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24 July 2012

To: Chairman – Councillor Robert Turner

All Members of the Planning Committee - Councillors David Bard, Val Barrett, Brian Burling, Lynda Harford, Tumi Hawkins, Sebastian Kindersley, David McCraith, Charles Nightingale, Deborah Roberts, Hazel Smith, Nick Wright and Vacancy.

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, 1 AUGUST 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. Appointment of Vice-Chairman for the remainder of the Municipal Year 2012-13.**
- 2. Apologies**
To receive apologies for absence from committee members.
- 3. General Declarations of Interest**

1 - 2

4. Minutes of Previous Meeting

To authorise the Chairman to sign the Minutes of the meeting held on 4 July 2012 as a correct record. The Minutes are available on the Council's website by going to www.scambs.gov.uk/meetings and following the links.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

5.	S/0571/12/FL - Melbourn (Police Station Site, High Street)	3 - 16
6.	S/0843/12/FL - Melbourn (29 High Street)	17 - 26
7.	S/2559/11 - Orchard Park (Site A [formerly Q &HRCC] Land off Ringfort Road, and Site B [Formerly E3, Comm2A, Comm2B & E4] Land off Chieftain Way)	27 - 94
8.	S/1235/12/FL - Fulbourn (L'Abri, Teversham Road)	95 - 104
9.	S/0962/12/FL - Milton (33A Froment Way)	105 - 112
10.	S/1050/12/FL - Waterbeach (Rushill Farm, Long Drove)	113 - 120
11.	S/0824/12/FL - Toft (Land adj Meridian Court, Comberton Road)	121 - 130
12.	S/0383/12/AD - Bassingbourn (Field adj The Cemetery, The Causeway)	131 - 138
13.	S/0717/12/FL - Caxton (Land between 88 and 94 Ermine Street)	139 - 146
14.	S/0059/12/FL - Caxton and Elsworth (Land at Caxton Gibbet)	147 - 160
15.	S/0060/12/OL - Caxton and Elsworth (Land at Caxton Gibbet)	161 - 170
16.	S/0050/12/AD - Caxton and Elsworth (Land at Caxton Gibbet)	171 - 174
17.	S/0240/12/AD - Caxton and Elsworth (Land at Caxton Gibbet)	175 - 178
18.	S/0244/12/AD - Caxton and Elsworth (Land at Caxton Gibbet)	179 - 182
19.	S/0048/12/AD - Caxton and Elsworth (Land at Caxton Gibbet)	183 - 186
20.	S/0049/12/AD - Caxton and Elsworth (Land at Caxton Gibbet)	187 - 190
21.	Tree Preservation Order 01/12/SC - Little Gransden (The Old Rectory)	191 - 218
22.	Planning Enforcement Sub-Committee	219 - 222

INFORMATION ITEMS

23.	Appeals against Planning Decisions and Enforcement Action	223 - 224
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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

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

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

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"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 – 1 August 2012 – Disclosable Pecuniary Interests

Councillor

Item no: App. No. Village:
Reason:

Item no: App. No. Village:
Reason:

Item no: App. No. Village:
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Item no: App. No. Village:
Reason:

Please return the completed form to Democratic Services prior to the meeting, or leave it with the Democratic Services Officer in the Chamber.

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

Reason:

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0571/12/FL - MELBOURN**Erection of 13 affordable dwellings and community building following demolition of four existing dwellings, police station and outbuildings (garages), High Street for Hundred Houses Society****Recommendation: Refusal****Date for Determination: 15 June 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the Head of Planning is of the view that the application should be presented to Committee for decision.

Members visited this site on Tuesday 3 July 2012

Conservation Area

To be presented to the Committee by Paul Sexton

Site and Proposal

1. Members will recall deferring this application at last month's meeting. Members are asked to refer to the main officer report for last month's meeting however the update report to the July meeting is replaced, being incorporated into the revised update below.
2. Since the July meeting further information has been submitted by the applicant and meetings held with officers, including a site meeting with the Trees and Landscapes Officer. A further updated landscape plan and street elevation plans for both ends of the site have been submitted, replacing previous drawings, along with a further supplementary design statement, and drainage and consultation statement. These are referred to in more detail under Applicant's Representations below

Consultations

3. The following replies have been received to the amended drawings received on 19 June 2012. Any further comments on the additional drawings/information received on 17 July 2012 will be included in a further update report or reported at the meeting.

Conservation Manager

"Heritage Statement

4. This Statement responds to points made by English Heritage which highlight the contribution to the conservation area made by the existing landscaping and spaces between the buildings on the site, and notes the apparent and potential heritage significance of the existing development and that this significance should be properly assessed.
5. The Statement says that the development will have a low density and that views through it to the north will be maintained. The density will be significantly increased, however, from the existing and from that which gives this section of High Street its character. Views through to the north will be very restricted and along one 'channel', particularly when vehicles are parked in certain bays.
6. I do not think that the additional information gives the fuller assessment of heritage significance that English Heritage requested or agree with the conclusion that the existing development has little historic interest.

Supplementary supporting statement and revised drawings

7. Moving the community building back by 1.5 metres will reduce its impact on the conservation area and the setting of 32 High Street.
8. The removal of lean-to bin stores from the three bedroom semi-detached units will reduce their complexity which is welcome. However, this gives a modification to the design rather than the more fundamental re-thinking in response to local character that is needed. The cross plan form, deep plan, and relatively shallow roof pitches remain. The projecting front gables look out of place because of their position and sparse and unwelcoming appearance with small windows.
9. The use of natural slates and plain tiles are welcome. Other materials and finishes, however, can seem to give token or, in the case of vertical cladding, questionable references to local character.
10. While the revisions sent on 19 June make some important improvements to the scheme, I believe that the proposals still fail to preserve or enhance the character or appearance of the conservation area and will be harmful to the setting of nearby listed buildings."

English Heritage

11. "There are a number of design changes included, and while these are to be welcomed they are of a relatively minor nature, refining the scheme rather than fundamentally changing it. The street elevation is also helpful and illustrates that the gable of Unit 1 (at the east end of the site) will be particularly prominent in the streetscape with the gable exposing the deep-plan nature of the house-type which is in stark contrast to the shallow plan depth of the traditional houses found in the Melbourn Conservation Area. As a result I do not believe the design changes provide the mitigation necessary to reduce the harm to the point at which it might then be considered to be offset by the wider public benefit arising from the provision of a community facility and affordable housing. Such mitigation would probably only be delivered through a reduction in the number of units. However, it will be up to the members of your planning committee to weigh the harm v public benefit for themselves when determining the application."
12. The **Housing Development and Enabling Manager** has submitted updated comments as follows.

13. "The lack of affordable housing continues to be a problem for many villages in South Cambridgeshire. Over the years we have seen the character of many of these villages change, many of which have become populated by commuters and second home owners. Whilst this brings money into the local economy, it also pushes up property prices beyond the means of local people. As a result local people are forced to move away breaking up networks of families and friends.
14. Whilst a small percentage of the housing need can be met on growth sites, it is important not to forget that the people who this authority are statutorily required to assist have a right to express where they would like to live. They have a choice, and if their choice is to live in the village where they have a local connection this authority has a statutory duty to assist in meeting this demand.
15. There are currently 3450 housing applications registered with South Cambs. In relation to Melbourn, of that 463 people have indicated that they would like to live in Melbourn.
16. Icen Homes and Hundred Houses have agreed to allow the initial allocation of these new homes to go to people with a local connection to Melbourn. This will have a very positive influence on the scheme meaning that local people will be able to remain or return to the village where they grew up. The Housing Strategy and Development team are working with Hundreds and Icen to draft a local lettings policy in this regard.
17. This scheme is providing a mixture of affordable rented and shared ownership accommodation, which is (as the figures suggest), much needed in Melbourn. The biggest demand remains for affordable rented in every part of South Cambridgeshire, but with the lack of public subsidy available to help bring affordable schemes forward, almost all schemes now have an element of shared ownership to help cross subsidise the cost of the overall development. I am aware that the parish are very supportive of a mixed tenure scheme and there is sufficient demand for this produce from the evidence that we have.
18. Icen Homes and Hundred Houses have worked hard to ensure that they can also help meet the communities' aspirations by providing a community hub. The Hub was not part of the original plans for the site, but in the spirit of partnership working the Housing Association were happy to help in this case.
19. The Housing Strategy and Development Team are very much in support of this project, not only is it providing new affordable and good quality energy efficient homes, it also goes a little further in providing a community asset that will be available and accessible to all residents who live in the village.
20. The scheme is fully supported by the Housing Strategy and Development Team which has been working with Hundred Houses Society on this project for some time.
21. The **Trees and Landscapes Officer** commented in respect of a report submitted by a Landscape Consultant on behalf of local objectors prior to the last meeting. Since that time the Trees and Landscapes Officer has made further comments on the site, which are referred to under the applicants representations below.
22. "*Beech Hedge with Kay's Close & T24 Maple:* There was in the original submission some ambiguity about the boundary with Kays Close. This has now been addressed in the amended tree report from Hayden's in terms of the crown spread and overhang of T24. This has resulted in a reduction of the amount of crown reduction initially

proposed. T24 was historically on the edge of a ditch which was filled in, this is reflected in the buttress root which is an indication of an anchoring root, the extent of this root is clearly unknown but should be considered in the proposed root pruning.

23. The Beech hedge has been managed as a formal hedge and it has been discussed in a meeting with the applicant that a 1.5-2m strip should be afforded to the hedge allowing a rooting area not to be compacted, in relation to any trees not included in the Arb report the several ash referred to by Ms Dickinson if no larger than T24, T12 or T23 will be protected by the Root Protection Areas of these three trees. Noted on the plan drawing number 2782-D both ground protection during construction and a no dig area are proposed. These are perfectly acceptable compromises in accommodating trees within development, combined with root pruning and the appropriate foundation design for the gable end of unit 13 and the community building.
24. *Silver birch:* The silver birch are a feature of the site located on the frontage however they are mature specimens and as stated in Ms Dickinson's report have a limited life expectancy of 10+ years. There is a discrepancy on the plans of whether T4 & 5 are to be retained. If retention is desirable then as stated details of tree protection and foundation design need to be agreed. However my understanding is that the parish council are looking to manage the green space on the frontage and the footprints may be moved back into the site increasing this space thereby providing the opportunity for replacement future feature trees.
25. T6 Ash, T8 Whitebeam, T10 Ash: These trees are of a nice rounded form at the rear of the site and have all been 'open grown' and by their form and growing conditions have developed broad spreading crowns, trees of such a form are not always suitable for retention within developments due to conflict with the canopy and need to be provided with the appropriate space to negate this. Due to the various constraints of the site, the limit of development line reducing the area available for development space is going to be an issue. This constraint reflects on the removal of T8 & 10. If these trees were retained within the rear gardens of units 12 & 13 they would dominate the gardens and post development pressure for their removal would be significant. The trees do provide an element of screening from 3 Kays Close across into the proposed development. However there may be the opportunity to replacement plant with trees that can be managed for the space, or given the adjacent land being a school playing field outside of this planning application there may be scope for some planting within the corner to provide screening lost by the loss of T6 & 8. The issue raised over light into unit 8 is questionable given that T6 is on the northern aspect of the property. While the tree will have some impact the rear garden(s) are always going to be shaded.
26. *H5 Hedge:* Ms Dickinson states the ash trees as being 'off-site'. While any tree adjacent to a development site that is within an influencing distance (e.g. the Root Protection Area encroaches or canopy overhangs) should be plotted and noted for reasons of protection, any trees off site that are outside the control of the applicant cannot be considered a part of the larger landscaping scheme as they could be removed. It is acknowledged that this adjoining area is a school playing field and therefore unlikely that the trees will just be removed.
27. *Conclusion:* As with any boundary trees/hedges or trees/hedges in the ownership of a third party the law of 'Common Law Right' needs to be acknowledged and considered, this means that any overhang of both canopy and roots can in theory be cut back to the boundary and no further, with or without development pressures. The proposals use accepted Arboricultural practices to reduce the overhang of T24 & 12

while using root pruning, ground protection and no dig to accommodate the roots. However due to the form of T24 careful site investigation to make an assessment of the rooting habits needs to be undertaken due to the anchorage root that has developed due to the tree historically growing on the edge of a ditch.

28. The Silver birch at the front of the site are mature specimens and while they are a significant landscape feature with high amenity trying to retain them may place them in a situation of conflict and post development pressure for extreme works or removal, as suggested consideration of a phased replacement and removal needs to be considered, taking into consideration that this area on the frontage may be increased in size if the footprints are modified.
29. The loss of T8 & 10 does open up a view into the site from the top of Kays Close. However due to their form, the trees will be in direct conflict with a dwelling and the rear garden. It would be unreasonable to retain these trees if the layout of the site stays as currently proposed. Replacement planting, or if possible off site mitigation with the co-operation of the school for planting on the playing field, could be achieved (it is acknowledged that this would clearly not be a part of any decision notice condition as it is outside the planning application).
30. In relation to trees not being plotted, I am unable to comment directly. However industry guidance does request trees off site if influencing a development site to be plotted and RPA's determined, however if the trees are smaller than others in the immediate vicinity that have been plotted their RPA's will probably overlap and therefore any protection afforded will cover those not plotted."

Representations by members of the public

31. The report to the previous meeting, at paragraph 33, should have included The Long House, 2 Meadow Way in the list of properties from which representations had been received. The issues raised in the letter were covered in the report.
32. Additional letters of support have been received from the occupiers of 110, 122 High Street, 87 Beechwood Avenue, 1 Cedar Close, 25 Hale Close, Bespoke Furniture, Saxon Way, 54 High Street, Meldreth (library volunteer) and a company based at Dunsbridge Turnpike, Shepreth on the following grounds:
 - I. Melbourn has a great need for affordable housing
 - II. This is the only realistic way to retain the library
 - III. There is a great need for the hub. It is important to have a central heart to the village, providing library, Parish Council room, meeting rooms, coffee shop, Citizens Advice Bureau and an ATM. A central facility will benefit the community.
 - IV. Existence of modern houses in Kay's Close negates any concerns about the conservation aspects of the proposal
 - V. Benefits to the village clearly outweigh and perceived disadvantages and must take precedent
 - VI. If no community building is provided as part of the scheme it will mean that more houses are included, which will still create more noise and traffic. The site could be developed in a way which does not enhance the community

- VII. Central facility will increase attractiveness of village for businesses and customers, and will strengthen bonds between the business and residential communities in the village.
 - VIII. Small businesses would be able to hire a smart meeting room, when they do not have suitable rooms of their own.
 - IX. The Hub would be used for local job fairs and exhibitions which would have huge benefits for the local business community, which will ultimately benefit the whole population.
 - X. There is already a village owned car park opposite the site, which is ideal.
33. In addition a petition in support of the proposal has been organised. The petition explains states that it is firmly believed that the creation of a Village Hub on the site of the former police station will enhance Melbourn tremendously. It urges the District Council to pass the planning application to build affordable housing plus the Village Hub. At the time of writing the report the petition contained 320 signatures.
34. Prior to the July meeting Members received an electronic representation from County Councillor van de Ven strongly supporting the application, and a representation and accompanying documentation from Strutt and Parker on behalf of objectors to the scheme.
35. A letter has been received from the Acting Principal, Melbourn Village College clarifying its position. It takes the view that developments within the village are a matter for villagers and their representatives. Comments about the development would be limited to hoping that any new neighbours were fully aware that they were backing onto a school playing field and therefore to expect some accompanying noise during term time. Whilst the felling of trees would be a shame they do not belong to the college and are therefore a matter for the community in the wider context. It is conformed that discussions have taken place with the Parish Council about the possibility of drainage running across college land and verbally agreed to support this if the plans are agreed. It is conformed that the college does not currently have facilities equivalent to those proposed and that the existing library building on the college site has been condemned and therefore has a very limited lifespan.
36. Additional letters of objection have been received from households already listed in paragraph 33 of the July report.
37. The occupier of 3 Kay's Close has written further to publication of the committee report. He stresses there are only four police houses on site at present; that his boundary is marked by a virtually 100% deciduous mix of trees and hedges rather than yew as set out in the report; and the section on trees needs to take account of a tree and landscape report prepared on behalf of himself and other residents (see below). This report suggests that officers have given insufficient consideration to the impact of the proposal on trees on the site.
38. The occupier of 57 High Street objects on the grounds of lack of need for more affordable housing in the village. The site should be used to provide a well-designed building to provide community facilities. The facilities provided should not just be another bookable hall and should benefit not just the village, but services for the wider community.

39. Letters have also been received which, whilst recognising the changes made, state that these do not overcome the fundamental objections to the scheme and expressing concern about the accuracy of the previously submitted street elevation and 3D visualisation drawings. One letter points out that the Parish Council has objected to an application to redevelop the car park/garden of the Old Elm Tree public house and the development at 31 The Moor, and that many of its objections would also apply to the Old Police Station site. One letter points out that the village car park is always full between 8.15am to 9.15am and 2.45pm and 3.15pm.

Applicants Representations

40. It was with some disappointment that the applicant noted the circulated report made limited reference to the amendments made following the latest meeting with the planning authority.
41. The applicant valued the opportunity to meet with the development control manager, principal planning officer, trees and landscape officer and conservation manager. This allowed positive discussions to be had with regards to the concerns and comments raised during the consultation period. From this dialogue the proposals were amended to reflect the areas of concern and the following significant changes have been made and submitted:
- Relocation of the Community Building deeper into the site layout, as requested by the planning officers, to maintain a sufficient margin of planting along the High Street.
 - 'Sit-on' Photovoltaic Panels omitted.
 - Proposed roof finish to the Community Building is clay tiles and slates to the dwellings, as requested by EH and the Conservation Manager.
 - The front elevations to the dwellings have been amended with the omission of the bin stores, indicating a simpler frontage, as requested by the planning officers, to reflect the appearance of listed buildings along the High Street.
 - The side elevations/gables of all dwellings have been amended to show painted render to relate more closely with no.32 High Street, as requested by the Conservation Manager.
42. It was agreed that any detailed landscaping proposals should be developed in close liaison with the trees and landscape officer to ensure that suitable species are specified and that any ambiguity over screening of cars and car parking to the dwellings is correctly implemented.
43. Full copies of the above submissions can be viewed on the website as part of the supporting documentation to the application.
44. Since the July meeting a further meeting has been held between officers and the applicant, followed by a site meeting to look at landscaping issues. Further to those discussions the applicant has submitted the following information:
45. An updated proposed landscaping plan which is further annotated to say that existing trees and planting outside the rear development boundary with the Village College, the south west boundary with Kays Close and the north east boundary will remain untouched. It confirms the intention to retain the two Silver birch at the front of the site to the right of the access. It refers to proposed planting to the rear of the site which is to be the subject of further discussion with the Village College. The drawing states that all new trees will be semi-mature 3-4m and all hedging will be of good specimen, and advice will be sought from the Trees and Landscapes Officer. The

existing Beech hedge running along Kay's Close on the development side of the site is to be regenerated in line with discussions with the Trees and Landscapes Officer

46. A drawing showing 'true elevations of the proposed eastern and western ends of the site, showing part of the proposed Community Hub, in relation to the adjacent listed building (32 High Street), and the houses on Plots 1-7 in relation to the bungalow at 16 High Street. In addition the applicant has confirmed that the previously submitted street elevation drawing and 3D visualisation (south west) are not to be considered as part of the supporting information. (These drawings have now been removed from the website).
47. A revised drainage and consultation statement. In respect of drainage it states that there has been an ongoing flooding issue in the High Street, from The Cross to Drury Lane, which has been highlighted by residents in the area and by the Parish Council. The Parish Council believes one solution would be to upgrade the drains in the area, by installing a relief pipe across the old police site. The drain would run from High Street into Melbourn Village College Playing fields, which in turn discharge into the stream at The Moor. Following discussions between the Parish Council, Local Highway Authority, Hundred Houses/Iceni and Melbourn Village College, the Local Highway Authority has agreed they will work with the developers to install a new drain, should the development go ahead.
48. In respect of consultation it is stated that the need for a Community Hub was highlighted in the Melbourn Village Plan of 2010, which had a feedback of 53%. High on the list was a central library, café, information centre and central parish office. To ensure residents understood the proposal for a Community building, on 5 September 2011 the Parish Council took the unprecedented step to consult with the village on the specific question "*Do you think the village would benefit from a Community Centre/Hub*". A consultation letter and form was hand delivered to every household in the village. Checks were made to ensure all houses in the Parish had received the consultation document.
49. The letter explained the history of the development and the reasons behind the project. A description of what the Hub could provide and outline costs were also included. On the reverse of the letter was a voting form and an opportunity to comment on the proposal, as well as commenting on the other activities that the village could benefit from. An identical explanation letter and form was also available on the Parish Council website. Simple security measures were undertaken to ensure there was no duplication of either the printed form or online version.
50. Eighty five per cent of respondents to the Community Hub consultation voiced a desire for the facility that could be met by a suitably designed and equipped Community Building. In the consultation residents asked overwhelmingly for the Hub to provide a café, a place where local information is easily accessible, new premises for the library (which loses its present site in 2013 due to County Council changes at Melbourn Village College), access to the internet, an area where people, young and old alike could meet for a chat and space for local artistic exhibitions to be held.
51. On 21 November 2011, the developers and Melbourn Parish Council also held a Public Consultation, in the Vicarage Close Community rooms, which saw a significant turnout of residents and a very positive and useful feedback for the site and design.

Supplementary Design Statement

Community Building

52. Roof Lantern: English Heritage raised comment over the possibility to 'simplify the ridge-light' to something more akin to a patent glazing system that would follow the pitch of the roof. During the design stage alternatives were considered, however the current configuration provides additional daylight and natural ventilation into the double height space without creating problems with solar gain or complicated high level maintenance regimes.

53. Dormer (Clerks Office). English Heritage referred to this feature as 'fussy' and detracting from the simple agricultural form. Again various studies were undertaken to provide daylight to this office space; windows, rooflight, sun pipe etc. In conclusion, and in discussion with the Parish Council, it is felt that what has been included is the most appropriate and fits the need of the space/occupant. This has also been confirmed by the planning officer, as it is considered that it is sufficiently well hidden to the rear of the building so as not to cause a visual distraction.

Dwellings.

54. As requested by the planning officer, the front elevations of the dwellings have previously been amended with the omission of the bin stores, indicating a simpler frontage. Further improvements have now been made to the fenestration both in terms of proportions and positions, and these are reflected in the recent changes.

Landscaping

55. The following information has been supplied by the Council's Tree Officer following a further site meeting:

56. T004 and T005: Silver Birch to the right of access

These trees can be retained with careful tree protection; the proposed new dwelling has a footprint along the same as existing. The front elevation is as the existing with the gable end coming to the edge of the tarmac path. There is little or no evidence of the tree roots being active under the tarmac and therefore there is no significant reason that the new dwelling will directly conflict with roots. The footprint of the building accommodates the trees due to the recess in the corner. Tree protection will need to be installed and there will be a requirement for some crown reduction to allow for construction however this gable end will need to be constructed from inside the footprint. With care and tree protection in place there is no reason this tree should not be retained.

57. G001: Planting on boundary with 16 High Street

In the rear corner planting will be retained as per Hayden's report, there is a mix of species which can be retained, the conifers and Norway spruce are to be removed. There are two Silver birch trees and unfortunately they are not suitable to be retained within the layout as they will be too close to the buildings and be a nuisance.

58. T006: Ash tree to be retained

The Ash tree to be retained requires dead wooding and will require crown lifting. Due to drainage on the site a service run may be required to pass through the Root Protection Area of this tree, if this occurs then a condition is to be placed on any decision notice that this will be dealt with in detail at the time if it occurs.

59. H005: Rear Hedge with School

To one end of the hedge there is Beech hedging that has clearly not been maintained as part of the hedge, along with some smaller vegetation – these will need to be cut back to allow car parking spaces to be installed – this is not an issue as the trees need to be brought back into management.

60. The Kay's Close end of the hedge there are some Ash saplings which were raised by local residents as not having been plotted – the hedge and these saplings are off site and all identified for retention. The saplings would have a small root protection area and given the no development line on the site the hedge and saplings would be protected.
61. T008 and T010: Ash and Sorbus
These two trees have been identified for removal. The Sorbus is a significant specimen with a broad spreading and low canopy. It is unfortunate that due to the form of the tree with many scaffold branches all emanating from the same point that to reduce and crown lift the tree to accommodate it within the garden of the proposed would leave a poor specimen with on-going maintenance requirements. The Ash is of poor quality with a sparse canopy and much dead wood and once again to achieve retention of this tree within the proposed layout would require significant works to the canopy leaving the tree of a poor form requiring on-going management.
62. Neither specimen are suited to the proposed layout even though they are located within the development area of their canopy's spread into the gardens of the proposed dwellings and would take over the gardens.
63. Beech Hedge adjacent to Kay's Close
The Beech hedge from Kay's Close side has been maintained as a formal clipped hedge. On application site side the hedge has not been maintained in a formal manner and has spread some 1.5 - 2m into the site along with self-set elder, planted ornamental conifers and other planting. I would propose to bring the hedge back into management by reducing it back by 1 – 1.5m sympathetically by hand to a bud. While this will initially leave bear 'twigs' once the hedge comes back into bud burst over a couple of seasons this side of the hedge should flourish and provide a good screen as it does from Kay's Close side.
64. This reducing back of the hedge will allow for a better working space without compromising the hedge through ensuring a 1 – 1.5m space is left. The proposed bin store is within the same footprint area as an existing shed which is covered by this hedge therefore I can see no reason why the bin store cannot be located in this area. Given the light nature of what the structure is to house foundation details need not be intrusive into the rooting area and this can be clarified at a more detailed stage.
65. T001, T002 and T003: Silver birch to the left side of the access
It has generally been accepted that these trees will need to be lost for development. They are mature specimens and their longevity is limited.
66. Given that the Parish Council will be responsible for the frontage of the site proposals for replacement planting have been discussed and there is to be a replacement hedge to the right hand side to replace the section of hedge being lost. To the front of the Community Building there is a requirement for some defensive planting, however there will be replacement trees planted.
66. The potential to plant a small copse off site on Melbourn Village College side is outside this planning application however it would provide a screen in the future and have the potential to significantly obscure the views.

Material Planning Considerations

67. The main issues for consideration in the determination of this application set out and considered in the July report and have not been rehearsed here.

68. Officers are conscious that comments in the July report focus mainly on the proposal as originally submitted, and that comments received in respect of the revised drawings received in the middle of June were not available at the time of writing the report
69. The amendments made to the layout and design of the buildings as highlighted in the applicant's representations above have improved the scheme as a whole and are therefore welcomed. Members will note however that both the Conservation Manager and English Heritage, whilst recognising that the changes made are to the benefit of the scheme, are of the view that these do not address their fundamental concerns about the impact of the scheme.
70. The further clarification of proposed landscaping is welcomed and it appears as though it could be possible to retain the two existing Silver birch to the right of the access. Any additional planting that can be secured in the grounds of the Village College to further soften the impact of the development is to be welcomed, although that land is not within the control of the applicant and therefore that area of possible new planting does not form part of this application.
71. Officers recognise that there are existing drainage problems along High Street, and if the development of this site can be utilised to provide a possible solution to these existing problems it is to be welcomed, although these proposals are not a formal part of the application.
72. The applicant's agent refers to the latest revisions containing further improvements to the fenestration of the proposed dwellings, although the plans appear to contain some discrepancies between elevations and floor plans and this will be clarified in the update report. Whilst any further improvements to the appearance of the proposed dwellings is to be welcomed it does not however address the officers concerns about the overall impact of the scheme.
73. Officers are of the view that the recently submitted drawings showing a 'street elevation' at either end of the site are representative in terms of the relative heights of the respective properties shown. The previously submitted full street elevation and 3d visualisation looking south west along High Street no longer form part of the application.
74. Members will note the additional letters of support that have been received and the petition in support that is currently being raised, Officers will update any further information on the number of signatures obtained.
75. Any comments on the recently received additional information and drawings will be reported at the meeting.
76. As stated in the original report, a balance needs to be struck between the perceived harm to heritage assets and the community benefits of the proposal.
77. While officers remain keen to support proposals that deliver such benefits, the view remains somewhat reluctantly that the harm arising from the scheme as amended is still sufficient to outweigh the public benefits it would deliver.

Recommendation

78. That the application is refused for the following reason:

1. The site in its current form, with a mixture of buildings in a low density setting, with landscaping and open grassed areas either side of the access road, enhances the character and appearance of this part of Melbourn Conservation Area, and forms part of the setting of adjacent Grade II listed buildings at 32 High Street, The Longhouse, 2 Meadow View, and Lordship Farm.

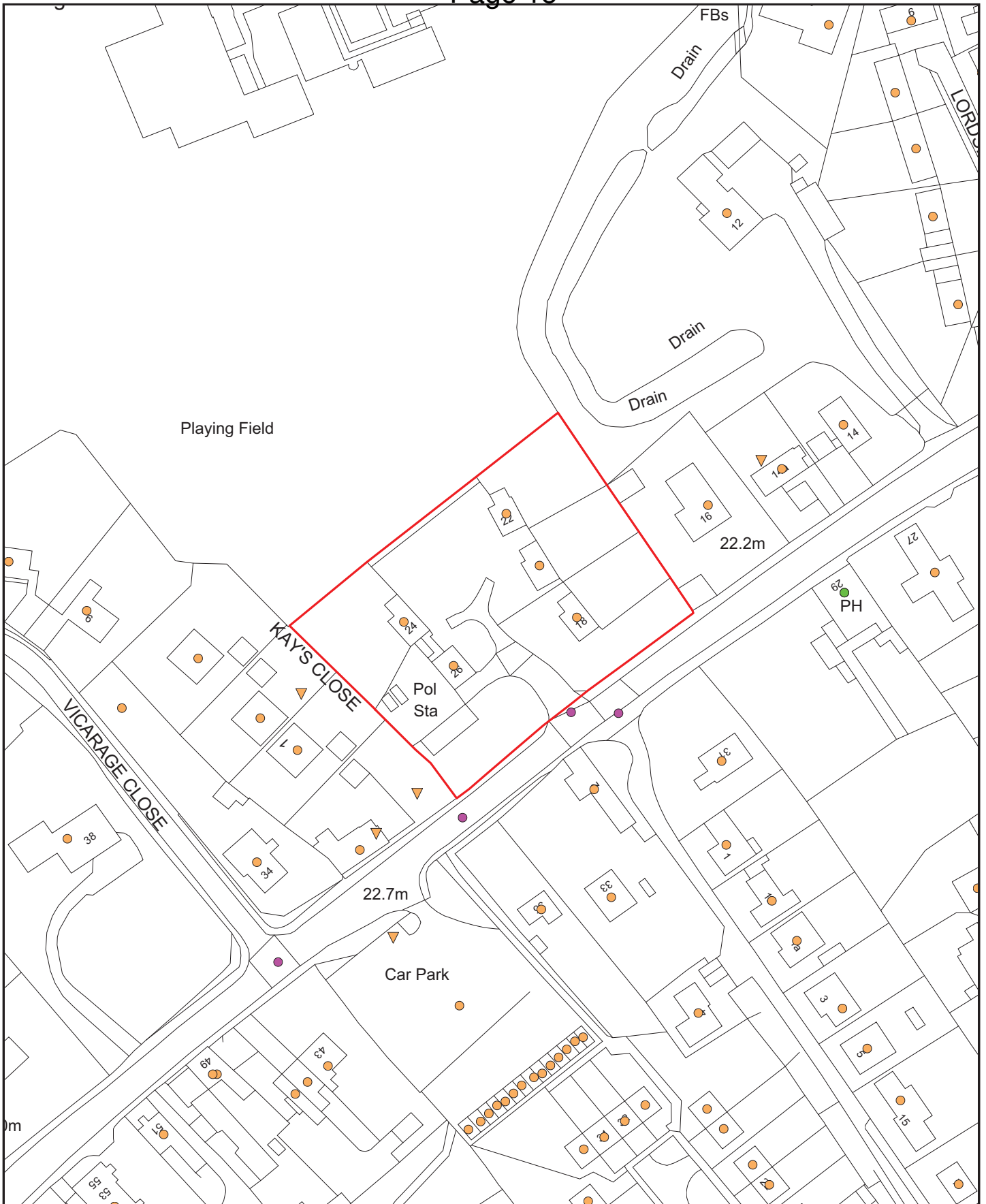
The redevelopment of the site by the number of buildings proposed will result in an increased density of development on the site, bringing development closer to the High Street frontage, leading to the loss of trees and open spaces within the site, and a cramped form of development, which in respect of the housing element, will be dominated by the car parking areas at the front of dwellings. As a result the development will neither preserve nor enhance the existing character of the Melbourn Conservation Area, and will detract from the setting of adjacent listed buildings, contrary to the aims of Policies CH/4 and CH/5 of the adopted Local Development Plan Policies 2007 and advice contained in the National Planning Policy Framework.

The Local Planning Authority recognises that the harm identified above needs to be balanced against the public benefits which will accrue from the provision of 13 affordable houses and a community building for the village, however in this case the Local Planning Authority is of the view that these benefits do not outweigh the harm and that the application should be refused.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0571/12/FL

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



South
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0843/12/FL - MELBOURN**ERECTION OF 6 DWELLINGS (COMPRISING ONE 4 BED HOUSE, ONE 3 BED HOUSE, ONE 3 BED BUNGALOW, AND ONE 2 BED HOUSE, WITH TWO 1 BED FLATS (AFFORDABLE UNITS)), AND REMODELLING OF EXISTING PUBLIC HOUSE CAR PARK, 29 HIGH STREET, MELBOURN FOR LETCHWORTH PALACE LTD****Recommendation: Delegated Approval****Date for Determination: 13 July 2012****Notes:**

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

Members will visit this site on Tuesday 31 July 2012

Part Conservation Area

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This full application, as amended by drawings received on 13 July 2012 proposes the erection of 6 new dwellings on land which currently forms part of the car park and garden area of The Old Elm Tree Public House, 29 High Street, Melbourn
2. The application involves a remodelling of the existing car parking area adjacent to High Street to provide 18 parking spaces, with an additional 2 disabled parking spaces sited adjacent to the public house. It is proposed to have a single point of access from High Street, close to the building, serving the public house and car park, with a roadway running to the rear of the site.
3. The new housing development will comprise a pair of one-bedroom affordable houses sited gable end to the rear of the car park area, with a pair of barn style dwellings sited to the rear of the existing garden of the public house and a linked two storey house and bungalow in the south west corner of the site, grouped around a turning head and parking area.
4. To the north east of the site are the rear gardens of properties in Norgetts Lane. To the south east are the rear gardens of properties in Spencer Drive and to the south west are the rear gardens of properties in Meadow Way
5. The Density is 35 dwellings per hectare.

6. The front section of the site and the rear gardens of the proposed dwellings on Plots 3 and 4 are within the Conservation Area, however the main body of the site is outside.
7. The application is accompanied by a Design and Access Statement, Heritage Statement, Ecological Assessment, Acoustic Report, Waste Design Toolkit and Section 106 Draft Heads of Terms.

Planning History

8. **S/1137/95** – Three Dwellings - Withdrawn

Planning Policy

9. **South Cambridgeshire Local Development Framework Core Strategy Development Plan Document: ST/5** – Minor Rural Centres
10. **South Cambridgeshire Local Development Framework Development Control Policies adopted July 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 Density, **HG/3** Affordable Housing, **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 Developments, **NE/6** Biodiversity, **NE/9** – Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/12** Water Conservation, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **CH/2** Archaeological Sites, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas, **TR/2** Car and Cycle Parking Standards.
11. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)** - Open Space in New Developments - adopted January 2009, Development Affecting Conservation Area – adopted January 2009, Public Art - adopted January 2009, Trees and Development Sites - adopted January 2009, Biodiversity - adopted July 2009, Listed Buildings – adopted July 2009, Landscape in New Developments - adopted March 2010, Affordable Housing – March 2010 and District Design Guide - adopted March 2010
12. National Planning Framework

Consultation by South Cambridgeshire District Council as Local Planning Authority

13. **Melbourn Parish Council** recommends refusal of the application as originally submitted.
 - a. “Considered to be poorly thought out eg. Access road to proposed dwellings means pub customers have to cross this to visit or return.
 - b. Significant reduction to pub parking spaces and confined manoeuvrability will lead to customers parking in High Street.
 - c. Where will pub staff park?

- d. How will pub suppliers access the rear of the premises for deliveries, collections etc
 - e. We think the development access should be separate from the pub car park access.
 - f. As is unlikely to be an adopted road how will public services etc access it.
 - g. Visitor parking is unrealistic as 2 extra for the whole site. Due to their location they will probably be used by Plot 3 or their visitors.
 - h. There is no pedestrian pavement in the development site from the entrance gate in. The width is only 3.6m which puts pedestrians, especially children in danger from vehicular traffic.
 - i. Is this to be a 'gated' access, not in keeping with our High Street scenario and likely to cause problems in busy pub/restaurant opening times, ie someone will park in front of closed gates, hence e.
 - j. Where will bins be stored on 'collection' days, are occupants really expected to take bins down to the bin collection area. They are not likely to be collected from there anyway.
 - k. Although we note surfaces will be water absorbent this is a sensitive problem area for surface water drainage.
 - l. There are concerns from neighbouring residents re overlooking their property by Plot 4. It is also felt that all neighbouring properties to the site are bungalows and these are out of keeping.
 - m. No visual reference to the Conservation Area boundary is made, this passes through the proposed development and we would like to see this appear for future reference.
14. The **Local Highway Authority** has no objection. It requests the provision of vehicle visibility splays measuring 2.4m x 43m, and pedestrian splays of 2.0m x 2.0m. It asks that the proposed drive way is constructed using a bound material to prevent debris spreading onto the adopted public highway, and so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. Dimensions should be shown for the proposed car parking spaces for the public house car park.
15. The **Conservation Manager** suggested a number of revisions to the originally submitted scheme which are incorporated into the revised drawings. Comments on the revised scheme will be reported at the meeting.
16. The **Environment Agency** advises that as the site falls within Flood Zone 1, and there are no other related Agency related issues in respect of this application, it is for the District Council to respond on behalf of the Agency in respect of flood risk and surface water drainage related issues.
17. The **Corporate Manager Health and Environmental Services** has concerns about the potential impact on the amenity of the future occupiers of the proposed houses due to the permitted operation of the public house. There is concern that the Acoustic report submitted with the application does not take account of instances

where the public house may wish to have entertainment such as live/recorded music and dancing, which is permitted under its licence until midnight on Fridays and Saturdays. It is suggested that there should be restrictions placed on these activities should consent be granted, and that as the public house is in the same ownership this may be possible to achieve.

In respect of the proposed construction works it requests that conditions are included in any consent restricting the hours of operation of power driven machinery during the period of construction, and requiring the submission of a statement of the method for construction of driven pile foundations, if to be used, in order to minimise the effects of the development on nearby occupiers. An informative should be included regarding the use of bonfires and burning of waste during the construction period.

18. The **Contaminated Land Officer** is satisfied that a condition relating to contaminated land investigation is not required.
19. The **Trees and Landscapes Officer** comments that the trees within the site have been categorised as C under BS5837 guidance, which means they should not restrict development. There are no objections to the proposals and the replacement landscaping will provide screening in time and improve the existing street scene.
20. The comments of the **Environment Operations Manager** will be reported at the meeting

Representations by members of the public

21. Letters of objection have been received from the occupiers of 1, 1a, 1b, 3 Meadow Way, 14 and 14a High Street, 7 and 8 Spencer Drive and 4 and 8 Norgetts Lane.
 - I. The proposal will add more hard surfaces in the High Street, reducing the surface area for rain water to soak away and extra volume to the already insufficient drainage system. The drains are unable to cope now and there has been serious flooding in 2006, 2008 and 2010 to support these concerns. The site is in a flood plain.
 - II. Proposed reduction of the pub car park from 30 to 15 spaces will result in cars parked in the High Street, and potentially restrict access and safe views from nearby driveways. 24 cars were recently parked in the car park midweek. Combined with the potential redevelopment of the Police Station site, there will be a significant potential increase in congestion, causing problems for people exiting from Meadow Way, and at the entrance to Norgetts Lane.
 - III. There should be double red lines along High Street, with a Zebra crossing
 - IV. Building in the Conservation Area and would spoil the look and feel of the High Street. The gated access is inappropriate. The boundary of the Conservation Area should be clarified – it would appear that plots 3 and 4 will in part be built in the Conservation Area.
 - V. Proposed buildings are out of character with the area and are two storey houses and flats, whereas surrounding buildings, with the exception of the public house, are all bungalows or chalets.
 - VI. Overdevelopment of the site.

- VII. Loss of privacy to gardens of properties in Meadow Way through overlooking. The unbroken side of the house on plot 4, within 2 metres of the boundary, will be overbearing when viewed from 8 Spencer Drive.
- VIII. Loss of sunlight to the rear of properties in Norgetts Lane
- IX. The two affordable units are only a 'sop' to induce the advancement of the scheme. The village needs sensible development that Melbourn residents can really afford. The site is well-suited to modest semi-detached homes/bungalows. The village does not need another 4-bedroom house.
- X. The new residents will be disturbed by activities from the adjacent restaurant – who will deal with these?
- XI. How will delivery vehicles access the public house. At present they can access the public house car park and turn, this opportunity will be lost and vehicles will have to reverse onto High Street, which cannot be permitted due to the volume of use on the pavement, which is just before the crossing point for the Village College.
- XII. The submitted plans are inaccurate in that the back fence to 8 Norgetts Lane is square to the house and not at an angle as shown, which will increase the impact of Unit 4. The front and back elevations of Units 3 and 4 are not consistently numbered.
- XIII. An application submitted in 1994 for three units on the same site was eventually withdrawn in 1997.

Comments on the revised scheme will be reported.

Material Planning Considerations

- 22. The key issues to be considered in the determination of this application are the principle of development, housing mix and density, affordable housing, impact on the Conservation Area, neighbour amenity, highway safety (including revised parking for the public house), drainage, and other matters.

Principle of Development

- 23. The site is located within the village framework of Melbourn. The site is centrally located within the village in a sustainable location. Melbourn is identified as a minor rural centre where residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings will be permitted, subject to compliance with other policies in the plan.

Density and Housing Mix

- 24. Policy HG/1 requires schemes to make best possible use of sites by achieving net average densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. The density of the scheme is 35 dwellings per hectare and officers are of the view that this is acceptable given the location of the site, providing it can be demonstrated that the development will not have an adverse impact on the character of the area and neighbour amenity. These issues are discussed below.

