. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
7. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
8. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
9. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
10. **South Cambridgeshire Local Development Framework Development Control Policies 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
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
NE/10 Foul Drainage
11. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
12. Gypsy and Traveller DPD (GTDPD)
The "Issues and Options 2 Consultation July 2009" identified The Oaks as a potential site for a single pitch, concluding "The site is already meeting Gypsy and Traveller needs. It has good access to the village and is considered an appropriate site option for consultation". The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather

than a stand alone DPD. Issues and Options consultation is planned for Summer 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until 2015.

13. In view of the pending revocation of the RSS, the Council is 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 on planning for the needs of Gypsies and Travellers. This Needs Assessment will assist in identifying what level of local provision should be planned for in South Cambridgeshire and will provide a basis for future consultation.
14. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
15. 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.

Consultations

16. **Willingham Parish Council** recommends refusal because of the high proportion of traveller sites already present in the village and the overwhelming opposition to any renewals or new sites until the problems relating to the illegal sites and proportionality have been addressed.
17. Willingham already accommodates four times the District ratio of settled to gypsy/traveller parishioners. Willingham Primary School population includes 12% of gypsy/traveller children (33% of the entire District figure). The above figures are reflected in the number of high demand gypsy/traveller patients treated by Willingham Medical Practice (see letter dated 31 August 2011). 408 caravans are currently sited to the north of the A14; only 58 to the south despite the obvious benefits to gypsy/travellers. Proposals to make permanent temporary and illegal sites and create new ones simply exacerbates Willingham's already intolerable situation.
18. The **Environment Agency** has no objection in principle. In the absence of a public foul water sewer, foul drainage may be discharged to a septic tank and soakaway system which meets the relevant British Standard. There should be no discharge of effluent to any watercourse or surface water drain or sewer.
19. No comments have been received from the **Travellers Liaison Officer**.

Representations

20. None received

Planning Comments

21. Having regard to information provided as part of this and the previous application in 2006, the applicants meet the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy sites and Traveller sites.
22. The main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;
 - The case for a temporary permission should permanent permission not be granted; and
 - Human Rights Issues

The Development Plan

23. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires lpa's to make their own assessment of need rather than relying on a regional target.
24. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
25. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.
26. The principal concerns in this case are the impact on the character and appearance of the area and (reflecting the Parish Council's concerns) the capacity of the village to accommodate further gypsy sites.
27. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from Rockmill End and the harsh eastern edge of the village to the west. The land is not designated or protected. Meadow Road is well hedged on both sides as are the open boundaries around the site. There are long-distant views from the west although the existing hedging provides some screening and the site is also seen in the context of the two sites between it and Meadow Road. The larger

frontage site has the benefit of a permanent planning permission while the other has a temporary planning consent that expires in August this year. The site assessment undertaken for the Issues and Options 2 Consultation exercise in 2009 commented that the impact from this and the surrounding pitches is low as they form a tight group and are fairly well screened with limited views. This situation has not changed.

28. In the circumstances, the continued use of the site is considered to accord with Policies NE/4, DP/2 and DP/3 that seek to preserve or enhance the character and appearance of the local area and countryside and to protect landscape character.
29. The sustainability of the site has also already been assessed as part of the background work for a site allocations policy. That has concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village and the nearest bus stop. Although Meadow Road has no footway, it is lightly trafficked. The family's needs are already being met by the local GP and the children are in school at Over. There is no known mains connection along Meadow Drove and the use of a septic tank is acceptable in principle.
30. The August 2011 letter from the Willingham Medical Practice referred to by the Parish Council was written with specific reference to a particular site located on the edge of the village. The practice has stated that it is continually growing and that they are finding the demands on their services are increasing greatly. They have provided extra surgery sessions and employed an extra doctor but any further increase in capacity is limited by the available resources. However, any demands placed by the existing site are existing and as the applicant has not put forward any health reasons for requiring this particular site, the general demands placed on the Medical Practice do not warrant a refusal in this case.
31. Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. At present, there are 6 authorised pitches, 14 pitches with temporary or lapsed temporary planning permission, one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. These pitches are located in relatively close proximity to one another. PPTS states that the scale of sites should not dominate the nearest settled community. This remains an issue of significant concern to the parish council. Recent permissions in the village have all been on a temporary basis in recognition of a pending site allocations policy and the demands that would be placed on the village should a large number of sites be allowed, particularly in a relatively small geographical area. The grant of a permanent consent will only add to the frustration caused by additional demands on the village's services and facilities, although in this case the families have been living in the village and those demands, such as they are, already exist.
32. In accordance with policies DP/4 and SF/11, contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. The

applicant has agreed to this in the event that the permanent permission is granted.

33. Ultimately, the location of the site is considered to be suitable on landscape and sustainability grounds. However, because of the large number of temporary consents, doubts remain over the capacity of the village to permanently accommodate all of the gypsy sites that are currently occupied (and the growth in population that will come with them) in terms of their social impact. While the grant of further temporary consents perpetuates this uncertainty, the grant of a permanent permission proposal and the others that might follow has the potential cause material conflict with Policy DP/1.

