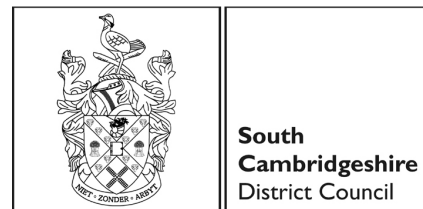


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26 February 2013

To: Chairman – Councillor Robert Turner
Vice-Chairman – Councillor David Bard
All Members of the Planning Committee - Councillors Val Barrett, Brian Burling,
Lynda Harford, Tumi Hawkins, Sebastian Kindersley, David McCraith,
Charles Nightingale, Deborah Roberts, Neil Scarr, Hazel Smith and Nick Wright

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 6 MARCH 2013 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 6 February 2013 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

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17.	Appeals against Planning Decisions and Enforcement Action	125 - 132

OUR VISION

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

OUR VALUES

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

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

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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.

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

Disturbance by Public

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

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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'.

Planning Committee

Declarations of Interest

1. Disclosable pecuniary interests (“DPI”)

A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under consideration at the meeting.

2. Non-disclosable pecuniary interests

These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.

3. Non-pecuniary interests

Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

I have the following interest(s) (* delete where inapplicable) as follows:

Agenda no.	Application Ref.	Village	Interest type	Nature of Interest
	S/		1* 2* 3*	
	S/		1* 2* 3*	
	S/		1* 2* 3*	

Address/ Location of land where applicable

Signature:

Name Date

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2608/12/FL - FOXTON**Construction of two dwellings following demolition of existing two dwellings at
14 Fowlmere Road, Foxton
for Mrs Joyce Ward****Recommendation: Refusal****Date for Determination: 15 February 2013****This Application has been reported to the Planning Committee for
determination at the request of the Local Member****To be presented to the Committee by Paul Derry****Members will visit the site on 5 March 2013****Site and Proposal**

1. The application site is located within the designated Foxton village framework. It forms a pair of semi-detached properties set back from the road frontage. There is a single access to the front serving the parking areas for each dwelling. The dwellings are set at a higher level than the road, with a distance of approximately 23m between the dwellings and road frontage. Given its location, the properties have small rear gardens, which back onto the rear gardens of the two storey properties to the east side of St Laurence Road. The land slopes down northwards, given a visible change of level between the site and adjacent properties. To the north is a boundary shared with the rear garden of 5 Barons Lane, a two storey property set on lower ground than the application site.
2. To the south of the site is the grade II listed building of 20 Fowlmere Road. This property is set approximately 11m from the site frontage, and sits with its gable facing the road. The shared boundary is a combination of a low brick wall with hedge above, a larger brick wall and a 1.8m high panel fence to the rear of the site.
3. The full application, validated on 21 December 2012, seeks the demolition of the existing two properties, and their replacement with two semi-detached properties. The footprint of these dwellings would bring the development closer to Fowlmere Road. The design of the units does differ from those it is replacing. The application is accompanied by a Design Statement and overshadowing information.

Site History

4. This application follows a previous refusal on the site for two replacement dwellings (S/0745/12/FL). This was refused on grounds of the proportions, massing, form, siting and scale of the dwellings not being compatible with the location; overlooking, overshadowing and overbearing impact to neighbouring properties; and impact upon the setting of the listed building.

Planning Policy

5. **South Cambridgeshire Local Development Framework Core Strategy (LDF CS), adopted January 2007: ST/6 Group Villages**
6. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, HG/1 Housing Density, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/10 Foul Drainage – Alternative Drainage Systems, NE/15 Noise Pollution, CH/4 Development Within the Curtilage or Setting of a Listed building & TR/2 Car and Cycle Parking Standards.**
7. **District Design Guide SPD – adopted March 2010 and Listed Buildings SPD – adopted July 2009.**
8. **National Planning Policy Framework:** Advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. Paragraph 133 also states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Foxton Parish Council** recommends approval, and notes the application addresses the amenity and proportion issues of the previous refusal. The revised design is considered acceptable although the accommodation is somewhat restricted. Conditions regarding the timing of use of power-operated machinery and parking of construction/tradespersons' vehicles are recommended.
10. The Council's Conservation Officer notes the previous reason for refusal regarding the setting of the listed building has not been overcome, and the proposal, by virtue of the proportions, massing, form and scale of the dwellings, would be harmful.
11. The Council's **Environmental Health Officer** recommends conditions regarding the timing of use of power-operated machinery and the use of driven pile foundations, and informatives regarding bonfires and burning of waste and the requirement of a Demolition Notice.

12. The **Local Highways Authority** recommends conditions regarding drainage from the access, materials to be used for the access and a traffic management plan. An informative regarding works to the public highway is also recommended.

Representations by Members of the Public

13. None were received.

Planning Comments

14. The key considerations in the determination of this application are the impact upon the setting of the adjacent listed building and the street scene, and the impact upon the amenity of the occupiers of the neighbouring properties. There is no objection to the principle for the replacement of the dwellings on the site, subject to the site specific issues discussed below.

Impact upon the Setting of the Adjacent Listed Building

15. The neighbouring property of 20 Fowlmere Road is a grade II listed building. The existing properties of 14-18 Fowlmere Road sit deep into the plot, giving a spacious setting to this listed building, especially from views along Fowlmere Road to the north. Application S/0745/12/FL was refused on grounds of the size, scale and poor proportions of the development negatively impacting upon the setting of the listed building. The plans have been altered from the previously refused scheme, with the replacement dwellings relocated 2.4m deeper into the plot. The span and height have also been reduced by 2m and 1m respectively.
16. The proposal would move the dwellings forward on the site from between 3.4m and 5.2m. The height of the proposal increases the existing from 3.7m and 6.3m to the eaves and roof ridge respectively, to 4.3m and 7.8m. The replacement dwellings would therefore be more prominent in the setting of the listed building than the existing layout. The existing span of 6.3m is a traditional size for a building adjacent to heritage assets. The increase to 10.5m creates a form of development not historically expected in such locations, which would appear out of keeping with its surroundings.
17. The changes to the previously refused scheme are not therefore considered to have been overcome, and a deleterious impact upon the setting of the listed building remains due to the size, scale and poor proportions.

Impact upon the Amenity of the Occupiers of the Neighbouring Properties

18. To the northwest of the application site is the rear garden to 5 Barons Lane. This property is set on lower ground, with the garden itself rising towards the shared boundary, a fence approximately 1.5m in height. The previous application S/0745/12/FL was refused on grounds of the overbearing impact when viewed from this dwelling. The existing property close to the boundary has a span of 6.3m for the two storey element, with a further 2.3m at ground floor level only. It measures 3.7m and 6.3m in height to the eaves and roof ridge respectively. Given the change of levels there are clear views of the proposal from the rear garden of 5 Barons Lane.

19. The proposal increases the two storey span of development to 10.5m, all of which is opposite the rear boundary of the neighbour. The height of the scheme has increased to 4.3m and 7.8m to the eaves and ridge respectively. The reduction in height of the roof ridge by 1m and the reduction of the span of the two storey bulk by 2m over the previously refused scheme are not considered to overcome the Council's objections. The proposal is therefore considered to cause serious harm to the amenity of the occupiers of 5 Barons Lane.
20. Application S/0745/12/FL was also refused on grounds of overlooking to 5 Barons Lane. The side window at first floor level is shown as being obscure glazed, and would therefore prevent such overlooking. The proposed ground floor windows in the facing elevation would allow some views over the shared boundary fence. However, a condition can ensure a taller boundary in this location. A further condition can prevent any further first floor windows in this side elevation. The application has also demonstrated that any overshadowing towards the rear boundary of 5 Barons Lane would not warrant a reason for refusal.
21. The previously refused scheme at the site was also refused on harmful impacts to the neighbouring properties at 20 Fowlmere Road and 21-25 St Laurence Road. With regards to 20 Fowlmere Road, the applicant has confirmed the side window serving bedroom 2 would be fitted with a brise-soleil, which would prevent views into the rear garden of no. 20. A further condition can prevent any further first floor windows in this elevation. The front facing windows will allow some views over the side/front garden of 20 Fowlmere Road. However, this is a neutral impact on the existing situation.
22. The two-storey bulk of the existing properties are located between 7m and 9m from the shared boundaries with the properties along St Laurence Road. At present there are two bedroom windows and a landing window facing the rear gardens to these neighbouring properties. The proposal shifts the two-storey bulk approximately 8m from the boundary. It has two bedroom windows and a bathroom window in its rear elevation. As a result, the proposal is considered to have a neutral impact upon the occupiers of these properties.

Other Matters

23. Comments from the Local Highways Authority and the Council's Environmental Health Officer are noted, and the relevant conditions and informatives can be added to any approval on the site.

Recommendation

24. Refusal for the following reasons
 1. The neighbouring property at 20 Fowlmere Road is grade II listed. It sits forward of the existing dwellings at the application site, and has a spacious setting in the street scene as a result, especially when viewed from the north. The proposed development moves forward on the site by between 3.4m and 5.2m, and increases the two-storey roof ridge by 1.5m and the span of the two storey element by 4.2m. As a result of the increase in scale of the development and the proportions of the design, the proposal is considered to cause serious harm to the setting of this listed building. The proposal is therefore contrary to Policy CH/4 of the

Local Development Framework Development Control Policies 2007 (LDF DCP), which states planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a listed building.

2. The proposed built form would be located between 2m and 2.4m from the shared boundary with the rear garden of 5 Barons Lane to the northwest. The land slopes down away from the application site. The proposed development would be larger than the existing properties, given an increase in span of two storey development from 6.3m to 10.5m, and a height increase to the eaves and ridge from 3.7m and 6.3m to 4.3m and 7.8m respectively. As a result of the increase in size of development, the change in levels and its proximity to the shared boundary, the proposal would be viewed as overbearing from the rear garden of 5 Barons Lane. The proposal is therefore contrary to Policy DP/3 of the LDF DCP, which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

Informative

For the avoidance of doubt, the refused plans are dwgs P.1 rev B, P.2 rev A, P.3 rev A, P.4 rev A, P.7 rev A, P.9 rev A, and P.10 date stamped 21 December 2012.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- District Design Guide SPD and Listed Buildings SPD
- National Planning Policy Framework.
- Planning File refs: S/2608/12/FL and S/0745/12/FL.

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2170/12/FL - GAMLINGAY**Change of use of Land to Garden, and Siting of Four Containers, Mobile Home, Hot Tub and Storage Building (Retrospective) at 35 The Heath, Everton Road for Mr Bryan Vincent****Recommendation: Temporary Approval****Date for Determination: 28 February 2013**

This Application has been reported to the Planning Committee for determination as the views of the Parish Council are contrary to that of the case officer; and at the request of the Local Members

To be presented to the Committee by Paul Derry

Members will visit the site on 5 March 2013

Site and Proposal

1. The application site is located outside the designated Gamlingay village framework, and is adjacent to the edge of the South Cambridgeshire District Council boundary, which runs along the southern boundary of the site. The land is associated with the property at 35 The Heath to the northwest. This forms one property in a block of four (nos. 29-35). There is a small front garden associated with the dwelling, and vehicle access runs to the rear. Each property historically has a long plot of land extending to the rear, and the application site forms only a small element of this land. There are agricultural buildings on the land to the north behind a boundary fence. The southern boundary is lined with trees, and the western boundary is a 1m high post and wire fence with a newly planted hedge alongside. The eastern boundary is currently open.
2. The full application, validated on 3 January 2013, seeks the change of use of the land to garden, and the siting of four containers, a mobile home, a hot tub and a storage building. The application is retrospective.

Site History

3. There is no site history for the site itself. Applications **S/1243/04/F** and **S/0753/87/F** for a domestic extension to 27 and 22 Everton Road respectively appear to show the length of the rear plots of land to be garden land.

Planning Policy

4. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1** Sustainable Development, **DP/2** Design of New Development, **DP/3** Development Criteria, **DP/7** Development Frameworks, **NE/6** Biodiversity, **NE/15** Noise Pollution & **TR/2** Car and Cycle Parking Standards.
5. **National Planning Policy Framework:** Advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.
6. **Consultation by South Cambridgeshire District Council as Local Planning Authority**
7. **Gamlingay Parish Council** recommends the refusal of a permanent consent on the site, although they note sympathies to the applicant to be on site for a limited duration whilst refurbishing the main property.

Representations by Members of the Public

8. A letter of objection has been received from the occupiers of St Marys House to the southwest. The occupiers of this property own the land directly south of the site. The objection is based on the lack of the relevant planning permission prior to the occupation of the land. The buildings are not considered consistent with a domestic use, and there is no evidence that any works has been carried out to the main dwelling.

Planning Comments

9. The key considerations in the determination of this application are whether the development is appropriate within the countryside, and the impact upon the amenity of the occupiers of the adjacent land.

Whether the Development is Appropriate within the Countryside

10. The site lies outside of the designated Gamlingay village framework, and is in the countryside in policy terms. Policy DP/7 of the LDF DCP provides a list of development considered acceptable in such areas, and residential development is not on this list. As such, the development is contrary to the aims of Policy DP/7, which seeks to protect the countryside from gradual encroachment and to help guard against incremental growth in unsustainable locations.
11. The applicant has sought to justify the need for the development given the need for refurbishment to the main dwelling and its current state of disrepair. Given his long-term residency would be in the main property, a temporary application is considered appropriate in this instance. This recommendation is enhanced by the minimal public views from Everton Road given the hedgerows in the vicinity.
12. The applicant considers the works to be a five-year project before 35 The Heath is capable of being lived in. He has provided the following timeline for development:

- Year 1 – Clear house and check roof and replace damaged tiles
- Year 2 – Remove plaster ceilings etc
- Year 3 – Rewire, replace the ceilings, and insulate
- Year 4 – Connect to water and fit bathroom
- Year 5 – Complete tidy up and loose ends e.g. painting and move in.

13. The applicant is in full-time employment and therefore the development works would be restricted to evenings and weekends. Even with this reduced time available, the works are considered to be easily achievable in less than the five-years requested by the applicant. Given the encroachment into the countryside and the generally unsustainable location of the site, a three-year consent is considered the maximum appropriate in this instance. If the works remain unfinished after three years, the applicant would have the ability to extend the time frame through a new application, which would again be judged on its own merits. The Council would not wish to see a scenario where a temporary consent was granted but only limited works have actually taken place. Members may therefore wish to consider the shorter timescale to provide encouragement that works on the main house are being undertaken. An informative is recommended where the applicant documents the works undertaken, which would provide evidence for any future application.

Impact upon the Amenity of the Occupiers of the Adjacent Land

14. The comments from the landowner to the south are noted. There is no objection relating to any immediate harm from the site being garden. It is not clear the status of the land to the south as it is not within the District. If it were garden, no serious loss of amenity would result to any private areas given the size of the land and distance away from the property at St Marys House.
15. There are two agricultural buildings along the shared boundary with the land to the north. Again, the lawful use of this land is unclear, though there is no evidence to suggest it is garden. If any event, the boundary fence and low height of the development should ensure no harm to the amenity value of this land.