25. In respect of the market housing the application proposes one 2-bedroom house, one 3-bedroom house, one 3-bedroom bungalow and one 4-bedroom house. Officers are of the view that this mix satisfies the aims of Policy HG/2.

Affordable Housing

26. Policy HG/3 requires schemes to provide at least 40% of the total number of dwellings proposed as affordable dwellings. This scheme proposes 2 affordable housing from the 6 units proposed and is the percentage that officers would seek from this scale of development. The units (Units 1 and 2) are for rent and are one-bedroom flats. The Housing Development and Enabling Manager supports the scheme. The relationship of these units within the site with existing properties is discussed later in the report.

Impact on the Conservation Area

27. The Conservation Manager does not have an objection in principle to the development but suggested modifications to the original scheme. Comments on the revised scheme will be reported.
28. The current view of the site from the High Street is of an extensive open area of car parking with some planting beyond, softening the impact of housing development beyond. The proposal will allow for new planting at the front of the site and again at the rear of the car park, which will soften the impact of development when viewed from High Street. The closest dwelling will be 30m from High Street.
29. Officers note the concern about the proposed gated entrance, however if this is of rural appearance in visual terms it would be acceptable.
29. Officers are of the view that the proposal will preserve the character of the conservation area.

Neighbour Amenity

30. Officers are of the view that the scheme as amended adequately protects the amenity of the occupiers of adjacent dwellings.
31. The proposed dwellings on Plots 3 and 4 have been designed so that there are no first floor windows in the rear elevation facing the rear gardens of properties in Norgetts Lane. The proposed dwellings will be located 10m from the boundary with those properties, the rear gardens of which are a minimum of 25 metres deep. Given that the ridge height of the proposed dwellings is 7m officers do not consider that there will be a significant loss of light to the rear gardens of properties in Norgetts Lane.
32. The gable end of the dwelling on Plot 4 will be sited within 2m of the rear boundary of properties in Spencer Drive, which are located positioned a minimum of 11m from the boundary. The new dwellings will be to the north west and will have a ridge height of 7m. Officers are of the view that the position of the dwelling on Plot 4 is such that it will not result in an unreasonable loss of light and will not be overbearing when viewed from those properties.
33. As originally submitted the proposed dwelling on Plot 6 was two-storey and officers expressed concern about the overbearing impact that this would have on the rear

gardens of bungalows in Meadow Way, and in particular Nos.1a and 1b. As amended this unit has been reduced to a single storey dwelling, with the roof hipped away from the boundary and of a maximum height of 5.5m. The length of the single storey garage projection has also been reduced, and although within 1m of the rear boundaries of properties in Meadow Way, subject to the agreement of appropriate boundary treatment officers are of the view that the impact on properties in Meadow Way is now acceptable.

34. As originally submitted Plot 2 contained a first floor sitting room window in the rear elevation, facing the rear gardens of bungalows in Meadow Way, 9m from the boundary. As amended this window has been relocated to the south east side elevation overlooking parking spaces within the site, and the relationship with properties in Meadow Way is now acceptable.
35. The Environmental Health Officer has expressed concern about the relationship of the proposed dwellings to the existing public house, in respect of possible noise disturbance from late night music and activity which it currently has a licence for. Further discussions will be held with the applicant on this point, however as the public house is within the applicants control it may be possible to restrict activities to protect the amenity of the proposed dwellings. However officers would not wish impose restrictions that might affect the long-term viability of the public house.

Highway Safety and Parking

36. The Local Highway Authority has raised no objection to the application, although the road is not to be offered for adoption. Adequate car parking is provided for the new dwellings.
37. The revised car parking arrangements for the public house provide for 20 spaces, and whilst this is a reduction on the number of spaces currently available, it is compliant with the maximum car parking required by the Council's car parking standards.
38. Officers note the concerns about the location of the access road to the proposed dwellings being between the public house and its car park, however there are relatively low number of dwellings proposed and any conflict will be minimal.
39. Deliveries to the public house will have to take place from High Street.
40. The comments of the Environment Operations Manager will be reported and it is important to ensure that the layout is compliant for waste vehicle access and bin collection. A bin storage area is provided to the side of the car park, in front of the entrance to the new dwellings.
41. The applicant has indicated that there is the potential to create a temporary access on the south west side of the site for the construction period to avoid conflict with access to the public house.

Drainage

42. The site is identified by the Environment Agency as being within Flood Zone 1. It is therefore not a site where there is a requirement to submit a flood risk assessment or seek the views of the Environment Agency.

43. Officers are aware of the local concern re flooding issues in the area, and that additional hard surfaces within the site will have the potential to exacerbate existing problems, however the applicant will need to implement a surface water drainage scheme that will ensure that existing run off rates are not increased. This can be secured by condition.

Other matters

44. The application is accompanied by a draft heads of terms for a Section 106 Agreement to cover the required open space and community infrastructure provision required by Policies DP/4 and SF/10.
45. In the Design and Access Statement the applicant states that the new houses will incorporate high levels of insulation which will comply with the new building regulations and the proposed development will have photovoltaic cells, which will provide at least 10% of the energy requirements for the development.

Recommendation

46. That subject to the comments of the Environment Operations Manager, and other replies to consultations on the amended drawings and the satisfactory resolution of the matter of the relationship of the proposed dwellings to the activities of the public house that delegated powers be given to approve the application subject to conditions

Conditions

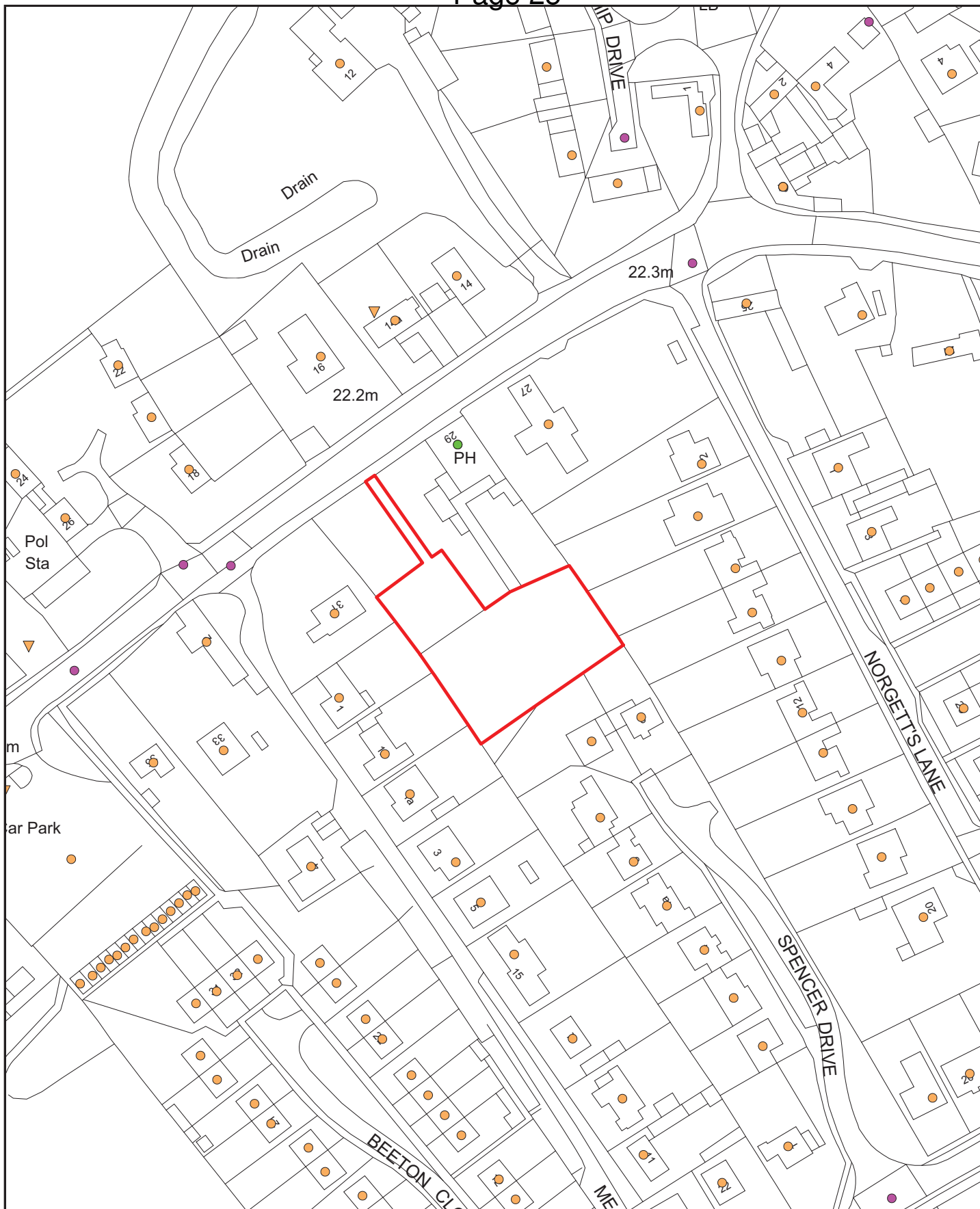
To include:

Time limit – 3 years
Materials
Landscaping (including boundary treatment)
Drainage
Highway conditions
Car Parking
Restriction of PD rights and further openings
Affordable Housing
Contributions

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0843/12/FL

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



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/2559/11 – ORCHARD PARK

Erection of 112 Dwellings, including Vehicular Access and Mixed Use Building/ this is a hybrid application part outline and part full involving 7 Retail Units (840sqm) and 28 Flats (2-1 bed and 26-2 bed) including Landscaping and Open Space and involves two separate land parcels

**Site A (Formerly Q & HRCC) Land Off Ringfort Road, and Site B (Formerly E3, Comm2A, Comm2B & E4) Land off Chieftain Way,
For Gallagher Estates Ltd.**

**Recommendation: Approve Subject to Planning Conditions and S106
Date of Determination: 5th March 2012**

Notes:

This Application has been reported to the Planning Committee for determination because it was deferred by members at the Planning Committee of the 6th June 2012 for further negotiations as the recommendation of planning officer conflicts with material considerations raised by the Community Council.

Members visited this site on 1st June 2012

To be presented to the Committee by Julie Ayre

Issues Raised by Planning Members on 6th June 2012

1. Members will recall that 7 key issues were raised in respect of this planning application put to committee for determination on the 6th June and that officers were requested to investigate all the issues before returning the application to committee. Those issues were:
 - a) To investigate the movement of the mixed use block from Site B to the corner site, Site A.
 - b) Investigate and seek improvement in the commercial floor space offer so that it is closer to that in the original outline permission for Orchard Park.
 - c) To investigate the installation of grey water harvesting on the roof of the mixed use building.
 - d) Ensure that the number and location of cycle parking are adequate.
 - e) Investigate the deficiency of open space on Orchard Park.
 - f) Address the policy shortfall in the Affordable Housing offer.
 - g) Public engagement in relation to the site and the Orchard Park Community Council (OPCC).

Additional Consultation Responses Received by South Cambridgeshire District Council as Local Planning Authority

2. **OPCC** – “Following the deferral of this application, Gallagher attended OPCC’s Planning Committee to discuss points raised by OPCC and planning committee members and these are the OPCC additional

Comments:-

- a) Local Retail Centre - The master plan for the development located this centre on Site B and, in retrospect, had the master plan located it closer to Kings Hedges Road (Site A) it may have resulted in a greater footfall and increased viability and consequently a larger local centre than now proposed. However, the OPCC recognises that there is no realistic prospect of a new entrance/exit junction for traffic for any local centre on Site A, as it would be significantly detrimental to the residential amenity and safety on narrow residential streets. We therefore support the use of Site B for its location in the context of this application.
- b) The OPCC remains of the view that a diverse range of shops in the local centre is invaluable to the long term sustainability of what will be at the heart of this new community. We consider that a larger anchor store than that on offer is required. However, if members are minded to approve this application, we would ask for conditions limiting all deliveries by number, hours and on minimising impact on residential amenity on Sundays and Public Holidays.
- c) Public Open Space – The OPCC firmly believes that delivery of high quality open space for new residents should be at the heart of this application. However, we recognise that the additional homes accepted by the Inspectorate at the Housing Shortfall Inquiry has meant that a significant commuted sum will be required to make up the deficit. We are satisfied that the main civic space has been designed to a high quality in partnership with us. However, we would ask for conditions on other public open space requiring the developer to work with us on detailed design. We have clear plans for the public open space commuted sum to enhance our existing facilities and mitigate the impact of the additional homes. Overall, we have been through the S106 in detail with SCDC officers and other partners and consider that it is acceptable.
- d) Public Art – OPCC request that Gallagher be required to bring forward a public art scheme in partnership with the Community Council and centred on the local retail centre.”

3. **Bedfordshire Pilgrims Housing Association** – Has sent an e-mail in support of the application stating that:

- a) “BPHA has been working with SCDC and the applicant Gallagher in partnership to deliver this scheme. We have been involved in the design and layout of the scheme from the outset.
- b) This type of mixed use scheme is not something BPHA would normally commit to, as it is difficult to deliver residential of this type. But we have made an exception in this case, as we have a commitment to the development as a whole and understand that the retail facilities are very much wanted by the local community and indeed the Council.
- c) Our involvement in this project is strictly on the understanding that this scheme is well designed and was delivered in a way that ensured that it would be sustainable in the long term as a valuable asset to the local community.
- d) In order to ensure the on-going sustainability of tenancies in the local centre flats, it is our intention that the apartments above the retail will all be of Intermediate Tenure for either rent or shared ownership sale.
- e) SCDC has requested us to investigate conversion of two of the residential units at ground floor to commercial, in order to increase the proposed commercial floor space within the local centre. However, this is not something we can take forward as our rules prevent us from undertaking non

charitable activities and therefore we would be unable to undertake such commercial activities.

- f) The conversion of two residential units to commercial would impact on the affordable housing offer unless Gallagher were intending to offer additional units in another part of the site, which I understand is unlikely due to viability.
- g) In response to SCDC's request to investigate the provision of grey water harvesting, BPHA have a commitment to delivering sustainable homes, but our experience of new technologies in meeting the Code for Sustainable homes has led us to conclude that grey water harvesting is not one of our preferred methods of delivering homes that are sustainable, largely because of the on-going landlord maintenance responsibilities (Legionella) and the feedback on sites where we have introduced it has been disappointing. However, we are keen on pursuing a solar photovoltaic renewable energy project or the use of air source heat pumps for the mixed use commercial building."

4. **Gallagher Estates** – Has submitted a further letter dated 19th July 2012 in support of the work it has carried out since the application was considered by members at the Planning Committee on the 6th June 2012.

- a) "We have investigated further the possibility of moving the retail and commercial elements of our scheme from Site B to Site A, but this raises a number of issues which rule it out as an option, a) the location within Site A would cause serious problems in terms of access both by potential customer and, more critically, by service vehicles; the road layout in this part of the site precludes easy access for those particular movements. In addition, such a location would be contrary to the adopted Council policy given that the current location of the local centre is consistent with the Orchard Park Design Guide.
- b) We have been successful in attracting an anchor tenant to the key convenience store, which in turn, we hope, will attract occupiers for the other six smaller units. Given the design constraints associated with the site, we have worked extremely hard with BPHA to bring forward a scheme which will not only deliver much needed affordable housing but also provides residents with facilities which are much needed.
- c) We understand from the Committee Minutes that you were asked to investigate whether or not greywater recycling could be delivered as part of the main commercial block. We have looked in to this in some detail and discussed it further with BPHA and it has emerged that the cost of installing such a system would seriously impact on the viability of the whole scheme. However, BPHA recognise the need to react to matters of sustainability and are therefore investigating the possible provision of solar PV on the roof of the building.
- d) I understand there was some concern about the number of cycle parking spaces that are being provided for the commercial units; I would confirm that we are providing 38 cycle parking spaces in front of the retail units with a further 8 spaces to the rear of the units for staff and another 60 cycle spaces for residents of the flats. The parking spaces for the flats and staff are covered and the cycle spaces to the front are in excess of 1m between hoops.
- e) I understand that there is some concern over the level and type of open space being proposed in our scheme. In discussions with SCDC, this has been acknowledged and the point has been covered by way of a contribution towards the improvement of facilities on site. I would point out that the viability of this site is very much at the margin as has been evidenced by the

work both by our own consultant and SCDC's who validated our conclusions. Any further loss of developable land over and above that which is illustrated in our proposals could put the whole scheme at risk.

- f) A considerable amount of effort over the last 12-18 months has been put into the scheme that is now in front of you. We have worked with SCDC, OPCC, CCC and BPHA to arrive at the scheme, which we hope will deliver the facilities that will benefit the residents of Orchard Park.
- g) Our meeting with the OPCC on the 29th June, 2012 covered all those areas of concern to both them and your Committee Members and I hope the answers given at that meeting have put everyone's mind at rest."

Members Issues from the 6th June 2012

Movement of the Commercial Mixed Use Building from the Local Centre to the Corner site

- 5. Officers have had several discussions with the applicant regarding the possibility of a large retail store located on Site A. The applicant has confirmed that it is not prepared to move the mixed use building, to that site as there are significant highways access issues which would be difficult to overcome. In addition, the creation of a larger unit would need to attract more customers to ensure it was viable which will result in more traffic being generated within Orchard Park to the detriment of the existing residents.
- 6. The Arbury Park Design Guide 2007, Orchard Park Design Guide 2011, and original outline planning permission have all indicated that Site B is the appropriate location for the retail element.

The Commercial Floor Space Offer

- 7. Officers have investigated three options in relation to improving the commercial offer associated with the existing application these options have been discussed with Gallagher and BPHA:-
- 8. Option 1 - A completely revised scheme which would provide a significant increase in commercial offer, closer to that agreed in the previous planning application (S/0622/08). Such a redesign would impact on the delivery of the whole scheme and the site could potentially lose the anchor tenant, for the convenience store which could result in the scheme being significantly delayed. Whilst this may be an option the market assessment material submitted with the application does not support a higher level of commercial offer, in the proposed location. To seek to deliver a higher level would be unsustainable and result in vacant units within the local centre if in fact the market would deliver anything.
- 9. Option 2 - The possibility of converting two of the ground floor flats adjacent to the commercial units to commercial. This option has significant issues for BPHA as they would be owners and managers of those units, which is against their rules and therefore undeliverable.
- 10. Option 3 – Gallagher leasing two of the flats from BPHA and converting them to commercial. This is deliverable but would require a significant legal work as Gallagher have been working with BPHA for some time on the legal contract associated with application. In addition, Gallagher insist that the market research carried out as part of this application concludes that the development cannot sustain

a higher level of retail offer. The conversion of these two units would reduce the level of affordable housing offered with this application.

Grey Water Harvesting within the Commercial Mixed Use Building

11. Members asked that a 'Grey Water Harvesting Project' be investigated in relation to the commercial mixed use building. Discussion with BPHA has determined that they have no financial revenue budget to put towards such a project, it adds significantly to the management costs for tenants, and their experience is that tenants are unsure about the technology so tend to bypass it as they are alarmed about the possibilities of Legionella etc. In addition, it is hard to install such a system into shared ownership homes and the maintenance and serving is made difficult by the number of interests in the system. However, they are working with Gallagher's to install a solar photovoltaic panels project on the roof of the building which might be prejudiced by the grey water harvesting, which will enhance the sustainability of the building significantly and will provide renewable energy in excess of the policy NE/1 requirement.
12. Officers also raised the possibility of providing rain water harvesting tanks under POS2. Initial discussions with Gallagher's were promising however, it would appear that the cost of such a project would be in excess of £100,000, which could not be afforded, as the scheme was unviable and any financial commitment to such a project would have to be made using the offered Section 106 obligation, which is not possible as the service providers have worked hard to ensure the delivery of the services with the offer of £1.353 million.

Cycle Provision within the Local Centre

13. The application has 16 'Sheffield hoop' design cycle racks designed at 1 m apart, as measured by the base of the cycle rack. This provides spaces for 32 cycles located to the front of the retail centre and a further 8 wall mounted racks located under canopies on the rear wall of the mixed use block. Cycle storage for the flats will be provided on the basis of one bedroom equates to one space in a covered/secure block of $20 \times 3 = 60$ cycles. This ratio is expected to be continued within the reserved matters applications for the remaining site.

The Provision of Open Space within the Orchard Park and this application

14. Officers have calculated the total amount of public open space currently available on Orchard Park (37,432sq.m) with a further 440 sq.m to come forward as part of land parcel G. Whilst this is below that required by the South Cambridgeshire LDF Supplementary Planning Documents (SPD): Open Space in New Developments (2009), which indicates that (44,293sq.m) is required, this policy was adopted post the determination of the outline application, and it would be inappropriate to ask this application to compensate for any shortfall in the original outline. This application offers a further 2,835 sq.m excluding POS2, which is a further 1,383sq.m. resulting in a of shortfall of 1,701sq.m (excluding POS2) below the policy required 4,536 sq.m. Whilst there is a clear short fall in the open space provision this is compensated by an off-site contribution. Which officers understand could be used to extend the changing rooms located at POS1 in order to create a sports/cultural room which will provide activities for the residents of Orchard Park, in particular the teenagers, and will help provide natural surveillance to an area which is suffering from vandalism. It is therefore considered that this application is in accordance with the Orchard Park

Design Guide SPD, (2011) and DP/2 and NE/6 of the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007.

Affordable Housing Offer

15. Policy HG/3 of the LDF provides the policy format for determining planning applications for dwellings. It specifies that the amount of affordable housing sought on all sites of two or more dwellings will be 40% or more of the dwellings to be provided. However, development can take into account any abnormal costs associated with the development, such as infrastructure costs and other viability considerations. Whilst members requested that officers renegotiate the level of affordable housing from the current application offer of 36.4% to at least 40% this has not been possible due to viability issues. Detailed viability work indicates that this site is unviable at the level of obligations outlined in this report. Officers have discussed this issue with the Council's partners, BPHA, who are fully supportive of this approach. Therefore, on balance, the amount of affordable homes delivered on the site is considered acceptable.

Public Engagement in Orchard Park

16. This application is supported by a Public Consultation document which sets out the pre-application consultation carried out in respect of this development by the applicant. Prior to submission the applicant has attended the OPCC meetings on four occasions, ensuring that they were part of the process associated with the delivery of the local centre and it has incorporated many changes to the building through that consultation, such as the coloured panelling to the front elevation. In addition, officers have held regular meetings with the OPCC to ensure it is kept informed of the progress of the current application.
17. Officers and Gallagher attended the OPCC Planning Committee meeting to discuss its issues and the additional issues raised by members on the 6th June, 2012.

Conclusion

18. Viability is a significant issue in relation to this application. SCDC's own viability consultants agree that the delivery of this scheme is very difficult, as it simply does not appear to be able to afford the site obligations. Consequently, officers have negotiated hard with the applicant in order to ensure that the community infrastructure can be delivered. The Orchard Park local centre has been delayed by a significant period of time and the residents were offered a higher level of retail in the 2009 application (S/0622/08) but the market has not delivered this. The economic downturn could be one of the issues for its non-delivery but it is difficult to see how that will change significantly for the coming years. This application offers the delivery of a market tested, sustainable retail offer, which is being delivered in an unusual manner (by a Registered Provider) as the market won't take up such a site. Therefore, on balance this application is considered acceptable.

Recommendation

19. It is recommended that the Planning Committee approves the application as amended subject to the following:
 - a) Section 106 requirements; and
 - b) The following Conditions and Informatives.

Conditions

Time (Site A and B)

1. The development shown hatched red on the attached plan, hereby permitted shall be begun before the expiration of 3 years from the date of this permission. In addition the development, shown hatched blue on the attached plan, hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.

(Reason: In relation to the area hatched red, 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; and, in relation to the area hatched blue, as the application is outline only.)

Reserved Matters (Site A and B)

2. In relation to the area shown hatched blue on the attached plan, approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development of this area is commenced.

(Reason: As the application is partly outline only).

Plans (Site A and B)

3. The development hereby permitted shall be carried out in accordance with the following approved plans: GE.OP- Site Plan, Figure 1, GE.OP - Proposal Boundaries Figure 2, GE.OP- Plot A Development Zones Figure 3, GE.OP-Plot B Development Zones Figure 4, 021-Plot A Parameter Plans Figure 5 revision B, 022-Plot B Parameter Plans Figure 6 revision B, 023-Plot A Indicative Layout Figure 7 revision B, 024-Plot B Indicative Layout Figure 8 revision B, 1050/135 Concept Site Layout, 1608/SK/001 revision A, 1608/SK/002 revision A, 1608/SK/003 revision A, 1608/SK/004 revision A, 21106-001 revision E, 21106/002 revision A, 21106-004 revision A, GE.532.PO1 revision D, GE.532.PO2 revision C, GE 532 (22nd May 2012), GE.532.PO3, GE.532.PO4, GE.532.PO5. Details of perforated lath roller shutters date 5th April 2012.

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

Materials (Site B)

4. No development shall commence on the land hatched red until detail of the materials to be used in the construction of the external surfaces including windows and joinery of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details.

Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.

5. Notwithstanding the submitted drawings GE.532.PO2 revision C, received 5th April 2012 and GE532 received 23rd May 2012, further details of the front elevation are required to show alterations to the fenestration, including details regarding the colours to be used in the centre block of the mixed use building, such details shall be

submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site.

Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.

6. Prior to occupation of each commercial unit the premises shall be fitted with perforated lath roller shutters the colour, of which shall first be submitted to, and approved in writing by the Local Planning Authority. Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2.

Permitted Uses of the Mixed Use Commercial Block (Site B)

7. Notwithstanding the provisions of the Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the mixed use block of commercial premises shall be used for A5, A2 A1 uses and for no other purposes (including any other purposes in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or within modification). Not more than two units totalling 140sq.m, within the mixed use building shall be used for A5 uses at any time.
Reason: a) To protect the amenities of adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3. b) To safeguard the character of the area in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3.
8. No individual unit on site shall be occupied until a scheme for the provision of CCTV has been submitted to and approved in writing by the Local Planning Authority, and has been subsequently installed in accordance with that approved scheme thereafter be retained and maintained in strict accordance with the approved plans in perpetuity and not be altered without the prior written approval of the Local Planning Authority.
Reason: To ensure adequate surveillance of the car parking areas in the interest of amenity, security and the quality of the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2 and DP/3.
9. No individual commercial unit on site shall be occupied until the cycle parking to serve that unit has been provided on site and made available for use. The cycle parking shall not thereafter be used for any purpose other than the parking of cycles.
Reason: To ensure adequate provision of cycle parking for the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/1 and TR/3.
10. Notwithstanding the submitted drawing 21106-001 revision E, a schedule for the provision of delivery of cycle parking to both Site A and Site B shall be submitted to and approved in writing by the Local Planning Authority. The schedule will then be implemented in strict accordance with that delivery plan unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure adequate provision of cycle parking for the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/1 and TR/3.

Construction Noise & Vibration (Site A & B)

11. No construction work and or construction related collection from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 on Saturdays and no construction works or collection/deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.)
12. In the event of the foundations from the proposed development requiring piling, prior to the development taking place the applicant shall provide the Local Planning Authority, with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with provision of BS5528,2009 - Code for Noise and Vibration Control of Construction and Open Sites Part 1 - Noise and 2- Vibration Control on Development shall be carried out in accordance with the approved details.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.)
13. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details/scheme unless the Local Planning Authority agrees to the variation of any detail in advance and in writing.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
14. Prior to the development commencing on site a Construction Environmental Management Plan and a phased Construction Method Statement/Strategy shall be submitted to and approved in writing by the Local Planning Authority. Construction on site shall be strictly in accordance with those agreed documents unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.)
15. No power operated machinery (or other specified machinery) shall be operated on the premises before 08:00 on weekdays and 09:00 on Saturdays or after 18:00 weekdays and 13:00 on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
Reason: To minimize noise disturbance to adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/15.

Operational Noise Impact- (Site B)

16. Before the commercial uses hereby permitted are commenced, a noise assessment and a scheme for the insulation of the building and associated plant/equipment, in order to minimise the level of noise emanating from the building, and a plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details.
Reason: To protect the amenity of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
17. No development shall commence until full details of a scheme of sound insulation standard between any retail, food or commercial (any premises class use other than residential) and residential uses within the same building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the units hereby permitted are occupied and measures permanently retained thereafter.
Reason: In the interests of the amenities of permitted residential units close to non-residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.
18. No vehicles associated with any retail, food or commercial units shall be loaded or unloaded within the application site outside the hours of 07.00 and 22:30hrs on Monday to Saturday and the hours of 10:00 and 14:00 on Sundays and not at all on Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The number of deliveries to the site shall be limited to a maximum of 34 per week, including a maximum of 4 on Sundays. Such delivery vehicles shall be limited to a maximum size of 10.35 metres in length.
Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
19. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust for fumes from the building but excluding office equipment and vehicles and the location of the outlet from the building of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
Reason: To protect the occupiers of adjoining dwellings from the effect of odour, dust or fumes in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/16.

Air Quality Mitigation (Site A)

20. The approved development and uses shall be constructed and maintained in accordance with the mitigation measures as detailed in the submitted WSP Environmental Air Quality Assessment Report, Orchard Park, Plot A, Gallagher UK, May 2011 and as part of the air quality mitigation scheme no development on any individual phase shall commence until approval of the details of the design, layout and scale, including the location of external amenity areas and formal/informal open space within the phase has been obtained from the Local Planning Authority in writing. The development shall be carried out strictly as approved.
Reason: To safeguard the amenity and health of future residents in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007,

policies NE/16 accordance and the South Cambridgeshire (SPD) Design Guide 2010.

Artificial Lighting (Site A & B)

- 21(a) Prior to commencement of development on site A an artificial lighting scheme to include details of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off the site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans/elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type/profiles, mounting height, aiming angles/orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures unless the Local Planning Authority gives its written consent to any variation.
Reason: To protect/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.
- 21.(b) Prior to commencement of development on site B an artificial lighting scheme to include details of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off the site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans/elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type/profiles, mounting height, aiming angles/orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures unless the Local Planning Authority gives its written consent to any variation.
Reason: To protect/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.

Contaminated Land (Site A)

22. Prior to occupation of any dwelling on site:
- a) The additional works recommended in the Validation Report dated February 2006 by WSP should be carried out to ensure the site is suitable for the proposed residential end use. Details confirming that these measures have been undertaken should be submitted to the Local Planning Authority for approval.
 - b) If, during the additional remediation works, any contamination is identified that has not been considered, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.
Reason: to protect the amenities of future residents from contamination in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.

Waste (Site A & B)

23. Prior to commencement of development on the land hatched red and prior to the commencement of any reserved matters application associated with the land hatched blue full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where facilities for trade waste, domestic bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. Details shall also be included on how this complies with any approved design code for domestic waste. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: To ensure the efficient management of waste recycling facilities in accordance with Cambridgeshire Council Councils RECAP Guidance (SPD) 2012.

24. No material or equipment shall be stored on the site outside the buildings save that waste material may be kept in bins for removal periodically.

Reason: In the interest of visual/residential amenity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.

25. Notwithstanding the submitted drawings, no development shall take place until a scheme for the siting and design of the screened storage of refuse, in relation to site B, has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage for the site shall be completed before the mixed use building is occupied in accordance with the approved scheme and shall thereafter be retained.

Reason: To provide for the screened storage of refuse in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/3.

26. Notwithstanding the submitted plan ref: GE.532.PO1 revision D, further details of the exact location of the retail bins shall be submitted to and approved in writing by the Local Planning Authority. Any bin location scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

Renewable Energy (Site A & B)

27(a). To development shall commence within the part of site B for which full approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the buildings' total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/1, NE/2 and NE/3.

- 27(b) No development shall commence within site A for which outline approval is being given until such time as a renewable energy statement for the site, which demonstrate that at least 10% of the buildings' total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy NE/1, NE/2 and NE/3.

- 27 (c) No development shall commence within the part of site B for which outline approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the buildings' total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/1, NE/2 and NE/3.

Odour (Site B)

28. Before the commencement of uses A1 and A5, hereby permitted are commenced, details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and or odours related to non-residential uses which are not residential premises including the operation of any in vessel composting, shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration/abatement scheme/s shall be installed before the use hereby permitted is commenced and shall be retained thereafter. Any approved scheme/system shall not be altered without prior approval.

Reason: To protect the future amenity of future residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.

29. Any approved fume filtration/extraction system installed, shall be regularly maintained in accordance with the manufactures specification to ensure it continues satisfactory operation to the satisfaction of the Local Planning Authority. Documented evidence including receipts, invoices and copies of any service contracts in connection with the

maintenance of the extraction equipment, shall be kept for inspection by officers of the Local Planning Authority.

Reason: To protect the future amenity of future residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.

Transport (Site A and B)

30. No unbound material shall be used in the surface finish of any driveway within 6 metres of the highway boundary, or the boundary of any land intended to be dedicated as public highway.
Reason: To avoid displacement of loose material onto the highway in the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
31. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved accesses unless details have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3.
32. Prior to the commencement of the first use the vehicular accesses where they cross the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3.
33. No part of any structure shall overhang or encroach under or upon the public highway and no gate/door/ground floor window shall open outwards over the public highway.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3.
34. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
Reason: To prevent surface water discharging to the highway, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
35. The manoeuvring areas and accesses shall be provided as shown on the drawings and retained free of obstruction.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
36. The uses, hereby permitted, shall not commence until parking, turning, loading and unloading spaces have been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/2.
37. The flats above the mixed use block, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with the approved scheme.

Reason: To ensure the provision of covered and secure cycle parking in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/2.

38. No building shall be occupied until a Travel Plan for staff, residents and visitors has been submitted to and approved in writing by the Local Planning Authority. The plan shall include marketing, incentive schemes, monitoring and review process as well as mechanisms for its implementation and shall be implemented in accordance with the approved details.

Reason: To reduce car dependency and to promote alternative modes of travel in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.

Landscaping (Site A and B)

39. 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 ten 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 give its written consent to any variation.

Reason: To ensure that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

40. No development shall take place until full details of the public open space (POS2) have been submitted to and approved by the Local Planning Authority, including details of both hard and soft landscape works, provision of water supply, drainage, power points, refuse bins, cycle racks and seating. The development shall subsequently be implemented in accordance with the approved details prior to the first occupation of any individual unit on the site, apart from the soft landscaping works, which shall be carried out within the first planning season following the first 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 that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

41. No development of any reserved matters consent shall be commenced on Site A until a pedestrian and cycle connection has been provided between the junction of Kings Hedges Road and Cambridge Road and the south western corner of Site A, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site, this connection will be retained in perpetuity

Drainage (Site A and B)

42. No dwellings/premises shall be occupied until the works have been carried out in accordance with the approved Surface Water Strategy, unless otherwise approved in

writing with 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 programmed agreed in writing with the Local Planning Authority

Reason: To prevent amenity problems and arising from flooding, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1 and NE/11 .

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

Reason: To reduce the risk of pollution of the water environment and to ensure a satisfactory method of foul water drainage in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1 and NE/10.

44. Prior to the commencement of any development, a scheme for the provision and implementation of water conservation system 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 water conservation measures are taken to prevent the wastage of water in accordance with Policies DP/1 of the adopted Local Development Framework 2007.

Public Art (Site B)

45. Notwithstanding the submitted details in relation to the local centre public art project, no occupation of the residential units shall begin until details of a scheme for the provision of public art project has been submitted to and approved in writing by the Local Planning Authority. The implementation of such as scheme shall be within 6 months of the occupation of any residential unit unless otherwise agreed in writing by the Local Planning Authority.

Reason: Insufficient details were submitted with the application in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy SF/6.

Ecology (Site A and B)

46. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for specified of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme waghered in writing with the Local Planning Authority.

Reason: To enhance ecological interest in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

47. No development shall commence on site until a comprehensive Lizard survey has been carried out and the results of which have been documented in accordance with a scheme which shall first have been agreed in writing by the Local Planning

Authority. Such protection measures as agreed shall be implemented prior to development commencing on site and shall be maintained throughout the construction period, any alteration to the approved scheme shall first be submitted to and agreed in writing with the Local Planning Authority.

Reason: To enhance ecological interest in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

48. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

49. No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority: the mixed use building shall not be occupied until the nest boxes have been provided in accordance with the approved scheme.

Reason: To achieve biodiversity enhancement on the site in accordance Sustainability with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

Construction management (Site A and B)

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

- i. Contractors' access arrangements for vehicles, plant and personnel;
- ii. Contractors' site storage area(s) and compound(s);
- iii. Parking for contractors' vehicles and contractors' personnel vehicles;

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

Reason: In the interests of residential amenity in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3 and DP/6.

Fire Hydrants (Site A and B)

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

Reason: To ensure an adequate water supply is available for emergency use.

Informatives

Environmental Health

- i. To satisfy the noise insulation scheme condition for the residential building envelope and traffic noise, the applicant / developer must ensure that the residential units at are acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of

Practice” derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 L_{Aeq} (Good) and 40 L_{Aeq} (Reasonable) for living rooms and 30 L_{Aeq} (Good) and 35 L_{Aeq} (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and thermal comfort / summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulations Approved Document F 2006: Ventilation will also need consideration.

Parcel B

- i. To satisfy the Retail Units Operational Noise Impact / Insulation condition, the noise level from all powered plant, vents and equipment, associated with this application that may operate collectively and having regard to a worst case operational scenario (operating under full power / load), should not raise the existing lowest representative background level dB $L_{A90,1hr}$ (L_{90}) during the day between 0700 to 2300 hrs over any 1 hour period and the existing lowest background level dB $L_{A90,5mins}$ (L_{90}) during night time between 2300 to 0700 hrs over any one 5 minute period by more than 3 dB(A) respectively (i.e. the rating level of the plant needs to match the existing background level), at the boundary of the premises subject to this application (or if not practicable at a measurement reference position / or positions in agreement with the LPA) and having particular regard to noise sensitive premises. Noticeable acoustic features and in particular tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and to protect the amenity of the area, preventing unreasonable noise disturbance to other premises.

To demonstrate this requirement it is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 “Method for rating industrial noise affecting mixed residential and industrial areas” or similar. In addition to validate /verify any measured noise rating levels, noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring noise sensitive premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L_{90}) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

The deliveries condition contained within this report does not exclude one delivery to the site of newspapers to the site each morning.

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

- National Planning Policy Framework

- Cambridgeshire County Council Local Development Framework Supplementary Planning Document;
RECAP Waste Management Design Guide (February 2012)
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- South Cambridgeshire Local Development Framework Site Specific DPD (adopted January 2010)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents:
Public Art (adopted January 2009)
Open Space in New Developments (adopted January 2009)
Trees and Development Sites (adopted January 2009)
Biodiversity (adopted July 2009)
Landscape in New Development (adopted March 2010)
District Design Guide (adopted March 2010)
Affordable Housing (adopted March 2010)
Health Impact Assessment (adopted March 2011)
Orchard Park Design Guide (adopted March 2011)
- Planning Files Ref: S/2379/O, S/0622/08, and S/2559/11.

Case Officer: Julie Ayre – Principal Planning Officer
Telephone: (01954) 713313

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 June 2012

AUTHOR/S: Planning and New Communities Director

Ref. S/2559/11 – ORCHARD PARK

Erection of 112 Dwellings, including Vehicular Access and Mixed Use Building/ this is a hybrid application part outline and part full involving 7 Retail Units (840sqm) and 28 Flats (2-1 bed and 26-2 bed) including Landscaping and Open Space and involves two separate land parcels

**Site A (Formerly Q & HRCC) Land Off Ringfort Road, and Site B (Formerly E3, Comm2A, Comm2B & E4) Land off Chieftain Way,
For Gallagher Estates Ltd**

**Recommendation: Approve Subject to Planning Conditions and S106
Date of Determination: 6th June 2012**

Notes:

This Application has been reported to the Planning Committee for determination because the recommendation of planning officers conflicts with material considerations raised by the Community Council.

Members will visit this site on 1st June 2012

To be presented to the Committee by Julie Ayre

Site and Proposal

1. The northern edge of Orchard Park is bounded by the A14 embankment, with a noise barrier on top of it, the southern edge Kings Hedges Road, eastern edge by the B1049, Cambridge Road and to the western edge the former railway line and Cambridge Regional College.
2. The application is located on two sites:-
 - (i) Site A (1.97 hectares (ha)) was formerly known as Q/HRCC site. It is located on the corner of Ringfort Road/Cambridge Road. The application seeks outline permission for 79 dwellings. The site is generally flat and open in character. It is located to the western end of Orchard Park. It is bounded to the north by sports pitches and the Orchard Park Primary School, to the east by Ring Fort Road, to the south by Kings Hedges Road and the Cambridgeshire Guided Bus (CGB) and to the west by Cambridge Road. The main access to the site will be off Ringfort Road.
 - (ii) Site B (1.43 ha), was formerly known as the COM2A, COM2B, E3 and E4, parcels located off Chieftain Way. The application seeks to accommodate on it a further 61 dwellings and the retail units. 28 flats will be located above the 7 retail units (6 retail units of 70sqm and a larger convenience store of 420sqm (net)). The site is generally flat and open in character. It lies to the south of the A14 adjacent to the elevated

embankment and acoustic fencing of the road. The site is accessed from the northern end of the Boulevard, off Chieftain Way. To the west lies the Travelodge Hotel and to the south of that are affordable homes in four storey apartments (parcel E1). To the east is the Premier Inn Hotel with a further four-storey apartment block E2 to its south. The main vehicular access to the site will be from Chieftain Way.

3. Orchard Park currently comprises 761 built homes, 2 hotels, a primary school, 1 community centre and several areas of public open space which are both formally and informally laid out. Currently two further permissions are being built out by Persimmon Homes for 36 dwellings (site H1) and 16 dwellings (site G).
4. The planning application, registered on 9th January 2012, is a hybrid application, totalling 140 dwellings and 964sqm (gross) of retail floor space (840sqm net).
5. Full permission is sought for a mixed- use block. This comprises of 7 shops, including one key anchor convenience store with 28 flats above (2, one bedroom and 26, 2 bedroom)
6. Outline detailed permission is sought for all 79 units on the corner site, and 33 units on either side of the local centre in addition detailed permission is sought for:
 - i. The main access road and footpath.
7. The proposed density is 41.13 dwellings per hectare, plus 964sqm gross retail floor space.
8. The application has been accompanied by a number of supporting documents. These include:
 - Design and Access Statement, Planning Statement,
 - Affordable Housing Statement,
 - Ecological Method Statement,
 - Archaeological Management Plan,
 - Foul Drainage Statement,
 - Health Impact Assessment,
 - Air Quality Assessment (both sites)
 - Renewable Energy Statement,
 - Retail Market Assessment,
 - Statement of Community Involvement (2 documents)
 - Noise Mitigation Reports (both sites),
 - Transport Statement,
 - Waste Management Strategy,
 - Water Conservation Strategy and Flood Risk Assessment.
9. The application was amended on the 5th April 2012

Planning History

10. Orchard Park, is an urban extension to Cambridge located adjacent to the A14. It was allocated for mixed use development in the South Cambridgeshire Local Plan 2004.

