

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 03450 450 500
f: 01954 713149
dx: DX 729500 Cambridge 15
minicom: 01480 376743
www.scambs.gov.uk



25 September 2012

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

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 3 OCTOBER 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

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

AGENDA

PAGES

PUBLIC SEATING AND SPEAKING

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

PROCEDURAL ITEMS

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

on 5 September 2012 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|------------|--|------------------|
| 4. | S/1693/12/FL - Caldecote (101A West Drive)
The Appendices are attached to the electronic version of this agenda on the Council's website. | 3 - 10 |
| 5. | S/1473/12/FL - Toft (5 High Street) | 11 - 18 |
| 6. | S/1735/12/PO - Fen Drayton (40a Middleton Way) | 19 - 24 |
| 7. | S/1715/12/FL - Great Shelford (Shelford Delicatessen, Woollards Lane) | 25 - 32 |
| 8. | S/1513/12/FL - Waterbeach (10 Burgess Road) | 33 - 42 |
| 9. | S/1532/12/FL - Over (Land to E/O 2 West St) | 43 - 52 |
| 10. | S/1653/12/FL - Willingham (Meadow Road) | 53 - 60 |
| 11. | S/0097/12/FL - Willingham (Willow, Greenacres, Meadow Road)
Appendices 1.1 and 1.2 are attached only to the electronic version of this agenda on the Council's website. | 61 - 72 |
| 12. | S/1475/12/VC - Willingham (Plot 5 Longacre, Meadow Road) | 73 - 82 |
| 13. | S/1476/12/VC - Willingham (2 Greenacres, Meadow Road) | 83 - 92 |
| 14. | S/0198/12 - Willingham (7 Belsars Field) | 93 - 102 |
| 15. | S/0518/12/FL - Willingham (3 Beaumont Place, Meadow Road) | 103 - 116 |
| 16. | S/1188/12/FL - Willingham (2 Cadwin Field) | 117 - 130 |
| 17. | S/1590/12/FL - Willingham (6 Cadwin Field) | 131 - 144 |
| 18. | S/1723/12/OL - Caxton/Elsworth (Caxton Gibbet, St Neots Road) | 145 - 154 |
| 19. | S/1196/12/FL - Harlton (8 Haslingfield Road) | 155 - 162 |
| 20. | Balsham - Proposed footpath extinguishment at Mays Avenue
Appendices A, C, D, E, F and G are attached to the electronic version only of the agenda on South Cambridgeshire District Council's website. | 163 - 174 |

INFORMATION ITEMS

- | | | |
|------------|--|----------------------|
| 21. | Appeals against Planning Decisions and Enforcement Action | 175 - 176 |
| 22. | Enforcement Action Update | Verbal Report |

A Briefing Note is attached to the electronic version of this agenda on the Council's website.

23. Enforcement Action (Quarterly Report)

177 - 192

Further information is attached to the electronic version of this agenda on the Council's website.

OUR VISION

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

OUR VALUES

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

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

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. The Council and all its committees, sub-committees or any other sub-group of the Council or the Executive have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) upon request to enable the recording of business, including any audio / visual or photographic recording in any format.

Use of social media during meetings is permitted to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

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

Disturbance by Public

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

Smoking

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

Food and Drink

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

EXCLUSION OF PRESS AND PUBLIC

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

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

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

Notes

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

This page is left blank intentionally.

South Cambridgeshire District Council

Planning Committee – 3 October 2012 – Disclosable Pecuniary Interests

Councillor

Item no: App. No. Village:
Reason:

Item no: App. No. Village:
Reason:

Item no: App. No. Village:
Reason:

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:

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

Reason:

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

Reason:

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

Reason:

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1693/12/FL –CALDECOTE**Proposed Dwelling and Detached Garage at 101A West Drive for Henry Moss****Recommendation: Delegated Approval****Date for Determination: 18 October 2012****Notes:**

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

To be presented to the Committee by Andrew Phillips

Site and Proposal

1. The site is located within the village framework and measures approximately 0.04 hectares.
2. A private roadway defines the southern boundary. To the west is a small grassed public space. To the north and east are adjacent residential properties.
3. The proposal is for a single dwelling and garage. The proposal is similar in style and scale to the dwelling approved by planning permission S/1448/11. The proposal was amended on the 17th September 2012 in order to change the location of the window to bedroom 4 back to the previous approved location.

Planning History**On site**

4. S/0608/09/O – Outline application for erection of 1 dwelling following demolition of existing bungalow was approved. The outline consent was for a dwelling that would measure 9m x 11m, with a height of 8.5m.
5. S/1448/11 – Proposed single dwelling was approved. Planning permission expires on the 28th September 2014.
6. S/0950/12/FL – Proposed single dwelling and garage was withdrawn.

On adjacent land

7. S/0586/09/F – (101 West Drive) Erection of dwelling following demolition of existing was approved. Expired 2nd July 2012.

8. S/1583/09/O – (97-99 West Drive) Erection of one dwelling and conversion of existing garage to form dwelling was approved.
9. S/0267/10/O - (97-99 West Drive) Erection of one dwelling was approved.

Planning Policy

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

ST/ 6 – Group Villages

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

DP/1 - Sustainable Development

DP/2 - Design of New Development

DP/3 - Development Criteria

DP/4 – Infrastructure and New Developments

DP/7 – Development Frameworks

HG/1 – Housing Density

NE/1 – Energy Efficiency

NE/6 – Biodiversity

NE/12 – Water Conservation

NE/15 – Noise Pollution

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

SF/11 - Open Space Standards

TR/1 – Planning for More Sustainable Travel

TR/2 – Car and Cycle Parking Standards

Consultation by South Cambridgeshire District Council as Local Planning Authority

12. **Caldecote Parish Council** – The Parish Council unanimously recommended refusal. The main reasons for refusal are:
 - The development is not in keeping with the streetscene
 - Residential Amenity
 - Highway Safety
 - Water Drainage

13. The full Parish Council comments form Appendix 1 for this application.

14. **Ashcroft Gardens Management Company** – The Management Company states that the new application does not address any of the concerns raised about previous applications. The development is also overdevelopment of the site, with some important material facts missing from the application.

15. An attachment was also sent but was not possible to open, further comments from this Consultee will form an update to Members.

Representations by members of the public

16. No representations currently received

Material Planning Considerations

17. The key issues to consider in this instance are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway Safety
- Other Matters

Principle of Development

18. Policy ST/6 allows for residential development of up to 8 dwellings within the village framework. With the proposal being for a single dwelling the proposal complies with this policy.
19. The developer has provided a draft heads and terms that covers the required contributions towards community facilities, public open space and waste receptacles for the proposed four bedroom dwelling.
20. The proposal will lead to an approximate density of 25 dwellings per hectare. While this is under 30 dwellings per hectare (Policy HG/1), two dwellings with a density of 50 dwellings per hectare is considered to be too high for this location and difficult to achieve given the constraints of the site.
21. The proposed dwelling is considered to be acceptable in principle.

Visual Impact

22. It is noted that West Drive does not have any specific character, as it is made up of a variety of different house styles while Grafton Drive has more of a uniform design.
23. The proposed dwelling is very similar in design to the previous approved development on the site (S/1448/11). The proposed front elevation has a well-designed traditional appearance. The proposed development does not have any blank elevations, with windows and a chimney feature defining the side elevations. It is considered that the proposal will be in keeping with the local area.
24. The dwelling is proposed to be constructed in very pale colour brick and a black slate roof. While the slate roof is supported there is concern over the pale coloured brick, as it might not be in keeping with the surrounding properties. A materials condition will, therefore, need to be added.
25. Landscaping and boundary treatment details are absent from the application. This can be overcome by way of a condition. The boundary treatment will need to ensure that the corner of Grafton Drive and West Drive is not a blind turn for pedestrians and cycles.

Residential Amenity

26. The proposal will not cause any significant different loss of light than what would have been caused by the previous approval (S/1448/11). In addition the shadow created from the proposed dwelling will mainly fall across the roof of the existing bungalow. It is considered that there will be no detrimental loss of light to 101 West Drive. There is only one first floor window (serving a bathroom) facing 101 West Drive and this could be conditioned to be fixed obscure glazing and for this reason there is no concern

over loss of privacy. Window permitted development rights from this elevation will also need to be removed.

27. The proposed dwelling is located approximately 23m away from the existing dwelling of 97-99 West Drive. The window of bedroom 4 will mainly overlook the garage of the proposed dwelling, but will overlook a small part of the garden of 97-99 West Drive. This is not considered to be significant enough to warrant refusal. The distance between the proposed dwelling and the boundary of 97-99 West Drive is of sufficient distance to prevent there from being any significant loss of light or for it to be unduly overbearing.
28. It should still be possible to design a dwelling at 97-99 West Drive that would not cause residential amenity concerns to the development currently being proposed.
29. It would be considered reasonable to control power operated machinery during construction due to the scale of the development and its proximity to adjacent residential properties.

Highway Safety

30. The Local Highways commented on the previous application (S/0950/12) in which it stated there would be no adverse effect on the public highway, as the site connects onto a private highway. The access to the road will, therefore, be a civil matter between developer and management company.
31. The proposed car parking spaces are slightly below the normal standard length by 0.2 metres. With neither the Local Highways Authority nor the Management Company for Grafton Drive raising concern for the same size parking spaces in the previous application (S/0950/12/FL) and taking into consideration that many cars would still be able to use these parking spaces it is not considered reasonable to refuse the development on lack of off street parking spaces. The proposed garage would give secure space to store cycles.

Other Matters

32. In response to the remaining questions raised by the Parish Council the development is not of sufficient size in order to require water conservation methods in order to slow down the speed in which rain water drains into the ground or public sewers. In addition the address of the new dwelling is not an aspect that the Local Planning Authority can control.

Conclusion

33. The proposal is considered to be acceptable, subject to certain conditions as mentioned above being duly added to any consent.

Recommendation

34. It is recommended that the Planning Committee should approve the application subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 22 Rev A, 24 Rev B, 26 Rev D, 20 Rev A and 28 Rev A.

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

3. No development shall take place until 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 [for each dwelling] shall be completed before that/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.)

4. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

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

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

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

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

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

7. No development shall begin until details of a scheme for the provision of Outdoor Playspace and Informal Open Space to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and SF/11 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards Outdoor Playspace and Informal Open Space in accordance with Policies DP/4, SF/10 and SF/11 of the adopted Local Development Framework 2007.)

8. No development shall begin until details of a scheme for the provision of Community Space and waste receptacles in accordance with adopted Local Development Framework DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards Community Space Provision and waste receptacle provision in accordance with Policy DP/4 of the adopted Local Development Framework 2007.)

9. Apart from any top hung vent, the proposed first floor window serving the bathroom of the dwelling hereby permitted, shall be fitted and permanently glazed with obscure glass.

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

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

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

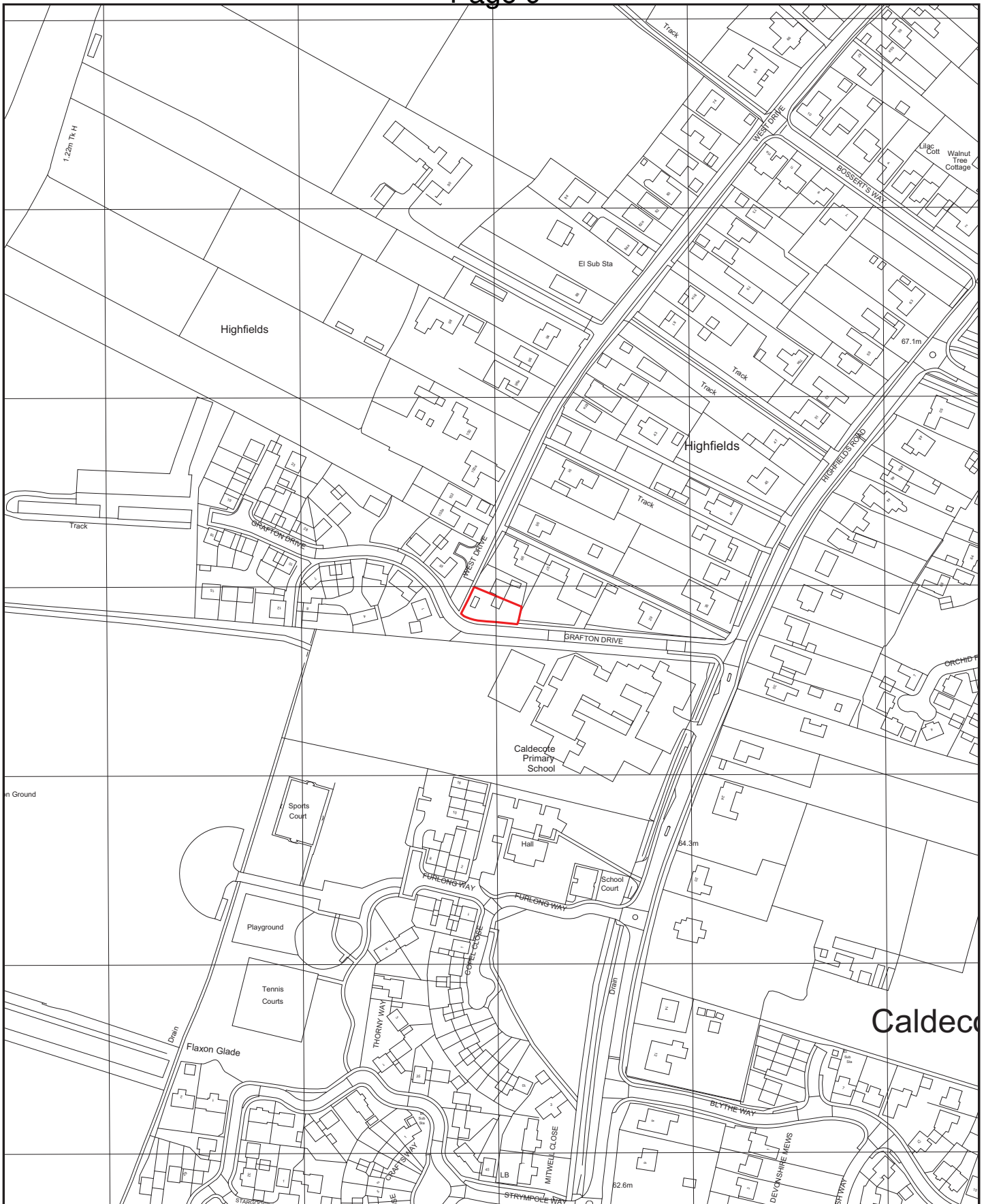
11. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

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

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

- **Local Development Framework Core Strategy and Development Control Policies DPD**

Case Officer: Andrew Phillips – Planning Officer
Telephone: (01954) 713169



**South
Cambridgeshire
District Council**

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2646
Time of plot: 11:44

Date of plot: 21/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

**S/1473/12/FL – TOFT
Proposed Dwelling at 5 High Street for Mr and Mrs Woods****Recommendation: Refusal****Date for Determination: 25 September 2012****Notes:**

This Application has been reported to the Planning Committee for determination because South Cambridgeshire District Council owns part of the site and a material objection has been submitted.

Members of the Planning Committee will visit the site on 2 October 2012.

To be presented to the Committee by Andrew Phillips

Site and Proposal

1. The site is located within the village framework. The proposed dwelling is located within the Conservation Area, though the access to the public highway is located outside of the Conservation Area. The part of the site that includes the new dwelling and garden curtilage measures approximately 0.02 hectares.
2. The site ownership according to the developer is split between South Cambridgeshire District Council and Rosemary Hardwicke (who lives at 5 High Street, Toft). The Council's legal department consider that the site could include an additional landowner.
3. To the west of the site and on the opposite side of the road are two Grade II Listed Buildings (the phone box and Nos 10, 12, 14 and 16). To the south of these Listed Buildings is a public footpath. To the north of the proposed dwelling is the industrial property of 3 High Street (also known as the 'Works'). Residential properties and Council owned parking area define the remaining site that connects to the public highway adjacent to St Andrew's Cottages.
4. The proposal is for a single dwelling (3 bed) between the existing buildings of 5 High Street and the 'Works'.

Planning History

5. No relevant history

Planning Policy

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

ST/ 7 – Infill Villages

7. South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007

DP/1 - Sustainable Development

DP/2 - Design of New Development

DP/3 - Development Criteria

DP/4 – Infrastructure and New Developments

DP/7 – Development Frameworks

HG/1 – Housing Density

NE/1 – Energy Efficiency

NE/6 – Biodiversity

NE/15 – Noise Pollution

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

SF/11 - Open Space Standards

TR/1 – Planning for More Sustainable Travel

TR/2 – Car and Cycle Parking Standards

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Toft Parish Council** – The Parish Council recommends approval but does point out that the neighbour has agreed to let the branches be cut but the plans state removal of the tree.
9. **Tree & Landscape Officer** – The Tree & Landscape Officer states that following a site visit their observations are that the Ash Tree is in the ownership of the adjacent property and significantly overhangs 5 High Street and the location for the proposed dwelling.
10. The tree is within the Conservation Area and is therefore afforded statutory protection. However, the tree does not merit a Tree Preservation Order (TPO).
11. To construct the proposed dwelling would require significant reduction of the canopy which would:
 - a) Not be best Arboricultural practice in accordance with BS 3998 2010.
 - b) Leave the tree significantly unbalanced.
 - c) Potentially compromise roots and physiological condition of the tree (placing it under stress).
12. While common law right is a legal right to reduce back to the boundary and no further this needs to be put into context of the other factors outlined above.
13. The Tree & Landscape Officer concludes that while the tree does not merit a TPO it is a significant conflict with the proposed dwelling and being in the ownership of a third party should be acknowledged and accommodated with any proposals.
14. Following additional information submitted by the agent on the 12 September 2012 the Tree and Landscape Officer stated that the proposed works will result in approximately 75% of the canopy being lost which will have a significant impact on the physiology of the tree's ability to function, resulting in unacceptable pruning wounds leaving the tree open to colonisation by pathogens, leaving the tree

unbalanced and the remaining 25% of the canopy exposed to damage by the wind as the wind dynamics will have significantly been modified by the canopy removal.

15. **Landscape Officer** – The Landscape Officer states that the side garden of No.5 introduces a sense of openness at this point between the commercial business on the corner and the existing dwellings, which has allowed space for the trees forming a focal point in the view towards the north of the High Street. The Landscape Officer expresses concern that the development will act as the catalyst for the removal of the large tree growing close to the commercial property next door. This makes the remaining tree on the corner of the front garden and the adjacent business property even more important than it is currently. This tree has the potential to get much larger and if the dwelling is approved it is important that it has adequate foundations to deal with the trees future growth. It would need to partially take over the role of the larger tree in the landscape if this is to be removed to facilitate the new house.
16. The Landscape Officer continues to state that landscape and boundary conditions would need to be applied so that an additional tree in the height range of 5-10m could be added near the front gate to reinforce the planting and mitigate lost views of the neighbouring tree. The privet hedge should continue around the north side of the garden, inside the new fence. In winter this would help to further soften this corner and any views of the new fence. The root zone of the hedge, the adjacent ash and neighbouring trees should all be protected during construction.
17. The Landscape Officer expresses concern if it will be possible for the bins to pass around the front corner of the house.
18. The Landscape Officer states that following discussion with Building Conservation colleagues that the proposed large overhang at eaves height is not required. A simple 45mm overhang of the roof over the side wall is all that would be necessary, as this is maintenance free and will have minimum overhang of the passage between the dwellings.
19. **Local Highways Authority** – The Local Highways Authority seeks conditions to control construction traffic and to ensure none of the development overhangs the public highway. It also requests an informative to point out planning permission would be required to gain access to the public highway at the front of the property and that the Local Highways Authority would recommend refusal.
20. **Lands Officer** – The Council owns the parking area at the rear of this property, there are concerns about this application from a landowner perspective with regard to the proposed on plot parking.
21. The application assumes that there is vehicular access from School Lane over the parking area and into the rear garden of 5 High Street. According to Council records, 5 High Street was granted a vehicular right of way over the parking area when the property was sold in 1992 and a right to park one vehicle in any available space. The right of way, however, does not extend to the property boundary and so the applicants would need to apply to the Council for an extension to their existing easement in order to park on plot.
22. **Scientific Officer (Contaminated Land)** – The Scientific Officer states they are satisfied that a condition relating to contaminated land investigation is not required.
23. **Environmental Health** – The Environmental Health Officer states that they are not aware of any problems associated with the works close to the site and understands

the layout of the proposed dwelling. However, the Environmental Health Officer recommends a condition to ensure the dwelling is protected from potential/actual noise.

Representations by members of the public

24. **3 High Street, Toft** – The occupant states that the drawing TO1 is incorrect in regards to their tree. The occupant makes it clear he does not want this tree removed.
25. The occupant continues to point out that the tree roots are not causing distress or any other problems to the 'Works' foundations. The tree is not leaning over dangerously and the position of the trunk has been stable for the last 35 years to his knowledge.
26. The occupant also points out that this is an Ash tree and not a Beech tree as show on the plan. The occupant continues by stating that he is happy for one or two branches that overhang to be removed.
27. The occupant states that previous extension to the 'Works' was done carefully in order to ensure that the tree survived.

Material Planning Considerations

28. The key issues to consider in this instance are:
 - Principle of Development
 - Visual Impact
 - Tree needing to be cut back
 - Residential Amenity
 - Highway Safety

Principle of Development

29. Policy ST/7 allows up to proposals of two new dwellings through the sub-division of an existing residential curtilage.
30. The developer has agreed to pay contributions for the offsite creation/maintenance of community facilities and public open space, as well as on site provision of waste receptacles. The legal agreement is currently being drafted but there is some concern that a landowner might be missing for a small part of the site area.
31. It is considered that a single dwelling on this site is acceptable, as it is considered that a higher density would be unreasonably difficult to achieve due to constraints of the site.
32. The proposal is considered to be acceptable in principle, subject to clarification on the legal agreement.

Visual Impact

33. The existing property of 5 High Street is a semi-detached property, which is a common style of property along the eastern side of the High Street. These properties are simple but well designed Victorian dwellings. The 'Works' building on the northern side of the site is a 1 ½ storey building.

34. The proposed dwelling is a two storey detached building with a fairly modern style. The proposed bricks will match closely those used on 5 High Street and the roof material could be either concrete plain tiles or slate. The proposed materials are considered to be generally acceptable but slate is recommended. In addition if the application was approved the fenestration should be constructed from timber.
35. It is noted that with the standard design being proposed, the dwelling will not enhance the character of the conservation area. However, the overall design of the building is considered to generally be acceptable and should preserve the overall streetscene.
36. If the application was approved then a detailed landscaping scheme would need to be submitted in order to ensure a soft frontage to the building. This can be done by way of condition.
37. The proposed dwelling with high quality materials and landscaping is considered to preserve the character of the local area.

Tree needing to be cut back

38. The Ash tree is located on the adjacent land, though significantly overhangs the property of 5 High Street. The tree while not remarkable does make a positive contribution to the streetscene. The proposal as submitted would significantly harm the tree and likely lead to the death of the tree. With the owner of the tree not seeking the trees removal the planning application should be duly refused.

Residential Amenity

39. The main windows of the proposed development face forwards and rearwards, with only one 1st floor side window facing towards 5 High Street Toft that would be conditioned to be obscurely glazed. If the application was approved a condition should be added to control the hours of when power operated machinery is used during construction. The proposed development is not considered to impact upon the residential amenity of any nearby dwelling if appropriate conditions are added.
40. It is considered that the proposed dwelling and the existing 'Works' building should not conflict. The owner of the 'Works' has not raised any concerns over potential harm to working conditions. When the site was visited there was no noise coming from the 'Works' building combine this with the fact of the direction of the proposed windows and it is unlikely that the 'Works' will impact upon the amenity of the proposed building. However, if the application was approved the condition recommended by the Environmental Health Officer would be added to ensure that no further noise mitigation measures were required.

41. The proposed development is considered acceptable in regards to residential amenity.

Highway Safety

42. The comments of the Local Highways Authority are noted and accepted. The requested conditions and informatives could be duly added.
43. It is noted that the landownership question raised above could impact on the parking provision.

44. The comments of the Lands Officer are noted but private legal agreements regarding right of way is a civil matter and does not affect the determination of this planning application.
45. The proposal is, therefore, acceptable in regards to highway safety.

Conclusion

46. The proposal is considered to lead to the loss of a significant tree within the streetscene that would otherwise be left unharmed. It is not considered that this could be conditioned in order to mitigate the harm and for this reason is a ground for refusal. No other harm that could not be conditioned has been identified.

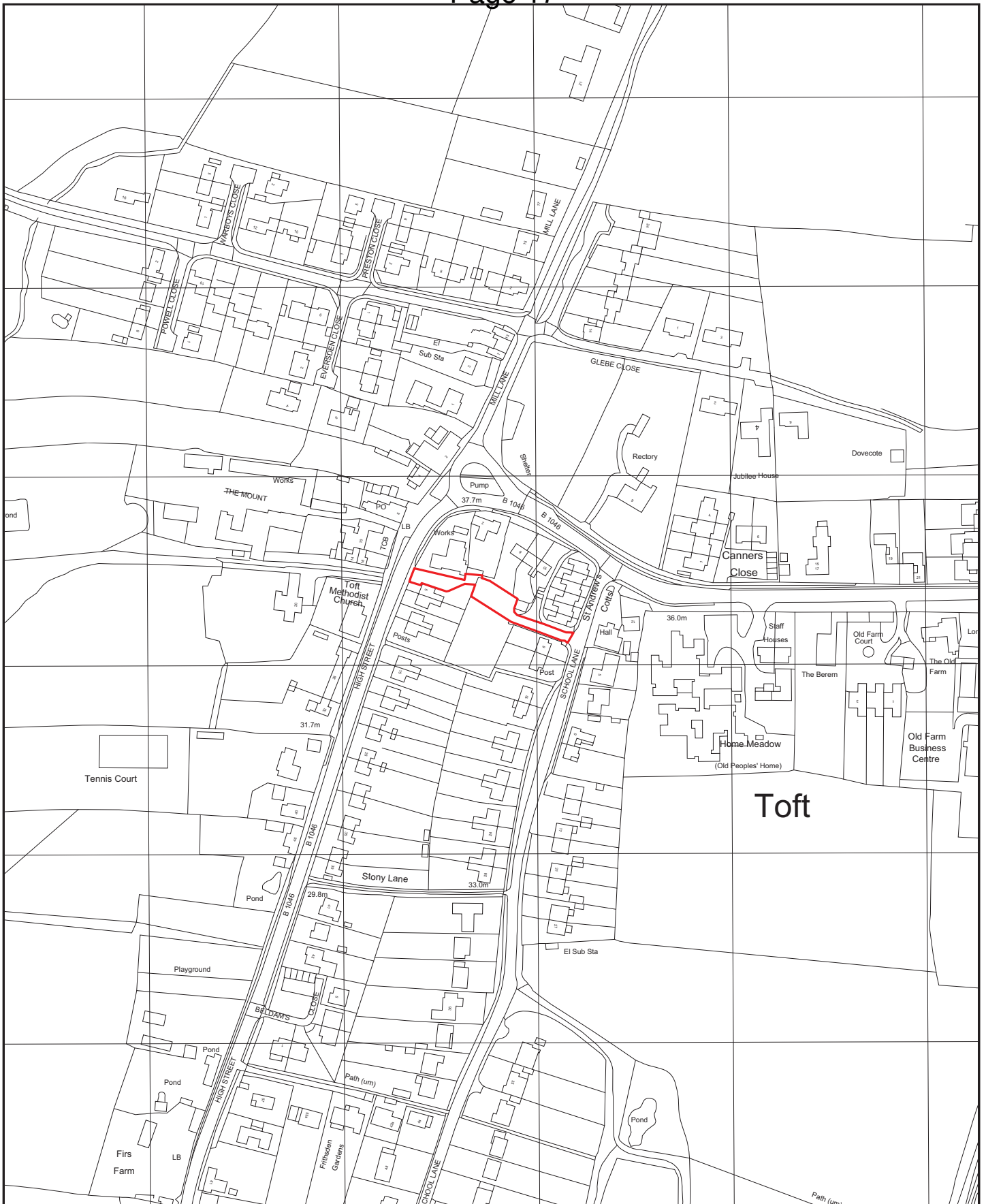
Recommendation

47. It is recommended that the Planning Committee should refuse planning permission for the following reason:
1. The site is located in a conservation area and the Ash Tree in the grounds of 3 High Street (also known as the 'Works') significantly overhangs 5 High Street. The proposed development would lead to significant cutting back of the tree. It is considered that the proposed works to this tree are not best Arboricultural practice in accordance with BS 3998 2010, would leave the tree significantly unbalanced and potentially compromise roots and the physiological condition of the tree. The development will, therefore, likely lead to the death of the Ash Tree. This tree makes a valuable contribution to this part of the Conservation Area and its potential loss is unwarranted. The proposed development is, therefore, not considered to comply with Policies DP/3 (2.m) and NE/6, due to the loss of a significant mature tree within the streetscene.