Recommendation

16. Approve on a temporary basis, subject to the conditions below

- 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan date stamped 3 January 2013.**

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

- 2. The use, hereby permitted, shall be discontinued within 3 years of the date of this consent, and the mobile home, storage containers and hot tub shall be removed from the site. The land shall then be restored back to its former condition.**

(Reason – Permission is granted to allow the applicant to bring 35 The Heath back into viable use as a residential property. Approval of the proposal on a permanent basis would be contrary to Policy DP/7 of the

adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)

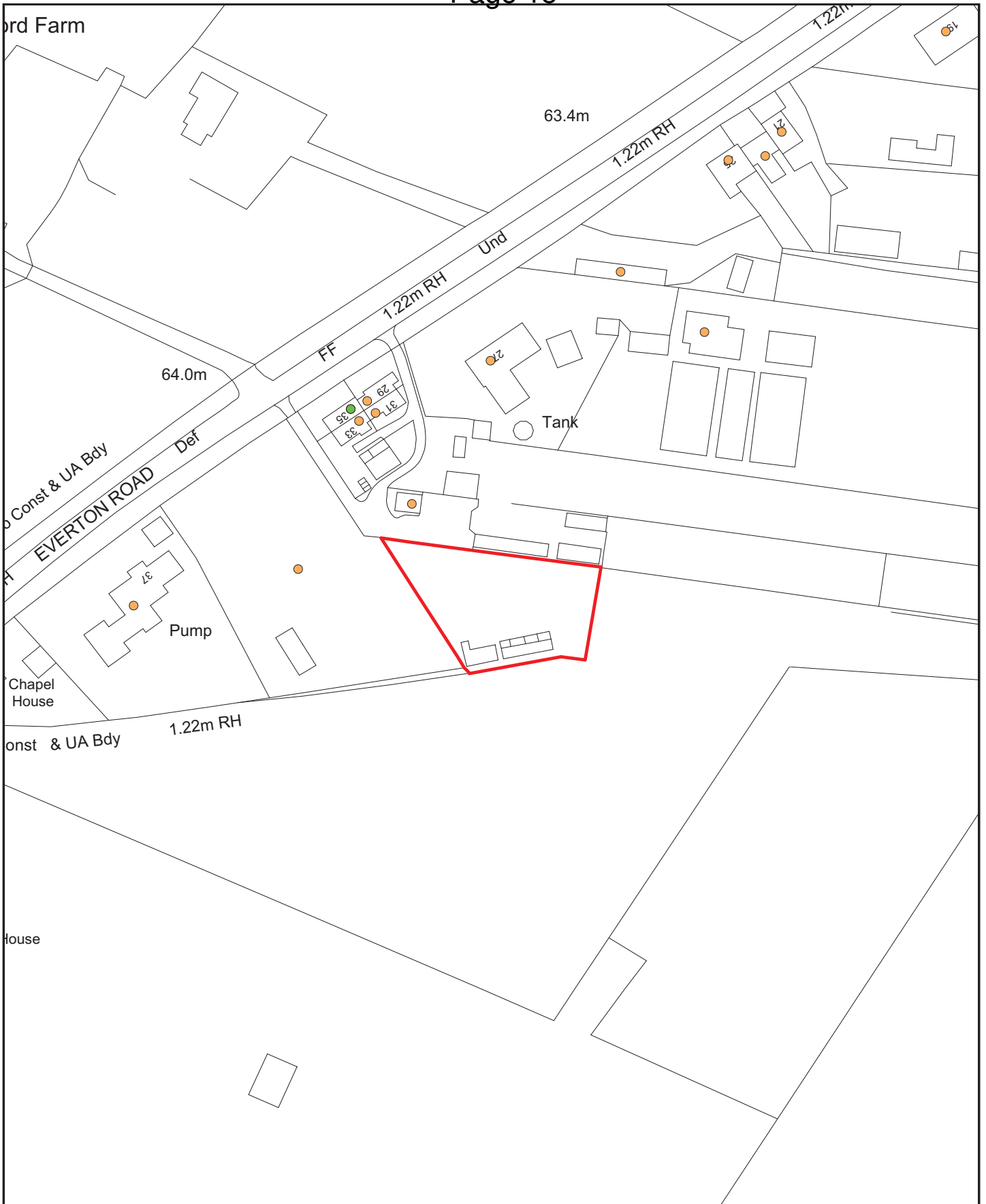
Informative

The applicant is advised to document the works taking place and the property in order to demonstrate that refurbishment works to 35 The Heath are on-going and progressing.

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/2170/12/FL, S/1243/04/F and S/0753/87/F.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S:

S/2545/12/FL – HARSTON**Erection of detached dwelling following demolition of existing buildings and removal of caravans at Land r/o 8 Sheepshead Lane for Garden House Homes Limited****Recommendation: Delegated Approval****Date for Determination: 8 February 2013****Notes:****Departure Application**

This application has been reported to the Planning Committee for determination as the Officer recommendation does not satisfy one of the provisos in the response received from the Parish Council

To be presented to the Committee by Kate Wood**Site and Proposal**

1. The site, which extends to 0.32 hectares, lies outside the Harston village framework and within the countryside and Green Belt. It is used for the manufacture and storage of concrete paving slabs and for the storage of touring caravans. It comprises two single-storey outbuildings, a significant amount of open storage of materials and pallets and, adjacent to the eastern end of the southern boundary, open storage of up to 30 caravans. The site is accessed via Sheepshead Lane, a narrow single-width private track that serves eight residential properties and emerges onto the High Street directly adjacent to the petrol filling station.
2. The application proposes to erect a detached four-bedroom dwelling on the site following the demolition of the existing buildings, the removal of the caravans and the cessation of the existing commercial use of the land. The proposed dwelling would be located towards the southern end of the site. It would be mainly single-storey in scale and contemporary in design, consisting of timber and render walls under a series of curved roofs. The dwelling is designed to be constructed to Code Level 5 and to Lifetime Homes standards, by incorporating features such as a ground source heat pump and photovoltaic panels, rainwater harvesting and greywater recycling.

Planning History

3. S/1905/11 – Erection of dwelling and carport following demolition of existing buildings – application withdrawn.

4. S/0924/10/LDC – Lawful Development Certificate for existing use of land for manufacture and storage of concrete paving slabs and ornaments and storage of touring caravans – granted.
5. S/1518/75/F – Use of land and buildings for nursery purposes – approved.
6. S/1168/75/F – Change of use of shed to office – approved.
7. S/0672/75/F – Use as landscape garden business – permission required.

Planning Policy

8. National Planning Policy Framework 2012
9. South Cambridgeshire Local Development Framework Development Control Core Strategy 2007:
ST/1: Green Belt
ST/6: Group Villages
10. South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007:

DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
DP/7: Development Frameworks
GB/1: Development in the Green Belt
GB/2: Mitigating the Impact of Development in the Green Belt
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
11. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Open Space in New Developments – Adopted January 2009
Trees and Development Sites – Adopted January 2009
District Design Guide – Adopted March 2010
Landscape in New Developments – Adopted March 2010
12. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

13. **Harston Parish Council** – “Recommends approval of the construction of the attached mentioned dwelling at Sheepshead Lane but with the two following provisos:

- Only one house, as mentioned in this planning application, should be constructed on this site. No further building should take place, in the future, on this green-belt plot of land.
- The junction of Sheepshead Lane and Harston High Street [A10] is, in its current configuration, dangerous for traffic. The safety of this junction must be improved.

If these two provisos cannot be met, it is recommended that this development does not proceed.”

14. **The Trees Officer** – Raises no objections, stating that the boundary trees are not afforded any statutory protection. However, they are significant in screening the site and should therefore be retained.
15. **The Environmental Health Officer** – Expresses concern that problems could arise from noise during the construction period. As such, any consent should be subject to a condition to control the hours of use of power-operated machinery during the construction period.
16. **The Environmental Health Officer (Contaminated Land)** – States that the site is of former commercial/manufacturing use and a contamination investigation condition should therefore be added to any consent.
17. **The Local Highways Authority** – Raises no objections, stating that no significant adverse effect upon the public highway should result from this proposal. It also confirms that it would not request the developer to carry out any highway works as mentioned within the Transport Statement.

Representations by members of the public

18. A letter of support has been received from No. 8 Sheepshead Lane. The main points raised are:
 - The proposal is supported providing the paving and caravan storage businesses cease.
 - The low-rise building would be quite unobtrusive.
 - The erection of one dwelling would resulting reduced traffic compared to the existing paving business.
 - If the application is rejected, the paving business could be expanded resulting in more heavy traffic.
19. A letter of objection has been received from residents within Sheepshead Lane. The main points raised are:
 - The access from and egress to the A10 is already problematical with eight dwellings using it. The configuration at the point it joins the A10 is highly dangerous and one of the residents has been involved in an accident at this junction.
 - At the time of a previous application for further housing development with access to the High Street, it was decided on appeal that the lane is suitable for one additional residence. Planning permission was granted only on the condition that improvements must be made to the opening of the lane onto the High Street. The property has been built but no improvement has been made.
 - The current application provides detailed traffic movements for the period April 2006-March 2007. It would have been more appropriate to provide figures for

2012 as these would have shown minimal traffic movements connected with the site. Little if any business has been conducted at the site for the last 2 years. The claim that there would be a 30% reduction in traffic movements is therefore inaccurate.

- This aside, there are no objections to the single dwelling applied for, but the application should not set a precedent for further or different applications for the site.

Material Planning Considerations

Principle of development in the Green Belt

20. The site lies outside the defined village framework for Harston and within the countryside and Green Belt.
21. Policy DP/7 of the 2007 Local Development Framework states that, outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. LDF Policy GB/1 contains a presumption against inappropriate development in the Green Belt, as defined within PPG2: Green Belts. PPG2 has since been superseded by the National Planning Policy Framework. This states that the construction of new buildings is inappropriate in the Green Belt unless it comprises: the replacement of a new building that is in the same use and not materially larger than the one it replaces; or the redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. The erection of a new dwelling on the site would be contrary to LDF Policy DP/7 and classed as inappropriate development in the Green Belt, and the application has therefore been treated and advertised as a Departure from the Development Plan.
22. The guidance in the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.
23. It is therefore next necessary to consider whether the development results in any additional harm.

Visual impact and openness of the Green Belt

24. The site is set some distance off the High Street, to the rear of existing dwellings that are accessed off Sheepshead Lane. It is enclosed on three sides by mature trees and hedges and is therefore relatively well concealed in the landscape, although the western side boundary is relatively open providing views of the open fields beyond. The existing use/buildings on the site are low in scale but sprawling, and consists of a combination of single-storey buildings, open storage of materials and caravan storage.
25. The proposed dwelling would be a largely single-storey property, of contemporary design, incorporating a sunken driveway running to a lower level garage and a basement level to provide additional accommodation. The design incorporates a range of interlocking building sections, of varying heights, set in a curved form and contained under a number of gently sloping and curved roofs with varying eaves heights that wrap over the building. External materials comprise timber horizontal

cladding with contrasting render panels for the walls, and green sedum and photovoltaic cells for the main roofs. The property would be located at the southern end of the site, in the approximate area of the existing outbuildings but slightly further to the north of the access point, thereby opening up views of the countryside beyond. Given that the dwelling would be predominantly single-storey above ground level, that its footprint would be comparable to those of existing structures, the development is not considered to result in harm to the rural character of the area or to the openness of the Green Belt.

Highway safety impacts

26. The site is accessed via Sheepshead Lane which presently serves 8 dwellings and the existing commercial site. The application has been accompanied by a Transport Statement. This explains that the junction of Sheepshead Lane with the High Street is close to the southern point of access to the adjacent petrol filling station. Activity figures for April 2006 – March 2007 are provided showing an average of 20 two-way vehicle movements per day, with a high proportion of these movements being by HGV's. It is estimated the dwelling would result in 6 two-way movements per day. As such, the TS states that the development would reduce the number of movements that the lawful use of the site has the potential to generate as well as resulting in the complete cessation of HGV traffic.
27. The Parish Council has recommended approval of the application but only subject to the proviso that safety improvements be carried out at the junction of Sheepshead Lane and Harston High Street.
28. The junction referred to by the Parish Council emerges onto the High Street directly adjacent to the southern access into the petrol filling station. The Local Highways Authority has been consulted on the proposal and has advised that no significant adverse effect upon the public highway would result from the proposal and that it would not request any highway works to be carried out as referred to within the Transport Statement.
29. Whilst it is accepted that there are problems with the existing junction, highways improvements can only be required if the Highways Authority considers that the highway safety implications of a proposal are such that, without the improvements, the proposal would be unacceptable. In this instance, it appears from a number of comments received that the business has been run on a low-key basis for the last couple of years and that there have therefore been a relatively low number of traffic movements associated with the use. However, the application needs to be considered on the basis of the traffic/level of activity that the existing lawful use (for manufacture of paving slabs and caravan storage) has the potential to generate. The Transport Statement, which provides historic figures at a time when the use was much busier than today, gives a more realistic indication of the likely traffic generation if, for instance, the site was sold on and operated by another company. It is clear that the number of movements associated with one dwelling would be much lower than could be generated by the lawful use of the site, whilst there would also be a difference in the type of movements (ie – cars rather than HGV's).
30. The proposal would represent an improvement in the existing situation. The cessation of the existing use and erection of one dwelling on the site would reduce conflict at the junction of Sheepshead Lane with the highway, and, hence, be beneficial from a highway safety perspective. Given this situation, highways improvements could not therefore be justified if planning permission were to be granted for the proposal.

Residential amenity impacts

31. The site is sufficiently isolated from residential properties to ensure that the dwelling itself would not result in any harm to the amenities of occupiers of adjacent properties by reason of overlooking/overshadowing etc.
32. The Environmental Health Officer has raised no objections to the application subject to controls over the use of power-operated machinery during the construction period.
33. During pre-application discussions, the Environmental Health Officer advised that there was no record of any formal complaints having been received from nearby residents in respect of the current use of the site. However, given the locality of the site and nearby noise sensitive dwellings, the view was taken that the lawful use of the site has the potential to have an adverse impact upon the amenities of nearby residents, and that noise would realistically decrease if permission were granted for a single dwelling in place of the existing use.

Very special circumstances

34. The application argues that the level and type of vehicle movements associated with a single dwelling, as opposed to the established commercial use of the site, would benefit highway safety and the amenities of nearby residents, and that the removal of the existing commercial use would also be of benefit to the visual amenities of the area.
35. Whilst, as referred to in the preceding paragraphs, there is no record that the existing use is causing any problems from a highway safety or residential amenity perspective, both the Local Highways Authority and Environmental Health Officer acknowledge there would be gains from the cessation of the use and its replacement with a single dwelling on the site. By all accounts, the use is effectively being 'wound down' and has been operated on a very low-key basis for at least two years. However, it must be emphasised that, based on the lawful permitted use of the site and the large extent of land covered by that use, the site has the potential to generate a significant level of activity (eg – manufacture of paving slabs) and vehicle movements (both cars and HGV's). The existing use therefore represents a non-conforming use in a residential area and its cessation would benefit the amenities of surrounding residents and highway safety.
36. The NPPF states that new buildings may be acceptable if it comprises the partial or complete redevelopment of previously developed sites (brownfield land) that would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The land is classified as brownfield land (following the granting of the LDC in 2010) and, as concluded in this report, the development would not harm the openness of the Green Belt. In summary, taking into account a combination of the benefits of the cessation of the existing use (to highway safety and the amenities of adjacent residents), the guidance in the NPPF relating to the redevelopment of existing brownfield sites, and the scale/design of the proposed dwelling, it is considered that these constitute the very special circumstances required to support the application.