11. Planning permission was granted in June 2005 (**S/2379/01/O**), subject to a legal agreement for a mixed development including 900 dwellings, 761 of which have been constructed to date and a further 52 dwellings have planning permission. The outline planning consent **S/2379/01/O** granted permission for a mixed use development comprising of :
 - 900 dwellings (on up to 16.48hectares),
 - up to 18,00sq.m. B1 gross floor space (on up to 3.32 hectares),
 - on up to 1.21 hectares of education facilities
 - 4.86hectares of public open space,
 - up to 0.56 hectares of local centre facilities (A1,A2, A3, A4, A5 and D1 uses),
 - up to 2.07hectares of public transport infrastructure corridor and mixed uses
 - up to 2.87 hectares in five areas to include B1,C1, C2, C3, D1, D2 uses
 - and, car showroom.
12. Condition 5 (**S/2379/O**) limited the submission of reserved matters to 3 years (before 14th June 2008). Therefore, all applications since then are required to be outline or full applications rather than reserved matters.
13. In the 2005 permission, Site A was identified for mixed use development involving the development of a Heritage Resource and Conservation Centre (HRCC). Several design layouts have been produced over the last 6 years in order to investigate the development potential of this plot of land; however, ultimately the HRCC centre originally expected on the site is now intended to locate elsewhere in Cambridge, therefore the land remains vacant.
14. Site B was identified as a Local Centre limited to an area of no more than 0.56 ha. This limit was required by the Highway Agency in order to control the extent of all uses on the site so that the A14/Histon Road junction could accommodate the traffic associated with the development. In addition, condition 28 required details of the location of the Local Centre to be submitted within 6 months of the development commencing on site.
15. Site B received planning permission in August 2009 (**S/0622/08/RM**) for the provision of a local centre (retail units), 20 residential flats, additional commercial units (2312sqm) parking, Public Open Space and associated infrastructure. The previous application proposed:
 - 10 ground floor shops of varying sizes (total 1523sq.m. gross) arranged in three blocks around POS2,
 - offices totalling 1254sqm gross would be provided in two floors above the central retail block,
 - 20 residential flats on the three floors above the shops in the side blocks.
 - To the rear a loop enabled the provision of a separate service area for the largest retail shop.
 - Servicing of the other shops would be from both the front and the rear of the access roads.
 - 2313sqm gross of B1 commercial /office was proposed in three separate two-storey blocks to the rear of the site adjacent to the A14.
 - 187 car parking spaces, 240 cycle parking spaces and POS2 (subject to further details being supplied). This application was a reserved matters application as it was submitted in March 2008 and could, therefore, be considered within the original outline permission (**S/2379/01/O**).

16. In 2011 an additional supplementary planning document (Orchard Park Design Guide, SPD, March 2011) was adopted in order to revised the design principles associated with the remaining undeveloped land parcels within Orchard Park this application site was included.

Planning Policy

17. **National Planning Policy Framework (NPPF)**
18. **Cambridgeshire County Council LDF Supplementary Planning Documents (SPD):**
RECAP Waste Management Design Guide – February 2012
19. **South Cambridgeshire Local Development Framework (LDF) Core Strategy DPD, adopted January 2007:**
- ST/2:** Housing Provision
ST/9: Retail Hierarchy
ST/10: Phasing of Housing Land
20. **South Cambridgeshire Site Specific (LDF)Policies DPD, 2007:**
- SP/1:** Cambridge Northern Fringe (Orchard Park)
SP/16: Cambridge Guided Bus
SP/19: Cambridge Airport Safety Zone
21. **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/5: Cumulative Development
DP/6: Construction Methods
DP/7: Development Frameworks
HG/1: Housing Density
HG/2: Housing Mix
HG/3: Affordable Housing
HG/4: Affordable Housing Subsidy
SF/2: Applications for New Retail Development
SF/3: Retail Development on Land Allocated for Other Uses
SF/6: Public Art and New Development
SF/8: Lord's Bridge Radio Telescope
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/4: Landscape Character Areas
NE/6: Biodiversity
NE/9: Water and Drainage Infrastructure
NE/10: Foul Drainage – Alternative Drainage Systems
NE/11: Flood Risk
NE/12: Water Conservation
NE/14: Lighting Proposals

NE/15: Noise Pollution
NE/16: Emissions
CH/2: Archaeological Sites
CH/9: Shop Fronts
TR/1: Planning for More Sustainable Travel
TR/2: Car and Cycle Parking Standards
TR/3: Mitigating Travel Impact
TR/4: Non-motorised Modes

22. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
 Open Space in New Developments – Adopted January 2009
 Public Art – Adopted January 2009
 Trees and Development Sites – Adopted January 2009
 Biodiversity – Adopted July 2009
 Landscape in New Developments – Adopted March 2010
 District Design Guide – Adopted March 2010
 Health Impact Assessment – Adopted March 2011
 Orchard Park Design Guide- Adopted March 2011
23. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

24. **Orchard Park Community Council (OPCC)** – Recommends refusal of the application on the following grounds:
- a) The inclusion of just a ‘top up’ store will result in more trips out of the settlement resulting in increased pressure on the A14 and surrounding roads.
 - b) Due to the changing government policies and the recent retail study conclusions that the Northwest of Cambridge is poorly served by the main foodstores, (Cambridge Sub-Regional Retail Study 2008, updated August 2009) indicate that a larger anchor store and more variety of small shops are needed to better meet the diverse shopping needs of the Orchard Park residents.
 - c) Lack of adequate cycle provision for the local retail centre.
 - d) The public open space identified within the application is insufficient in size and location. Small buffer strips alongside the busy main roads should not be identified as usable green spaces for residents.
 - e) The planning obligations are inadequate and do not mitigate the impacts of the development on the community. The affordable housing is being delivered first in front of the market housing, which creates an unbalanced community. In addition, the amount of affordable homes is below the policy requirement (not less than 40%).
 - f) The design of the main mixed use block is stark and unattractive in contrast to surrounding streets.
 - g) The application fails to comply with SCDC’s standards on public art; several plans were discussed regarding Unwin Square on the previous applications such as a water fall and a clock to make an exciting arts project.

These comments are based on the original proposals no further comments have been received in relation to the amendment of the 5th April 2012. Any further comments will be reported verbally to committee.

25. **Histon & Impington Parish Council** – Recommends refusal of the application on the following grounds:

- a) Inadequate delivery area, especially to the west end of the retail site causing vehicles to reverse out.
- b) Insufficient disabled parking. Site A requires a sound barrier.
- c) The five storey flats overlook the primary school.
- d) No visual idea of what the 5 storey proposal looks like, only height details.
- e) No indication of compliance with the SPD requirements for a Gateway Feature; the proposal shown is not what the Committee would interpret as a gateway.
- f) Harsh view from Green Belt land on the other side of the B1049.

In addition, it recommends that should the application be considered acceptable that:

- a) The Police Architectural Liaison Officer's comments are sought.
- b) Not more than one hot food take away be considered to avoid the congregation of youths within the area.
- c) Consideration should be given to conditioning the use of balconies to avoid visually harmful practices being carried out
- d) Rendered surfaces should have acoustic qualities.

26. **Environment Agency** – Raises no objection subject to conditions and confirm the scheme is acceptable, but recommends that the ownership and maintenance of the SuDS systems be confirmed for all areas of the development.

27. **Middle Level Commissioners** – Raises no objection to the proposal.

28. **Anglian Water** – Raises no objections subject to a condition ensuring that the surface water strategy is implemented before residents move in.

29. **Disability Forum** – Raise no objection to the scheme subject to:-

- a) The times of deliveries to the shops being restricted,
- b) That the public open space (POS2) is lit,
- c) POS2 is provided with a yellow strip on the footpath to ensure partially sighted people are able to navigate the site efficiently,
- d) All door openings are a minimum of 900mm and no gradient to the shops is more than 1:12 – 1:20, and
- e) The local authority should encourage one of the shops to be a post office and investigate if the four ground floor shops could be fully wheelchair accessible.

30. **Cambridge Cycling Campaign** – Raises concerns regarding the application on the following grounds:

- a) It has insufficient cycle parking associated with the apartments on site B,
- b) The retail units have insufficient parking for shoppers, residents and employees, there is little detail regarding the spacing and design of the cycle parking.
- c) There are insufficient linkages between Histon, Impington the A14 and Orchard Park, therefore, it is recommended that the application provide "Ringfort Path" to link from the A14/Histon Road roundabout to Ringfort Road adjacent to the Premier Inn and that it be a condition of any approval that the path should be installed prior to the occupation of any of the dwellings. This

footpath project is supported by 400 signatures petition given to Cllr Bates (August 2011) from local residents.

31. **Sustrans** – Recommends refusal of the application for the following reasons:-

Site A

- a) The proposed cycle parking is not acceptable as the spaces are not conveniently located, cycles should not share space with bins,
- b) No cycle parking has been provided to the east of the site,
- c) Occupants may choose to park on-street.

Site B

- d) No details of the construction of houses 55- 61 which appear to face the A14 embankment, though their car parking is within the full application site,
- e) No cycle parking has been specified for the houses or the 28 flats which are part of the full application, and
- f) Occupants should be able to leave the front of their homes with their bikes, and not the rear, which is not overlooked, unattractive and where there is potential conflict with car and delivery vehicle movements.

In addition it raises concern regarding the abandonment of the previous application, as the consequent reduction in employment provided on the site reduces the possibility for future residents to work on site, and thus would generate longer, so probably less-sustainable, journeys.

These comments are based on the original proposals no further comments have been received in relation to the amendment of the 5th April 2012. Any further comments will be reported verbally to committee

32. **Cambridgeshire Police Architectural Liaison Officer** – No objection to the scheme in principle but raises the following minor concerns regarding:

Site A

- a) The car parking courts should be gated appropriately.

Site B

- b) The trees around the central public open space may need to be restricted as they may in time restrict the views from homes.

33. **Cambridgeshire Fire & Rescue Services** – Recommends approval subject to the installation of fire hydrants within the development.

34. **Cambridgeshire Past, Present & Future** – Raise the following concerns:

- a) The proposed green space is inadequate, as some of the space identified as open space is within the verges of the B1049 which is clearly not acceptable and others are located in areas which are not overlooked (adjacent to the A14 embankment on site B. The reduction in open space will only be mitigated by off-site compensation. The overall high quality of any new open space must be ensured and to date the details seen are both unconvincing and not in accordance with local guidance and policies.
- b) Gates leading north to completed green spaces (playing fields) need to be properly assessed to avoid desire lines or pedestrian ruts appearing, this may

be used as a direct route to the shopping area as well as the hotel/bar. Careful siting of the gates is essential.

- c) The noise and other pollution from the elevated road (A14) will have a detrimental impact on the enjoyment of the residential areas below as well as the nearby open space. This is particularly a problem in relation to Site A, where the verge adjacent to the B1049 will be adversely affected. Developers should demonstrate that their design processes have led to the submission of proposals comprising uses and the orientation of building appropriate to a plot this close to the A14 and B1049.
- d) The garages to the east and west of the square should be overlooked to avoid any opportunities for anti-social behaviour to occur.
- e) It is unclear what additional public art, if any, is being provided. Well integrated public art would enliven the area and its green spaces, squares and other public spaces.
- f) The provision of retail floor space is too small and in the wrong location. In contradiction to the approved PPG, Foodstore Provision for the North West Area of Cambridge 2010, as well as earlier outline planning permission, the current detailed application proposes 50% less than the original approved in 2009. This is unacceptable and will result in residents travelling by car or public transport to obtain day-to-day necessities.
- g) It queries who will manage and control the Square (Unwin) in front of the retail units?
- h) The affordable housing statement indicates that there may be a reduction in the policy requirements of this site from 40% to approximately 30%, which is unacceptable as there is a huge under provision of affordable housing within the area. It is essential that 40% minimum coverage is obtained in accordance with policy. In addition, a proper mix of affordable housing with market housing should be provided and affordable housing not just allocated the worst sites.
- i) A significant reduction from the amount expected in planning obligations has been proposed by the developers, it is clear from speaking to the community that more facilities are needed such as enhanced child and teenager play facilities, more allotment space, enhanced playing fields, increased path and cycle routes.

These comments are based on the original proposals no further comments have been received in relation to the amendment of the 5th April 2012. Any further comments will be reported verbally to committee.

- 35. **Natural England** - Recommends approval of the scheme in principle subject to the submission of a Construction Management Plan and the development being carried out in accordance with the submitted Ecology report.
- 36. **Cambridge Group Ramblers Association** - Recommend the construction of a "Ringfort Path" to link from the A14/Histon Road roundabout to Ringfort Road adjacent to the Premier Inn.
- 37. **Highway Agency** – No response received.
- 38. **Civic Aviation Authority** – Has no objection to the application, as no associated structure would exceed 50m in height, however, it recommends a consultation be sent to the operating airport (Cambridge Airport was consulted on 10th May 2012).
- 39. **Cambridge Airport** –No response received.

40. **Cambridgeshire County Council (Local Highway Authority)** – Recommends approval subject to conditions regarding surfacing, gates, construction in accordance with County Council's standards Manual for Streets, no overhang of the public highway and all manoeuvring areas kept obstruction free.
41. **Cambridgeshire County Council (New Communities)** – No objection subject to the agreement in relation to planning obligations for the delivery of services/infrastructure within Orchard Park. Which include contributions to the NCATP in accordance with the adopted policy, pre-school, primary school, secondary school and a waste recycling contribution.
42. **Cambridgeshire County Council (Archaeology)** – No comments
43. **Housing Partnership Project Officer** – Recommends approval in principle but comments that the policy of not less than 40% affordable homes should be delivered as part of this scheme, however as the viability work provides evidence indicating that the scheme has difficulty in affording that level, after discussions with the RS, Bedfordshire Pilgrims Housing Association, recommends that of the two options submitted by the developer Option 1 (29.29% affordable 28 flats and 13, 3 bedroom homes) or Option 2 (36.43 % affordable homes 2, 1 bed flats, 42, 2 bed flats and 7, 3 bed houses) the preferred option is option 2, 36.43%.
44. **Landscape Design Officer** – Recommends approval in principle subject to conditions concerning: Site A - Additional landscaping to the central part of the scheme where houses look out over the access road/ Guided Bus track/Kings Hedges Road, the internal layout to the west where three parking courts joined together is improved, landscape treatment on the north-east boundary where it adjoins the school is improved. Site B: concern is raised regarding the general layout of all open spaces within the site, additional landscaping is required to the southern boundary of open space to ensure that there is no sense of clashing boundaries and land uses, additional landscape treatment is required to the west and east boundaries. Unwin Square/Public Open Space 2 (POS2) : requires greater spacing between trees and a change of tree species to ensure the trees will thrive in that location, the trees in the centre should be removed to create a strong centre axis so the space feels more enclosed and is not connected to Kings Hedges Road, the hedge planting type should be replaced with a stronger form more in scale with the space.
45. **Trees and Landscape Officer** – No comment
46. **Ecology Officer** – Recommends approval of the scheme subject to conditions concerning removal of vegetation outside of bird breeding period, lizard survey on site B (lizards were found on the A14 embankment), protection of flowers on the embankment in site A, requirement for scheme of ecological enhancement for both land parcels.
47. **Health and Environmental Services**– Recommends approval of the scheme in principle subject to various conditions. They considered the proposals against a broad range of environmental health considerations, including, construction phase noise/dust, traffic noise impact of Kings Hedges Road, the A14 and the Cambridgeshire Guided Bus on residents, Parcel B-operational noise from retail units/outlets and fixed plant noise, air quality, artificial lighting, contaminated land, Health Impact Assessment, operational odour generation and control –only Parcel B.

48. **Waste Management Section** - Recommends approval but raises concern regarding the bins stores associated with the mixed use building and suggests the amendment of the bin store layout to ensure that the proposals comply with the requirements of Recap. In addition as part of the proposals requires an obligation to be made towards the provision on bins on site in accordance with current policy.
49. **Development Officer** – Notes that POS2 is a key public art spaces and although the plans show 4 alternative designs for the ‘market area’, none of those designs have been subject to detailed public consultation. Gallaghers are advised to ensure their lead artist Patricia Mackinnon Day is aware of the project and invited to participate. In addition it is considered that the development of such an art scheme should be subject to a planning condition.
50. **Urban Design** – Recommends approval in principle but make the following comments:
- Site A
- a. Recommends that the frontage of the main focal building needs careful design. It is highly visible and forms a gateway to the development and hence high quality elevation design and materials are required.
- Site B
- b. The mixed use retails block: There are concerns regarding the lack of high quality design detail with corresponding material. The building should be simplified by removing the excess clutter materials such as Juliet Balconies and inserting much simpler projecting/recess boxes where appropriate.
- c. The proposed colour pallet for the “coloured glass panels” is confusing and does not convey a coherent façade. A detailed colour scheme is required to understand the palette better.
- d. There is concern regarding the location of the communal bin store on Chieftain Way.
- e. On-going concern regarding materials to be used in the mixed use block.
51. **Section 106 Officer** - No response received to date. Any comments received will be reported to members in an update prior to the Committee meeting.
52. **Team Leader (Sustainability Officer)** – Raises no object to the application subject to:
- a. A clear demonstration that the full effective use of solar panel capacity on the site is exhausted before other less efficient technologies are considered.
- b. In relation to air source heat pumps - full details of the units to be installed and assurances regarding the predicted coefficient of performance, quality of installation, householders’ liaison and the availability of repair and maintenance services, a specific period of performance monitoring is carried out to ensure the ASHP are working at the predicted levels.

Representations by Members of the Public

53. **Public Consultation Event** (28th January 2012) – Attended by 46 residents
The main issues raised were as follows:
- a) Cycle parking; one resident felt there was too much cycle parking at the front of the store, another felt that there should be more parking within POS2.

- b) The amount of retail floorspace; three people thought it was about the right amount and one felt that there should be a larger store but welcomed the shops being delivered as soon as possible.
 - c) One resident raised concern regarding traffic flows as they considered that a simple one way system would encourage residents to park their cars at the front of their property causing issues for cyclists.
 - d) One resident felt that the deliveries to all the retail premises should be from the rear to avoid delivery lorries parking at the front of the units and causing subsequent obstruction.
54. 12 Site Notices were posted around the site on 19th January 2012 and a further 12 notices posted on the 20th April, 2012 following the submission of amendment.
55. Press Notice was posted in the Cambridge Evening News on 27th January, 2012
56. 404 Neighbours were notified on 20th January 2012 and on the amendment on 5th April, 2012.
57. 5 Neighbours commented on the application raising the following concerns:
- a) Disappointed that the shops will not be open until late 2013, but consider they are the appropriate size.
 - b) Very little cycle parking in the original scheme.
 - c) Deliveries to all the units should be from the rear.
 - d) Concern that Orchard Park is overcrowded already and the Local Planning Authority should consider the 300 rooms within the Premier Inn and Travelodge.
 - e) Shops and 28 social housing units close to the A14 will create a ghetto and result in anti-social behaviour problems in the area.
 - f) Could sites E3 and E4 contain office space, as many entrepreneurs work from home?

Material Planning Considerations

58. This is a key development within Orchard Park, as it will provide the only retail services within the settlement. It is vital that the application proposals are deliverable, viable and create an attractive centre. The key issues to be judged in the determination of this planning application are:
- The principles of development;
 - Design, appearance, built form, scale and massing of the mixed use building;
 - Retail, Size and Location;
 - Public Open Space;
 - Open Space and Landscaping;
 - Layout, Access, Highway and servicing requirements;
 - Transport- Car and Cycling;
 - Public Art;
 - Affordable Housing;
 - Sustainability and Energy Efficiency;
 - Water Conservation;
 - Drainage;
 - Ecology;
 - Noise Attenuation;
 - Air Quality;
 - Security and Surveillance;

- Disability;
- Other Issues; and
- Planning Obligations/Section 106

Principles of Development

59. This application is for 5 of the remaining land parcels (Comm2, Comm2a, E3, E4 and HRCC/Q), originally identified for the construction as mixed use development within the Arbury Park Design Guide, adopted March 2007 and amended in the Orchard Park Design Guidance, adopted March 2011. The original outline application (S/2379/O) has expired and all subsequent applications for Orchard Park are required to be either full or outline applications supported by S106 legal agreements.
60. The Orchard Park Design Guidance SPD (adopted March 2011) provides design direction that is not land use specific. It is based on the requirements of the Site Specific DPD adopted January 2010 (SP/1) and good practice design principles which indicate that the future development of Orchard Park represents an opportunity to:
- a) Assist in meeting the demand for housing within the district;
 - b) Integrate new development with the existing community;
 - c) Introduce sustainable design solutions to address the social, economic, transportation, construction and landscaping issues associated with Orchard Park; and
 - d) Create high quality development ensuring viable and vibrant buildings and spaces.
61. Accordingly the principle of development of these sites for mixed use development is deemed acceptable, subject to all other material considerations being satisfied.
62. As noted above in the background section, this scheme follows on from an earlier proposal for a larger retail/employment development on site B (**S/0622/08/RM**) the implementation of any permission is market lead and the applicants consider that the size of the scheme can't be sustained in today's climate, therefore, they have proposed this alternative scheme.

Design of Site A/B (outline)

63. The layout of the outline parts of site A and B has been the subject to several draft design layouts, which have followed significant changes in the land use of the site as detailed above.

Site A

64. The general design layout provides a strong frontage to Ringfort Road and Cambridge Road. The new homes will be set behind a low rise bund representing the archaeological interest below ground and creates a run of 2-storey properties rising upto 3 and eventually, on the corner, 5 storeys. Mindful that this is an outline application, there are still issues concerning the design of the 5-storey landmark building located on the corner of Kings Hedges Road and Cambridge Road that need to be resolved. Careful design of that building frontage, as it will be highly visible and forms a gateway to the development of Orchard Park, is essential and in addition to overlooking and orientation, can all be dealt with in a future reserved matters application for the site.

65. To the north- west, the dwellings back onto the adjacent school and provide protection and privacy for the amenities of the school and the new residents. Where the site borders the playing fields the properties will be 2.5 storeys and be set back by a new road, allowing natural surveillance of POS1.

Site B

66. The outline permission relates to the dwellings to the east, backing onto the A14 and the two terraces of properties (2x10 dwellings) flanking POS2. The design of the 7 no., 3 bedroom dwellings located closest to the A14 are critical, as they are within a sensitive area that has significant issues in relation to noise and air quality. Minded again, that this part of the application is for outline permission. The design of the elevation of the dwellings fronting the A14 will be simple with few openings and provide a dual function of noise barrier as well as overlooking of the car parking areas located adjacent to the service road.
67. A further terrace of 7 dwellings fronts onto an area of public open space which provides links to the local centre. The two terraces of 10 dwellings which front POS2 and provided a sense of enclosure to Unwin Square have been revised in the current amendment to delete reference to a terrace of garages. The proposed side access drives will be controlled by a gate system which will restrict access to the rear of the dwellings to occupants only, also providing a sense of closure of the square. On the four corners of the terraces there will be garages which will provide a strong feature within the street scene.
68. In considering the site layout, the scheme suggests a strong building line along the edge of the street fronting Kings Hedges Road and fronting Circus Road. Officers consider that this adequately addresses concerns raised about the principle of the continuation building line and conforms with the Arbury Camp Design Guide (March 2007). The layout is considered to provide better definition to the public realm particularly where the buildings face onto the central open space. This part of the scheme has been reassessed to address the issues of design of this awkward shaped open space and indicative layouts have been produced showing draft layouts.

Site B Design of Mixed Use Building/Public Open Space 2 (POS2)

69. The building is to provide such a strong landmark function and give a sense of arrival at the local centre. It will complement a newly created public open space (POS2) and screen the development visually and acoustically from the A14.
70. The mixed use block provides a key landmark building located in front of POS2 (Unwin Square), the block is 60 metres in length and would be a maximum height of 15 metres dropping to 12.9 metres and then 11.5 metres. The building is adjacent to the A14 and rises above the existing acoustic barrier located on the edge of the A14.
71. The central block is rendered with coloured panels, which in principle build on the principles of a public art consultation held by the applicants and championed by Patricia McKinnon- Day a commissioned artist. The building is tiered, the centre part of the building is the highest and is stepped forward from the main brick blocks by 0.5 metres. The main block is brick and 2.1 metres lower than the central block. The building then steps in a further 0.5 metres, reduces in height by a further 1.4 metres and returns to render. The height of the building is similar to the hotel adjacent which abuts the A14 and also has a height of 15 metres. The application creates a quality streetscape and public realm which is appropriate to the existing character of

the area. The varying colours and height differences create a strong sense of arrival to the local centre.

72. The central POS2 green area is flanked by dwellings that will enclose the space giving it a civic atmosphere and the 3 storey dwellings that frame POS2 create a strong sense of enclosure for this key open space. The building provides strong views from as far away as Circus Drive and further, Kings Hedges Road and the physical dominance of the building fulfils the landmark building concept. It is in compliance with essential criteria within the Orchard Park Design Guidance SPD, March 2011. Taking all those matters into account together with the buildings location and surrounding, officers consider that the current proposals are of an appropriate height, scale and massing along this key frontage within Orchard Park and is therefore considered acceptable.
73. As part of the design of the shop fronts, the applicant proposes to include 'Bolton Gate Steel Rolling Grilles' which are designed to provide a high level of security whilst still allowing a high level of vision into the building. The design of the shutters is incorporated into the shop front in order to avoid any unsightly square roller shutter boxes. The grills can be coloured to match the theme of the front façade and details of such colour can be addressed by a planning condition.
74. Considering the comments of the Urban Design Team regarding the level of detail supplied within the application and the materials to be used in the external front façade of the building, the proposal offers an interesting composition of varied sight lines and colours fronting Unwin Square and the height is compliant with the requirements of the Orchard Park Design Guide (adopted 2011). However, noting the concerns expressed regarding the proposed front façade, officers also consider that particular attention should be taken to ensure that the final treatment of those elements does not detract from the overall quality of the scheme or result in elements of the scheme being incongruous in the street scene. Given the range of materials and colours being used on the building to create a strong and interesting frontage, officers consider that this needs to be carefully executed and therefore propose that a condition of consent requiring specific additional details of external materials, removal of the Juliette balconies and the re-designing of the window casements be submitted for approval prior to development commencing on site.
75. The rear elevation of the mixed use block is critical as motorists will get a clear view of the building from the A14 major road artery. The design of the rear elevation is broken up by a mixture of brick, coloured render and the use of subtle stepping and window recess giving a sense of interest to what would otherwise be a 60 metre expanse of solid brickwork. This provides both a varied and interesting view into this part of the site. The changes in height add to the interest but do not compromise the effectiveness of the acoustic qualities of the building.
76. POS2 is surrounded on both sides by a terrace of 10 dwellings. The design layout option was subject to public consultation prior to submission and the scheme amended where possible to take into account public opinion. The resulting design layout is a quality flexible and functional space which could potentially provide an income to the Orchard Park Community Council.
77. Taking all the matters into account the principle layout associated with Sites A and B is acceptable and in accordance with policies SP/1 (Site Specific DPD, adopted, 2007) DP/2, DP/3 and DP/4 (Development Control (LDF) adopted 2007) and the Orchard Park Design Guide 2011.

Retail/Local Centre

78. The application is supported by a retail statement and on 18th April 2012 the applicant submitted further retail evidence to support their current proposal. The proposal is significantly less than that proposed in the previous application (ref. S/0622/08), which offered a 1,523sq.m. (gross) retail floor space in 10 units of varying sizes and the original outline planning application indicated a total of 1,341.5sq.m. This application proposes 964sq.m. (gross) retail floor space which has been market tested. Since the previous application the applicant has sought to release the site to the market without success. The changing market has resulted in a downturn of economic activity in this area and consequently the site has remained undeveloped.
79. The retail assessment submitted with the application discusses several matters which would assist in bringing retail development forward on a development site such as Orchard Park. One such matter being the physical location of the retail development closer towards the major infrastructure as being the most appropriate location as it attracts a greater footfall. However, it is not appropriate as part of this application to discuss relocating the retail to the front of the site as it would not then comply with the Orchard Park Design Guidance.
80. Officers have discussed with the applicant the possibility of a larger retail store on Site A but there are significant highway and location difficulties, such as its very close proximity to the school, which are not easy to resolve. In addition, the Arbury Park Design Guide 2007, Orchard Park Design Guide 2011, and original outline planning permission have all indicated that Site B is the appropriate location for the retail element.
81. A significant issue is the size of the retail centre located towards the rear of the site. Concern has been raised by the Orchard Park Community Council that limiting the floor space will limit opportunities for eventual occupiers and they believe that Orchard Park residents would be best served by a wider and greater range of retailers. Evidence exists within the Cambridge Sub-Region Retail Study (commissioned by Cambridge City Council and South Cambridgeshire District Council) to suggest that the retail provision across the North West of Cambridge is poorly served. However, market research carried out by the applicant indicates that a large store in what is a 'secondary' location would need to attract customers from a wider area than Orchard Park, resulting in additional vehicles travelling through the site to the store. Whilst this was assessed within the previous application, the market seems unconvinced that this is the right location for such a large store. In addition, retail evidence suggests that when a major retailer is attracted to a site it is difficult to lease adjacent smaller shops as they feel squeezed out by the larger store. Consequently, the new application proposes a more modest convenience store, which has been designed to a size that is not bound by the Sunday licencing restrictions applied to larger retail outlets. It can offer residents a convenience retail store which will carry the large range of essential goods needed day-to-day.
82. The applicant has confirmed that they now have an anchor tenant for the main retail unit, who are keen to occupy the building once completed. The main mixed use block is being delivered by the BPHA as Registered Provider (RP) to ensure early delivery of the local centre.
83. Concern has been raised by Histon and Impington Parish Council regarding the allocation of uses within the proposed retail block. The application, in the retail report, suggests a range of business types to occupy the smaller units. However, to ensure an appropriate mix is achieved, officers consider that a condition could be

used to specify that the maximum number of takeaway units within the centre be limited to two.

Public Open Space 2

84. There are five principal areas of open space within Orchard Park, four have been developed and the fifth, Public Open Space 2 (POS2) is located within the local centre and is anticipated to be the civic/formal space, as identified within the Arbury Park Design Guide 2007. The area was included within the earlier **S/0622/08** application for the retail, but has been re-designed within this application following consultation with the local community.
85. Discussion concerning POS 2 has centred around the flexibility of the space, public art, and landscaping. The area is to be split into two sections, one which is hard landscaped and can accommodate a market, with water and electricity being part of the scheme, and one which is generally a much softer landscape with trees and a central grassed area with benches surrounding it allowing visitors to the local centre to rest in a calmer area. This will create a high quality civic space as a focal area for day to day community life, in accordance with the Orchard Park Design Guide (2011). Discussions regarding a public art project for the hard landscaped areas are on-going.
86. Since submission of the Landscape Design Officer's comments the application has been amended to include all the recommendations raised in the original consultation. The Landscape Design Officer's further comments recommend that there are improvements to the design of the open spaces submitted and the choice of trees associated with POS2. However, agrees that these matters can be ensured by the imposition of a condition.

Open space/ Landscaping

87. The assessment of open space can be split into two issues; the amount of open space on the site and the quality of the spaces. Concerns have been raised by the OPCC, Cambridgeshire Past, Present and Future and the Landscape Design Officer regarding the number of public open spaces, the quality and the design of the four key areas identified within this application. Although part of this application is for outline planning permission, officers have requested sketch layouts of the four significant open spaces in order to provide consultees with the confidence that areas of land can be laid out and constructed in a well-designed and usable manner in accordance with the Orchard Park Design Guide SPD, (2011) and DP/2 and NE/6 of the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007.
88. The amount of public open space associated with this development are below those specified in the South Cambridgeshire LDF Supplementary Planning Documents (SPD): Open Space in New Developments (2009), and in such circumstances the developers can and have offered to provide an off-site contribution to improving facilities within the locality, details of which are contained below in the *Planning Obligations/S106* section.
89. Considering the comments of Cambridge Past, Present and Future regarding the gates leading north to the completed green spaces, officers have discussed the possibility of opening these gates to create a more direct route to the shops. However, the developer and OPCC consider that whilst it may be beneficial to keep these gates for access associated with maintenance of POS1, a significant amount of

traffic walking through the playing fields on the way to the shops may cause damage to the pitches.

Off Site Linkages

90. As part of the consultation responses, the Cambridge Cycling Campaign and the Cambridgeshire Ramblers have both suggested the construction of an off-site link known as the "Ringfort Path" be provided as part of this application. This would link Histon, Impington and Orchard Park by providing a cycleway from the A14 roundabout down the A14 embankment and continuing to the rear of the Premier Inn hotel. Officers have carried out extensive investigation into this project and, whilst the project has local support, there are significant issues with providing such a link:
- a) The embankment is at least 5 metres in height and in order to comply with the Equality Act 2010 (EA) the cycle/footpath would need to be approximately 250 metres in length with a gradient of 1 in 20, which would remove a significant amount of landscaping.
 - b) The land is in the ownership of Gallagher Estates, but has been leased long term by the Highway Agency as part of the A14 infrastructure and as such is controlled by the Highway Agency.
 - c) Proof of the stability of the embankment for any type of traffic would be required before the scheme can be costed. The financial cost of this infrastructure is estimated in the region of £200,000, but officers believe this is an over optimistic figure due to the amount of work required and that the cost would likely be much higher.
 - d) The number of dwellings generated by this development does not justify the requirement for this link. The imposition of a condition would fail the test of reasonableness within Circular 11/95 (The Use of Conditions in Planning Permissions).
 - e) Future improvements of the A14 may reveal other opportunities of linkages which are more cost effective.
91. Taking all these issue into account, officers do not recommend the imposition of a condition or a planning obligation in order to deliver this project.
92. However, a pedestrian and cycle connection will be provided between the junction of Kings Hedges Road and Cambridge Road and the south western corner of site A, to allow residents of the site a more direct route to the A14 roundabout which avoids them needing to go through the main Orchard Park settlement in accordance with policy TR/4 South Cambridgeshire (LDF) Development Control Policies DPD (2007). This link would be hard surface and is shown on the sketch layout submitted 5th April 2012 and could be secured by a condition.

Sustainability, Energy Efficiency and Water Conservation

93. Policy NE/1 requires new development proposals to demonstrate how a high degree of measures in order to increase energy efficiency within a new development will be achieved. This application suggests that it is reasonable to take a four step approach:
- a) Reduce energy demand via passive measures - encourage residents to use less energy.
 - b) Reduce energy demands through the implementation of low cost energy efficiency measures. Install energy saving technologies within the dwelling/buildings such as selecting boilers with an A rating, optimising

thermal controls, using passive design to encourage daylight and reduce use of artificial light, and low energy lighting throughout.

- c) Install source of renewable energy including: wind turbines, solar power (electricity (photovoltaic) and hot water), biomass (combine heating) ground pump heat sources, and air pump heat sources.
 - d) Constraints on tenant energy use, possibly through a green leases. Although, this is difficult to control and deliver as they impact on deeds and can impact on sales.
94. The application proposed a mix of these options (a-c, outlined above) and the applicant has explored how best to meet the policy requirement of achieving a reduction in the amount of CO₂ m³/year emitted by 10% compared to the minimum Building Regulation requirements when calculated by the 'Elemental Method'. They have suggested a range of energy saving technologies that could be included in the fabric of developments such as:
- a) Photovoltaic Panels - these could be investigated further in relation to the mixed use block and the dwelling. This technology is recommended for these sites.
 - b) Solar Thermal - solar hot water systems - This technology is recommended for this site.
 - c) Ground Source Heat Pumps (GSHPs) - could potentially provide a significant amount of heating demand for the site.
 - d) Air Source Heat and Cooling Pumps - these could provide an efficient way to extract heat from ambient air, however, officers have concern that this type of energy is not as 'green' as the other technologies mentioned above and would recommend that all opportunities to use solar solutions are exhausted before this technology is considered.
95. Other technologies including wind turbines, biomass heating and biomass combined heat and power have been ruled out as unsuitable for the site.
96. As technologies are being refined and this is both an outline and full application, the applicant does not specify the exact type of energy saving technologies which will be included within every dwelling/building. The mixed use building provides an opportunity for the applicant together with the Registered Provider, BPHA, to develop an energy saving project and officers have begun discussions to explore the possibility of installing solar panels on the roof. Consequently, should planning permission be granted, a condition is recommended to ensure all opportunities are investigated.

Water Conservation

97. Policy NE/12 requires the submission of a Water Conservation Strategy for major planning applications. The strategy submitted with the application seeks to achieve a water demand for the sites of less than 105 litres/day per person; a level equivalent to the Code for Sustainable Homes' level 3, through various methods. The dwellings will all include water saving fittings, a water bull will be installed in all gardens and educational packs on water conservation ideas and the benefits they provide given to every new household. In addition, notices will be discreetly located within the new dwellings to remind users to save water.
98. The Water Conservation Strategy also provide details on the future benefits of rain water harvesting or grey water recycling which, whilst not included within the main

development of the land parcels, could be delivered as part of a show home project which forms part of the planning obligations recommended.

Ecology

99. The application was supported by a comprehensive Ecological Appraisal which showed that no significant harm to ecology would arise from the development. It accords, as a consequence, with policy NE/6 of the South Cambridgeshire (SPD) Development Control Policies (DPD) 2007. However, in order to ensure the scheme delivers protection to vulnerable species it is recommended that conditions be applied:
- a) Ensure vegetation associated with the development is managed outside of bird breeding periods.
 - b) Undertake a comprehensive lizard survey to ensure that the appropriate protection is provided.
 - c) Protect the wild flower embankment on Site A, as this provides a valuable wildlife habitat.
 - d) Secure ecological enhancement of both land parcels in order to ensure the development contributes positively to the ecological environment.

Transport- Car and Cycling

100. The application site has been subject to a number of transport modelling exercises since the submission of the original outline planning application in 2000. This application has been transport-modelled using the Cambridgeshire County Council, Cambridgeshire Sub Regional Model (CSRM) with reference to the Colin Buchanan and Partners model (CBP). The CBP model was produced for a forecast year of 2021 and the CSRM has forecast years of 2016, 2021 and 2026. The application was submitted in 2011 and, in accordance with the Department of Transport (DfT) guidance on Transport Assessment, it is appropriate that all forecasting is undertaken using the forecast year 2021 given the potential impact on the A14.
101. The Transport Assessment (TA) submitted with the application indicates the number of trip generations expected in and out of the development at peak times. The results indicated that there is a reduction in the number of trip generations based on the land uses proposed in the original outline application as indicated in figure 1.

Figure 1: Changes in Traffic Generations

Use	AM Peak Hour IN	AM Peak Hour OUT	PM Peak Hour IN	PM Peak Hour OUT
Site A				
HRCC removed	-20	-2	-2	-25
0.84 ha Mixed Use (car sales) removed	-55	-20	-23	-38
79 additional residential dwellings	5	32	28	14
Net Change in Site A generation	-70	10	3	-49
Site B				

4,606sq.m. B1 Employment Removed	-58	-8	-7	-38
41 Net increase in residential (20 dwellings were given consent in S/0622/08.)	3	17	15	7
Gross reduction in retail from 1,523 sq.m (S/0622/08) to 964Sq.m.	0	0	0	0
Net Change in Site B Generation	-55	9	8	-31
Total Change in Traffic Generation	-125	19	11	-80

(Orchard Park, Cambridge Parcels A & B Transport Statement Gallagher (WSP Oct 11 amended May 2012)

102. Members will note that the retail trips within the development are identified as zero because all trips associated with the retail are expected to be internal to Orchard Park, and therefore there is no expected increase in traffic movement.
103. Compared to the original outline application and the approved S/0622/08 application above table, there is a general expected significant reduction in trip generation, therefore it is anticipated that there will be very little impact on road traffic movements based on the changes in land uses contained within this application compared to the existing permitted land uses of each of the sites and therefore no material adverse impact on the highway network in accordance with policy TR/3 of the South Cambridgeshire District (SDP) Development Control Policies (2007). On this basis no further transport obligations are sought.
104. The road layout associated with the development has been designed to manage traffic at 20mph and to ensure that refuse vehicles can be accommodated and can manoeuvre safely through the site without detracting from the quality of Orchard Park in accordance with policy TR/1 of the South Cambridgeshire District (SDP) Development Control Policies (2007).

Car Parking Design

105. 263 car parking spaces are being provided over the two land parcels. Twenty-six are to the front of the retail store, two of which are identified as disabled car parking and one which could potentially be used by a car club. Eight are associated with the retail staff parking and are located to the rear of the mixed use building, and a further 229 are associated with the 140 homes, providing an average of 1.6 spaces per dwelling. This provision meets the Council's adopted parking standard in accordance with policy TR/2 of the South Cambridgeshire Development Control (DPD) 2007..

Site A

106. As part of the indicative layout the applicants have provided details of the car parking bays to the rear of both the apartments and homes; these indicate the provision of 6 parking spaces in each of the bays, which is in accordance with the essential criteria within the adopted Orchard Park Design Guide (2011).

Site B

107. The design of the car parking associated with the central block allows access to the shops directly from POS2. It is intended to change the surface material of this area to create a crossing in order to give priority to pedestrians and cyclists. The disabled parking will be located closest to that crossing, with the remaining 12 spaces being provided directly outside the retail units. A further 12 parking spaces surround POS2 and are designed in bays of three with emphasis being given to landscaping rather than parking.
108. The design of the parking to the rear of the mixed-use block is arranged into three distinct areas: parking for the apartments to the left of the anchor store, parking for the commercial and parking for the apartments to the right of the anchor store. All of these parking areas have been designed in accordance with the Cambridgeshire County Council's Manual for Streets Guide.
109. Noting the comments of the Cambridgeshire Cycling Campaign and Sustrans, the application has been amended to increase the number of cycling parking spaces within the local centre. The application now proposes 20 'Sheffield hoop' design cycle racks which provide spaces for 40 cycles located to the front of the retail centre and a further 8 wall mounted canopies located on the rear wall of the mixed use. Cycle storage for the flats will be provided on the bases of one bedroom, one space provided in covered/secure blocks.

Access and Servicing

Site A

110. Access to the site will be via Ringfort Road. The Local Highway Authority has recommended conditions regarding visibility splays into the site, surfacing all of which could be subject to conditions.