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

- **Local Development Framework Core Strategy and Development Control Policies DPD**

Case Officer: Andrew Phillips – Planning Officer
Telephone: (01954) 713169



**South
Cambridgeshire
District Council**

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2646

Time of plot: 11:48

Date of plot: 21/09/2012

© Crown copyright.

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1735/12/PO – FEN DRAYTON
Application to Modify Planning Obligation to remove tie between the dwelling
and greyhound business - 40A Middleton Way
for Mr Ron Ingle

Recommendation: Delegated Approval

Date for Determination: 24 September 2012

This Application has been reported to the Planning Committee for determination because officers do not have delegated powers to determine applications for modification to planning obligations.

To be presented to the Committee by Paul Derry

Site and Proposal

1. The application site is located outside of the designated Fen Drayton village framework, the boundary of which is located approximately 300m to the east. As a result the site lies within the countryside in policy terms. The site is also within the former Fen Drayton Land Settlement Association estate. The dwelling is set back slightly from the road, behind an area of hardstanding that provides parking for five to six vehicles. The dwelling, a cream rendered bungalow, has a fenced off garden area to the rear, with kennels relating to the greyhound business use and paddock land beyond. There is also a grassed front garden.
2. The bungalow is currently tied to the business through a section 106 Agreement. The proposal seeks to remove this tie to enable the dwelling to be lived in should the greyhound business cease.

Site History

3. The application site was subject to a Section 106 Agreement dated 11th September 1999, which prevented residential use of the building.
4. Application S/1062/06/F granted planning permission for the change of use of from a farm shop to a dwelling in association with dog training and the erection of kennels and retention of the existing kennels at the site. Condition 2 restricted this to a temporary consent. A deed of variation was made to the original Section 106 Agreement to allow occupation of the building for residential use for a temporary timescale in line with condition 2. This Deed ties occupation to the business use.
5. Application S/0580/08/F granted the removal of condition 2 of the previous consent removing the temporary nature of the consent. A further deed of

variation was agreed which removes the legal obligation for a temporary consent, although it remains tied to the business.

Planning Policy

6. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/4 Infrastructure and New Development, & TR/2 Car and Cycle Parking Standards.**
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.

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. Fen Drayton Parish Council recommends approval.

Representations by Members of the Public

9. No comments have been received at the time of writing. Members should be aware the site notice does not expire until 4th October 2012

Material Planning Considerations

10. The key issues for the determination of this application are the principle of development, and the impact upon the amenity of the occupiers of adjacent properties.

Principle of Development

11. The bungalow of 40a Middleton Way is located outside of the Fen Drayton village framework, and is in the countryside. As noted within the site history, the building was originally used as a farm shop prior to the submission of application S/1062/06/F. It has since been occupied in relation to the greyhound business, which utilises a portion of the land and the kennel buildings to the rear of the site.
12. The application is accompanied by a brief planning statement outlining the situation with regard the site. The business is no longer viable, and operations would appear to be reducing following findings of the site visit. The trade in general is suffering a decline, and the site is no longer viable as a stand alone business. It is unlikely that the site would become viable for others to take over the site given the size of the plot and the current market.
13. If the scheme were to be refused, then the applicant would effectively become homeless as his occupation of the unit is dependant upon the running of the business. With an unviable business, the occupation of the dwelling should cease. Members should therefore make a balanced decision weighing up the creation of a permanent dwelling in the countryside against the personal needs of the applicant.

14. The granting of permission would effectively create a permanent dwelling in the countryside. However, if unsupported, the building would remain. The impacts upon the countryside are therefore minimal and the existing structure is not considered to be causing undue harm. On balance the needs of the applicant are considered to outweigh any additional harm to the countryside.
15. The application can also ensure that the future residential curtilage of the dwelling is defined. The site is approximately 295m in length, and this land is not all residential given the business use and paddock land. Defining the curtilage for the avoidance of doubt should be possible through the Section 106 Variation, and Members will be updated as to whether this is a possibility.

Impact upon the Amenity of the Occupiers of Adjacent Properties

16. The bungalow is located further back in the street scene than the other properties along Middleton Way, which are generally located close to the frontage. 40a is set approximately 22m back from the neighbouring property of 40 Middleton Way to the south. The enclosed side garden to 40a runs along the rear boundary of 40 Middleton Way. Given the separation, no serious harm would result between properties.

Other Matters

17. The site falls within the former Land Settlement Association estate. The Council has adopted a Supplementary Planning Document that allows experimental or groundbreaking forms of sustainable living in the area subject to certain criteria. Given the building is existing, the proposal should not affect the aims or policies of the SPD

Recommendation

18. Delegated approval, subject to any further comments received by 4th October 2012, and the completion of a further Variation to the Section 106 Agreement.

Conditions

None

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/1735/12/PO, S/0580/08/F and S/1062/06/F.

Case Officer: Paul Derry – Senior Planning Officer
Telephone: (01954) 713159

This page is left blank intentionally.



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 11:50

Date of plot: 18/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1715/12/FL – GREAT SHELFORD**Change of Use From Residential to Retail and New Compound Fence to Enclose Overflow Storage and Waste Bins Facilities – Shelford Delicatessen and 6 Woollards Lane for Wilkinsons of Shelford Ltd****Recommendation: Approval****Date for Determination: 12 October 2012**

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

Members of the Planning Committee will visit the site on 2 October 2012.

To be presented to the Committee by Andrew Winter

Site and Proposal

1. The site is located within the Great Shelford village framework and conservation area. The site comprises a detached, two-storey, brick/render and plain tile building used as a delicatessen that is situated gable end to the road. It has a seating area on the forecourt to the front and recently completed single storey side and rear extensions that have increased the floor space of the shop, created an internal seating area, and a rear storage area.
2. The application, validated on 17 August 2012, seeks retrospective approval to change the use of part of the front garden of 6 Woollards Lane to retail (for use as ancillary storage compound) and the erection of a compound fence enclosure for overflow storage and waste bins facilities in association with the existing delicatessen shop. Both properties are in the same ownership.

Site History

3. S/1716/12/AD – An advertisement application is currently submitted to seek retrospective approval for the front signboard.
4. S/1176/11 – Planning permission was granted for a change of use of the former first floor flat to A1 (Retail) Use, the construction of a new external staircase and the installation of solar panels.
5. S/0630/10 – Planning permission was granted for a similar scheme as approved in S/1176/11.

6. S/1264/00/F – Planning permission was granted for a single storey rear extension.

Planning Policy

7. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein.

8. **South Cambridgeshire Local Development Framework Development Control Policies 2007:**

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
CH/5 Conservation Areas
NE/6 Biodiversity

9. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide SPD – adopted March 2010
Development Affecting Conservation Areas SPD – adopted January 2009
Great Shelford Conservation Area Appraisal

Consultation by South Cambridgeshire District Council as Local Planning Authority

10. Great Shelford Parish Council - Recommends refusal due to: visual harm to the new extension of the shop; visual dominance along Woollards Lane; untidy appearance of storage area; and unacceptable change of use of the adjoining domestic property.
11. Principal Conservation Officer – The enclosure should be mitigated by planting to the front and sides and should be set back in line with the gable of the adjoining house (6 Woollards Lane) to appear less intrusive to the street scene and the conservation area.
12. Tree Officer – The silver birch tree is important within the street scene. As the works are retrospective, SCDC will not know if the changes to the fence line have been undertaken with post holes hand dug. Therefore, no further comment can be made.
13. Acting Environmental Health Manager – Comments not yet received.

Representations by Members of the Public

14. **Owner/Occupier of 12 Spinney Drive** – Objects on the following grounds: the development is unjustified in relation to the adjoining residential property and the conservation area; the development is visually harmful; the storage area is highly visible and unsightly; the storage can be located elsewhere; and the same ownership of the property should not be prayed in aid of the application.
15. **Owner/Occupier of 3a Woollards Lane** – Objects on the following grounds: harm to the conservation area; harm to the visual integrity of Woollards Lane; and harm to the appearance of the new extension on the site.

Material Planning Considerations

16. The main issues in this case are:
- the impacts of the proposal upon the conservation area;
 - the residential amenity of immediate neighbours;
 - the impact upon existing trees.

Conservation Area Impact

17. Woollards Lane is a mix of commercial and residential properties, which are predominantly 19th century in character. The delicatessen shop, of which this application is concerned, is relatively modern in character with its recent timber fronted side extension, and it is situated adjacent to a residential property to the east and a public library to the west.
18. The development affects the front of this property and the fenced enclosure presents an abrupt interruption to the row of shop fronts that occupy this side of Woollards Lane. The visible harm in this case, is most apparent when in direct view from Woollards Lane, which presents a stark 1.8m close-boarded fence with little visual interest and relation to the surrounding street scene.
19. The applicant's agent has confirmed by e-mail (sent 13 September 2012) that the potential relocation of the store to the rear of the site has been considered, but there is an environmental health cross-contamination issue in storing fruit and vegetables in the cold storage units at the rear. With this obvious alternative location ruled out, the applicant has proposed improvements to the current scheme taking into account the suggestions of the conservation officer. Consequently, the submitted amended drawing (0214-151B) proposes the front fence to be re-sited 1m further back from the street and the development mitigated with soft landscaping to the front and east side.
20. The proposed revised scheme is considered to mitigate the impact of the development upon the conservation area to a successful degree. The store compound would appear less prominent within the street scene and a suitable scheme of hedging would soften its appearance and reduce much of its visual harm. A landscaping scheme is therefore recommended to agree a suitable size and species of hedge and a condition is also recommended to restrict the height of stored items to 2m to prevent potential additional visual harm to the surrounding area.
21. The development does involve the shop site extending over on to the residential site at 6 Woollards and this has also been raised as a concern in the representations above. There is considered to be no strong planning reason why this is unacceptably harmful to the character of the conservation area given the mixed residential and commercial nature of the vicinity. The implications of this issue in relation to the amenity of the immediate neighbour are considered below.

Residential Impact

22. The applicant's agent has confirmed by e-mail (sent 13 September 2012) that the storage compound is used for two large waste bins and a refrigerated storage unit for fruits and vegetables that are unsold at the end of each day. The immediate neighbour at 6 Woollards Lane is within the ownership of the delicatessen and has a ground floor playroom window immediately adjacent to the development. It is unclear from the submitted plans whether the window directly faces a close boarded fence or whether it has open views of the storage compound. In either case, a boundary treatment condition is recommended to mitigate the impact upon the outlook of this room by, for instance, siting a rear fence of appropriate height away from the neighbouring window.
23. The first floor window of No.6 also looks out on to the storage compound and control over how the compound is managed will ensure the outlook from the first floor window is as pleasant as possible. Therefore, a condition is suggested to ensure nothing other than the 2 bins and one refrigeration unit are stored within the external storage area. This will also help control the environmental impact. A further condition regarding the noise impact from the fridge is also suggested.

Trees

24. As the amended plans show the front boundary fence to be moved back, the method of construction should be controlled by condition to ensure the fence posts are hand dug to protect the adjoining root area of the silver birch tree.

Recommendation

25. Approval, subject to the following conditions:
 1. **The development hereby permitted shall be carried out in accordance with the following approved plans: 0214-150, 0214-151B and 0214-152.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 2. **A full scheme of soft landscape works shall be submitted for approval to the Local Planning Authority within 56 days of the date of this decision. These details shall include a timetable for landscape implementation together with a specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**
(Reason - To mitigate the visual impact of the development upon the character and appearance of the conservation area, in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
 3. **All soft landscape works shall be carried out in accordance with the approved details and timetable in condition 2. 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 mitigate the visual impact of the development upon the character and appearance of the conservation area, in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)

- 4. A scheme indicating the positions, design, materials and type of boundary treatment to be erected, including a timetable for its implementation, shall be submitted to and approved by the Local Planning Authority within 56 days of the date of this decision. The boundary treatment shall be completed in accordance with the approved scheme and shall thereafter be retained.**

(Reason - To mitigate the visual impact of the development upon the residential amenity of immediate neighbours and to safeguard the character and appearance of the conservation area in accordance with Policies DP/3 and CH/5 of the adopted Local Development Framework 2007.)

- 5. The relocation of the front fence to its new position, hereby permitted, shall not commence until a scheme for the method of its construction in relation to the adjoining silver birch tree, including a timetable for the work, has been submitted to and approved in writing. The works shall thereafter be carried out in accordance with the approved scheme and thereafter maintained.**

(Reason - To mitigate the impact of the development upon protected trees in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)

- 6. No storage shall take place within the storage compound, hereby permitted, apart from 2 refuse bins, which shall be kept lidded at all times, and 1 refrigeration unit; neither of which shall exceed 2m in height. There shall be no external storage of any other goods or materials within the approved compound.**

(Reason – In the interests of residential amenity and health in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 7. Details of the noise impact of the refrigeration unit to be stored within the compound hereby permitted, and a scheme of noise mitigation, shall be submitted for approval to the Local Planning Authority within 56 days of the date of this decision. The noise mitigation shall be implemented and maintained in accordance with the approved scheme.**

(Reason – In the interests of residential amenity in accordance with Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)

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

- Local Development Framework Development Control Policies DPDs and Supplementary Planning Documents.
- National Planning Policy Framework

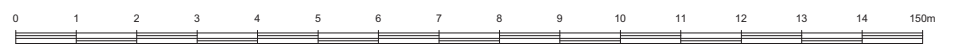
Contact Officer: Andrew Winter - Planning Officer
01954 713082

This page is left blank intentionally.



South
Cambridgeshire
District Council

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:1250
Time of plot: 16:54

Date of plot: 21/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1513/12/FL - WATERBEACH**Extension to Existing Dwelling and Erection of New Dwelling at 10 Burgess Road
for Mr A. De Simone****Recommendation: Approval****Date for Determination: 21 September 2012****Notes:**

This Application has been reported to the Planning Committee for determination because Waterbeach Parish Council has recommended refusal of the application and this conflicts with the officer recommendation

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located within the Waterbeach village framework. No. 10 Burgess Road is detached, two-storey, painted brick and tile house that is set close to the south side of the road. It has a detached garage to the side adjacent to No. 8 with a parking space to the front. There is a low fence along the front boundary and a small tree in the north eastern corner of the site in front of No. 10. A public footpath runs along the eastern boundary to the side of No. 10. The site lies within flood zone 1 (low risk). The site measures 0.05 of a hectare in area and the density, when developed, would equate to 40 dwellings per hectare.
2. No. 8 Burgess Road has a garage set back to the side and a driveway adjacent the site. It has two ground floor windows and one first floor window in its side elevation facing the site. No. 41 Rosemary Road, beyond the footpath, has a parking area to the rear with access off Burgess Road. There is a shed on the boundary within the rear garden beyond the parking area. There is also planning permission for a garage with storage above. No. 39 Rosemary Road lies side on to the rear of the site and has a ground floor and first floor window in its side elevation facing the site.
3. The proposal seeks the erection of a part two-storey and part single storey rear extension and rebuilding of the existing front porch to the existing dwelling together with the demolition of the existing garage and the erection of a new detached, two-storey, three bedroom dwelling. The two-storey elements of the rear extension would be located either side of the existing two-storey rear gable projection squaring off the existing T shape and result in the side elevation having a double pitched roof. The single storey element of the extension would enlarge the existing single storey flat roof rear element by a short length and the addition of a pitched roof. The new porch would also have a pitched roof. Two parking spaces would be provided to the front of the existing dwelling. The new dwelling would be set in line with No. 10, 6 metres back metres from the road. It would have a width of 4.7 metres, a depth of 9.9 metres, and a height of 4.9 metres to

the eaves and 7.2 metres to the ridge. Two parking spaces would be provided to the front of the dwelling. The materials of construction would be buff bricks for the walls and slate for the roof.

Planning History

Site

4. **S/2054/11** - Erection of Two Dwellings following Demolition of Existing Dwelling and Garage - Refused (Housing Mix)

Adjacent Site (No. 41 Rosemary Road)

5. **S/1892/12/FL** - Dwelling - Pending Decision
6. **S/2032/08/F** - Extensions, Garage and Vehicular Access - Approved

Planning Policy

7. **South Cambridgeshire LDF Core Strategy DPD, 2007:**
ST/5 Minor Rural Centres
8. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
NE/6 Biodiversity
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
9. **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

10. **Waterbeach Parish Council** – Recommends refusal of the application on the grounds that the development would represent overdevelopment of the site and that there is inadequate space for vehicles to turn on site and leave in forward gear which represents a danger to highway safety.
- 11.. **Trees and Landscapes Officer** – Has no objections.
12. **Local Highways Authority** – Comments are awaited.

13. **Environmental Health Officer** – Comments that concerns are raised in relation to noise and request conditions in relation to the hours of use of power operated machinery, and hours of deliveries in order to minimise the impact of the development upon the amenities of neighbours. Also suggests informatives with regards to the burning of waste on site, a demolition notice for the existing garage, and pile driven foundations.
14. **County Council Rights of Way and Access Team** – Has no objections but comments that Public Footpath No., 8, Waterbeach is adjacent the east boundary of the site and requests that points of law in relation to the footpath are added as informatives to any consent.

Representations by members of the public

15. The occupier of No. 8 Burgess Road has no objections providing the submitted plans are adhered to.

Material Planning Considerations

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

Principle of Development

17. The existing garage is not of any significant historic or architectural merit and there are no objections in principle to its demolition.
18. The site is located within the village framework of a 'Minor Rural Centre' where there is a good range of services and facilities and residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations.

Density

19. The site measures 0.05 of a hectare in area. The existing dwelling and the erection of a new dwelling would equate to a density of 40 dwellings per hectare, thereby complying with the density requirement of least 40 dwellings per hectare for sustainable villages such as Waterbeach as set out under Policy HG/1.

Character and Appearance of the Area

20. The proposed extensions would be proportionate in height and scale to the existing dwelling and be in keeping with its traditional design. The materials would be likely to match the existing and this would be agreed as a condition of any consent.
21. The siting, scale, design and materials of the new dwelling are considered to be in keeping with the character and appearance of the surrounding area. Burgess Road has no defining characteristics and comprises a variety of different sizes, styles, and materials of dwellings. The siting would reflect the linear pattern of development along Burgess Road and be in line or very close to the position of existing dwellings. The height would be similar to adjacent dwellings being slightly higher than the existing dwelling at No. 10 Burgess Road but slightly lower than the neighbouring dwelling at No.

8 Burgess Road. The scale, design and materials would replicate the smaller existing properties along Burgess Road.

Neighbour Amenity

22. The proposed new dwelling is not considered to seriously harm the neighbour at No. 8 Burgess Road through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. It would be orientated to the east of that property and situated 4 metres from the kitchen and bathroom windows in the side elevation of that property beyond its driveway. Such a relationship is considered acceptable due to these windows being secondary in nature or serving a non-habitable room.
23. The proposed extension is not considered to have an unacceptable impact upon the neighbour at No. 41 Rosemary Road set obliquely to the rear through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. It would be orientated to the north west and 5 metres off the boundary with that property beyond the public footpath. It has a shed on the boundary in the most rear part of its garden with a parking area beyond adjacent to Burgess Road. A garage has been granted planning permission to replace the parking area and the rear part of the garden and an application for a dwelling in its place is currently under consideration. A condition would therefore need to be attached to any consent to ensure the first floor bathroom window in the side elevation of the extension would be obscure glazed and hinged on its south side so not to result in overlooking to the garden of the proposed dwelling.
24. The proposed extension and new dwelling are not considered to adversely affect the neighbour at No. 39 Rosemary Road directly to the rear through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. They would be orientated to the north with the extensions being situated a distance of 17 metres off the boundary and 24 metres from the first floor landing window in its side elevation. The new dwelling would be situated 13 metres off the boundary and 20 metres from the ground floor kitchen window in the side elevation. These distances are considered satisfactory given that the windows serve non-habitable rooms. No undue overlooking of the garden of No. 39 would occur.
25. A condition would need to be attached to any consent to ensure the first floor bathroom window in the side elevation of the new dwelling would be obscure glazed and hinged on its south side to avoid overlooking to the existing dwelling.

Highway Safety

26. The erection of one additional dwelling would not result in a significant increase in traffic generation along Burgess Road.
27. The proposed development would provide two on-site parking spaces for each dwelling in accordance with the Council's maximum standards. On-site turning is not required for individual properties in built-up streets. The majority of houses along Burgess Road have no on-site turning.
28. Pedestrian visibility splays measuring 2.0 metres x 2.0 metres would be provided on both sides of each access and maintained from obstruction over a height of 600mm. A condition would be attached to any consent to ensure that the driveway would be constructed of bound materials and have adequate surface water drainage measures.

Developer Contributions

29. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The increase in demand for sport and playspace as a result of the development requires a financial contribution of approximately £3,104.38 (index linked) towards the provision and management of open space off-site and in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant has agreed to this contribution through the submission of a Heads of Terms.
30. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution through the submission of a Heads of Terms.
31. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide. In accordance with the guide, developers are requested to provide for household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling (net increase). This would be secured via a legal agreement that would be a condition of any planning consent. The applicant has agreed to this contribution through the submission of a Heads of Terms.

Other Matters

32. The proposal would not increase the risk of flooding to the site and surrounding area subject to satisfactory methods of surface water drainage.
33. The development would not impact upon the public footpath. Informatives would be attached to any consent with regards to points of law in relation to the footpath.
34. The proposal would not result in the loss of any important trees that contribute to the visual amenity of the area. The existing tree in the north eastern corner would be retained and a hedge planted along part of the front boundary of the site that would enhance and soften the impact of the development. Landscaping would be a condition of any consent.

Conclusion

35. 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 not be granted in this instance.

Recommendation

36. It is recommended that the Planning Committee approves the application subject to the following Conditions and Informatives: -

Conditions

- a) 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.)
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 17, 24, 25, 26, 27, 28A, and 29.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- c) No development of the extension and/or new dwelling shall take place until details of the materials to be used in the construction of the external surfaces of the extension or new dwelling as appropriate hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- d) No development of the new dwelling 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 new 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.)
- e) 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.)
- f) 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 first use or 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.)

- g) Visibility splays shall be provided on both sides of the two accesses and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- h) No development shall take place until details of the method of surface water drainage for each driveway has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- i) The new dwelling and/or extension as appropriate, hereby permitted, shall not be occupied until two vehicle parking spaces for each dwelling have been laid out within the site as shown on drawing number 25. The spaces shall thereafter be retained for vehicle parking and turning.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- j) During the period of demolition and construction, no deliveries or collections shall take place and 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.)
- k) No further windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the first floor side elevations/roof slopes of the new dwelling and rear extension at and above first floor level unless the windows are (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; or expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- l) The proposed first floor windows in the side elevations of the extension and new dwelling, hereby permitted, shall be permanently glazed with obscure glass and hinged on the south side of the window.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- m) No development shall begin until details of a scheme for the provision of outdoor sport and playspace, indoor community facilities, and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards outdoor sport and playspace, indoor community facilities, and waste receptacles in accordance with the above-mentioned Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

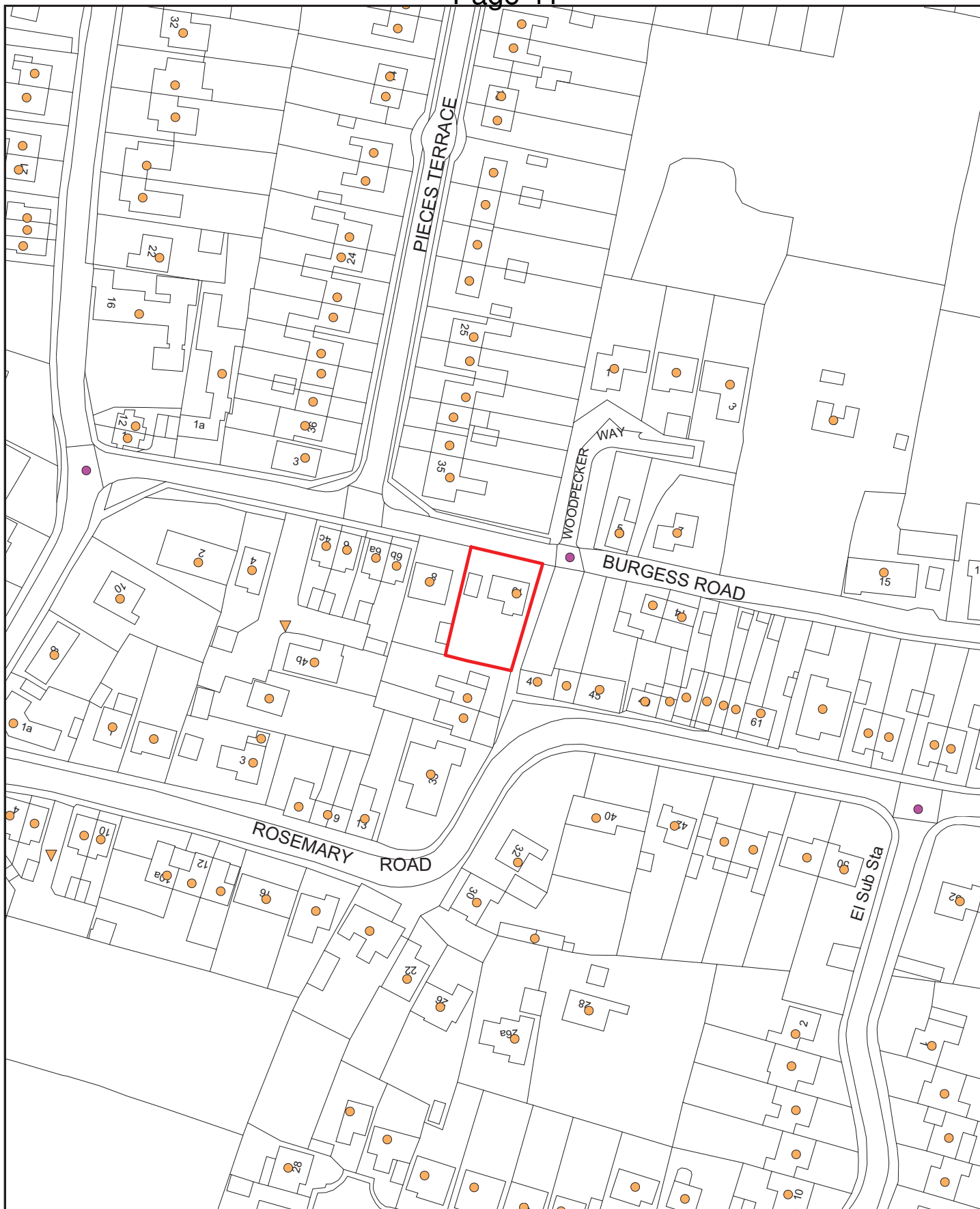
Informatives

- a) 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.
- b) 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.
- c) 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.
- d) The adjacent public footpath must remain open and unobstructed at all times. Building materials must not be stored on it and contractors' vehicles must not be parked on it (it is an offence under Section 137 of the Highways Act 1980 to obstruct a public footpath).
- e) The adjacent public footpath must not be used for access to the site unless the applicant is sure that they have lawful authority to do so (it is an offence under s. 34 of the Road Traffic Act to drive on a public footpath).
- f) No alteration to the surface of the adjacent public footpath is permitted without the consent of County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971). If any works are to affect the public footpath, these should be agreed in advance.
- g) Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 54 of the Highways Act 1980).
- n) The driveways need to be constructed from bound materials with details submitted and agreed under the hard and soft landscaping condition of the consent.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- Planning File References: S/1513/12/FL and S/2054/11

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



South
Cambridgeshire
District Council

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:1250
Time of plot: 16:57

Date of plot: 21/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1532/12/FL – OVER**Erection of Dwelling at land East of 2 West Street, for the Executors of Mr & Mrs M G Barker****Recommendation: Approval****Date for Determination: 18th September 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council's recommendation of refusal is contrary to Officer recommendation of approval.