Developer contributions/S106 Agreement

37. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. Based on the

proposed four-bedroom dwelling, this amounts to £4,258.90. It would also result in the need for contributions towards the provision of indoor community facilities (£703.84), and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £400). The applicant has submitted a completed Heads of Terms confirming agreement to these payments, and the Section 106 agreement required to secure these payments is presently being drafted.

Recommendation

38. Subject to the prior signing of a Section 106 Agreement to secure the required contributions, delegated powers are sought to 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: PL011, PL012, PL013, PL014, PL015 and PL016
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. The materials to be used for the development, hereby permitted, shall accord with the specification in the application form and approved plans, unless otherwise approved in writing by the Local Planning Authority.
(Reason – To ensure the appearance of the development is satisfactory, in accordance with Policy DP/2 of the adopted South Cambridgeshire Local Development Framework 2007.)
 4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the commencement of and shall be retained in accordance with the approved details thereafter.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
 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. During the period of construction and demolition, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

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

8. 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).

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

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

- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/2545/12/FL, S/1905/11, S/0924/10/LDC, S/1518/75/F, S/1168/75/F, S/0672/75/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/1971/12 - HISTON**Change of use from agriculture to two Gypsy/Traveller pitches comprising one static caravan and one touring caravan on each pitch – Land at Moor Drove for Mr Sam Willett****Recommendation: Refusal****Date for Determination: 28 November 2012****This Application has been reported to the Planning Committee for determination because the application relates to the provision of Gypsy / Traveller accommodation.****Departure Application****To be presented to the Committee by Ray McMurray.****Site and Proposal**

1. Moor Drove is a farm road serving Beck Farm and an existing Gypsy site to the northeast that provides six plots. It is accessed via the Cottenham Road (B1049). Works to improve the junction with this road and signage have been implemented in accordance with the planning permission for the existing six plots. A group of farm buildings including the farmhouse at Beck Farm are located to the west, adjacent to the B1049.
2. The site, measuring 0.06 hectares (ha) 16m (width) x 40m (depth), is located at the western end of Moor Drove. It is a relatively flat area of land last used for agriculture. To the north the site is open to the remainder of this field; to the east it borders fields used for grazing horses, with a post and wire fence as the boundary marker; to the south a metal gate and a mix of hedge species provide an intermittent screen to the frontage and, to the west, a planted tree belt provides further screening from agricultural land beyond. To the north of the field in which the site is proposed is a drainage ditch.
3. The site lies within the Cambridge Green Belt and is adjacent to flood zones 2 and 3.
4. The full change of use application, dated 14 September 2012, seeks permanent permission for the principal of forming two gypsy / traveller pitches, each to accommodate one static caravan and one touring caravan. An amended location plan was received 19 December 2012 as the site had been wrongly identified by the agent. The application is supported by a flood risk assessment and a planning statement. No layout plan has been provided.

Personal Circumstances

5. The agent has submitted a statement that includes a summary of the applicants' personal circumstances. The proposed occupiers are Mr S and Mr J Willett, who are

the sons Mrs V Willett. At present both sons and their families live with their mother in a Council house in Orchard Road, Histon. All members of the family are Romani Gypsies. They have previously lived on the former Council site at Cottenham, and also at the Blackwell and Willingham sites. The families were made homeless when the Willingham site closed, and were put on the Council's housing waiting list. They were offered accommodation at Orchard Road, Histon, and the family has lived there ever since as they have nowhere else to go, until land became available at Moor Drove.

6. Both Mr S and Mr J Willett live a traditional nomadic lifestyle, regularly travelling away for periods of time to find work. They are now adults with young families and are keen to continue a traditional Romani way of life.
7. Both are on the Council's waiting list for a publically-owned site but there is little prospect of sites becoming available. In any event, the agent considers it unlikely that one of the sons, who has Attention-Deficit Hyperactivity Disorder (ADHD), would be able to cope well with living on a large site, especially with neighbours he does not know.
8. Due to the lack of available pitches the family has been forced to occupy caravans in the grounds of their mother's home in Histon. The agent states that this situation is untenable for various reasons, not least having only one bathroom to serve three families.
9. Family One: this son has a wife and two children aged 3 years and 6 months. The wife has asthma, IBS and suffers from anxiety. She also has vitamin B12 deficiency requiring injections from her GP every 3 months. The son suffers from ADHD and does not cope well with living in the restricted environment he is currently in. The eldest daughter suffers from eczema and must be bathed with special creams on a regular basis.
10. Family Two: this son has a partner and a child, one year old. The partner suffers from asthma. They live in another caravan in the garden.
11. The families use the house as a dayroom. The single bathroom in the house serves all three families. This is very stressful.
12. The agent has drawn attention to the support of the SCDC Traveller Liaison Officer for their proposal as a solution to these accommodation issues.

Planning History

Planning applications relating to the application site:

13. **S/1914/09/F**: Change of use of land to Gypsy / Traveller pitch (2 caravans) for Mr Sam Willett: Refused 25 January 2011 for the reasons:
 1. Inappropriate development in the Green Belt;
 2. Cumulative harm to the appearance of the countryside adjacent to an approved Gypsy site;
 3. These harms are not outweighed by the desire of the applicant and his family to live in a caravan.
14. **S/2035/08/F** Change of use of land for siting of touring caravan for residential use was refused on grounds of a) loss of openness to Green Belt, b) poorly related in terms of the settlement, c) high flood risk (no FRA had been submitted), d) unsuitable

drainage proposals, e) lack of very special circumstances to outweigh the harm caused to the Green Belt or other harm. The application did not make reference to Gypsies and such was not assessed as such.

15. An **Enforcement Notice** dated 22 March 2007 took effect on 1 May 2007. This required the removal of hardcore which was laid to facilitate the use of the land as a Gypsy site. No appeal was submitted.
16. An **Enforcement Notice** dated 11 February 2008 took effect on 15 March 2008. This required the removal of hardcore which was laid to facilitate the use of the land as a Gypsy site. No appeal was submitted.
17. A **High Court Injunction** was taken out on 14 December 2006 against Susan Loveridge, Sam Willett and persons unknown to prohibit the laying of hardcore, the stationing of caravans or use of the land for business storage.

Planning applications relating to the existing Gypsy caravan site at 1 to 6 Moor Drove include:

18. **S/2230/03/F** Siting of 6 Caravans, 6 Mobiles & 6 Day Rooms and Improvement to Access, refused on 14 January 2004.
19. **S/0647/06/F** Siting of 12 Caravans, withdrawn 25 May 2006.
20. **S/1895/07/F** Siting of 12 Caravans (retrospective application) was refused on 29 November 2007. An **appeal** was allowed on 3 September 2008, the Inspector having concluded that 'very special circumstances' had been demonstrated that outweighed the harm to the Green Belt by way of inappropriateness and other harm identified.
21. The very special circumstances that were identified by the Inspector were specific to the appellant and others on the site. They included the immediate needs of the appellants, the lack of alternative sites, the need to access medical care, the need for children on the site to continue their education, the need to live near land used by the appellant to graze his horses, and the substantial hardship and costs the appellants would face if forced to leave the site.
22. The permission was granted as permanent consent for six plots and was made personal to the appellant and other site residents.
23. **S/1968/08/F** Utility Building (Retrospective Application) at 4 Moor Drove, approved on 21st July 2009.
24. An **Enforcement Notice** dated 11 January 2010 took effect on 15 February 2010, following refusal of planning application **S/1970/08/F**. This related to the parcel of land between the existing site and the currently proposed site. It required the cessation of parking of commercial vehicles, including when laden with scrap metals.
25. An **appeal** against the enforcement notice was dismissed on 6 December 2010. The appeal Inspector determined that the parking of a large commercial vehicle on the land was an encroachment into the countryside and inappropriate in the Green Belt, but commented that the actual effect was 'slight because of the small-scale nature of the commercial intrusion and the close visual relationship to the caravan site'. The effect on the amenity of the occupiers of Beck Farm was considered to be unacceptable due to the noise of the passing of the heavy goods vehicle laden with scrap metal almost daily. The Inspector attached 'substantial weight' to the harm to

the openness of the Green Belt and the living conditions of the occupiers of Beck Farm and their farming enterprise.

Planning Policy

National Planning Policy

26. **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 LPAs to have due regard to the protection of local amenity and the local environment. Policy E relates to traveller sites in the Green Belt. It indicates that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Policy H states that when determining applications, which should be done in accordance with the development plan, LPAs 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.
27. The PPTS has given notice of a policy for temporary planning permission for traveller sites. With effect from 27 March 2013, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites; this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
28. PPTS has superseded the advice contained in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.
29. 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 attached 'great importance' to Green Belts. 'Substantial weight' should be given to any harm to the Green Belt. Very special circumstances to justify approval will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community.
31. The NPPF 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.
32. DCLG "**Designing Gypsy and Traveller Sites: Good Practice Guide**"(May 2008)
33. Advice on the use of temporary permissions is contained in paragraphs 108 – 113 of **Circular 11/95**, *The Use of Conditions in Planning Permission*. Paragraph 110 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. Where there is unmet need but no available alternative Gypsy and Traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, Local Planning Authorities should give consideration to granting a

temporary permission. Such circumstances may arise, for example, in a case where a Local Planning Authority is preparing its site allocations DPD. In such circumstances, Local Planning Authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified.

34. It advises that the fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site. In some cases, it may not be reasonable to impose certain conditions on a temporary permission such as those that require significant capital outlay.

District Planning Policy

35. **LDF Adopted Core Strategy Development Plan Document (2007)**
ST/1 (Green Belt) A Green Belt will be maintained around Cambridge which will define the extent of the urban area.

36. **South Cambridgeshire Development Control Policies Development Plan Document (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). Outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.

Green Belt Objectives: GB/b - To maintain the purposes and openness of the Cambridge Green Belt. **GB/c** - To preserve the unique setting of the city by maintaining the character and appearance of the surrounding villages.

GB/1 (Development in the Green Belt) There is a presumption against inappropriate development in the Cambridge Green Belt as defined on the Proposals Map.

GB/2 (Mitigating the Impact of Development in the Green Belt)

1. Any development considered appropriate within the Green Belt must be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt.
2. Where development is permitted, landscaping conditions, together with a requirement that any planting is adequately maintained, will be attached to any planning permission in order to ensure that the impact on the Green Belt is mitigated.

Housing Objective: HG/a - To ensure the provision of a range of housing types and sizes, including affordable housing, to meet the identified needs of all sectors of the community.

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

SF/11 (Open Space Standards)

NE/4 (Landscape Character Areas) Development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which it is located.

NE/11 Flood Risk

Gypsy and Traveller DPD (GTDPD)

37. The Council has determined through revisions to the Local Development Scheme that Gypsy and Traveller issues will be addressed in the emerging single Local Plan review rather than a stand-alone DPD. Issues and Options Report Public Consultations have been undertaken and is intended to 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.
38. An updated **Gypsy and Traveller Accommodation Needs Assessment** was considered by the Housing Portfolio Holder on 13th June 2012 and accepted. This acknowledged an unmet need for pitches in the District. The assessment shows there to be a projected future need for 20 pitches to 2031, in addition to a backlog of 65 pitches between 2011 and 2016.
39. The current position is that, when unimplemented/ completed pitches with planning consent are taken into account, a net shortfall of 24 permanent pitches to 2016 remains. Temporary consents apply on 63 existing pitches and there is a reasonable expectation that some of these will be granted permanent planning permission in the future, so reducing the overall identified shortfall. The two public sites at Whaddon and Milton have remained full with waiting lists.
40. 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.

Consultations

41. **Histon and Impington Parish Council** – Recommendation of refusal. The Parish Council states that:
42. 'The Parish Council notes that a previous similar application was turned down by the District Council in 2010 (S/1914/09/F) on the basis that "the desire of the applicant and his family to live in a caravan does not outweigh the presumption against development within the Green Belt given that they are currently adequately housed. Nor does the desire of the applicant and his family to live in a caravan justify the provision of a site in this location". The Parish Council believe that there is no planning justification for reversing this decision and any issue arising on adequate housing provision should be dealt with as a housing issue. The precedent for allowing individuals, who feel that they are inadequately housed or require alternative housing to build in the Green Belt, can only harm the Green Belt as a concept.
43. 'The proposed occupiers of the site have been residing at Orchard Road, Histon for some 10 years, and have been in communication with SCDC Affordable Homes regarding their housing need since January 2011. Letters supplied with the application in the Planning Statement Appendices, demonstrate that SCDC were aware of the families health needs, yet the option for re-housing them in a home more suitable for their needs was not discussed, even as temporary measure noting their health issues. Moving the proposed occupiers from Orchard Road to Moor Drove would not change the health issues stated in this application, restriction and inadequacy for toilet/bathroom provision would still apply, it may even be considered as worsened.

44. 'The need to access medical care and children to schools will not change, or be improved by approving this application.

Green Belt

45. 'Noting application S/1914/09/F – delegated refusal. It is thought the following comments raised in this decision notice still apply:
46. 'The change of use of this land for the use of Gypsy/Traveller pitches is inappropriate development in the Green Belt, which would result in a loss of openness to the Green Belt – (SCDC Development Control Policy DPD Gb/b to maintain the purposes and openness of the Cambridge Green Belt.)
47. 'Use of land as a gypsy caravan site would harm the rural character and appearance of the surrounding countryside, which could not be adequately compensated by landscaping. The harm caused would be accentuated by the nearby gypsy site as a result of the cumulative impact. Contrary to SCDC Development Control Policy DP/2 and DP/3
48. 'Additionally, the purposes of Green Belt land are to safeguard the countryside from encroaching and prevent neighbouring villages from merging. This site lies within Green Belt land between Histon and Cottenham; this proposed development will inevitably diminish this gap between the two villages.

Gypsy and Traveller Site Policy

49. 'The attempt to link this application with the current permission for the siting of caravans at Moor Drove should be resisted for a number of reasons, given the special nature of the Inspector's decision in allowing the appeal in July 2008 for the retention of the gypsy caravan site for six families.
50. 'The District Council does not have a current policy on the development of sites within the District. However, the Parish Council has liaised with the District Council over a number of years over emerging policies that have been delayed due to changes in Government and Regional Policies. In these communications and draft policy plans, the District Council in looking at suitable sites for provision of pitches has not identified this area for potential sites or considered it desirable to expand the current Moor Drove site.
51. 'A separate gypsy and traveller site in this area would inevitably lead to further expansion of pitches and the prospects of coalescence and sprawl with Moor Drove.
52. 'Additional concerns raised by Parish Council include:
- a) Although the development is not visible from public vantage points, this does not make it acceptable in the countryside. It could be repeated too often with resultant harm to the character of the countryside
 - b) Harm at a local level to openness of Green Belt
 - c) Concerns of domestic paraphernalia, and its harm to Green Belt
 - d) Noting the proposed occupiers "*live a traditional nomadic lifestyle, regularly travelling away for periods of time to find work*" why are they looking for a permanent site?