Site B

111. The service roads around the front of the local centre surrounding POS2 have been the subject of concern by local residents, due to the fear of there being a conflict between cars, pedestrians and cycles. The scheme has been designed with a one-way system, and, by using differing surfacing materials, will naturally slow vehicles down within the area, significantly reducing the possibility of conflict.
112. Noting that additional concern has been raised by the Disability Forum, local residents and Histon and Impington Parish Council in respect of deliveries, all major deliveries to the central convenience store will be from the rear of the premises and the deliveries to the smaller retail units will be from the front. It is anticipated that, due to the size of the 7 smaller units, delivery vehicles visiting those premises will not be of a significant size. Due to the design of the local centre, large articulated vehicles will find it very difficult to manoeuvre around the square, such that it would be far easier for them to access the building from the rear. In order to ensure any

deliveries to the premises do not have an adverse impact on the residential amenities of the nearby properties, it is recommended that a condition is considered in relation to delivery times.

113. All of the roads included within the development have been 'tracked' to ensure that refuse and emergency vehicles can manoeuvre around the site.

Security and Surveillance

114. Mindful of the Orchard Park Community Council's and the Police Architectural Liaison Officer's concern regarding secure parking to the rear of the flats on Site A, the applicant has confirmed that the parking area will be gated and controlled by a 'key fob' system in order to avoid any opportunity for people to use the car park inappropriately.
115. Officers have also considered the comments of Cambridge Past, Present and Futures in respect of the garages to the east and west of the square as creating an opportunity for anti-social behaviour. Due to issues concerning the size of these garages and these comments the applicant has amended the application to show only four garages, located on the four corners of the two blocks. The remaining 16 houses will be served by uncovered parking and access to these parking areas to the rear will be controlled by gates, which will open inward. This will restrict access to residents only and avoid potentially anti-social behaviour occurring.
116. Concern has also been raised by the Police Architectural Liaison Officer regarding the potential for trees to grow and obscure views from homes surrounding the retail units and POS2. Consequently the application has been amended so as to include trees which will provide a quality landscape view and, with maintenance, will allow clear views of POS2.

Public art

117. The central market area associated with POS2 offers a unique opportunity to include public art in the fabric of the development and within a key public area. The previous application (S/0622/08) suggested a scheme to develop a major public art project around the Unwin Square area. Four draft alternative designs for a project associated with the market area were submitted with the application and show suggestions which could be developed further. OPCC is keen to develop public art projects and policy SF/6 of the LDF (2007) supports the generation of projects within new developments. Accordingly, officers consider that such a public art project would benefit from extensive public consultation and a condition requiring a scheme to be submitted and approved prior to the occupation of the mixed use building is appropriate.

Housing Mix

118. The scheme proposes the full permission of 2 no. one bedroom flats, and 26 no. two bedroom flats and outline permission for 16 no. two bedroom flats and 96 no. 3 bedroom houses. No provision is made on site for larger (4 or 5 bedroom) accommodation. Whilst such a mix, taken in isolation, would not typically accord with the mix standards set out in policy HG/2 of the LDF, it is important to consider that the site in terms of the wider Orchard Park development.. At the time of considering the original outline consent for Orchard park, the Planning Inspector considered how residential development should be apportioned across the site so as to achieve a mixed and balanced community, whilst achieving deliverability for

individual land parcels. This approach has been followed in considering what an appropriate mix for the sites now under consideration would be and officers are satisfied that the aim of policy HG/2 has been met across Orchard Park as a whole.

Affordable Housing

119. In respect of the provision of affordable housing on the site, Policy HG/3 of the LDF provides the policy format for determining planning applications for dwellings. It specifies that the amount of affordable housing sought on all sites of two or more dwellings will be 40% or more of the dwellings to be provided. However, development can take into account any abnormal costs associated with the development, such as infrastructure costs and other viability considerations. This current application offers 36.4% affordable housing and these are to be split over the two sites, (Site A) 16 no., two bedroom flats and (Site B) 2 no., one bedroom flats, 26 no., two bedroom flats of which 28 are located above the mixed use block, and 7 no., three bedroom houses,. Whilst this is not meet 40% set out in the policy, it is compliant with policy HG/2 as the application has been subject to viability testing. This testing took into consideration the planning obligations package and indicates that this scheme would be unviable should it meet that 40% level. Officers have discussed this issue with the Council's partners, BPHA, who are fully supportive of this approach. Therefore, on balance, the amount of affordable homes delivered on the site is considered acceptable.

Environmental Health Issues

120. The following environmental health issues need to be considered and controlled effectively in order to minimise potential adverse impacts on existing and future residents:
- Construction Phase: Noise/Dust;
 - Traffic noise impact of Kings Hedges Road, the A14 and the Cambridgeshire Guided Bus on residents;
 - Air Quality;
 - Artificial lighting;
 - Contaminated Land;
 - Health Impact Assessment;
 - Operational Residential Waste/Recycling Provision; and
 - Potential Operational Odour Generation and Control –Site B only.

Noise

121. The current proposals are located close to the B1049 and A14, where there is noise pollution caused by traffic. The applicant has provided two comprehensive noise assessment reports (Site A and B). The reports were revised following comments of the Environmental Health Officer. The revised reports make reference to the National Planning Policy Framework, March 2012, which replaced PPG24. The report for Site A, presents the outcome of an assessment of the future ambient noise levels within rear gardens and outside residential habitable rooms in order to meet the required targets. These appear to be acceptable subject to additional monitoring and assessment. However, in respect of Site B, further detailed design information is required and, as further quantitative noise assessment with details of noise data/specifications will only be available at the details design stages, a noise insulation condition is recommended for both the buildings and the plant. In addition,

a Noise Management Strategy condition is recommended in order to ensure that the amenity of nearby residents is protected

122. Policy NE/15 seeks to ensure that any planning application granted would not be subject to unacceptable noise levels from existing noise sources. Whilst it is agreed that nearby residents will be exposed to construction noise, that will be transitory in nature and the impact could be controlled by the imposition of a condition. In addition, officers suggest that a condition requiring a Construction Environmental Management Plan (CEMP) and a phased Construction Method Statement/Strategy (CMS) are added to provide control measures to ensure the development does not adversely impact on nearby residents, residential amenity.

Air Quality

123. Air quality assessments have been made for this development both for during construction of the development and on completion. For both phases the type, source and significant potential impact are identified, and measures employed to minimise impacts. Environmental Health Officers report that the assessment of air quality on both Site A and B is robust and acceptable in accordance with policy NE/16 of the LDF.

Site A

124. Further detailed air quality work is required in respect of Site A to prevent any prolonged exposure to potential poor air quality. It is recommended that, as part of the final layout (reserved matters), external private amenity areas such as private gardens and balconies and informal/formal opens spaces should not be located towards Cambridge Road. Officers recommend that mitigation of air quality issues be secured by condition.

Site B

125. It is agreed that, providing the proposed mitigation measures are implemented during the construction and operational stages; the impact on air quality during construction is likely to be minor adverse to negligible and during operational phases (upon completion) negligible to neutral. In addition, due to the separation distances between transport sources of air pollution and the location of future receptors, occupiers are unlikely to be exposed to significant concentrations of pollutants.

Artificial Lighting

126. Artificial lighting can have a significant impact on residential amenity by causing nuisance. No detailed proposals were submitted with this application therefore, it is recommended that a condition is added in order to ensure existing and future residents are protected from light pollution in accordance with policy NE/14 of the LDF.

Contaminated Land

127. The Council's records show that part of this development site was originally part of the former Carzone garage and bus depot site. Condition no. 21 of the original outline planning permission for the site (ref. S/2379/01) required the site to be investigated for contamination. Contamination was identified and subsequent risk assessment and remediation works were carried out where required (ref. S/0320/04). The conclusion and recommendations of the remediation report findings advise

additional work in order to make the site suitable for a proposed residential use. As only the eastern portion of Site A is affected by this potential contamination, it is recommended that construction measures to protect residential amenity are imposed by the imposition of a condition.

Health Impact Assessment (HIA)

128. The application is supported by a comprehensive HIA which clearly assesses the impact of the development on the health and well-being of existing residents and future residents of Orchard Park. To ensure that the development develops health benefits it advocates:
- Providing opportunities for Healthy exercise such as, through the provision of facilities for cyclist and an initiative to encourage cycling;
 - Potential health benefits associated with suitable employment opportunities.
 - Efforts to reduce the number of single occupancy car journeys;
 - Incorporation of a number of water efficiency measures to minimise demands on the natural water supply;
 - A broad range of measures to conserve and enhance on site biodiversity; and
 - Opportunities to minimise resource use, during both the construction and operational stage, including production of renewable energy on site.
129. Officers confirm that the proposals contained in the HIA are acceptable and that sufficient information has been provided to ensure that the development is in accordance with South Cambridgeshire Health Impact Assessment (SPD) 2011 and is, therefore, acceptable.

Waste Management

130. The RECAP design guide provides guidance to developers on both the design and management of waste infrastructure for both residential and commercial. On balance the application meets aims and objectives identified within the design guide, however, it appears that there are deficiencies regarding waste management design associated with Site B, as the locations of the refuse/bin store for the retail units 1-3 are not acceptable since they require manual handling of waste over a distance of more than 30 metres and are also directly across a residential car park. Officers have recommended to the applicant that they revise these areas in order to ensure the development conforms with the RECAP design requirements and should propose an alternative position in relation to bin storage serving units 1-3.
131. In addition, concern is raised regarding the suggestion of shared waste storage areas for commercial units, as this is not permitted by the guide. The applicant has subsequently agreed to revise the bin storage units for each of the retail units to ensure the bins stores are large enough to accommodate the required number of bins and will provide a waste storage compound in association with Unit 4, as recommended.
132. The applicant has advised officers that subject to minor amendments in the design layout at the rear of the retail premises the bin stores can be successfully located in accordance with the RECAP Design guidance and has forwarded a sketch layout, which could be secured by condition.

Other Issues

133. Previous experience of mud being deposited on road surfaces during construction works, which this is not normally an issue for development, It is worth noting that the application sites are in sensitive locations, e.g. close to the school, which will need to be maintained free from obstruction during development works for the benefit of existing local residents. Accordingly, it is considered reasonable to impose a condition that requires a construction management plan to be submitted and subsequently adhered to, to ensure all construction / logistical issues are identified before they occur and a suitable plan is in place to resolve them, to the satisfaction of all affected parties.

Section 106

134. Discussion regarding Section 106 obligations, have been on-going since May 2011, officers have been working with partners to bring together a list of requirements necessary to mitigate the development. The applicant raised concern that the list of obligations would result in the proposed scheme being unviable. Consequently, the application has been subject to a viability assessment, which has been carried out by independent consultants on behalf of South Cambridgeshire District Council with consultants working on behalf of the applicant. The results show that planning obligations are limited by the viability of the scheme. The list of planning obligations necessary included:

- a) Pre-school,
- b) Primary school,
- c) Secondary school
- d) The maintenance of open space,
- e) Off-site open space
- f) Community facilities,
- g) Community development worker,
- h) Public Art
- i) Household waste receptacles,
- j) Air quality, and
- k) Monitoring.

A full breakdown of the Section 106 obligations is attached as appendix 1.

135. As part of the Section 106 assessment for this development officers and partners have had to consider the extant planning permission which exists for Site B (S/0622/08), as that application was determined under the original Section 106 obligations and contributions associated with that application are deemed to have been paid, therefore all planning obligations associated with this development are required to credit the obligation requirements of that earlier application from this current application.
136. The application is supported by a Planning Statement in which it is indicated that the development is unviable and identifies the planning obligation requirement for this development as the reason for this the Heads of Terms which accompanied the application totalled £1 million. This is confirmed by the Council's viability consultant. Through discussion with service providers the Section 106 obligations have been negotiated to a total contribution of £1.353 million. Whilst this is a higher figure than the viability assessment indicates can be afforded, the applicant is willing to accept this sum to bring forward the site at this time. A summary of the Section 106 obligations is attached (appendix 1).

137. The OPCC has raised concern regarding the total amount of contributions being secured in respect of this application. The contributions being sought have been carefully scrutinised and are considered to meet the tests for S106 contributions.
138. Concern has been raised by Cambridge Past, Present and Future and the OPCC that the planning obligations associated with this application will be insufficient to fully mitigate the impact of this development on Orchard Park. However, the whole development has, as stated above, been carefully tested for CIL compliance and has been the subject of viability testing by independent consultants. The discussions associated with the obligations have been carried out with the clerk of the OPCC as part of the working group. The group has considered the impact of delivery of the development and consider that the contributions are now considered sufficient to adequately mitigate the development and accord sufficiently with policy.

Recommendation

It is recommended that the Planning Committee approves the application as amended subject to the following:

- a) Section 106 requirements
- b) The following Conditions and Informatives

Conditions

Time (Site A and B)

1. The development shown hatched red on the attached plan, hereby permitted shall be begun before the expiration of 3 years from the date of this permission. In addition the development, shown hatched blue on the attached plan, hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason: In relation to the area hatched red, 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; and, in relation to the area hatched blue, as the application is outline only.)

Reserved Matters (Site A and B)

2. In relation to the area shown hatched blue on the attached plan, approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development of this area is commenced.
(Reason: As the application is partly outline only).

Plans (Site A and B)

1. The development hereby permitted shall be carried out in accordance with the following approved plans: GE.OP- Site Plan, Figure 1, GE.OP - Proposal Boundaries Figure 2, GE.OP- Plot A Development Zones Figure 3, GE.OP-Plot B Development Zones Figure 4, 021-Plot A Parameter Plans Figure 5 revision B, 022-Plot B Parameter Plans Figure 6 revision B, 023-Plot A Indicative Layout Figure 7 revision B, 024-Plot B Indicative Layout Figure 8 revision B, 1050/135 Concept Site Layout, 1608/SK/001 revision A, 1608/SK/002 revision A, 1608/SK/003 revision A,

1608/SK/004 revision A, 21106-001 revision E, 21106/002 revision A, 21106-004 revision A, GE.532.PO1 revision D, GE.532.PO2 revision C, GE 532 (22nd May 2012), GE.532.PO3, GE.532.PO4, GE.532.PO5. Details of perforated lath roller shutters date 5th April 2012.

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

Materials (Site B)

2. No development shall commence until detail of the materials to be used in the construction of the external surfaces including windows and joinery of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2).
3. Notwithstanding the submitted drawing GE.532.PO2 revision C, received 5th April 2012 and GE.532. received 22nd May 2012, further revised details of the front elevation are required to show the removal and replacement of the cedar wood balconies with glass and alterations to the front fenestration, such details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development on site.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2).
4. Prior to occupation of each retail unit the premises shall be fitted with perforated lath roller shutters the colour, of which shall first be submitted to, and approved in writing by the Local Planning Authority.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2).

Permitted Uses of the Mixed Use Commercial Block (Site B)

5. Notwithstanding the provisions of the Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the mixed use block of retail premises shall be used for A5, A2 and three A1 uses and for no other purposes (including any other purposes in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or within modification). Not more than two units within the building shall be used for A5 uses at any time.
Reason: a) To protect the amenities of adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3. b) To safeguard the character of the area in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3.
6. No individual unit on site shall be occupied until a scheme for the provision of CCTV has been submitted to and approved in writing by the Local Planning Authority, and has been subsequently installed in accordance with that approved scheme thereafter be retained and maintained in strict accordance with the approved plans in perpetuity and not be altered without the prior written approval of the Local Planning Authority.

Reason: To ensure adequate surveillance of the car parking areas in the interest of amenity, security and the quality of the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2 and DP/3.

7. No individual unit on site shall be occupied until the cycle parking to serve that unit has been provided on site and made available for use. The cycle parking shall not thereafter be used for any purpose other than parking of cycles.

Reason: To ensure adequate provision of cycle parking for the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/1 and TR/3.

8. Notwithstanding the submitted drawing 21106-001 revision E, a schedule for the provision of delivery of cycle parking to both Site A and Site B shall be submitted to and approved in writing by the Local Planning Authority. The schedule will then be implemented in strict accordance with that delivery plan unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate provision of cycle parking for the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/1 and TR/3.

Construction Noise & Vibration (Site A & B)

9. No construction work and or construction related collection from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 on Saturdays and no construction works or collection/deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.)

10. In the event of the foundations from the proposed development requiring piling, prior to the development taking place the applicant shall provide the Local Planning Authority, with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with provision of BS5528,2009 - Code for Noise and Vibration Control of Construction and Open Sites Part 1 - Noise and 2- Vibration Control on Development shall be carried out in accordance with the approved details.

Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.)

11. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details/scheme unless the Local Planning Authority agrees to the variation of any detail in advance and in writing.

Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.

12. Prior to the development commencing on site a Construction Environmental Management Plan and a phased Construction Method Statement/Strategy shall be submitted to and approved in writing by the Local Planning Authority. Construction on site shall be strictly in accordance with those agreed documents unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.)
13. No power operated machinery (or other specified machinery) shall be operated on the premises before 08:00 on weekdays and 09:00 on Saturdays or after 18:00 weekdays and 13:00 on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
Reason: To minimize noise disturbance to adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/15.

Operational Noise Impact- (Site B)

14. Before the retail uses hereby permitted are commenced, a noise assessment and a scheme for the insulation of the building and associated plant/equipment, in order to minimise the level of noise emanating from the building and a plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details.
Reason: To protect the amenity of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.
15. No development shall commence until full details of a scheme of sound insulation standard between any retail, food or commercial (any premises class use other than residential) and residential uses within the same building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the units hereby permitted are occupied and measures permanently retained thereafter.
Reason: In the interests of the amenities of permitted residential units close to non-residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.
16. No vehicles associated with any retail, food or commercial units shall be loaded or unloaded within the application site outside the hours of 07.00 and 23.00hrs on Monday to Saturday and not at all on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
17. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust for fumes from the building but excluding office equipment an vehicles and the location of the outlet from the building of such plan or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.

Reason: To protect the occupiers of adjoining dwellings from the effect of odour, dust or fumes in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/16.

Air Quality Mitigation (Site A)

18. The approved development and uses shall be constructed and maintained in accordance with the mitigation measures as detailed in the submitted WSP Environmental Air Quality Assessment Report, Orchard Park, Plot A, Gallagher UK, May 2011 and as part of the air quality mitigation scheme no development on any individual phase shall commence until approval of the details of the design, layout and scale, including the location of external amenity areas and formal/informal open space within the phase has been obtained from the Local Planning Authority in writing. The development shall be carried out strictly as approved.

Reason: To safeguard the amenity and health of future residents in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/16 accordance and the South Cambridgeshire (SPD) Design Guide 2010.

Artificial Lighting (Site A & B)

19. Prior to the commencement of the development an artificial lighting scheme, to include detail of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off the site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans/elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type/profiles, mounting height, aiming angles/orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.

Contaminated Land (Site A)

17. No development approved by this permission shall be commenced until:
- a) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
 - b) The works specified in the Remediation Method Statement have been completed, and a Validation Report is submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - c) If, during remediation works, any contamination is identified that has not been considered in the Remediation Method Statement, then a remediation proposal for this material shall be agreed in writing by the Local Planning Authority.

Reason: to protect the amenities of future residents from contamination in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.

Waste (Site A & B)

18. Prior to commencement of development on site of Site B and any reserved matters application associated with Site A and B, shall include full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where facilities for trade waste, domestic bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. Details shall also be included on how this complies with any approved design code for domestic waste. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.
Reason: To ensure the efficient management of waste recycling facilities in accordance with Cambridgeshire Council Councils RECAP Guidance (SPD) 2012.
19. No material or equipment shall be stored on the site outside the buildings save that waste material may be kept in bins for removal periodically.
Reason: In the interest of visual/residential amenity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.
20. Notwithstanding the submitted drawings, no development shall take place until a scheme for the siting and design of the screened storage of refuse, in relation to site B, has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage for the site shall be completed before the mixed use building is occupied in accordance with the approved scheme and shall thereafter be retained.
Reason: To provide for the screened storage of refuse in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/3.
21. Notwithstanding the submitted plan ref: GE.532.PO1 revision D, further details of the exact location of the retail bins shall be submitted to and approved in writing by the Local Planning Authority. Any bin location scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

Renewable Energy (Site A & B)

22. No development shall commence within the site for which full approval is being sought until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority
Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy NE/1, NE/2 and NE/3.

23. No development shall commence within the site for which outline approval is being sought until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the site's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority
Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy NE/1, NE/2 and NE/3.

24. Before development /uses hereby permitted is commenced, an assessment of the noise impact of plant and or equipment including any renewable energy provision sources such as any air source heat pumps, wind turbines on the proposed and existing residential premises and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant and or equipment shall be submitted to and approved in writing with the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.
Reason: To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/15).

Odour (Site B)

25. Before the commencement of retail uses hereby permitted are commenced, details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and or odours related to non-residential uses which are not residential premises including the operation of any in vessel composting, shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration/abatement scheme/s shall be installed before the use hereby permitted is commenced and shall be retained thereafter. Any approved scheme/system shall not be altered without prior approval.
Reason: To protect the future amenity of future residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
26. Any approved fume filtration/extraction system installed, shall be regularly maintained in accordance with the manufactures specification to ensure it continues satisfactory operation to the satisfaction of the Local Planning Authority. Documented evidence including receipts, invoices and copies of any service contracts in connection with the maintenance of the extraction equipment, shall be kept for inspection by officers of the Local Planning Authority.
Reason: To protect the future amenity of future residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.

Transport (Site A and B)

27. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary, or the boundary of any land intended to be dedicated as public highway.
Reason: To avoid displacement of loose material onto the highway in the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3).
28. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved accesses unless details have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3).
29. Prior to the commencement of the first use the vehicular accesses where they cross the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3).
30. No part of any structure shall overhang or encroach under or upon the public highway and no gate/door/ground floor window shall open outwards over the public highway.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3).
31. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
Reason: To prevent surface water discharging to the highway, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
32. The manoeuvring areas and accesses shall be provided as shown on the drawings and retained free of obstruction.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
33. The uses, hereby permitted, shall not commence until parking, turning, loading and unloading spaces have been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/2.
34. The flats above the mixed use block, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with the approved scheme.
Reason: To ensure the provision of covered and secure cycle parking in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/2).
35. No building shall be occupied until a Travel Plan for staff, residents and visitors has been submitted to and approved in writing by the Local Planning Authority. The plan

shall include marketing, incentive schemes, monitoring and review process as well as mechanisms for its implementation and shall be implemented in accordance with the approved details.

Reason: To reduce car dependency and to promote alternative modes of travel in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.

Landscaping (Site A and B)

36. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and detail 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 detail of species, density and size of stock.

Reason: To ensure that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

37. 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 ten 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 give its written consent to any variation.

Reason: To ensure that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

38. No development shall take place until full details of the public open space (POS2) have been submitted to and approved by the Local Planning Authority, including details of both hard and soft landscape works, provision of water supply, drainage, power points, refuse bins, cycle racks and seating. The development shall subsequently be implemented in accordance with the approved details prior to the first occupation of any individual unit on the site, apart from the soft landscaping works, which shall be carried out within the first planning season following the first 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 that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

39. No development of any reserved matters consent shall be commenced on Site A until a pedestrian and cycle connection has been provided between the junction of Kings Hedges Road and Cambridge Road and the south western corner of Site A, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site, this connection will be retained in perpetuity

Drainage (Site A and B)

40. No dwellings/premises shall be occupied until the works have been carried out in accordance with the approved Surface Water Strategy, unless otherwise approved in writing with 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 prevent amenity problems and arising from flooding, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1 and NE/11 .

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

Reason: To reduce the risk of pollution of the water environment and to ensure a satisfactory method of foul water drainage in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1 and NE/10 .

Public Art (Site B)

42. Notwithstanding the submitted details, no development shall begin until details of a scheme for the provision of public art has been submitted to and approved in writing by the Local Planning Authority. The implementation of such as scheme shall be prior to the occupation of the mixed use block unless otherwise agreed in writing by the Local Planning Authority.

Reason Insufficient details were submitted with the application in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy SF/6.

Ecology (Site A and B)

43. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for specified of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme waghered in writing with the Local Planning Authority.

Reason: To enhance ecological interest in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

44. No development shall commence on site until a comprehensive Lizard survey has been carried out and the results of which have been documented in accordance with a scheme which shall first have been agreed in writing by the Local Planning Authority. Such protection measures as agreed shall be implemented prior to development commencing on site and shall be maintained throughout the construction period, any alteration to the approved scheme shall first be submitted to and agreed in writing with the Local Planning Authority.

Reason: To enhance ecological interest in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

45. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for

the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

46. No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority: the mixed use building shall not be occupied until the nest boxes have been provided in accordance with the approved scheme.

Reason: To achieve biodiversity enhancement on the site in accordance Sustainability with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

Construction management (Site A and B)

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

- i. Contractors' access arrangements for vehicles, plant and personnel;
- ii. Contractors' site storage area(s) and compound(s);
- iii. Parking for contractors' vehicles and contractors' personnel vehicles;

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

Reason: In the interests of residential amenity in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3 and DP/6.

Fire Hydrants (Site A and B)

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

Reason: To ensure an adequate water supply is available for emergency use.

Informatives

Environmental Health

- i. To satisfy the noise insulation scheme condition for the residential building envelope and traffic noise, the applicant / developer must ensure that the residential units at are acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of Practice" derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 L_{Aeq} (Good) and 40 L_{Aeq} (Reasonable) for living rooms and 30 L_{Aeq} (Good) and 35 L_{Aeq} (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and thermal comfort / summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulations Approved Document F 2006: Ventilation will also need consideration.

Parcel B

- i. To satisfy the Retail Units Operational Noise Impact / Insulation condition, the noise level from all powered plant, vents and equipment, associated with this application that may operate collectively and having regard to a worst case operational scenario (operating under full power / load), should not raise the existing lowest representative background level $\text{dB } L_{A90,1\text{hr}} (L_{90})$ during the day between 0700 to 2300 hrs over any 1 hour period and the existing lowest background level $\text{dB } L_{A90,5\text{mins}} (L_{90})$ during night time between 2300 to 0700 hrs over any one 5 minute period by more than 3 dB(A) respectively (i.e. the rating level of the plant needs to match the existing background level), at the boundary of the premises subject to this application (or if not practicable at a measurement reference position / or positions in agreement with the LPA) and having particular regard to noise sensitive premises. Noticeable acoustic features and in particular tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and to protect the amenity of the area, preventing unreasonable noise disturbance to other premises.

To demonstrate this requirement it is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. In addition to validate /verify any measured noise rating levels, noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring noise sensitive premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L_{90}) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

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

- National Planning Policy Framework
- Cambridgeshire County Council Local Development Framework Supplementary Planning Document;
RECAP Waste Management Design Guide (February 2012)
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- South Cambridgeshire Local Development Framework Site Specific DPD (adopted January 2010)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents:
Public Art (adopted January 2009)

Open Space in New Developments (adopted January 2009)

Trees and Development Sites (adopted January 2009)

Biodiversity (adopted July 2009)

Landscape in New Development (adopted March 2010)

District Design Guide (adopted March 2010)

Affordable Housing (adopted March 2010)

Health Impact Assessment (adopted March 2011)

Orchard Park Design Guide (adopted March 2011)

- Planning Files Ref: S/2379//01/O, S/0622/08 and S/2559/11
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Case Officer: Julie Ayre –Principal Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 June 2012

AUTHOR/S: Planning and New Communities Director

S/2559/11 – ORCHARD PARK

**Erection of 112 Dwellings, including Vehicular Access and Mixed Use Building/
this is a hybrid application part outline and part full involving 7 Retail Units
(840sqm) and 28 Flats (2-1 bed and 26-2 bed) including Landscaping and Open
Space and involves two separate land parcels**

**Site A (Formerly Q & HRCC) Land Off Ringfort Road, and Site B (Formerly E3,
Comm2A, Comm2B & E4) Land off Chieftain Way,
For Gallagher Estates Ltd**

**Recommendation: Delegated Approval Subject to Planning Conditions and
S106**

Date of Determination: 6th June 2012

A. Update to the report

Agenda report paragraph number 7 – Orchard Park Community Council additional comments received:

- a) Pleased that the affordable housing will closely match SCDC policy levels, but raise concern regarding the delivery of the affordable homes before the market housing and the management of the undeveloped land parcels.
- b) Request that the planning permission be conditions to ensure Gallagher's work with the OPCC to deliver a public art project on POS2.
- c) Welcome the detail of the public open spaces but still concerned regarding the level of open space being provided within this scheme.
- d) Request that the colour detail on the mixed use building be agreed with the OPCC.
- e) OPCC are disappointed that the level of retail has been reduced without evidence as this appears as top-up shopping which is contrary to the vision of Orchard Park as a sustainable urban extension.
- f) Section 106 - pleased that the Section 106 offer has increased but note this is still a departure from policy in respect of open space contributions.

Officers have responded to the OPCC and have agreed to continue to work with the OPCC through the planning conditions to address issues b and d. In respect of issues raised:

a) it is not appropriate to link a full application to the delivery of an outline planning application.

c and f) the application's open space does not meet SCDC standards however, the applicant will provide contributions for the delivery of off-site mitigation. The application has been subject to a viability assessment by outside consultants and the scheme has been found to be unviable, but through negotiations and partnership working the applicant is prepared to provide additional contributions in order to ensure this application comes forward with sustainable community infrastructure.

e) this matter is dealt with in the main report.

Agenda report paragraph number 48 – Waste Management Section’s additional comments have been received:

- a) Following submission of revised sketches 30th May concerns regarding the internal layout at the rear of the retail premises is acceptable. However, there are still minor concerns that can be addressed by condition no.23 regarding the location of bin stores.

Agenda report paragraph number 139 – Recommendation

Delegated approval of hybrid application, as amended by plans and documents date stamped 5th April, 2012, 23rd May 2012 and 31st May 2012 subject to the following:

- a) Planning conditions as set out within the report and amended by this update report, with the final wording of amendments to be these to be agreed in consultation with the Chair, Vice Chair and Local Members prior to the issuing of planning permission;
- b) Contributions to be secured by way of a Section 106 legal agreement as set out in Appendix1 – final wording to be agreed in consultation with the Chair, Vice Chair and Local Members prior to the issuing of planning permission.

Agenda report section - conditions

Further work has been carried out with the applicant following the comments of the OPCC and the Waste Management Section to provide further clarity in respect of conditions concerning the individual land parcels (A and B) this involves minor amendments to the following conditions:

- 4. No development shall commence on the land hatched red until detail of the materials to be used in the construction of the external surfaces including windows and joinery of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.
- 5. Notwithstanding the submitted drawings GE.532.PO2 revision C, received 5th April 2012 and GE532 received 23rd May 2012, further details of the front elevation are required to show alterations to the fenestration, including details regarding the colours to be used in the centre block of the mixed use building, such details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.
- 6. Prior to occupation of each commercial unit the premises shall be fitted with perforated lath roller shutters the colour, of which shall first be submitted to, and approved in writing by the Local Planning Authority. Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.

7. Notwithstanding the provisions of the Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the mixed use block of commercial premises shall be used for A5, A2 A1 uses and for no other purposes (including any other purposes in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or within modification). Not more than two units totalling 140sqm, within the mixed use building shall be used for A5 uses at any time.
Reason: a) To protect the amenities of adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3. b) To safeguard the character of the area in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3.
9. No individual commercial unit on site shall be occupied until the cycle parking to serve that unit has been provided on site and made available for use. The Cycle parking shall not thereafter be used for any purpose other than the parking of cycles. Reason: To ensure adequate provision of cycle parking for the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/1 and TR/3.
16. Before the commercial uses hereby permitted are commenced, a noise assessment and a scheme for the insulation of the building and associated plant/equipment, in order to minimise the level of noise emanating from the building and a plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details.
Reason: To protect the amenity of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
- 21.(a) Prior to commencement of development on site A an artificial lighting scheme to include details of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off the site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans/elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type/profiles, mounting height, aiming angles/orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures unless the Local Planning Authority gives its written consent to any variation.
Reason: To protect/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.
- 21.(b) Prior to commencement of development on site B an artificial lighting scheme to include details of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off the site, shall be submitted to and

approved in writing by, the Local Planning Authority. The scheme shall include layout plans/elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type/profiles, mounting height, aiming angles/orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/measures unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.

22. No development approved by this permission on site A shall be commenced until:
- Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
 - The works specified in the Remediation Method Statement have been completed, and a Validation Report is submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - If, during remediation works, any contamination is identified that has not been considered in the Remediation Method Statement, then a remediation proposal for this material shall be agreed in writing by the Local Planning Authority.
- Reason: to protect the amenities of future residents from contamination in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.
23. Prior to commencement of development on the land hatched red and prior to the commencement of any reserved matters application associated with the land hatched blue full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where facilities for trade waste, domestic bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. Details shall also be included on how this complies with any approved design code for domestic waste. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.
- Reason: To ensure the efficient management of waste recycling facilities in accordance with Cambridgeshire Council Councils RECAP Guidance (SPD) 2012.
27. No development shall commence within the part of site B for which full approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/1, NE/2 and NE/3.

- 28.(a) No development shall commence within site A for which outline approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy NE/1, NE/2 and NE/3.

- 28 (b) No development shall commence within the part of site B for which outline approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/1, NE/2 and NE/3.

29. Delete as this condition is duplicated.
30. Before the commencement of uses A1 and A5, hereby permitted are commenced, details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and or odours related to non-residential uses which are not residential premises including the operation of any in vessel composting, shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration/abatement scheme/s

shall be installed before the use hereby permitted is commenced and shall be retained thereafter. Any approved scheme/system shall not be altered without prior approval.

Reason: To protect the future amenity of future residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.

32. No unbound material shall be used in the surface finish of any driveway within 6 metres of the highway boundary, or the boundary of any land intended to be dedicated as public highway.

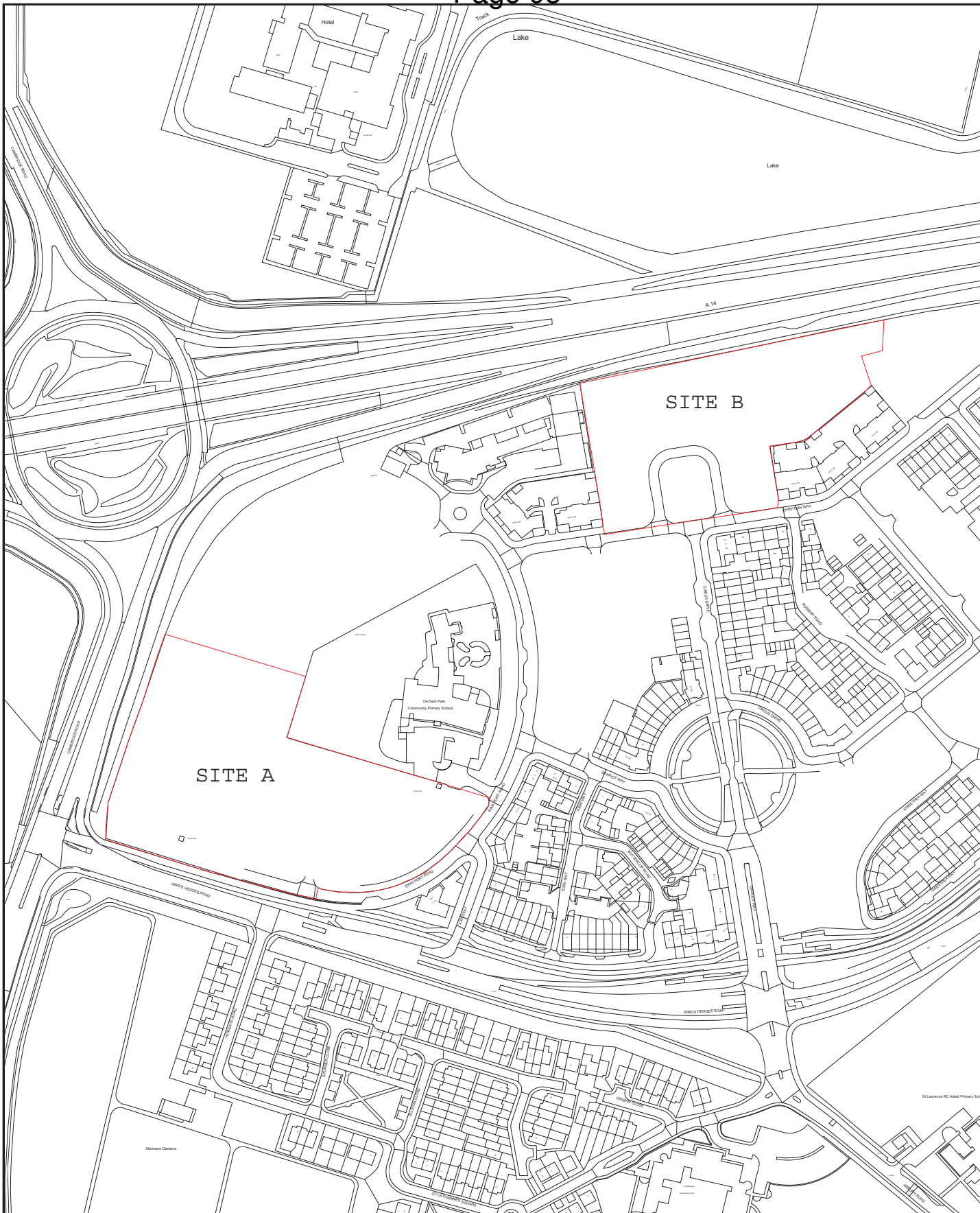
Reason: To avoid displacement of loose material onto the highway in the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.

41. Delete as this condition is duplicated.

47. Notwithstanding the submitted details, no occupation of the residential units shall begin until details of a scheme for the provision of public art has been submitted to and approved in writing by the Local Planning Authority. The implementation of such a scheme shall be prior within 6 months of the occupation of the residential units unless otherwise agreed in writing by the Local Planning Authority.

Reason Insufficient details were submitted with the application in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy SF/6.

Contact Officer: Julie Ayre – Principal Planning Officer
Telephone: (01954) 713313



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S/2559/11 Orchard Park

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

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

S/1235/12/FL – FULBOURN**Replacement Dwelling at L'Abri, Teversham Road for Mr R. Hearne****Recommendation: Approval****Date for Determination: 3 August 2012****Notes:**

This application has been reported to the Planning Committee for determination as it is a minor application and the recommendation of Fulbourn Parish Council conflicts with the officer recommendation.

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located outside the Fulbourn village framework and within the Green Belt and countryside. It measures 0.12 of a hectare in area and currently comprises a single storey, flat roof painted brick building that was originally used in connection with the previous use of the site as a campsite and part of the building now has a Certificate of Lawful Use to be occupied as a dwelling. A large open grassed area with a number of trees and single storey outbuildings lies to the east. The southern boundary alongside Teversham Road has a high hedge. There is a gated vehicular access to the north.
2. The application, received on 8 June 2012, seeks the erection of a one bedroom dwelling following demolition of the existing building on the site. The dwelling would be sited in approximately the same position as the existing building and measure 10 metres in length, 6.6 metres in depth, and 2.9 metres in height. It would have a simple, contemporary design and the materials of construction would be white render for the walls and sedum for the roof. The existing garage to the north would be retained for parking and the existing summerhouse to the north would be retained within the garden.

Planning History

3. **S/1417/11/LDC** - Lawful Development Certificate for Existing Use of Part of Building as Dwelling - Approved
4. **S/0183/10/LDC** - Lawful Development Certificate for Existing Use of Building as Dwelling - Refused

5. **Breach of Condition Notice E122B** dated 17th February 1992 - Condition 3 of S/2286/86/F - Appeal Dismissed
6. **S/0463/92/F** - Variation of Condition 3 of Planning Permission S/2286/86/F to Permit Permanent Residential Occupation - Refused
7. **S/0303/89/F** - Extension to Building – Approved (Shelter)
8. **S/2286/86/F**- Extension to Camp Facilities - Appeal Allowed (Wardens Office)
9. **S/0096/85/F** - Seasonal Caravan and Camping Site, Youth Activities, Mobile Home, and Ancillary Buildings (Renewal of S/1304/82/F) - Approved
10. **S/1986/84/F** - Extension to Camp Facilities - Approved (Dining/ Leisure)
11. **S/1985/84/F** - Extension to Camp Facilities - Refused
12. **S/1577/83/F** - Erection of Field Shelter for Site Equipment - Approved
13. **Enforcement Notice** dated 21st February 1983 for Change of Use of Land for Siting of Mobile Home
14. **S/1304/82/F** - Seasonal Caravan and Camping Site, Youth Activities, Mobile Home, and Ancillary Buildings - Approved (Toilet/Shower Block)
15. **C/0837/67/O** - Use of Land as Caravan Park - Refused
16. **C/0242/66/O** - Residential Development - Refused

Planning Policy

17. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/1 Green Belt
18. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
GB/1 Development in the Green Belt
GB/2 Mitigating the Impact of Development in the Green Belt
HG/7 Replacement Dwellings
NE/1 Energy Efficiency
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
19. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Open Space in New Developments SPD - Adopted January 2009
Trees & Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

20. **Fulbourn Parish Council** – Recommends refusal – we understand that the structure on the site at present is not designated as a fully permanent dwelling and has not been occupied for the last four years. It is not therefore a like-for-like replacement as such. As the site lies outside the village framework and in green belt land we consider it an inappropriate development.
21. **Local Highways Authority** – Requires a condition in relation to a traffic management plan for vehicles visiting the site during construction to ensure the impact upon the public highway is satisfactory.
22. **Environmental Health Officer** – Has concerns that problems could arise from noise and suggests conditions in relation to the hours of use of power operated machinery during demolition and construction. Also requests informatives with regards to a demolition notice, the burning of waste on site, and pile driven foundations.
23. **Environment Agency** – septic tanks are not acceptable in areas where mains foul water drainage is available unless it can be demonstrated that a connection is not possible. Therefore, requests a condition in relation to foul water drainage. Also suggests informatives with regards to foul and surface water drainage.
24. **Trees and Landscapes Officer** – the trees are not afforded any statutory protection but the screening along the frontage should be retained if robust and in a good condition. Advises that guidance in BS 5837 2012 is followed to protect the frontage.
25. **Landscape Design Officer** – No reply (out of time).
26. **Ecology Officer** – No reply (out of time).

Representations by Members of the Public

27. The neighbour at Brook House, Teversham Road questions the lawful use of the existing building as a dwelling, as it is understood that it was never occupied permanently and the owner has not occupied the building since 2008. Concerns that if the application is granted, the dwelling could be replaced or extended, or new dwellings built in the future on a site in the green belt which is not right for development.

Material Planning Considerations

28. The key issues to consider in the determination of this application are whether the proposal would represent inappropriate development in the Green Belt in policy terms, whether there is any other harm, and whether any very special circumstances could be demonstrated that would outweigh any harm identified through inappropriateness or other harm.