The general need for, and availability of, additional gypsy sites

34. In South Cambridgeshire, the number of caravans on authorised or tolerated private sites rose from 290 to 394 between July 2009 and July 2011. Similarly, the number of caravans without any form of planning permission totalled just 4. For some considerable time now, the two public sites at Milton and Whaddon have remained full and recently there are 25 active applications for pitches. The results of the latest January 2012 bi-annual count are still awaited, but there remains a shortage of gypsy sites in the district. The previous RSS target to provide new sites has not been met and the results of the current GTAA will provide an accurate up-to-date assessment of current needs. Nonetheless, should this application be refused there is no known vacant and deliverable site in the district that the family could occupy.
35. There remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicant's personal needs and circumstances

36. Mrs Smith has worked locally for the last 6 years and her daughter helps out at Over Primary School. Her son has just finished College. Her daughter's children are aged 3, 6 and 9 and attend Over Primary School and a local playgroup. Mrs Smith's grandfather is buried locally. The family has a local connection and this is a consideration that carries some weight, together with the educational needs of the respective children.

Conclusion

37. The site is generally well screened and in a reasonably sustainable location. In that sense, it scores well when judged against other sites in the surrounding area. It would continue to assist the family with its employment and educational needs. However, when considered alongside the need at some stage to reassess the remaining temporary planning permissions against the existing level of gypsy sites, it is considered that a permanent permission would be inappropriate contrary to the overall thrust of Policy DP/1. While the lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, their need for this particular site is not compelling. On balance, the conflict with the development plan and the need to ensure that the village can accommodate the existing overall number of pitches in the long-term is sufficient to clearly outweigh any presumption in favour of permanent planning permission at the present time.

The case for a temporary permission

38. Circular 11/95 advises against a temporary condition unless the applicant proposes temporary development, or where a trial run is needed to assess the effect of the development on the area (paragraph 109). The imposition of conditions, including a temporary use, would not make the use any more acceptable. The degree of harm would be the same as if permanent permission had been granted. Nonetheless, there is no presumption that a temporary planning permission should become permanent.
39. Where there is unmet need but no available, alternative gypsy and traveller site provision in the area, and there is a reasonable expectation that new sites are likely to become available which will meet that need, local planning authorities should give consideration to granting a temporary permission. However, the PPTS suggests this approach will only be a "significant" material consideration in dealing with applications for sites made 12 months after the policy has been in force. That is not the case at present.
40. The sites that have previously been considered as possible sites are, for the main, already in use as such and many benefit from temporary consents. The steps to make these sites suitable as permanent sites would be largely insubstantial. As these sites have already been selected as options for consultation, there is no evidence based on the existing number of unauthorised caravans in the district to suggest that the consultation process cannot build on what has already been achieved. Nonetheless, the allocation and delivery of available, suitable and affordable new sites is unlikely until after the adoption of the emerging Local Plan in 2015. This may then involve the need for further planning permissions. The previous temporary planning permission for this site and the family's continuing needs clearly carry weight in favour of a further temporary permission.
41. Taking all the relevant factors into account, it is recommended that a further temporary planning permission should be granted. Officers recently recommended a three-year consent for a site off Schole Road. The Planning Committee disagreed and permission was granted for just one year. The applicant has since appealed that decision and the inspector's decision is still awaited. Members will be updated on the outcome as necessary, but in the meanwhile officers still consider that a further three-year consent is justified having regard to the continuing paucity in establishing an up-to-date needs assessment and the delivery of additional sites through the Local Plan process.

Human Rights Issues

42. 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). There is no lesser or alternative action that could be taken to secure the public interest, especially as the harm is considered to be significant. Refusal of permanent

planning permission would therefore be proportionate and justified within Article 8 (2).

43. **Recommendation:**

Approve subject to the following conditions:

1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'
(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)
2. The use, hereby permitted, shall be discontinued and the mobile homes, touring caravan and amenity block, hereby permitted, shall be removed and the land restored to its former condition on or before 31 May 2015 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason - In accordance with the advice in the Government's 'Planning policy for traveller sites', the Council is currently in the process of identifying a supply of specific deliverable sites to meet anticipated local needs and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of Traveller development on issues in Policies DP/2, DP/3 and DP/7 of the adopted Local Development Framework 2007.)
3. The site and the mobile homes and caravan, hereby permitted, shall not be occupied other than by the applicant and her immediate family and any dependant living with them.
(Reason - The applicant and her family are local travellers and the permitted use would not normally be granted on this site because it would be contrary to Policy DP/7 of the adopted Local Development Framework 2007. Occupation by other persons would not amount to special circumstances for permitted development in this location.)
4. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. No vehicles over 3.5 tonnes shall be stationed, parked or stored on then site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours.)
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing

by the Local Planning Authority.