53. 'In conclusion, given that they are currently housed, the desire to live in a caravan does not outweigh the harm to the Green Belt. The Parish Council can see no 'very special' circumstances that should allow for this application to be approved.
54. 'If the District Council are minded to make a recommendation of Approval, the Parish Council would like the following conditions applied covering:
- a) Use permitted and occupation limited to those stated in application
 - b) When premises cease to be occupied by those named in previous condition, the use permitted shall cease, and all caravan, structures, materials and equipment brought on to the land in connection to be removed
 - c) No commercial activities to take place on the land
 - d) No commercial vehicles over 3.5 tonnes to be stationed, parked or stored on the site
 - e) Landscaping scheme for additional planting
55. **Environmental Health Manager-** No objection to grant of planning permission, subject to conditions of the size and siting of caravans and structures being submitted. No more than two caravans per pitch (only one to be static) shall be sited at any one time. and not more than one commercial vehicle (not exceeding 3.5 tonnes). No commercial activity should be allowed. A note is recommended that a site licence application under the Caravan Sites and Development Control Act 1960 would be required in the event of a permanent planning permission being granted.
56. **Gypsy & Traveller Site Team Leader** – States: 'Whilst their living conditions are not ideal, they are being allowed to stay with their families at their mother's home, although this could potentially present problems with regards to the tenancy were this to continue long-term. Were this to happen, they could potentially find themselves homeless.
57. 'Mr J Willett's partner often has to spend the week with her parents so the family is separated as there is not enough room for them all. Mr J Willett has to be local as he works for the family business, so stays Monday – Friday at his mother's home.
58. 'Mr S Willett needs to be close to his family as his ADHD can be problematic and his family are there to support him when he needs it. He would not get along very well on a large site or amongst people who did not know him.
59. 'Mrs Willett suffers from the additional pressure and worry of the situation. The household comprises five adults and children. Mr J Willett and his wife currently have to live apart Monday to Friday as he works in the area but there is not enough room to accommodate everyone during the week.
60. 'Tension within the family is evident, Mr S Willett's ADHD is affected by having to live so closely and having no space of his own.'
- Housing Services Officer** – states:
61. 'From a housing perspective we were informed by Mrs Willett (mother) that Mr J Willett (son) moved out of Orchard Road in February 2012 which left Mr S Willett (father), Mrs Willett (mother) and Mr S Willett (son) with his partner and their daughter living at the property. Therefore according to our records they are not overcrowded. (5 people - 2 couples and 1 child in a three bedroom house)

62. 'I cannot find that any of the parties mentioned on the planning application are currently seeking housing through our Homelink scheme. It may be that they do not wish to be rehoused in a Council property.
63. 'In December 2008 permission was given for two caravans to be parked at the rear of the house for an initial period of 12 months which were specifically for storage purposes only – the permission stated non-residential use. Incidentally this has not been reviewed or renewed. We are not aware nor have been informed that they were being used as living space. We will obviously now investigate and we could take legal action against the tenancy if we find this to be the case and if they continue to use it for residential purposes without our permission.'
64. **Local Highway Authority** - No objection.
65. **Environment Agency** – Notes that the site is predominantly in flood zone 1, low risk, adjacent to flood zones 2 and 3, medium and high risk respectively. The accompanying FRA is considered appropriate to the scale and nature of development. No development should be allowed within the floodplain which is directly beyond the site's northern boundary. It recommends that the Council's Emergency Planner is consulted re. An evacuation plan. It goes on to recommend a planning condition concerning a foul water drainage scheme and informatives relating to surface water disposal and septic tanks

Representations

66. An objection has been received from the occupier of Beck Farm, Cottenham Road. The concerns raised are:
- a) Further development will exacerbate harm to the Green Belt.
 - b) The adjacent appeal in 2008 was granted in part because the plots were already occupied and no other site was offered if the occupants were evicted. Appeal decisions in 2005 and 2008 acknowledged that the vehicular use of Moor Drove gave rise to noise disturbance to the occupiers of Beck Farm.
 - c) The limitation on vehicle size imposed by the Inspector in 2008 has not been applied.
 - d) The increase in traffic noise can be heard within the house itself. There will be more traffic if the application is allowed. This will breach the occupier's Human Rights (Article 8).
 - e) The writer suffers from antisocial behaviour from dogs worrying livestock and rubbish being thrown into the ditch and land. This may only increase.
 - f) If consent were to be granted this would set a precedent for further enlargement of the site. The number of gypsy/traveller pitches is already disproportionate to the number of settled residents i.e. one household. Any more would increase the overbearing impact.
67. The owners of land adjacent to the site have objected on the grounds that approval would provide a precedent for further similar consents. Concern has been raised by another landowner that the application as originally submitted identified the wrong site.
68. Letters of support have been received from two South Cambridgeshire residents (not residents of Histon) who refer to the desperate need to find suitable housing for the applicant.

Planning Comments

Character and appearance

69. The site is not readily apparent to view from Moor Drove or Cottenham Road, however this does not mean that it is acceptable development in the countryside. It could be repeated too often with resultant harm to the character of the countryside. The presence of six Gypsy / Traveller plots to the north east and the resultant arrangement of caravans, sheds, fences, hardstanding and vehicles has already contributed to a weakening of the appearance of the countryside. The cumulative impact of both developments would result in material harm to the character and appearance of the countryside in the vicinity of Moor Drove. There is scope for further landscaping of the site but since there are open views across the field between the existing and proposed sites this would make effective screening difficult to achieve for several years without the use of visually intrusive fencing. The proposal is considered to be contrary to Policies DP/2, DP/3 and NE/4.

Cambridge Green Belt

70. The PPTS, at Policy E, is unambiguous in its advice that traveller's sites in the Green Belt are inappropriate development, and in the NPPF that this concern should carry substantial weight. The development of the site would contribute to the erosion of the gap between Histon and Cottenham, and would reduce openness, which would be contrary to two of the purposes of the Green Belt designation.

Sustainability

71. The site performs acceptably against the locational criteria within the Gypsy and Traveller Development Plan Document preparation, which, although superseded, will inform the Local Plan Options consultation and eventual policy. The site is within an acceptable walking distance of schools, shops and other local services. There is a bus route along the main road providing access to alternative modes of travel if required. While not ideally located in relation to the built framework it is reasonably sustainable in terms of its location.
72. Moor Drove was not considered as an option in the (previously emerging) Gypsy and Traveller Development Plan Document due to the environmental constraint of being located within the Green Belt.

Personal circumstances

73. The family circumstances are documented above. The proposal represents one solution to the difficulties of the size of the existing accommodation, but according to the Housing Services Officer the family is not looking for alternative housing through the Homelink scheme. The site is not better placed to access local services and facilities than the family's existing location in Histon.

Residential amenity

74. The occupier of Beck Farm has expressed concern about the potential noise disturbance from additional traffic generated by the development. If approved, conditions could be attached to limit the size of any vehicle kept at the site, as recommended by the Environmental Health Officer. Subject to this restriction, it is not considered that undue noise disturbance would be caused by the limited number of additional traffic movements generated. The caravan on the existing Plot 1 Moor

Drove is located adjacent to the access track, but the level of disturbance to this plot is not considered likely to be unacceptable for similar reasons.

Grant of planning permission

75. Members will wish to consider the appropriateness of granting planning permission. In considering this option the following matters should be taken into account:
76. The delivery of this site would help to meet some of the outstanding need for permanent pitches identified in the current Gypsy and Traveller Accommodation Needs Assessment. This is a material consideration, and from 27 March 2013 this will be a *significant* material consideration (as introduced by the PPTS) if Members are minded to grant temporary planning permission.
77. In the event that permanent planning permission is granted on this site a condition should be attached to limit occupation to the applicants and family and to the specific amount of accommodation applied for. In the future there may be demand from existing members of the family for additional accommodation as they become older and their requirements increase. In the event of this demand arising in the future any application would be dealt with in accordance with the provisions of the development plan at that time and other relevant factors that would apply.

Human Rights Issues

78. 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 approval of permanent planning permission at the present time would not be proportionate and justified within Article 8 (2).

Conclusion

79. Members will wish to balance the factors in favour of the application against the material harm that the development would bring about. The merits of the application include the benefit to the existing accommodation needs of the family, and the contribution to the provision of Gypsy / Traveller sites in the district, where there is an identified shortfall. The harms are to the openness of the Green Belt and appearance of the countryside. Members will need to consider to what degree, if any, the precedent set by the appeal Inspector in allowing the retention of six plots on a personal basis in September 2008 should influence consideration of the current proposal.
80. The protection of the Green Belt around Moor Drove carries great importance, as indicated in the NPPF. This issue was given significant weight in both of the cited appeals on Moor Drove, notwithstanding that the site is screened from publically accessible viewpoints. The grant of a further planning permission would provide a second precedent for the weakening of the protection of the Green Belt around Moor Drove.
81. The family circumstances, including accommodation pressures, are noted but are not considered to be so incapable of resolution by other means as to amount to very special circumstances. The contribution to the Gypsy / Traveller needs of the district is not a very special circumstance as the site was discounted from inclusion in the

(previously emerging) Gypsy and Traveller Development Plan Document. On balance, it is not considered that very special circumstances have been demonstrated to set aside the presumption against inappropriate development in the Green Belt.

82. The harm to the character and appearance of the countryside is considered to be significant due to the lack of significant screening on the southern and western boundaries of the site at present and the cumulative visual impact taking into account the proximity of the development at Plots 1 to 6 Moor Drove.

Recommendation

83. Refuse for the following reasons:
1. The use of land as a gypsy caravan site is by definition inappropriate in the Green Belt. The use would result in harm to the openness of the Green Belt and, by doing so, prejudice the purposes of the Green Belt by reason of its encroachment and coalescence of settlements by diminishing the gap between Histon and Cottenham. The proposal is contrary to Core Strategy Policy ST/1 and Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
 2. The use of the site as a Gypsy caravan site would harm the rural character and appearance of the countryside that could not be adequately compensated for by landscape planting. The harm caused would be accentuated by the nearby gypsy caravan site at Nos 1 to 6 Moor Drove, as a result of the cumulative impact. The proposal is therefore contrary to Policies DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.
 3. The Local Planning Authority has balanced the harm identified in Reasons 1 and 2 against the personal circumstances advanced on behalf of the applicant. However the desire of the applicant and his family to live in caravan accommodation, and the shortfall in Gypsy / Traveller provision in South Cambridgeshire District, does not outweigh the presumption against inappropriate development in the Green Belt, and harm to the countryside setting of Histon.

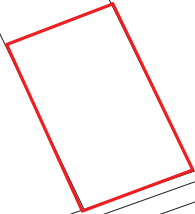
Background Papers: the following background papers were used in the preparation of this report:

- National planning guidance as indicated in the report.
- LDF Adopted Core Strategy Development Plan Document (2007)
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Gypsy and Traveller DPD (cancelled)
- Gypsy and Traveller Needs Assessment. Report to Housing Portfolio Holder 13 June 2012
- Gypsy and Traveller Community Strategy 2010-2013
- Planning File refs S/1971/12/FL, S/1914/09/F; Enforcement Notices PLAENF. 2044, PLAENF. 3851; planning appeal references APP/W0530/A/08/2067087; APP/W0530/C/10/2122716.

Contact Officer: Ray McMurray – Principal Planning Officer
Telephone: (01954) 713259

Gardens

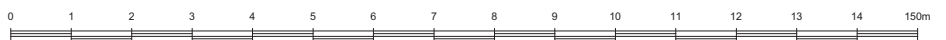
MOOR DROVE (Track)



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District Council

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2317/12/FL – SHEPRETH**Part change of use of land to provide hand car wash service and installation and erection of hard standing, drainage and ancillary structures at Royston Garden Centre for Mr Festim Dara.****Recommendation: Approval****Date for Determination: 2 January 2013****Notes:**

This application was considered by the Planning Committee on the 9 January where it was agreed to defer the case in order to seek further information from the Local Highways Authority in respect of the impact upon highway safety.

To be presented to the Committee by Matthew Hare**Site and Proposal**

1. Royston Garden Centre is a large commercial garden centre site (A1) located to the south of the village of Shepreth and on the southern side of the A10. The site comprises a large gravelled car park, large internal sales area building and an external display and sales area for plants and such.
2. The site falls outside of the Shepreth Development Framework and therefore within the defined countryside. The site is screened from the A10 by a turfed earth bund.
3. A hard surfaced area is proposed to facilitate the car wash service. It is proposed that the hard surface will collect all water from the washing of vehicles and that this will be filtered and recycled for use. Ultimately should the recycled water become too saturated for re-use then it would be exported off-site for external treatment. A system of three water tanks are proposed and these would be screened by fencing. In addition a small shed building is proposed.

Planning History

4. S/1249/12/FL - Part change of use of land to provide hand car wash service and installation and erection of hard standing, drainage and ancillary structures – refused due to lack of information submitted in order to assess ecological impact and noise and disturbance.

Planning Policy

5. **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/7 - Development Frameworks
ET/5 – Development for the Expansion of Firms
NE/15 – Noise pollution
TR/1 - Planning for more Sustainable Travel
TR/2 - Car and Cycle Parking Standards

Consultation by South Cambridgeshire District Council as Local Planning Authority

6. **Shepreth Parish Council** - Recommends refusal on the application as originally submitted, commenting:

Policy ET/5 – Development for the expansion of Firms: *Granting permission for the car wash could establish a non-conforming use and cause problems with traffic, noise, pollution, and other damage to the environment. It also conflicts with other policies:*

Policy NE/8 – Ground water and NE/9 – Water and drainage infrastructure: *Whilst the proposed system recycles wastewater, it is not possible to recycle 100% of it. Surplus wastewater should go to sewerage, but airborne spray with suspended pollutants will land anywhere outside the enclosure. The installation of a septic tank with, or without, an interceptor or separator for this purpose is inadequate, as it will allow cleaning agents, detergents and chemicals from road dirt, salts, etc. to enter the ditch around the garden centre, the Guilden Brook, the groundwater system and local aquifer, which will also adversely affect all associated habitats, fauna and flora.*

Policy DP/3 – Traffic: *The Design and Access Statement indicates that there will be an anticipated 15 – 20 vehicles washed per day depending on demand, with no upper limit. Given that this is an average, it is likely that the greater number of vehicles to be washed and vacuumed will be at the weekend. Given this, the additional number of vehicle movements created at the entrance, which is on a road without a speed restriction, opposite the Lawn Mower centre, two bus stops, Shepreth allotments and just before the bend as the Cambridge Road joins the Old Dunsbridge Turnpike and the A10 would be detrimental to the safety of pedestrians (there is no pavement or street lights along this section of the road), cyclists and other road users. The weekend is also the busiest time of the week for the lawnmower centre, garden centre and Shepreth allotment tenants.*

Policy NE/15 – Noise: *The noise generated by pressure jet washer pumps, vacuum cleaners and waste water tanker lorries would have an unacceptable adverse impact on the indoor and outdoor acoustic environment of the existing dwellings opposite the proposed site in Frog End. The most affected would be those on the east side of the A10 where the backs of the houses and rear gardens are toward the application site; also affected would be the two or three dwellings nearest the A10 on the west side. There would be an even greater nuisance to residents from noise pollution and airborne spray at weekends when the majority of vehicles are likely to be washed and vacuumed.*

Policy CH/8 – Advertising: *Granting permission for the vehicle wash will, inevitably, lead to some kind of advertising visible above the earth bund along the A10. This would be detrimental to the visual aspects of the village at this point and distract drivers as they negotiate the very busy and dangerous staggered junction with Frog End.*

Policy NE/12 – Water Conservation: *The Parish Council consider that, as Shepreth is already served with other established car washes in the local area; one on the A10 at the Foxton level crossing (about 1.50 miles to the north), another at Arrington on the A1198 and two at Royston (Tesco and Murkets) on the Old North Road, a further car wash facility would be contrary to the principle of water conservation and further deplete this*

limited resource.