Inappropriate Development

29. Paragraph 89 of the National Planning Policy Framework 2012 states that new buildings are inappropriate in the Green Belt with the exception of the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces.

30. Policy HG/7 of the Local Development Framework supports one-for-one replacement dwellings in the countryside subject to the requirements of the General Permitted Development Order (i.e. a maximum enlargement of 15% of volume) and the need to provide satisfactory internal layout and amenities, where it can be shown that the use of a dwelling has not been abandoned; the proposed replacement dwelling is in scale with the dwelling it is intended to replace and is in character with its surroundings; and the proposed replacement dwelling would not materially increase the impact of the site on the surrounding countryside.
31. The building on the site has a certified lawful use as a dwelling and this use has not been abandoned simply through lack of occupation. The proposed replacement with a new dwelling would therefore result in the same use of the site.
32. The existing dwelling on the site has a floor area of 51 square metres, a volume of 258 cubic metres, and a height of 2.8 metres. The proposed dwelling would have a floor area of 54 square metres, a volume of 191 cubic metres, and a height of 2.9 metres. Such an enlargement would result in an increase of 6% in the floor area of the dwelling, a decrease of 25% in the volume of the dwelling, and an increase of 0.1 metres in the height of the dwelling. Given the limited increase in floor area and height and decrease in volume, the proposal is considered to be in scale with the lawful dwelling and would not have a materially greater impact upon the Green Belt.
33. Given the above reasons, the proposal is not considered to represent inappropriate development that would, by definition, be harmful in policy terms. However, this is subject to control over any future development on the site in future, so a condition removing Permitted Development rights is recommended.

Other Harm

34. The proposal would not result in any further encroachment to the Green Belt from the previous use nor lead to a visually intrusive development that would adversely affect the openness or rural character and appearance of the Green Belt given its similar scale and siting.
35. The existing dwelling has a poor quality design and is constructed from substandard materials. The proposed dwelling would have a high quality design and modern materials for sustainable construction. Whilst it is acknowledged that the character and appearance of the dwelling would therefore be different to the existing dwelling, it is considered acceptable in this case, due to the improvement to the existing building, lack of public views, and unique setting of the site.
36. A one-for-one replacement dwelling would not result in an increase in traffic generation to and from the site. A condition would be attached to any consent to secure a traffic management plan for construction vehicles to ensure the development would not be detrimental to highway safety.
37. The proposal would not result in the loss of any significant trees or hedges that contribute to the visual amenity of the area. A condition would be attached to any consent to ensure the existing hedge on the site frontage would be retained and a protected during construction.
38. The demolition of the existing building is not considered to lead to the loss of an important habitat for protected species.
39. The dwelling would be situated a substantial distance away from the nearest residential property at Brook House and would not harm the amenities of any neighbours.

40. The proposal would not result in an increase in the number of bedrooms that would place additional demand upon open space or community facilities. Developer contributions are not therefore required to ensure the development is acceptable in planning terms.
41. Given the above reasons, the proposal is not therefore considered to result in any other harm to the Green Belt.

Very Special Circumstances

42. Given that the proposal is considered to represent appropriate development in the Green Belt in policy terms and no other harm has been identified, the need for the demonstration of very special circumstances is not applicable in this case.

Conclusion

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

Recommendation

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

Conditions

- i) 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.)
- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1610/02.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) Details of the materials to be used in the external construction of the extension, hereby permitted, shall follow the specifications as stated on the planning application form and shown on the approved drawings unless otherwise approved in writing by the Local Planning Authority.
(Reason- To ensure the development is in keeping with the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- iv) 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 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 safeguard the openness of the Green Belt in accordance with Policy GB/1 of the adopted Local Development Framework 2007.)

- v) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained. (Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- vi) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- vii) 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.)
- viii) 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.)
- ix) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)

iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

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

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

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

xi) 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 before 0800 hours and after 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.)

Informatives

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

ii) Before the existing property is demolished, a Demolition Notice will be required from the Environmental Health Department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.

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

iv) The applicant's attention is drawn to DETR Circular 03/99 which **requires an applicant to demonstrate that a connection to the public foul sewer is not available**. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority. The above detail must be submitted with any subsequent foul water drainage submission.

v) Any 'non mains' foul water drainage system may require the prior written Consent of the Agency under the term of the Water Resources Act 1991. Such consent may not be forthcoming.

- vi) Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.
- vii) Anglian Water Services Ltd. should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers, the Agency must be reconsulted with alternative methods of disposal.
- viii) All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.
- ix) Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. **Soakaways will not be permitted to be located in contaminated areas.** If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
- x) Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- xii) Any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Lead Local Flood Authority (LLFA). The LLFA seeks to avoid culverting, and its Consent for such works will not normally be granted except as a means of access. The granting of planning approval must not be taken to imply that consent has been given in respect of the above.
- xiii) Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

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 SPD - Adopted January 2009, Trees & Development Sites SPD - Adopted January 2009, Biodiversity SPD - Adopted July 2009, Landscape in New Developments SPD - Adopted March 2010, and District Design Guide SPD - Adopted March 2010
- National Planning Policy Framework
- Planning File References: S/1235/12/FL, S/1417/11, S/01823/10, S/0463/92/F, S/0303/89/F, S/2286/86/F, S/0096/85/F, S/1986/84/F, S/1985/84/F, S/1577/83/F, S/1304/82/F, C/0837/67/O, and C/0242/66/O

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0962/12/FL - MILTON**Change of use of annexe to separate dwelling (retrospective)****Recommendation: Approval****Date for Determination: 28 June 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the recommendation of the Parish Council conflicts with the officer recommendation.

To be presented to the Committee by Katie Christodoulides.

Site and Proposal

1. The site is located within the Milton village framework. No. 33A Froment Way originally formed the detached garage and was converted to an annexe to No. 33 Froment Way in 1992. The building has been used as a separate dwelling since 2008. It lies at the end of a cul-de-sac and is set back in line with the rear elevation of No. 33 Froment Way. It is single storey in height and constructed from brick/render for the walls and pantiles for the roof. Two parking spaces are provided on a block paved area to the front. A garden is proposed to the rear of the annexe, with a proposed 1.8 metre high close boarded fence separating this from No.33's remaining garden. A 2 metre high wall aligns the western boundary adjacent to a public right of way and a 2 metre high fence aligns the northern boundary. The front boundary remains open.
2. The proposal seeks to regularise the use of the building as a separate dwelling. This is a revised application following a previously refused application

Planning History

3. Planning application **S/0168/12/FL** was previously refused for a change of use from annexe to separate dwelling. The application as refused for two reasons, those being that the kitchen window in the rear elevation of the dwelling would result in overlooking to the rear garden to the neighbours at No.33 Froment Way and severe loss of privacy to the amenities of that dwelling and the proposed dwelling would have no external amenity space, which would adversely affect the amenities of the occupiers of the new dwelling.

Planning Policy

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

ST/6 -Group Village

5. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted July 2007**

DP/1 -Sustainable Development

DP/2- Design of New Development

DP/3 -Development Criteria

DP/7- Development Frameworks

HG/1- Housing Density

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

SF/11- Open Space Standards

TR/1- Planning for More Sustainable Travel

TR/2 -Car and Cycle Parking Standards

6. **South Cambridgeshire Local Development Framework (LDF) Supplementary Planning Documents SPD**

Open Space in New Developments- Adopted January 2009

District Design Guide - Adopted March 2010

Consultation

7. **Milton Parish Council** recommends refusal on the grounds of overdevelopment of the site, cramped and congested form of development, incongruous and inappropriate development and harmful to the character and appearance of the area. The proposals would be contrary to the aims of the Development Control Policies including DP/2. This would set a precedent for this type of development.
8. The **Local Highways Authority** comments that the proposal would have no significant adverse effect upon the public highway.
9. The Council's **Environmental Health Officer** has no objections in principle provided the new dwelling meets Building Control standards in relation to thermal insulation and current construction standards.
10. The Council's **Enforcement Officer** supports the application subject to conditions for adequate parking and Section 106 Contributions.
11. The **Rights of Way and Access Team** has no comments on the application as no public rights of way are affected by the proposal.

Representations

12. The **Local Member** objects to the application on the grounds of the proposal being a cramped form of development and out of character with the local area. Concerns are raised that the development will set a precedent in the area, where there are a lot of double garages and the splitting of the garden in two is unacceptable. In addition, concerns regarding the space between the garage and the wall being too

narrow to take a bin through from the back garden and push a bicycle through are also raised.

13. A letter received with **No Name & Address** supplied, comments that the garage has been used as a separate dwelling for the last few years not since 1992. There is insufficient parking to have two separate households in the same plot and this type of dwelling is not in keeping with the rest of the area.

Planning Comments – Key Issues

14. The key issues to consider in the determination of this application are the principle of residential development and density, the impacts of the development upon the character and appearance of the area, impact upon the amenities of neighbours, and highway safety, and if the previous reasons for refusal have been addressed.

Principle of Development

15. The site is located within the village framework of a group village where residential developments of up to eight dwellings are considered acceptable in principle subject to all other material planning considerations.
16. The site measures 0.009 of a hectare in area. The development of one dwelling would equate to a density of 111 dwellings per hectare. This would more than comply with the density requirement of at least 30 dwellings per hectare that should be achieved in sustainable villages such as Milton.

Character and Appearance of the Area

17. Froment Way forms part of a modern housing estate that mainly comprises two-storey detached dwellings with single storey garages set within moderate sized plots with an element of spaciousness.
18. The proposed dwelling would result in subdivision of the plot and the creation of two narrow plots with the buildings sited right up to the boundaries. Whilst it is noted that this would lead to a cramped form of development that would be visually incongruous, it is not considered to be out of keeping with the character and appearance of the area as the building is already in existence.

Neighbour Amenity

19. The building is in existence and it is not considered to seriously harm the amenities of No. 33 Froment Way through being unduly overbearing in mass or a loss of light, as the situation would remain the same.

Highway Safety

20. Two parking spaces are provided for the proposed dwelling and one parking space would be provided for the existing dwelling. The Council's Parking standards require an average of 1.5 spaces per dwelling and a maximum of two spaces per dwelling. Given that the numbers of parking spaces would comply with the requirements, that Milton is a sustainable village with good access to public transport links, and that any on-street parking would be on a cul-de-sac with no parking restrictions, the proposal is considered acceptable and would not be detrimental to highway safety.

Previous reasons for refusal

21. Previous planning application reference (S/0962/12/FL) was refused for two reasons. Firstly, the kitchen window in the rear elevation of the annexe would result in overlooking to the garden of the neighbour at No. 33 Froment Way and would lead to a loss of privacy to the amenities of the occupiers of this property. Secondly the proposed dwelling did not have any external amenity space which would result in a poor quality development that would adversely affect the amenities of the occupiers of the new dwelling, which would be contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
22. This revised application has addressed these two reasons for refusal by separating the two dwellings by a 1.8 metre high close boarded fence, creating separate amenity areas for No.33 and No.33a Froment Way. A door has been proposed to the rear elevation of the new dwelling to provide access to the rear garden amenity area.

Developer Contributions

23. The South Cambridgeshire Recreation Study 2005 identified a shortage of sport and play space within Milton. No public open space is shown within the development. The increase in demand for playspace as a result of the development requires a financial contribution of £743.82 (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.
24. The South Cambridgeshire Community Facilities Assessment 2009 states that Milton 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 £284.08 (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 consent.
25. 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. This would be secured via a legal agreement that would be a condition of any planning consent.

Recommendation

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

Conditions

- i) 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.)

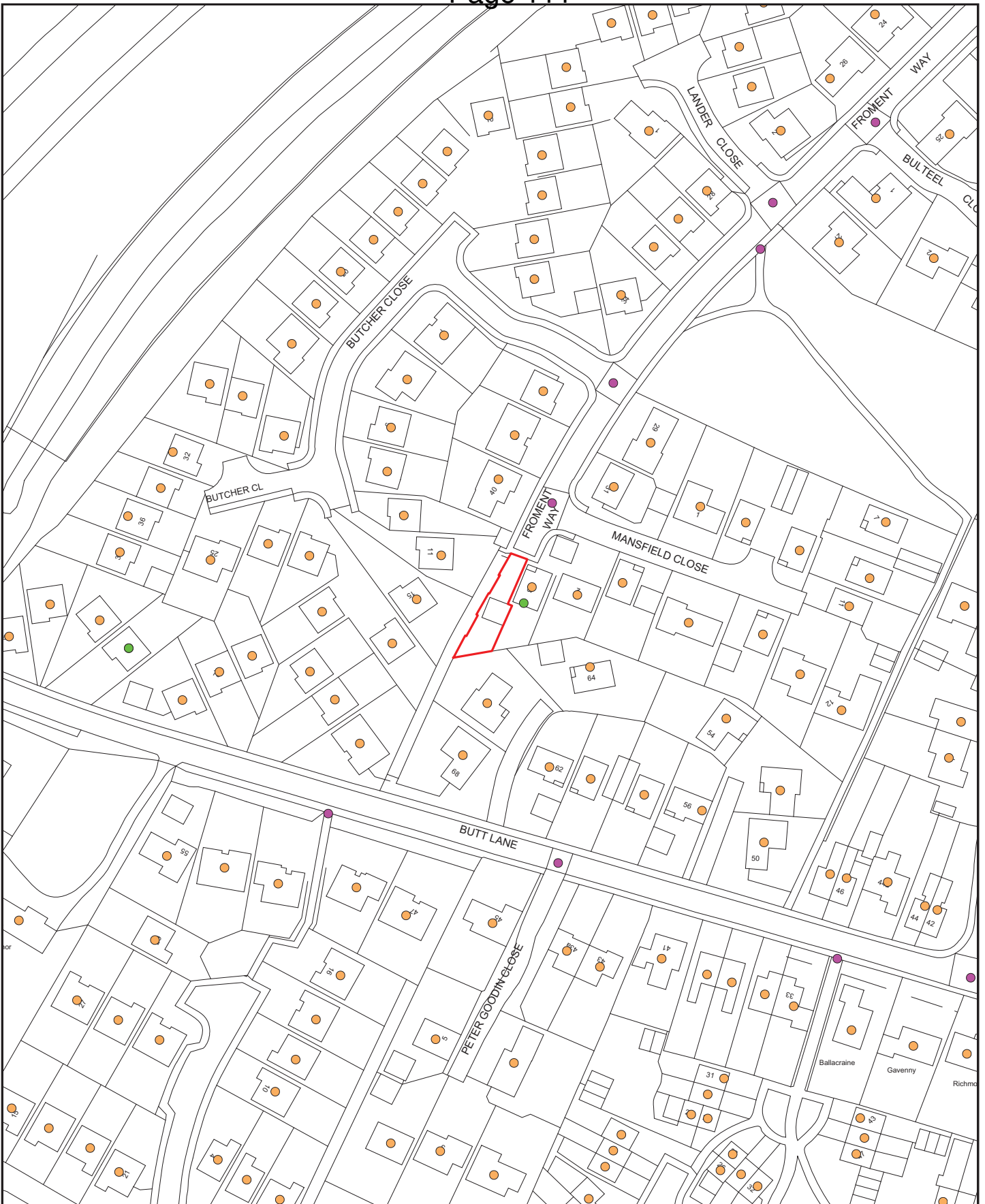
- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1A, 2A, 4.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) The proposed boundary fence shall be erected within one month from the date of this permission.
(Reason – To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- iv) Within 3 months of the date of this decision, details of a scheme for the screened storage of refuse for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details and timetable.
(Reason – To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- v) Within 3 months of the date of this decision, details of a scheme for the provision of recreational infrastructure and community facilities to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and Policy DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details and timetable.
(Reason – To ensure that the development contributes towards recreational infrastructure and community facilities in accordance with the above-mentioned Policy SF/10 AND Policy DP/4 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.
- Open Space in New Developments SPD & District Design Guide SPD.
- National Planning Policy Framework
- Planning File ref: S/0168/12/FL

Contact Officer: Katie Christodoulides – Planning Officer
Telephone: (01954) 713314

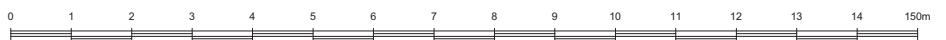
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

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

S/1050/12/VC – WATERBEACH**Variation of Condition 2 and Removal of Condition 4 of Planning Consent S/0589/11 for Erection of Stables and Creation of Ménage with Associated Access, Parking, and Turning Area****Recommendation: Approval****Date for Determination: 11 July 2012****Notes:**

This application has been reported to the Planning Committee for determination as it is a minor application and the recommendation of Waterbeach Parish Council conflicts with the officer recommendation.

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located 4 km outside the Waterbeach village framework and within an isolated position in the countryside. It measures 0.35 hectares in area and currently forms part of a larger area of paddock land that is split into smaller paddocks and separated by post and wire fencing and drainage ditches. A sporadic hedge lies on the grass verge adjacent to Long Drove and forms the eastern boundary. The site is within flood zone 3 (high risk). Long Drove is a single carriageway, tarmac road with a speed limit of 60 miles per hour. The railway line is situated 0.5 km to the west and the River Cam lies 1 km to the east. The nearest residential property is at Willowcroft, approximately 100 metres to the north west.
2. The application, received on 16 May 2012, seeks to vary condition 2 and remove condition 4 of S/0589/11. The variation of condition 2 would result in changes to the approved plans that would consist of a revised layout to provide 7.5 metre wide access with a 10.5 metre radius bellmouth junction to Long Drove to accommodate vehicles likely to be visiting the site for the proposed commercial use. The plans also show a swept path diagram to demonstrate that a 7.5 tonne lorry can turn on site and the required vehicular visibility splays measuring 2.4 metres from the edge of the carriageway x 215 metres along the edge of the carriageway in both directions. The removal of condition 4 would allow the stable barn to be used for commercial livery purposes rather than being limited to a private use ancillary to the dwelling at Rushill Farm. The barn has five stables and a maximum of eight horses would graze the land in connection with the proposed commercial use. The applicants are concerned that the scheme is not considered viable without an open use.

3. The stables, ménage, and an access and parking/turning area have now been constructed in relation to the works recently granted planning consent under reference S/0589/11.

Planning History

4. **S/2562/11** - Variation of Condition 2 and Removal of Condition 4 of Planning Consent S/0589/11 for Erection of Stables and Creation of Ménage with Associated Access, Parking, and Turning Area – Refused on highway safety grounds.
5. **S/0589/11** - Erection of Stable Barn and Creation of Ménage with Associated Access, Parking and Turning Area - Approved subject to a condition to limit to private domestic use ancillary to the dwelling at Rushill Farm on the grounds of highway safety.
6. **S/2186/10** - Erection of Stable Barn and Creation of Ménage with Associated Access, Parking and Turning Area - Refused due to isolated siting within the countryside.

Planning Policy

7. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - DP/7 Development Frameworks
 - NE/1 Energy Efficiency
 - NE/6 Biodiversity
 - NE/11 Flood Risk
 - TR/1 Planning for More Sustainable Travel
 - TR/2 Car and Cycle Parking Standards
8. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
 - Biodiversity SPD - Adopted July 2009
 - Landscape in New Developments SPD - Adopted March 2010
 - District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Waterbeach Parish Council** – Recommends refusal on the grounds that the removal of condition 4 would not be in the interests of highway safety and would negate the control of usage intended in that planning permission.
10. **Local Highways Authority** – Comments that the submitted Transport Statement is acceptable as it demonstrates that the impact upon the adopted public highway will be minimal.
11. **Environmental Health Officer** – No reply (out of time). Commented on the previous application that there would be no significant noise or environmental pollution impacts.
12. **Environment Agency** – No reply (out of time). Commented on the previous application that there were no objections in principle.
13. **Waterbeach Level Internal Drainage Board** – No reply (out of time). Had no comments on the previous application.

14. **Trees and Landscapes Officer** – No reply (out of time).
15. **Landscape Design Officer** – Has no objections. Additional planting required as part of a condition of the original approval will improve the pre-development situation.

Representations by Members of the Public

16. The neighbour at Grange Bungalow, Long Drove has concerns regarding the transportation of livestock due to the condition of the road. However, they comment that if the Council is not concerned about the increase in farm traffic, it would be unlikely to cause any more disruption than existing.

Material Planning Considerations

17. The key issues to consider in the determination of this application are the principle of commercial development on the site and the impacts of the development upon the character and appearance of the area, neighbour amenity, highway safety, and flood risk.

Principle of Commercial Use

18. The use of the stables for recreational equestrian purposes has already been established, as the use needs to be located in a rural area. The principle of the commercial use of the stables is also considered acceptable due to the need for equestrian uses to be located in the countryside.

Character and Appearance of the Area

19. The proposal is not considered to harm the rural character and appearance and openness of the countryside as the additional hardsurfacing for the widened access would be limited in area and the majority of the hedge along the frontage would be retained. Additional landscaping at the site was agreed as part of the original planning consent.

Highway Safety

20. The Transport Statement submitted with the application demonstrates that the proposal would result in a maximum of 8 daily two-way car movements if the whole stables are used for commercial livery purposes and not partly for private purposes by the applicant. This would be in addition to the existing 1 monthly two-way small van movements by a farrier, 1 monthly two-way landrover and trailed horsebox movements by a horse owner, 1 quarterly two-way lorry movements by a feed delivery person, 1 quarterly two-way car movements by a vet, 2 annual two-way tractor and trailer movements by a fodder and bedding delivery person and a manure removal person. These movements would lead to minimal increase in traffic generation along Long Drove that would not be detrimental to highway safety. A condition would be attached to any consent to restrict the number of horses to be accommodated within the stables.
21. The revised access width, provision of adequate vehicular visibility splays, and provision of on-site turning for large vehicles also ensures that access and turning associated with the proposal would not obstruct the free flow of traffic along Long Drove and compromise highway safety. A condition would be attached to any consent to ensure that these areas are retained for such purposes.

Flood Risk

22. The increase in the width of the access would not significantly increase the area of impermeable surfacing within the site and result in a substantially greater risk of flooding to the site or surrounding area, since the majority of the site would remain grassed.

Conclusion

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

Recommendation

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

Conditions

- i) 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.)
- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 block plan date stamped 16 May 2012 showing site splay and 1:200 site layout date stamped 16 May 2012 showing sight splay.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) The proposed access, parking and turning area shall be provided before the commercial use hereby permitted commences and thereafter retained for such purposes.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- iv) Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4 metres measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 215 metres measured along the channel line of the public highway from the centre line of the proposed access road.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- v) The maximum number of horses to be accommodated within the stables shall not exceed 8.
(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 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: Landscape in New Developments, Biodiversity, and District Design Guide.
- National Planning Policy Framework
- Planning File References: S/1050/12/VC, S/2562/11, S/0589/11, and S/2186/10

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

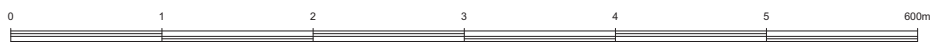
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0824/12/FL - TOFT**Erection of 3 dwellings and conversion of barn to bin store, following demolition of existing buildings - Land Adj, Meridian Court, Comberton Road for Mrs & Miss V & J Saunders & Wisson****Recommendation: Refusal****Date for Determination: 11 June 2012****This Application has been reported to the Planning Committee for determination at the request of the Local Member****Members will visit the site on Tuesday 31 July 2012****To be presented to the Committee by Paul Derry****The application is a Departure to the Local Development Framework****Site and Proposal**

1. The application site lies to the eastern edge of the village of Toft. The designated village framework is located along the western boundary of the application, and as a result, the entire site lies outside of the village framework. The majority of the site is considered "white land" outside of the village framework. This is because the boundary of the Cambridge Green Belt is set away from the village framework boundary. The Green Belt begins towards the eastern part of the site, and therefore some of the site is within the Cambridge Green Belt. The majority of the site is also within the designated Toft Conservation Area.
2. The site currently consists of three agricultural buildings, accessed from the golf course road to the east. Two of the buildings are large storage barns used in association with the golf course, whilst the third is a smaller barn that is currently used to store golf carts.
3. The full application, validated on 16 April 2012, seeks the erection of three dwellings on the site. These would form a courtyard of development accessed from a new road from Comberton Road. Each dwelling would be detached, Plot A being a two-storey unit, Plot B being part single/part two storey and Plot C being single storey. The existing building D to be retained would be used for storage for each unit. The application is accompanied by a Planning, Design and Access Statement which incorporates a Heritage Statement, Heads of Terms for Section 106 Agreement, Affordable Housing Statement, Open Space Assessment, Renewable Energy Statement and a Waste Management Statement. The application also includes a Phase 1 Geo-Environmental Desk Study.

4. The application has been advertised as a Departure and given its location within the Toft Conservation Area.

Planning History

5. Application **S/1161/09/F** granted permission for the erection of replacement buildings to provide office accommodation together with a new access and parking. Applications **S/1163/09/CAC** and **S/0827/12/CA** granted consent for the total demolition of the barns on site.
6. There is a long planning history with regard to the Meridian Golf Course. Of particular interest is application **S/0226/11**, which granted consent for a hotel and extensions to the clubhouse. The other planning history is not considered relevant to the determination of this application.

Policies

7. **Local Development Framework Core Strategy 2007 (LDF CS) – ST/7** Infill Villages.
8. **Local Development Framework Development Control Policies 2007 (LDF DCP) – 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/2** – Housing Mix, **HG/3** – Affordable Housing, **GB/1** Development in the Green Belt, **GB/2** Mitigating the Impact of Development in the Green Belt, **GB/3** Mitigating the Impact of Development Adjoining the Green Belt, **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, **CH/5** Conservation Areas, and **TR/2** Car and Cycle Parking Standards.
9. **Open Space in New Developments SPD** – Adopted January 2009, **Affordable Housing SPD** – March 2010, **District Design Guide SPD** – Adopted March 2010 & **Development Affecting Conservation Areas SPD** – Adopted January 2009.
10. **National Planning Policy Framework (NPPF)**: 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.
11. Paragraph 60 of the NPPF notes planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Paragraph 63 adds in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area, whilst paragraph 64 notes permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

12. Chapter 12 of the NPPF relates directly to conserving and enhancing the historic environment. Of particular relevance are paragraphs 132, which states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; and paragraph 133 which adds where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless public benefits outweigh that harm.

Consultations by South Cambridgeshire District Council as Local Highway Authority

13. **Toft Parish Council** recommends approval as the scheme will improve the area of the proposed development, although its location outside of the village framework is noted.
14. The **Councils Section 106 Officer** notes the requirements of the scheme regarding contributions towards open space infrastructure, community facilities and waste receptacles, and the Section 106 monitoring fee. He is also in negotiations with the applicant regarding the provision of a commuted sum with regard to affordable housing provision.
15. The **Council's Scientific Officer (Contaminated Land)** has studied the phase 1 desk study, which notes further investigation on the site is required. A condition regarding land contamination is requested.
16. The **Council's Joint Development and Enabling Officer** notes the offer of one affordable unit. Given the size of the units, there are concerns that even as a shared equity property, this would be expensive for someone to purchase. Negotiations were welcomed.
17. The **Council's Conservation Officer** notes the design of the proposal as dressing up a dwelling in an agricultural/industrial building form is not good design, and is contrary to the aims of the NPPF. The courtyard appearance is not considered a locally distinctive form of development. As a result, the massing, scale, layout and design of the proposal are considered detrimental to the character of the Conservation Area.

Representations by Members of the Public

18. None were received.

Planning Comments

19. The key considerations in the determination of this application are the principle of development, impact upon the Conservation Area, affordable housing and the Section 106 package, highway safety and parking, impact upon the amenity of the occupiers of neighbouring buildings

The Principle of Development

20. The site is located outside of the designated Toft village framework, and is therefore in the countryside in planning policy terms. Policy DP/7 of the LDF DCP states that outside village frameworks, only development for agriculture,

horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The application is therefore contrary to the aims of the policy, which seeks to protect the countryside from gradual encroachment and to help guard against incremental growth in unsustainable locations.

21. Policy HG/5 of the LDF DCP does allow the provision of residential schemes of 100% affordable housing on sites adjacent to designated village frameworks. The applicant however is offering only one of the three units as an affordable dwelling. This is therefore contrary to Policies DP/7 and HG/5. A single unit is the provision expected within village frameworks. The proposal therefore seeks to provide market housing outside of the village framework. The applicant does state that the development is required in order to fund the hotel recently approved on the adjacent golf club site. However, no other information is provided in relation to this matter. When determining the hotel application, the extant office buildings on the site were to aid funding of the hotel. However, these offices have not been constructed. It is significantly easier to find tenants for office buildings when built rather than await a user prior to construction. Whilst the financial implications for the hotel construction are noted, this is not considered to outweigh the encroachment of residential development outside of the village framework
22. If Members do consider the development is acceptable with regard to the above, they should also note that the application seeks 2xthree bed units and 1xfive bed unit. This would be contrary to the aims of Policy HG/2 of the LDF DCP, which seeks a mix of dwelling to meet local needs, including the provision of one and two bed units.
23. The site currently has approval for employment use. However, the buildings approved under application S/1161/09/F have yet to be erected. Approving the scheme for residential development could have the affect of superseding the potential employment use of the site. The Council has planning policies that seek to protect employment sites. However, the site is not a designated site and would be a windfall site. Its loss does not seriously impact upon employment in the area. The application also expires in October 2012. Whilst the loss of an employment site is unfortunate, in this instance, there are few grounds to refuse an application for this reason.

Impact upon the Conservation Area

24. As noted, the majority of the site lies within the boundary of the Toft Conservation Area. As existing, the site has an agrarian character given the presence of the agricultural buildings on site. These buildings are not considered to be of any architectural merit on their own, and there is an extant Conservation Area Consent for their removal. The site also forms the main entrance to the village following the golf course entrance when travelling along the B1046 from Comberton, and is visually prominent from these views. This is exacerbated by the land levels, which are set higher than the road level.
25. The extant consent S/1161/09/F for office buildings on the site is a material planning consideration for the determination of this application. It was determined on 29th October 2009, and condition 1 states works must commence prior to three years from the date of the consent. The design of the units differs to the proposed dwellings. They are much simpler in form

with a reduced number of gable elements. They also have a significantly lower number of rooflights and windows. The creation of office buildings in this location adjacent to the village framework was considered to be in line with Policy ET/8 of the LDF DCP, which allows replacement buildings in the countryside for employment use.

26. The comments from the Conservation Officer are noted. He differentiates between the design of the office accommodation and the dwellings. The office layout is commodious and functional for the needs of that development. The design of the dwellings, whilst seeking to retain the barn-like appearance is not a locally distinctive form of residential development. The design includes numerous extra gables to allow more floor print, and increases the number of openings given the internal layout. The buildings therefore take on a more residential appearance in this countryside location. The application also includes creation of garden areas which would bring with it residential paraphernalia to give a more urban appearance. The proposal is not therefore considered to preserve or enhance the setting of the Toft Conservation Area and as a result will harm this heritage asset.
27. The Conservation Officer also refers to national advice within the NPPF in relation to design. The relevant chapters are summarised above, which focus on the desire for local distinctiveness and the need for good design. The NPPF states that where harm to a heritage asset is outweighed by public benefit, then applications could be considered positively. The applicant has stated the units are required to fund the hotel approved through application S/0226/11. However, this is not considered to have significant weight to recommend approval, especially given the general lack of information in this regard.

Affordable Housing and the Section 106 Package

28. Despite its location outside of the village framework, the applicant has offered only one of the units as an affordable dwelling. Evidence has been provided that from three relevant Registered Providers that they would be unwilling to take a single unit on site. Given concerns regarding size, the Housing Development and Enabling Officer has confirmed a commuted sum for off-site provision would be acceptable in this instance. Negotiations between the applicant and the Section 106 Officer are on-going with regard to the amount of the commuted sum. At the time of writing, these negotiations appear to be coming to a conclusion, and Members will be updated on this matter.
29. The applicant is aware of the contributions required with regard to provisions of open space infrastructure, community facilities and waste receptacles, and the required Section 106 monitoring fee, and these have been taken into account with regard to the viability of the scheme. These would be secured through the Legal Agreement.

Highway Safety and Parking

30. The proposed access is in a slightly different location to that previously approved through application S/1161/09/F and is reduced in size from that serving the office buildings given the reduction in likely vehicle journeys to and from the site. The applicant has demonstrated that the required vehicle-to-vehicle visibility splays of 2.4m by 70m can be achieved given the grass verge to the front of the site. Conditions can ensure the splays are retained,

and the access laid out in accordance with the submitted plans prior to occupation.

31. The proposal does provide two parking spaces per unit, which is in line with the Council's maximum parking standards. Given the nature of Comberton Road, off street parking is discouraged. There is space within the courtyard development for further parking of vehicles without causing any highway dangers to Comberton Road. A condition would be required to ensure the parking spaces are laid out prior to occupation and retained thereafter.

Impact upon the Amenity of the Occupiers of Neighbouring Buildings

32. The building of Meridian Court directly to the west of the site is an office building. It does have some openings in its side facing elevation. Plot C located by the boundary is single storey. The relationship between the two is therefore considered acceptable, despite the openings in the facing elevation of the dwelling.
33. There are two concerns regarding the relationship between the properties themselves. Firstly, bedroom 2 to Plot A would be located 7m from the master bedroom window to Plot B. This matter has been raised with the applicant, and an amended plan will be submitted to ensure a more appropriate relationship. Members will be updated upon the plan when received. The ground floor secondary windows to the master bedroom of Plot C and bedroom 4 of Plot B would be located 6.5m apart. The amended plans will also show the lower elements of these windows to be obscure glazed to ensure no overlooking between the two.

Recommendation

34. Refuse for the following reasons:
 1. The application site is located outside of the designated Toft village framework. The proposal seeks the erection of three dwellings which would have more of a residential appearance than the extant planning consent on the site. The area has a semi-rural character given its location on the edge of the village and the buildings styles in the vicinity. No additional information has been provided to fully justify the need for market dwellings in this countryside location. The applicant has offered a single unit as an affordable unit. The release of sites outside village frameworks should provide 100% affordable housing. The proposal is therefore contrary to Policy DP/7 of the Local Development Framework Development Control Policies 2007 (LDF DCP), which states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The aims of the policy seek the protection of the countryside from gradual encroachment and to help guard against incremental growth in unsustainable locations. The scheme is also contrary to Policy HG/5 of the LDF DCP, which states scheme of 100% affordable housing could be granted outside village frameworks.
 2. The majority of the site is located within the Toft Conservation Area, on a site that forms the main entrance to the village when approaching from Comberton along the B1046. Views of the site are further increased given the rise in levels above the road. The courtyard design of the dwellings is

not a locally distinctive form of residential development within the village. The design of the dwellings seeks a barn-style form, but the internal layout requires numerous openings and rooflights, giving a more domestic residential appearance. The garden areas also allow the potential for residential paraphernalia within this countryside location. As a result of the design and layout of the dwellings, the proposal is not considered to either preserve or enhance the setting of the Toft Conservation Area, especially given the sites prominence on the edge of the village. The proposal is therefore contrary to Policy CH/5 of the LDF DCP

Members should be aware that if an amended plan is not received in relation to the amenity issues, a further reason for refusal can be sustained on grounds of mutual overlooking between units within the scheme.

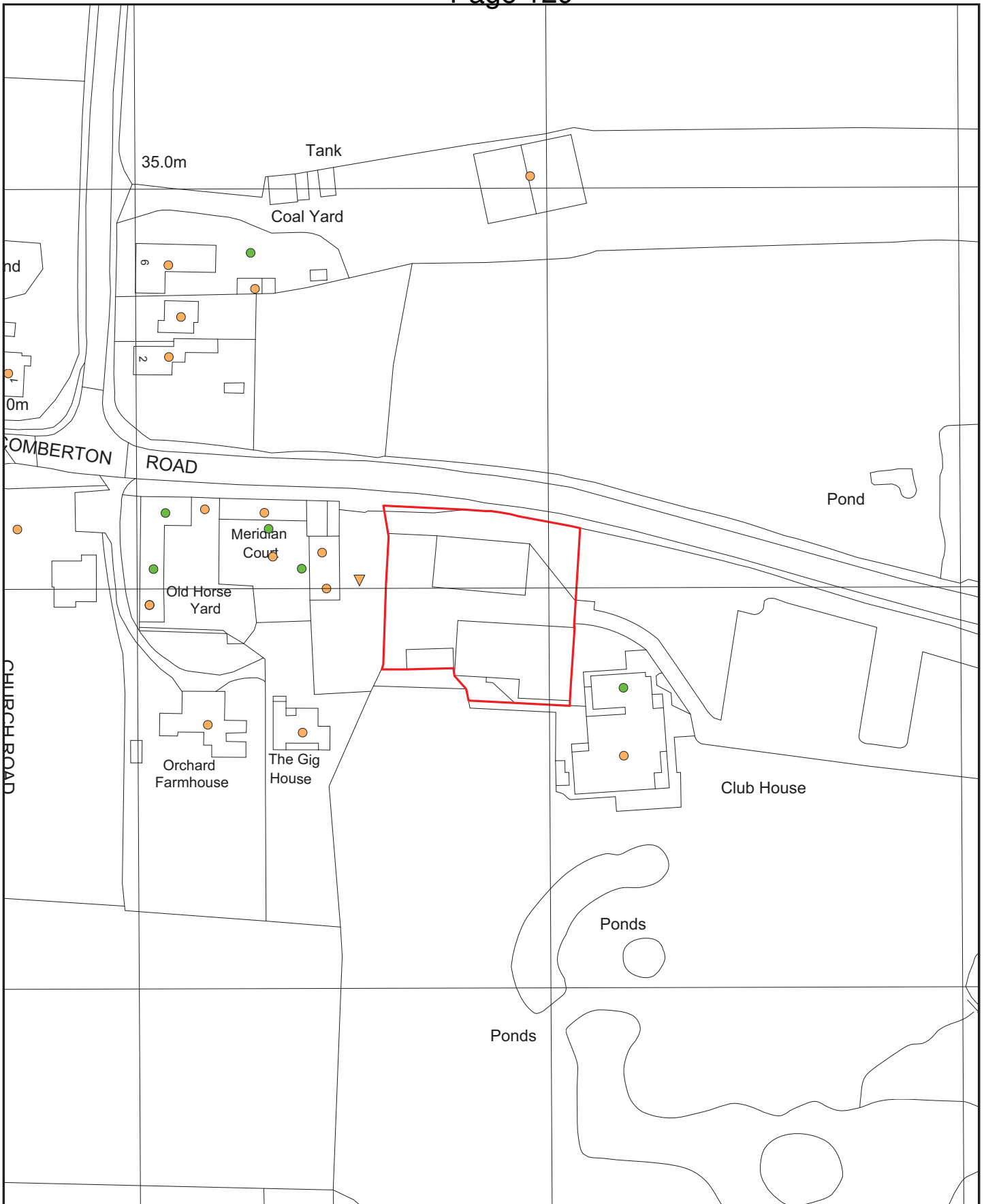
Should the application be approved, it should be a delegated approval, subject to the completion of the Section 106 Agreement with regard to the affordable housing commuted sum and infrastructure provisions.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- Open Space in New Developments SPD, Affordable Housing SPD, District Design Guide SPD & Development Affecting Conservation Areas SPD
- National Planning Policy Framework
- Planning File refs: S/0824/12,

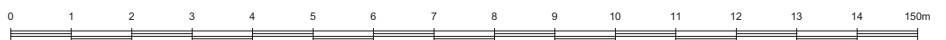
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0383/12/AD - BASSINGBOURN

**Change of Use of land from agricultural land to dog training, and the erection of 3 portacabins for a shop, day care facility and training area
- Field Adj The Cemetery, The Causeway, Bassingbourn
for Mrs Karen Scott, Barking Mad Dog Training**

Recommendation: Delegated Approval**Date for Determination: 26 June 2012**

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

To be presented to the Committee by Paul Derry**Site and Proposal**

1. The site is a field located adjacent to the designated Bassingbourn village framework. It fronts onto the Causeway to the south, where there are residential dwellings to the roads southern side. There are further dwellings to the west where the rear gardens extend to the western boundary of the site. To the east is Bassingbourn Cemetery, and the land to the north appears in agricultural use. The aerial photographs appear to show the land was previously in agricultural use.
2. The retrospective application, validated on 1st May 2012, seeks to regularise the dog training business currently in operation at the site. The field has been divided up by post and rail mesh fencing into areas of play and training. The business also has daily day-care for dogs. There are three portacabins on site. These are container style structures with flat roofs and have been painted green. The application is accompanied by a Design and Access Statement, and further transport information was submitted as an amendment dated 10th July 2012.
3. Members should be aware the application has an "AD" suffix. It was originally submitted with advertisements to be included, but these were removed. Unfortunately the suffix cannot be manually changed.

Site History

4. There has been no planning applications on the site for 28 years. The application submitted prior to this time, given the intervening time period, are not considered relevant to the determination of this application.

Planning Policy

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/7 Development Frameworks, NE/6 Biodiversity, NE/15 Noise Pollution & TR/2 Car and Cycle Parking Standards.**
6. **National Planning Policy Framework** states 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. **Bassingbourn-cum-Kneesworth Parish Council** recommends refusal of the application given concerns regarding noise, the visual impact of the portacabins, and parking on The Causeway in bad weather.
8. The **Council's Environmental Health Officer** notes there are no records of complaints in respect of dogs barking, although the proximity to neighbouring properties is a concern. A temporary consent for a one year period is recommended to gauge any impact and report any concerns. An informative regarding animal boarding establishments licenses is also proposed.
9. The **Local Highways Authority** objects to the application in its current format given the lack of transport information to demonstrate that the proposed development would not be prejudicial to the satisfactory functioning of the highway. A transport statement addressing traffic generation, arrival and departure times and visibility splays that can be achieved should be provided. If approved, conditions regarding pedestrian visibility splays, drainage of the access, materials for the access, access width, use of gates, and dimensions of parking spaces. An informative regarding works to the public highway is also proposed.

Representations

10. Two letters of objection have been received on grounds of noise disturbance. One notes if approval is granted, it should not include dogs on site on a Sunday.
11. Two letters of support has been received although concerns are raised regarding parking on the verge rather than the site, and the transportation of mud onto the highway. No toilet or welfare facilities are provided.

Planning Comments

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

Impact upon the Amenity of the Occupiers of Adjacent Properties

13. The application seeks the use of the entire field for dog training. There are residential dwellings along the western boundary of the application site and

along the southern side of The Causeway directly south of the site. The rear gardens of the properties along Elbourn Way to the west back onto the field. There is local concern from residents and the Parish Council regarding noise from the dogs on site. Given the nature of the use, there are likely to be dogs on the site at all times during the day, although no dogs are kept on site overnight.