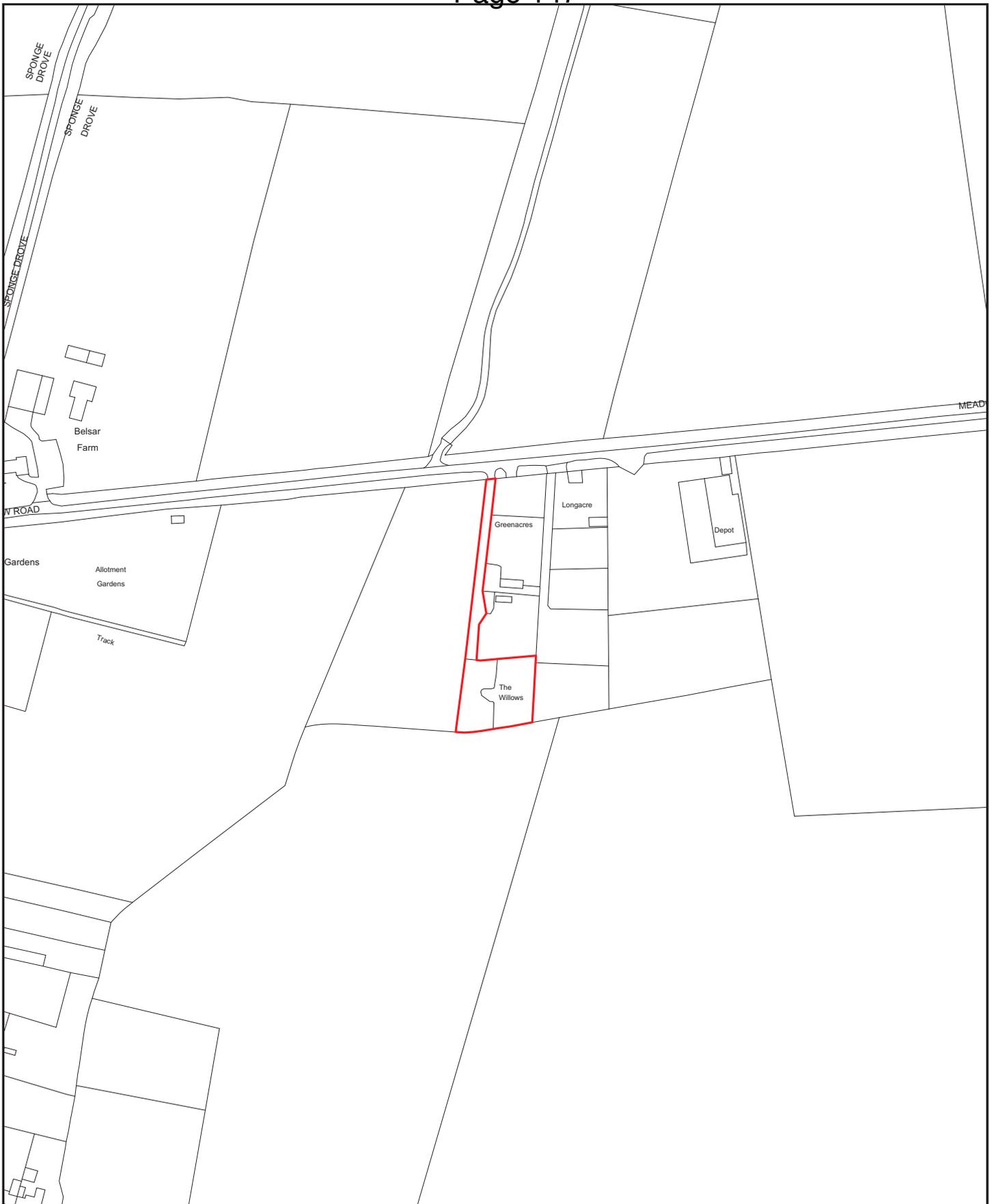
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

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

- **Regional Spatial Strategy for the East of England**
- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S/0097/12FL**

Contact Officer: John Koch - Team Leader - West
01954 713268

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Cambridgeshire
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Date of plot: 27/04/2012

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Legal and Democratic Services Manager

**PUBLIC FOOTPATH NO. 7 – HORSEHEATH
MAKING OF DIVERSION ORDER****Purpose**

1. To make the South Cambridgeshire District Council (Footpath no. 7 Horseheath (part)) Extinguishment Order 2005.

Recommendations

2. It is recommended that
 - (a) an order is made under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.7, Horseheath, from A-B-E to A-C-D-E, as described in Cambridgeshire County Council's Synopsis, and shown on the plan.. The width of the diverted route would be 2 metres.

Or

 - (b) if it is possible to gain the landowner's consent to divert the footpath from the line A-B-E-G to the line A-C-DF-G without delaying a diversion order then this should be done rather than the diversion mentioned in paragraph 2(a) of this report.

Reasons for Recommendations

3. to enable the development proposed in planning application S/0184/11/F to take place.