Finally, the garden centre has seen many changes to its retail aspects over the years. Whilst these additional businesses are retail related, the Parish Council is concerned that by granting a change of use to B1 or B2 for industry or light industry a precedent for other non- retail businesses would be established within the garden centre.

7. **Environmental Health Officer** – Raises no objections having regard to noise and environmental pollution.

8. **Local Highways Authority** – Following member discussion at the January Committee hearing the Local Highways Authority was asked to provide a more detailed response regarding the potential impact upon highway safety including the potential impact of spray from the proposed use drifting onto the highway. The following was provided:

“In relationship to the potential of spray drifting over the A10, though this is possible the likelihood of this having a measureable impact on the safe operation the adopted public highway will I suspect be minimal. I say this as many of the existing hand car washes throughout South Cambridgeshire (and the County as a whole) are located in old petrol filling stations which of course tend to be close to main roads and as far as I am aware there have been no reported issues with spray drifting across the road.

In terms of traffic generation this is more problematic, but from experience of other car washes located in car parks (mostly supermarkets), this type of facility does not tend to generate specific trips to use the car wash, but form part of trip to the existing commercial centre.

Whereas I would not deny that some cars will make a specific trip to the proposed car wash, I would expect that the vast majority of trips to the wash will form part of trip to the Garden Centre as a destination.

Therefore, being able to clearly identify the harm that any specific trips may have on the existing adopted public highway will be difficult at best.”

9. **Environment Agency (EA)** – Raises no objection, commenting:

The Agency has no objection, in principle, to the proposed development. Advising that the proposal for capturing and containing dirty water (trade effluent) from the car wash is adequate providing that the tanks are watertight, and emptied and maintained appropriately.

Trade effluent shall not be discharged to a septic tank; no part of the car wash operation shall be discharged to the septic tank.

The applicant must ensure that there is no discharge of effluent from the site to any watercourse or surface water drain or sewer. Any pollution to the water environment arising from the development may result in prosecution.

10. **Ecology Officer** - Raises no objections, commenting ‘the drainage plan appears to confirm that all effluent from this operation will be self-contained’.

11. **Economic Development Panel** – Supports the proposals.

Public Consultations by South Cambridgeshire District Council as Local Planning Authority

12. 3 letters of representation received from the occupants of nos.120 & 124 Frog End, objecting to the proposals for the following reasons:
- Flood Risk
 - Harm to highway safety
 - Dispute employment benefits
 - Noise and disturbance
 - Harm from advertising
13. 2 Letters of representation received from Cllr Soond raising the following concerns (attached as appendices):
- Harm to the Shepreth Conservation Area
 - Contamination of local water course
 - Harm to ecology of area (Otters) from contamination of water course
 - Tree impacts
 - Visual impact
 - Potential harm from external lighting
 - References to the reasons for various conditions on previous consents relating to the wiser site concerning; amenity, character and appearance and use

Material Planning Considerations

14. The key issues to consider in this instance are the principle of development, the impact upon residential amenity, highway safety, character and appearance, environmental pollution and ecological impacts.

Principle of Development

15. The National Planning Policy Framework at para 28 is clear that Local Planning Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas. The proposed use is that of a car wash facility which is a sui generis use class. Whilst the use is not considered to be ancillary to the Garden Centre it is incidental to the current use of the existing site as it will rely upon visiting members of the public using the service. In this regard the proposals are not anticipated to generate a significant number of additional trips over the intensity of the current site, it could be comparable to the car wash facilities that one finds in supermarket car parks. As such the development is considered to be sustainable and providing there is no other serious harm the scheme should be supported.

Residential Amenity

16. Representation received from members of the public, the Parish Council and the Local Member for the Shepreth raise concerns for noise and disturbance impacts arising from the proposed car wash operation. However the Council's Environmental Health Officer (EHO) does not consider that there is any potential for the proposals to cause a statutory nuisance to the surrounding residential areas. In reaching this conclusion the EHO has had regard to para 5.2 of the applicants Design and Access Statement which confirms the specific jet wash and Hoover to be used, both of which are equivalent to domestic models in terms of noise output.

17. Furthermore the proposed car wash site is located approximately 100-140m to the west/south west of the nearest residential dwellings and Officers note that ambient noise levels from the highway and garden centre are relatively high at present. As such it is not considered that the level of noise generated by the pressure wash and vaccum would not cause significant harm to residential amenity.
18. The application specifies the intended hours of use. These are not considered by Officers to fall within anti-social hours however it is considered reasonable and necessary to apply a conditional requirement to any consent limiting the hours of use to those specified.

Character and Appearance

19. The existing site comprises a large garden centre sales building, external sales area and substantive aspects of gravelled car parking, the sales building is set back from the boundary with the highway (A10). The proposals comprise a utilitarian shed and tall fencing to screen the proposed holding and filtration tanks and would be sited in a location close to the highway. The structures are a maximum of 2.6m tall and as such would be afforded some screening from the existing bund that runs along the frontage of the site. It is possible that some views of the fencing would be afforded over the bund. Additional soft landscaping could mitigate this, but in the context of the wider site officers are reticent to recommend to the committee that a soft landscaping scheme be applied as it's difficult to justify. Members will also note that application ref S/2025/12/FL that was heard at the December Planning Committee to which members resolved to apply a landscaping condition to seek additional screening to the site frontage.
20. There is not considered to be significant adverse visual harm as a result of the proposals.

Environmental Pollution & Ecology

21. When contending with the original development of the site the original application established the restoration of a large on-site pond and provision of a wildflower meadow, there is also believed to be an Otter Holt in the local water environment that forms part of the garden centre site.
22. The Council's Ecology Officer advises that the restored and created habitats should not adversely effected by this application due to the fact that all effluent from the operation will be self-contained.
23. The Parish Council raises concerns for airborne spray, including cleaning agents, from the service falling upon the wider site and entering the local watercourse. The amount of water falling in such a manner is unlikely to be substantial. Regardless the information submitted to accompany the proposals demonstrates that the three cleaning products proposed to be used; class clean, wash & wax and in car cleaner are all 'non-hazardous'.
24. Having regard to the above Officers are satisfied that the applicants have now reasonably demonstrated that there would be no harm to the local environment from pollution. The comments received from the Environment Agency are accepted and will be worded as a condition and an informative. In addition it is considered necessary to apply a condition that does not allow the car wash use to be carried out unless the recycling system is operational.

Highway Safety

25. Concerns are raised for the intensification of the site with regard to highway safety and also for the impact of airborne spray hitting cars on the A10. The Local Highways Authority has commented on these matters and advises that it would be difficult to identify any additional harm to the existing adopted highway.
26. Having regard to the views of the LHA there is not considered to be any sustainable reasons for refusal on the grounds of highway or pedestrian safety.

Further Considerations

27. Concerns are raised by the Parish Council, local residents and local member regarding surplus signage and flood risk. None of those matters raised are material to the proposals under consideration.
28. Cllr Soond raises concerns for the impact upon trees and the character and appearance of the Shepreth Conservation Area. However, no trees are affected and the site lies well outside the conservation area. Thus these matters do not form a material consideration of the case at hand.
29. Cllr Soond raises concern for external lighting impact. No external lighting is proposed and a condition limiting only external lighting approved by the authority is considered reasonable in this instance.
30. Cllr Soond makes reference to the reasons for conditional requirements pertaining to a number of previous applications on the site. These references are a bit anomalous but relate to matters that have been included in the above discussion, namely residential amenity and visual impact.
31. The Parish Council raises concerns for the change of use of the site to B1 or B2. The application does not propose such a change, the car wash use is sui generis as confirmed above.
32. The Parish Council raises the question of need given the presence of other car washes in the area, this is not material to the case at hand as the fact that the development proposal has been made is sufficient to demonstrate need. The Parish Council suggests that over provision of car wash facilities would be detrimental to water conservation. Given the proposals to recycle water by the scheme at hand it is not considered that there would be any substantial harm in planning terms regarding water conservation.

Conclusion

33. 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

34. 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.

Conditions

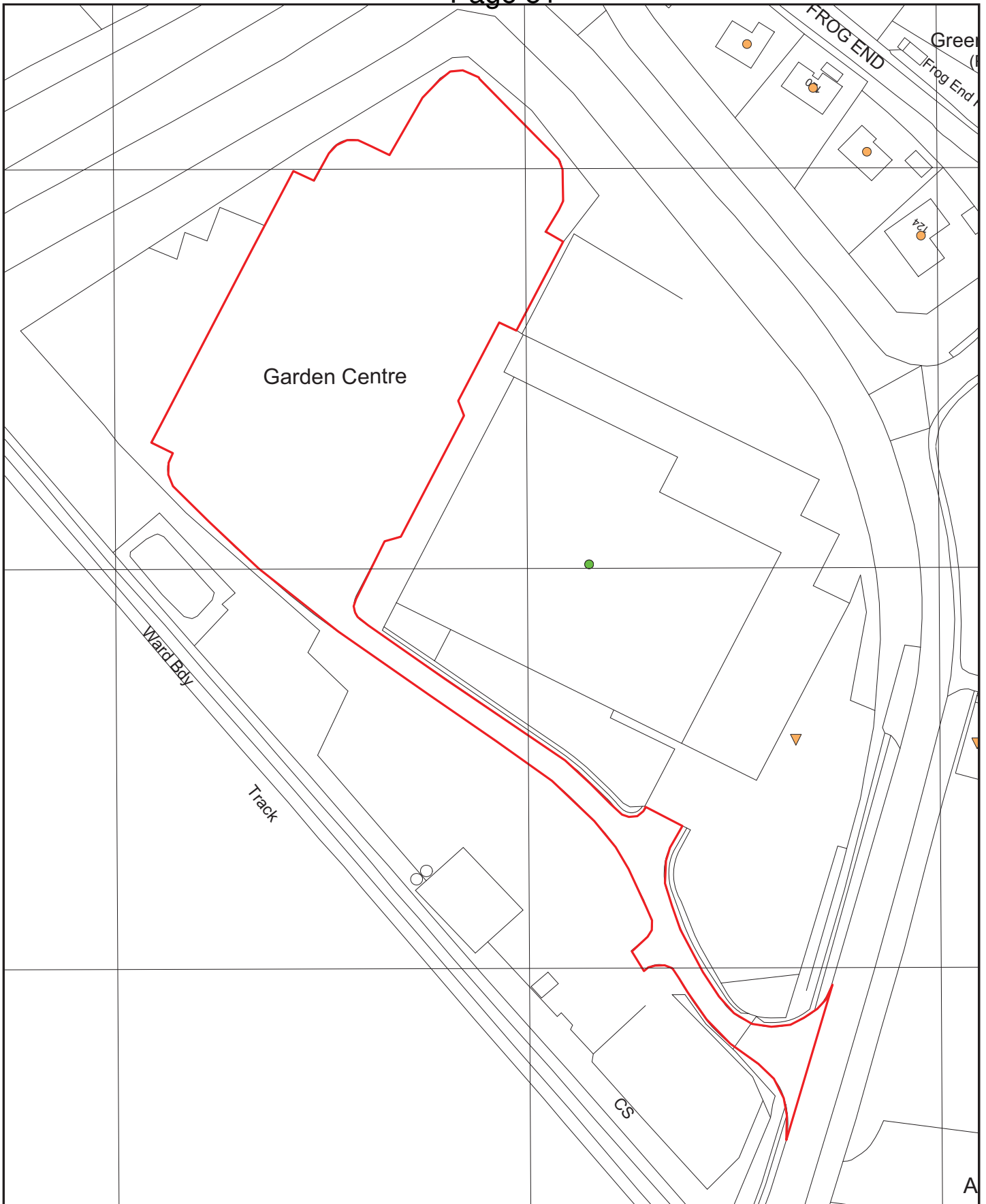
- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans & documents: 286/12/01, 286/12/02b, 286/12/03, 286/12/04, 286/12/05, 286/12/06, Health and Safety Data Sheet 7GLCN, Health and Safety Data Sheet 7WWAX & Health and Safety Data Sheet 7INCA**
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990 and to ensure that only non-hazardous cleaning products are used.)
- 3. 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.)
- 4. Trade effluent shall not be discharged to a septic tank; no part of the car wash operation shall be discharged to the septic tank.**
(Reason – In the interests of minimising potential environmental pollution)
- 5. The car wash use, hereby approved, shall only be carried out at such time as the water recycling system approved by the application has been installed and is fully operational. At no time shall the car wash use operate should the water recycling system not be operational.**
(Reason - To minimise environmental pollution and harm to the ecology of the area in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)
- 6. The use, hereby permitted, shall not be operated on the premises before 0800 am on weekdays and Saturdays or before 1030am on Sundays and Bank Holidays nor after 18:00pm on weekdays and Saturdays or after 16:30pm on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.**
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

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

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2603/12/FL - MELDRETH
**Erection of playbarn & education centre at Bury Lane Fruit Farm, Bury Lane,
Meldreth
for E W Pepper Ltd**

Recommendation: Refusal

Date for Determination: 11 March 2013

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

To be presented to the Committee by Paul Derry

Site and Proposal

1. The application site is located outside of the designated Meldreth or Melbourn village frameworks. Bury Lane Fruit Farm consists of a large building used for the sale of various plants and vegetables grown on site, and has expanded into a larger shop with cafeteria. It also has a large external area for the sale of plants, with a retail barn beyond this. The site has its own direct access from the A10. The villages of Melbourn and Meldreth are approximately 1km away, whilst Royston is approximately 2km. The Royston-Cambridge railway line runs along an embankment beyond the rear northwest boundary.
2. The full application, validated on 14 January 2013, seeks the erection of a playbarn and education centre. This would be located adjacent to the existing retail building towards the rear of the site. It would measure 24m by 20m, with a height of 7.3m and 4.7m to the roof ridge and eaves respectively. The application is accompanied by a Planning Statement incorporating Design and Access. The building is the same dimensions as the previous application S/1984/12/FL, although it now includes the education centre element.