14. The Council's Environmental Health Team had received no complaints prior to the submission of the application regarding noise. As a result of the one complaint received recently, monitoring has taken place and at those times, noise levels were not considered excessive. Given the proximity of the dwellings and their garden areas to the site, there remains a concern that without proper control, excessive noise could disturb occupiers of the neighbouring properties. Whilst the application seeks a permanent consent on the site, the Environmental Health Officer has recommended a temporary one-year consent to enable further monitoring during this period. This is considered acceptable in this instance, and a condition restricting the use is considered to meet the tests within the NPPF. A one-year period would enable further monitoring of noise from the site. The Environmental Health Officer has confirmed monitoring in the 12 month period can take place to assess the noise. If this is unacceptable, then a renewal of consent could be declined at that stage.
15. The applicant has stated that the day care runs between 08:00-18:00 Monday to Friday, with training between 10:00 and 15:00 on Thursdays and Fridays, 08:30 and 15.00 on Saturdays, and 11:00-13:30 on Sundays. Members of the public have requested that no dogs be allowed on the site on a Sunday in order to ensure no noise one day a week. This is considered acceptable given the proximity of the neighbours, and a condition can restrict the times of dog visits on the site, and this would also prevent any overnight activity.

Impact upon the Street Scene

16. The application includes the retention of three portacabins, located in the southeast corner of the site, by the hedgerow that forms the boundary with the Cemetery. The portacabins are low structures, and have been painted in dark green. They provide space for a small shop, a play area, an indoor training area, an area for cages, an office and a store, all of which would be ancillary to the business on site. There is a good hedge to the front boundary, which would screen the majority of public views into the site. This hedge does screen the portacabins, although they are visible through the access area and above the hedge further westwards, which is lower in nature. Given their colour and backdrop, the portacabins are considered acceptable in the street scene. The structures are not considered worthy of retention on a permanent basis given their "temporary" appearance. Ordinarily, a recommendation of a five year consent for the retention of the portacabins is likely to be acceptable. However, given the recommendation of a one-year temporary consent for the use discussed above, the structures should be given temporary approval in line with this.
17. Fencing has been added to the site to divide up the separate training areas. This fencing is approximately 1m in height and is considered permitted development given its location away from the public highway. The play equipment laid out on the site appears temporary in nature, and would not be considered to be development.

Highway Safety and Parking

18. There is a single point of vehicular access to the site, which runs to a gate approximately 4.1m in width. Given the presence of the grass verge and footpath, vehicle-to-vehicle visibility appears satisfactory. The speed limit along The Causeway has also reduced from 40mph to 30mph during the course of this application. The Local Highways Authority has objected to the application as submitted given the lack of information provided. An amended was received dated 10th July 2012 providing further information. The Local Highways Authority comments on this additional information have yet to be received. Members will be updated in due course.
19. With regard to parking provision, the front area of the field has been set aside for on-site parking. There is significant capacity for vehicles far beyond any likely demand caused by the site. The application therefore has adequate off-street parking provision.
20. There is local concern regarding the potential for parking on The Causeway and the potential impact upon highway safety. The road is relatively straight in the vicinity, and a small amount of short-term parking should not cause any serious highway dangers. Again, Members will be updated on the comments of the Local Highways Authority. There is further concern regarding the potential for mud to be deposited on the highway, especially in wet weather, given the parking area being laid to grass. Some mud deposition is likely to occur given the nature of the use, although not to a serious level to warrant any refusal of the application.

Recommendation

21. Subject to any comments from the Local Highways Authority, grant a temporary approval, subject to the following conditions.

1. The use, hereby permitted, shall be discontinued and the three portacabins removed and the land restored to its former condition within 12 months of the date of this consent.

(Reason - In order that the effect of the development upon the amenities enjoyed by neighbouring residents can be assessed during this period so that any future application can be decided on this assessment in accordance with Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)

2. The use hereby permitted, shall not take place other than between the hours of 08:00 and 18:00 on weekdays, 08:30 and 15:00 hours on Saturdays, and at no time on Sundays or Bank Holidays.

(Reason - To prevent noise disturbance at unsociable hours and on Sundays for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Plus any conditions recommended by the Local Highways Authority.

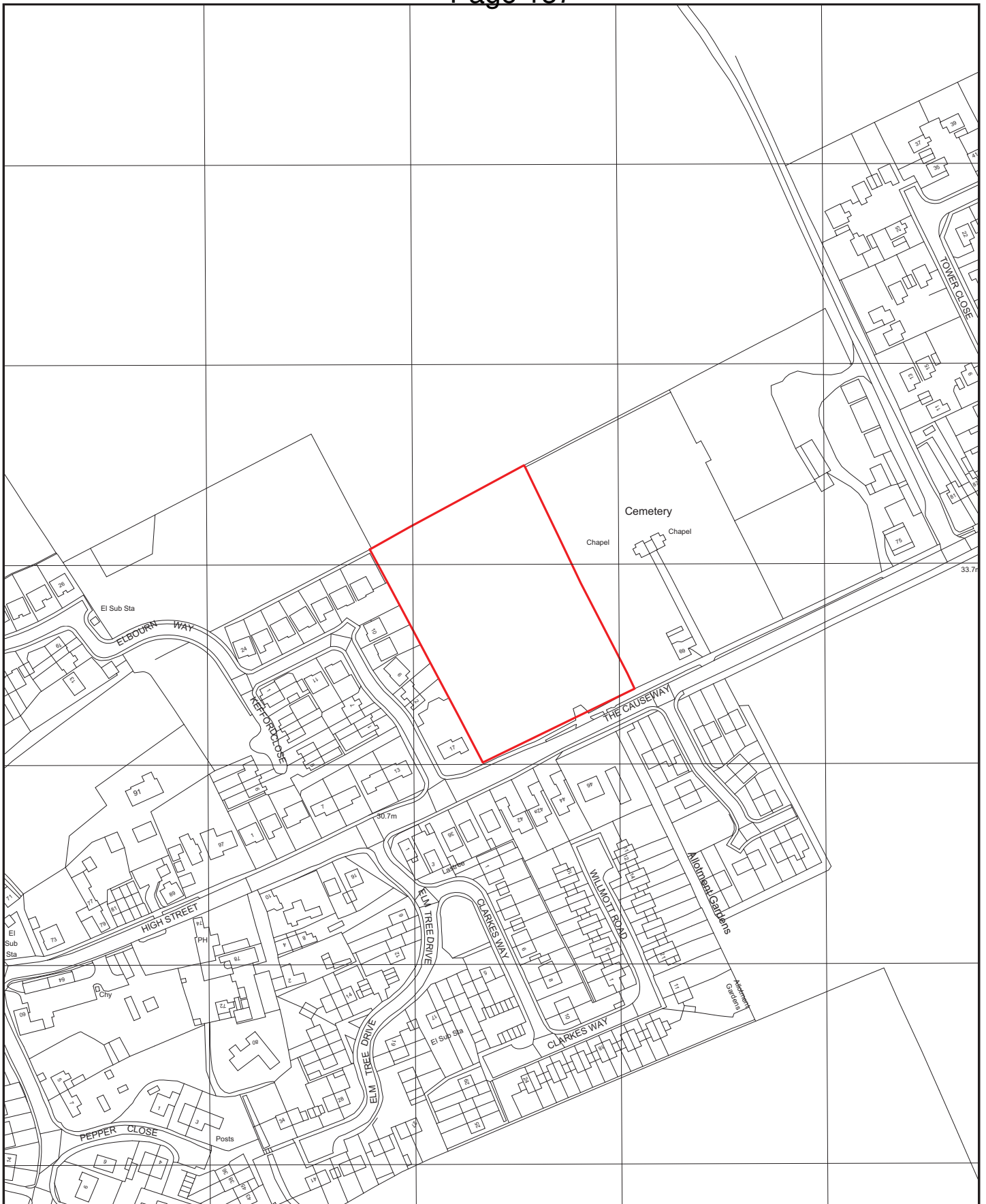
Background Papers: the following background papers were used in the preparation of this report:

- Local Development Framework Development Control Policies 2007.

- National Planning Policy Framework
- Planning File refs: S/0383/12/FL.

Contact Officer: Paul Derry – Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

S/0717/12/FL - CAXTON
Dwelling and Garage - Land between 88 and 94 Ermine Street
for Upware Marina, C/O Agent

Recommendation: Delegated Approval

Date for Determination: 29 May 2012

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

To be presented to the Committee by Paul Derry

The application is a Departure to the Local Development Framework

Site and Proposal

1. The application site is located along an existing access road that leads to the properties of 94 and 94a Ermine Street. The designated Caxton village framework includes the entire access road and the two dwellings mentioned. Only the southwest corner of the application site lies within the framework. The access track is also within the Caxton Conservation Area. The land is currently laid to grass with the appearance of a paddock, with a post and rail fence located along the access track. 94 and 94a Ermine Street are both two-storey properties, whereas 88 Ermine Street to the south is a bungalow. There is a change of levels on the site, with the land rising eastwards.
2. The full application, validated on 3 April 2012, seeks the erection of a two-storey property and detached garage on land outside of the designated framework. The proposed dwelling would be a five bedroom unit, with its design similar to the neighbouring property at 94 Ermine Street including the hipped roof elements. The application is accompanied by a Design and Access Statement and a draft Heads of Terms. The application has been amended by plans date stamped 28 June 2012, and the highway plan received 25 June 2012.

Site History

3. There is a long planning history relating to the site and the land to the north. Applications **S/1865/07/F** and **S/1514/09/F** granted consent for two dwellings on the site following demolition of the existing dwelling. A similar application **S/0947/07/F** was refused. Application **S/2174/05/O** for a single dwelling south of Olivers Barn and **S/0340/06/F** for a single dwelling were withdrawn and approved respectively.

Planning Policy

4. **Local Development Framework Core Strategy 2007 (LDF CS) – ST/7 Infill Villages.**
5. **Local Development Framework Development Control Policies 2007 (LDF DCP) – 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, SF/11 Open Space Standards, CH/5 Conservation Areas, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/15 Noise Pollution and 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, District Design Guide SPD – Adopted March 2010 & Development Affecting Conservation Areas 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.

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Caxton Parish Council** recommends refusal of the application on grounds of development outside of the village envelope, highway safety from the access and junction with Ermine Street, the loss of the turning circle, and the lack of access to the potential fourth plot remaining. The comments are repeated with regard the amended plans.
9. The **Local Highways Authority** recommends refusal to the originally submitted plans. Following the submission of plan PL01 Rev A date stamped 25 June 2012, the Local Highways Authority has withdrawn its objection.

Representations by Members of the Public

10. Letters of objection have been received in relation to the original plans and the amended plans, from the occupiers of 80, 88, 94, 94a and 96 Ermine Street, and 15 Tates Field. The reasons for objection relate to the following points:
 - Development outside of the designated village framework.
 - Scale and massing of the dwelling.
 - The design being out of keeping with the village and the adjacent Conservation Area.
 - Piecemeal development in the village.
 - Highway safety given the state of the access, its width, and the junction with Ermine Street.
 - Loss of the turning area for vehicles.
 - Ownership and future maintenance of the access.

- Health and safety aspects given children playing close to the access.
- Loss of outlook and overbearing impact to 94 Ermine Street.
- Drainage concerns.

11. Members should be aware the press notice does not expire until 14th August 2012.

Planning Comments

12. The key considerations in the determination of this application are the principle of development, impact upon the street scene and surrounding countryside, impact upon the amenity of the occupiers of adjacent properties, highway safety, drainage, and infrastructure provisions.

Principle of Development

13. The designated Caxton village framework runs along the rear of the properties of 94 and 94a Ermine Street, before running southwest along the access track. It then includes an area within the red line of the application site before running along the side boundary of 88 Ermine Street. Members should be aware the rear gardens to 94 and 94a which run to the east boundary are outside of the designated framework.

14. The applicant requested pre-application advice regarding the principle of developing the site. The applicant attempted to demonstrate that a dwelling could be located within the village framework, although the garden would be outside to match 94 and 94a Ermine Street. A dwelling in this location would be located much closer to the access track than others in the vicinity, and would potentially cause a more cramped form of development. The preferred location of the dwelling is therefore considered to be more in line with 94 Ermine Street. Policy DP/7 of the LDF DCP states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The aim of the policy is to protect the countryside from gradual encroachment on the edges of villages, and to help guard against incremental growth in unsustainable locations. Given the likely location of the proposed garden if the dwelling was inside the framework, the principles of the policy are unlikely to be harmed as a result of the development. Relocating the dwelling outside of the framework is therefore a Departure from this policy, and the application has been advertised accordingly.

15. There is local concern regarding the "gap" left between the site and 88 Ermine Street, and the likelihood of a further application for another dwelling in the future. Whilst this may come forward in the future, this is not a consideration for the determination of this application. The plot would remain as grassland/paddock should this application be approved.

Impact upon the Street Scene and Surrounding Countryside

16. The proposal is a detached two-storey dwelling with a detached garage located to its frontage. The two properties of 94 and 94a are large detached units. 94a is a barn style development with an attached range of outbuildings to its frontage which is shared with 94. No. 94 is a two-storey property with a large two-storey range to the rear. It is finished with buff bricks, with a slate on

the hipped roof above. The proposed dwelling would be viewed alongside 94 Ermine Street, with 94a screened by the range of outbuildings.

17. The design of the dwelling takes design principles from 94 Ermine Street. The front elevation would be similar and the hipped roof would match. The height of the dwelling on the original plans was considered excessive, and the amended plans seeks to ensure it would sit comfortably with 94 Ermine Street in the street scene. There is local concern that the design of the dwelling is not appropriate in this edge of village location. The design does not directly reflect the semi-rural character of the area. However, Members will note from the side visit that it should sit sensitively with the direct neighbouring property. Given the presence of 94 Ermine Street, the proposal is considered to be in character with the local vernacular and is not considered to seriously harm the setting of the street scene.

Impact upon the Amenity of the Occupiers of Adjacent Properties

18. The proposal would sit close to the shared boundary with 94 Ermine Street. The amended plan has relocated the dwelling between 1.5m and 2.25m from this shared boundary, which is currently a post and rail fence running to a 1.2m high to the side of the dwelling and beyond. The side facing elevation of 94 Ermine Street has two windows at ground floor level that serve a kitchen area that runs from the front to the rear of the property. The windows are therefore secondary windows to the main openings at the front and rear. The proposed dwelling would be clearly visible from these windows, with a separation of between 8.5m and 9.25m. However, given the secondary nature of these windows, no serious harm should result from the proposal appearing overbearing.
19. The proposed dwelling would also be located due south of the two windows. Given the distance, some light will be lost during daytime hours given the orientation, especially during winter months. However, the room will remain naturally lit due to the other windows. The period when both side windows would be shadowed will not form a large portion of the day. No serious loss of light would result to this kitchen room.
20. The rear elevation of the proposed dwelling will affectively align with the rear elevation of 84 Ermine Street. The first floor windows facing the rear will form a usual estate relationship with the neighbouring rear garden. No. 94 has a two-storey element set approximately 16m from the shared boundary. At this distance, no serious overlooking would result. A condition should be added to ensure no windows are permitted to the proposed north elevation given the potential for overlooking between windows and to the rear garden of 94 Ermine Street.
21. No. 88 is a bungalow with a blank facing elevation. The proposal will not be visible from within the dwelling. It will however be visible from the garden space to the front and rear. There would be a separation of 17m, and given this distance, the proposal is not considered to cause any serious harm to the amenity of the occupiers of 88 Ermine Street.

Highway Safety

22. The access track is relatively narrow, and will not allow vehicles to pass at numerous points including by the junction with Ermine Street. This access

already serves five dwellings. The Local Highways Authority originally recommended refusal of the scheme given the lack of information regarding the junction between the access and Ermine Street. Having driven the access, visibility is impeded by planting, especially southwards. The applicant has submitted a plan (PL01 Rev A date stamped 25 June 2012) which shows that a 2.4m by 43m vehicle-to-vehicle visibility splay is possible southwards and a 2.2m by 43m splay is available is possible northwards. The Local Highways Authority has confirmed that this is acceptable and it has withdrawn its objection.

23. There is local concern regarding the future maintenance of the access track. This would be a civil matter between parties as is the case today. There is also local concern regarding safety of serving an additional dwelling given the number of children playing in the vicinity of the access. The access is clearly visible as such and therefore it represents the same dangers as playing on any roadway. Whilst the addition of a dwelling will increase trips across the site and potentially increase the chances of an accident, it is the responsibility of parents to ensure that children do not play in this area, and they will be aware of the dangers of doing so.
24. There is an existing turning area that extends towards the side elevation of 94 Ermine Street, and this would be altered during the course of the application given the location of the garage. The applicant has shown an area to the front of the dwelling to be retained for turning. The road widens in this area given the accesses to 94 and 94a, and the Council's Building Control Officer has confirmed the site has adequate turning facilities assuming this area was retained for this function.

Drainage

25. The site lies within flood zone 1 and therefore no flood risk assessment is necessary as part of the application. The application has proposed the use of soakaways to dispose of surface water. This is considered acceptable assuming it meets Building Regulations. No details regarding foul water drainage are provided, and therefore a condition can be added to ensure satisfactory detailing.

Infrastructure Considerations

26. The applicant has submitted a draft heads of terms with the application with regard to the provision of contributions towards open space, community facilities and waste receptacles, and the Section 106 monitoring fee. This has been passed to the Council's Legal team for the drafting of the agreement. The recommendation is for delegated approval subject to the completion of the Section 106 Agreement.

Recommendation

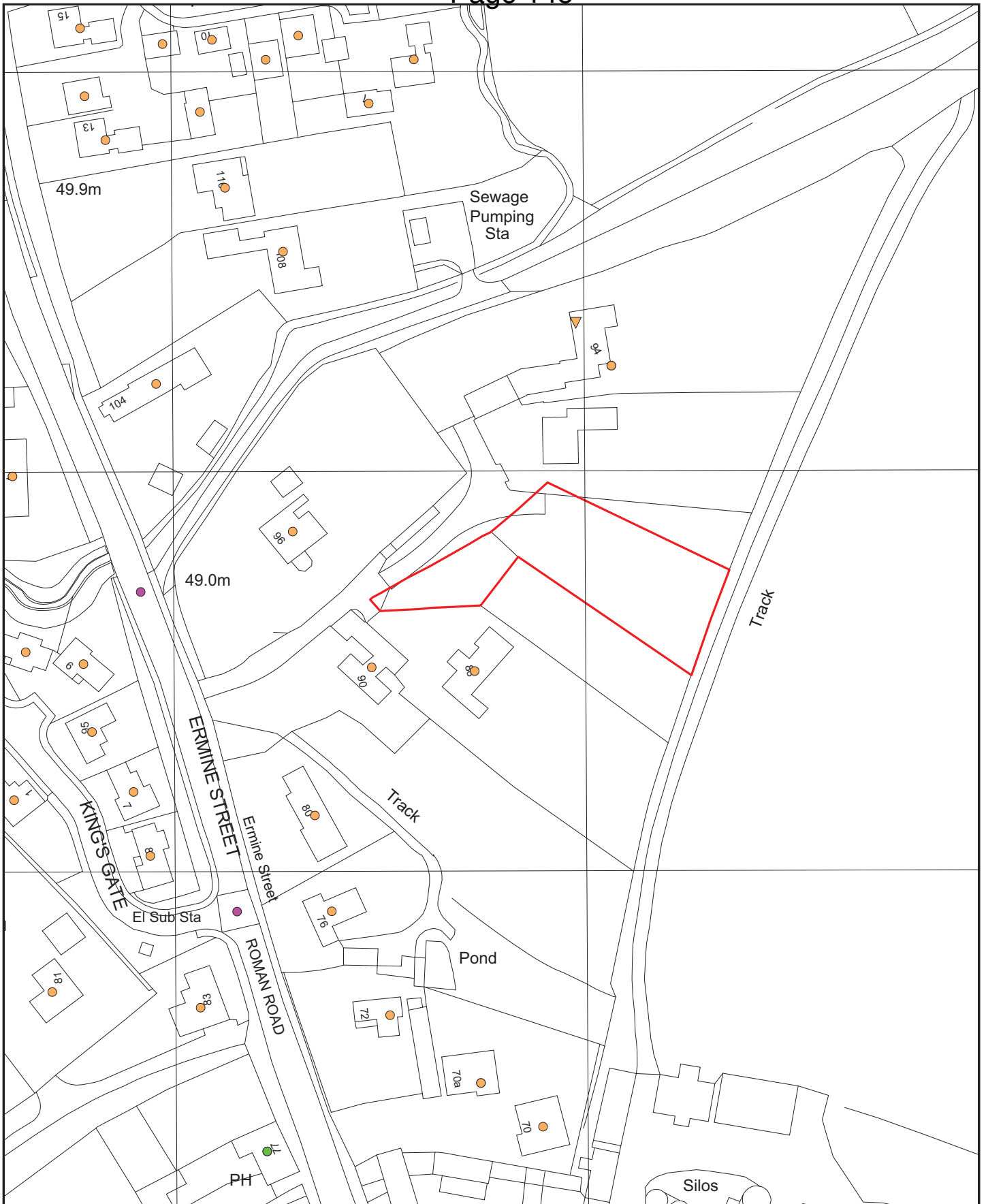
27. Delegated approval as a Departure to the Local Development Framework subject to the completion of a Section 106 Agreement with regard to off-site contributions and any new issues raised until the expiration of the press notice on 14th August 2012.
28. If approved, conditions will be required regarding time implementation, plan numbers, materials, landscaping and implementation, boundary details,

removal of permitted development rights for windows to the north elevation, foul water drainage details, retention of the parking and turning areas for the dwelling, retention of the appliance turning area to the front of the site

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- Open Space in New Developments SPD, Trees and Development Sites SPD, District Design Guide SPD & Development Affecting Conservation Areas SPD.
- National Planning Policy Framework
- Planning File refs: S/0717/12/FL, S/1514/09/F, S/1865/07/F, S/0340/06/F & S/2174/05/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0059/12/FL – CAXTON AND ELSWORTH
ERECTION OF TWO DRIVE THRU RESTAURANTS (A3/A5), ASSOCIATED PARKING
AND LANDSCAPING AND ALTERATION TO EXISTING ACCESS FOLLOWING
DEMOLITION OF EXISTING RESTAURANT AND TAKEAWAY, LAND AT CAXTON
GIBBET, ST NEOTS ROAD**

Recommendation: Delegated Approval

Date for Determination: 7 March 2012

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This full application, as amended, seeks the redevelopment of the former Yim Wah Site, at the Caxton Gibbet roundabout. The site is part within the parish of Caxton and part within the parish of Elsworth.
2. The application seeks demolition of the remains of the existing two storey building and the erection of two new single storey buildings for A3/A5 use (Restaurant and Take-Away).
3. One building is to be sited towards the western end of the site, although set further back from the both the A1198 and A428 than the existing building, for use as a McDonalds restaurant with drive-thru facility. It measures 34m x 14m, with a height of 5.5m, and is described as having a mansard style roof. An outdoor seating area is proposed on the west side of the building. Applications S/0240/12/AD and S/0244/12/AD, which are considered as separate items, deal with the proposed advertisements for this building and immediate area of the site
4. The second smaller building is to be set behind the McDonalds building towards the eastern end of the site, and is for Costa. Again it includes a drive through facility, with an outside seating area at the front, to the west of the building. The proposed building measures 16m x 11m. with a curved roof which reaches a maximum height of 5.6m. Applications S/0049/12/AD and S/0048/12/AD, which are considered as separate items below, deal with the proposed advertisements for this building and immediate area of the site.

5. The existing access from the A1198 is to be improved and re-used to serve the new development. A former access to the site, closer to the A1198 roundabout, will be removed completely and the land included as part of the proposed frontage landscaping. A car parking area for 84 cars (including 6 disabled spaces) is provided to the south side of the site. 6m high lighting columns are proposed throughout the car park, drive thru function and the approach to the buildings.
6. It is indicated that this application will create 40 full-time jobs and 45 part-time jobs (63 full-time equivalent)
7. Immediately to the south of the site is a significant area of new planting carried out by the Highways Agency as part of the scheme for the duelling of the A428, which involved a new road to the south of the site to serve properties to the east of the site, which were previously access direct from the old single carriageway A428 road.
8. On the south west side of the Caxton Gibbet roundabout is a filling station.
9. The layout drawing submitted with the application includes a proposed third building, which is the subject of a separate outline application ref. S/0060/12, which is considered in the next item.
10. The application is accompanied by a Design and Access Statement and a Transport Statement

Planning Policy

11. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/10 Tourist Facilities and Visitor Accommodation
SF/6 Public Art and New Development
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/6 Biodiversity
NE/14 Lighting Pollution
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents
Biodiversity SPD – adopted July 2009
District Design Guide SPD – adopted March 2010
Landscape in New Developments SPD – adopted March 2010
Public Art SPD – adopted January 2009

Consultation by South Cambridgeshire District Council as Local Planning Authority

12. **Caxton Parish Council** recommends approval of the application as originally submitted, subject to conditions.

“Caxton Parish Council recommends approval for the following reasons:

The redevelopment will remove the existing and clear up the currently derelict site.

It will provide a landmark at the “end of the village”.

It will bring a significant amount of potential employment to the area.

However the approval is caveated with a number of concerns that must be addressed before approval is granted.

Access

- Highways need to ensure that the proposed access is safe and adequate considering that it is so close to the main A428 roundabout.
- Provision and consideration is made of the potential use by HGV's - how will this be managed in a safe and considerate way?
- The presence of two right-hand turns off the A1198 in close proximity - the first to Swansley Lane and the second to the proposed development.
- Adequate provision and transport arrangements for staff. There is no public transport and this needs to be considered given the number of people employed.
- Screening of the site
- Potential conflict with Swansley Lane which is being proposed as the main haul route during construction of the Cambourne School

Name - the roundabout is known nationally as the Caxton Gibbet and any identification of the site should reflect this.

The Gibbet MUST remain in place and must be maintained.

Signage should be in place to minimise traffic using Caxton as a shortcut.

Litter in the surrounding area must be addressed and provision put in place to ensure that the wider area is not blighted by rubbish from cars. Attention must also be paid to litter in the vicinity of the site and along Swansley Wood Lane.

Any comments on the revised scheme will be reported at the meeting.

13. **Elsworth Parish Council** recommends refusal.

It states that it "unanimously objects to the above applications which should be rejected on the following grounds:

Introduction. The applications promote only the subjective and self-serving interests of the applicant and the two multi-national giants that it represents. Collectively, the applications are a blatant example of seeking to justify retrospectively a pre-determined solution. No or no proper attempt has been made to apply a rigorous process of evaluation and design for this site or to explain how the development will support local character and distinctiveness. No or no proper consideration has been

given to the social and economic characteristic of the proposed development and its impact on the surrounding area. In short, the development does not comply with the criteria for good sustainable development laid down by Planning Policy Statement 1:

'Design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted'.

Lack of consultation. As far as we are aware, there have been no consultations whatsoever with the local community, contrary to best planning practice guidelines.

Employment. The Applicant claims that the development is likely to generate "over 100 full and part-time jobs". As is well known, the vast majority (80%) of employees at McDonalds' outlets are 'part-time' (averaging about 20 hours per week). If a total of 100 staff are recruited, this amounts in practice to the creation of only 20 full time jobs. While any new employment opportunity is welcomed, how can this be deemed significant and what type of jobs are these for our young people? No account is taken of redundancies that might occur at other local food outlets, notably the adjacent Little Venice restaurant and other outlets along this stretch of the A428.

Policy. It is claimed that the principle of this development has been established by reference to the former Yim Wah restaurant. The Yim Wah restaurant was indeed a destination in its own right. It primarily served the needs of local residents rather than the travelling public. It was a true restaurant - albeit with a 'takeaway' facility - not a drive through fast food outlet. It occupied a building which was traditional in appearance and blended in to the surrounding rural location.

What is now proposed is wholly different in character and purpose. It does not, as the applicant contends, improve the local environment or create sustainable development. On the contrary, it seeks to import into a countryside rural location a garish over illuminated piece of post-modern urban architecture. The applicant acknowledges that the main design considerations are its 'corporate image' and 'surrounding urban form' and it seeks to support its case by reference to Government guidance for motorway service areas. Such considerations are totally inappropriate for this site and demonstrate how inconsistent the proposed development is with national and SCDC planning policies (See South Cambs DPD 2007 - DP/c & d; DP1/o & p; DP/3 2k,m % n; DP/1 1 & 2).

Environment. There are a number of good environmental reasons why this development should be refused.

a. The fast-food industry uses huge volumes of needles and wasteless packaging. This is thrown away after less than 5 minutes use. In addition to the waste and pollution caused, the production and use of this disposable packaging causes litter. McDonalds is in the top 1 or 2% of all companies whose products end up as litter. To grant this planning application will add significantly to the local litter problem. While the applicant may offer to perform 'litter patrols', such efforts have negligible effects on the huge quantity of litter that is generated.

b. Not only is litter an eyesore, it can be damaging to the environment. For example packaging, including polystyrene, can be swallowed by animals in mistake for food, causing injury or death to domestic animals and wildlife alike.

c. Even if the packaging is properly disposed of, the development creates waste disposal environmental problems caused by landfill and incineration of polystyrene and coated paper materials.

d. Fast food outlets are notorious for causing increased traffic, noise and cooking smells.

e. McDonald's promote their food as nutritious, but the reality is that it is junk food - high in fat, sugar and salt, and low in fibre and vitamins. A diet of this type is linked with a greater risk of heart disease, cancer, diabetes and other diseases. Their food also contains many chemical additives, some of which may cause ill-health, and hyperactivity in children.

f. The outlet will presumably be open on a 24/7 basis and thus create significant levels of continuous noise and light pollution.

Traffic & Roadside Facilities. The application claims that the proposed development *'will serve only one purpose and that is to support the safety and welfare of the road user'*. This pompous statement - taken from Government guidance for motorway service areas and for which absolutely no supporting evidence is provided - fails to address the real transport issues of this location.

First, since the dual carriageway towards Cambridge was opened in 2007, the Caxton Gibbet roundabout has become notorious for severe traffic congestion which, in turn, has led to an enormous increase in traffic through villages such as Elsworth by 'rat-running' drivers. The proposed development will inevitably exacerbate this problem.

The application ignores the fact that both the immediately adjacent garage and Little Venice restaurant provide for and drink facilities on this very roundabout. There is a McDonalds within 10 miles to the West (Wyboston Service Station) and another (Bedford Interchange) within a further 10 miles beyond that. At an average speed of 50mph, these locations are only 12 and 24 minutes away respectively.

In addition, there are numerous other roadside facilities along this stretch of the A428.

14. **Papworth Everard Parish Council** recommends refusal

"While the Parish Council does not disagree with developing this site for restaurants, it strongly objects to the current proposals on the following grounds:

The location is unusual for two relatively large drive-through restaurants. It is not on a major through route served by dual carriageway roads. Only one arm of the roundabout at Caxton Gibbet is formed of a dual carriageway, the other roads are essentially local roads that have relatively low traffic flows outside the peak morning and evening periods. McDonalds and Costa cannot rely on 'passing trade' but will draw in an unacceptable quantity of traffic from a much wider area. (Compare this site with the 'Cambridge Services' site against the A14, near Swavesey).

The design of the buildings is far too starkly modern for the setting of this sensitive site. Aesthetically they are poorly designed and are not unlike some industrial buildings. Although both buildings are contemporary in design they are discordant and have no relationship to each other in terms of design.

The SCDC Design Guide recommends which traditional materials are appropriate to use in this context. None of the materials are used in the proposed buildings. Such modern buildings do not form an appropriate setting for the (reconstructed) gibbet that stands on the A1198 adjacent to application area and which is a very important

local landmark. In contrast, the former public house that currently stands at the western end of the site is appropriate in scale and character to the location. It has stood on the site probably since the 1930's. Any new buildings on the site should reflect this building in their design - or even incorporate and reuse it in their development in order to maintain local character.

The loss of a large number of trees on the proposed development site is unacceptable. Any redevelopment should seek to incorporate existing trees, to soften the impact of new buildings and help the proposals to be incorporated into the present landscape.

The presence of two new restaurants may have a deleterious effect on established restaurants and coffee shops in neighbouring villages that are still developing - particularly Papworth Everard and Cambourne. While the proposal will provide additional employment, this may be offset by a reduction in the number of employment places offered by nearby catering businesses.

The developments of new drive-through restaurants at Caxton Gibbet has potential road safety implications. There is no footpath or cycleway between Papworth Everard and Caxton Gibbet. Our council is extremely concerned that young people from Papworth Everard will be attracted to the new drive-through restaurants as either customers or potential employees and will attempt to cycle or walk along this section of the A1198. In recent years there have been several accidents and fatalities involving those walking and cycling on this road. If the applications receive approval, planning conditions must require the businesses running the restaurants to consider ways of reducing the risk of traffic accidents affecting young people, including the provision of a safe cycle/walking route from Papworth Everard.

There are serious potential road safety issues at the point of access and egress from the A1198. This will be a very busy junction - used by both customers and staff. The roundabout at Caxton Gibbet is already very busy at peak travel times and traffic travelling north is often at a standstill on the A1198 adjacent to this site. Therefore it will be impossible for traffic using the restaurants to turn right onto the A1198 to join the roundabout. All vehicles leaving the site should be required to turn left (south) and to use the northern roundabout on the Caxton by-pass if they wish to travel north.

There is text on the application maps that indicate that some land will be set aside for which planning permission will be sought at a later date. Our council objects to any suggestion that there will be another planning application. What is currently proposed is already too intense a development for this site. If the LPA is minded to approve the two restaurants, further development, drawing in more activity would be inappropriate and unacceptable to our council.

No landscaping details have been provided, therefore the application is incomplete.

No litter control is identified. There must be a planning condition that requires the drive-through restaurants to regularly collect and remove the litter they are responsible for."

15. **Cambourne Parish Council** recommends approval subject to the following conditions:

Both buildings should have automatic opening doors for ease of disabled access.

Concern was raised about the size of McDonalds delivery vehicles and the amount of car parking area that large vehicles would take up.

Concern was also expressed about the accessibility of disabled parking while deliveries are made.

Delivery vehicles should also stick to the arterial roads

Costa and third parties should have van deliveries only

Concern was raised over width of the drive thrus as it felt these are quite narrow

Concerns were raised about the prospect of litter becoming a problem. David Mead reported that McDonalds will send out staff to clear any specific McDonalds rubbish issues. It was felt that a rubbish collection strategy should be approved and published prior to recommendation.

It was requested that the illuminated signs would be turned off when the outlets are closed.

16. The **Highways Agency** comments that the proposals will not have a material impact on the Strategic Road Network and therefore it has no objection to the application.

17. The **Local Highway Authority** originally requested that the application was refused until a drawing was provided showing appropriate inter-vehicle visibility splays was submitted. A revised drawing has been submitted and its comments will be reported at the meeting.

If permission were to be granted it requests a condition which prohibits service deliveries to the site between the hours of 07.30 – 09.30hrs and 16.30 – 18.30hrs, which are the times of peak traffic flows and therefore the risks of conflict between highway users are at their greatest.

The Transport Assessment, submitted as part of the application, has been considered by the Local Highway Authority's Growth and Economy Team. It concludes that there is no objection to the proposed development, subject to the implementation of a travel plan being secured via a Section 106 legal agreement. It recognises that the travel plan is likely to target staff only, and that in light of the limited walking and cycling access, the focus of the plan should be on the use of public transport and car sharing.

18. The **Economic Development Panel** supported the proposal in principle, subject to the satisfactory resolution of detailed planning matters, and welcomed the number of jobs that would be created.

19. The **Environment Agency** states if approved conditions requiring the submission of schemes for surface water drainage, foul water drainage, contamination and pollution control should be included in the consent, as the site is within an area of limited drainage capacity and application does not currently adequately address these issues.

20. The **Trees and Landscapes Officer** states that no significant trees are affected but that landscaping of the site will be important given the prominent location.

21. The **Landscapes Officer** has commented that appropriate landscaping will be important to ensure that any development can be adequately assimilated in the area and as advised on revisions to the submitted scheme.
22. **Cambridgeshire Archaeology** requests that the site be subject to a programme of archaeological investigation and historic building recording, which can be secured through a negative condition.

Representations by members of the public

23. Letters have been received from the occupiers of Swansley Wood Farm, St Neots Road, Kenyon, St Peters Street, Caxton and 22 Caxton End, Eltisley putting forward the following comments.
 - I. The full observations of the Highways Agency are vital. The access and vehicles entering or leaving the site may cause traffic flow problems on the A1198.
 - II. What is happening to the old road parallel to the A428 but not within the site?
 - III. Concern that the access road to the south, which serves Swansley Wood Farm, will become a race track for youngsters who will use the drive thru facility.
 - IV. Is there enough parking for staff and visitors?
 - V. Will traffic at the roundabout be adversely affected
 - VI. No cycle parking is provided.
 - VII. Increase in litter in the area as there are no wind breaks
 - VIII. Large illuminated signs are a distraction.
 - IX. It is clearly uneconomic to repair and restore the old building which should be demolished.
 - X. Is the proposed use too intensive?
 - XI. It is hoped that the site will be developed for the future benefit of the community.

Applicant's Representations

24. In response to the comments received the applicant's agent has made the following comments.
25. The Highways Agency and the Local Highway Authority have not objected to the application.
26. The design of the units has been dealt with in the design and access statement. The site is not within a conservation area nor are there any listed buildings or other protected areas nearby.

27. The development will create jobs, a mixture of full-time and part-time. The site at present creates no jobs.
28. The former Yim Wah restaurant was a destination in its own right. The previous use existed and its replacement with uses to serve the travelling public would improve the site in terms of sustainability as those visiting would already be passing the site rather than making a special journey to the site.
29. Litter patrols will be used. Both McDonalds and Costa would like to see the site and the surrounding area as litter free as possible. A copy of the companies recycling policies will be provided. The type of food and its nutritional values are not planning considerations. The outlet could be open 24 hours a day if popular. The nearest residential property is 400m away
30. Landscaping has been dealt with.
31. The 'gibbet' will remain in place.
32. Signage can be dealt with by condition.
33. It is felt that the name Caxton Gibbet will be retained, however this is not a planning matter.
34. Pre-application consultation is not a requirement for this scale of application.

Material Planning Considerations

35. The main issues for Members to consider in the determination of this application are the principle of development (including employment generation), highway safety, visual impact in the countryside, and neighbour amenity.

Principle of Development

36. The site is outside the framework of any settlement, however Policy ET/10 allows for the appropriate replacement of existing buildings, not requiring large extensions, for restaurant use. Although there is no specific policy in the Local Development Framework which deals with roadside services officers are of the view that the provisions of Policy ET/10 would apply in this case.
37. The floor area of the existing building on the site is 826 sqm, which comprised commercial use on the ground floor (restaurant with take-away facility), with residential accommodation above. The proposed McDonalds building has a floor area of 418 sq m and the Costa building 180 sqm.
38. The proposed redevelopment of the site seeks to re-use the existing floorspace in the form of the two buildings the subject of this application, with the remainder of the existing floorspace being utilised in a third building the subject of the following item.
39. Officers accept the principle of the redevelopment proposed by this application and the potential for job creation that it brings with it, however the proposed scheme will represent a significant change to the character and appearance of the site and it is therefore important to ensure that the scheme is appropriate having regard to other material planning consideration.

Highway Safety

40. The application is accompanied by a detailed Transport Assessment. The existing entrance from the A1198 is to be remodelled, with the provision of a right-turn facility. The former entrance to the site, closer to the roundabout, is to be permanently closed and the land reinstated as verge.
41. The Assessment concludes that overall the scheme will be an positive contribution to highway safety in providing a convenient and comprehensive facility for the travelling public and that the level of new trips generated by the development is small in comparison to the overall demand for the facilities and insignificant in comparison to the level of existing traffic passing through the adjacent Caxton Gibbet junction. It states a comparison of the operational capability of the roundabout has indicated that the junction will operate no worse off, overall, than without development traffic demand.
42. The Highways Agency and Local Highway Authority have considered the information submitted with the application and neither has objected, although the Local Highway Authority requires the applicant to demonstrate the provision of appropriate visibility splays. The required splays can be provided and can be secured by condition.
43. Although the proposed redevelopment will result in an increase in traffic entering and existing the site officer are of the view the proposal has been properly assessed by both the Highways Agency and Local Highway Authority and that there are no reasons to object to the application on grounds of highway safety.
44. The Local Highway Authority is aware of the proposed use of the roadway to the south of the site by construction traffic for the secondary school at Cambourne.
45. A Travel Plan can be required by condition. I note the concerns expressed by Papworth Everard Parish Council about the lack of a footway and cycleway to the site and the potential impact on safety of young persons traveling to the site to work from local villages and this can be considered in the Travel Plan

Visual Impact in the Countryside

46. The site is prominently located, particularly when approaching from the south and west. The existing building is located close to the north and west boundaries of the site. The design approach adopted for the proposed buildings is very different to that of the existing building. The layout of the site is to a great extent dictated by the requirements of the new operations.
47. The McDonalds building is single storey and reflects a new corporate design, with modern materials although the colours to be used are neutral and natural. Whilst the design does not reflect any surrounding form officers are of the view that the building is not without its individual merits and with appropriate landscaping will be acceptable on this site. It is set further to the east and south than the existing building. It will be important to control the details and lighting of the proposed outdoor seating area to the west of the building, as this will be prominent when viewed from both the A428 and A1198.
48. The proposed Costa building is set a significant distance from the A1198 and is in a part of the site that is well screened from the north by existing planting between the site and the A428. The design approach is modern, with the use of aluminium cladding, and different to that of the McDonalds building. Whilst it does not reflect the

character of existing buildings officers are of the view that given the scale of the building it will have limited visual impact on the wider countryside and that it is acceptable.

49. The proposed increase in the area of car parking and access roadways within the site associated with the drive thru elements of the scheme, and the lighting of these areas by 6m high columns needs to be carefully assessed to ensure that the impact on the adjacent countryside can be adequately controlled. Officers have expressed concern at the current levels of lighting proposed and a revised lighting scheme is to be submitted for consideration. Such lighting should be kept to the minimum required and designed in such a way to limit light spillage outside of the site. Officers will comment further of any revised lighting scheme at the meeting, but this can be dealt with by condition.
50. A revised landscape scheme has been proposed following discussions with the Landscapes Officer. There is a large area of young planting to the south of the site, carried out by the Highways Agency as part of the dualling works to the A428. Although this is outside of the applicant's control, once mature it will provide a substantial screen to the development from the south. Within the site a hedgerow with tree planting is proposed on the south boundary.
51. On the north boundary a hedgerow and grass planting is proposed, with new trees, which will replace in part existing conifer planting on this boundary. The proposed buildings will be in excess of 35m from the carriageway of the A428 and at the current time views into the site from this direction are limited. It is important that any new planting scheme retains and enhances this degree of screening, to ensure that the impact of the proposed buildings, and associated paraphernalia is satisfactory mitigated. The front boundary of the site to the A1198 will be formed by a hedgerow with 1.3m high fence behind and two new trees in front of the outside seating area. The area around the access to the site will remain more open.
52. The impact of the various advertisement signs proposed for the site is considered separately and can be controlled under the individual advertisement applications.