To be presented to the Committee by Matthew Hare

Members of the Planning Committee will visit the site on the 2 October 2012.

Site and Proposal

1. The application seeks planning permission for the erection of detached dwelling of one and a half storey scale. The dwelling is proposed to have a barn-like character and is orientated so that its gable faces the street front.
2. The application site comprises part of the residential curtilage of No.2 West Street and part of the agricultural land associated with this dwelling. No.2 is a Grade II Listed building dating back to the late 18th or early 19th century comprising a half hipped two-storey buff brick building with a single storey addition to the eastern side, adjoined to no.2 is a Baptist Church also Grade II listed. There are a number of somewhat dilapidated outbuildings on site that are potentially curtilage listed by virtue of their age and ancillary relationship to No.2.
3. At present an access serves the site running past the eastern side of the dwelling, views down this access afford glimpses of the existing utilitarian outbuildings and trees beyond emphasising that this is an edge of village location
4. Surrounding development is predominantly residential of a mix of age, form, scale and appearance. The site falls within the Development Framework Boundary for Over but does not fall within the Over Conservation Area.

Planning History

5. **S/1677/11** - Erection of Dwelling and Associated Works Following Removal of Existing Outbuildings – Withdrawn following concerns for the impact upon the setting of the listed building and the adjacent countryside.
6. **S/1824/11** - Demolition of Curtilage Listed Outbuildings – Approved.

7. **Planning Policy**

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

ST/6 – Group Villages

South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 2007

DP/1 - Sustainable Development

DP/2 - Design of New Development

DP/3 - Development Criteria

DP/4 - Infrastructure in New Developments

DP/7 - Development Frameworks

HG/1 - Housing Density

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

SF/11 - Open Space Standards

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

NE/1 - Energy Efficiency

NE/2 - Renewable energy

TR/1 - Planning for more Sustainable Travel

TR/2 - Car and Cycle Parking Standards

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

Over Parish Council - Recommends refusal for the following reasons:

- The proposal is still too overwhelming for the site
- The proposed dwelling is too complicated in its design and has too many openings
- The proposed dwelling is still too intrusive in relation to the adjacent listed building
- The proportions of the proposed dwelling are inappropriate for the location and setting
- The proposed excavation of the dwelling gives rise to concerns over the impact on the trees on site, the existing listed shed and also on the neighbour's garage

Landscape Design Officer – No comments received.

Tree Officer – No objections providing tree protection and no dig details are conditioned.

Environmental Health Officer – No comments received.

Local Highways Authority – Recommends approval subject to standard conditions regarding:

- Site access laid out as dropped curb rather than radii bell mouth
- Visibility splay retention
- Surface water drainage
- Driveway material
- Traffic management plan for period of construction
- Gate no closer than 5m from highway boundary

Conservation Officer – Recommends refusal, commenting:

“2 West Street is significant as a listed historic building dating from circa 1800 or earlier. From the nineteenth century onwards, it comprised a fruit-growing farmstead, with contemporary small scale curtilage listed farm and fruit storage buildings and former orchard trees providing visible evidence of this former use, now much lost elsewhere in this part of the village. The building, along with the separately listed Chapel and the large foreground trees, provides significant enclosure to the street, and the side garden provides an important gap site, directing views to the former orchard and green rural backdrop.

The application follows some pre-application advice in which the principle of a dwelling within the eastern side garden was accepted, subject to being orientated perpendicular to the street (to better relate to the farm grouping) and if it were of an appropriate scale and with an agricultural (rather than domestic) character and setting. There were concerns about the scale, massing, form, design and details which mostly remain:

The proposal is not appropriate to the context in that its scale exceeds that of the other buildings on the site. Whilst it is slightly lower than the listed building, it is much higher than the other buildings, and is not subservient to the listed house because this two-storey height is seen together with its greater footprint and bulk. Its footprint span width and spread across the site gives it a cramped relationship to adjoining buildings and obscures the rural views and small scale character of the site. Its proximity to the nearest curtilage listed outbuilding in combination with the trees nearby, is of some concern as there is insufficient information to satisfy that this would not involve potential undermining due to much deeper foundations than the existing building.

The form and character of the proposed new dwelling is overly complex, and is contrary to the simple linear additive forms of the existing buildings. This is due mainly to the wraparound roof and wraparound plan and the projection and truncated proportions of the roadside element. This complexity is increased by the number and design of openings and the contrast between agricultural and overtly domestic parts of the design, like the chimney, numerous rooflights and other openings, and the proportions of the openings such as the large top-heavy openings on both gables. There are additional concerns about detailing such as the heavy proportions of the gable verges.

I therefore recommend refusal due to the bulk, form, footprint, height, proportions, numerous openings, design, details and hierarchy of the proposed development”

Contaminated Land Officer – No comments received – Previously recommended a standard contamination investigation in respect of the erection of a dwelling on the site.

Cllr Manning – Recommends approval of the application.

Public Consultations by South Cambridgeshire District Council as Local Planning Authority

9. None received.

Material Planning Considerations

10. The key issues to consider in this instance are the principle of development and the efficient use of land, the impact upon the setting of the adjacent listed building and residential amenity.

Principle of Development

11. In accordance with the guidance set out in the NPPF it is important to make an initial assessment of the impact that residential development would have upon the character and appearance of the area. In this case surrounding development is predominantly residential and adjacent to the application site the existing built form extends to the east and west in a linear nature. There is little evidence of back land development on this side of West Street, however there is no strict building line and dwellings having a varying degree of separation from the street front. The site forms a relatively natural part of this pattern of linear development and to this end it is considered that the principle of residential development of the site in question would not be detrimentally uncharacteristic to the character and appearance of the area in this instance.
12. The site measures approximately 0.057ha, thus a single dwelling on the site represents a development density of approximately 17dph. This is below the density targets of policy HG/1 of the Development Framework, however development of a greater density in this instance would very likely have a negative impact upon the setting of the listed building and as such the scheme is considered to represent a best use of land.

Residential Amenity

13. The proposed dwelling is sited adjacent to the rear garden of no.8 West Street and therefore the garden of this property lies to the south east of the proposal. Whilst this is not an ideal location from a pure residential amenity viewpoint, the siting has been informed by the need to respect the principal listed building on the site.
14. Having regard to the fact that the proposed dwelling lies to the north west of the no.8 there is not considered to be any potential for significant adverse overshadowing to the garden area serving no.8.
15. There are rooflights proposed upon the south east elevation of the dwelling, these are intended to serve two bedrooms and an ensuite. It's not explicitly clear from the drawings whether these are high level roof lights but it appears that they are, and it would be reasonable to control this via a conditional requirement. Having regard to this there is not considered to be any significant loss of privacy to the occupants of no.8 West Street as a result of the proposals.
16. Officers reach the conclusion that, on balance, there is no significant adverse overbearing impact upon the rear garden area serving no.8 having regard to the low scale of the dwelling (7.5m), the spatial separation from the common boundary proposed and the substantively lower site levels on the development site.

Listed Building Impact

17. The Conservation Officer recommends refusal of the proposals for reasons of bulk, form, span, height, proportions, details, fenestration size and quantity, hierarchy and lack of subservience to the adjacent listed building no.2 West Street.

18. The list description for no.2 reads '*House, Late C18 or early C19 with additions. Gault brick with tiled roof, half hipped. End to road. Two storeys, with one recessed hung sash to each storey in gable end. Doorway in side wall. The house adjoins the Baptist chapel, and is included for group value with it.*'
19. In accordance with the guidance contained with the NPPF the Local Planning Authority is required to take an approach towards the conservation of a heritage asset that is proportionate to its significance.
20. The Conservation Officer suggests that the building is very significant due to its age, character, setting and history. However, having regard to the list description which is explicit that the building is listed for group value with the adjacent Baptist church only, officers consider that as an heritage asset in isolation no.2 is of limited significance relative to other listed buildings.
21. The Council's Conservation Officers believe that no.2 was historically a dwellinghouse associated with a small fruit farm. In this regard pre-application negotiations with the applicant focused on the need for any building to be designed and sited to appear as a subordinate 'barn-like' building relevant to the context.
22. The scheme is considered to achieve this through the significant set back from the street frontage and the simple articulation of the building. The most complicated aspect of the design is the wrap-around feature of the single storey section of the dwelling. Whilst this is not indicative of the simple additive forms that one would expect of a barn like structure it is not considered to be so detrimental as to warrant refusal of the application as the overall appearance of the building appears simple enough to achieve to the visual relationship with the wider site that officers consider necessary.
23. The Conservation Officer is concerned that some of the details on the building, such as the verge, are not appropriate. It is reasonable to condition such details in this instance.

Highway Safety

24. In accordance with the comments of the Local Highways Authority there is not considered to be any adverse impact upon highway safety as a result of the proposals. The standard conditions recommended are considered to be reasonable and justified in this instance.

Further Considerations

25. Having regard to the representation of the Council's Tree Officer it is considered reasonable and necessary to apply a condition to agree details of tree protection and driveway construction.
26. The Parish Council raises concern for the proposed excavation of the site. For the purposes of clarity the application proposes no substantive works of excavation, the land is naturally lower than surrounding levels at this point in the site.
27. A draft heads of terms has been submitted with the application agreeing to pay the Council's standard contribution rates for public open space, community facility and refuse infrastructure provision. The Applicant's Solicitors are currently engaging with the Council's Lawyers in order to draw up a S106 agreement, but at the time of

writing this has not been sealed. In lieu of this a standard Grampian style condition is considered reasonable and justified in this instance.

Conclusion

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

Recommendation

29. It is recommended that the Planning Committee approves the application subject to the following Conditions.

Conditions

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

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

2. **The development hereby permitted shall be carried out in accordance with the following approved plans & Documents: 109/1.04 rev P3, 109/1.05 rev P2, 109/1.07, 109/1.08, 109/1.09, 109/1.10 & 109/1.11**

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

3. **No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

4. **No development shall take place until 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 and gates to be erected. The boundary treatment shall be completed before that/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.)

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

specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

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

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

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

- 7. Notwithstanding the drawings, hereby approved, prior to the commencement of development on site details of the following shall be submitted to approved by the Local Planning Authority, the development shall be carried out in accordance with the approved details**

- a) Eaves and verge details at a scale of no less than 1:20**
- b) Window, rooflight, shutters , balustrade and door details at a scale no less than 1:20**
- c) Surface water drainage for the proposed driveway**
- d) Traffic management plan during the period of construction**
- e) Details of the vehicular cross over layout**
- f) The proposed flue, including position**
- g) Vents, extracts and grills**

(Reason – To protect trees, ensure architectural detailing appropriate to the site and in the interests of highway safety.)

- 8. No development shall begin until details of a scheme for the provision of recreational, community services and refuse infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 & SF/11 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards public open space, community facilities and refuse in accordance with the above-mentioned Policies SF/10 & SF/11 and Policy DP/4 of the adopted Local Development Framework 2007.)

- 9. The rooflights on the south eastern roofslope of the dwelling, hereby approved, shall either be sited a minimum of 1.7m from the finished first floor level or shall be obscure glazed and non-opening.**

(Reason – In the interests of residential amenity)

- 10. No development approved by this permission shall be commenced until:**

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have**

been determined through risk assessment and agreed in writing by the Local Planning Authority.

b) 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.

c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

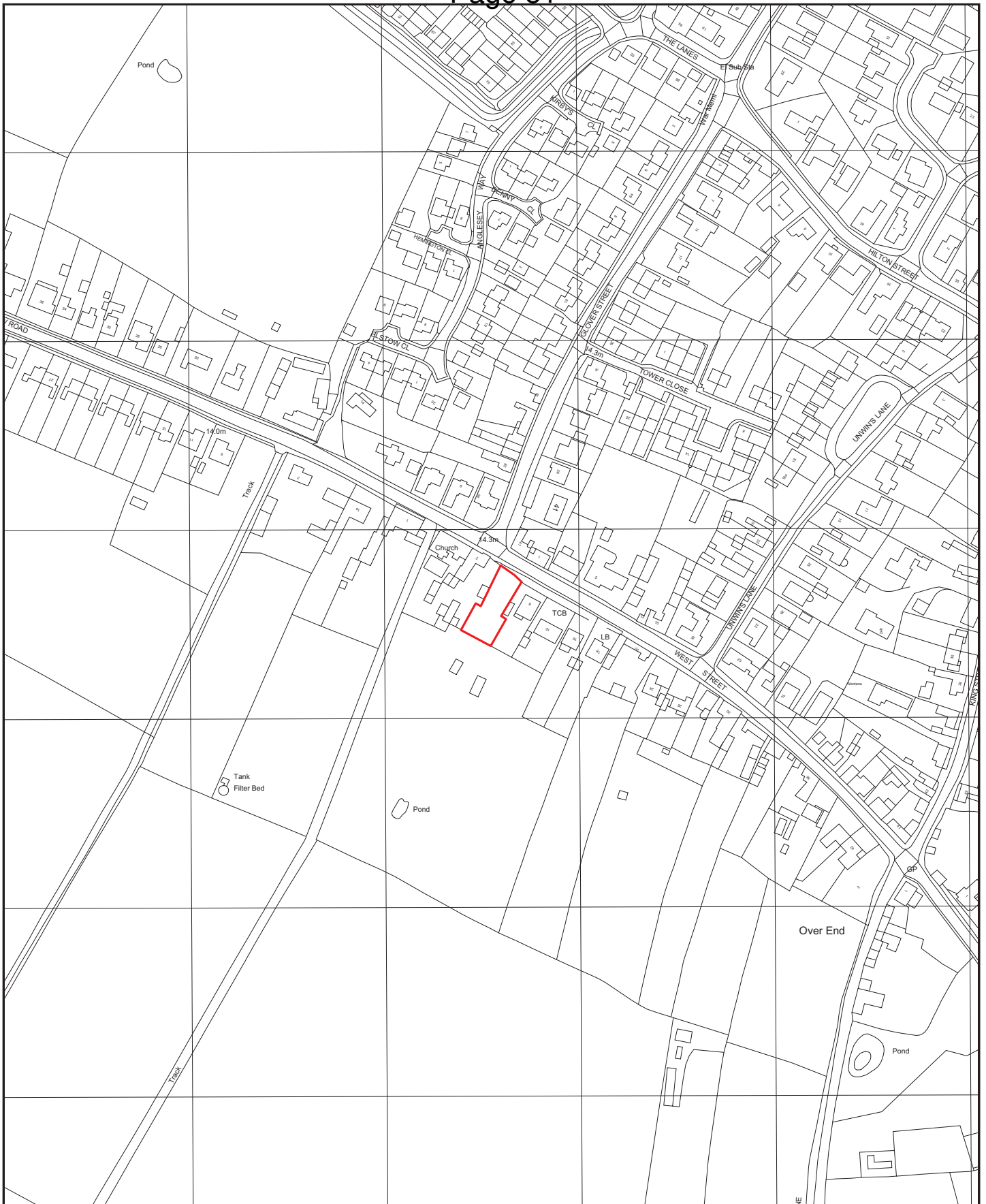
11. Prior to the commencement of development a scheme for the protection of the northern (curtilage listed) outbuilding with the curtilage of no.2 during construction shall be submitted to an approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason – To ensure that the curtilage listed outbuilding in question is not materially harmed during construction)

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

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

Case Officer: Mathew Hare – Senior Planning Officer
Telephone: (01954) 713180



**South
Cambridgeshire
District Council**

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2646
Time of plot: 11:53

Date of plot: 21/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1653/12/FL – WILLINGHAM**Erection of a single 20kW Wind Turbine (20.5m hub height & total height 27m) for Mr Christopher Stringer****Recommendation: Approval****Date for Determination: 30th September 2012****Notes:**

This Application has been reported to the Planning Committee for determination because the Parish Council's recommendation of refusal is contrary to Officer recommendation of approval.

To be presented to the Committee by Matthew Hare

Site and Proposal

1. The application seeks planning permission for the erection of a single wind turbine with a maximum height of 27m of standard tri-blade design.
2. The site comprises a large agricultural field bounded by tall hedgerow. There is some built development in the far northern corner of the site and this appears to be stable buildings. A vehicular access from Meadow Road serves the site formed by a break in the hedgerow in the southern corner of the field.
3. The site falls outside of the Willingham Development Framework and is therefore within the defined countryside. To the south of the application site on the opposite side of Meadow Rd is a small traveller site.
4. **Planning History**

No history on the site itself, but within the wider field there is the following:

S/2311/02/F - Mobile Home – Refused

S/1243/08/F - Siting of 2 Gypsy mobile homes – temporary permission to 30th Sept 2011

S/2065/10 - Use of land and stationing of residential caravans for 4 Gypsy and Traveller pitches – Refused

S/1692/11 - Removal of condition 1 of planning permission reference S/1243/08/F to allow the permanent siting of two gypsy mobile homes – Refused

S/0307/12/FL - Continued use of land as long-stay caravan site for two gypsy families (1 mobile home 1 tourer each pitch) – Refused

S/1621/12/VC - Removal of condition 1 of planning permission reference S/1243/08/F to allow the permanent siting of two gypsy mobile homes – undetermined.

5. **Planning Policy**

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

ST/5 – Minor Rural Centres

South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 2007

DP/1 - Sustainable Development

DP/7 - Development Frameworks

NE/2 - Renewable energy

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

Willingham Parish Council - Recommends refusal for the following reasons:

- The visual impact upon the flat countryside
- The proximity to existing caravan dwellings
- The optimistic claims for efficiency of about 30%
- The establishment of a precedent for future expansion

Landscape Design Officer – No comments received.

Environmental Health Officer – following the submission of additional noise impact information the Council's Environmental Health Officers recommend approval subject to the following condition:

"The level of noise emissions from the wind turbine shall not exceed a noise" immission" limit level of 35 dB LAeq,10-minute at any time in free-field conditions, at the boundary of any noise sensitive residential premises / dwellings, at wind speeds of up to 12m/s as measured or calculated at a height of 10m above ground level averaged over 10-minute periods within the turbine site. If the noise from the turbine at any noise sensitive residential premises / dwellings contains any noticeable acoustic characteristics such as tonal, thumping, swishing or fluttering then a +5dB correction shall be added to the overall dB Leq, 10-minute measured operational noise level."

Local Highways Authority – Non objections. Recommends a traffic management plan for the construction period.

Representations from members of public

One letter of representation received from the occupant of Belsar Farm, Meadow Road raising concerns for:

- The proximity to residential dwellings
- Visual impact

- Mechanical efficiency
- Economic viability
- Subjective opinions on the efficacy of wind power

Material Planning Considerations

7. The key issues to consider in this instance are the visual impact upon the surrounding landscape and residential amenity

Visual impact

8. The proposed wind turbine stands at 20.5m high to its hub with an additional 6.5m when the blades are included.
9. It is considered likely that when adjacent to the application site on Meadow Road that much of the turbine would be obscured from view by the high hedgerow that lines this road. However clearly the turbine would be visible in longer range views from the junction of Meadow Rd with Rockmill End and from Rockmill End itself.
10. Although the turbine would be visible in these views, due to its small scale (relative to other commercial wind turbines) the visual impact upon the surrounding landscape is considered to be of only limited harm.

Residential Amenity

11. The proposed turbine is sited near to an existing lawful travelers site and thus it is important to ensure that the proposals would not unduly impact upon the residents of this site through noise and disturbance.
12. The Council's Environmental Health Officers (EHO's) have commented on the proposals and consider that providing noise levels from the turbine do not exceed 35dB at the boundary of any noise sensitive sites (such as the travelers sites) then there would not be significant adverse harm in terms of noise and disturbance.
13. The applicant has provided a noise report that the Council's EHO's consider sufficient to demonstrate that the 35dB level can be met in this instance. Furthermore the applicant has agreed to a condition to ensure that the turbine never exceeds this noise level (for example though lack of maintenance etc).
14. Such a condition is considered reasonable in this instance, and in light of the above there is not considered to be undue amenity harm in this instance.

Further Considerations

15. The proposals, being a wind turbine, constitute a clean energy source. Irrespective of subjective views on climate change clearly such measures are laudable and at any rate are supported by the National Planning Policy Framework (NPPF). Representation received queries the efficacy of wind power generally, however the NPPF advises that when considering proposals for renewable energy projects local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
16. Whilst limited landscape harm is identified above the contribution of the project to cutting greenhouse emissions is considered to outweigh this.

17. It is necessary to impose a condition seeking the removal and reinstatement of the land should the turbine cease to be operational. This is in accordance with policy NE/2.
18. The traffic management plan recommended by the Local Highway Authority is considered reasonable and necessary in this instance.
19. Concerns are raised by representation for the mechanical efficiency of the turbine, the economic viability of the turbine and precedent for future expansion. None of these concerns are material to this case.

Conclusion

20. 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

It is recommended that the Planning Committee approves the application subject to the following Conditions and Informatives.

Conditions

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans & Documents: CF20, SC-01 & SC-02.**
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **Prior to the commencement of development on site a traffic management plan for the construction period of the turbine, hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
(Reason – in the interests of highway safety.)
4. **Within one month of the development, hereby permitted, ceasing to be used for energy generation purposes the Local Planning Authority shall be notified accordingly in writing. Within four months of such notification all apparatus (including any fencing and hard surfacing) shall be removed from the land and the land shall be restored to its former condition in accordance with a scheme of works submitted to and approved in writing by the Local Planning Authority.**
(Reason - To ensure that the turbine and associated equipment is removed from the site when the need for the structure ceases in order to avoid dereliction in the countryside in the long term in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. **The level of noise emissions from the wind turbine shall not exceed a noise” immission” limit level of 35 dB LAeq,10-minute at any time in free-field conditions, at the boundary of any noise sensitive residential premises /**

dwellings, at wind speeds of up to 12m/s as measured or calculated at a height of 10m above ground level averaged over 10-minute periods within the turbine site. If the noise from the turbine at any noise sensitive residential premises / dwellings contains any noticeable acoustic characteristics such as tonal, thumping, swishing or fluttering then a +5dB correction shall be added to the overall dB Leq, 10-minute measured operational noise level.

(Reason – in the interests of residential amenity)

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

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

Case Officer: Mathew Hare – Senior Planning Officer
Telephone: (01954) 713180

This page is left blank intentionally.



MEADOW ROAD

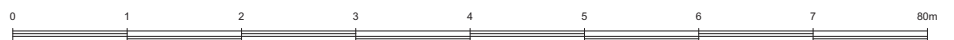
The



South
Cambridgeshire
District Council

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:661

Time of plot: 11:59

Date of plot: 21/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/0097/12/FL - WILLINGHAM**Continued use of land as gypsy site for the stationing of two mobile homes, touring caravan and amenity block. - Willow, Greenacres, Meadow Road, Willingham, Cambridge, Cambridgeshire, CB24 5JL for Mrs Caroline Sylvia Smith****Recommendation: Approval****Date for Determination: 13 March 2012**

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

To be presented to the Committee by John Koch

Site and Proposal

1. This application was originally presented to the May 2012 Committee when it was recommended that a further temporary permission be granted. In the event, the application was deferred pending receipt of an outstanding appeal decision for a site off Schole Road, Willingham (the Bibby site"). That decision was eventually received on 26 June and reported to the July Planning Committee for information. This amended report takes on board the material considerations arising from that decision. The applicant seeks a permanent consent.
2. The Willows is a rectangular parcel of land located on the south side of Meadow Road and behind two other sites occupied by travellers. It lies outside the defined village framework and sits within a generally flat and open fen-edge landscape. The site is surrounded by farmland to the west and south with hedges along both boundaries. To the north and east there are a total of six other traveller sites. The relevant side boundaries are fenced. Access to the site is via a long, narrow access off meadow Road. The site lies in flood zone 1 (low risk).
3. The site is currently occupied by two mobile homes, a touring caravan and an amenity block. These are occupied by the applicant, her son and her daughter with her three children. The site is not particularly tidy, but is largely invisible from public view. Access to the whole site is via an existing roadway that runs along the length of the site.

Planning History

4. The applicant has owned the site for about 20 years. She moved here from a Council-run site at Earith and lived here for about seven years without planning permission. She moved off the site and moved to Mildenhall but

returned in 2006 after discovering that others had occupied the land in her absence. A planning application was submitted under reference **S/2048/06/F** to regularise the use although a three-year temporary planning permission was not granted until January 2009. The reason for granting a temporary permission was so as not to prejudice the outcome of the then pending Gypsy and Traveller DPD. The permission expired on 31 January 2012 and the application seeks to renew this albeit that permanent planning permission is now requested.

5. There are numerous other sites in Willingham with the benefit of either temporary or permanent planning permission. To assist Members these are shown on the plan at **Appendix 1** to this report. This is supported by a list of the existing temporary planning permissions and their current status. This is set out as **Appendix 2**.

Planning Policy

6. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for Ipa's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
7. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
8. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
9. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
10. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
11. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character

NE/10 Foul Drainage

12. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
13. **Gypsy and Traveller DPD (GTDPD)**
The "Issues and Options 2 Consultation July 2009" identified the site as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.
14. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
15. Circular 11/95 (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.

Consultation by South Cambridgeshire District Council as Local Planning Authority

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

Representations by Members of the Public

20. None received

Planning Comments

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

The Development Plan

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

protected. Meadow Road is well hedged on both sides as are the open boundaries around the site. There are long-distant views from the west although the existing hedging provides some screening and the site is also seen in the context of the two sites between it and Meadow Road. The larger frontage site has the benefit of a permanent planning permission while the other has a temporary planning consent that expires in August this year. The site assessment undertaken for the Issues and Options 2 Consultation exercise in 2009 commented that the impact from this and the surrounding pitches is low as they form a tight group and are fairly well screened with limited views. This situation has not changed.

28. In the circumstances, the continued use of the site is considered to accord with Policies NE/4, DP/2 and DP/3 that seek to preserve or enhance the character and appearance of the local area and countryside and to protect landscape character.
29. The sustainability of the site has also already been assessed as part of the background work for a site allocations policy. That has concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village and the nearest bus stop. Although Meadow Road has no footway, it is lightly trafficked and no highway safety issues have been raised. The family's needs are already being met by the local GP and the children are in school at Over. There is no known mains connection along Meadow Drove and the use of a septic tank is acceptable in principle.
30. The August 2011 letter from the Willingham Medical Practice referred to by the Parish Council was written with specific reference to a particular site located on the edge of the village. The practice has stated that it is continually growing and that they are finding the demands on their services are increasing greatly. They have provided extra surgery sessions and employed an extra doctor but any further increase in capacity is limited by the available resources. However, any demands placed by the applicant's site are existing and as she has not put forward any health reasons for requiring this particular site, the general demands placed on the Medical Practice do not warrant a refusal in this case.
31. Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. At present, there are 7 authorised pitches, 13 pitches with temporary or lapsed temporary planning permission, one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. These pitches are located in relatively close proximity to one another. PPTS states that the scale of sites should not dominate the nearest settled community. This remains an issue of significant concern to the parish council. Recent permissions in the village have all been on a temporary basis in recognition of a pending site allocations policy and the demands that would be placed on the village should a large number of sites be allowed, particularly in a relatively small geographical area. However, a site allocations policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.

32. In the event that permanent planning permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. This is in accordance with policies DP/4 and SF/10, The applicant has agreed to this in the event that the permanent permission is granted.
33. Ultimately, officers the location of the site is considered to be suitable on landscape and wider sustainability grounds. This now warrants the grant of a permanent permission subject to suitable safeguarding conditions.

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

34. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
35. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 68 pitches with temporary planning permission and while there can be no certainty that these will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.
36. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham this is an area now frequented solely by Irish Travellers). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could be available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
37. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal. The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicant's personal needs and circumstances

38. Mrs Smith has stated that she has worked locally for the last 6 years and her daughter helps out at Over Primary School. Her son has recently finished College. Her daughter's children are aged 3, 6 and 9 and attend Over Primary School and a local playgroup. Mrs Smith's grandfather is buried locally. The

family has a local connection and this is a consideration that carries some weight, together with the educational needs of the respective children.