Background

4. While South Cambridgeshire District Council remains the Order Making Authority, Cambridgeshire County Council now acts as its agent in carrying out all the administration involved in dealing with applications relating to public rights of way under the Town and Country Planning Act 1990. The Planning Committee's decision will be conveyed to the County Council as soon as possible.

Considerations

5. Members' attention is drawn to the attached Synopsis from Cambridgeshire County Council.

Options

6. None specific.

Implications

7.	Financial	The cost of placing the Public Notice in a local newspaper
	Legal	None
	Staffing	None
	Risk Management	None
	Equality and Diversity	None
	Equality Impact Assessment completed	No
	Climate Change	None

Consultations

8. See paragraph 6 of Cambridgeshire County Council’s Synopsis.

Consultation with Children and Young People

9. None

Effect on Strategic Aims

10. The District’s network of safe and well maintained public rights of way makes sure that South Cambridgeshire continues to be a healthy place in which residents can be proud to live.

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

None

Contact Officer: Ian Senior – Democratic Services Officer
Telephone: (01954) 713028

To: South Cambridgeshire District Council
From: Steve Ouditt, Definitive Map and Records Officer Cambridgeshire
County Council
Ref: C400/131/7
Date: 27/04/12

**Report on the proposed diversion of part of Public Footpath No 7,
Horseheath**

1.0) Purpose

1.1) To report on an application to divert part of Public Footpath No 7, Horseheath ("the footpath"). There is a plan of the proposed diversion at Appendix **A** and a copy of the diversion application at Appendix **C**.

2.0) Background

2.1) The footpath starts on Haverhill Road and crosses two properties, Montford House and Sasex House, before continuing across arable fields to Horseheath. The current legal line of the footpath is obstructed at several points by buildings and by fences. This seems to have been the situation for many years. Historic maps suggest that at some time in the past the curtilages of these two properties were extended over the footpath. There is currently a usable route available to the public which skirts the buildings and fences although this route is in rather poor condition. There is a footbridge at point F on the plan at Appendix A. This is on the used line of the footpath rather than on the legal line.

2.2) The proposed diversion would move the footpath approximately onto the route which is used now but would also require the footbridge at point F to be moved to point E.

2.3) This diversion order is required in order to implement a planning permission in relation to planning application number S/0184/11/F (see Appendix **B**). Permission for this development was granted by South Cambridgeshire District Council on 4th April 2011. The planning permission is for erection of an office building (B1a) and light industrial (B1c) and general industrial (B2) building following demolition of existing buildings. The diversion of the footpath therefore falls to be determined by the relevant planning authority under section 257 of the Town and Country Planning Act 1990.

2.4) Planning permission was granted subject to the condition that "No development that obstructs the legal line of public footpath No. 7, Horseheath shall commence until the path has been formally diverted under s. 257 of the Town and Country Planning Act 1990, to the satisfaction of the Planning Authority and Highway Authority. "

2.5) Not all of the land affected by the diversion is owned by the developer, however the other landowner has given their written consent.

2.6) In February 2007, South Cambridgeshire District Council entered into an Agreement with Cambridgeshire County Council providing that all Public Path Order applications under section 257 of the Town and Country Planning Act 1990 should be processed by the County Council, acting as agents for the District Council. A copy of the Agreement explaining the procedure is attached at Appendix D.

2.7) The application was therefore made to Cambridgeshire County Council.

3.0) Site Description

3.1) The current legal line of the footpath starts on Haverhill Road at point A on the plan at Appendix A (TL 6177 4688). It runs north-east for approximately 20 metres to point B (TL 6178 4689) then turns north-west for approximately 75 metres to point E where it crosses a ditch and continues across arable fields.

3.2) The new line of the footpath would start at point A and would run around the outside of the two properties via C, D and E with a total length of approximately 105 metres.

3.3) Some relatively minor levelling and clearance work would be required to bring the footpath to an acceptable standard.

3.4) The new line of the footpath would have a width of 2 metres and would have a largely natural grassed surface. Maintenance liability for the diverted route would be broadly similar to that for the current legal route as they are of similar length (105m and 95m respectively). The two are difficult to compare as the current legal route is obstructed.

3.5) It may be possible to include a section of the adjacent arable field into the diversion so that the footpath runs from point D to G via point F rather than point E. This does not form part of the application but would be preferred by the County Council's rights of way officer. This option is discussed below.

4.0) Legislation

4.1) Section 257 of the Town and Country Planning Act 1990 allows that:

'(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

- (a) in accordance with planning permission granted under Part III, or
- (b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

- (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
- (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
- (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
- (d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'

4.2) An Order shall come into effect once the new route has been certified by either the order-making authority or the highway authority as being of a satisfactory standard for public use. The County Council as highway authority will undertake the certification.

5.0) Grounds for diversion of Public Footpath No 7, Horseheath

5.1) The proposed development includes a new office building which would be constructed on the legal line of the existing public footpath. The diversion is thus required in order to implement a planning permission granted under part III of the Town and Country Planning Act 1990. Section 257(1)(a) is therefore satisfied.