Site History

3. A previous scheme for a playbarn (**S/1984/12/FL**) was withdrawn. The site has a complex and long planning history. The applicant makes reference to application **S/1922/09/F** for alterations and extensions to the roof to form an enclosure over the existing covered area. This was refused by the Council on sustainability grounds but allowed on appeal.

Planning Policy

4. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/7 Development Frameworks,**

NE/1 Energy Efficiency, **NE/6** Biodiversity, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/15** Noise Pollution, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.

5. **District Design Guide SPD** – adopted March 2010
6. **National Planning Policy Framework:** Advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. The document seeks to promote sustainable forms of development. Paragraph 28 states planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development

Consultation by South Cambridgeshire District Council as Local Planning Authority

7. **Meldreth Parish Council** recommends approval and notes they are happy to see the increase in employment prospects this will bring and the improved education opportunities. It was also felt that the application would not cause any major traffic disruptions.
8. The application was discussed at the Council's **Economic Development Panel**. The creation of jobs was supported, although this was to be balanced against the sustainability of the site.
9. Members should be aware that consultations to **Melbourn Parish Council** and the Local Members were not complete at the time of writing this report, and an update of comments will be provided. The consultation period expires on 4 March 2013.
10. The **Local Highways Authority** notes no significant adverse effect upon the public highway should result from the proposal.
11. **Cllr Soond**, Local Member for Meldreth, notes his unwavering support for the proposal. The site is considered well served by the A10 and footpaths to Meldreth (and its railway station), Melbourn, with a potential future expansion of the Cambridge to Royston cycle path. The education centre would strengthen existing ties between the applicant and local schools. The development would not be detrimental to the surrounding countryside and would benefit the local economy through job creation.

Representations by Members of the Public

12. None were received.

Planning Comments

13. The key issues in the determination of this application are the principle of the development in the countryside, and the impact upon the surrounding countryside.

The Principle of the Development in the Countryside

14. The site is located outside of the village frameworks of either Meldreth and Melbourn, and therefore is in the countryside in planning policy terms. The site has been subject to a number of incremental extensions to both the main building and to its associated land. For example, the main building has recently been extended through various applications, the latest of which granted an extension to the cafeteria, and there is an extant consent for a large glasshouse on the land to the rear of the buildings.
15. The proposal seeks the erection of a building for two uses, those being a playbarn and an education centre. From the floor plan provided, the main use of the building would be the playbarn element. The play area shown would occupy a space of 23m by 13m, with seating to allow viewing at ground and first floor level. The applicant notes the facility can accommodate up to 80 children at one time, with private entertainment areas for parties. The applicant also notes the idea behind the playbarn is to provide an area of play whilst customers can enjoy the retail and cafeteria facilities on site. Members should note it has not been demonstrated that the development is necessary for the future economic viable of the site.
16. Given the location of the site, the existing use does depend upon use of the car. Whilst there are footpath links to the site, the location on the A10 does not promote sustainable transport methods, especially from Melbourn given the need to cross the A10. There is no bus service to the site or the immediate surroundings. In allowing the appeal for application S/2603/12/FL, the Planning Inspector confirms this view when he notes the site is poorly accessible by non-car modes. He adds that a material increase in car borne customer levels would be in conflict with the principles of sustainability.
17. There are serious concerns regarding the compatibility with the existing retail use on the site. There would be instances where people visit both the retail element of the site and the playbarn. However, the size of the play area and its capacity of 80 children clearly indicates that the building is likely to be a destination in its own right rather than a use ancillary to the fruit farm. The location of the site encourages car use and it is for this reason that the development is considered to be unsustainable. A use of this nature should be located within villages in order to encourage sustainable methods of travel.
18. The application includes an education centre, unlike the previously withdrawn scheme. The applicant notes that Bury Lane seeks to continue its work with local schools and organisations. A number of schools (17 names provided) and local Guides/Scouts have already visited the site for their work regarding healthy eating, field to plate processes, how to grow crops, strawberry picking and educating about free range chickens.
19. The layout plan shows two function rooms, one on each level, measuring 5.5m by 6.5m. The capacity of these rooms would be limited. No information is provided as to where the previous school meetings took place. However, the space provided would not allow a full school class at the same time. The education element to the building is therefore only a minor ancillary use of the space. Whilst the education facility is to be encouraged on the site, it would appear to be unnecessary in a building of this size with such a large play area. There is ample space on the site for a smaller education facility. The

education element is not therefore considered to outweigh the harm caused by the playbarn through its unsustainable location.

20. The applicant does note that they are happy to “have a condition imposed whereby they have to ensure that the education facilities are used at least 20 times per year and keep a record of which school or youth organisation attended”. If Members were to approve the application, then legal advice would be sought as to the wording of such a condition, or whether it would need to be achieved through a legal agreement. Members should be aware that a Legal Agreement may delay the determination period of 11th March 2013.

Impact upon the Surrounding Countryside

21. The building would sit close to the existing barn. The hedge across the frontage would restrict views from passing traffic on the A10. The key view of the building would be when travelling towards Cambridge on the A10, where the site is easily visible from raised land to the south given the recent pollarding of the trees along the south boundary. Although easily visible, the building is unlikely to cause any serious harm to the countryside given the existing buildings in the vicinity and its grouping with these buildings. There are also prominent public views from the railway line, although these would not cause any serious harm.

Recommendation

22. Refuse, for the following reason.

The application site is located outside of the designated village frameworks of both Meldreth and Melbourn and is accessed directly from the A10. The proposal seeks the erection of a playbarn with education facilities. The site as a whole is a fruit farm, with a large retail element. The nature of the playbarn use is not considered to be ancillary to the existing use, and would therefore generate a significant number of journeys in its own right. This is emphasised by its capacity of 80 children. Whilst there are footpaths to the site, its location would encourage journeys by motor vehicle. Given the size and capacity of the playbarn, the development would represent an unsustainable form of development in this countryside location. The proposal is therefore contrary to Policy DP/1 of the Local Development Framework Development Control Policies 2007, which states development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form, and it should minimise the need to travel and reduce car dependency; and Policy TR/1 of the LDF DCP which states planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel modes.

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

- Local Development Framework Development Control Policies 2007.
- District Design Guide SPD.
- National Planning Policy Framework.
- Planning File refs: S/2603/12/FL, S/1984/12/FL and S/1922/09/F.

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

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

**S/2122/12/FL – FEN DRAYTON
Commercial glasshouse at Stubbins Marketing, 18 Oaktree Road
for Mr Samuel Turone, Stubbins Marketing Ltd****Recommendation: Delegated Approval/Refusal****Date for Determination: 14 March 2013**

This Application has been reported to the Planning Committee for determination as the views of the Parish Council are contrary to that of the case officer

To be presented to the Committee by Paul Derry

Members will visit the site on 5 March 2013

Major Application**Site and Proposal**

1. The application site is located outside the designated Fen Drayton village framework, and is therefore in the countryside in planning policy terms. The site lies within the Fen Drayton Former Land Settlement Area Estate (LSA). The site area includes the road access along Oaktree Road, commencing from the junction with Cootes Lane and Mill Lane. The main area of the site is a large area of open land to the north side of Oaktree Road and to the west side of Springhill Road. This land is overgrown in areas, with some old dilapidated greenhouses visible.
2. There is a network of footpaths in the area, including the track of Springhill Road itself. There is a junction of footpaths beyond the northeast corner of the site, and a further public footpath that forms part of the designated walk around the adjacent RSPB reserve passes the northern boundary of the site. The northern section of the site lies within flood zone 3a.
3. The application, validated on 5 November 2012, seeks the erection of a glasshouse on the site. It would measure 280m in length, and 125m in width at its largest point. It would have a high number of ridges and valleys in the design, with a height of 5m to the valley and 6m to the ridge. The building would also include a boiler room and storage area. The application is accompanied by a Planning Statement, a Design and Access Statement, a Health Impact Assessment, and a Flood Risk Assessment.

Site History

4. Application **S/2098/00/F** was granted permission for a glasshouse of very similar proportions on the site, although this was not implemented. It was accompanied by a Section 106 Agreement dated 6th December 2001, which restricts the number of goods vehicles using Oaktree Road. Application **S/2358/04/F** sought to remove a condition of this consent to allow artificial lighting and was approved.
5. The existing glasshouses to the southern side of Oaktree Road were extended through application **S/1836/03/F** and **S/1172/00/F**. S/1172/00/F is also tied to the Section 106 Agreement dated 6th December 2001.

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/7 Development Frameworks, ET/5 Development for the Expansion of Firms, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/10 Foul Drainage – Alternative Drainage Systems, NE/11 Flood Risk, NE/14 Lighting Proposals, NE/15 Noise Pollution & TR/2 Car and Cycle Parking Standards.**
7. **District Design Guide SPD** – adopted March 2010
8. The **National Planning Policy Framework 2012 (NPPF)** advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Fen Drayton Parish Council** recommends approval subject to the satisfaction of the immediate residents. An error in the accompanying report that states there is no dwelling within 500m is noted.
10. The **Environment Agency** notes the location of the application within flood zone 3a. The Flood Risk Assessment submitted does not comply with the requirements of the Technical Guide of the NPPF. Further details are required to cover the deficiencies of the report. The Agency would also expect to see details of pollution prevention proposals including fuel and oil storage, chemical storage and details of storage and disposal of waste produce. Following submission of further information, the recommendation of refusal is retained as the information does not consider impacts on third parties by the displacement of flood water.
11. The Council's **Environmental Health Officer** recommends conditions regarding the use of power operated machinery and pile driven foundations, and informatives regarding bonfires and the burning of waste and the requirement for a demolition notice.

12. The Council's **Ecology Officer** has no objections to the proposal subject to the control of vegetation during the bird breeding season.
13. The County Council's **Definitive Map Assistant** notes the public footpaths in the vicinity and states these should not be affected by the development. Informatives are recommended regarding the impacts during the development.
14. The application is supported by the Council's **Economic Development Panel**.

Representations by Members of the Public

15. Objection letters have been received from the occupiers of 15, 16, 16a, 21, 22, 23, and 24 Oaktree Road, 26 Springhill Road and the secretary of the Fen Drayton Road Management Company. The grounds for objection are as follows:
 - Scale of development
 - Waste disposal (especially green waste) from the site and dust and air pollution
 - Light pollution
 - Noise pollution from construction and everyday use
 - Contradictory information regarding distance from local houses and the main access to the site
 - Impact upon ecology and trees on site
 - Impact upon the landscape
 - Traffic levels and ownership of the road
 - Loss of light to neighbouring properties
 - Loss of privacy to gardens through overlooking
 - The lack of proposed landscaping
 - Job numbers being created and lack of benefit to the local economy

Planning Comments

16. The key considerations in the determination of this application are the principle of development, impact upon the surrounding countryside, flood risk, impact upon the occupiers of neighbouring properties, highway safety, impacts upon the local economy, and ecological considerations.

The Principle of Development

17. The application site is located outside of the designated Fen Drayton village framework, and is therefore in the countryside in planning policy terms. Policy DP/7 of the LDF DCP states that outside frameworks amongst others, development for horticulture will be permitted. A glasshouse used for the growing of produce is a building that can be expected in this countryside location. Policy ET/5 of the LDF DCP is not considered directly relevant to this application given the site's location away from the village framework.
18. The site is located away from the villages of Fen Drayton, and Fenstanton to the west. Staff are likely to rely upon the car to get to work. However, the site is within cycling distance of these surrounding villages. The village is linked to the St Ives-Over bus service and there is a request stop on the Guided Busway, which would allow members of the public to access the site. Despite

its countryside location, the site is not considered unsustainable when balanced against the need for the use in the countryside and the number of jobs created.

Impact upon the Surrounding Countryside

19. The site is relatively open at present, especially given views from the public footpaths to the north and east. The development would radically change the landscape for this plot of land given the size of the glasshouse at 280m by 125m. There are existing glasshouses to the southern side of Oaktree Road in the existing Stubbins operation. Whilst these are more screened from the public domain, they do provide a guide as to the likely visual impact of the proposal. Despite local concern, the lightweight nature of the glasshouse and the fact it is used for a horticultural use in a rural area concludes that the building would not have a serious impact upon the countryside, subject to planning conditions discussed below. The site would not appear to have significantly changed since the previous approval of application S/2098/00/F.
20. The applicant has confirmed in their e-mail dated 5th February 2013 that they would be willing to provide hedgerows for screening. Such a hedgerow would be beneficial to the views of the site along all sides, although particularly from Oaktree Road to the south, and the public footpaths to the north and east. A hedgerow can provide good screening and also enhance the ecological value of the site. Native species would be required, especially given the RSPB reserve to the north.

Flood Risk

21. The site partially lies within flood zone 3a, and the application is accompanied by a Flood Risk Assessment. The Environment Agency does not consider all relevant information has been provided in this original statement or an addendum received on 6th February 2013. Negotiations between the applicant and the Environment Agency are continuing at the time of writing. Members will be updated on this matter. The recommendation takes into account this unresolved material planning consideration.

Impact upon the Occupiers of Neighbouring Properties

22. There is local concern that the applicant noted there are no residential properties within 500m of the development. This is an error, and nos. 15 and 16 and 21-24 are within private ownership and adjacent the site. Members should note that nos. 15-18 on the southern side of Oaktree Road are within the ownership of the applicant.
23. The proposal would be located between 7.5m and 14m of the rear gardens of the properties at 22-24 Oaktree Road. Given its scale and height, it would clearly be visible from these properties, and in particular the rear gardens and from rear facing windows. The gap between the glasshouse and the rear boundary ensures adequate space to provide a hedgerow to aid screening of the building. A tall hedgerow or trees could also be planted, but these would begin to take light away from the glasshouse. A hedgerow would need to be secured through a landscape condition and should be of native species. A hedgerow would not screen all views of the glasshouse, especially from first floor windows. However, it would provide a green screen and should also aid noise reduction.

24. There are some concerns regarding the amount of lighting needed for the building, considering its site and use, especially in winter months. The applicant has confirmed the proposed lighting plan would be downward lighting from a low level along the pedestrian alleys to provide safety for workers. The precise internal and external lighting details can be agreed through a planning condition to ensure minimum harm to the neighbour and light pollution to the countryside.
25. The comments from the Council's Environmental Health Officer are noted with regards noise. There is likely to be some disruption during the construction phase, although a condition can ensure that power operated machinery is only used during sociable hours. The Legal Agreement discussed below should ensure minimal disturbance from goods vehicles during use. The produce grown will be transferred to the main packaging area south of Oaktree Road by tractor across Oaktree Road. There will be vehicle movements as a result. However, such journeys should not cause any noise disturbance that would warrant refusal of the scheme.
26. The glasshouse would be located to the north of the properties, and therefore no loss of light or overshadowing should result. It is a ground based structure, and therefore no overlooking would result.