Conclusion

39. The site is generally well screened and in a reasonably sustainable location. In that sense, it scores well when judged against other sites in the surrounding area. It would continue to assist the family with its employment and educational needs. The lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, albeit their need for this particular site is not compelling. The potential delivery of at least one new site within the next 18 months also diminishes the weight to be given to unmet needs.
40. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months.\

Human Rights Issues

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

Recommendation:

42. Approve subject to the following conditions:
 1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)' (Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)
 2. The use, hereby permitted, shall be discontinued and the mobile homes, caravan and amenity block, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. (Reason – In accordance with the advice in “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)

3. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
4. No vehicles over 3.5 tonnes shall be stationed, parked or stored on then site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours.)
5. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

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

- **Regional Spatial Strategy for the East of England**
- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S/0097/12FL**
- **Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012**

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



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 12:58

Date of plot: 13/08/2012

This page is left blank intentionally.

Appendix 2

LIST OF SITES WITH TEMPORARY PLANNING PERMISSION

1 Cadwin Lane, WILLINGHAM (Mrs E Smith)

No more than 2 caravans

S/0324/10/F

EXPIRES 18/08/2012

2 Cadwin Lane, WILLINGHAM (Mrs L Holmes)

No more than 2 caravans

S/1134/09/F

EXPIRES 18/08/2012

NEW APPLICATION PENDING FOR PERMANENT PERMISSION

3 Cadwin Lane, WILLINGHAM (Miss Loveridge)

No more than 2 caravans

S/1919/08/F/(APP/W0530/A/09/2099688)

EXPIRES 18/08/2012

5 Cadwin lane, WILLINGHAM (Mr & Mrs Smith)

No more than 2 caravans

S/2330/06/F

LAPSED: 01/11/2011

6 Cadwin Field, WILLINGHAM (Donna Smith)

No more than 1 mobile home 2 caravans

S/1803/09/F

EXPIRES 18/08/2012

NEW APPLICATION PENDING FOR PERMANENT PERMISSION

Plot 2 Longacre, Meadow Road, WILLINGHAM (Mrs E Webb)

No more than 2 caravans

S/1719/09/F

EXPIRES 18/08/2012

NEW APPLICATION PENDING FOR PERMANENT PERMISSION

Grange Park/Foxes Meadow, Priest Lane, WILLINGHAM (Mr B Coates)

4 mobile homes, 4 transit caravans and 3 toilet blocks

S/1844/09/F

EXPIRES 18/08/2012

NEW APPLICATION PENDING FOR PERMANENT PERMISSION

Plot 5, Longacre, Meadow Road, WILLINGHAM (Webb /Wenman)

No more than 4 caravans and utility block

S/1720/09/F

EXPIRES 18/08/2012

NEW APPLICATION PENDING FOR PERMANENT PERMISSION

The Oaks, Meadow Road, WILLINGHAM (Tom Buckley)

No more than 2 caravans

S/1692/11

EXPIRES 30/10/2012

NEW APPLICATION PENDING FOR PERMANENT PERMISSION

3 Longacre Meadow Road WILLINGHAM (Mr A Brown)
No more than 2 caravans
S/1073/09/F
EXPIRES 31/10/2012

Beaumont Place, 3 Meadow Road, WILLINGHAM (Mrs L Brown)
Max of 6 caravans
S/1191/09/F
EXPIRES 31/10/2012
NEW APPLICATION PENDING FOR PERMANENT PERMISSION

7 Belsars Field (Schole Road), WILLINGHAM
(Mr & Mrs Lee)
No more than 3 caravans
S/0198/12/VC
LAPSED 31/01/2012
NEW APPLICATION PENDING FOR PERMANENT PERMISSION

2 The Willow (Meadow Road), WILLINGHAM (Mrs C Smith)
No more than 3 caravans
S/0097/12
LAPSED 31/01/2012
NEW APPLICATION PENDING FOR PERMANENT PERMISSION

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1475/12/VC - WILLINGHAM**Variation of condition 1 of application S/1720/09/F to allow a permanent consent - Plot 5, Longacre, Meadow Road, Willingham for Miss Maria Wenman****Recommendation: Approval****Date for Determination: 11 September 2012****This application has been reported to the Planning Committee for determination at the request of the Development Control Manager****To be presented to the Committee by Paul Derry****Site and Proposal**

1. The site lies to the east side of the village of Willingham, and is outside the defined village framework, as identified in the South Cambridgeshire Local Development Framework 2007. The site measures approximately 35m by 25m, and is set back from Meadow Road. The plot is the last served by the access directly north of the site, which serves other Longacre pitches.
2. The southern boundary of the site backs onto open countryside, and the shared boundary is a 2-3m high deciduous hedge set behind a 2m hedge. Some of this planting continues along the east boundary, although there is an area that is open. The northern boundary is a 1.8m high fence. The west boundary is a 1.8m high fence with two small trees planted within the site. The site is gravelled, and is divided into two areas by a 1.8m fence. There is no development on the eastern section of the site. At the time of the visit, there was one mobile home, one touring caravan and one playroom/bathroom on site.
3. The application seeks to vary condition 1 of application S/1720/09/F to allow a permanent consent on the site.

Site History

4. Application **S/0402/06/F** granted consent dated 20th November 2006 for the siting of two gypsy mobile homes, two touring caravans and a utility block on the site. Condition 2 off this consent restricted the use until 1st November 2009. A further application **S/1720/09/F** approved dated 9th February 2010 granted an extension to this time, condition 1 of which expires on 18th August 2012. There have been other planning applications made on the site, although these are not considered relevant to the determination of this consent.
5. There are numerous other sites in Willingham with the benefit of either temporary or permanent planning permission. To assist Members these are shown on the plan at

Appendix 1 and the list at **Appendix 2**, both of which are appended to the report under reference **S/0097/12/F**.

Planning Policy

6. **Planning Policy for Traveller Sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for Local Planning Authority's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
7. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
8. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
9. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
10. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
11. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
NE/10 Foul Drainage
12. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
13. **Gypsy and Traveller DPD (GTDPD)**
The site was agreed through the "Issues and Options 2 Consultation July 2009" as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.

14. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
15. **Circular 11/95 (The Use of Conditions in Planning Permissions)** advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.
16. The **Willingham Parish Plan (October 2008)** does not raise issues that relate specifically to traveller sites.
17. **Consultation by South Cambridgeshire District Council as Local Planning Authority**
18. **Willingham Parish Council** makes no recommendation. However, they note they are concerned about the number of traveller sites in the village and feel they should be spread across the District. Following a recent appeal decision, the Council has to accept that some temporary consents will have to be made permanent. Although there are concerns regarding this course of action, a permanent consent on this site should not open the floodgates for others. The original conditions should also be complied with.
19. The Council's **Traveller Liaison Officer** supports the scheme and notes the site is well kept and the children attend the local school.
20. The **Old West Internal Drainage Board** originally objected to the scheme given the lack of information regarding surface water drainage. This information was supplied directly by the applicant, and the objection has been withdrawn given the cess-pit on site.

Representations by Members of the Public

21. None were received.

Material Planning Considerations

22. Having regard to information provided as part of this and the previous application in 2009, the applicant meets the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites.
23. The main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;

- The case for a temporary permission should permanent permission not be granted
- Human Rights Issues

The Development Plan

24. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires Local Planning Authority's to make their own assessment of need rather than relying on a regional target (see below).
25. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
26. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle. The principal concerns in this case are the impact on the character and appearance of the area and the status of the local plan.
27. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from the eastern edge of the village to the west, where the nearest built form is the properties along Spong Drove. It forms the southernmost plot of a group of pitches to the southern side of Meadow Road. These form almost two rows of pitches, each accessed from a separate track. The land directly to the north has no consent for Travellers, the plot beyond that has temporary consent until October 2012, and the two pitches north of that up to Meadow Road both have permanent consent. Of the row of pitches to the west, the immediate adjacent land has temporary consent, the pitch to the north has temporary consent (subject to current application S/1476/12/VC), and the pitch adjacent Meadow Road again has permanent consent.
28. The application site is not obviously visible from Meadow Road given the developments between the two. There is a hedge to the southern boundary of the site that is taller than the 1.8m hedge, and provides a good screen from any long views from Priest Lane to the south. The site was supported in the Issues and Options 2 Consultation July 2009 due to its lack of landscape impact, and the summary states "views of the site from the wider landscape are already limited". The proposal is not considered to cause any landscape harm.
29. The sustainability of the site has also already been assessed as part of the background work for the then emerging site allocations policy. That concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village, and is within 500m of a bus stop.

30. The desire to ensure that the scale of sites should not dominate Willingham remains an issue of significant concern to the Parish Council, although they have not recommended refusal in this instance. While recent permissions in the village have mostly been on a temporary basis in recognition of a pending site allocations policy, this policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
31. In the event that permanent planning permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. There is no set formula to calculate contributions where caravans are the accommodation. The applicant is aware of the requirements, but no agreement has been made at this stage with regard amounts of contributions.

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

32. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
33. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 68 pitches with temporary planning permission and while there can be no certainty that these will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.
34. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
35. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal on land at Schole Road (S/1561/09/F). The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal, particularly given the lack of landscape harm described above.

36. The comments from the Old West Internal Drainage Board are noted. The site has an existing cess pit on site, and the original objection was withdrawn on provision of this information.

The Applicant's Personal Needs and Circumstances

37. The applicant has stated that she is now settled in the area with her partner and two children. All occupiers of the site are registered at the local doctors surgery in the village, and one son attends Willingham Primary School. The family has a local connection and this is a consideration that carries some weight.

Conclusion

38. The site is not considered to cause harm to the surrounding countryside. The lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, albeit their need for this particular site is not compelling. The potential delivery of at least one new site within the next 18 months also diminishes the weight to be given to unmet needs.
39. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months.

Human Rights Issues

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

Recommendation

41. Approve subject to the following conditions:

1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'

(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)

2. The use, hereby permitted, shall be discontinued and the mobile homes, caravans and amenity building, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

(Reason – In accordance with the advice in “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent

will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)

3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

4. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.

(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

(Reason - In order to limit the site's impact on the area's rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

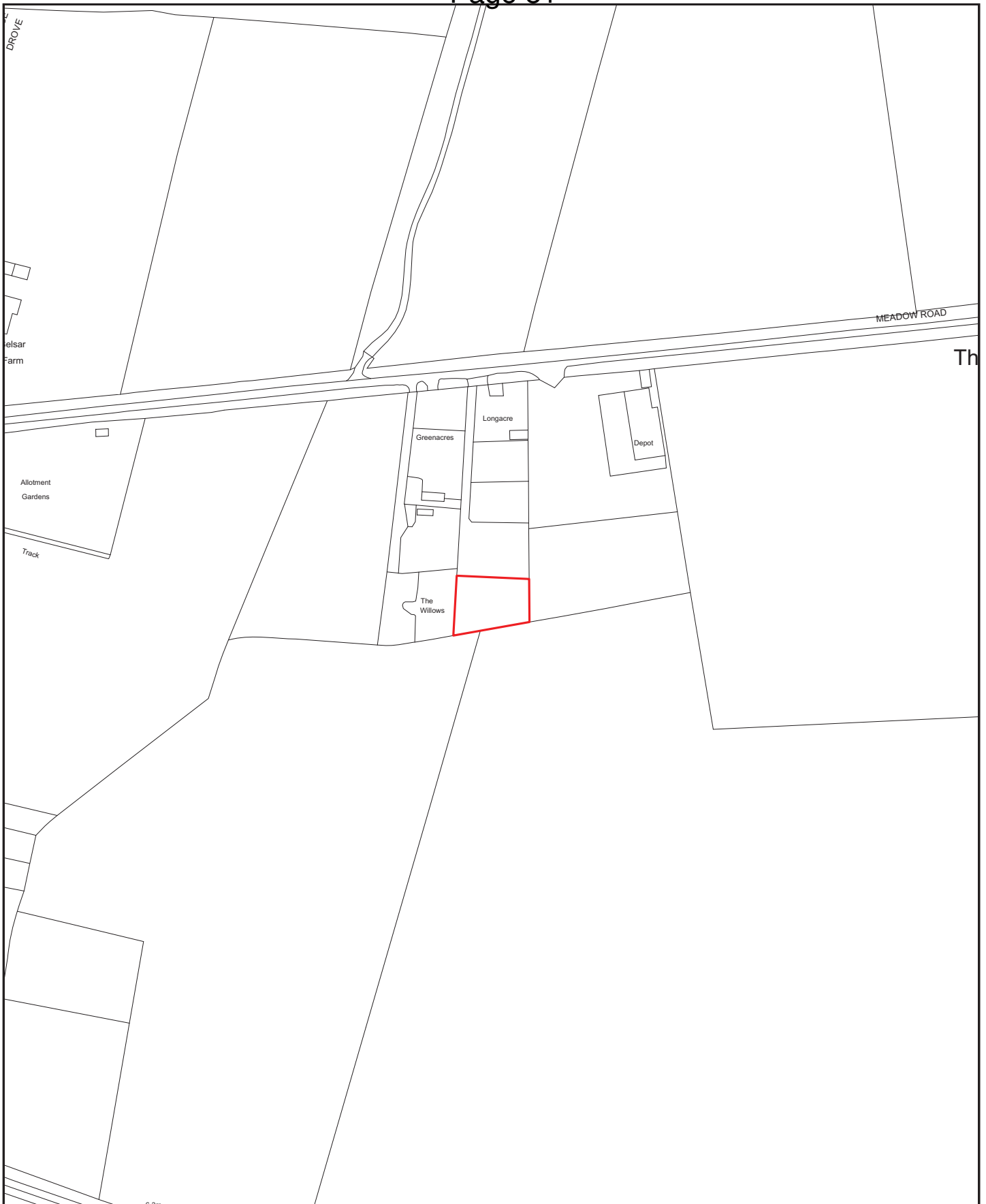
If Members decide infrastructure provisions are required, a further condition would be needed to ensure this provision.

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

- Regional Spatial Strategy for the East of England
- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning Policy for Traveller Sites
- Planning file reference S/1475/12/VC, S/1720/09/F, S/0402/06/F and S/1561/09/F.
- Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012

Contact Officer: Paul Derry - Senior Planning Officer
01954 713159

This page is left blank intentionally.



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 11:40

Date of plot: 18/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1476/12/VC - WILLINGHAM**Variation of condition 1 of application S/1719/09/F to allow a permanent consent - 2 Greenacres, Meadow Road, Willingham for Mrs Eileen, Webb****Recommendation: Approval****Date for Determination: 13 September 2012****This application has been reported to the Planning Committee for determination at the request of the Development Control Manager****To be presented to the Committee by Paul Derry****Site and Proposal**

1. The site lies to the east side of the village of Willingham, and is outside the defined village framework, as identified in the South Cambridgeshire Local Development Framework 2007. The site measures approximately 28m by 30m, and is set back from Meadow Road. Access is achieved from the west side of the site, where an access track serves this and adjacent units.
2. The north boundary of the site is a 1.5m high fence, which backs onto a barn on the land to the north. There are a range of seemingly historic outbuildings along the east boundary, with a 1.8m fence behind that continues along the southern boundary. The west boundary is a 1m high wall with an open portion to allow vehicle access. Across the access, there is a post and wire fence and a hedge along the boundary of the adjacent agricultural land. The site itself is divided into two plots by a small fence, where differing members of the family are located.
3. The application, validated on 19 July 2012, seeks to vary condition 1 of application S/1719/09/F to allow a permanent consent on the site.

Site History

4. Application **S/0375/06/F** was granted consent dated 20th November 2006 for the siting of two gypsy mobile homes and utility block on the plot. Condition 2 off this consent restricted the use until 1st November 2009, and gave a further 3 months for the land to be cleared. A further application **S/1719/09/F** approved dated 9th February 2010 granted an extension to this time, condition 1 of which expires on 18th August 2012. There have been other planning applications made on the site, although these are not considered relevant to the determination of this consent.

5. There are numerous other sites in Willingham with the benefit of either temporary or permanent planning permission. To assist Members these are shown on the plan at **Appendix 1** and the list at **Appendix 2**, both of which are appended to the report under reference **S/0097/12/F**.

Planning Policy

6. **Planning Policy for Traveller Sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for Local Planning Authority's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
7. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
8. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
9. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
10. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
11. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
NE/10 Foul Drainage
12. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
13. **Gypsy and Traveller DPD (GTDPD)**
The site was agreed through the "Issues and Options 2 Consultation July 2009" as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan

review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.

14. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
15. **Circular 11/95 (The Use of Conditions in Planning Permissions)** advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.
16. The **Willingham Parish Plan (October 2008)** does not raise issues that relate specifically to traveller sites.

Consultations by South Cambridgeshire District Council as Local Planning Authority

17. **Willingham Parish Council** makes no recommendation. However, they note they are concerned about the number of traveller sites in the village and feel they should be spread across the District. Following a recent appeal decision, the Council has to accept that some temporary consents will have to be made permanent. Although there are concerns regarding this course of action, a permanent consent on this site should not open the floodgates for others. The original conditions should also be complied with.
18. The Council's **Traveller Liaison Officer** supports the scheme and notes it is set within an established site of authorised pitches
19. The **Old West Internal Drainage Board** originally objected to the scheme given the lack of information regarding surface water drainage. This information was supplied directly by the applicant, and the objection has been withdrawn given the cess-pit on site

Representation by Members of the Public

20. None were received.

Material Planning Considerations

21. Having regard to information provided as part of this and the previous application in 2009, the applicant meets the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites.

22. The main issues in this case are:
- The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;
 - The case for a temporary permission should permanent permission not be granted
 - Human Rights Issue

The Development Plan

23. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires Local Planning Authority's to make their own assessment of need rather than relying on a regional target (see below).
24. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
25. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle. The principal concerns in this case are the impact on the character and appearance of the area and the status of the local plan.
26. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from the eastern edge of the village to the west, where the nearest built form is the properties along Spong Drive. It forms the middle plot of a group of three pitches to the southern side of Meadow Road. In its wider context, it forms almost two rows of pitches, each accessed from a separate track. The pitch directly north has permanent consent, whilst that to the south has temporary permission. Of the land to the east, the northernmost two pitches have permanent consent, whilst two further south (including current application S/1475/12/VC) have temporary permission. There is a small plot of land between these latter two without a specific designation.
27. Given its location to the west side of the grouping of pitches, the site is visible from Meadow Road. Longer views along this road are screened by the hedge that forms the western boundary of the adjacent field. A brick wall with railings above forms the western boundary, and there is no space for landscaping beyond this as the access track runs against this wall. This boundary treatment does provide an urban feature for the site. However, views from Meadow Road are more acute given the hedge to the west. There is some

planting to the southern section of the east boundary of the site, which continues across part of the southern boundary. This does provide some greenery on the site. The existing buildings along the eastern boundary are also agricultural in nature, and what could be expected in this agrarian setting. The site was supported in the Issues and Options 2 Consultation July 2009 due to its lack of landscape impact, and the summary states "views of the site from the wider landscape are already limited". The proposal is not considered to cause any significant landscape harm.

28. The sustainability of the site has also already been assessed as part of the background work for the then emerging site allocations policy. That concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village, and is within 500m of a bus stop. All occupiers of the site are registered at the local doctor's surgery in the village. The three children attend Willingham Primary School or Swavesey Village College.
29. The desire to ensure that the scale of sites should not dominate Willingham remains an issue of significant concern to the Parish Council, although they have not recommended refusal in this instance. While recent permissions in the village have mostly been on a temporary basis in recognition of a pending site allocations policy, this policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
30. In the event permanent permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. There is no set formula to calculate contributions where caravans are the accommodation. The applicant is aware of the requirements, but no agreement has been made at this stage with regard amounts of contributions.

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

31. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
32. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 68 pitches with temporary planning permission and while there can be no certainty that these will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.

33. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
34. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal on land at Schole Road (S/1561/09/F). The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal, particularly given the lack of landscape harm described above.
35. The comments from the Old West Internal Drainage Board are noted. The site has an existing cess pit on site, and the original objection was withdrawn on provision of this information.

The Applicant's Personal Needs and Circumstances

36. The applicant lives on site with her partner and three children. The applicant's father and his wife also live on the site. All occupiers of the site are registered at the local doctor's surgery in the village. The three children attend Willingham Primary School or Swavesey Village College. The family has a local connection and this is a consideration that carries some weight.

Conclusion

37. The site is not considered to cause harm to the surrounding countryside. The lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, albeit their need for this particular site is not compelling. The potential delivery of at least one new site within the next 18 months also diminishes the weight to be given to unmet needs.
38. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months.

Human Rights Issues

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

that refusal of permanent planning permission would not be proportionate and justified within Article 8 (2).

Recommendation

40. Approve subject to the following conditions:

1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'

(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)

2. The use, hereby permitted, shall be discontinued and the caravans and utility block, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

(Reason – In accordance with the advice in “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)

3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site. (Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

4. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.

(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

(Reason - In order to limit the site's impact on the area's rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

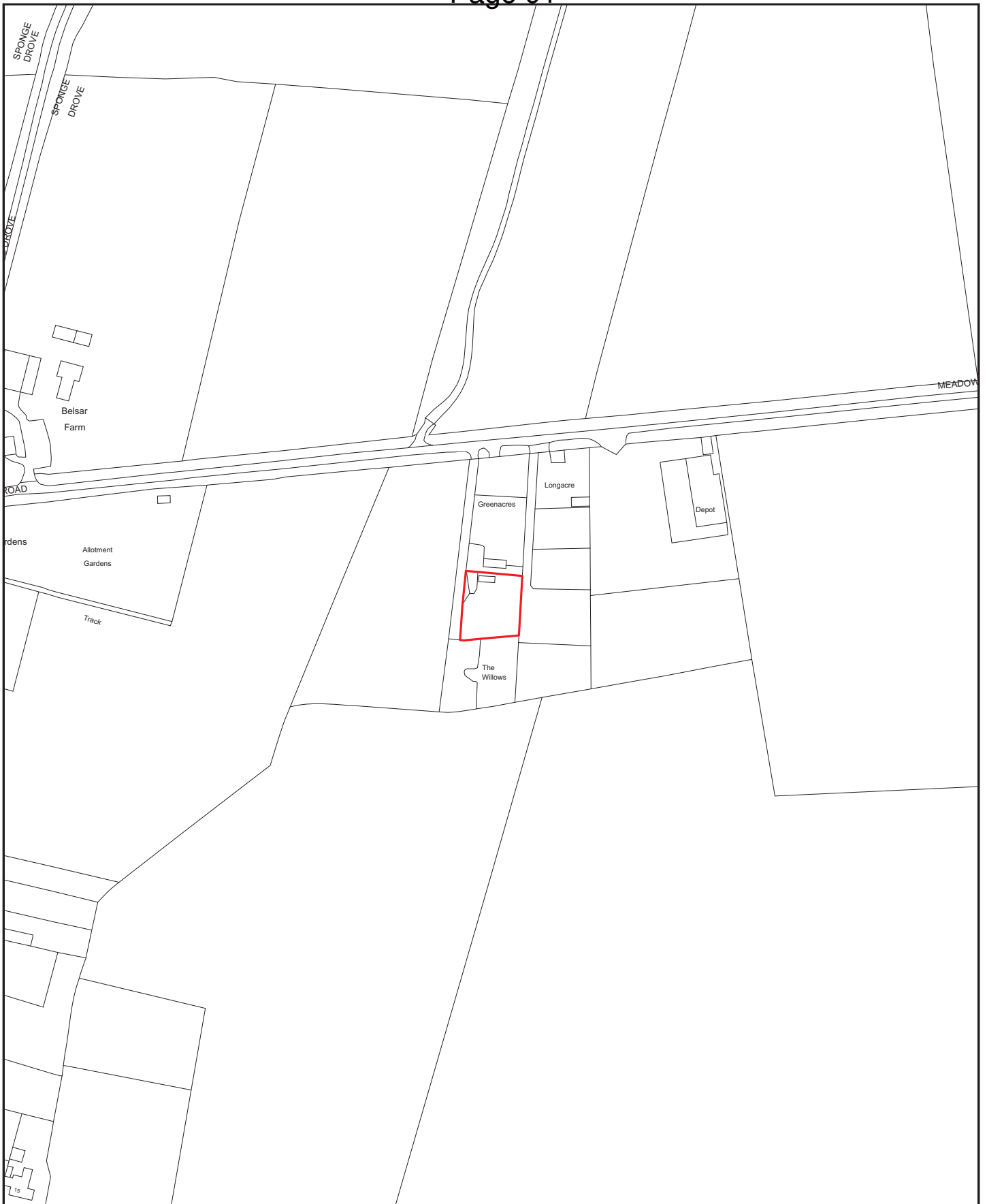
If Members decide infrastructure provisions are required, a further condition would be needed to ensure this provision.

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

- Regional Spatial Strategy for the East of England

- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning Policy for Traveller Sites
- Planning file reference S/1476/12/VC, S/1719/09/F, S/0375/06/F and S/1561/09/F.
- Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012

Contact Officer: Paul Derry - Senior Planning Officer
01954 713159



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 11:44

Date of plot: 18/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/0198/12/VC - WILLINGHAM**Removal of Condition 2 of Planning Permission S/2183/06 to allow a permanent consent - 7, Belsars Field Schole Road for Mr Arthur & Mrs Joan Lee****Recommendation: Approval****Date for Determination: 27 March 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 application site relates to a plot of land 23m by 25m on the north side of Schole Road, set back approximately 40m from the road frontage. At the time of the officer site visit, there were two touring caravans on the site, with a utility block in the southeast corner and a wooden clad dayroom along the eastern boundary. The site is all laid to gravel, and is surrounded by a 1.8m fence except by the vehicle access along the western boundary.
2. To the west of the site on the opposite side of the shared access is a permanent traveller site. The land to the south is bare, and to the east of this is a further site that has a personal consent for the current occupants only. The land to the north and east appears agricultural. There are rows of leylandii to the east boundary and beyond the northern boundary.
3. The application, validated on 31 January 2012, seeks to vary condition 2 of approved consent S/2183/06/F, which restricted the use of the site up to 31 January 2012, to allow a permanent permission. The other conditions of the original consent would remain in situ.

Site History

4. Planning application **S/2183/06/F** granted planning permission for the siting of 1 gypsy mobile home, 2 touring caravans and 1 portable utility building at the site. Condition 1 restricted the use to be by defined gypsies and traveller only, condition 2 allows only a temporary consent until 31 January 2012, condition 3 restricts the use to the stationing of no more than 3 caravans at any time, and condition 11 restricts occupation to Mr Lee and his immediate family and any dependents living with them.

5. The site has a long history of applications for mobile homes in the last 1980's and during 1990. However, these are not considered relevant to the determination of this application.
6. Members should be aware of the recent planning appeal at the site to the west (**S/1561/09/F**). In allowing the appeal, the Inspector stated the site did cause harm to the landscape character of the area. However, the unmet need for pitches within the District outweighed this and a permanent consent was granted. This site was rejected in the Issues and Options 2 Consultation July 2009.
7. There are numerous other sites in Willingham with the benefit of either temporary or permanent planning permission. To assist Members these are shown on the plan at **Appendix 1** and the list at **Appendix 2**, both of which are appended to the report under reference **S/0097/12/F**.

Planning Policy

8. **Planning Policy for Traveller Sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for Local Planning Authority's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
9. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
10. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
11. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
12. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
13. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor play space, Informal Open Space and New Developments

NE/4 Landscape Character
NE/10 Foul Drainage

South Cambridgeshire Local Plan 2004 (Saved Policies)
CNF6 Chesterton Fen

14. Gypsy and Traveller DPD (GTDPD)

The site was rejected through the "Issues and Options 2 Consultation July 2009" as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.

15. The Council's Gypsy and Traveller Community Strategy 2010-2013 recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.

16. Circular 11/95 (The Use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.

17. The Willingham Parish Plan (October 2008) does not raise issues that relate specifically to traveller sites.

Consultation by South Cambridgeshire District Council as Local Planning Authority

18. Willingham Parish Council recommends refusal of the application. They have reason to believe that the applicant may have an alternative residence which may contravene condition 11 of the application. Furthermore, the Parish council feel it inappropriate to grant permission whilst the traveller review is still on-going.