5.2) The proposed new route will provide an alternative footpath

- The new footpath will be provided in accordance with the Highway Authority's policy for public footpaths. The applicants and landowners have agreed to undertake the necessary works at their expense.
- The rights of statutory undertakers will not be affected.
- The requirements of Section 257(2) are therefore satisfied.

6.0) Consultations

6.1) The Local Ramblers Association, the British Horse Society, Horseheath Parish Council, Local County and District Members, the prescribed user groups and the utility companies were all consulted about the proposals. The following replies have been received (copies are attached as Document **E**):

- The local Ramblers Association had no objection to the diversion
- Openreach and Anglian Water indicated that they had no objection to the proposed diversion

6.2) The Service Director: Infrastructure Management and Operations, Cambridgeshire County Council made the following comments:

“I have considered the proposed diversion of footpath no.7 and give my consent, on behalf of the Highways Authority and the Surveying Authority, for the diversion order to proceed, subject to the new path being certified by the relevant Rights of Way officer, noting the County Council's criteria and the future maintenance liability have been considered”

6.3) No other responses were received.

7.0) Discussion

7.1) The proposed diversion is relatively minor in nature and would move the footpath by a few metres to a parallel line. As well as allowing development to take place this would resolve a long standing problem of obstruction of the legal line of this path.

7.2) The proposed diversion would introduce a dogleg into the path between D and E and would require the footbridge to be moved onto the legal line of the path. The dogleg would make future maintenance of the diverted footpath slightly more difficult. The County Council's rights of way officer would prefer the footbridge to remain in its current location and for the path to be diverted in the adjacent field to allow this, so that the path ran directly between D and G via point F rather than point E. This would require the consent of the adjacent landowner which was not included with the application.

7.3) The applicant would prefer the diversion to go ahead on the line applied for to avoid delays, but would not object to a diversion via point F.

7.3) The adjacent field is in the process of being sold and it is understood that the current and future landowners would not object to the diversion of a short section of the path in the arable field, but did not want this to interfere with the sale of the land. It is expected that the sale will be finalised within a week or two from the date of writing this report.

7.4) It may be possible to obtain the consent of the adjacent landowner before a diversion order can be made and this would be preferred by the County Council's rights of way officer. However this is not certain and it would be unreasonable to allow this to delay the making of a diversion order. The proposed diversion would meet the requirements of the relevant legislation in either case.

8.0) Recommendations

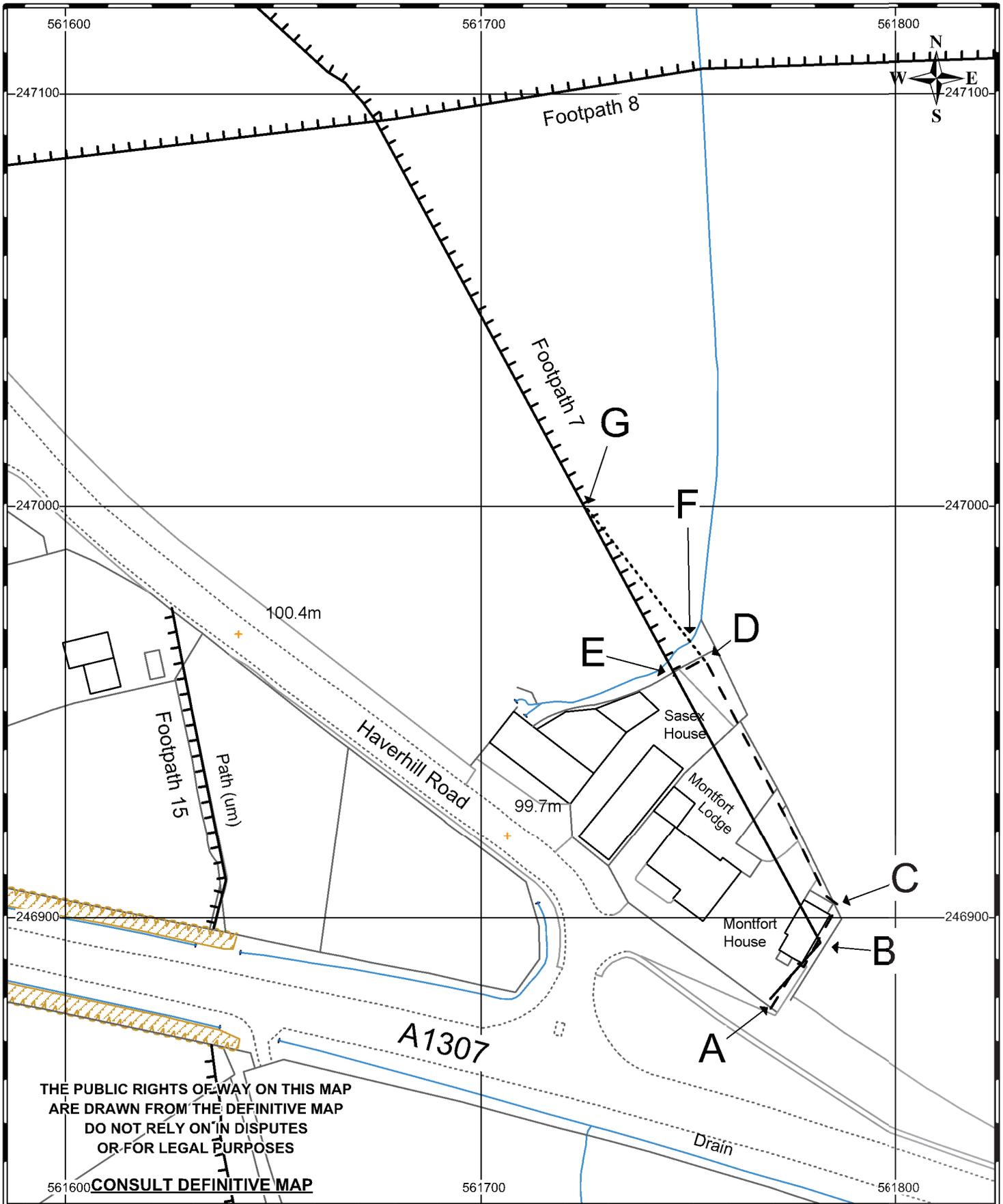
8.1) It is recommended that an order is made under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath No.7, Horseheath, from A-B-E to A-C-D-E, as described in this report, and shown on the plan at Appendix A, to enable the development proposed in planning application S/0184/11/F to take place. The width of the diverted route would be 2 metres.