Neighbour Amenity

53. The closest residential properties to the site are 500m to the east of the site and are will screened from the proposed development

Other matters

54. A condition can be attached to any consent requiring the approval of a scheme for dealing with litter
55. The conditions required by the Environment Agency to deal with foul and surface water drainage, contamination investigation and pollution control can be included in any consent.
56. The Trees and Landscapes Officer has not objected to the removal of existing trees and the scheme provides adequate opportunity for replacement planting.
57. An archaeological investigation can be secured by condition.

58. In terms of the use of renewable energy the applicant is proposing the erection of a wind turbine at the east end of the site, which is the subject of a separate application, which will be considered at a later date.

Conclusion

59. The principle of redevelopment of the site is acceptable and officers are of the view that the proposed uses are acceptable, and the floor area of the proposed buildings do not exceed that of the existing building on the site. The potential local employment that will be generated is to be welcomed.
60. The nature of the proposed development will result in a significant change to the character of the site and it is important to ensure that these can be accommodated without detracting from the rural character of the area. In this respect officers are of the view that further discussions may need to take place regarding proposed landscaping on the north boundary in particular to ensure that the proposed development is not visually intrusive

Recommendation

61. It is recommended that the Planning Committee gives officers delegated powers to approve the application, subject to further discussion on the proposed landscaping of the site and assessment of the revised lighting details.

Conditions

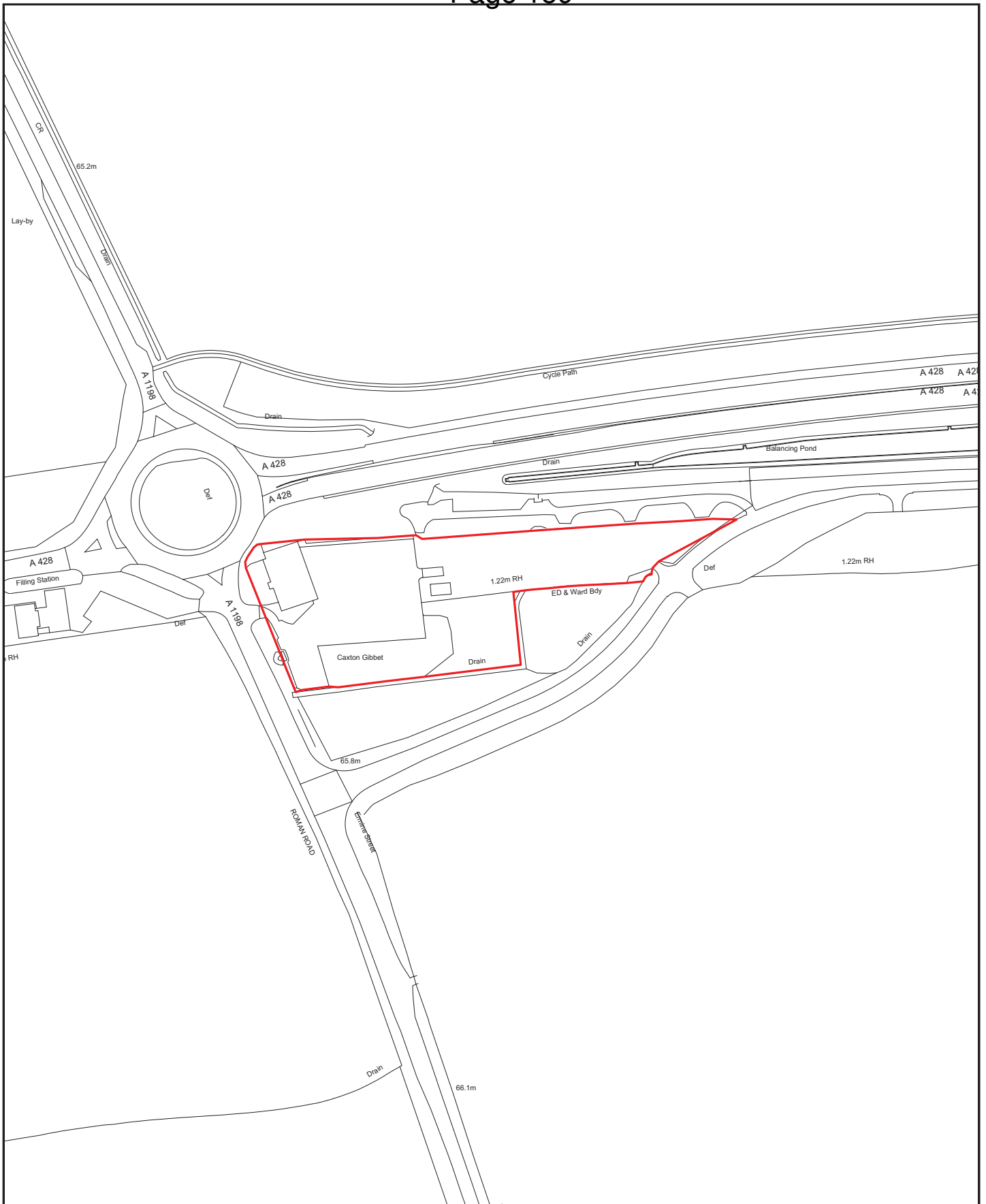
Conditions to include

Time limit – 3 years
Landscaping
Surface water drainage
Foul water drainage
Pollution control
Contamination
Archaeology
Lighting
Renewable Energy
Highways
Litter Control
Travel Plan

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0059/12/FL

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



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0060/12/OL – CAXTON AND ELSWORTH
ERECTION OF RESTAURANT/TAKEAWAY (CLASS A3/A5) (INCLUDING APPROVAL OF
ACCESS DETAILS). LAND AT CAXTON GIBBET, ST NEOTS ROAD FOR THE ABBEY
GROUP CAMBRIDGESHIRE LTD****Recommendation: Delegated Approval****Date for Determination: 7 March 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This outline application, as amended, seeks the erection of a building for restaurant/takeaway use as part of the redevelopment of the former Yim Wah Site, at the Caxton Gibbet roundabout. The site is part within the parish of Caxton and part within the parish of Elsworth.
2. The previous item on the agenda considered a full application for the erection of two buildings as part of the redevelopment of the site. This application proposes a third building, to be sited at the east end of the site, south of the proposed Costa building. The scale parameters in the Design and Access Statement indicate a building with a maximum gross internal floor area of 228 sq m and maximum ridge height of 7m.
3. All matters are reserved apart from access. The existing access from the A1198 is to be improved and re-used to serve the new development. A former access to the site, closer to the A1198 roundabout, will be removed completely and the land included as part of the proposed frontage landscaping.
4. Car parking will be as provided in application S/0059/12/FL.
5. As this is an outline application, and the end user is not known, it does not give an indication of the number of employees that this development will be likely to generate, however the Design and Access Statement refers to the potential of the whole site (three buildings) to generate over 100 full and part-time jobs.

Planning Policy

6. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/10 Tourist Facilities and Visitor Accommodation
SF/6 Public Art and New Development
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/6 Biodiversity
NE/14 Lighting Pollution
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents
Biodiversity SPD – adopted July 2009
District Design Guide SPD – adopted March 2010
Landscape in New Developments SPD – adopted March 2010
Public Art SPD – adopted January 2009

Consultation by South Cambridgeshire District Council as Local Planning Authority

7. **Caxton Parish Council** recommends approval with the same comments as set out in its response for S/0060/12/FL above.
8. **Elsworth Parish Council** recommends refusal for the same reasons as set out in S/0059/12/FL above.
9. **Papworth Everard Parish Council** recommends refusal for the same reasons as set out in S/0059/12/FL above, but include an additional paragraph which states 'According to the One App, this potential restaurant has zero employees. The One App states waste will be removed via a mains sewer; as far as this council is aware there is currently no mains sewer present on site.
10. **Cambourne Parish Council** recommends approval subject to the following conditions:

The proposed building should have automatic opening doors for ease of disabled access.

Concern was also expressed about accessibility of disabled parking while deliveries are made

Delivery vehicles should also stick to the arterial roads

The proposed building should have van deliveries only

Concerns were raised about the prospect of litter becoming a problem. It was felt that a Rubbish Collection Strategy should be approved and published prior to recommendation.

It was requested that the illuminated signs would be turned off when the outlets are closed.

11. The **Highways Agency** comments that the proposals will not have a material impact on the Strategic Road Network and therefore it has no objection to the application.
12. The **Local Highway Authority** has the same comments as application S/0059/12 above.
13. The **Economic Development Panel** supported the proposal in principle, subject to the satisfactory resolution of detailed planning matters, and welcomed the number of jobs that could be created.
14. The **Environment Agency** states if approved conditions requiring the submission of schemes for surface water drainage, foul water drainage, contamination and pollution control should be included in the consent, as the site is within an area of limited drainage capacity and application does not currently adequately address these issues.
15. The **Trees and Landscapes Officer** states that no significant trees are affected but that landscaping of the site will be important given the prominent location.
16. The **Landscapes Officer** has commented that appropriate landscaping will be important to ensure that any development can be adequately assimilated in the area and as advised on revisions to the submitted scheme.
17. **Cambridgeshire Archaeology** requests that the site be subject to a programme of archaeological investigation and historic building recording, which can be secured through a negative condition.

Representations by members of the public

18. Letters have been received from the occupiers of Swansley Wood Farm, St Neots Road, Kenyon, St Peters Street, Caxton and 22 Caxton End, Eltisley putting forward the following comments.
 - I. The full observations of the Highways Agency are vital. The access and vehicles entering or leaving the site may cause traffic flow problems on the A1198.
 - II. What is happening to the old road parallel to the A428 but not within the site?
 - III. Concern that the access road to the south, which serves Swansley Wood Farm, will become a race track for youngsters who will use the drive thru facility.
 - IV. Is there enough parking for staff and visitors?
 - V. Will traffic at the roundabout be adversely affected
 - VI. No cycle parking is provided.
 - VII. Increase in litter in the area as there are no wind breaks

- VIII. Large illuminated signs are a distraction.
- IX. It is clearly uneconomic to repair and restore the old building which should be demolished.
- X. Is the proposed use too intensive?
- XI. It is hoped that the site will be developed for the future benefit of the community.

Applicants Representations

- 19. In response to the comments received the applicants agent has made the following comments.
- 20. The Highways Agency and the Local Highway Authority have not objected to the application.
- 21. The design of the units has been dealt with in the design and access statement. The site is not within a conservation area nor are there any listed buildings or other protected areas nearby.
- 22. The development will create jobs, a mixture of full-time and part-time. The site at present creates no jobs.
- 23. The former Yim Wah restaurant was a destination in its own right. The previous use existed and its replacement with uses to serve the travelling public would improve the site in terms of sustainability as those visiting would already be passing the site rather than making a special journey to the site.
- 24. Litter patrols will be used. Both McDonalds and Costa would like to see the site and the surrounding area as litter free as possible. A copy of the companies recycling policies will be provided. The type of food and its nutritional values are not planning considerations. The outlet could be open 24 hours a day if popular. The nearest residential property is 400m away
- 25. Landscaping has been dealt with.
- 26. The 'gibbet' will remain in place.
- 27. Signage can be dealt with by condition.
- 28. It is felt that the name Caxton Gibbet will be retained, however this is not a planning matter.
- 29. Pre-application consultation is not a requirement for this scale of application.

Material Planning Considerations

- 30. The main issues for Members to consider in the determination of this application are the principle of development (including employment generation), highway safety, visual impact in the countryside, and neighbour amenity.

Principle of Development

31. The site is outside the framework of any settlement, however Policy ET/10 allows for the appropriate replacement of existing buildings, not requiring large extensions, for restaurant use. Although there is no specific policy in the Local Development Framework which deals with roadside services officers are of the view that the provisions of Policy ET/10 would apply in this case.
32. The floorspace of the proposed building, when added to that of the two buildings proposed by application S/0059/12/FL, will equate to the total floor area of the former building on the site. The new buildings will be single storey and therefore will have greater ground coverage and the floorspace will be used entirely for Class A3/A5 uses, whereas the first floor of the existing building was used for residential purposes.
33. As the total floorspace that will be created does not exceed that of the existing building on the site officers accept the principle of the redevelopment proposed by this application and the potential for job creation that it brings with it, however the proposed scheme will represent a significant change to the character and appearance of the site and it is therefore important to ensure that the scheme is appropriate having regard to other material planning consideration.

Highway safety

34. The application is accompanied by a detailed Transport Assessment. The existing entrance from the A1198 is to be remodelled, with the provision of a right-turn facility. The former entrance to the site, closer to the roundabout, is to be permanently closed and the land reinstated as verge.
35. The Assessment concludes that overall the scheme will be a positive contribution to highway safety in providing a convenient and comprehensive facility for the travelling public and that the level of new trips generated by the development is small in comparison to the overall demand for the facilities and insignificant in comparison to the level of existing traffic passing through the adjacent Caxton Gibbet junction. It states a comparison of the operational capability of the roundabout has indicated that the junction will operate no worse off, overall, than without development traffic demand.
36. The Highways Agency and Local Highway Authority have considered the information submitted with the application and neither has objected, although the Local Highway Authority requires the applicant to demonstrate the provision of appropriate visibility splays. The required splays can be provided and can be secured by condition.
37. Although the proposed redevelopment will result in an increase in traffic entering and existing the site officer are of the view the proposal has been properly assessed by both the Highways Agency and Local Highway Authority and that there are no reasons to object to the application on grounds of highway safety.
38. The Local Highway Authority is aware of the proposed use of the roadway to the south of the site by construction traffic for the secondary school at Cambourne.
39. A Travel Plan can be required by condition. I note the concerns expressed by Papworth Everard Parish Council about the lack of a footway and cycleway to the site and the potential impact on safety of young persons traveling to the site to work from local villages and this can be considered in the Travel Plan

Visual Impact in the Countryside

The proposed building, if approved, will be the third building on the site and will intensify the visual impact of the site in the countryside by consolidating new buildings on the site. However the proposed building is to be sited at the rear of the site and is of modest size. Although details of external appearance are reserved matters the Design and Access Statement indicates that the building will be 228 sq m internally with a maximum height of 7m. Given that the height of the other two proposed buildings on the site does not exceed 5.6m I am of the view that the maximum proposed height of this building should be reduced to a similar level. Adequate space exists to appropriately landscape the building to soften its impact.

Neighbour amenity

40. The closest residential properties to the site are 500m to the east of the site and are will screened from the proposed development

Other matters

41. A condition can be attached to any consent requiring the approval of a scheme for dealing with litter
42. The conditions required by the Environment Agency to deal with foul and surface water drainage, contamination investigation and pollution control can be included in any consent.
43. The Trees and Landscapes Officer has not objected to the removal of existing trees and the scheme provides adequate opportunity for replacement planting.
44. An archaeological investigation can be secured by condition.
45. In terms of the use of renewable energy the applicant is proposing the erection of a wind turbine at the east end of the site, which is the subject of a separate application, which will be considered at a later date.

Conclusion

46. Officers are of the view that the principle of the erection of a third building is acceptable and are of the view that the proposed use is acceptable, on the basis that the combined floor area of the proposed buildings do not exceed that of the existing building on the site. The potential local employment that will be generated is to be welcomed.
47. The nature of the proposed development will result in a significant change to the character of the site and it is important to ensure that these can be accommodated without detracting from the rural character of the area. In this respect officers are of the view that further discussions may need to take place regarding proposed landscaping on the north boundary in particular to ensure that the proposed development is not visually intrusive

Recommendation

48. It is recommended that the Planning Committee gives officers delegated powers to approve the application, subject to further discussion on the proposed landscaping of the site and assessment of the revised lighting details.

Conditions

Conditions to include

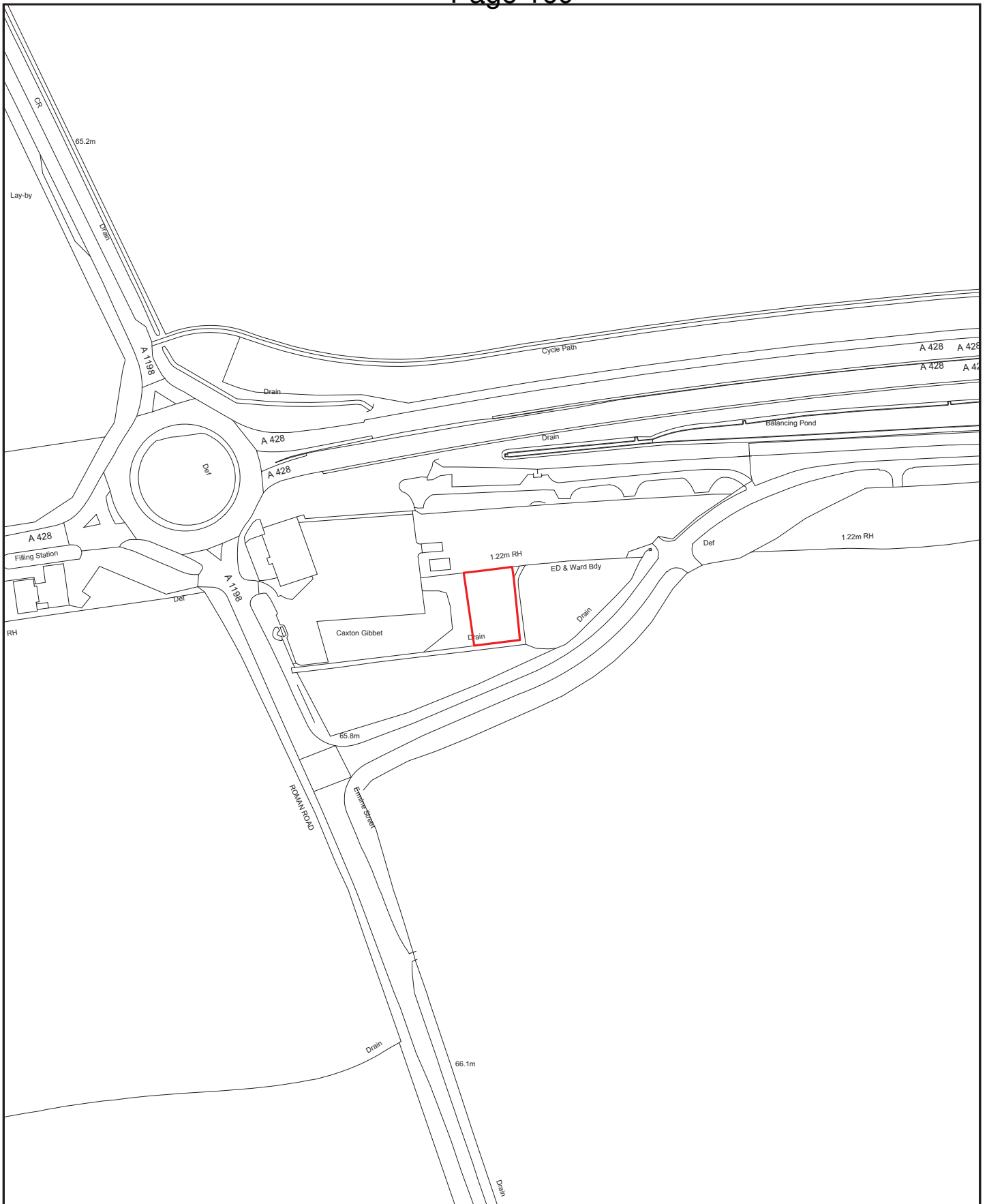
Time limit
Submission of Reserved Matters
Landscaping
Surface water drainage
Foul water drainage
Pollution control
Contamination
Archaeology
Lighting
Renewable Energy
Highways
Litter Control
Travel Plan

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0060/12/OL and S/0059/12/FL

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0050/12/AD – CAXTON AND ELSWORTH
ERECTION OF ILLUMINATED FREESTANDING POLE SIGN, LAND AT CAXTON GIBETT
FOR THE ABBEY GROUP CAMBRIDGESHIRE LTD****Recommendation: Delegated Approval****Date for Determination: 7 March 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This application for advertisement consent, as amended by drawings received 12 June 2012, proposes the erection of a single freestanding pole sign on the site of the former Yim Wah restaurant at Caxton Gibbet, which is the subject of application S/0059/12/FL, considered earlier on this agenda.
2. The proposed sign is to be located close to the north boundary of the site, at a point central to the north elevation of the proposed McDonalds building and will be a total of 12m high, with the advertisements all being contained in the top 5m. The signs are a McDonalds 'M' logo sign, 'open 24 hours sign', Costa Drive Thru sign and a blank box for tenants of the third building proposed for the site (currently unknown). All signs will be internally illuminate by fluorescent tubes
3. This application originally proposed a 6m high pole sign for Costa, with a separate application for a 8m high pole sign for McDonalds (now withdrawn)

Planning Policy

4. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:
CH/8 – Advertisements

Consultation by South Cambridgeshire District Council as Local Planning Authority

Caxton Parish Council recommends approval as originally submitted. It comments that the application is integral to the main application and is therefore subject to the same comments (set out under S/0059/12 above) and is tied to approval of the main application.

Elsworth Parish Council recommends refusal as originally submitted for the same reasons as set out in S/0059/12/FL above.

Papworth Everard Parish Council recommends refusal as originally submitted. 'In a rural setting a tall illuminated freestanding pole sign is not appropriate. It is considered that the signs and logos on the building would be sufficient to fulfil the function of advertising the service provided – it is unnecessary to have a tall pole sign that advertises the service so prominently. It is not clearly marked on the plan accompanying the application precisely where the sign is to be located; therefore there is a lack of adequate information provided – the application is incomplete.'

Cambourne Parish Council recommends approval as originally submitted subject to the condition that the illuminated signs would be turned off when the outlets are closed.

The **Highways Agency** had no objection to the two lower totem signs originally proposed. Comments on the revised sign will be reported at the meeting.

The **Local Highway Authority** had no objection to the two lower totem signs originally proposed. Comments on the revised sign will be reported at the meeting.

Representations by members of the public

5. A letter from the occupier of Kenyon, St Peters Street, Caxton comments that large illuminated signs can be a distraction

Material Planning Considerations

6. In determining applications for advertisement consent Members are permitted to consider the matters of highway safety and visual amenity only.

Highway Safety

7. Neither the Highways Agency nor Local Highway Authority objected to the two lower pole signs originally proposed this application and application S/0241/12 on highway safety grounds, although both pointed the applicant towards technical guidance on the brightness of illuminations. The applicant has confirmed that the proposed level of illumination is in accord with this guidance.
8. Any comments on the amended single pole sign will be reported however officers do not consider that there are any reasons to oppose the application on highway safety grounds.

Visual Amenity

9. Officers originally suggested that two pole signs on the A428 frontage of the site were not acceptable and that a single sign only should be considered. The single sign now proposed is 12m in height and officers are of the view that this will result in the sign being significant higher than surrounding structures and visually intrusive, particularly

given the level of illumination proposed. It is considered that a lower sign would serve the same function and be less intrusive.

10. Members are able to consider cumulative impact on visual amenity when considering advertisement applications and officers are of the view that the impact of the illuminated pole sign, when combined with the illuminated advertisement for the north elevation of the McDonalds building (S/0240/12/AD) and the illuminated advertisement for the north elevation of the Costa building (S/0049/12/AD), will be excessive in this rural location.
11. Further discussions will be held with the applicant's agent with a view to reducing the amount of illumination in this part of the site.

Recommendation

12. That delegated powers be given to grant advertisement consent subject to a reduction in height and the level of illumination referred to above

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0050/12/AD and S/0059/12/FL

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0240/12/AD – CAXTON AND ELSWORTH
4 ILLUMINATED AND 3 NON-ILLUMINATED FASCIA SIGNS, YIM WAH HOUSE, ERMINE
STREET FOR MCDONALD'S RESTAURANT LTD****Recommendation: Delegated Approval****Date for Determination: 29 March 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This application for advertisement consent, as amended by drawings received 12 July 2012, proposes 7 fascia signs for the proposed building for McDonalds, on the site of the former Yim Wah restaurant at Caxton Gibbet, which is the subject of application S/0059/12/FL, considered earlier on this agenda.
2. On the west elevation of the building it is proposed to display a yellow polycarbonate 'M', 0.9m in height and 1m wide, and a white polycarbonate 'McDonalds', 0.6m in height and 5.45m wide attached to the roof of the building. On the north and east elevations there will be a white polycarbonate 'McDonalds', 0.6m in height and 5.45m wide. On the south elevation there will be a central 'McDonalds' as above, with a 'M' and drive thru sign either side.
3. The signs on the north, west and east elevations are to be internally illuminated (all letters), however, as amended, the signs on the south elevation (facing the car park) are non-illuminated.

Planning Policy

4. National Planning Policy Framework 2012

**Local Development Framework Development Control Policies 2007:
CH/8 - Advertisements**

**Consultation by South Cambridgeshire District Council as Local Planning
Authority**

5. **Caxton Parish Council** recommends approval, but wishes to register its concerns about light pollution to the south.
6. **Elsworth Parish Council** recommends refusal for the same reasons as set out in S/0059/12/FL above.
7. **Papworth Everard Parish Council** recommends refusal. 'The proposed development for which these signs are intended is in a very prominent position in the midst of a rural area and on one of the highest points on the west Cambridgeshire Clayland Plateau. Signs attached to the fascia or roofs of the buildings will be clearly visible over a wide area (especially if illuminated and at night) and will be detrimental to the local landscape. They will have a totally unacceptable impact.
8. **Cambourne Parish Council** recommends approval subject to the condition that the illuminated signs would be turned off when the outlets are closed.
9. The **Highways Agency** has no objection subject to conditions requiring that no part of any sign encroach within the highway boundary; the proposed signs shall not resemble an official traffic sign with regards colours or format; the illuminated advertisement signs shall comply with the guidance and recommendation of Lighting Engineers "Brightness of Illuminated Advertisements" Technical Report No 5; the proposed lighting must not cause a glare problem to trunk road users; the lighting shall be static and not intermittent to avoid distraction of trunk road users..
10. The **Local Highway Authority** has no objection but states that maximum luminance of the signs should not exceed the standard contained in Institute of Lighting Engineers Technical Report No 5 in order to avoid disability or discomfort glare for either pedestrians or motorists.

Representations by members of the public

11. A letter from the occupier of Kenyon, St Peters Street, Caxton comments that large illuminated signs can be a distraction

Material Planning Considerations

12. In determining applications for advertisement consent Members are permitted to consider the matters of public safety (in this case this is likely to be highway safety) and amenity only.

Highway Safety

13. Neither the Highways Agency nor Local Highway Authority has objected to the application on highway safety grounds, although both point the applicant towards technical guidance on the brightness of illuminations. The applicant has confirmed that the proposed level of illumination is in accord with this guidance.
14. Officers do not consider that there are any reasons to oppose the application on highway safety grounds.

Visual Amenity

15. Officers are of the view that the number of fascia signs proposed for the McDonald's building is reasonable and reflect the level expected for this type of development.

The main impact on amenity is likely to result from the proposed illumination of the signs.

16. As originally submitted the fascia signs on all four elevations of the building were proposed to be internally illuminated. Following discussions where officers expressed concern about the potential impact from the level of illumination the application has been revised to omit illumination from the south elevation of the building.
17. Officers are keen to ensure that any illuminated advertisements are not visually intrusive when viewed from the A428. Members are able to consider cumulative impact on visual amenity when considering advertisement applications and officers are of the view that the combined impact of the illuminated sign on the north elevation of the building, when combined with the proposed illuminated totem pole advertisement (S/0050/12/AD) and the illuminated advertisement for the north elevation of the Costa building (S/0048/12/AD), will be excessive in this rural location.
18. Further discussions will be held with the applicant's agent with a view to reducing the amount of illumination on the north elevation of the site.

Recommendation

19. That delegated powers be given to grant advertisement consent subject to a reduction in the level of illumination referred to above

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0240/12/AD and S/0059/12/FL

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0244/12/AD – CAXTON AND ELSWORTH
ERECTION OF 21 FREESTANDING SIGNS, YIM WAH HOUSE, ERMINE STREET FOR
MCDONALDS RESTAURANT LTD****Recommendation: Delegated Approval****Date for Determination: 31 July 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This application for advertisement consent, registered on 2 February 2012, proposes the erection of 21 freestanding signs on that part of the former Yim Wah restaurant site at Caxton Gibbet, which is proposed to be occupied by McDonalds Ltd, which itself is the subject of application S/0059/12/FL, considered earlier on this agenda.
2. A number of the signs are within the main body of the site, and are unlikely to be viewed other than within the site itself. Such signs, where non illuminated, are likely to benefit from express advertisement consent but have still be included as part of the application.
3. There will be three signs around the access from the A1198 (welcome and please call again), 2.1m high x 0.6m wide, with illuminated text on a dark green background. A gateway height restrictor sign is proposed over the entrance to the drive thru, 3.2m in height, with small illuminated top panel on the support section. On the north west corner of the site it is proposed to locate a McDonalds banner sign 2m high x 4.82m wide. This sign is non-illuminated.
4. Within the site are eight small signs which mark disabled parking spaces and other user warning signs. On the east side of the building are eight signs associated with the drive thru facility.

Planning Policy

5. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:
CH/8 - Advertisements

Consultation by South Cambridgeshire District Council as Local Planning Authority

6. **Caxton Parish Council** recommends approval, but comments that it would like to see a sign asking customers to dispose of their rubbish thoughtfully and to not litter the verges.
7. **Elsworth Parish Council** recommends refusal for the same reasons as set out in S/0059/12/FL above.
8. **Papworth Everard Parish Council** recommends refusal. 'There is a disproportionate number of signs in this small area. Even though the signs are 'internal' they will be visible from outside the site, particularly those that are illuminated and those in the vicinity of the entrance. Illuminated signage is particularly intrusive and not appropriate in this rural landscape.'
9. **Cambourne Parish Council** recommends approval.
10. The **Highways Agency** has no objection subject to conditions requiring that no part of any sign encroach within the highway boundary; the proposed signs shall not resemble an official traffic sign with regards colours or format; the illuminated advertisement signs shall comply with the guidance and recommendation of Lighting Engineers "Brightness of Illuminated Advertisements" Technical Report No 5; the proposed lighting must not cause a glare problem to trunk road users; the lighting shall be static and not intermittent to avoid distraction of trunk road users..
11. The **Local Highway Authority** has no objection but states that maximum luminance of the signs should not exceed the standard contained in Institute of Lighting Engineers Technical Report No 5 in order to avoid disability or discomfort glare for either pedestrians or motorists.

Representations by members of the public

12. A letter from the occupier of Kenyon, St Peters Street, Caxton comments that large illuminated signs can be a distraction

Material Planning Considerations

13. In determining applications for advertisement consent Members are permitted to consider the matters of public safety (in this case this is likely to be highway safety) and amenity only.

Highway Safety

14. Neither the Highways Agency nor Local Highway Authority has objected to the application on highway safety grounds, although both point the applicant towards technical guidance on the brightness of illuminations. The applicant has confirmed that the proposed level of illumination is in accord with this guidance.
15. Officers do not consider that there are any reasons to oppose the application on highway safety grounds.

Visual Amenity

16. A number of the signs are small car park signs and will have limited impact outside of the site, however those illuminated advertisements proposed to the north of the building and towards the A1198 frontage of the site have the potential to impact on the visual amenity of the area.
17. Illumination of those signs close to the A1198 should be kept to a minimum and it is important that the landscape scheme to be agreed as part of application S/0059/12/FL is adequate to screen the proposed signage from the A428.
18. I am of the view that the proposed banner sign on the north west corner of the site will be visually prominent and should be removed.

Recommendation

19. That subject to further consideration of the number of signs and amount of illumination proposed that delegated powers are given to approve the application

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0244/12/AD and S/0059/12/FL

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0048/12/AD – CAXTON AND ELSWORTH
ERECTION OF 8 FREESTANDING SIGNS, LAND AT CAXTON GIBBET FOR THE ABBEY
GROUP CAMBRIDGESHIRE LTD****Recommendation: Delegated Approval****Date for Determination: 7 March 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This application for advertisement consent, registered on 11 January 2012, proposes the erection of 8 freestanding signs on that part of the former Yim Wah restaurant site at Caxton Gibbet, which is proposed to be occupied by Costa, which itself is the subject of application S/0059/12/FL, considered earlier on this agenda.
2. The signs are within the main body of the site, and are unlikely to be viewed other than within the site itself. The signs comprise a non-illuminated height restrictor 3.3m high across the entrance to the drive thru facility; two internally illuminated poster holders, 1.24m high x 0.895m wide on the west side and at the north east corner of the building; an internally illuminated triple poster holder, 2.1m high x 3.5m wide to the east of the building; and an directional sign and exit post, both 1.45m high x 0.8m wide and internally illuminated on the south side of the building

Planning Policy

3. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:

CH/8 - Advertisements

Consultation by South Cambridgeshire District Council as Local Planning Authority

4. **Caxton Parish Council** recommends approval. It comments that the application is integral to the main application and is therefore subject to the same comments (set out under S/0059/12 above) and is tied to approval of the main application.

5. **Elsworth Parish Council** recommends refusal for the same reasons as set out in S/0059/12/FL above.
6. **Papworth Everard Parish Council** recommends refusal. 'There is a disproportionate number of signs in this small area. Signage will be seen from outside the site until any screening vegetation matures. It is considered that the road markings make the signage superfluous in some instances. Illuminated signage is intrusive and not in context on this site.'
7. **Cambourne Parish Council** recommends approval.
8. The **Highways Agency** has no objection subject to conditions requiring that no part of any sign encroach within the highway boundary; the proposed signs shall not resemble an official traffic sign with regards colours or format; the illuminated advertisement signs shall comply with the guidance and recommendation of Lighting Engineers "Brightness of Illuminated Advertisements" Technical Report No 5; the proposed lighting must not cause a glare problem to trunk road users; the lighting shall be static and not intermittent to avoid distraction of trunk road users..
9. The **Local Highway Authority** has no objection.

Representations by members of the public

10. A letter from the occupier of Kenyon, St Peters Street, Caxton comments that large illuminated signs can be a distraction

Material Planning Considerations

11. In determining applications for advertisement consent Members are permitted to consider the matters of public safety (in this case this is likely to be highway safety) and amenity only.

Highway Safety

12. Neither the Highways Agency nor Local Highway Authority has objected to the application on highway safety grounds, although both point the applicant towards technical guidance on the brightness of illuminations. The applicant has confirmed that the proposed level of illumination is in accord with this guidance.
13. Officers do not consider that there are any reasons to oppose the application on highway safety grounds.

Visual Amenity

14. The proposed signs are within the site and any visual impact outside of the site itself will be limited, other than potential views from the A428. It is important that the landscape scheme to be agreed as part of application S/0059/12/FL is adequate to screen the proposed signage from the A428.
15. Officers accept that if the proposed uses proposed by application S/0059/12/FL are accepted on this site that there will be a need for ancillary advertisements and that what is proposed for this part of the site is acceptable in terms of the numbers of advertisements.

Recommendation

16. That advertisement consent be granted

Conditions

Standard 5 year time limit
Restrict hours of illumination to opening hours

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0048/12/AD and S/0059/12/FL

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

**S/0049/12/AD – CAXTON AND ELSWORTH
4 ILLUMINATED FASCIA SIGNS, LAND AT CAXTON GIBETT FOR THE ABBEY GROUP
CAMBRIDGESHIRE LTD**

Recommendation: Delegated Approval

Date for Determination: 7 March 2012

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Elsworth and Papworth Everard Parish Councils.

Members will visit this site on Tuesday 31 July 2012

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This application for advertisement consent, registered on 11 January 2012 proposes 4 illuminated fascia signs for the proposed building for Costa, on the site of the former Yim Wah restaurant at Caxton Gibbet, which is the subject of application S/0059/12/FL, considered earlier on this agenda.
2. On the north and south elevations of the building it is proposed to display a single roof mounted white internally illuminated 'Costa' letters, with a steel rim, 0.7m in height and 3.28m wide attached to the roof of the building. On the west elevation, over the entrance, it is proposed to display the name 'Costa' in internally illuminated white lettering, 0.275m in height and 1.2m wide, with an internally illuminated 1.0m diameter hanging 'roundel' 'Costa Coffee' logo above.
3. No advertisements are proposed for the east elevation.

Planning Policy

4. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:
CH/8 - Advertisements

Consultation by South Cambridgeshire District Council as Local Planning Authority

5. **Caxton Parish Council** recommends approval. It comments that the application is integral to the main application and is therefore subject to the same comments (set out under S/0059/12 above) and is tied to approval of the main application.
6. **Elsworth Parish Council** recommends refusal for the same reasons as set out in S/0059/12/FL above.
7. **Papworth Everard Parish Council** recommends refusal. 'The site is in open countryside, at a high point on the West Cambridgeshire Clayland. It is at the highest point of a plateau and very visible from surrounding roads and countryside. The signs on the roof are too large and prominent and will severely detract from the rural character of the area.'
8. **Cambourne Parish Council** recommends approval subject to the condition that the illuminated signs would be turned off when the outlets are closed.
9. The **Highways Agency** has no objection subject to conditions requiring that no part of any sign encroach within the highway boundary; the proposed signs shall not resemble an official traffic sign with regards colours or format; the illuminated advertisement signs shall comply with the guidance and recommendation of Lighting Engineers "Brightness of Illuminated Advertisements" Technical Report No 5; the proposed lighting must not cause a glare problem to trunk road users; the lighting shall be static and not intermittent to avoid distraction of trunk road users..
10. The **Local Highway Authority** has no objection but states that maximum luminance of the signs should not exceed the standard contained in Institute of Lighting Engineers Technical Report No 5 in order to avoid disability or discomfort glare for either pedestrians or motorists.

Representations by members of the public

11. A letter from the occupier of Kenyon, St Peters Street, Caxton comments that large illuminated signs can be a distraction

Material Planning Considerations

12. In determining applications for advertisement consent Members are permitted to consider the matters of public safety (in this case this is likely to be highway safety) and amenity only.

Highway Safety

13. Neither the Highways Agency nor Local Highway Authority has objected to the application on highway safety grounds, although both point the applicant towards technical guidance on the brightness of illuminations. The applicant has confirmed that the proposed level of illumination is in accord with this guidance.
14. Officers do not consider that there are any reasons to oppose the application on highway safety grounds.

Visual Amenity

15. Officers are of the view that the number of fascia signs proposed for the Coast building is reasonable and reflect the level expected for this type of development. The main impact on amenity is likely to result from the proposed illumination of the signs.

16. Officers have no objection to the proposed illuminated advertisements on the front (west) south elevations, but are keen to ensure that any illuminated advertisements are not visually intrusive when viewed from the A428. Members are able to consider cumulative impact on visual amenity when considering advertisement applications and officers are of the view that the impact of the illuminated sign on the north elevation of the building, when combined with the proposed illuminated totem pole advertisement (S/0050/12/AD) and the illuminated advertisement for the north elevation of the McDonalds building (S/0240/12/AD), will be excessive in this rural location.
17. Further discussions will be held with the applicant's agent with a view to reducing the amount of illumination on the north elevation of the site.

Recommendation

18. That delegated powers be given to grant advertisement consent subject to a reduction in the level of illumination referred to above

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0049/12/AD and S/0059/12/FL

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Executive Director – Corporate Services /
Head of Legal and Democratic Services

**THE OLD RECTORY, LITTLE GRANSDEN
CONSIDERATION OF WHETHER TO CONFIRM TREE PRESERVATION ORDER
01/12/SC 2012 MADE 9 MARCH 2012****Purpose**

1. To seek a determination from Committee as to whether this Tree Preservation Order, made provisionally on 9 March 2012, and relating to a Cedar and a Wellingtonia situate at and affecting The Old Rectory, Little Gransden, should be confirmed prior to it lapsing on 8 September 2012.
2. This is a key decision because
 - it is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates.
 - it is not in accordance with the revenue budget, capital programme or borrowing limits approved by the Council, subject to normal virement rules.
 - it increases financial commitments (revenue and / or capital) in future years above existing budgetary approvals.
 - it is of such significance to a locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a key decision.

Recommendations

3. That the Executive Director – Operational Services recommends to Planning Committee that Tree Preservation Order 01/12/SC 2012 is not confirmed and accordingly be allowed to lapse on 9 September 2012 in accordance with Regulation 26(2) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 ('the 2012 Regulations').

Reasons for Recommendations

4. (a) If the Tree Preservation Order is confirmed and any subsequent application to fell the preserved trees is refused, then it is considered the likely quantum of the Council's potential liability to the affected property owner for statutory compensation is disproportionate to the amenity value afforded by the retention of the trees.
- (b) If the Tree Preservation Order is confirmed and any subsequent application to fell the preserved trees is then approved in the face of this protection, the affected property owner and the Council will both have unnecessarily incurred additional cost and delay in arriving at the same position, with attendant lack of certainty for all stakeholders in the meantime.