19. The Police Neighbourhood Sergeant notes Schole Road is in bad condition but this does not impede response times significantly. The time taken to navigate this short stretch is minimal in comparison to the significant distance travelled in a rural Policing environment when trying to reach the location.

Representations by Members of the Public

20. None were received.

Material Planning Considerations

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

The Development Plan

23. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires Local Planning Authority's to make their own assessment of need rather than relying on a regional target (see below).
24. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
25. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle. The principal concerns in this case are the impact on the character and appearance of the area and the status of the local plan.
26. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from the eastern edge of the village to the west, where housing along Schole Road comes to an end. It is viewed in the context of the adjoining sites and cumulatively adds to an urbanisation of this part of the countryside. The land is not designated or protected and is considered a brownfield site. PPTS advises that the development of brownfield sites be considered more favourably. The site is largely hidden in long-distant views from Priest Lane to the north, Haven Drove to the east and further along Schole Road to the southeast. It site is enclosed by a 1.8m high fence, and the dayroom and caravans are barely visible over the top..

27. The site was rejected in the Issues and Options 2 Consultation July 2009 due to its landscape impact. This was also the case for the site to the west allowed at appeal. In allowing that appeal, a landscape condition was added by the Inspector to seek some screening from the long-range views of the site. There is no evidence to suggest such detail was agreed, although the applicant has planted two trees along the southern boundary inside the site. The site to the west is much more prominent in the long range views than the site currently being considered and despite the earlier rejection on landscape grounds, the set back of the site from Schole Road and the surrounding development means the landscape impact is now only negligible.
28. The sustainability of the site has also already been assessed as part of the background work for the then emerging site allocations policy. That concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village. Although Schole Road is a rough track, it is lightly trafficked, safe for pedestrians and there are no highway safety concerns. Such concerns have been raised previously, but discounted by an Inspector at appeal. The family's needs are currently being met by the medical practice in the village. There is no known mains connection to the site and the use of a septic tank is acceptable in principle.
29. The desire to ensure that the scale of sites should not dominate Willingham remains an issue of significant concern to the Parish Council. While recent permissions in the village have mostly been on a temporary basis in recognition of a pending site allocations policy, this policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
30. In the event that permanent permission is granted , the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. The applicant has agreed to this in the event that the permanent permission is granted, albeit there is a suggestion that he would wish the actual amount to be negotiated. There is no set formula to calculate contributions where caravans are the accommodation, and the applicant has expressed concern regarding the viability of the scheme given the payment quoted. Some financial details have been provided that would appear to support this view.

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

31. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
32. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet

completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 68 pitches with temporary planning permission and while there can be no certainty that these will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.

33. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
34. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal on land to the west. The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicant's personal needs and circumstances

35. Currently living on the site is Mr Lee and his wife. Both are retired, and both are registered at the Willingham Medical Centre. Both have some health issues. Mr Lee suffers from high blood pressure and arthritis and is diabetic. Mrs Lee also suffers from arthritis. Officers have no evidence that Mr Lee has another residence elsewhere.

Conclusion

36. The site is considered to cause only very limited harm to the surrounding countryside and this is not considered as bad as the land to the west recently granted permanent consent at appeal. That decision has also allowed development in depth, similar to the current application. No other conflict with the development plan has been identified. The lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, albeit their need for this particular site is not compelling. The potential delivery of at least one new site within the next 18 months diminishes the weight to be given to unmet need.
37. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months..

Human Rights Issues

38. Refusal of permanent planning permission would lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights. This must, however, be balanced against the protection of the public

interest in seeking to ensure needs arising from a development can be properly met, or that they do not prejudice the needs of others. These are part of the rights and freedoms of others within Article 8 (2). Officers consider that refusal of permanent planning permission would not be proportionate and justified within Article 8 (2).

Recommendation

39. Approval, subject to the following conditions retained from application S/2183/06/F.

- 1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'**

(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)

- 2. The residential use, hereby permitted, shall be restricted to the stationing of no more than 3 caravans at any time (of which no more than 1 shall be a static caravan or a mobile home).**

(Reason - To minimise visual intrusion on the countryside in accordance with Policy DP/3 of the adopted Local Development Framework 2007.

- 3. The use, hereby permitted, shall be discontinued and the caravans, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**

(Reason – In accordance with the advice in “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)

- 4. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.**

(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 5. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.**

(Reason - In order to limit the impact of the development on the area's rural character and residential amenities of neighbours.)

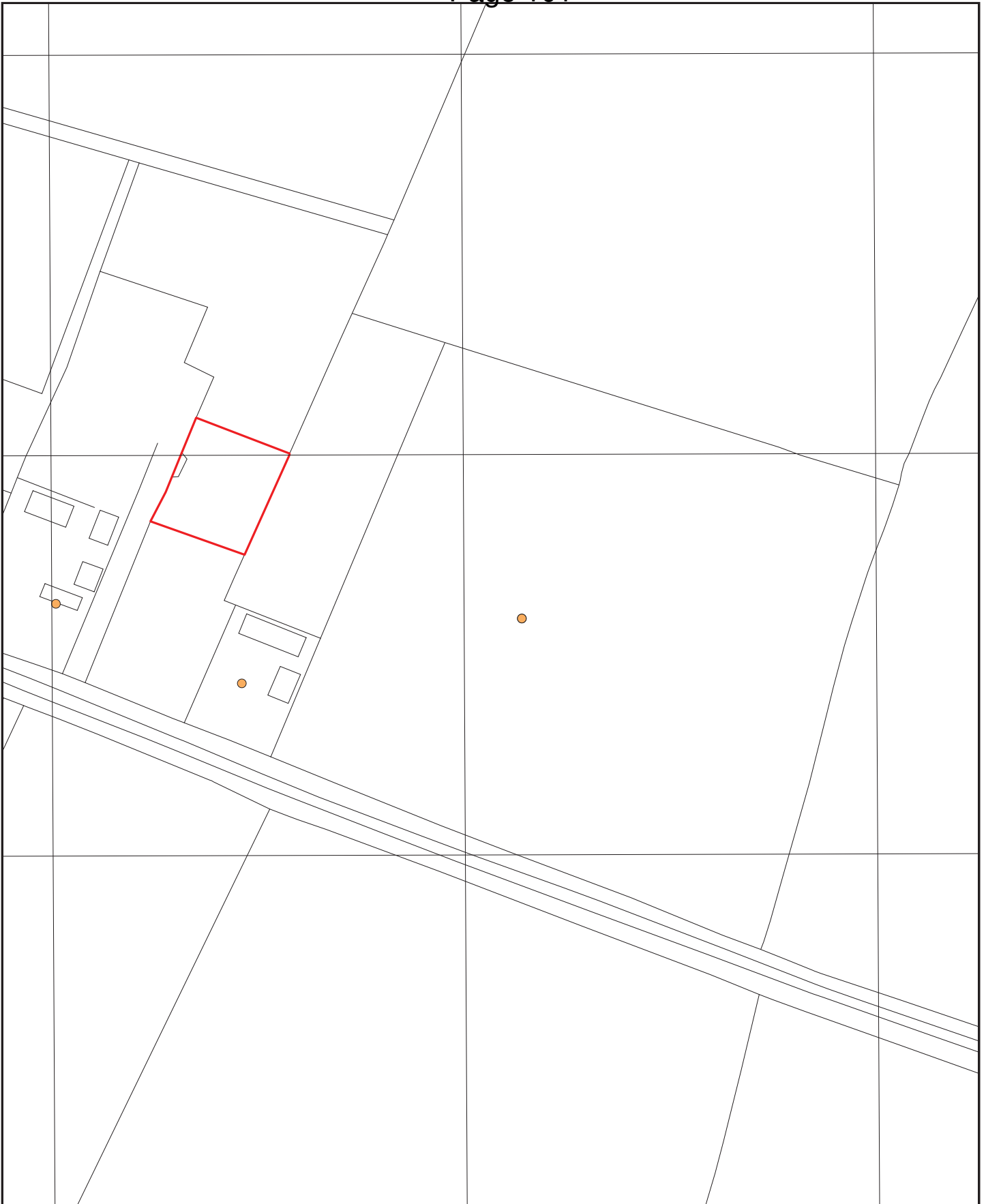
6. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

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

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

- Regional Spatial Strategy for the East of England
- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning Policy for Traveller Sites
- Planning file reference S/0198/12/VC, S/2183/06/F and S/1561/09/F.
- Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012

Contact Officer: Paul Derry - Senior Planning Officer
01954 713159



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:1250
Time of plot: 11:22

Date of plot: 20/08/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/0518/12/FL - WILLINGHAM**Siting of 4 static caravans and 6 touring caravans (part retrospective), erection of facilities block, erection of dayroom/storage and use of existing building for permanent storage use – 3 Beaumont Place, Meadow Road, Willingham, Cambridge, Cambridgeshire, CB24 5JL for Mrs L Brown****Recommendation: Approval****Date for Determination: 28 June 2012**

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

To be presented to the Committee by John Koch

Site and Proposal

1. The site is a large (0.54 ha) rectangular parcel of land located on the south side of Meadow Road. It lies outside the defined village framework and sits within a generally flat and open fen-edge landscape. There is open farmland to the east and opposite and also to the south beyond a small paddock. To the west is a group of traveller sites, some of which have permanent and some temporary planning consent. Boundaries are marked by fences and hedges. The site lies in flood zone 1 (low risk) and is mostly laid to hardstanding and currently occupied by two mobile homes, four touring caravans and a large depot building generally used for storage. These are occupied by the applicant and her extended family comprising her son and his wife and their five children aged between 13 and 21. The site is generally tidy, if somewhat devoid of planting and soft amenity space. Access is achieved through old industrial gates to the front of the site.
2. The application, as amended, seeks permanent planning permission for the existing caravans and to increase the number by a further four including two statics along with a new facilities block. These would all be distributed around the periphery of the site.

Planning History

3. The site was granted planning permission in 1984 for the storage and repair of agricultural equipment, which subsequently included manufacture and repair (Beaumont Engineering). The applicant has occupied the site since September 2004. Temporary planning permission was first granted in 2006 under reference **S/2010/04** for three years expiring in September 2009. This consent was renewed under reference **S/1191/09/F** for a further three years which expires on 31 October 2012. The reason for granting a temporary

permission was so as not to prejudice the outcome of the then pending Gypsy and Traveller DPD.

4. Planning permission to create an additional pitch within the site was refused in January 2010 under **S/1297/09/F**. At the same time, an application to use the grassed area to the rear of the site for four additional pitches under reference **S/1308/09/F** was also refused
5. There are numerous other sites in Willingham with the benefit of either temporary or permanent planning permission. To assist Members these are shown on the plan at **Appendix 1** and the list at **Appendix 2**, both of which are appended to the report under reference **S/0097/12/F**.

Planning Policy

6. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for lpa's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
7. The former presumption in Circular 01/2006 in respect of temporary permission where there is a shortage of deliverable sites no longer applies at the present time.
8. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
9. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
10. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres
11. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
NE/10 Foul Drainage

12. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
13. **Gypsy and Traveller DPD (GTDPD)**
The "Issues and Options 2 Consultation July 2009" identified the site as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.
14. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
15. Circular 11/95 (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.
16. The **Willingham Parish Plan (October 2008)** does not raise issues that relate specifically to traveller sites.

Consultations by South Cambridgeshire by District Council as Local Planning authority

17. **Willingham Parish Council** recommends refusal and until such time as a full review of traveller sites is completed would only support temporary permission for those caravans that have existing permission under reference S/1191/09/F.
18. In addition, as previously stated by SCDC Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. At present there are some six authorised pitches, 14 with temporary planning permission and one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. These pitches are located in relatively close proximity to one another. Government advice states that the scale of sites should not dominate the nearest settled community. This has been an issue of significant concern during consultation on an emerging site allocations policy. Recent permissions in the village have all been on a temporary basis in recognition of the demands that would be placed on the village should a large number of sites be allowed, particularly in a relatively small geographical area. The grant of a permanent consent will only add to the frustration caused by additional demands on the village's services and facilities and will severely hamper proper consideration of the issue of site provision when the results of

the latest GTANA are known. The proposal is therefore contrary to Policy DP/1 of the LDF that requires development to contribute to the creation of mixed and socially inclusive communities and provide for the health, education and other social needs of all sections of the community. There remain strong doubts over the capacity for the village to permanently accommodate all of the gypsy sites that are currently occupied (and the growth in population that will come with them) both in terms of physical and social impact.

19. The **Environment Agency** has no objection in principle. The use of an existing septic tank will require further investigation and the applicant is advised to seek professional advice as to whether the septic tank and the associated soakaway system are adequate. There should be no discharge of effluent to any watercourse or surface water drain or sewer.
20. **Old West Drainage Board**. Initial objections in respect of the residual capacity of the surface water receiving system have now been withdrawn.
21. The **Highway Authority** is satisfied that a Transport Statement received from the applicant is acceptable having regard to the increased traffic generation that would arise. As a result, an earlier objection on lack of information has been overcome.
22. The **Scientific Officer (Environmental Health)** states that as the site is of former industrial use, I recommend that no development shall be commenced until the site has been subject to a detailed scheme for the investigation and recording of contamination and remediation as appropriate.
23. No comments have been received from the **Travellers Site Team Leader**.

Representations by Members of the Public

24. None received

Material Planning Considerations

25. Having regard to information provided as part of this and the previous application in 2009, the applicant meets the definition of Gypsies and Travellers as set out in the Glossary at appendix 1 of the PPTS. The application therefore falls to be considered against planning policies regarding Gypsy and Traveller sites.
26. The main issues in this case are:
 - The extent to which the application accords with the provisions of the development plan;
 - The general need for, and availability of, additional gypsy sites;
 - The applicants' personal needs and circumstances;
 - The case for a temporary permission should permanent permission not be granted; and
 - Human Rights Issues

The Development Plan

27. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires lpa to make their own assessment of need rather than relying on a regional target (see below).
28. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
29. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.
30. The principal concerns in this case are the impact on the character and appearance of the area and (reflecting the Parish Council's concerns) the capacity of the village to accommodate further gypsy sites.
31. The site lies at the junction of the Cambridgeshire Claylands and the Fens Landscape Character Areas and is well divorced from Rockmill End and the harsh eastern edge of the village to the west. It is viewed in the context of adjoining sites and cumulatively adds to an urbanisation of this part of the countryside. The land is not designated or protected and the site is otherwise occupied by longstanding industrial buildings. It is therefore a brownfield site. The site is not seen in long-distant views from the west but the existing buildings are evident when seen from further along Meadow Road to the east. There are good hedges along the north (front) and eastern boundaries and these help to screen the existing caravans, such that clear views are only apparent from in front of the site. This is a relatively large site and the addition of more caravans and a facilities building will not materially create a sense of overdevelopment on the site, which is otherwise open.
32. In the circumstances, the continued use of the site is considered to accord with Policies NE/4, DP/2 and DP/3 that seek to preserve or enhance the character and appearance of the local area and countryside and to protect landscape character.
33. The sustainability of the site has also already been assessed as part of the background work for the then emerging site allocations policy. That concluded the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village. Although Meadow Road has no footway, it is lightly trafficked and there are no highway safety concerns. The family's needs are currently being met by the medical practice in Cottenham (where the family originally lived) and the one child in school is at Over. There is no known mains connection

along Meadow Drove and the use of a septic tank is acceptable in principle. The EA has suggested informatives regarding the discharge of surface water and these can be relayed to the applicant in the event the application is approved.

34. As the parish council has stated, Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. Following the Bibby decision, there are now 7 authorised pitches, 13 pitches with temporary or lapsed temporary planning permission, one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. The desire to ensure that the scale of sites should not dominate the village remains an issue of significant concern to the parish council. While recent permissions in the village have all been on a temporary basis in recognition of a pending site allocations policy, this policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
35. In the event that permanent planning permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. The applicant has agreed to this in the event that the permanent permission is granted, albeit there is a suggestion that she would wish the actual amount to be negotiated.
36. The existing temporary planning permission required the submission and approval of measures to deal with any possible contamination and remediation following the previous lawful use of the site. While some information was submitted, the Scientific Officer did not consider this to be sufficient. In the circumstances she is satisfied that the condition can be, and should be, reapplied.
37. Ultimately, officers consider the location of the site is considered to be suitable on landscape and wider sustainability grounds.

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

38. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
39. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 68 pitches with temporary planning permission and while there can be no certainty that these

will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.

40. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
41. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal. The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicant's personal needs and circumstances

42. Mrs Brown has stated that she is now settled in the area with her children and grandchildren. She is now of pensionable age but undertakes some seasonal work and travels to shows in the summer months. The family has a local connection and this is a consideration that carries some weight.

Conclusion

43. The site is well screened and in a reasonably sustainable location. In that sense, it scores well when judged against other sites in the surrounding area. The lack of suitable alternative sites and the family's general needs carries some weight in favour of the proposal, albeit their need for this particular site is not compelling. The potential delivery of at least one new site within the next 18 months also diminishes the weight to be given to unmet needs.
44. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months.

Human Rights Issues

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

Recommendation:

46. It is recommended that the Planning Committee approve the application subject to the following conditions.
1. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'
(Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)
 2. The use, hereby permitted, shall be discontinued and the caravans, facilities block and dayroom/storage building, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason – In accordance with the advice in “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)
 3. The site shall not be used for any trade or business purpose other than as a home base for light vehicles used by the occupants of the site for the purpose of making their livelihood off-site. In particular, no materials associated with such activities shall be stored in the open on the site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of the neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
 4. No vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.
(Reason - In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours.)
 5. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
 6. The site shall cease to be occupied and the land returned to its former condition within 28 days in the event of failure to meet the requirements set out in (i) to (v) below:
 - (i) Within 2 months of the date of this decision a detailed scheme, including a timetable for its provision, for the investigation and recording of contamination and remediation objectives for the site determined through risk assessment and proposals for the removal,

containment or otherwise rendering harmless any contamination (the remediation method statement) shall have been submitted for the written approval of the local planning authority.

- (ii) Within 8 months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development schemes shall have been approved by the Secretary of State.
- (iv) The works specified in the remediation method statement shall be completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- (v) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

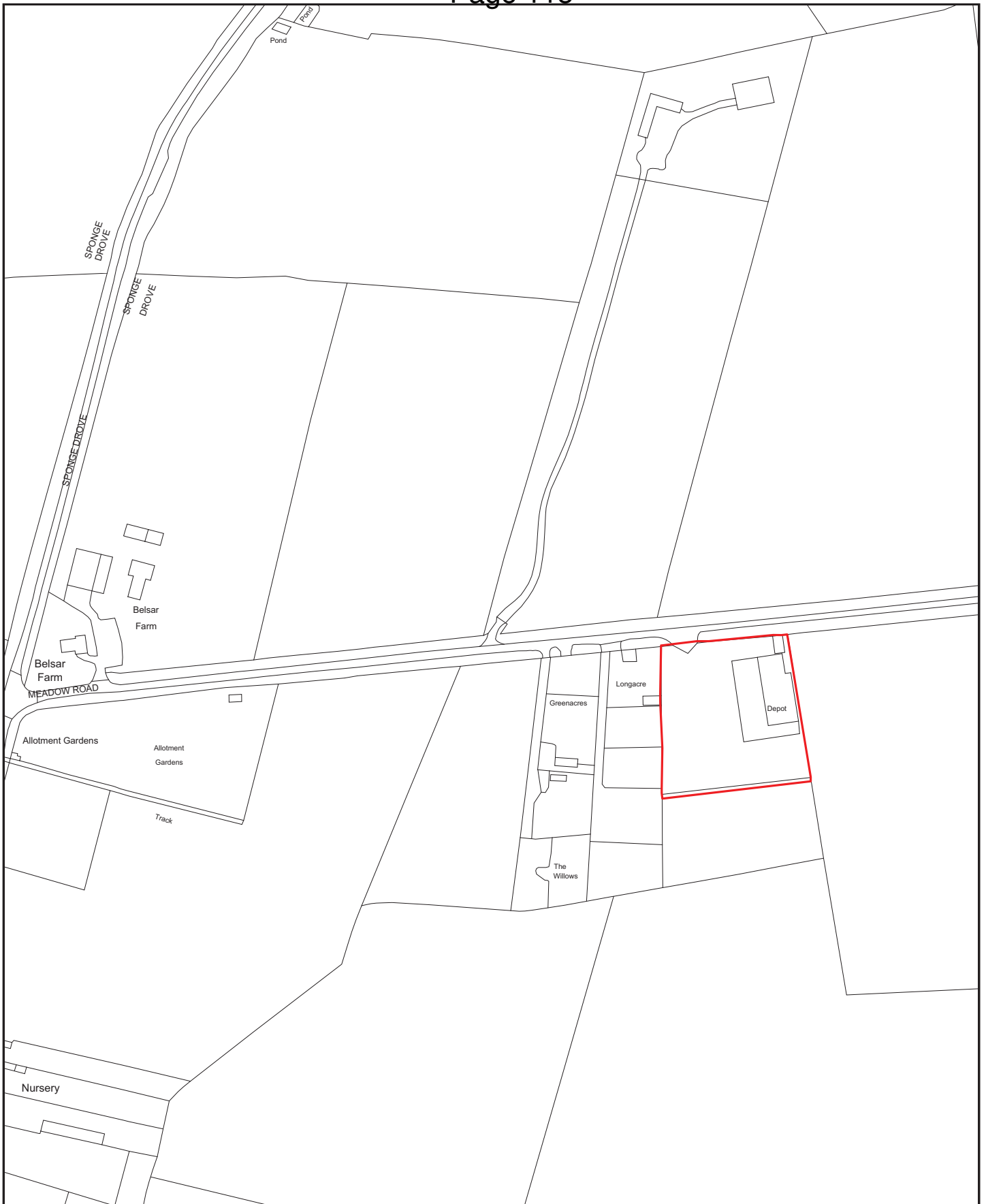
(Reason - To ensure that risks from land contamination to the users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

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

- Regional Spatial Strategy for the East of England
- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning policy for traveller sites
- Planning file reference S/00518/12FL
- Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012

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

This page is left blank intentionally.



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC

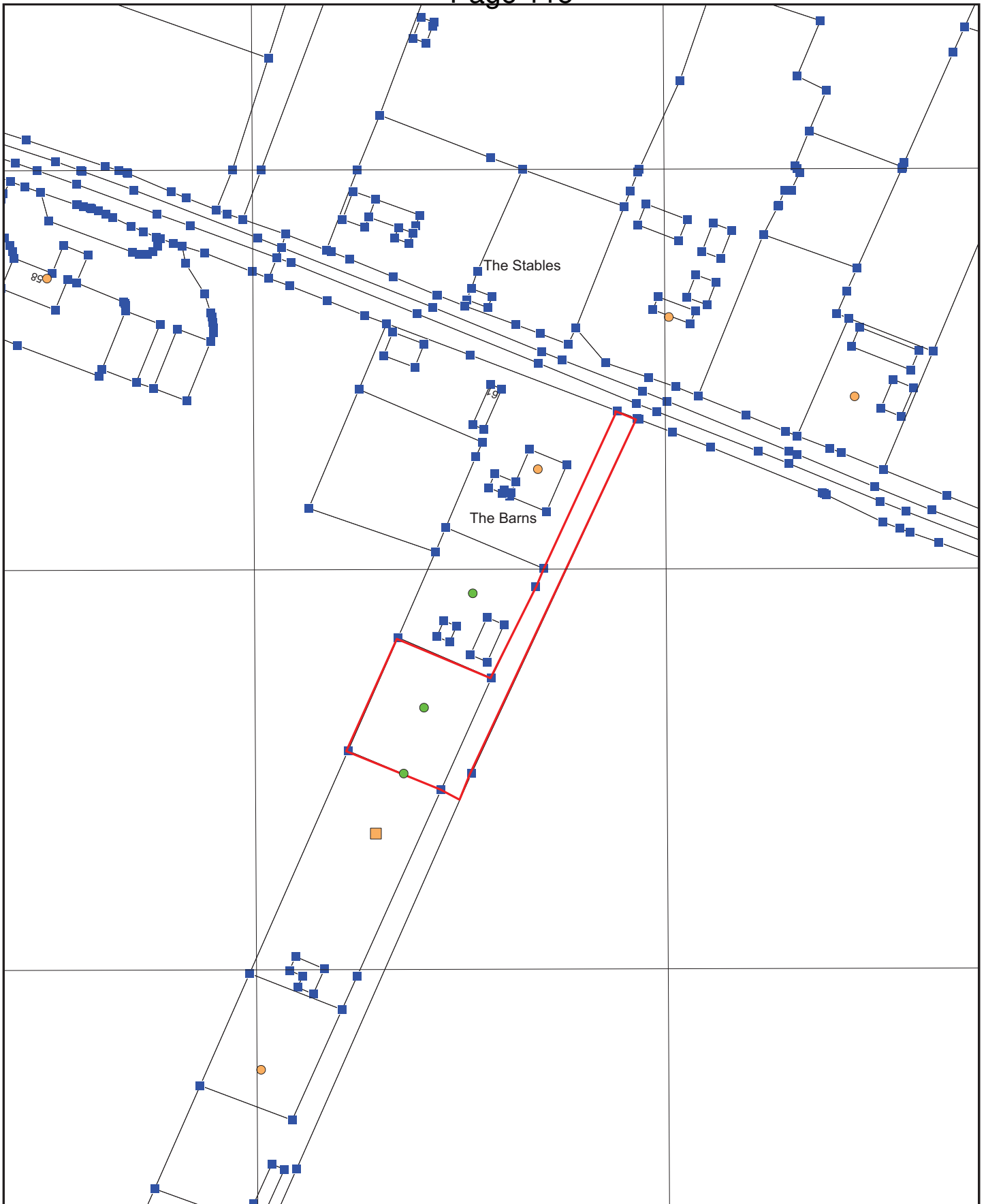


FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 13:01

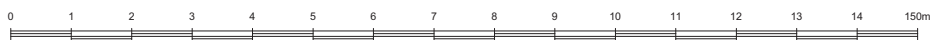
Date of plot: 13/08/2012

This page is left blank intentionally.



South
Cambridgeshire
District Council

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:1250
Time of plot: 09:40

Date of plot: 16/08/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1188/12/FL – WILLINGHAM**Continued Use of site as gypsy traveller pitch (permanent) including erection of replacement day room at 2 Cadwin Field, Schole Road for Mrs L Homes****Recommendation: Delegated Approval****Date for Determination: 7 August 2012****Notes:**

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

To be presented to the Committee by Andrew Phillips

Site and Proposal

1. The site is located approximately 230 metres outside of the village framework and is within the Bedfordshire and Cambridgeshire Claylands also described in the District Design Guide as The Fen Edge. The site approximately measures 0.07 hectares. To the north and south of the site are existing caravan pitches. To the west of the site is an agricultural field and to the east is the lane of Cadwin Field. Beyond Cadwin Field is an agricultural field. The site is on Grade 1 Agricultural Land (Excellent Quality Agricultural Land). Existing mature trees are located between the site and the fields to the west and the lane of Cadwin Field and the field to the east.
2. The history of the site indicates that the site was used as a scrapyard before the granting of consent for mobile homes.
3. The existing site has one static caravan, one mobile caravan, one dayroom, toilet/bathroom block and associated garden structures. The applicant and her eight children live on site. The school aged children are between 7 – 15.
4. The proposal seeks to make permanent a gypsy/traveller plot with the erection of a dayroom following the demolition of the existing toilet/bathroom and dayroom. While this application is a standalone consent, the agent has commented on the proposal in relation to the temporary consent of S/1134/09/F.

Planning History**On site**

5. **S/2229/90/F** – Proposal for two caravans was refused on grounds of harm to countryside and was not to the benefit of agriculture.
6. **S/1645/05/F** – Siting of one mobile home and one touring caravan was granted temporary consent until 4 October 2009.

7. **S/1134/09/F** – Use of land as gypsy pitch for temporary siting of 1 mobile home, 1 touring caravan and 1 toilet and bathroom block was granted temporary consent until the 18 August 2012.