8.2) It is further recommended that if it is possible to gain the landowners consent to divert the footpath from the line A-B-E-G to the line A-C-D-F-G without delaying a diversion order then this should be done rather than the diversion mentioned in the previous paragraph.

LIST OF DOCUMENTS

A	Map showing proposed diversion
B	Copy of planning application No. S/0184/11/F
C	Copy of diversion order application
D	Copy of Memorandum of Agreement between the District Council and Cambridgeshire County Council
E	Copies of consultation responses

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Key	
Public Footpath to be stopped up	—————
New route of public footpath	- - - - -
Unaffected public footpath	
Alternative route for diversion

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Legal and Democratic Services Manager

**PUBLIC FOOTPATH NO. 7 – OAKINGTON
CONFIRMATION OF ORDER**

Purpose

1. To confirm the South Cambridgeshire District Council (Footpath no. 7 Oakington (part)) Extinguishment Order 2005.

Recommendations

2. It is recommended that the Planning Committee confirms the Extinguishment of part of Public Footpath no. 7 in Oakington, as indicated on the attached plan,.

Reasons for Recommendations

3. So that the Order, and the Agreement referred to in the attached Synopsis from Cambridgeshire County Council, can be advertised at the same time and the matter can then be finalised.

Background

4. While South Cambridgeshire District Council remains the Order Making Authority, Cambridgeshire County Council now acts as its agent in carrying out all the administration involved in dealing with applications relating to public rights of way under the Town and Country Planning Act 1990. The Planning Committee's decision will be conveyed to the County Council as soon as possible.

Considerations

5. Members' attention is drawn to the attached Synopsis from Cambridgeshire County Council.

Options

6. None specific.

Implications

7.	Financial	The cost of placing the Public Notice in a local newspaper
	Legal	None
	Staffing	None
	Risk Management	None
	Equality and Diversity	None
	Equality Impact Assessment completed	No

Climate Change	None
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Consultations

8. Consultation took place when the Order was made.

Consultation with Children and Young People

9. None

Effect on Strategic Aims

10. The District's network of safe and well maintained public rights of way makes sure that South Cambridgeshire continues to be a healthy place in which residents can be proud to live.

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

None

Contact Officer: Ian Senior – Democratic Services Officer
Telephone: (01954) 713028

To: South Cambridgeshire County Council Planning Committee
From: Catherine Taylor, Definitive Map Officer, Cambridgeshire County Council
Date: to be considered 9 May 2012

Report on Public Footpath No. 7 Oakington

1 Purpose

- 1.1 **To seek approval** to confirm the South Cambridgeshire District Council (Footpath Number 7 (part) at Oakington) Extinguishment Order 2005.