Background

5. Tree Preservation Order 01/12/SC 2012 was provisionally made on 9 March 2012, in respect of a Cedar and Wellingtonia located within the curtilage of and in proximity to the Old Rectory, Little Gransden. The Old rectory is a Grade II Listed Building situate within a designated conservation area.
6. Specialist reports fully indicate these trees, especially the Cedar, are causally implicated in damage to the fabric of The Old Rectory being occasioned through the mechanism of seasonal movement.
7. The Tree Preservation Order was made as a precautionary measure following the receipt of a statutory notification given on behalf of the property owner, proposing the felling of the trees concerned in order to address this seasonal movement and resulting damage being suffered by The Old Rectory. Such notification was necessary due to the property and trees being within the conservation area, and prompted significant local representations seeking preservation of the trees.
8. The Tree Preservation Order was duly made in recognition of the acknowledged contribution made by the trees concerned to the amenity of the locality, which is considerable given their establishment, scale and setting. The Order was made so that appropriate consideration could be given to the technical studies already to hand, and to enable these to be supplemented by further expert input required to assist the Council's understanding of the relationship between the trees and the deterioration of the listed building.
9. The provisional protective effect of the Tree Preservation Order endures for an initial 6 month period within which the Order has to be confirmed or the same then lapses. This 6 month period expires on 8 September 2012.
10. The general effect of the Tree Preservation Order during the provisional period and after, if confirmed, is that the trees concerned may not be felled or otherwise significantly worked upon without formal consent first being obtained.
11. If a preserved tree is proven to be causing damage to property, and if formal consent is then refused for tree works to remediate that damage, Regulation 24 of the 2012 Regulations provides for the property owner to be compensated for future damage to the property that is reasonably foreseeable. The policy purpose of such compensation is to recognise that any continuing public amenity in the preserved tree has been secured by diminishing the private value or benefit of the affected property when compared with its condition if the tree was removed or suitably worked upon.
12. The potential liability to pay compensation is therefore a material consideration when determining whether to confirm a Tree Preservation Order when it is suggested damage is being caused.
13. The Council now has to consider whether or not to confirm the Tree Preservation Order. It is likely, and the Council has been informed, that any decision to confirm the Tree Preservation Order will result in a timely application for consent to remove the protected trees on the basis of their alleged implication in the damage sustained to The Old Rectory.
14. Given the competing considerations and aspirations that have been advanced, the complexity of the technical assessments, the very recent changes to the regulatory framework relating to Tree Preservation Orders (implementation of which broadly

coincided with the issue of this Order), and the potentially significant compensation liabilities that might result, specialist advice has been sought on the question of confirmation from Counsel expert in this area of practice.

15. The Advice of Dr Charles Mynors, barrister at law of Francis Taylor Building, Inner Temple, London, is appended to this report. Dr Mynors is widely acknowledged to be a leading authority on the law relating to trees and forestry, and also that relating to built heritage assets. Dr Mynors is the author of the standard texts commonly used by practitioners in both of these fields.

Considerations and Options

16. These are set out and fully discussed in Counsel’s Advice as appended, so generally need no further amplification here.
17. However, and as flagged by Counsel at paragraph 58 of his Advice, where his ‘Option C’ is discussed (ie to confirm but not to contest liability for compensation), it is lawfully open to the Parish Council to underwrite part or all of the liability in recognition that this is an exceptional issue of very local concern.
18. Whilst the Parish Council will undoubtedly not have a current budget for such expenditure, and the sums involved will be substantial in the context of the ‘normal’ reserves expected to be maintained by a small parish, there is no lawful or practical reason why any contribution offered could not be incorporated in the Parish Council budget and resulting precept for the next financial year. The existence or absence of such a contribution is properly capable of being a consideration material to the question of confirmation.

Implications

19. Financial	Confirming the Tree Preservation Order contrary to officer recommendation is likely to give rise to a compensation liability in the range of £20,000 to £50,000 for remediation works plus attendant professional fees and costs, which, if the compensation element is litigated, may exceed any compensatory award severalfold.
Legal	Counsel has been engaged to advise, and that Advice is appended to this report.
Staffing	No staffing issues are indicated.
Risk Management	The risks inherent in the determination being sought are set out in Counsel’s Advice as appended.
Equality Impact Assessment completed	No No equalities issues are indicated.
Climate Change	No significant climate change issues are specifically indicated although two substantial trees may be removed consequent upon this determination.

Consultations

20. As is described in Counsel’s Advice, as appended to this report (paragraphs 9 to 19), there has been considerable lay, democratic, and specialist professional engagement arising from the notification of the initial felling proposal and from the subsequent making and publicising of the Tree Preservation Order.

21. Counsel has had sight of all of this material and summarises the key technical content in his Advice; the working file contains all reports and representations that have been received, which can be inspected by members.
22. Some 47 personal representations have been received seeking the continuing preservation of the trees concerned and, whilst many of these were of a template or pro-forma nature, the following recurring considerations were flagged by the originators:
 - The trees are essential to village character/history/sense of place
 - The trees are local landmarks
 - The trees are healthy
 - Have been present for 250 to 300 years
 - The trees are irreplaceable
 - Removal will result in lost wildlife habitat
 - The trees are not 'close' to the property
 - Causal linkage to property damage not proven
 - Property damage is due to soil/weather conditions
 - Property damage is due to alterations performed
 - Alternatives to removal not investigated
 - Cheapest option (removal) should not be pursued
 - Weight of local opinion is against removal

Conclusions / Summary

23. It is clear the trees currently protected by the provisional effect of Tree Preservation Order 01/12/ SC 2012 afford a much-valued public amenity in the village of Little Gransden. The key task for members in determining whether or not to confirm the continuing effect of the Tree Preservation Order (and on what terms) is to decide whether that acknowledged public amenity value balances and outweighs the private interests of the owner of The Old Rectory who desires to address the deterioration of that property by (ultimately) removing the trees concerned.
24. If it is concluded that the balance is in favour of requiring the retention of the trees, the consequence will be that a significant and unbudgeted liability for compensation will accordingly fall to the public purse (regardless of whether borne at a District level, Parish level, or allocated between them in some proportion to be determined).
25. The professional view of Officers is that the causal linkage between the trees and the damage to the property is established such that it is reasonably foreseeable future damage will occur if they remain without remedial work being performed. The likely compensation liability to underwrite the cost of remedial work is considered disproportionate to the amenity value afforded by the trees, hence the recommendation set out above.

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

Working file for Tree Preservation Order 01/12 SC 2012
Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
Advice of Dr Charles Mynors dated 23 July 2012

Contact Officer: Gary Duthie- Senior Lawyer Telephone: (01954) 713022

In the matter of the Town and Country Planning Act 1990
And in the matter of the South Cambridgeshire District Council Tree Preservation Order
01/12/SC
And in the matter of the Old Rectory, Little Gransden, Bedfordshire, SG19 3DU

Advice

Background

1. The Old Rectory at Little Gransden is an attractive building built originally in the sixteenth century and extended in 1840. It was listed by the Secretary of State as a building of special architectural or historic interest, Grade II, in 1986. It is in a conservation area, designated by South Cambridgeshire District Council in 2006 following an appraisal carried out in 2005. The Old Rectory has been owned and occupied by Mr and Mrs Seabright since 1998, and is now for sale on the open market at £2.5 million.¹
2. In the garden to the north-east of the Old Rectory are two trees, a cedar and a wellingtonia. They are apparently visible from a number of local viewpoints, and are considered by many local residents to be of considerable amenity value. The cedar is in reasonably good condition; the wellingtonia appears to have been struck by lightning at some time in the past, and its western side has been suppressed by the proximity of the cedar.

¹ *Historic Properties for Sale in East Anglia*, Country Life, 12 July 2012.

The proposed works

3. The Council received on 30 January 2012 from Mrs Seabright a notification under section 211 of the Town and Country Planning Act 1990 of the proposed felling of a cedar and a wellingtonia tree in the garden of the Old Rectory. It has been supplied with the following documents (listed below in date order) said to justify the works:
- a site investigation report by Mat Lab Limited for Crawford & Company Adjusters (UK) Ltd (“Crawford”), dated 23 March 2010, containing foundation exploratory hole records and a penetrometer plot;
 - a laboratory report, also produced by Mat Lab for Crawford, dated 7 April 2010, containing a test schedule, root identification, swell / strain test results, moisture content readings, plasticity index readings and Atterberg limit calculations;
 - an addendum technical report by Crawford, dated 4 May 2010;
 - an arboricultural implication assessment by OCA UK Ltd, and a consultant report advice note, both dated 28 May 2010;
 - an arboricultural report from Writtle Park Ltd dated 10 October 2011 but based on a visit on 13 September 2011; and
 - a report by Crawford dated 23 January 2012 reviewing the results of level monitoring carried out at roughly quarterly intervals from 23 March 2010 to 20 December 2011.
4. The Writtle Park report accompanied the section 211 notification, and the level monitoring report was supplied to the Council prior to that notification. I am not entirely clear whether the other reports accompanied the notification or were supplied separately, but it matters not, since they are all now in the possession of the Council. Crawford, OCA and Mat Lab are all firms with considerable experience in this area of activity.

5. It appears that the Old Rectory is built on a thin layer of clay, above lighter sandy soil. The level monitoring plan is slightly confusing, as it is somewhat diagrammatic. And the more detailed plan included with the house sale particulars² is also unhelpful, as the north point appears to be incorrectly oriented.³ However, the level monitoring data seems to show that seasonal movement is indeed occurring at the Old Rectory, with the greatest movement being along the side closest to the two trees. And the root identification showed the presence of live cedar roots.

6. In the light of that technical information, the owners of the Old Rectory considered that it would be prudent to fell the cedar, to prevent any further subsidence damage. They also proposed to fell the wellingtonia, as the removal of the cedar would lead to an increased risk of it falling. They accordingly notified the Council of the proposed works, under section 211 of the Act.

The tree preservation order

7. The notification was publicised, and was the subject of much local concern and controversy.

8. As a precautionary measure, on 9 March 2012, the Council made the South Cambridgeshire District Council Tree Preservation Order (01/12/SC) (“the Order”), a tree preservation order under section 198 of the 1990 Act and the Town and Country Planning (Trees) Regulations 1999, to protect the two trees while it considered whether to allow them to be felled.

² http://www.bidwells.co.uk/view_property.php?property_id=CAM110273&property_type=residential; brochure, p 10.

³ Compare the plan at p 11 of the brochure.

Local reaction

9. The Parish Council took an active role in coordinating opposition to the proposed felling, and support for the making and confirmation of the Order.
10. Dr Charles Turner, a retired university lecturer in geological sciences living in Great Gransden, in a memorandum of 5 March 2012 to the Parish Council, considered carefully the underlying geological conditions, and concluded that they (not the trees) had been the cause of the structural problems at the Old Rectory – any more than they had been the cause of those at the nearby parish church.
11. Dr Giles Biddle, the eminent arboriculturist and author of the standard work in this field⁴ carried out a desktop study based on the material listed above. In a report for the Parish Council dated 15 March 2012, he concluded as follows:

“29. The cedar is at a distance from the building where the risk of damage is considered to be extremely remote. However, if there is no other possible vegetation, I would agree that the cedar would be the most likely cause of the movement and damage

30. There is no evidence to suggest the involvement of the wellingtonia.

31. If it is definitely established that the cedar is the cause, I agree that felling would prevent any seasonal movement. There is no risk of long-term heave. ...

32. However, in this situation it would appear that the underpinning to correct the variations in foundation depth would be a more appropriate remedy.

...

34. ... I consider that a root barrier is unlikely to provide an effective remedy.”

He recommended the imposition of a tree preservation order, so that any resulting application for consent to fell the cedar could supply further information, and so that a replacement tree could be required. An order could also protect the wellingtonia, which had not been implicated in any damage.

⁴ *Tree Root Damage to Buildings*, Willowmead Publishing, 1998.

12. Mr Mike Miller of Richard Jackson, a firm of engineers very familiar with problems of this kind, in a report for the Parish Council dated April 2012, noted that the damage to the house was slight (category 2 in terms of the BRE Digest 251). He concluded that, if the trees were going to cause problems to the house, they would have done so many years ago, particularly in view the relatively thin clay layer. And he too recommended obtaining further information.
13. The Chairman of the Parish Council in a summary report dated 5 April 2012 concluded that the underpinning of the area under discussion would remedy the situation and prevent further seasonal movement, avoiding the need for the trees to be felled.
14. Whether as a result of the Parish Council's activity or otherwise, a large number of local residents wrote to the Council, opposing the felling and supporting the Order – drawing attention to the amenity value of the trees and expressing the hope that some way could be found to save them. To that end, consent under the Order (if sought) should be refused unless there was absolutely no alternative

Reports obtained by the Council

15. More recently, the Council has sought independent advice from John Cromar's Arboricultural Company Limited and AFP Consulting Engineers Ltd.
16. Mr Cromar considers the material summarised above, and also the possible remedial measures. He concludes that the trees are of sufficient amenity value to justify being protected by a tree preservation order. As to causation of damage, he rejects the analysis of Dr Turner and usefully summarises the position as follows, in a subsequent email:

“the trial pit findings ... make it clear that a clay soil (39% Plasticity Index) does underlie the relevant part of the structure; that live cedar roots are present below the structure; and that seasonal movement has been recorded to the damaged part of the building, which, put simply, is going up and down seasonally (up winter, down summer). **All of this establishes to the balance of probabilities and indeed, in my view, beyond reasonable doubt, that the cedar is causing the damage to the structure by way of clay-related shrinkage.**”

17. And as to possible remedies, he explains in his report that neither regular pruning nor the installation of a root barrier are likely to be effective as means of preventing future damage. On the other hand, he suggests that:

“it appears perfectly possible to install a relatively small amount of underpin to support the affected section of external and internal walls. ... The costing of any scheme for repair would allow a comparison to be made between repairing the property and removing the tree as possible solutions.”

18. John Howlett of AFP summarises the position somewhat along the same lines:

“We concur with the previously expressed opinions that the cracking and vertical movement has been caused by seasonal changes in the moisture content of the thin layer of clay beneath the foundations, caused by the extraction of water by the cedar tree, and perhaps also by the wellingtonia tree. The cracking is relatively minor, but nevertheless presents the owner with the expense of having to frequently make good the cracks and decorations. It also makes it difficult to sell the property, leading inevitably to a diminution in the value of the property.

The level monitoring indicates that significant movement has only occurred along the east side of the building. Seasonal structural movement will continue ... if it is not underpinned. ... Underpinning the east wall would prevent it from undergoing seasonal movement.

...

The cost of this work is likely to be in the region of £20,000. In addition to this there would be professional fees of around £2,000 and building regulations fees.”

19. I am instructed that the Council’s internal advice is that these costs may be a significant under-estimate.

My instructions

20. The Council is now considering whether or not to confirm the Order, particularly in the light of the possibility – indeed, probability – that, if it is confirmed, the owners of the Old Rectory will put in an application for consent under the 2012 Regulations to fell the trees, and, if such consent is not forthcoming, submit a claim for compensation.

21. In the light of the foregoing, I am asked to advise the Council as to the best way forward.

Confirmation of the order

22. The Order will have effect by virtue of section 201 of the Act until it has been confirmed; but it must be confirmed within six months, that is, by 9 September 2012, if it is not to lapse (Town and Country Planning (Tree Preservation) (England) Regulations 2012, reg 26(2)(b)).

23. The considerations to be taken into account by a planning authority when deciding whether or not to confirm a tree preservation order are presumably the same as those that apply when it is considering whether to make an order in the first place under section 198(1), namely:
 - whether the preservation of the trees is desirable in the interests of amenity; and
 - whether it is expedient to achieve that by the making of a tree preservation order.

24. In the present case, there seems to be an almost universal consensus that the preservation of the trees is intrinsically desirable. Even the owners (in a letter of 15 March 2012) speak of their “desperation” to keep the trees as a beautiful feature of their garden. And clearly the local people are all equally desperate to keep them.
25. However, whilst the preservation of the trees is thus clearly desirable, that does not of itself necessarily mean that it is expedient for the Council to make (or confirm) a tree preservation order.
26. I agree that it seems highly likely that, if the tree preservation order is confirmed, an application will be made for consent under regulation 16 of the 2012 Regulations for the felling of the cedar and, possibly, the wellingtonia.
27. If consent were to be granted for the felling of either or both of the two trees, it would be possible for a condition to be imposed requiring a replacement to be planted (as suggested by Dr Biddle). That would be a legitimate reason for confirming the order; although, if that were to be the sole reason, it would be sensible for the Council to indicate that to the owners of the house at the time the order is made, so that they know where they are. On the other hand, the Council may feel that the owner of a property such as this is likely to want to create and maintain an attractive garden with suitable trees, and it may be unnecessarily heavy-handed to impose a condition solely for that reason, and thus equally heavy-handed to confirm the order solely in order to have the opportunity to impose such a condition.
28. If on the other hand the application for consent is refused, the owners – or possibly their successors in title if the house has by then been sold – will almost certainly submit a claim for compensation. And if the Council refuses to pay compensation, the

owners will then presumably pursue their claim in the Lands Chamber of the Upper Tribunal (the successor to the Lands Tribunal).

Relevance of liability to pay compensation

29. If it seems likely that such a claim would succeed, it would be perfectly proper (and lawful) for the Council to confirm the order, and refuse consent for felling, knowing as it does so that the probable consequence would be that it would be liable to pay compensation. That would mean that the trees would remain, and continue to enhance the amenity of the neighbourhood, and the owners (and their successors in title) would not be out of pocket as a result. But the Council would have to pick up the cost of the underpinning.
30. Alternatively the Council could decide that in the abstract it would be desirable to keep the tree, but not at such a price; in which case it would simply decline to confirm the order, knowing that the probable consequence would be the loss of the tree.
31. That such a consideration is relevant has very recently been confirmed by the Supreme Court in *Health and Safety Executive v Wolverhampton City Council* [2012] UKSC 34, a case relating to the exercise of the discretionary power to revoke a planning permission. At the outset of his judgment, Lord Carnwath set out the question to be decided:

“1. ... The question, as agreed by counsel for the purposes of the appeal, is:

“In considering under section 97 of the Town and Country Planning Act 1990 whether it appears to a local planning authority to be expedient to revoke or modify a permission to develop land, is it always open to that local planning authority to have regard to the compensation that it would or might have to pay under section 107?”

32. As to the answer to that question, he started his analysis as follows:

“24. ... In simple terms, the question is whether a public authority, when deciding whether to exercise a discretionary power to achieve a public objective, is entitled to take into account the cost to the public of so doing.

“25. Posed in that way, the question answers itself. As custodian of public funds, the authority not only may, but generally must, have regard to the cost to the public of its actions, at least to the extent of considering in any case whether the cost is proportionate to the aim to be achieved, and taking account of any more economic ways of achieving the same objective. Of course, the weight attributable to cost considerations will vary with the context. Where, for example, the authority is faced with an imminent threat to public security within its sphere of responsibility, cost could rarely be a valid reason for doing nothing, but could well be relevant to the choice between effective alternatives. So much is not only sound administrative practice, but common sense.

33. After considering the authorities, he concluded:

“48. In considering these arguments, and the reasoning of the courts below, I hope I will be forgiven for going back to the "simple approach" with which I started. As I said then, and as Richards J accepted, general principles would normally dictate that a public authority should take into account the financial consequences for the public purse of its decisions. I also said that, at least at first sight, I could find nothing in section 97 which requires it to be treated as an exception to those principles. Nothing I have heard or read in this case has led me to change that view.

49. The principal argument to the opposite effect is the appeal to "consistency". I accept of course the ordinary presumption that Parliament is taken as using the same words in the same sense. I am aware also that in planning law the apparently innocent expression "material considerations" has acquired an impressive overburden of case law going back more than 40 years. However, none of the authorities before *Alnwick* were directed to the provisions related to revocation or discontinuance. Sufficient consistency is given to the expression if the word "material considerations" is treated as it is elsewhere in administrative law: that is, as meaning considerations material (or relevant) to the exercise of the particular power, in its statutory context and for the purposes for which it was granted.

50. So read, the Court of Appeal's interpretation creates no inconsistency between section 70 and section 97. The meaning is the same, but the statutory context is different. Under section 70 the planning authority has a duty to act, and it has a limited choice. It must either grant or refuse permission. Its decision must be governed by considerations material to that limited choice. Further, the decision normally has no direct cost consequences for the authority (unless

exceptionally it has a direct financial interest in the development, when other constraints come into play).

51. Under section 97, by contrast, the authority has no obligation to do anything at all; it has a discretion whether to act, and if so how. Secondly, if it does decide to act, it must bear the financial consequences, in the form of compensation. No doubt under section 70, planning permission cannot be "bought or sold". But section 97 creates a specific statutory power to buy back a permission previously granted. Cost, or value for money, is naturally relevant to the purchaser's consideration. To speak of the "self-interest" of the authority in this context is unhelpful. A public authority has no self-interest distinct from that of the public which it serves."

34. In that case, the issue was thus not how the planning authority should determine a planning application (which it has to do, one way or the other, and leads to no compensation liability) – but whether, having granted permission, it should revoke it (which is a discretionary function, but does lead to compensation liability).
35. In the present case, the question is whether the Council should make and confirm a tree preservation order – which is a discretionary function, and does, in effect, lead to compensation liability. The principles are thus the same, and it is clear from *HSE v Wolverhampton* that the existence and extent of the compensation liability is indeed a consideration that can and indeed should be taken into account in deciding whether it is "expedient" to make and confirm an order.
36. Of course, if it seems likely that such a claim for compensation would fail, the Council could confirm the order, refuse consent, and resist any claim that might arise. However, it is clearly never possible to be entirely certain as to the outcome of any litigation, and so it would still be necessary for the Council to consider what is the probability of failure – and what are the consequences.
37. The next question to consider is therefore whether such a claim would succeed.

Liability to pay compensation

38. Although the tree preservation order in this case has been made in accordance with the model order in the Schedule to the Town and Country Planning (Trees) Regulations 1999, it will have effect from 6 April 2012 with the omission of all of its provisions other than any that have effect for the purpose of identifying the order or for the purpose of identifying the trees, groups of trees or woodlands in respect of which the order is in force (Planning Act 2008, s 193(2)).

39. The liability pay compensation will therefore be determined in accordance with not under article 9 of the order itself but under regulation 24 of the 2012 Regulations – although the two provisions are in fact virtually identical. Regulation 24 thus provides, so far as relevant,

“24 (1) If, on a claim under this regulation, any person establishes that loss or damage has been caused or incurred in consequence of

(a) the refusal of any consent required under these Regulations ...

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

...

(4) In any [case other than the refusal of consent for felling in the course of forestry operations], no compensation shall be payable to a person ...

(b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;

(c) for loss or damage reasonably foreseeable by that person and attributable to that person’s failure to take reasonable steps to avert the loss or damage or to mitigate its extent ...”

The wording of this regulation is virtually identical to that of article 9 of the model tree preservation order in the 1999 Regulations.

40. As for what must be supplied along with an application for consent, regulation 16(1) provides:

“Subject to the following provisions of this regulation, an application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which an order is for the time being in force shall—

- (a) be made in writing to the authority on a form published by the Secretary of State for the purpose of proceedings under these Regulations;
- (b) include the particulars specified in the form; and
- (c) be accompanied, whether electronically or otherwise, by—
 - (i) a plan which identifies the tree or trees to which the application relates;
 - (ii) such information as is necessary to specify the work for which consent is sought;
 - (iii) a statement of the applicant's reasons for making the application; and
 - (iv) appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.”

Again, this is similar to the wording of article 6 of the 1999 model order.

Approach of the Tribunal

41. The Upper Tribunal has recently considered the entitlement to compensation for the refusal of consent under a tree preservation order, in *John Lyon Trustees v Westminster* (2012] UKUT 117 (LC), decided in relation to compensation under article 9 in a subsidence case – very similar to the position that would arise of consent were to be refused in the instant case – where a claim had been made for compensation for the cost of carrying out underpinning said to have been necessary as a result of the continuing presence of a nearby protected tree. *John Lyon* thus summarises the approach that would be adopted if the Council were to refuse to pay compensation and the owners were to refer the claim to the Tribunal; the same approach should therefore also be adopted by the Council in deciding whether or not to admit the claim in the first place.

42. At paragraphs 56 to 59, the Tribunal summarised the position as follows (paragraphs split for ease of explanation):

“56. In my judgment the correct analysis of the legal position is as follows. Compensation is payable for loss or damage caused or incurred in consequence of the refusal of consent to fell the tree (article 9(1) [*now regulation 24(1)*]). It is for the claimant to establish that

- [i] such loss or damage was caused or incurred and
- [ii] that it was caused or incurred in consequence of the refusal of consent.

57A. It is not suggested that any physical damage occurred after the refusal of consent. In effect, the basis of the claim is

- [i] that the continued presence of the tree roots created a risk of subsidence damage occurring in future,
- [ii] that in the light of such risk it was appropriate to carry out works of underpinning, and
- [iii] that the claimant had such works carried out in March 2005.

57B. The relevant loss or damage is the cost of the underpinning works (not, as [counsel for the claimant] suggested in argument, the dehydration of the sub-soil and ongoing inhibition of rehydration). It is a claim for the cost of preventive works.

57C. Evidence of past damage to the building is relevant only to the question whether there was a risk of subsidence damage occurring in future.

58. The test of causation for the purposes of the present claim must be whether it was reasonable for the claimant to have had the works carried out when it did. If it was not reasonable to have had the works carried out, the cost was not caused or incurred in consequence of the refusal of consent.

59A. Whether it was reasonable to have had the works carried out must depend on

- (a) the degree of risk of future subsidence occurring, and
- (b) the appropriateness of underpinning as a response to that risk.

Both those matters fall to be considered as at the time the works were put in hand.

59B. Thus, for example, a relatively low risk of damage that would be hugely expensive to repair might make it reasonable to incur modest costs in carrying out preventive works. If it did, the loss suffered in incurring those costs would have been caused by the refusal of consent. While (a) above involves the consideration of foreseeability, the question is one of the degree of risk; and causation is only established on the basis of (a) and (b) together.

59C. In relation to the cost of the works, the claimant needs to establish

- (c) that the works in their nature and extent were reasonable, and
- (d) that the cost was reasonable. ...

59E. Article 9(4)(b) [*now regulation 24(4)(b)*] provides a defence for the compensating authority where the loss or damage was not reasonably foreseeable at the time when consent was refused. ... Where the claim is for the cost of preventive works the question is whether it was reasonably foreseeable that (a) and (b) would be established.

59F. With these considerations in mind I turn to consider whether, when the works of underpinning were undertaken in March 2005, there was a risk of future subsidence if the robinia was not felled, and if so the extent of such risk. For that purpose it is necessary to establish the cause of the previous damage (I consider the appropriateness of underpinning below).”

43. Assuming that analysis is correct, the first question that will fall be considered by the Tribunal or the authority (in the light of paragraph 58) is whether it was reasonable for the claimants to have had underpinning works carried out when they did. And that must depend on two further questions (see paragraph 59A), to be answered from the point of view of the claimants at the time the underpinning was carried out:
- (a) what was the risk of future subsidence occurring *as a result of the continuing presence of the tree in question?*
 - (b) was the underpinning a reasonable response to that risk?
44. The words in italics are not in the decision, but they must presumably be implied – otherwise it would be possible for compensation to be claimed in a case where it was reasonable to carry out underpinning works in response to a high risk of subsidence occurring for reasons that had nothing to do with the tree in question (such as inadequate foundations on shallow soil, or the proximity of an underground stream). And this analysis is borne out by paragraph 59F, in which the member goes on to consider “whether there was a risk of future subsidence *if the robinia was not felled*”.
45. Assuming that the answer to question (b) above was “yes” – so that the underpinning was indeed, from the point of view of the claimants at the time, a reasonable response to the risk of subsidence occurring in the future as a result of the continuing presence of the tree, it is then necessary (see paragraph 59E) to consider whether it was reasonably foreseeable by the planning authority at the time consent was refused that (a) and (b) would be “established”. That is, presumably, an authority seeking to defeat a claim must be able show that that it could not have reasonably foreseen – at the time it made its decision on the application for consent – that the claimants would conclude that it was reasonable to have the underpinning carried out to avoid the risk of future subsidence.

Mitigation

46. The analysis by the Tribunal in *John Lyon* (at paragraph 59, quoted above) was incomplete in that it failed to deal with the need for a claimant to take reasonable steps to minimise its loss. However, at paragraph 73, the member noted:

“I am not persuaded that the claimant has failed to mitigate its loss. There was no evidence to suggest that further subsidence would have been avoided if other vegetation had been removed. I am not satisfied that seasonal wetting and drying was a material cause of the damage to No. 147. Moreover, Ms Milne accepted in cross examination that the further information which she said should have been provided would have made no difference to the compensating authority’s decision. It follows that the claimant’s failure to provide a fuller picture or make a further application did not cause its loss.

47. This suggests that, in order to defeat a claim, it is not sufficient for an authority simply to show that a claimant failed to make a second application, supported by more information. The authority must be able to show that:

- (a) there was evidence to suggest that there was an alternative cause for the movement of the property – either
 - (i) generalised seasonal wetting or drying of vegetation, which would continue whether or not the tree in question was removed;
 - (ii) some other specific tree or shrub, the removal of which would solve the problem; or
- (b) the production of further evidence to show that there was no such alternative cause would have led to a grant of consent.

Of course if the authority can show that there was indeed an alternative cause, that would amount to a failure by the claimant to prove causation (that there was a risk of future subsidence occurring as a result of the continuing presence of the tree in question – point (a) at paragraph 23 above) rather than a failure to mitigate.

The amount of compensation

48. Finally, in relation to the cost of the works, the claimant needs to establish (see paragraph 59C of *John Lyon*):

- (c) that the works in their nature and extent were reasonable, and
- (d) that the cost was reasonable.

Application to the present case

49. In this case, unusually, the Council has available to it a great deal of information and analysis, in particular:

- the reports supplied by the owners of the Old Rectory and their agents – either along with the section 211 notification or otherwise (see paragraph 3 above);
- the reports produced for the Parish Council and its summary of those reports (paragraphs 10 to 13);
- the reports obtained by the Council (paragraphs 15 to 19).

50. Thus, in contrast to the position that usually arises in these cases, the Council does have level monitoring results – generally agreed to be the best indicator of vegetation-related movement. And it has root identification data, to identify which of the various trees nearby is likely to be responsible for such movement. And it has analysis produced on behalf of the two rival interest groups – the owners and the local residents – and a further set of independent reports that it has itself commissioned. This means, incidentally, that I see no purpose being served by insisting on the production of further reports, as has been urged by some local people an earlier stage. That would merely postpone the inevitable.

51. Of these reports, the most helpful are perhaps those in the third category, produced for the Council. And I concur with their analysis, and agree with their conclusions. It will be recalled that these reports include the following passages, in relation to the cause of the damage:

“All of this establishes to the balance of probabilities and indeed, in my view, beyond reasonable doubt, that the cedar is causing the damage to the structure by way of clay-related shrinkage.”

“... the cracking and vertical movement has been caused by seasonal changes in the moisture content of the thin layer of clay beneath the foundations, caused by the extraction of water by the cedar tree, and perhaps also by the wellingtonia tree.

“The level monitoring indicates that significant movement has only occurred along the east side of the building. Seasonal structural movement will continue ... if it is not underpinned.”

It seems to me highly likely that these conclusions would be supported by the Tribunal in the event that an application for consent were to be submitted and refused, and a claim for compensation were to be submitted and rejected.

52. From this it follows that the answer to the first question posed by the Tribunal at paragraph 59A of the decision in *John Lyon* – what is the risk of future subsidence occurring as a result of the continuing presence of the tree in question? – is that there is a very substantial risk of subsidence damage occurring to the Old Rectory in the future as a result of the continuing presence of the cedar, and some risk as a result of the wellingtonia.

53. As to the possibility of underpinning, the reports conclude as follows:

“it appears perfectly possible to install a relatively small amount of underpin to support the affected section of external and internal walls. ... The costing of any scheme for repair would allow a comparison to be made between repairing the property and removing the tree as possible solutions.”

“ ... Underpinning the east wall would prevent it from undergoing seasonal movement.

The answer to the Tribunal’s second question – is the underpinning a reasonable response to that risk? – is clearly “yes”.

54. As to the costs, the advice received so far is that the cost of underpinning is likely to be in the region of £20,000, plus professional fees of around £2,000 and building regulations fees; although, as noted, the eventual cost may be larger. However, the amount of compensation that countryside be claimed would be equal to the actual cost of the underpinning works, provided that the nature and extent of those works was reasonable (*John Lyon*, paragraph 59B, 79).

55. It may be noted that in the *John Lyon* case the cost of underpinning was initially estimated at £40,000 (see paragraphs 74-75 of the decision); in the event the cost, and thus the compensation payable, was £68,500 (paragraphs 75, 82); and the claimant’s costs were £116,600 (paragraph 84⁵). If the Council had accepted liability at the outset, it would have had to pay £68,500, or possibly less; by choosing to contest liability, it ended up having to pay £185,100, plus its own costs – a total of more than £200,000.

Conclusion

The cedar

56. In relation to the Cedar, the Council has several options open to it:

A. It could decline to confirm the Order.

⁵ Note that the addendum on costs is contained in the version of the decision available on the Tribunal website, but not in the version available on Westlaw.

- B. It could confirm the Order, and in due course allow the trees to be felled, imposing a condition that suitable replacements be planted.
 - C. It could confirm the order, and refuse consent for the felling of the cedar, accepting as it does so that it has to pay compensation, and seeking to minimise the amount payable.
 - D. It could confirm the order, refuse consent for the felling of the cedar, refuse to pay compensation, and contest liability in the Upper Tribunal.
57. Of these options, A and B will in all probability lead to the loss of the cedar and possibly the wellingtonia. The replacement obtainable under Option B will not be perceived as being an adequate substitute for many years, if at all. Either of these options would in all probability upset local people, but would avoid the Council having to pay compensation – which, as has been pointed out, is a legitimate matter to take into account (see paragraph 29 to 36 above).
58. Option C would lead to the trees being retained, and thus local people being pleased, but the Council having to pay compensation in respect of the resulting underpinning. To minimise the claimants' costs, which would be borne by the Council – and the Council's own costs – it would be prudent to explain, at the same time that the Order is confirmed, that in all probability any application for consent to fell the trees would be refused but that liability to pay compensation would not be contested. As noted above, the amount actually payable could only be determined on conclusion of the works, but it might well be in excess of the provisional figure initially suggested – in the region of £22,000 plus building regulations fees. It would probably be worth setting aside a budget figure of somewhere between £25,000 and £50,000; and the Parish Council might be invited to express a view as to whether it would wish to contribute towards that sum.

59. Which of these options is to be pursued is clearly a matter for the Council, but it would be perfectly reasonable to pursue any of Options A to C.
60. Option D is almost certain to lead to the Lands Tribunal finding that compensation is payable. That would lead to the Council having to pay a total bill of perhaps between £100,000 and £200,000 – conceivably more. That option therefore has nothing to commend it.

The wellingtonia

61. Finally, it should be noted that the above analysis has largely focused on the cedar, as there seems to be little doubt that retention of the cedar would lead to continuing damage, and thus the need for underpinning. I am much less convinced as to the position in relation to the wellingtonia. If the cedar were to be felled (Options A or B), it would therefore be worth considering carefully whether it would be worth retaining the wellingtonia. If so, the Order could be confirmed only in respect of the wellingtonia (a variation of Option A), or conditional consent given to fell only the cedar (a variation of Option B); and in either case the owners could be invited to reconsider the position once the cedar had been removed.
62. In particular, it should be made clear to the owners at this stage that if the subsidence were to continue, and if for that or any other reason they wished to remove it, they should submit a new application. That approach would prevent any future liability for compensation arising without the Council having a chance to reconsider the position.
63. If on the other hand the house is to be underpinned, to enable the cedar to be retained (Option C), there is no particular point in felling the wellingtonia. Again, it should be made clear that If the owners wish to fell it for reasons unconnected with

the subsidence (as is hinted at in the reports), a further application for consent should be submitted in due course.

64. I should of course be happy to advise further if that would be of assistance.

CHARLES MYNORS

Francis Taylor Building, Temple

23 July 2012

In the matter of the Town and Country
Planning Act 1990

And in the matter of the South
Cambridgeshire District Council Tree
Preservation Order 01/12/SC

And in the matter of the Old Rectory,
Little Gransden, Bedfordshire

Advice

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23 July 2012

Chambers ref: 56914
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

PLANNING ENFORCEMENT SUB-COMMITTEE**Purpose**

1. To present proposals for amendments to decision-making and monitoring arrangements for Planning Enforcement.
2. This is not a key decision but is being brought to Planning Committee as it relates to one of its key functions.

Recommendations

3. That the Planning Committee does not retain the Planning Enforcement Sub-Committee.

Reasons for Recommendations

4. The recommendation has several advantages over the current arrangement of the Sub-Committee. By returning the responsibility for enforcement to the parent Planning Committee, the Committee will be able to make decisions more quickly and also more effectively monitor progress with serious enforcement cases.
5. The recommended option, in paragraph 13, sets out arrangements that will give greater control and oversight to the Planning Committee, and strengthen performance management.

Background

6. Since 2004, the Planning Committee has had a sub-committee that can make decisions regarding serious enforcement matters. The sub-committee was established in response to issues at Smithy Fen, when there were major financial, reputational and legal implications arising from the decisions facing the Council.
7. The current Terms of Reference for the Sub-Committee were agreed in 2009, and are:
 - (a) "To work with the relevant Portfolio Holder to provide an overview of the Council's planning enforcement policies and procedures, bringing forward recommendations for changes for the Portfolio Holder and Cabinet's consideration as appropriate; and
 - (b) "To make determinations in respect of formal enforcement action in respect of breaches of planning control referred to the Sub-Committee by the Corporate Manager for Planning and Sustainable Communities. In making such referrals, the Corporate Manager will take the following matters into account:
 - (i) "The extent of the likely harm to the character and amenity of the area concerned and the physical, social and economic well-being of communities within and around it.

- (ii) "The implications of enforcement action on the Council's resources balanced against the benefits likely to be generated from such action.
 - (iii) "The extent to which there is difference of opinion between officers, parish councils and Local Ward Members on the expediency of enforcement action.
- (c) "To receive reports on the progress of cases determined in (b) above."
A public speaking protocol was also adopted at this time.
8. Over the last two years the Planning Enforcement Sub-Committee has met four times and has considered the following main issues:
- Smithy Fen injunctive action
 - Q8 Garage Foxton
 - Request for relief from planning obligation
 - Action at unauthorised gypsy/traveller site at Willingham
 - Authorising enforcement action at Babraham Road, Stapleford
9. The Scheme of Delegation does not specify which enforcement decisions should go to the sub-committee.
10. A monitoring report on Planning Enforcement is presented to Planning Committee four times a year. The report presented on 4 July 2012, contained information on 28 cases.

Considerations

11. The Planning Enforcement Sub-Committee provides a focussed opportunity to consider Planning Enforcement cases. However, over the past two years, it has been asked to make decisions on 5 cases. There were two meetings during 2011-12. Therefore the Sub-Committee has not received reports on the progress of cases it has determined (paragraph c of the Terms of Reference).
12. Over the last year, a system of 'ward alerts' for new enforcement cases has been introduced. This has increased the level of information provided automatically to Members on enforcement cases. It is intended that a further system of 'ward updates' will be introduced during 2012/13, which will provide Members with progress reports on enforcement cases in their neighbourhood.

Options

13. To end the current arrangement of a Planning Enforcement Sub-Committee, and in its place:
- (a) Review the monitoring reports presented to Planning Committee, so that there is more emphasis on case management, forward planning and target timescales for serious cases. The reports will also highlight which cases are being considered by the Corporate Task and Co-ordination Group that was set up as a result of the Council's Enforcement Review carried out during 2011.
 - (b) Enforcement decisions, that need to be considered by Members, will be made by Planning Committee. The Committee may make such decisions at separate meetings where planning applications are not being considered.

- (c) The Portfolio Holder for Planning and Economic Development will receive reports on the overall performance of Planning Enforcement, as part of the regular performance management reporting system.

14. Alternatively there is an option to retain a Planning Enforcement Sub-Committee of
- (a) 3 (2 Conservative, 1 Liberal Democrat); or
 - (b) 4 (3 Conservative, 1 Liberal Democrat); or
 - (c) 7 members (4 Conservative, 2 Liberal Democrat, 1 Independent Group)

Implications

15. Financial	Retaining the delegated functions within the range of the parent Planning Committee reduces the expenditure on public meetings.
Legal	The Planning Enforcement Sub-Committee is not, and never has been, recognised in the Constitution. The Local Government Act 1972 reserves to the full Council the power to appoint those bodies it considers necessary to discharge its functions. Bodies established by Council can appoint panels or sub-committees from amongst their membership for the discharge of specified functions.
Staffing	None
Risk Management	The recommended option is expected to enhance management of risks relating to Planning Enforcement.
Equality and Diversity	This paper proposes that the Council reviews how it considers planning enforcement cases at Committee, in order to take account of equality and diversity implications arising from such cases.
Equality Impact Assessment (EQIA) completed	No, although the EQIA completed for the schedule of Council meetings takes into account many of the financial, staffing and climate change implications arising from additional meetings.
Climate Change	None

Consultations

16. The contents of this report have been discussed with the Chair of the Planning Committee and Planning Portfolio Holder.

Consultation with Children and Young People

17. Not relevant.

Effect on Strategic Aims

18. We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money: Planning Committee is a suitable forum for providing a focussed approach to determining enforcement matters, with the actions recommended above..

Conclusions / Summary

19. The initial reasons behind the establishment of the Planning Enforcement Sub-Committee no longer apply. There will be tighter management of enforcement matters by returning the sub-committee's functions to the parent committee. Planning Committee meetings now begin at 10.00am instead of 2.00pm, and, since October

2011, have only once continued after lunch. The Constitution gives Members the option to adjourn the remainder of the business to another date.

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

Local Government Acts 1972, 2000

SCDC Constitution

Agendas and minutes of Council, Development and Conservation Control Committee, Planning Committee, sub-committees

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

AUTHOR/S: Planning and New Communities Director

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 23 July 2012. Summaries of recent decisions of importance are also reported, for information.
2. **Decisions Notified By The Secretary of State**

Ref.no	Details	Decision	Decision Date
S/1043/11/F	Chartism Housing Land to the rear of Pipers Close Fowlmere 9 Affordable Housing	Dismissed Non-Determination	03/07/12
S/2207/11/F	Mrs French 6 Chuch Way Haslingfield Replacement roof & internal alterations	Dismissed	05/07/12
S/2208/11/LB	Mrs French 6 Chuch Way Haslingfield Replacement roof & internal alterations	Dismissed	05/07/12
S/2249/11/F	Mr & Mrs J Cowx Old Rectory Papworth St Agnes Demolition of Garage, erection of replacement garage	Dismissed	05/07/12
S/1849/11/F	Mr P Thwaites Kingston Pastures Farm, Old Wimpole Rd, Arrington Orangery extension	Dismissed	05/07/12
S/1848/11/LB	Mr P Thwaites Kingston Pastures Farm, Old Wimpole Rd, Arrington Orangery extension	Dismissed	05/07/12
S/2064/11/F	Mr & Mrs K A Wojtecki 5 Long Road Comberton Dwelling	Dismissed	10/07/12

3. **Appeals received**

Ref. no.	Details	Decision	Decision Date
S/0744/12/F	Mr J Featherstone 11 Dubbs Knoll Road Guilden Morden Extension	Refused	18/07/12

4. **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 1 August 2012.**

Ref. no.	Name	Address	Hearing
S/2170/11/F	Mr W Badford	Land west Desmond Close Hauxton	Offered 18 September 2012

5 **Summaries of recent decisions**

None

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

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