Nearby relevant planning applications

8. **S/1919/08/F – (3 Cadwin Field)** Change of use of land to site mobile home and amenity portacabin was refused by the Local Planning Authority on the grounds of the development being outside of the village framework and the lack of spaces within the local School. The Planning Inspectorate overturned this decision and granted a temporary consent until the 18 August 2012.
9. **S/0234/10/F – (1 Cadwin Field)** Use of land for the temporary siting of 1 Gypsy Mobile Home, Day room, 1 Caravan and lean-to Horse Shelter (retrospective) was granted a temporary consent until the 18 August 2012.
10. **S/1590/12/FL – (6 Cadwin Field)** Full Planning Permission for one mobile unit, two touring caravans, one day room/utility room and stables/hay shed is on the October Planning Committee with an officer recommendation of approval.
11. **S/1561/09/F – (Land at Rear of The Stables, Schole Road)** Continued use of land for one gypsy pitch (Comprising of two caravans) was approved with a temporary consent until the 10 October 2012. The temporary consent was appealed and the Planning Inspectorate determined that despite visual harm to the character and appearance of this party of the countryside, the harm was outweighed by South Cambridgeshire having a significant level of unmet needed gypsy and traveller accommodation.
12. **S/0198/12/VC – (7 Belsars Field, Schole Road)** Removal of Condition 2 of Planning Permission S/2183/06 to allow a permanent consent is still being considered by the Local Planning Authority.

Planning Policy

13. **Planning Policy for Traveller Sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to assess education, health, welfare and employment infrastructure by for local planning authorities to have due regard to the protection of local amenity and the local environment. Paragraph 23 states that the Local Planning Authorities should strictly limit new traveller site development in open countryside away from existing settlements or areas allocated in the development plan. Sites should not place an undue pressure on local infrastructure.
14. The former presumption in Circular 01/2006 in respect of temporary permission where this a shortage of deliverable sites no longer applies at the present time.
15. **National Planning Policy Framework (NPPF)** (March 2012) promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.

16. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
17. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
18. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**

ST/5 Minor Rural Centres
19. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007**

DP/1 - Sustainable Development
DP/2 - Design of New Development
DP/3 - Development Criteria
DP/4 – Infrastructure and New Developments
DP/7 – Development Frameworks
NE/4 – Landscape Character Areas
NE/10 – Foul Drainage – Alternative Drainage Systems
SF/10 - Outdoor Playspace, Informal Open Space and New Developments
SF/11 - Open Space Standards
20. **Gypsy and Traveller DPD (GTDPD)**
The "Issues and Options 2 Consultation July 2009" identified the site as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.
21. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
22. **Circular 11/95 (The use of Conditions in Planning Permissions)** advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.
23. **District Design Guide (SPD), adopted March 2012**
24. The **Willingham Parish Plan (October 2008)** does not raise issues that relate specifically to traveller sites.

Consultation by South Cambridgeshire District Council as Local Planning Authority

25. **Willingham Parish Council** – Willingham Parish Council recommends refusal for permanent consent on the grounds that this (and similar) applications should form part of the current gypsy and traveller site consultation being carried out by South Cambridgeshire District Council.
26. **Environment Agency** – The Environment Agency states that the site is adjacent to an Awarded Drain under the jurisdiction of South Cambridgeshire Council.
27. The Environment Agency continues to state that the preferred method of foul water drainage would be a connection to the public foul water sewer. However, on the basis that the site is established and the application is for continued use, the Agency has no objection in principle. The Environment Agency provides advice on septic tank and soakaway system and states that the applicant must ensure that there is no discharge of effluent from the site to any watercourse or surface water drain or sewer. The applicant should be made aware that any pollution to the water environment may lead to prosecution.
28. **Drainage Manager** – Confirms that there are no surface water issues that are of concern regarding this development.
29. **Environmental Health (Contaminated Land Officer)** – The Contaminated Land Officer states that aerial photographs (1998 and 2003) indicate a previous use as a scrap yard/storage of old vehicles. Whilst the site is covered in hardstanding this is unlikely to pose a risk to site users. However, should the hardstanding be removed for any reason it would be beneficial to undertake analysis of soils samples to check for contamination.
30. **Local Highways Authority** – Confirms that Schole Road is not a public highway.
31. **South Cambridgeshire Neighbourhood Sergeant** – The Police Officer states that although the road is in a bad condition generally, this will not impede their response times significantly. In the case of responding to emergency incidents, the time taken to navigate this short stretch is minimal in comparison to the significant distance travelled in a rural Policing environment when trying to reach the location.
32. **Traveller Site Team Leader** – The Traveller Site Team Leader states that the family have been resident on this site for some years now with children at school and are established within the community. They wish to improve their pitch if given permanent permission and this can only be good thing. The Traveller Site Team Leader states that they have no reason to object to permission being granted.
33. **Landscape** - The Landscape Design Officer states that the current landscaping is mainly established Leylandii hedgerows, off site to the east and west of plot 2. However, these Leylandii hedges are degrading over time and gaps are starting to appear as they become more difficult to maintain. Some further landscaping is likely to be needed to replace the Leylandii as they gradually fail, to maintain a setting for the development and provide some shelter from wind.
34. Plot 2 is currently covered by a compacted stone and gravel surface. Beneath this layer the ground and soils at Plot 2 may suffer from contamination due to its previous use as a scrap yard. If any area of the site is intended to be used as a garden area, or if areas of the site are excavated exposing and disturbing the ground,

the exposed soils will require testing for contaminants, and removed to an appropriate disposal site if shown to be contaminated..

35. The Landscape Design Officer goes on to state that any planting should aim to reduce disturbance of the site and soils. Planting should aim to provide a replacement for the existing planting as it fails. Slit planting will be preferable as this will minimise disruption to the soil – Remove 500mm strip of gravel and stone sub base to expose soil – plant whips in slit trenches and firm – pull back gravel (not the sub-based stone) around planting to cover soil and act as a mulch. Some extra fine gravel may be needed.
36. The Landscape Design Officer also suggests some planting species.

Representations by members of the public

37. No representation received

Material Planning Considerations

38. The key issues to consider in this instance are:
- The Development Plan
 - Principle of Development
 - Visual Impact
 - Residential Amenity
 - Water Pollution
 - The general need for, and availability of, additional gypsy sites
 - The applicants' personal needs and circumstances
 - Human Rights

The Development Plan

39. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires Local Planning Authorities to make their own assessment of need rather than relying on a regional target (see below).
40. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
41. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.

Principle of Development

42. Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. At present, there are 7 authorised pitches, 13 pitches with temporary or lapsed temporary planning permission, one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. These pitches are located in relatively close proximity to one another. PPTS states that the scale of sites should not dominate the nearest settled community. Recent permissions in the village have all been on a temporary basis in recognition of a pending site allocations policy and the demands that would be placed on the village should a large number of sites be allowed, particularly in a relatively small geographical area. However, a site allocations policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
43. The Gypsy and Traveller DPD Issues and Option 2 (consultation July 2009) commented that this plot was sufficiently close to enable walking to access services and facilities within the village.
44. In the event that planning permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres and youth facilities. The applicant has agreed to this in the event that the permanent permission is granted and the Council's Legal Department are currently working on drafting the S106 Agreement.
45. The Police Force has stated that the condition of the road will not cause any significant delay in reaching an emergency on site. It is considered that while no comments have been received at the current time by the Fire Service and Ambulance Service that the site should be accessible to emergency vehicles within a reasonable timeframe.
46. It is considered that the proposed development does not raise fundamental concerns in regards to sustainability issues.

Visual Impact

47. The area is described in the District Design Guide as the Fen Edge. The District Design Guide goes on to state that the Fen Edge is defined as having a mostly flat, low lying landscape with open views. However, trees and hedgerows are not uncommon; with hedges forming important boundaries along roads outside of the village core. Policy NE/4 states that development will only be permitted where it respects and retains or enhances local landscape character.
48. The current landscaping that benefits the site is on land outside of the applicant's ownership. The mature Leylandii tree rows that are located to the east of the Cadwin Field lane and to the west of the site are slowly dying. This in the future will leave the site open and it also has to be noted that the landowner of these trees could remove them at any given time without requiring consent from the Council. The Local Planning Authority, therefore, needs to take these factors into account. The developer

has commented that landscaping to the north and south only needs to be minimal with more significant planting on the eastern side of the site.

49. The development is all of single storey height but will (excluding the surrounding temporary consents) still be out of keeping with the rural character of the area. A significant landscaping scheme will be difficult to achieve on this site due to the Leylandii trees on the western boundary taking most of the nutrients out of the soil and that any work on site could lead to people coming into contact with contaminated soil by virtue of the removal of the hardstanding. However, the Landscape Officer, taking into account the potential for contaminated land has suggested a reasonable way to provide landscaping on site. In the event of the application being given permanent approval, a landscaping condition could be added.
50. While each planning application must be taken on its own individual merits the cumulative development of all the Cadwin Lane plots being approved also needs to be considered. The cumulative development would lead to a relatively alien form of development in the local area, as it creates a line of caravans in that goes against the form of the east – west line of dwellings along Schole Road. However, the development approved under planning permission S/1561/09/F on the other side of Schole Road creates a similar form of north-south (backland) branch of development. In addition the development (as with the other Cadwin Field plots) is set back from Schole Road and this reduces the impact of the development upon the public domain. The amount of reduction in impact is based on the level of vegetation but this could vary on a yearly basis. It is noted that sometime between 1998 and 2003 the site became used as a junkyard. This makes the site brownfield land, though it must also be noted that with no planning history authorising this use, the weight added to this is minimal. On balance there is considered to be some limited harm to the visual appearance of the local area were all the plots at Cadwin Field to be granted planning permission.

Residential Amenity

51. The proposal by virtue of its size and location is not considered to cause any detrimental harm in principle to the residential amenity of adjacent properties. It is noted that condition 3 and 4 of planning permission S/1134/09/F seek to prevent potential disturbance to adjacent properties, with no objection from the developer to these conditions it is considered that these can be carried forward on to any new consent.
52. It is noted that without nearby landscaping, during high winds there would be little shelter for the occupants of the site. However, the landscaping condition mentioned above will help to minimise any disturbance.

Water Pollution

53. The Environment Agency provides advice on how to ensure the prevention of water pollution. A condition will be added to seek satisfactory information on the proposed septic tank and an informative will be added pointing out that it is a criminal offence to pollute the water environment.
54. The condition relating to oil storage tank is not considered reasonable, as the proposal is not referring to an oil tank. In addition the proposal will not lead to any significant addition of surface water drainage over the existing situation.

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

55. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
56. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 69 pitches with temporary planning permission and while there can be no certainty that these will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.
57. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.
58. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal. The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicants' personal needs and circumstances

59. The developer has submitted confidential information that includes supporting documentation from The Cottenham Academy and Willingham Medical Practice that both advocate that if the applicant had to move there would be detrimental harm to the education and health of a child. The County Council Senior Education Welfare Officer states that the present stable situation is to the benefit of the children's education and that if the family was forced to move it would be detrimental to the children's continued education.
60. It is, therefore, considered that the applicant has at least proven the case for an additional temporary consent in order to allow for the children to continue benefiting from education and health facilities. With a permanent consent, untied to an individual, there is no guarantee how long the applicant will be living on site. However, refusing the application would significantly harm the education and health to a child and it is for this reason that weight should be given to this consideration.

Conclusion

61. The proposal by virtue of its location and form, excluding the adjacent mature trees, will cause some limited harm to the rural character of the local area, this harm in itself is not sufficient to warrant refusal. No other conflict with the development plan has been identified. The unmet need for gypsy and traveller sites within the district and the applicant's personal circumstances carry weight in favour of the application. The potential delivery of at least one new site within the next 18 months diminishes the weight to be given to unmet needs.
62. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months

Human Rights

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

Recommendation

64. It is recommended that the Planning Committee should grant permanent consent subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the following approved plans: SC-01, SC-02, SC-03 and SC-04.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 2. The residential use, hereby permitted, shall be restricted to the stationing of no more than one mobile home, one touring caravan and one dayroom.
(Reason – To ensure that there is no adverse pressure on local infrastructure created by further people living on site.)
 3. The use, hereby permitted, shall be discontinued and the mobile home, caravan and dayroom, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.
(Reason – In accordance with the advice in "Planning policy for traveller sites", the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)
 4. The site and the mobile home, touring caravan and day room, hereby permitted, shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)' there immediate family and any dependant living with them.

(Reason – To ensure the pitch meets the continued need of the gypsy and traveller community within South Cambridgeshire District Council.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

(Reason – In order to limit the impact of the development on the area's rural character and the residential amenities

6. No commercial activities shall take place on the land, including the storage of materials.

(Reason – In order to limit the impact of the development on the area's rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

(Reason – In order to limit the site's impact on the area's rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. The site shall cease to be occupied and the land returned to its former condition within 28 days in the event of failure to meet the requirements set out in (i) to (iv) below:

(i) Within 1 (one) month of the date of this decision, full details of the proposed septic tank shall have been submitted for the written approval of the local planning authority.

(ii) Within 9 months of the date of this decision the septic tank details shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

(iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development schemes shall have been approved by the Secretary of State.

(iv) The septic tank 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.

(Reason - To ensure the causes minimal harm to the character of the local area in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

Informatives

The application should be aware that any pollution to the water environment may lead to prosecution.

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

- **Regional Spatial Strategy for the East of England**

- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S/1188/12FL**
- **Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012**

Case Officer: Andrew Phillips – Planning Officer
Telephone: (01954) 713169

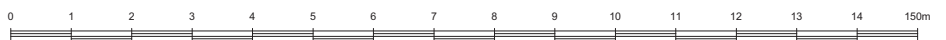
This page is left blank intentionally.



South
Cambridgeshire
District Council

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:1250
Time of plot: 11:00

Date of plot: 20/08/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1590/12/FL – WILLINGHAM**One Mobile Unit, Two touring caravans, Day Room & Utility Room, Stables & Hay Store at 6 Cadwin Field, Schole Road for Mrs L Homes****Recommendation: Delegated Approval****Date for Determination: 31 October 2012****Notes:**

This Application has been reported to the Planning Committee for determination for consistency as 2 Cadwin Field (S/1188/12/FL) is also on Planning Committee

To be presented to the Committee by Andrew Phillips

Site and Proposal

1. The site is located approximately 230 metres outside of the village framework and is within the Bedfordshire and Cambridgeshire Claylands also described in the District Design Guide as The Fen Edge. The site measures approximately 0.17 hectares. To the north and south of the site are existing caravan pitches. To the west and east of the site is an agricultural fields.. The site is on Grade 1 Agricultural Lane (Excellent Quality Agricultural Land). Existing mature trees are located on the east and west boundary.
2. The history of the site indicates that the site was used as a scrapyard before the granting of consent for mobile homes.
3. The existing site has two static mobile homes, a caravan and a couple of outbuildings.
4. The previous planning permission on site S/1803/09/F was a temporary permission for a gypsy/traveller plot that expired on the 18th August 2012. The proposal seeks to make permanent the gypsy/traveller plot.

Planning History**On site**

5. **S/0788/06/F** – 2 Gypsy Caravans and Utility room given temporary consent until the 4 October 2009.
6. **S/1803/09/F** – Change of use of land for siting of 1 mobile caravan and two touring caravans & day room/utility room (part retrospective) was given temporary consent that expired on the 18th August 2012.

Nearby relevant planning applications

7. **S/1134/09/F – (2 Cadwin Field)** Use of land as gypsy pitch for temporary siting of 1 mobile home, 1 touring caravan and 1 toilet and bathroom block was granted temporary consent until the 18 August 2012.
8. **S/1188/12/FL – (2 Cadwin Field)** Continued Use of site as Gypsy Traveller Pitch (permanent) including erection of replacement day room. Recommend for approval by Officers.
9. **S/1919/08/F – (3 Cadwin Field)** Change of use of land to site mobile home and amenity portacabin was refused by the Local Planning Authority on the grounds of the development being outside of the village framework and the lack of spaces within the local School. The Planning Inspectorate overturned this decision and granted a temporary consent until the 18 August 2012.
10. **S/0234/10/F – (1 Cadwin Field)** Use of land for the temporary siting of 1 Gypsy Mobile Home, Day room, 1 Caravan and lean-to Horse Shelter (retrospective) was granted a temporary consent until the 18 August 2012.
11. **S/1561/09/F – (Land at Rear of The Stables, Schole Road)** Continued use of land for one gypsy pitch (Comprising of two caravans) was approved with a temporary consent until the 10 October 2012. The temporary consent was appealed and the Planning Inspectorate determined that despite visual harm to the character and appearance of this party of the countryside, the harm was outweighed by South Cambridgeshire having a significant level of unmet needed gypsy and traveller accommodation.
12. **S/0198/12/VC – (7 Belsars Field, Schole Road)** Removal of Condition 2 of Planning Permission S/2183/06 to allow a permanent consent is still being considered by the Local Planning Authority.

Planning Policy

13. **Planning Policy for Traveller Sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to assess education, health, welfare and employment infrastructure by for local planning authorities to have due regard to the protection of local amenity and the local environment. Paragraph 23 states that the Local Planning Authorities should strictly limit new traveller site development in open countryside away from existing settlements or areas allocated in the development plan. Sites should not place an undue pressure on local infrastructure.
14. The former presumption in Circular 01/2006 in respect of temporary permission where this a shortage of deliverable sites no longer applies at the present time.
15. **National Planning Policy Framework (NPPF)** (March 2012) promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.

16. **East of England Plan 2008 (RSS)**
H3 Provision for Gypsies and Travellers
17. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen
18. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**

ST/5 Minor Rural Centres
19. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007**

DP/1 - Sustainable Development
DP/2 - Design of New Development
DP/3 - Development Criteria
DP/4 – Infrastructure and New Developments
DP/7 – Development Frameworks
NE/4 – Landscape Character Areas
NE/10 – Foul Drainage – Alternative Drainage Systems
SF/10 - Outdoor Playspace, Informal Open Space and New Developments
SF/11 - Open Space Standards
20. **Gypsy and Traveller DPD (GTDPD)**
The "Issues and Options 2 Consultation July 2009" identified the site as an appropriate site option for consultation. The Council has recently determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will now be addressed in the emerging single Local Plan review rather than a stand alone DPD. An Issues and Options Report Public Consultation runs from 12 July to 28 September 2012 and will take forward the work that has already been done in assessing potential sites. It is anticipated that the new Plan will not be adopted until at least the end of 2015.
21. The Council's **Gypsy and Traveller Community Strategy 2010-2013** recognises Gypsies and Travellers as the largest ethnic minority in the district (around 1% of the population). It sets out the Council's responsibilities to eliminate discrimination and promote good community relations.
22. **Circular 11/95 (The use of Conditions in Planning Permissions)** advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. It also states that a second temporary permission should not normally be granted. A trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use.
23. **District Design Guide (SPD), adopted March 2012**
24. The **Willingham Parish Plan (October 2008)** does not raise issues that relate specifically to traveller sites.

Consultation by South Cambridgeshire District Council as Local Planning Authority

25. **Willingham Parish Council** – No comments currently received.
26. **Environment Agency** – The Environment Agency states that in principle it has no objection to the proposed development.
27. The Environment Agency continues to state that the preferred method of foul water drainage would be a connection to the public foul water sewer. However, the Environment Agency provides advice on septic tank and soakaway system and states that the applicant must ensure that there is no discharge of effluent from the site to any watercourse or surface water drain or sewer. The Environment Agency also provides advice on manure being created by the proposed stables. The applicant should be made aware that any pollution to the water environment may lead to prosecution.
28. **Drainage Manager** – No comments currently received.
29. **Old West Internal Drainage Board** – The Board states that the site is situated outside the Old West Internal Drainage District. The application states that surface water will be disposed of via soakaways. Providing that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application.
30. **Environmental Health (Contaminated Land Officer)** – The Contaminated Land Officer states that aerial photographs (1998 and 2003) indicate a previous use as a scrap yard/storage of old vehicles. The Contaminated Land Officer states a condition regarding investigation and remediation would be required.
31. **Local Highways Authority** – Confirms that Schole Road is not a public highway.
32. **Traveller Liaison Officer** – The Liaison Officer states that the applicant and her family have lived on the site since 2006. This family is settled within the community, children are attending the local schools. The Liaison Officer supports the application for permanent consent and for the applicants to continue to carry on improving their pitch.
33. **Landscape** - No comments currently received.

Representations by members of the public

34. No representation received

Material Planning Considerations

35. The key issues to consider in this instance are:
- The Development Plan
 - Principle of Development
 - Visual Impact
 - Residential Amenity
 - Contaminated Land
 - Water Pollution
 - The general need for, and availability of, additional gypsy sites

- The applicants' personal needs and circumstances
- Human Rights

The Development Plan

36. The requirement of RSS Policy H3 to significantly meet demand and provide at least 69 additional (permanent) pitches in the district between 2006 and 2011 was not met and fell short by about 15 pitches. However, while RSS Policy H3 remains part of the development plan, the Secretary of State's intention to revoke this is clearly a material consideration to be taken into account. Thus only very limited weight should be given to Policy H3. In addition PPTS now requires Local Planning Authorities to make their own assessment of need rather than relying on a regional target (see below).
37. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land that is suitable, available and affordable.
38. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.

Principle of Development

39. Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period. At present, there are 7 authorised pitches, 13 pitches with temporary or lapsed temporary planning permission, one emergency stopping place on the former local authority site and two unauthorised pitches on land at the Oaks on the opposite side of Meadow Road. These pitches are located in relatively close proximity to one another. PPTS states that the scale of sites should not dominate the nearest settled community. Recent permissions in the village have all been on a temporary basis in recognition of a pending site allocations policy and the demands that would be placed on the village should a large number of sites be allowed, particularly in a relatively small geographical area. However, a site allocations policy has not been delivered and given the lack of demonstrable evidence that undue pressure is being placed on village services, this argument is difficult to sustain. The existing advice in Circular 11/95 regarding repeat temporary consents is also pertinent.
40. The Gypsy and Traveller DPD Issues and Option 2 (consultation July 2009) concluded that this plot has good access to the village and is considered an appropriate site option for consultation. It also mentioned that due to extensive planting on the site boundaries wider landscape impacts are limited.
41. In the event that permanent permission is granted, the Committee will need to confirm that contributions would be required to meet the demand for public open space, sport and recreation facilities and other community facilities such as community centres

and youth facilities. The applicant has agreed to this in the event that the permanent permission is granted.

42. The Police Force has stated on the application for 2 Cadwin Field (S/1188/12/FL) that the condition of the road on will not cause any significant delay in reaching an emergency on site. It is considered that while no comments have been received at the current time by the Fire Service and Ambulance Service that the site should be accessible to emergency vehicles within a reasonable timeframe.
43. It is considered that the proposed development does not raise fundamental concerns in regards to sustainability issues.

Visual Impact

44. The area is described in the District Design Guide as the Fen Edge. The District Design Guide goes on to state that the Fen Edge is defined as having a mostly flat, low lying landscape with open views. However, trees and hedgerows are not uncommon; with hedges forming important boundaries along roads outside of the village core. Policy NE/4 states that development will only be permitted where it respects and retains or enhances local landscape character.
45. The current landscaping that benefits the site is on land owned by the applicant. The current landscaping on the west boundary is mature leylandii trees, while the east boundary has a leylandii hedge. There are some gaps within the planting but these are not noticeable from public land. It is also noted that the surrounding landscape has significant amounts of hedgerows that further limit potential views of the development.
46. The development is all of single storey height but will (excluding the surrounding temporary consents) still be out of keeping with the rural character of the area. However, with the existing mature planting that could be controlled and added to by way of condition the only place that the development could be viewable by members of the public is directly down Cadwin Field lane. The proposed stable block and hay store is an appropriate design form found within the countryside. The harm to the character of the area is, therefore, considered to be minimal.
47. While each planning application must be taken on its own individual merits the cumulative development of all the Cadwin Lane plots being approved also needs to be considered. The cumulative development would lead to a relatively alien form of development in the local area, as it creates a line of caravans in that goes against the form of the east – west line of dwellings along Schole Road. However, the development approved under planning permission S/1561/09/F on the other side of Schole Road creates a similar form of north-south (backland) branch of development. In addition the development (as with the other Cadwin Field plots) is set back from Schole Road and this reduces the impact of the development upon the public domain. The amount of reduction in impact is based on the level of vegetation but this could vary on a yearly basis. It is noted that sometime between 1998 and 2003 the site became used as a junkyard. This makes the site brownfield land, though it must also be noted that with no planning history authorising this use, the weight added to this is minimal. On balance there is considered to be some limited harm to the visual appearance of the local area were all the plots at Cadwin Field to be granted planning permission.

Residential Amenity

48. The proposal by virtue of its size and location is not considered to cause any detrimental harm in principle to the residential amenity of adjacent properties. Conditions as previously added to control external lighting and to prevent commercial activities will be added in order to limit potential noise and light pollution to adjacent residents.

Contaminated Land

49. The current ground surface is mixed and with there being potential contamination under the surface it is considered that a contamination survey/mitigation will need to be duly added in the event the application is approved.

Water Pollution

50. The Environment Agency provides advice on how to ensure the prevention of water pollution. A condition will be added to seek satisfactory information on the proposed septic tank and an informative will be added pointing out that it is a criminal offence to pollute the water environment.
51. The requested informatives from the Environment Agency regarding stable waste can be duly added.
52. The condition relating to oil storage tank is not considered reasonable, as the proposal is not referring to an oil tank. In addition the proposal will not lead to any significant addition of surface water drainage over the existing situation.

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

53. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. Further projected need has been calculated up until 2031. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
54. Since 2011, a total of nine pitches with planning permission have been developed. A further private site of 26 pitches has been permitted but not yet completed. This leaves a total of 30 pitches (65 – (9 + 26)) for which permanent sites need to be identified. There are currently 69 pitches with temporary planning permission and while there can be no certainty that these will (all) be turned into permanent permissions, there is a reasonable expectation that some of these will be approved, thus further reducing the overall shortfall in pitches.
55. There are no other sites in the district where pitches are known to be vacant, available and suitable for the applicant. (While there are vacant sites at Smithy Fen, Cottenham, this is an area now frequented solely by Irish Travellers and where the applicant was previously living). The two public sites at Milton and Whaddon have remained full with waiting lists of at least a year. However, the Council is actively involved with the aid of government funding in planning a new site for Gypsies and Travellers. Similarly, negotiations are taking place for the delivery of a further site that

could become available within the next 18 months. The delivery of one or other of these sites would clearly help meet some of the outstanding unmet need.

56. The results of the GTANA and the decision of the Council's Housing Portfolio Holder were not available to the inspector in the recent appeal. The now up-to-date needs assessment suggests that the unmet need is not "substantial" as the inspector concluded. Nonetheless, there remains an unmet general need for additional pitches in the district. This unmet need is a material consideration that weighs in favour of this proposal.

The applicants' personal needs and circumstances

57. The applicant has submitted supporting letters from Willingham Primary School and Cambridgeshire County Council (Team for Traveller Education) that both strongly support the application being approved, as well as pointing out the harm to the education of the children if permission was refused.
58. The applicant has submitted additional details that highlight the problems they had on other sites, it continues by stating how at 6 Cadwin Field they have been able to settle. It also points out that failure to grant planning permission would have a detrimental impact upon the education of her children, as well as leaving her unemployed and her family homeless. These considerations carry some weight in favour of the application.

Conclusion

59. The site by virtue of its location and the mature landscaping within the site will have very little impact upon the visual appearance of the local area. The unmet need for gypsy and traveller sites within the district and the applicant's personal circumstances carry weight in favour of the application. The potential delivery of at least one new site within the next 18 months diminishes the weight to be given to unmet need
60. While no substantive harm has been identified, the potential availability of an alternative site and its capacity to relieve the overall pressures on Willingham, has led to the conclusion that a further temporary planning permission would be appropriate. This would be for a period of 18 months.

Human Rights

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

Recommendation

62. Approve subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the following approved plans: SC-01, SC-02, SC-03, SC-04, SC-05, SC-06, SC-07 and SC-08.

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

2. The residential use, hereby permitted, shall be restricted to the stationing of no more than one mobile home, two touring caravans and one day/utility room.

(Reason – To ensure that there is no adverse pressure on local infrastructure created by further people living on site.)