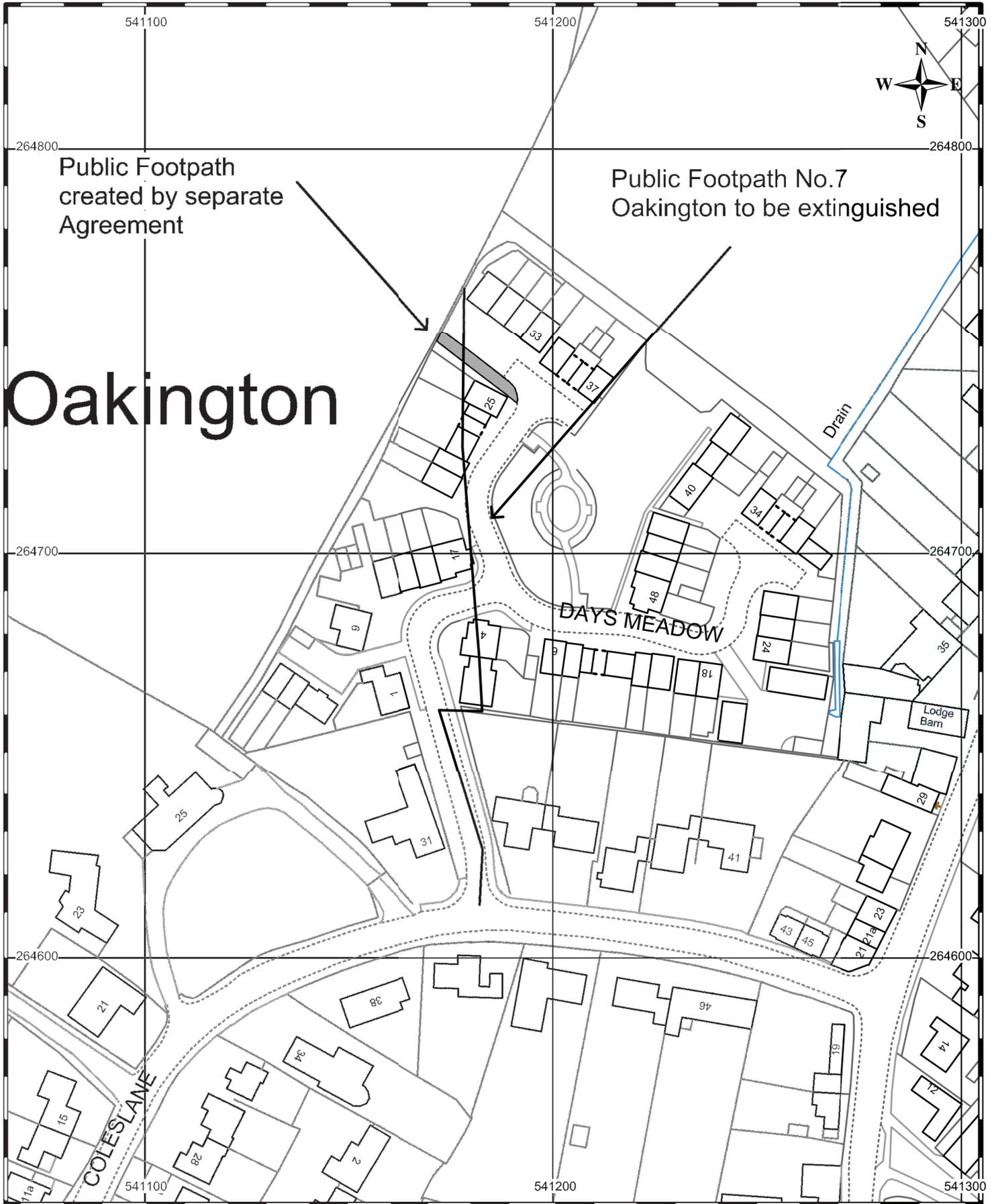
2 Background

- 2.1 This report relates to Public Footpath No.7 Oakington which runs from Coles Lane, Oakington to the parish boundary. Historically this path ran to Longstanton but it is currently dead-end, having been stopped up by the Ministry of Defence in the 1950s. The land over which this path runs was developed with housing during the mid 2000s and is now known as Days Meadow, Oakington. There are a number of houses that have been built over the line of the footpath.
- 2.2 As a result of the then proposed development of Days Meadow an application was made to South Cambridgeshire District Council in 2004 to extinguish Public Footpath No.7, Oakington under section 257 Town and Country Planning Act 1990¹ and to create a new public footpath link from the end of Days Meadow to the parish boundary under section 25 of the Highways Act 1980. It was the intention of all parties that the road would be adopted as public highway to replace the majority of Public Footpath No.7 Oakington and that the new public footpath to be created would maintain a link to the parish boundary. Ensuring that there was still a link to the parish boundary will enable a connection to the new town of Northstowe at a future date. Appendix 1 contains a map showing the current line of Public Footpath No.7 Oakington, the housing development of Days Meadow and the newly created 20m public footpath link from the end of the highway to the parish boundary.
- 2.3 On 1st July 2005 South Cambridgeshire District Council made an Order under the Town and Country Planning Act to extinguish part of Public Footpath No.7 Oakington. The notice advertising the Order was published in the Cambridge Evening News by South Cambridgeshire District Council on 7th July 2005. No objections were received to the Order.
- 2.4 To complete the process of extinguishing Public Footpath No.7 Oakington the Extinguishment Order needs to be confirmed by South Cambridgeshire District Council. This action was put on hold awaiting the making of the Creation Agreement in relation to the 20m section of public footpath from the

¹ Since 2005 Cambridgeshire County Council has processed such orders on behalf of the District Council under an agency agreement.

end of Days Meadow to the parish boundary, to ensure that both events occurred simultaneously.