Highway Safety

27. The application road starts at the junction with Cootes Lane and Mill Lane. The main access to the Stubbins Nursery is set close to this junction on the west side of Oaktree Road. After this point, the road narrows northwards and does not provide adequate space for vehicles to pass. The main access into the site has been confirmed as being to the north side of Oaktree Road.
28. The applicant has confirmed that there is no proposed packaging plant on the development. The produce grown in the glasshouses would be transported to the main packaging plant which is located to the south of Oaktree Road by tractor. As a result, no goods vehicles would be required to the site for distribution. As per the previous applications S/2098/00/F and S/1172/00/F, the applicant has agreed to enter a Section 106 Legal Agreement restricting the number of goods vehicles passing the main entrance along Oaktree Road to 40 per year. The agreement is currently being drafted at the time of writing, and Members will be updated on its progress. The Agreement would ensure minimum damage is done to the road, as well as reducing potential harm to through noise disturbance as discussed above. Smaller vehicles accessing the site are unlikely to cause any serious harm to the use of the road or the amenity of the occupiers of neighbouring properties.
29. The ownership of the access is noted. The applicant originally signed certificate A, indicating they own the road. During the course of the application, it transpired this was incorrect, and ownership certificate B was served on the Fen Drayton Road Management Company. The application is now considered correct in terms of certificates. The applicant would need the relevant consent from the owners of the road to access the site.
30. Oaktree Road running northwards is a public footpath, forming a network in the area that is closely linked to the village and the RSPB reserve. The comments from the County's Definitive Map Assistant are noted, and the relevant informatives can be added to any approval on the site.

Impacts upon the Local Economy

31. The applicant has confirmed the proposal would create 12 full-time jobs and 7 seasonal jobs at the site. This is supported by the Council's Economic Development Panel. There is local concern as the site does not tend to hire locally, and therefore local people may not benefit. The planning system cannot control who is employed in such sites, although it can provide the opportunity. The applicant notes the recent closure of the Dairy Crest site in Fenstanton may create more interest from local people.

Ecological Considerations

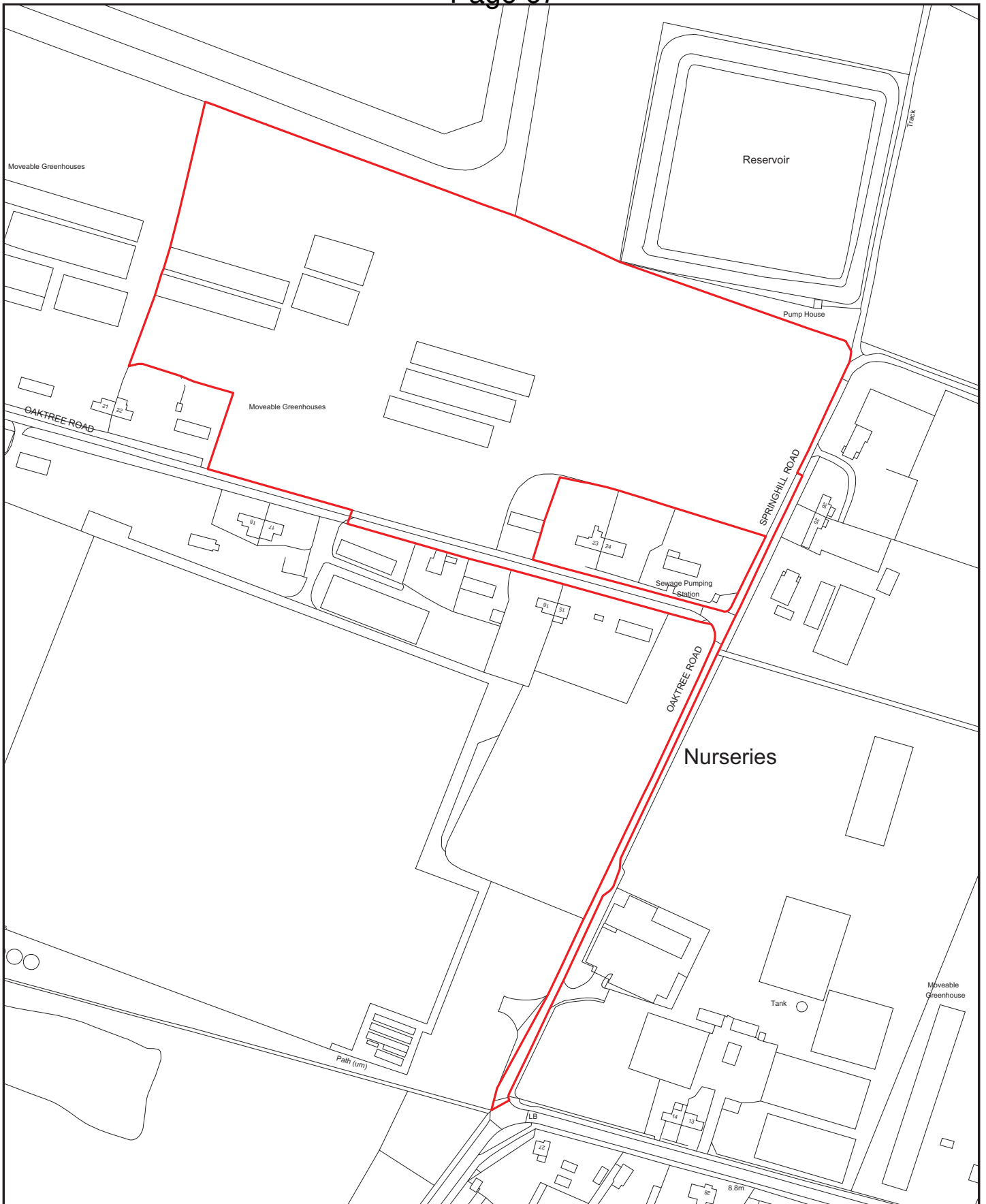
32. There is local concern regarding the clearing of the vegetation on the site and the impact upon biodiversity in the vicinity. This is emphasised by the proximity of the RSPB reserve at Fen Drayton Lakes to the north. The RSPB have not commented on the scheme. The Council's Ecology Officer does not have serious concerns, subject to the control of vegetation during the bird breeding season in order to prevent disturbance in this time. This information can be added as informative. There would be some tree and scrub clearance, but this all appears self-seeded species. In an event, the trees are not protected and therefore can be removed without consent.
33. There is local concern regarding the disposal of waste products from the glasshouses. Information within the letters of objection implies produce and packaging is dumped on the existing site, and there are concerns that this would then be dumped closer to neighbouring properties and the nature reserve. A condition could be added to the consent to control disposal of waste products on the site. The dumping of plastic packaging can be controlled through Environmental Health legislation.

Recommendation

34. Delegated Approval/Refusal, subject to the completion of the Section 106 Agreement and comments from the Environment Agency.

If supported, conditions regarding the time for commencement of the development, plan numbers, timings for the use of power operated machinery, internal and external lighting scheme, control of disposal of waste products, landscaping and its implementation are required, along with any conditions recommended by the Environment Agency. Informatives regarding pile driven foundations, bonfires and burning of waste, the requirement of a demolition notice, the control of vegetation during the bird breeding season, and those requested by the Definitive Map Assistant are also required.

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

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/1755/12/FL – GREAT SHELFORD**Part change of use of outbuilding to form 1 no. bed & breakfast unit (retrospective) at 21 High Green for Mr & Mrs Mansfield****Recommendation: Approval****Date for Determination: 13 March 2013****Members of Committee will visit the site on 5 March 2013****Notes:**

This application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of Great Shelford Parish Council

Conservation Area and Setting of Listed Building**To be presented to the Committee by Kate Wood****Site and Proposal**

1. No.21 High Green is a render and thatched Grade II Listed dwelling located on the west side of High Green within the village Conservation Area. The rear garden of the property extends to the south-west, at the end of which there is a one and a half storey (5.2 metre high) outbuilding comprising dark stained timber walls under a plain tiled roof. The house and majority of the garden are sited inside the village framework. The bottom section of the garden, including the outbuilding, is located outside the village framework and within the countryside and Green Belt. The site is bounded on its north-western side by a vehicular access that serves The Oat Barn to the north/west (No.25 High Green) and Top Barn to the west (No.23 High Green). Both are Grade II listed former agricultural barns that formed part of the De Freville farm complex and have been converted to dwellings in recent years. To the south-east is a two-storey dwelling, No.19 High Green, and immediately to the south, is a two-storey contemporary house recently constructed within its rear garden, No.19a High Green.
2. There is a vehicular access and parking to the front/east side of No.21 High Green. Additionally, there is a gravelled area in front of the outbuilding, access to which is obtained via the shared vehicular access just beyond the north-western side boundary of the site.
3. The application seeks retrospective consent for the change of use of part of the detached outbuilding within the rear garden area to form 1 no. bed & breakfast unit.

The proposal relates to the taller, original part of the building, with the plan denoting the use of the ground floor as a lounge and bathroom, and the use of the first floor as a bedroom. A small existing extension on the south side of the main part of the building is shown as an en-suite guest bedroom for family use only (this latter element was granted planning permission last year).

4. The application originally excluded the shared access from the site edged red and stated that the parking space in front of the outbuilding would be reserved for use by family members (ie – in association with the guest bedroom), with parking associated with the proposed bed and breakfast use being provided to the front of the main dwelling. It also stated that breakfast for the unit would be served in the main house. However, this did not reflect the way in which the use has been operating and the application has since been amended to include the shared access within the site edged red and to clarify that one parking space for guest use would be provided in front of the building. In addition, the application confirms that breakfast is not taken within the house, but that coffee, tea and cereals are provided within the unit.

Planning History

5. **S/1699/04/F** – Planning permission granted for a single-storey outbuilding consisting of a garden room and store.
6. **S/0512/07/F** – An application to erect a single-storey workshop/store to the southern end of the building was approved. This permission has not been implemented and expired in May 2010.
7. **S/1030/08/F** – An application to erect a close-boarded fence along the northern side boundary of No.21 High Green's garden was refused due to the impact upon the setting of the Listed Building and upon the character and appearance of the Conservation Area.
8. **S/1043/08/F** – Planning permission granted for a double cart lodge and cycle store within the rear garden. This permission was not implemented and expired last year.
9. **S/0777/10/F** – An application to extend the outbuilding in order to create a three bedroom dwelling was refused, following consideration at Planning Committee in August 2010, on the grounds that the development would be inappropriate in the Green Belt, due to its impact on the character of the Conservation Area and setting of Listed Buildings, and due to the harmful impact upon the amenities of occupiers of No.19a High Green.
10. **S/2371/11** – A retrospective application to extend and change the use of the outbuilding to form 2 no. bed & breakfast units was withdrawn.
11. **S/0391/12/FL** – Planning permission granted for extension to outbuilding to form guest bedroom, together with decking and access gate (retrospective)

Planning Policy

12. South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/1: Green Belt
13. South Cambridgeshire LDF Development Control Policies DPD 2007:
DP/1 - Sustainable Development
DP/2 - Design of New Development

DP/3 - Development Criteria
DP/7 – Development Frameworks
GB/1 – Development in the Green Belt
GB/2 – Mitigating the Impact of Development in the Green Belt
CH/4 - Development within the Curtilage or Setting of a Listed Building
CH/5 - Conservation Areas
ET/10 – Tourist Facilities and Visitor Accommodation
NE/14 – Lighting Proposals
NE/15 - Noise Pollution
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
ST/1 – Green Belt

14. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Development Affecting Conservation Areas – Adopted January 2009
Listed Buildings – Adopted July 2009
District Design Guide – Adopted March 2010
15. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

16. **Great Shelford Parish Council** – Recommended refusal of the original proposal, stating:

“Our opinion has not changed since that expressed on S/2371/11 which was withdrawn. We believe the traffic, pedestrian movements and additional use of the unit over and above that which would be expected from normal residential use will and in fact has adversely affected the residential amenities of the adjoining properties. Although it is proposed that the B & B occupants will park in front of 21 High Green this will only displace residential parking to the rear of the property increasing vehicle movements past the adjacent property. The application which was withdrawn was for 2 B & B units and although this is for only one it is difficult to see how it could be policed.”

The Parish Council maintains its objection to the scheme, as amended, stating:

“As before, we recommend refusal on the grounds that it would constitute a new home in the Green Belt. If S Cambs are minded to permit a B & B then parking should not be allowed between the cottage and the B & B to minimise disturbance to the neighbours. Can PD rights be removed to prevent the “garden building” being extended into a new home?”

17. **The Conservation Officer** – Comments that concerns were expressed previously in relation to application reference S/0391/12 that the potential increased use of the garden room, together with the changes to the building, would impact on the setting of the Grade II listed cottage at No.21 High Green. In addition, the Conservation Officer comments that the team previously advised that, whilst the use of a garden room, workshop and store at the end of a garden would not normally cause concern for neighbours, the site adjoins a group of listed and curtilage listed barn conversions associated with the former De Freville Farm. The proximity of the proposed bed and breakfast accommodation to these neighbouring properties could potentially cause

noise and disturbance to nearby residents. A gateway has been inserted into the fence on the track side of the property which implies that visitors will park adjacent to the outbuilding rather than accessing it from the parking area and garden of No.21. This could also affect the amenity of those living nearby if there are continual comings and goings. Overall, the proposals will impact on the setting of nearby Listed Buildings and the Conservation Area.

18. **The Environmental Health Officer** – Raises no objections to the proposal, as amended, providing a condition is added to any consent to control the hours of use of power operated machinery during any construction works.
19. **The Local Highways Authority** – Requests that, due to the proposed intensification of use, the applicant provide a drawing showing visibility splays of 2.4m x 43m in full in both directions

Representations by members of the public

20. Letters of objection have been received from the owners of Nos. 23 and 25 High Green. The main points raised are:
 - The applicants purchased the property in December 2010. They began using the outbuilding as bed and breakfast accommodation in February 2011 (without planning permission) and commenced construction of an extension in March 2011, which was then also used for b & b purposes. These unauthorised works were reported to the LPA in March 2011 and a retrospective application for the extension and conversion of the building to 2 no. b & b units was submitted in November 2011. The applicants continued to trade throughout this period. The application was validated in December and objections lodged in February 2012. The applicants withdrew the application that month and in March 2012 submitted a retrospective application for an extension to the outbuilding to form a guest bedroom, together with decking and access gate. In August 2012, SCDC asked the applicants to either cease trading or submit a retrospective application for the continued b & b use. The application to extend the outbuilding was granted later that month. This was subject to a condition stating that the outbuilding should not be occupied other than for purposes ancillary to the residential use of No.21 High Green. It is taking an unreasonable length of time to resolve this issue and arrive at a conclusion acceptable to all parties. The unauthorised bed and breakfast use has now continued for 2 years.
 - The conversions of Nos. 23 and 25 High Green were made under strict conditions to maintain the agricultural nature of the site.
 - The outbuilding is sited on land outside the village framework. There is no need for this business to be located in the countryside and the use for b & b accommodation contravenes LDF Policy DP/7.
 - The site is in the Green Belt. Its separate use as b & b accommodation represents inappropriate development in the Green Belt by definition, contrary to LDF Policy GB/1 and Core Strategy Policy ST/1. The application includes no justification or very special circumstances for overturning the strong presumption against inappropriate development in the Green Belt.
 - The change of use, and consequent increase in vehicular and people activity, is harmful to the Conservation Area.