3. The use, hereby permitted, shall be discontinued and the mobile home, caravans and day/utility room, hereby permitted, shall be removed and the land restored to its former condition on or before 31 March 2014 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

(Reason – In accordance with the advice in “Planning policy for traveller sites”, the Council is actively seeking to identify new sites for travellers and on a without prejudice basis to a permanent consent on this site, a further time limited consent will enable the Local Planning Authority to bring forward sites to help meet the existing unmet need.)

4. The site and the mobile home and caravans, hereby permitted, shall not be occupied other than by the applicant and her immediate family and any dependant living with them.

(Reason - The applicant and her family are local travellers and the permitted use would not normally be granted on this site because it would be contrary to Policy DP/7 of the adopted Local Development Framework 2007. Occupation by other persons would not amount to special circumstances for permitted development in this location.)

5. The site and the mobile home, touring caravan and day room, hereby permitted, shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)' there immediate family and any dependant living with them.

(Reason – To ensure the pitch meets the continued need of the gypsy and traveller community within South Cambridgeshire District Council.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

(Reason – In order to limit the impact of the development on the area’s rural character and the residential amenities

7. No commercial activities shall take place on the land, including the storage of materials.

(Reason – In order to limit the impact of the development on the area’s rural character and the residential amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

(Reason – In order to limit the site’s impact on the area’s rural character in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

9. The site shall cease to be occupied and the land returned to its former condition within 28 days in the event of failure to meet the requirements set out in (i) to (iv) below:

- (i) Within 1 (one) month of the date of this decision, full details of the proposed septic tank shall have been submitted for the written approval of the local planning authority.
- (ii) Within 9 months of the date of this decision the septic tank details shall have been approved by the local planning authority or, if the local planning authority refuse to approve the schemes, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development schemes shall have been approved by the Secretary of State.
- (iv) The septic tank 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.

(Reason - To ensure the causes minimal harm to the character of the local area in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

10. The site shall cease to be occupied and the land returned to its former condition within 28 days in the event of failure to meet the requirements set out in (i) to (v) below:

- (i) Within 2 months of the date of this decision a detailed scheme, including a timetable for its provision, for the investigation and recording of contamination and remediation objectives for the site determined through risk assessment and proposals for the removal, containment or otherwise rendering harmless any contamination (the remediation method statement) shall have been submitted for the written approval of the local planning authority.
- (ii) Within 10 months of the date of this decision the scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development schemes shall have been approved by the Secretary of State.
- (iv) The works specified in the remediation method statement shall be completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- (v) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

(Reason - To ensure that risks from land contamination to the users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

Informatives

The application should be aware that any pollution to the water environment may lead to prosecution.

Manure heaps must not be located within 10m of any ditch or watercourse or within 50m of a well, borehole or spring. Any resulting pollution may lead to prosecution. Liquid and solid animal/vegetable wastes and associated contaminated waters shall be stored and disposed of in a manner that will not lead to pollution of surface or underground waters.

Any stable waste retained on site prior to disposal should be stored on a sealed concrete pad, not discharging to surface or ground water.

Any slurry, washdown water and contaminated surface water should be designed in accordance with Defra "Code of Good Agricultural Practice for the Protection of Water" for subsequent site disposal. Details can be found on the Defra website.

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

- **Regional Spatial Strategy for the East of England**
- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S/1188/12FL**
- **Gypsy and Traveller Needs Assessment Internal Review. Report to Housing Portfolio Holder 13 June 2012**

Case Officer: Andrew Phillips – Planning Officer
Telephone: (01954) 713169

This page is left blank intentionally.



South
Cambridgeshire
District Council

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:1323
Time of plot: 12:09

Date of plot: 21/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

**S/1723/12/OL – CAXTON AND ELSWORTH
OUTLINE APPLICATION FOR ERECTION OF RESTAURANT/TAKEAWAY BUILDINGS
(CLASS A3/A5) (INCLUDING APPROVAL OF ACCESS, LAYOUT AND SCALE). LAND
AT CAXTON GIBBET, ST NEOTS ROAD
For the Abbey Group**

Recommendation: Delegated Approval

Date for Determination: 2 October 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 Parish Council.

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This outline application, as amended 14 September 2012, 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. The application seeks approval of access, layout and scale at this stage, however appearance and landscaping are reserved matters.
2. The application proposes demolition of the remains of the existing two storey building and the erection of two new 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 restaurant with drive-thru facility. It measures 34m x 14m. An outdoor seating area is proposed on the west side of the building.
4. The second smaller building is to be set towards the eastern end of the site. 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.
5. The application states that the buildings are both single storey with a height range of 4.5-6m, including and roof mounted extraction units, or if a building with a pitched roof is proposed, a maximum height of 7m is sought.
6. 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. Two areas are provided for cycle parking. 6m high lighting columns are proposed throughout the car park, drive thru function and the approach to the buildings.

7. It is indicated that this application will create 40 full-time jobs and 45 part-time jobs (63 full-time equivalent)
8. 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.
9. On the south west side of the Caxton Gibbet roundabout is a filling station.
10. 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, for which Members will recall granting delegated powers of approval at the August meeting (Item 15).
11. The application is accompanied by a Design and Access Statement and a Transport Statement.

History

Members will recall refusing a full planning application for the redevelopment of the site with two buildings at the August meeting (Ref **S/0059/12/FL**) (Item 14), on the grounds that the design of the proposed buildings was not appropriate for the area, and the lack of cycle parking facilities.

At the same meeting Members gave officers delegated powers to grant outline consent for a third building on the site (**S/0060/12/O**) (Item 15).

A series of applications for advertisement consents were deferred (**S/0048/12/AD**, **S/0049/12/AD**, **S/0050/12/AD**, **S/0240/12/AD** and **S/0244/12/AD**). A planning application for a 25m high (to tip) wind turbine at the eastern end of the site is currently undetermined (**S/0050/12/FL**)

Planning Policy

12. 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

13. **Caxton Parish Council** recommends approval.
14. **Elsworth Parish Council** recommends refusal.

“The above application is the latest in a series made in respect of the Yim Wah site at Caxton Gibbet. Elsworth Parish Council has previously objected strongly to the proposed development: see our paper dated 22 February 2012 (‘Our Objections’) of which a copy is attached for ease of reference.

The present application appears to be substantially identical to the previous application S/0060/12/OL. The supporting Planning Statement is colourably similar to that filed with the previous applications. Once again, it is stated that:

‘The provision of the new outlets alongside the existing petrol filling station opposite will serve only one purpose and that is to support the safety and welfare of the road user.’ (para 3.9).

The references in the previous Planning Statement to MacDonald’s/Costa’s corporate architecture and the entire section on ‘Sustainability’ have been omitted.

For all the reasons set out in Our Objections, Elsworth Parish Council maintains its objections to this development in its revised form. In particular, we share the view of Planning Committee that the design and appearance of the proposed buildings – in the commercial corporate architecture of these two multinational food chains – are inappropriate to this rural location.

Traffic hazards. It seems inevitable that these two food outlets will increase the traffic at the Caxton Gibbet roundabout, which has become a notorious bottleneck during the morning and evening rush hours. Vehicles leaving and entering the site could cause problems regarding traffic flow and possibly increase the risk of accidents. The A428 is not a major trunk road – it is not fully dualled, nor linked to the M11, unlike the nearby A14. There are already other MacDonalds restaurants in the vicinity. Is it really necessary to have so many outlets so close together.

Children and young people. Although it is claimed that the proposed restaurants will not be destinations in their own right, we think it is inevitable that they will be highly attractive to children and young people. The site is only a mile or so from Papworth Everard along a busy and unlit road. It is similarly close to Cambourne, where a new secondary school for some 750 pupils is being built. It would seem inevitable that the proposed development would attract scores of children and young people from these two neighbouring villages, whose only access route will be along dangerous high speed main roads. This would be thoroughly undesirable from a road safety point of view.

Finally, we note that the application makes no mention of the historic gibbet standing on the site. What steps will the Applicant take to protect and preserve this piece of local history? A condition should be attached to any planning consent granted to secure the position.”

A copy of the comments from Elsworth Parish Council in respect of the previous application is attached at Appendix 1.

15. **Cambourne Parish Council** recommends approval subject to the provision of a safe cycle access and covered cycle parking.
16. **Papworth Everard Parish Council** recommended refusal of the previous application. Comments in respect of the current application will be included in the update report
17. The **Highways Agency** commented in respect of the previous application that the proposals will not have a material impact on the Strategic Road Network and therefore it had no objection to the application. Comments on the current application will be reported.
18. 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.

19. The **Economic Development Panel** supported the original application proposal in principle, subject to the satisfactory resolution of detailed planning matters, and welcomed the number of jobs that would be created. The outline application has not been taken back to the Panel for further comment.
20. 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.
21. The **Trees and Landscapes Officer** has no objection but comments that landscaping of the site will be important given the prominent location.
22. The **Landscapes Officer** commented in respect of the previous application that appropriate landscaping will be important to ensure that any development can be adequately assimilated in the area and advised on revisions to the submitted scheme

at that time. Any comments will be reported however detail of landscaping do not form part of the current submission

23. **Cambridgeshire Archaeology** requested for the previous application 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

24. One letter has been received from the occupier 2 Playcross Close, Cambourne supporting the redevelopment of the site and welcoming the proposed development and the jobs it will create.
25. A number of letters were received in respect of the original application objecting on the grounds of highway safety, parking, impact of advertisements, use is too intensive.

Material Planning Considerations

26. 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

27. 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.
28. 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 building at the west end has a floor area of 418 sq m and the smaller one at the east end 180 sqm.
29. 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 the third building for which Members gave officers delegated powers of approval at the August meeting.
30. Officers accept the principle of the redevelopment proposed by this application and the potential for job creation that it brings with it.

Highway Safety

31. 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.
32. 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.

33. The Highways Agency and Local Highway Authority having considered the information submitted with the previous application raised no objection, although the Local Highway Authority required the applicant to demonstrate the provision of appropriate visibility splays. The required splays can be provided and can be secured by condition. Given that the highway aspects of the proposal are unchanged, officers anticipate a similar response to the current application.
34. Although the proposed redevelopment will result in an increase in traffic entering and existing the site officers are of the view the proposal was properly assessed previously 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.
35. 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.
36. 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

37. 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 considerations.
38. 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 proposed layout of the site is to a great extent dictated by the requirements of the new operations.
39. Both buildings area to be single storey and whilst layout and scale are included for approval at outline stage, appearance is not included and will be dealt with at reserved matters stage. A meeting has been held between officers, local members and representatives of the applicant to discuss Members previous concerns relating to design. Appropriate landscaping will be important. Again this is not included for approval at this stage but officers are of the view that there is adequate space around the site to develop a suitable scheme 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.
40. 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. Given the scale of the building it will have limited visual impact on the wider countryside and is acceptable, subject to Members previous concerns that a design approach was adopted that incorporated all buildings.
41. 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. This can be dealt with by condition.

42. Landscape is a reserved matter, however 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.
43. On the north boundary a hedgerow and grass planting was previously 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.
44. The impact of the various advertisement signs proposed for the site will be considered separately and can be controlled under the individual advertisement applications.
45. In essence, officers consider that there is no inherent reason why the appearance of the proposed buildings together with a detailed landscaping scheme should not bring forward an acceptable development that reflects the prevailing landscape character of the surrounding area.

Neighbour Amenity

46. 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

47. A condition can be attached to any consent requiring the approval of a scheme for dealing with litter.
48. 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.
49. The Trees and Landscapes Officer has not objected to the removal of existing trees and the scheme provides adequate opportunity for replacement planting.
50. An archaeological investigation can be secured by condition.
51. 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.

52. The Gibbet is not within the ownership of the applicant so cannot be controlled through condition.

Conclusion

53. 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 does not exceed that of the existing building on the site. The potential local employment that will be generated is to be welcomed.

54. 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 will need to take place regarding proposed appearance of the buildings and landscaping on the north boundary in particular to ensure that the proposed development is not visually intrusive, prior to the submission of a reserved matters application.

Recommendation

55. It is recommended that the Planning Committee gives officers delegated powers to approve the application.

Conditions

Conditions to include

Outline only

Reserved Matters – Appearance and Landscaping

Surface water drainage

Foul water drainage

Pollution control

Contamination

Archaeology

Lighting

Renewable Energy

Highways – cycle access and parking, visibility splays, restriction on service delivery times

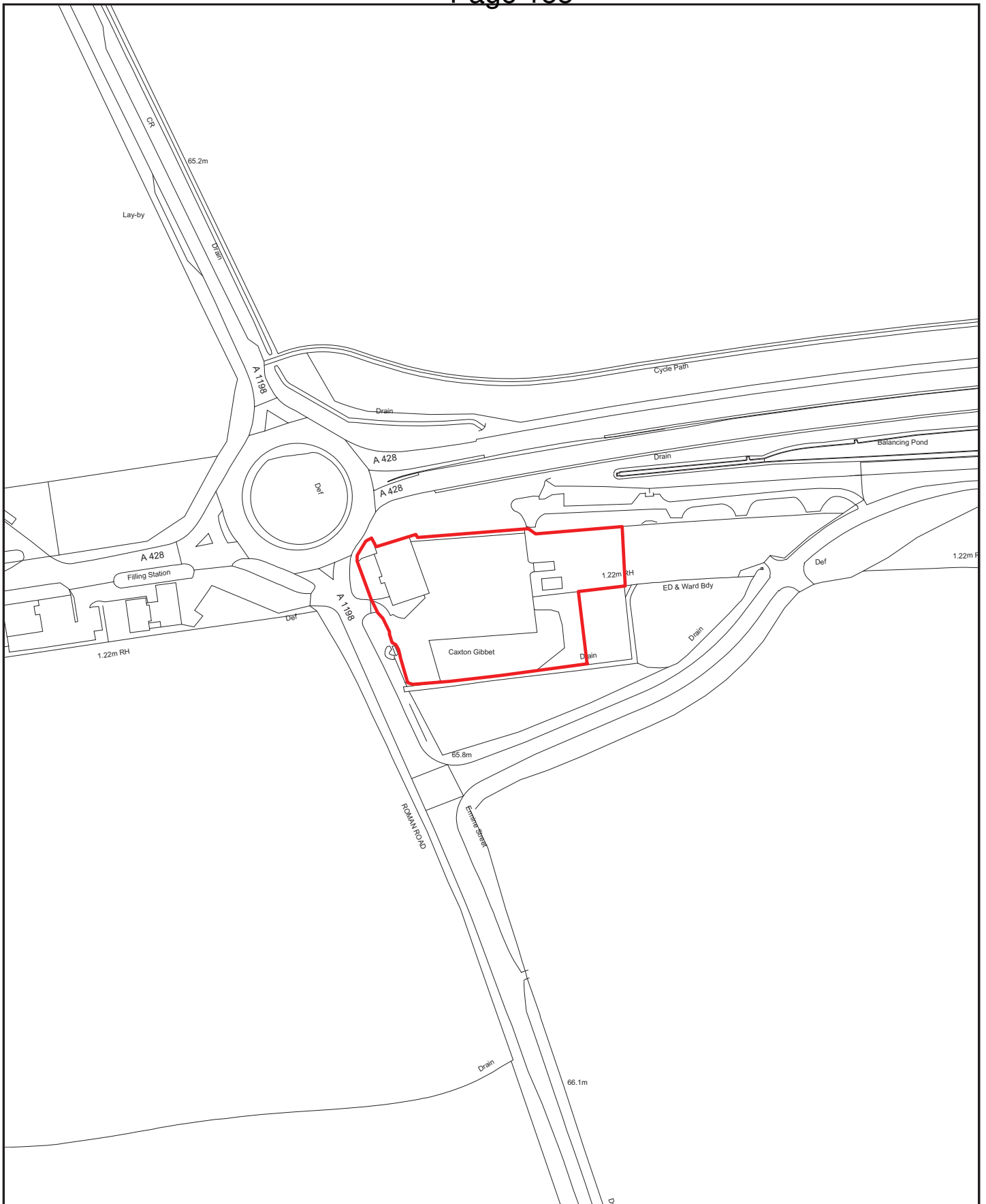
Travel Plan

Litter Control

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/1723/12/FL and S/0059/12/FL

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



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 11:47

Date of plot: 18/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

S/1196/12/FL - HARLTON**Demolition of Existing Bungalow and Replacement with 2 storey Dwelling at 8 Haslingfield Road for Mr Justin Webb
Recommendation: Approval****Date for Determination: 3 August 2012**

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

The application was deferred at September Planning Committee for a site visit, to take place on 2 October 2012.

To be presented to the Committee by Saffron Garner

Site and Proposal

1. The site is located inside the development framework. It is surrounded by residential development on all axes other than to the southeast, which comprises open countryside. The site comprises 0.19ha. The existing property is a modest single storey unit that sits amongst identical properties in the immediate vicinity. Five of the same units were built in the 1960's and since this time only one has been replaced with a two-storey dwelling. This sits at the end of the row of bungalows at No. 12 Haslingfield Road. The neighbouring sites, and particularly this plot, benefit from extensive rear gardens that back onto open countryside. The entire site is in the village framework; however, the developable area is primarily in line with its immediate neighbours. The boundaries are defined by a mixture of hedging and close boarded fencing. A small layby is located outside the front of the application site and a large pine tree that took up the best part of the front garden has been removed.
2. The application seeks planning permission for the demolition of the existing bungalow and replacement with a two storey dwelling with an integrated garage and off road parking provision.

Planning History

3. The site has minimal planning history as the existing bungalow predominately remains as per the originally granted consent in 1960. However, an application for a replacement dwelling was refused under planning reference S/1376/11 due to the adverse impact on neighbour amenity and impact on the street scene. Following this decision made under delegated powers various discussions took place with the aim on reducing the impact on neighbour amenity and designing a scheme that was more in keeping with the closer

properties as well as trying to achieve a property that the clients could use as a family home.

Planning Policy

4. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/7 Infill Villages
5. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
SF/11 Open Space Standards
NE/2 Renewable Energy
NE/6 Biodiversity
TR/2 Car and Cycle Parking Standards
6. Circular 11/95 (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Consultations

7. **Harlton Parish Council** recommends refusal with the following comments:
 - The development will materially alter the character of the village
 - It will remove from the housing stock a type of dwelling that will become more in demand by an aging population
 - It will compromise the existing building line.
8. The **Local Highway Authority** has no objection in principle subject to the inclusion of conditions securing pedestrian visibility splays, surface water drainage, the use of bound material for the driveway, permanent closure of the existing access and the prevention of works in the highway.
9. The **Environmental Health Officer** no comments received. However the standard conditions and informative regarding hours of construction operation and demolition should be applied if minded for approval.

Representations by members of the public

10. Three letters of objection have been received with regard to this application and the following concerns are raised.
 - Overdevelopment and out of proportion
 - Inappropriate development
 - Visually displeasing
 - Out of character

- Overbearing
- Inaccurate drawings (tree at front has been felled)
- Loss of a small dwelling for an aging population
- Forward projections create an unacceptably large dwelling
- Overshadowing
- Shortage of smaller houses in Harlton
- Mess from building contractors

Material Planning Considerations

11. The main issues in this case are:
- Principle of Development
 - Impact on the street scene and character of the area
 - Impact on neighbour amenity
 - Highway Safety
 - Other Matters

Principle of Development

12. The site is located inside the development framework. It is also surrounded by residential development on all sides other than to the southeast which is open to the wider countryside. The density for this site equates to 5 dph. This is significantly lower than the adopted 2007 Local Development Framework policy requirements. However, given the surrounding context and the layout of the existing properties along Haslingfield Road it is considered that more than one unit on this site would create a cramped form of development not in character with the existing context, street scene or neighbouring properties.
13. Harlton is identified as an infill village under Policy ST/7 of the adopted South Cambridgeshire LDF Core Strategy DPD 2007. As such the provisions of Policy DP/7 applies, which permits the development of unallocated land within development frameworks, subject to the proposal not leading to a loss of character or local employment, being respectful to local features and providing the necessary infrastructure. In this instance, the proposal does relate to unallocated land, which is already in residential use, where it is felt that a replacement dwelling could be satisfactorily accommodated in this context.

Impact on the character of the area/Street Scene

14. The new dwelling comprises a two storey replacement dwelling that sits 8m to the ridge and 5m to the eaves. The front and rear elevations have projecting gables that allow for rooms at first floor. The footprint of the replacement dwelling sits over that of the existing; no further back into the site. The most forward projecting element is that of the garage and bedroom 3, which will have limited head room. This projects forward approximately 7.5m from the existing building line and a reduced 6 metres forward of the property known as No. 6. The ridge height of the garage is approximately 5.2 metres and the roof designed to slope away from the occupier of No. 6 Haslingfield Road so as to reduce its presence on the occupier. The eaves height measures at approximately 2.5m, slightly higher than a standard close-boarded boundary fence. At present a mature hedge is located on the shared boundary at a

similar height to the proposed eaves line here. This projection has been reduced in length and the design altered to take into account the neighbouring property as well as the street scene. It was preferred that the garage be set further back, however, the applicant required a double garage on site and this siting was considered to be less damaging to the street scene than that of a detached garage and of an appropriate design so as not to adversely impact on neighbour amenity. It was considered that this projection was a fair compromise from the originally refused scheme.

15. The design of the house is the result of negotiations between the applicant and officers. The first application saw a development that adversely impacted neighbour amenity due to loss of light and being overbearing. Additionally it was considered to be out of keeping with the street scene with large projections that filled the plot tightly from boundary to boundary resulting in an adverse impact on both neighbour amenity and street scene.
16. With specific regard to street scene it was established that a two storey property here was not unacceptable. There are two storey units in close proximity to the application site, opposite and within the village. The main concern was that as this was a bungalow between two very similar properties a change in height would be problematic and out of character. There are many villages in the District that have a road with a line of small bungalows, normally 1950'-1970's, commonly similar in design if not identical. Often attempts are made to retain them due to their regularity in the street scene, however they are often not suitable for larger families but come with vast amounts of land locked rear gardens, similar to the application site. Whilst it would be admirable if private owners saw the benefit of keeping some single storey properties in villages for the ageing population, the market prices of units are not reflective of this requirement. Additionally many elderly residents struggle with the garden size. This is not a planning issue that can be conditioned nor can it be requested that the owners never apply to build upwards. Applications must be assessed individually on their merits. The result of this scheme is to allow for a two-storey dwelling that meets the needs of the applicant and acceptably addresses the earlier two reasons for refusal.
17. One pre-application scheme that was dismissed replicated the units on the other side of the road. No projecting elements were proposed but a detached double garage was to be located in the front garden. Officers were keen to ensure that the house in question addressed all of the issues previously raised rather than just replicating another unit in close proximity to overcome the concerns raised about street scene. The proposal was not reflective of either of the neighbouring bungalows and looked totally at odds with this side of Haslingfield Road, although it looked almost identical to several of the units opposite.
18. As a result the design was revised and projections were reintroduced, the hipped roof design was omitted, the dormer window was omitted and the footprint and proportions revised to create a property that would sit more comfortably between the two modest bungalows. The garage was turned to face onto the street and the eaves were lowered to the front. All these minor changes have resulted in a significant change to the scheme visually and officers are content that the revised design will sit in the existing street scene without resulting in undue harm. It will bring change to the existing view but it

is not considered to be harmful or contrary to the requirements of the relevant policies.

Impact on Neighbour Amenity

19. The earlier refused scheme was considered unacceptable as it adversely impacted the amenity of the occupiers at No. 10. It resulted in a loss of light to the property as well as being unduly overbearing due to its proximity and scale. This has since been altered and the potential impact on the occupiers at No. 10 is considered to now be completely addressed. The revised dwelling and rear projection has been moved away from the shared boundary, reduced in size, is subservient to the main ridge line and hipped to remove the loss of light that was previously considered unacceptable. The forward projection has not only been significantly reduced in depth but has been removed from the shared boundary with No. 10, improving the outlook from the kitchen onto the road.
20. The revised design has been reduced in scale overall and the projections now mirrored. The impact of this change on the occupier of No. 6 is considered to be less significant due to the orientation of the units to each other, meaning loss of light is not a concern here. With regard to being overbearing the projections have been reduced in depth, height and the roof slopes designed to slope away from the occupier thus reducing potential impact.
21. Based on the information above it is considered that the revised design appropriately addresses the original concerns regarding neighbour amenity.

Impact on Highway Safety

22. The comments received from the Local Highway Authority are noted. Conditions set out in the LHA comments can be applied as conditions if approval given.

Other Matters

Financial Contributions

23. Policy DP/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms.
24. The proposed dwelling will result in a net increase of 1.57 occupants as the new dwelling provides 3 additional bedrooms over the property it intends to replace. The open space calculator suggests that the increase would equate to a financial contribution of £2014.00. This is index-linked and would be secured through the signing of a Section 106 legal agreement. Confirmation that the applicant would be willing to make such a contribution has not been received.
25. In accordance with Policy DP/4, a new charge has been introduced in relation to the Community Facilities Assessment 2009 that seeks a financial contribution of £332.84 towards indoor community facilities. This is index-linked and would be secured through the signing of a Section 106 legal

agreement. Confirmation that the applicant would be willing to make such a contribution has not been received.

Loss of a small dwelling

26. There is no policy support for the retention of smaller properties within village frameworks. Retention of small dwellings is primarily protected outside of these areas. This property is inside the framework for Harlton and therefore its replacement, in principle is supported.

Conclusion

27. The application has been changed on several occasions with regard to design, neighbour impact and street scene. The result is a scheme that aims to meet both the applicants needs and the concerns raised by the Local Planning Authority.

Recommendation:

28. It is recommended that the Planning Committee approve the application subject to the following conditions.
1. Time limitation - 3 years
 2. Plans: 14, 8A, 24A, 25A, 26A and 27 franked 6th June 2012
 3. Materials
 4. Hours of Operation/Construction/Demolition
 4. Landscaping
 5. Landscaping Implementation
 6. Removal of PD rights
 7. No further windows at first floor/roof slope
 8. Garage shall not be used as living accommodation
 9. First floor windows in the SW elevation to be fixed and fitted with obscure glazing
 10. Contributions and relative informative
 11. Highway Conditions included

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

- Local Development Framework Core Strategy and Development Control Policies DPDs
- National Planning Policy Framework
- Planning file reference S/1196/12/FL, S/1376/11/FL and Pre-application discussions and meetings

Contact Officer: Saffron Garner – Senior Planning Officer
01954 713256



**South
Cambridgeshire
District Council**

© Crown copyright.

Planning Dept - South Cambridgeshire DC



FOR INTERNAL USE ONLY

Scale - 1:2500
Time of plot: 14:43

Date of plot: 20/09/2012

This page is left blank intentionally.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

**BALSHAM: PROPOSED EXTINGUISHMENT OF THE FOOTPATH AT MAYS AVENUE
MAKING OF EXTINGUISHMENT ORDER**

Purpose

1. To make a Public Path Extinguishment Order in respect of the public footpath at Mays Avenue, Balsham, shown on the site plan (Appendix B).

Recommendations

2. It is recommended that an order is made under section 257 of the Town and Country Planning Act 1990 to extinguish part of the Public Footpath at Mays Avenue, Balsham, as described in Cambridgeshire County Council's Synopsis, and shown on the plan..

Reasons for Recommendation

3. To enable the development proposed in planning application S/1699/11 to take place.

Background

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

Considerations

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

Options

6. None specific.

Implications

7.

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

Climate Change	None
----------------	------

Consultations

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

Consultation with Children and Young People

9. None

Effect on Strategic Aims

10. The District's network of safe and well maintained public rights of way makes sure that South Cambridgeshire continues to be a healthy place in which residents can be proud to live. However, the grounds for extinguishing this footpath are set out in paragraph 7 of Cambridgeshire County Council's Synopsis.

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

None

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

Steven Thoday – Definitive Map Officer (Cambridgeshire County Council)
Telephone: 0345 045 5212

To: Legal and Democratic Services Manager, South Cambridgeshire
District Council
From: Steven Thoday, Definitive Map Officer CC1305
Ref: 14/ST
Date: 6th September 2012

**Report on the proposed extinguishment of part of the Public Footpath at
May's Avenue, Balsham**

1 Purpose

- 1.1 To report on the proposed extinguishment of part of the Public Footpath at May's Avenue, Balsham.
- 1.2 Appendix A comprises a copy of the extinguishment application. A map showing the effect of the proposals is at Appendix B.