- 2.4 Progress with the making of the Creation Agreement between the developers and the County Council stalled due to organisational changes at the developer's end. However, the road and its pavement have now been adopted by the County Council as public highway and the new public footpath has been created through the relevant Creation Agreement to our satisfaction.
- 2.5 It is now requested that South Cambridgeshire District Council confirm the Extinguishment Order, so that it and the Agreement can be advertised jointly and the case be closed.



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9 May 2012

AUTHOR/S: Corporate Manager (Planning and New Communities)

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 27 April 2012.
2. **Decisions Notified By The Secretary of State**

Ref.no	Details	Decision	Decision Date
S/1513/11/F	Mr M Huntingdon 11 West Road Histon Front Porch	Allowed Delegated Refusal	05/03/12
S/0291/11/CAC	Highland Glen Estates 7 Water Lane Impington Demolition of existing semi-derelict dwelling	Dismissed Delegated Refusal	06/03/12
S/0289/11/F	Highland Glen Estates 7 Water Lane Impington Two detached dwelling houses	Dismissed Delegated Refusal	06/03/12
S/1713/11/F	Mr & Mrs Lutton 59 Ermine Way Arrington Dwelling and Associated Parking	Dismissed Delegated Refusal	09/03/12
S/1419/11/F	Mr R Croft 57a The Lanes Over Dwelling	Dismissed Delegated Refusal	13/03/12
S/1284/11/F	Goreway Holdings Land adj 7 Station Road, Foxton Dwelling	Dismissed Delegated Refusal	14/03/12
S/2275/10/F	Mr E Banks Manor Farm Washpit Lane Harlton Wedding/Conference	Dismissed Delegated Refusal	19/03/12

	venue with parking, landscaping and ancillary works.		
S/1263/09/F	Tonga Marine Ltd Highfields Court Caldecote Variation of condition 1 to permit 3 additional pitches on existing mobile home park	Allowed Committee Refusal	20/03/12
S/1298/11/F	Taylor Wimpey South West of 50 Greengage Rise Melbourn 3 Dwellings	Dismissed Delegated Refusal	26/03/12
S/0572/11/LDC	Mr & Mrs A Remijn Churchfield House 1 & 2 Hinxton Grange, Hinxton	Dismissed Delegated Refusal	05/04/12
S/0704/11/F	Mr & Mrs P J Owen r/o Norman Hall Church Street Ickleton	Withdrawn	13/04/12

3. Appeals received

Ref. no.	Details	Decision	Decision Date
S/0801/11/F	Mr A Bartholomew 18 Haslingfield Road Harlton Replacement Dwelling	Delegated Approval	08/02/12
S/0365/11/F	Mr B Zhimbiev 86 Magdalene Close Longstanton Dwelling	Delegated Refusal	10/02/12
S/0915/11/F	Mr & Mrs Brackenboro Barons Farm 7 Angle Lane Shepreth New Access	Delegated Refusal	13/02/12
S/0010/11/F	Mr T Walls Plot No 4&5 Pine Lane Smithy Lane Cottenham 2 Static caravans, 2 touring caravans, 2 utility blocks one	Committee Refusal	14/02/12

	temporaty portalo and parking for 4 vehicles.		
S/2141/11/F	Mrs S Grove lilex House Glebe Road Barrington	Delegated Refusal	16/02/12
S/0704/11/F	Mr & Mrs Owen Land adjacent to Norman Hall Church Street Ickleton Dwelling and Garage	Refusal	20/02/12
S/1805/11/F	Mr A Watson Dernford Sawston Road Stapleford Removal of condition 12	Delegated Refusal	02/03/12
S/2216/11/F	Mr & Mrs P Smith 10 Main Street Caldecote Cambridge Extension	Delegated Refusal	05/03/12
S/1756/11/F	Ms K Smyth 7a Heath Road Gamlingay 2 storey side and single storey rear extension	Delegated Refusal	03/04/12
S/2170/11/F	Mr W Badford Land west Desmonds Close Hauxton	Delegated Refusal	19/04/12
S/1492/11/F	Mr M Gerrard Waterbeach Lodge Ely Road Waterbeach	Committee Approval	24/04/12

4. **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 9 May 2012.**

Ref. no.	Name	Address	Hearing
S/0828/11/F	MPM Properties Ltd	The Plough High Street Shepreth	Confirmed 11/04/12
S/2207/11/F	Mrs French	6 Church Way Haslingfield	Confirmed 01/05/12
S/0010/11/F	Mr Walls	Plot 4 & 5 Pine Lane	Confirmed 20/06/12

		Smithy Fen Cottenham	
	Van Stomp Ltd	Dernford Barn Sawston Road Stapleford	Offered 26/06/12

5. **Summaries of recent decisions**

None

Background Papers: the following background papers were used in the preparation of this report: None

Contact Officer: Nigel Blazeby – Development Control Manager
Telephone: (01954) 713165