2 Background

- 2.1 This extinguishment order is required to implement a planning permission in relation to planning application number S/1699/11 (see Document C) which was submitted to South Cambridgeshire District Council on 6th August 2011. The application is for the erection of 11 affordable dwellings and associated landscaping and car parking following the demolition of nos.22-46 May's Avenue, Balsham. The Public Footpath that runs in front of nos.22-46 May's Avenue and connects to May's Avenue will be obstructed by the proposed new dwellings, gardens and car parking areas. It would be necessary, therefore, to extinguish this part of the Public Footpath to enable construction to take place without obstruction of the highway.
- 2.2 The footpath is not recorded on the Definitive Map and Statement but is recorded on the List of Streets, having been recorded as being maintainable at public expense as a public footpath. The paths in question were adopted as public footpaths because they did not meet the definition of a footway, which has to be alongside a carriageway.
- 2.3 The extinguishment of the footpath therefore falls to be determined by the relevant planning authority under section 257 of the Town and Country Planning Act 1990.
- 2.4 In February 2007, South Cambridgeshire District Council entered into an Agreement with Cambridgeshire County Council providing that all Public Path Order applications under section 257 of the Town and Country Planning Act 1990 should be processed by the County Council, acting as agents for the District Council. A copy of the Agreement explaining the procedure is attached at Document D.

- 2.5 The application documents were therefore forwarded to Steven Thoday, Definitive Map Officer at the County Council, who began the formal consultation procedure on 22nd June 2012.

3 Site Description

- 3.1 Photographs of the footpaths can be seen at Appendix E.
- 3.2 The public footpath starts at the adopted estate path adjacent to No.22, May's Avenue and proceeds west-north-westerly for 36.7m to No.32a and 34 May's Avenue then proceeds in a southerly direction for 26.4m to No.44 May's Avenue where the path splits one part continuing in a southerly direction for 11.4m to the footway along May's Avenue and the other part proceeding east from No.44 May's Avenue for 19m to the footway at May's Avenue. Path metalled throughout with a width 1.1m.

4 Legal Framework

- 4.1 Section 257 of the Town and Country Planning Act 1990 allows that:
- (1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—
- (a) in accordance with planning permission granted under Part III, or
 - (b) by a government department.
- (2) An order under this section may, if the competent authority are satisfied that it should do so, provide—
- (a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - (b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
 - (c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;

(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'

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

4.3 The Equality Act 2010 consolidated previous disability legislation. There is currently little formal guidance on how the Act interacts with existing rights of way legislation. However, it is generally understood to require order-making authorities to take into account the reasonable needs of disabled people (using the term in its broadest sense) in considering changes to the rights of way network. The Act requires authorities to be more proactive in recording their thought-processes in making their decisions. A recent Planning Inspectorate decision said that the Act only applies to the alternative route in a diversion.

5 Cambridgeshire County Council Policy (including maintenance)

5.1 The County Council's own policy (approved by Cabinet in 2003 and revised on 25 May 2010) requires that certain criteria are met if a public path order is to be made. The policy is set out with public path orders under the Highways Act 1980 in mind, but it is sensible to consider the criteria in relation to any proposal under the Town & Country Planning Act 1990, because any new path will be vested in Cambridgeshire County Council as the highway authority and as such responsible for managing them. The highway authority is also responsible for protecting and asserting the public's existing rights, and not allowing them to be removed unless the legal tests are met. The Policy criteria are as follows:

- i. Pre-application consultations have been carried out with the prescribed bodies.
- ii. The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Director Highways & Access as to whether or not that is appropriate.
- iii. A suitable alternative path is provided for every path that is to be diverted.
- iv. The proposed new route is substantially as convenient to the public as the original
- v. The proposed new route is not less convenient for maintenance than the original
- vi. No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County

- Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal.
- vii. The maintenance burden on the County Council is no greater than that of the original. If the maintenance burden is greater, the landowner may be required to enter into a maintenance agreement with the County Council.
 - viii. A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, it may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.
 - ix. That all the works required to bring the new route into operation are carried out at the expense of the landowner and to the County Council's specifications unless otherwise agreed.
- 5.2 Where there is a desire line on the ground that is not on the definitive route because that is obstructed we will consider that to be evidence of a desire to get from points A-B, and will require the definitive route to be opened up or diverted onto the desire line or another mutually agreed route.

6 Consultations

- 6.1 The local Ramblers' Association, the British Horse Society, South Cambridgeshire District Council, Balsham Parish Council, Local County and District Members, the prescribed user groups and the utility companies were all consulted about the proposals. The following replies have been received (copies are attached as Appendix F):
- 6.2 The Ramblers' Association South Cambridgeshire Group stated that as the paths were not on the Definitive Map they were not directly the concern of the Ramblers' Association. However the Ramblers' stated that the closure of the path may cause some inconvenience to the residents of the houses they connect (these houses are empty and to be demolished) as these short cuts may no longer be available. The Ramblers' stated that in mitigation of this routes through and around the northern side of the estate are potentially available, provided that the gates shown on the plan are not locked. (These gates are to be locked but residents will have keys).
- 6.3 Virgin Media and Viatel Plant is not affected, National Grid's apparatus is not affected, Cable and Wireless Worldwide and BT Openreach have no objections. Anglia Water has no objections to the proposal as long as it rights of access for maintenance and repair remain.
- 6.4 County Councillor John Batchelor supports the proposed extinguishment.
- 6.5 Balsham Parish Council responded to the pre-application consultation to state that they had no objection to the extinguishment of the public footpath but was concerned by the length of time the order is going to

take and the delays it will cause. In response to this if this report is considered by the September South Cambridgeshire District Council Planning Committee and it is resolved that the order should be made, the order will be made and making of the order published in November. There is a four week period for objections, if no objections are received the order can be confirmed and notice of the order published in December. If objections to the order are received we would normally allow 3 months for negotiations with objectors, if then objections are still not withdrawn the order would need to be sent to the Secretary of State for determination.

6.6 The Highways Supervisor for Balsham has no objection to the proposed extinguishment.

6.7 The Director of Information Management & Operations of Cambridgeshire County Council made the following comments:

Having considered your report, I am content that an Order should be made by South Cambridgeshire District Council under Section 257 of the Town and Country Planning Act 1990 to extinguish the unrecorded public footpaths on May's Avenue, Balsham, as described in the report, to enable the proposed development in Planning Application S/1699/11 to take place.

I note that this will remove any maintenance liability for these paths that Cambridgeshire County Council as Highway Authority may have had, and that as the new estate road/paths will not adopted as public highway there will be no new maintenance burden for County Council as a result of the development.

I note that no alternative route is being offered and that the path to the rear of the site is to be gated by the applicant. However I am content that the applicant is aware of the potential problem this may precipitate and has addressed it by consulting with local residents and user groups during the planning process and pre-s257 application process.

6.8 No other responses were received.

7 Grounds for [stopping up and provision of alternative route]: Town & Country Planning Act 1990 and Equality Act 2010

7.1 The extinguishment of the public footpath is required in order to implement a planning permission granted under part III of the Town and Country Planning Act 1990. Section 1 (a) is therefore satisfied.

7.2 No alternative highway is being provided by the order. The footpaths to be extinguished primarily provide access for residents of nos. 22 – 46 May's Avenue, these properties are to be demolished. The new estate road will not be adopted as public highway but will be constructed to

adoptable standards. The footpath that runs along Mays Avenue which will be crossed to form the new access will be made good to adoptable standards and the extension of which in front of plot 9 & 10 will also be constructed to adoptable standards. The parking court will remain private.

- 7.3 There is a potential for challenge from local users regarding the gating of the path to the rear of the site. However local residents have been consulted by the applicant during the Planning Application process and no-one has raised any concerns. Residents of the new properties and properties accessed by this path will be given keys to the gate. It is considered not a significant enough link for us as Highway Authority to require an alternative route, however South Cambridgeshire District Council and the applicant should be aware that this represents a potential risk.

8 Grounds for diversion: Cambridgeshire County Council criteria including Maintenance Liability

- 8.1 As stated above no alternative highway is being provided by the order. The new estate road will not be adopted as public highway but will be constructed to adoptable standards. The footpath that runs along Mays Avenue which will be crossed to form the new access will be made good to adoptable standards and the extension of which in front of plot 9 & 10 will also be constructed to adoptable standards. The parking court will remain private.

9 Conclusions

- 9.1 It is considered that the application to extinguish the public footpath adjacent to nos. 22-46 May's Avenue, Balsham meets the requirements of s.257 of the Town and Country Planning Act. No objections have been received in response to the consultation.

10 Recommendations

- 10.1 That South Cambridgeshire District Council should make a Public Path Extinguishment Order to extinguish part of the Public Footpath at May's Avenue, Balsham, as shown on the map at Document B.

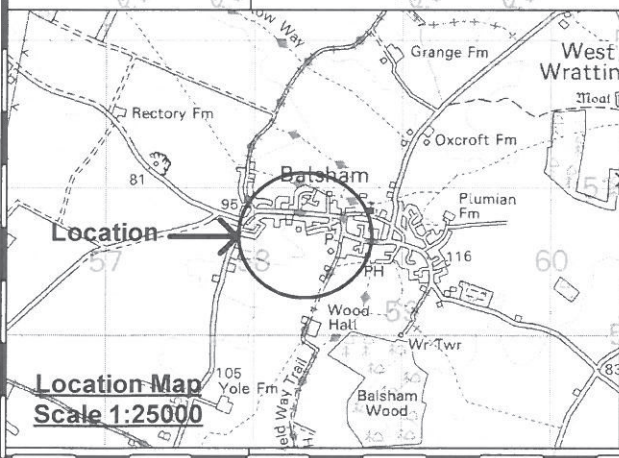
LIST OF DOCUMENTS

A	Copy of the application to extinguish part of the public footpath
B	Map showing proposed extinguishment.
C	Copy of planning application No. S/1699/11
D	Copy of Memorandum of Agreement between the District Council and Cambridgeshire County Council
E	Site photographs taken on 26/06/12
F	Copies of consultation responses
G	Memo from the County Council Service Director, Infrastructure Management and Operations.

This page is left blank intentionally.

Appendix B

Proposed extinguishment of Public Footpath at May's Avenue, Balsham



Balsham

Scale: 1:1250
Date: 21/06/2012

Key

Public Footpath to be extinguished 

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

- To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 20 September 2012.

- Decisions Notified By The Secretary of State**

Ref.no	Details	Decision	Decision Date
S/0744/12/FL	Mr J Featherstone 11 Dubbs Knoll Road, Guilden Morden Side Extension	Dismissed	11/09/12
S/1965/11/F	Pelham Structures Ltd 26 West End Whittlesford Removal of condition-Obscure glazing	Allowed	11/09/12
S/1756/11/F	K Telfer&G Smyth 7a Heath Road Gamlingay Extensions cof u of land residential use	Allowed	12/09/12
S/2399/11/F	Dr G Nelson Brook Cottage Caxton End Bourn Variation of Condition 4	Dismissed	20/09/12

- Appeals received**

Ref. no.	Details	Decision	Decision Date
S/1180/12/FL	Mr D I Bowyer 22 Fen End Willingham Demolition of existing dwelling & erection of single storey dwelling	Refused	20/08/12
S/0272/12/PO	Mr & Mrs MKE Prime 43 Chiswick End Meldreth Modify Planning	Refused	20/08/12

	Obligation of permission S/0903/91/O		
S/0907/12/FL	Mr M Huntingdon 11 West Road Histon Extension	Refused	28/08/12
S/0114/12/FL	Ms Neville 7 Mrs Bannister 20 Ledo Road Whittlesford Extension&Alterations	Refused	28/08/12
S/0010/11/FL	Mr T Walls Pine View Smithy Fen Cottenham 2 Static Caravans, 2 Touring caravans, 2 Utility Block , 1 temporary portaloo & Parking for 4 vehicles	Allowed	30/08/12
S/0968/12/FL	Ms J Jackson Plot 7 The Willows Caldecote Dwelling and Car Port	Refused	31/08/12

4. **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 3 October 2012.**

Ref. no.	Name	Address	Hearing
S/0307/12/FL	Mr J Frostick	Plots 2&3 The Oaks, Meadow Road Willingham	20 September 2012 Confirmed
S/0440/12/F	Weston Homes (Housing) Ltd	Adjacent 7 Station Road Over	15-17January 2013 Or 22-24January 2013 To be confirmed

5 **Summaries of recent decisions**

None

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

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 October 2012

AUTHOR/S: Planning and New Communities Director

CURRENT ENFORCEMENT ACTION CASES

Purpose

1. To update Members about current enforcement action cases as at 24 September 2012

Ref No	Village	Location	See Page No for full update	Remarks
19/03	Histon	Land adjacent to Moor Drove Cottenham Road	1 - 4	Application for injunction refused by the High Court, 5 th June 2008 Planning Appeal allowed, planning conditions to be monitored. All schemes required as part of the planning conditions have been submitted within timescale. The planning officer has requested further information in order that the schemes relating to conditions can be discharged.
9/04	Swavesey	Land adjacent to Cow Fen Drove	4 - 8	Monitoring visits have confirmed that the one of the defendants is still residing on site and is therefore in breach of the Injunction Order High Court date 22 nd June 2011 Defendant Steven Cuff found guilty of contempt by the Court and was sentenced to 90 days imprisonment. Monitoring continues

Ref No	Village	Location	See Page No for full update	Remarks
13/05	Cottenham	Plots 5, 5a, 6, 10 & 11 Orchard Drive	8 - 12	<p>Planning Appeal dismissed. Further report to be considered by Planning Sub Committee.</p> <p>No change - Needs Audits to be carried out</p> <p>The Planning Enforcement Sub-Committee considered a report relating to Plots 12 Victoria View, 15 Water Lane, and 5, 5A, 6, 10 and 11 Orchard Drive, all at Smithy Fen, Cottenham, as they remain either in active residential occupation or developed for residential occupation in breach of planning control, following the Sub-Committee's resolution on 21 July 2010 to enforce against continuing breaches.</p> <p>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town & Country Planning Act 1990 to remedy and restrain continuing breaches of development control, against those adults identified as being either an owner and /or an occupier of plots 5,5A, 6, 10, 11 Orchard Drive and 15 Water Lane, and against persons unknown in respect of those plots, upon the completion of updated needs audits, and provided these do not indicate any change in personal circumstances requiring further consideration by the sub-committee. Travellers Liaison Officer unable to obtain details relating to personal circumstances requiring consideration by the Sub Committee. Further Needs Assessments carried out - Formal proceedings continue.</p> <p>Further planning application submitted – Reference S/0041/12/FL</p> <p>Planning application refused. Formal proceeding to continue</p> <p>Appeal submitted - Hearing date to be advised</p>

Ref No	Village	Location	See Page No for full update	Remarks
4/06	Cottenham	Plot 15 Water Lane Smithy Fen	13 - 16	<p>Appeal dismissed on 29th January 2007. File submitted for an application for an injunction. Report to be considered by Planning Sub Committee No change - Needs Audits to be carried out</p> <p>Planning Enforcement Sub-Committee resolved that SCDC make an application to the High Court for Injunctive relief under section 187B of the Town & Country Planning Act 1990 to remedy and restrain continuing breaches of development control, against those adults identified as being either an owner and /or an occupier of plots 5,5A, 6, 10, 11 Orchard Drive and 15 Water Lane, and against persons unknown in respect of those plots, upon the completion of updated needs audits, and provided these do not indicate any change in personal circumstances requiring further consideration by the sub-committee. Travellers Liaison Officer unable to obtain details relating to personal circumstances requiring consideration by the Sub Committee. Further Needs Assessment carried out - Formal proceedings continue.</p> <p>Further planning application submitted – Reference S/0041/12/FL</p> <p>Planning application refused. Formal proceeding to continue</p> <p>Appeal submitted - Hearing date to be advised</p>

Ref No	Village	Location	See Page No for full update	Remarks
8/06	Melbourn	1 London Way Clunchpits	16 - 19	<p>Appeal allowed in part and dismissed in part. Partial compliance. Landscaping scheme now approved. Highways & Environmental Health issues reviewed on site. Findings to be published shortly. No Change – Matter to be referred back to Planning Officer Institute Occupational Management to undertake a further risk assessment on the right of way / asbestos issue Multi Agency meeting to be arranged to agree way forward. Meeting held, further information required.</p>
7/07	Barton	The Drift Cambridge Road	19 - 21	<p>Appeal dismissed on the 1st April 2008. Compliance date 1st October 2008 Partial compliance. Discussions continue.</p> <p>Matter referred to delegation to consider next steps</p>

Ref No	Village	Location	See Page No for full update	Remarks
16/07	Willingham	38 Silver Street	21 - 22	<p>Enforcement Notice issued 28th September 2007 for unauthorised work on Listed building. At Cambridge Magistrates Court on 10th January 2008 the owner was fined £10,000 for unauthorised works. A Listed building application S/0192/08/LB, approved 19th March 2008 complies with first part of the Enforcement Notice. Site is being monitored for compliance. Owner interviewed regarding failure to instigate remedial works. Timetable agreed.</p> <p>Works commenced</p> <p>Majority of work now complete although minor finishes to be completed. House still unoccupied.</p> <p>Waiting for further instruction from Conservation team</p> <p>Prosecution file submitted to legal</p>
5/08	Milton	27/28 Newfield's Fen Road Chesterton	23 - 24	<p>Enforcement Notice appealed. Hearing date to be confirmed. Fresh application submitted. Appeal dismissed 6th May 2009, four months compliance period. Further planning application received and registered. Application S/1170/09 approved 24th November 2009, Conditions to be monitored. Further planning application submitted – Ref: S/0246/10/F. Planning permission refused. File submitted to Legal. Further information requested, file resubmitted.</p>
12/08	Histon	Plot 4 Moor Drove	24 - 26	<p>Prosecution file submitted to Legal regarding failure to comply with a "Temporary Stop Notice" Enforcement Notice Issued. Retrospective planning application submitted. Approved at Committee 10th June 2009 Conditions to be monitored</p>

Ref No	Village	Location	See Page No for full update	Remarks
13/08	Melbourn	49 High Street	26 - 27	<p>Enforcement Notice issued. Prosecution file submitted to Legal for failing to comply with the Enforcement Notice. Defendants found guilty at Cambridge Magistrates Court. Enforcement Notice still not complied with. Further prosecution file submitted Hearing date set for 9th July 2009. Male Defendant ejected from court, case adjourned until 23rd July 2009. Both Defendants found guilty at Cambridge Magistrates Court, and fined £1000 each with costs totalling £520</p> <p>Enforcement Notice not complied with, Prosecution file submitted, Hearing date set for 17th December 2009</p> <p>Both defendants found guilty at Cambridge Magistrates Court and fined £2195 each including costs of £180 each and £15 each victim surcharge. Enforcement Notice still not complied with. File submitted to Legal to instigate formal action.</p> <p>Retrospective planning application submitted. Application refused.</p> <p>Negotiations continue to ensure compliance with the outstanding enforcement notice.</p> <p>Remedial work commenced. Further inspection required to ensure compliance.</p>

Ref No	Village	Location	See Page No for full update	Remarks
01/09	Great Abington	82 High Street	28 - 29	<p>Listed Building Enforcement Notice no 3342 issued 6th January 2009 for unauthorised works on a Listed building. Compliance period 3 months. Appeal submitted out of time – Prosecution file to be submitted to Legal. Discussions continue to resolve. Listed Building Enforcement Notice complied with in part – Negotiations continue.</p> <p>Planning Appeal dismissed 26th May 2010.</p> <p>Negotiations continue – Owners currently living abroad.</p> <p>Remedial works commenced, completion due November 2011</p> <p>Majority of works now complete, Further inspection carried out by Conservation team – Works to window still outstanding - Negotiations continue</p>
07/09	Sawston	163 High Street	29 - 30	<p>Listed Building Enforcement Notice issued for dismantling and removal works without authorisation</p> <p>Appealed – Hearing date 5th January 2010.</p> <p>Appeal withdrawn.</p> <p>Formal discussions with Conservation Team as to next steps.</p>

Ref No	Village	Location	See Page No for full update	Remarks
02/10	Stapleford	Hill Trees Babraham Road	30 - 32	<p>Enforcement Notice issued – Compliance period to cease the use of the land for motor vehicle sales and repairs one month i.e. by 15th April 2010 Appeal submitted.</p> <p>Public Enquiry date 12th October 2010</p> <p>Appeal dismissed 4th November 2011 partial costs awarded. Application to appeal against the Inspectors decision has been made</p> <p>Appeal registered – Court Hearing Date confirmed as 18th October 2011. Application to appeal dismissed.</p> <p>Further site inspections carried out 2nd December 2011 although notice complied with further issues were highlighted relating to the storage of motor vehicles and amenity /waste deposited on the land. Legal file to be prepared.</p> <p>Following Enforcement Sub-Committee approval to instigate direct action, application made to apply for a Judicial Review</p> <p>Following initial court hearing and advice from Counsel no action is to be taken in regard to the resolution of the planning enforcement sub-committee dated 15th February 2012.</p> <p>Further information sought and a report to be submitted to the planning committee, with recommendations on how to proceed in this matter.</p>

Ref No	Village	Location	See Page No for full update	Remarks
13/10	Whaddon	North Road Farm Ermine Way	32 - 33	<p>Listed Building Enforcement Notice issued – Compliance period one calendar month, i.e. by 22nd April 2010</p> <p>Appeal submitted 4th March 2010.</p> <p>Appeal dismissed – New planning application (S/0292/10/LB) refused, further appeal lodged.</p> <p>Enforcement Notice withdrawn – Planning and Conservation Officers currently in negotiation with Owner</p> <p>Amended scheme submitted and approved subject to conditions</p>
23/10	Meldreth	Field Gate Nurseries 32 Station Road	33 - 34	<p>Enforcement Notice issued – Compliance period to dismantle or demolish the structure of the extension and remove all resulting materials, rubble and /or spoil from the site, one month i.e. 12th August 2010</p> <p>Application submitted – Planning permission granted subject to conditions. Compliance to be monitored.</p> <p>Meeting between planning officer and applicant took place end of May 2012. Although signs and parking were agreed conditions C & D (Toilet block and noise management scheme) require further work. Monitoring continues</p>

Ref No	Village	Location	See Page No for full update	Remarks
28/10	Odsey	Odsey Grange Baldock Road	34 - 35	<p>Enforcement Notice issued – Compliance period to remove the unauthorised garage, three calendar months i.e. by 21st April 2011</p> <p>Appeal submitted</p> <p>Appeal dismissed – Compliance period 3 months i.e. by 9th September 2011 Re-Inspection appointment set 28th September 2011.</p> <p>Further application submitted S/1942/11 – Negotiations continue.</p>
1/11	Hardwick	The Blue Lion 74 Main Street	35	<p>Enforcement Notice Issued. Compliance period to remove unauthorised decking structure - One month i.e. by 30th September 2011.</p> <p>Appeal submitted - Appeal dismissed. Compliance period extended to two months – 24th March 2012</p> <p>Revised scheme S/2082/11, submitted – Refused 13th March 2012</p> <p>Part compliance, Majority of decking removed. Further application to be submitted for remaining decking</p> <p>Listed building applications received</p>

Ref No	Village	Location	See Page No for full update	Remarks
6/11	Little Wilbraham	The Scholars Junction of Rectory Farm Road & Great Wilbraham Road	35 - 36	<p>Enforcement Notice issued. Owners required to a) Complete remedial works to ensure that no part of the boundary treatment (including piers or other features) exceeds 1 metre in height. b) remove the brick outbuilding and c) remove all scrap or surplus material resulting from compliance with parts a) and b)</p> <p>Compliance period three months. Appeal submitted – 18th December 2011</p> <p>Appeal dismissed 15th May 2012 Further discussions have taken place as part of a pre-application and a further application with a revised scheme will be submitted shortly.</p> <p>Application submitted – To be considered by Planning Committee</p>

Ref No	Village	Location	See Page No for full update	Remarks
7/11	Little Wilbraham	The Scholars Junction of Rectory Farm Road & Great Wilbraham Road	36 - 37	<p>Enforcement Notice issued. Owners required to:</p> <ul style="list-style-type: none"> a) Remove the stainless steel extraction flue together with all associated exterior brackets and supports. b) Remove the air-conditioning units and all associated exterior cabling and pipe work and c) Remove the unauthorised raised lantern type roof-light structure and replace with a flat profiled roof-light to accord with the details shown in plan 2001-003 revision B, as approved under planning consent S/0797/10/F <p>Compliance period three months.</p> <p>Appeal submitted – 18th December 2011</p> <p>The appeal was allowed insofar as it relates to the roof-light and planning permission is granted. The appeal in respect of the remaining development the appeal was dismissed 15th May 2012.</p> <p>Further discussions have taken place as part of a pre-application and a further application with a revised scheme will shortly be submitted</p> <p>Application submitted – To be considered by Planning Committee</p>

Ref No	Village	Location	See Page No for full update	Remarks
8/11	Arrington	a) Leo Autopoint Petrol Filling Station, 11 Ermine Way b) Former Telephone Exchange, Ermine Way	37 - 38	<p>Enforcement Notice issued. Steps to be taken.</p> <ul style="list-style-type: none"> a) Cease the use of Area's A and B for commercial purpose consisting of the repairing, servicing, valeting and sale of motor vehicles. b) Remove all motor vehicles from the affected land that are present in connection with the unauthorised commercial use. <p>Compliance period three months – 2nd April 2012</p> <p>Planning application S/0639/12 submitted</p>
1/12	Fulbourn	1A Impetts Lane	38	<p>Enforcement Notice issued. Owner required to a) complete remedial works to either remove the entirety of the gates or support piers, or to secure the reduction in height of the structures so that no part of the same exceeds 2 metres in height when measured from the ground.</p> <p>b) Remove from the affected land all scrap or surplus material resulting from compliance with part a)</p> <p>Compliance period three months – 20th May 2012</p> <p>Inspection carried out revealed that the enforcement notice has not been complied with. Prosecution file to be raised.</p> <p>Further discussion with Planning Officer re revised scheme</p>

Ref No	Village	Location	See Page No for full update	Remarks
2/12	Cottenham	Plots 4/5 Pine Lane, Smithy Fen	38 - 39	<p>Enforcement Notice issued, Owner/occupier to:</p> <ul style="list-style-type: none"> a) Cease the use of the affected land for the stationing and residential occupation of the caravans and motor homes b) Remove from the affected land all caravans, motor homes and ancillary domestic paraphernalia associated with the residential occupation of the same. c) Restore and thereafter maintain the affected land as being available for use by the occupiers of and visitors to plots 1-3 and 6 Pine Lane as a turning, parking, and amenity area to facilitate the pre-established residential occupation of those plots. <p>Notice Appealed – Hearing date 21st June 2012. Waiting outcome.</p> <p>Appeal successful subject to conditions – Monitoring continues</p>

Ref No	Village	Location	See Page No for full update	Remarks
3/12	Histon	Land to the rear of plot 4 Moor Drove	39	<p>Enforcement Notice issued, Owner/occupier to</p> <p>a) Cease the unauthorised use of any part of the affected land for the commercial storage, sorting, or processing of scrap materials and return the full extent of the same to the authorised use as agricultural land.</p> <p>b) Remove the shipping container including all its contents, and all tools, equipment, plant and machinery for materials sorting and processing from the affected land</p> <p>c) Remove the hard-surfacing, including hoggin, planning's, sand and gravel comprising the same from the affected</p> <p>d) Remove all scrap materials and general rubbish from the affected land</p> <p>e) Restore the cleared area to a condition and standard that enables resumption of the authorised agricultural user.</p> <p>Part compliance, monitoring continues</p>
4/12	Chittering	Travellers Rest caravan Site, Ely Road	40	<p>Enforcement Notice issued, Owner/occupier to</p> <p>i) Cease the unauthorised residential occupation of the static mobile home</p> <p>ii) Following cessation of the unauthorised residential occupation in compliance with paragraph i) above, remove the static mobile home from the affected land for at least the period between 1st October and 31st March in each year</p>

Background Papers: the following background papers were used in the preparation of this report - Enforcement Action Progress Report as at 24th September 2012 (attached to the electronic version of the agenda on the Council's website)

Contact Officer: Charles Swain – Planning Enforcement Dept
Telephone: (01954) 713206

This page is left blank intentionally.