- The site forms part of a verdant rural setting of a number of Grade II Listed Buildings, and the unauthorised b & b is being conducted from an outbuilding within the curtilage of the Grade II Listed No.21. The Listed Buildings SPD states that any buildings within the setting of a Listed Building should be modest in scale and either single-storey or one-and-a-half-storeys without accommodation in the roofspace. The outbuilding contravenes these provisions because the structure contains accommodation in the roofspace. The creation of extra living accommodation in the roof space and level of use that results has an adverse affect on the Listed Building.
- The unauthorised post and rail fence and garden gate erected across the width of the rear garden remain in situ, and have not been removed as required by planning permission S/0391/12/FL.
- The b & b is in close proximity to No.25 High Green, with the shared driveway passing by the side of this neighbouring dwelling in close proximity to a bedroom window. The increase in vehicle movements along the gravelled driveway and level of activity associated with the site has resulted in an unacceptable level of noise and disturbance to the occupiers of No.25. Early departures (before 8am) and late arrivals (after 10pm) are not uncommon and these movements cause the most disturbance. Journeys are also undertaken to visit restaurants, go shopping, visit friends etc.
- There are insufficient on-site parking spaces for the number of vehicles using the site. The applicants normally park at least 3 vehicles outside the front of the cottage.
- On websites, there has been much adverse customer feedback regarding the restricted nature of the first floor sleeping accommodation.
- Contrary to the application, the remainder of the building is being let out as a 2nd accommodation unit.
- Views from the rear of No.25 have been adversely affected by the b & b. Vehicles and people associated with the change of use are noticeable from windows in the kitchen, utility room and first floor rear bedroom. It has also resulted in a loss of privacy and enjoyment of the rear garden area. All the windows, doors and roof lights are clear-glazed, and there is decking and a garden area to the front. This adversely affects the privacy of occupants of No.25.
- The use has increased pedestrian activity along the driveway, resulting in security concerns for surrounding residents.
- The lighting of the building detracts from the quiet, rural location and setting.
- The supporting statement should include information on the historical importance of the surrounding buildings and their setting.
- The property is being advertised for sale, with the sales particulars referring to a two-storey studio in the garden for guests or b & b use. This infers it is being sold with the benefit of b & b planning permission for the outbuilding.
- The applicants recently suspended trading when they went away for a few days and the reduction in activity was noticeable.

Material Planning Considerations

21. The key issues to consider in the determination of this application relate to: whether the development is appropriate in the Green Belt; the impact of the development upon the setting of listed buildings and upon the character and appearance of the Conservation Area; the impact upon the amenities of nearby residents; and highway safety.

Principle of the development in the Green Belt

22. Planning permission was originally granted for the garden room building in October 2004, with the scheme being amended in 2005 to increase the height by 1 metre and to add two conservation style rooflights to the front elevation of the building. In 2007, an application to add a single-storey workshop/store extension to the south side of the building was approved. The ownership of the site changed in around 2010, and the new owners proceeded with the construction of the extension in March 2011, completing the works in May 2011. However, the 2007 consent for this extension had expired, and earlier this year, the current owners applied for retrospective permission for the extension (denoted as a guest bedroom for family use) together with a number of other unauthorised works that had been carried out – namely, the replacement of a section of post and rail fencing with a 5 bar gate in the north-western boundary, and the increase in size of previously approved decking at the front of the building. A post and rail fence and gates had also been erected across the site, subdividing the outbuilding and land immediately around it from No.21 High Green's garden, and the previous application proposed to remove this unauthorised fencing. The retrospective application for these works was approved earlier this year (S/0391/12/FL) subject to a condition requiring the section of fencing subdividing the garden to be removed (as also proposed within the application, and to the extended outbuilding being used for purposes ancillary to the main dwelling only.
23. At the time of the submission of the application, the outbuilding had been used for approximately 18 months, without the benefit of any planning permission, as two self-contained bed and breakfast units. The current application proposes to convert the main part of the outbuilding to a single bed and breakfast unit, with the extension being used, as per the recently approved scheme, as a guest bedroom for family use only. The responses received state that the building is being used and advertised as two separate units and that the 'extension' continues to be used for b & b purposes. This issue was raised during a site meeting with the owner who confirmed the 'extension' is not being used for commercial purposes but that she hasn't been able to remove it from the applicable websites and the accommodation is instead shown on these websites as being unavailable when trying to make a booking.
24. The rear part of No.21 High Green's garden, within which the building is located, is sited within the countryside and Green Belt. LDF Policy GB/1 states that there is a presumption against inappropriate development in the Green Belt. The National Planning Policy Framework 2012 (the NPPF) states that the re-use of buildings of permanent and substantial construction is not inappropriate in the Green Belt, providing development preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. LDF Policy ET/10 states that, outside frameworks, development to provide overnight visitor accommodation will only be permitted by change of use/conversion or modest extensions to existing facilities, and that such accommodation will be limited to short-term holiday lets by way of a condition or legal agreement in order to ensure housing policies restricting development in the countryside are not compromised. The supporting text to this policy states that the focus for new accommodation should be the villages, with such

development more suited to the larger villages, with a good level of local services and public transport provision. Given that the application involves the conversion of the existing building, the proposal is not considered to constitute inappropriate development in the Green Belt by definition. The proposed use is also in compliance with Policy ET/10, particularly given its location on the edge of one of the District's larger and more sustainable settlements, as well as being in keeping with the Council's key aims of seeking to encourage small local businesses. Providing the use of the building is restricted to bed and breakfast/holiday let use by way of condition, in order to prevent its use and conversion to a separate dwelling, the proposal is considered to be acceptable in principle.

Impact on the character of the Conservation Area and setting of Listed Buildings

25. The building, extension and associated works already have the benefit of planning permission. The proposal seeks to utilise the existing building, with no additional development works proposed. Whilst it is accepted that there would be a discernible difference in the level of activity associated with the use of the building as a bed and breakfast unit, rather than for purposes ancillary to the use of the dwelling, this increase in vehicular and pedestrian activity, and level of usage of the land immediately adjacent to the outbuilding, could not be argued to result in any physical harm to the character and appearance of the Conservation Area or to the setting of Listed Buildings.
26. Whilst concerns have been raised by the Conservation Officer, these relate to works that have already been authorised by planning permission, and to wider neighbour amenity issues. The proposed use of the building for bed and breakfast purposes is considered to preserve the character of the Conservation Area and setting of Listed Buildings and is therefore considered to be acceptable from the perspective of heritage assets.

Residential amenity

27. Concerns have been raised within responses received from the Parish Council and local residents regarding the impact of the use upon the amenities of occupiers of neighbouring dwellings. The application, as amended, proposes to access the site via the shared access which also serves both Nos. 23 and 25 High Green, and passes in close proximity to No.25's bedroom window and private garden area. This neighbouring property is only enclosed by post and rail fencing and hedging, and is therefore relatively exposed from the access.
28. It is evident from the responses received that the level of vehicular activity associated with the use of the building has resulted in some disruption to the occupiers of No.25 High Green, whose bedroom window is located in the side elevation and in close proximity to the access, and that this is particularly caused by people leaving the site early in the morning and arriving late at night. A bed and breakfast use is likely to cause a greater level of disruption than the authorised use as a garden outbuilding, particularly as the absence of kitchen facilities means that guests will need to go out to eat in the evening etc. Whilst the Environmental Health Officer has raised no objections to the application, in view of the concerns raised by local residents, the application proposes that there will be no vehicular movements along the shared access associated with the use beyond 10pm. This could be controlled through a planning condition. Photographic evidence has also been provided to suggest that vehicles associated with the use are parking within the shared driveway and grass verges. Again, this could be controlled through the imposition of a condition

stipulating that parking can only be provided on the graveled area to the front of the outbuilding or in front of the house. In previous responses, local residents have also referred to being disturbed by guests seeking directions to the unit. Whilst the applicant provides written directions to guests beforehand, it is considered that a small sign on the fence/gate would assist and help to minimise the disturbance that has been caused to date to local residents.

Highway safety and parking

29. There is one parking space in front of the outbuilding and ample room for parking and turning to the front of the dwelling on the site. The Highways Authority has requested the provision of a plan showing full 2.4m x 43m vehicle visibility splays. However, Officers do not consider this to be necessary or appropriate given the modest scale of the proposed bed and breakfast use. The driveway to No.21, as well as those serving Nos. 23 and 25 High Green, and De Freville Farmhouse, are accessed via a large expanse of verge land that is set clear of the main carriageway of High Green. Vehicles exiting the site therefore traverse this parcel of land, from which there is a good level of visibility along High Green in both directions, prior to exiting onto the main carriageway. The proposal is not therefore considered to give rise to unacceptable highway safety problems.

Recommendation

30. Approval, as amended, subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the following approved plans: SF10 079.3. A date stamped 14 January 2013 (and/or the amended plans referred to above).
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 2. The bed and breakfast/holiday let use, hereby permitted, shall not be used or occupied by any person(s) permanently as his/her or their home nor occupied or let upon any terms which provide or confer security of tenure; and they shall not be occupied at all (meaning no personal possessions other than those of the owner that are associated with the holiday lets, shall remain there) for a period of more than 4 consecutive weeks by the same person(s) unless previously been agreed with the Council in writing. Evidence of this will be required from the owner when Council monitoring takes place following the commencement of the use, hereby permitted.
(Reason – The site lies in the Green Belt and open countryside outside the village framework where permission would not normally be granted for permanent dwellings or purposes not associated with agriculture or other uses which need to be located in the countryside in accordance with Policy DP/7 of the adopted Local Development Framework 2007).
 3. The shared accessway that runs along the northern side of the site edged red shall not be used for vehicular movements in association with the bed and breakfast use between the hours of 10pm – 6am.
(Reason – To minimise noise disturbance to local residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
 4. Parking for the use hereby permitted shall only be permitted within the gravelled area on the east side of the outbuilding and/or within the area on the east side of the main dwelling.

(Reason – To prevent parking within the shared driveway and grass verges in the interests of minimising disruption to local residents and preserving the character of the area, in accordance with Policies DP/3, CH/4 and CH/5 of the adopted Local Development Framework 2007.)

5. Within 28 days of the date of this decision, a scheme of signage for the use, including timing for its implementation, shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the agreed details.

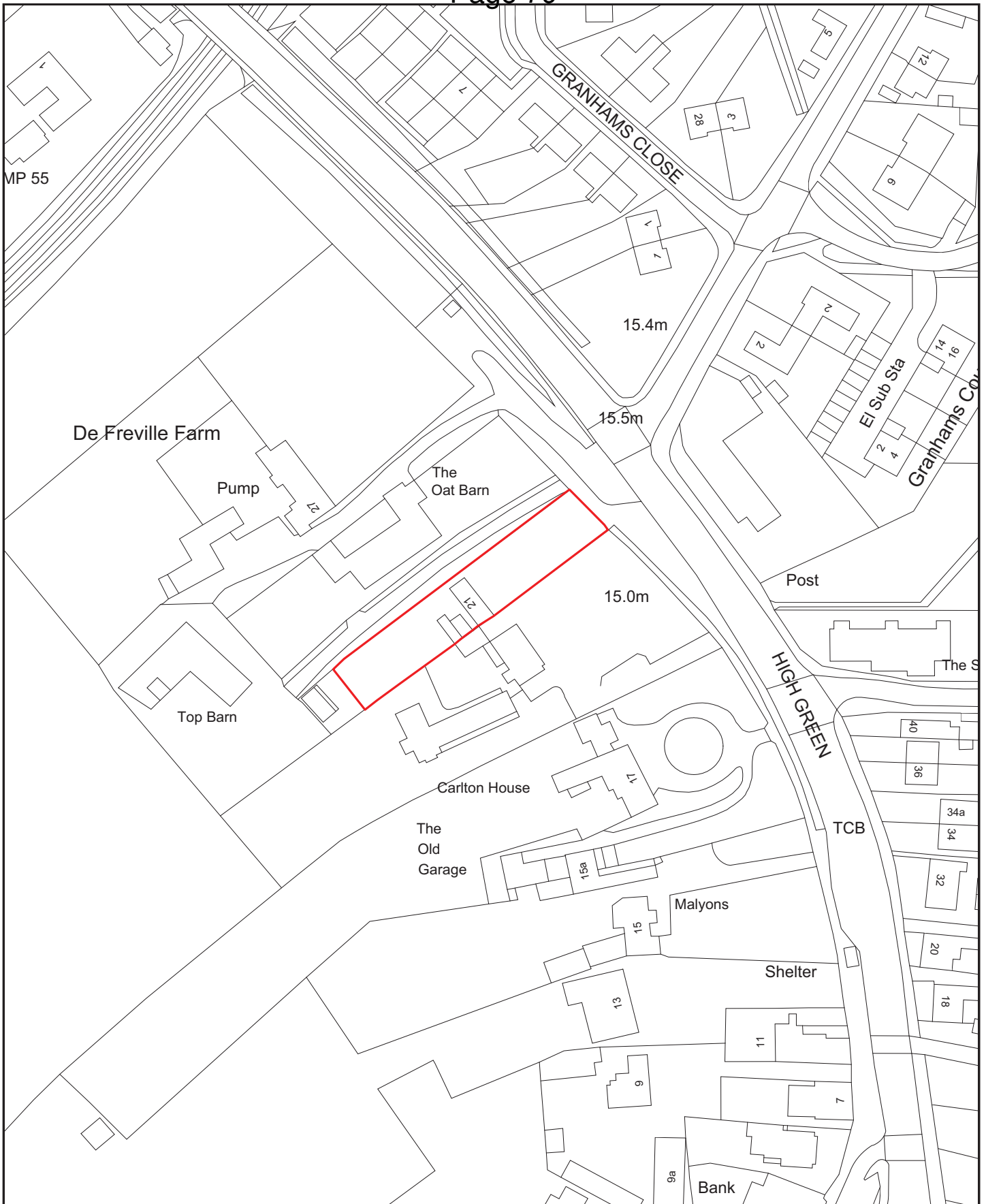
(Reason – To minimise disturbance to local residents in accordance with Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Development Affecting Conservation Areas, District Design Guide, Listed Buildings
- National Planning Policy Framework 2012
- Circular 11/95 and 05/2005
- Planning File References: S/1755/12/FL, S/0391/12/FL, S/2371/11, S/0777/10/F, S/1043/08/F, S/1030/08/F, S/0512/07/F, S/1699/04/F.

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/1665/12/FL – STAPLEFORD**Temporary Change of Use of Outbuilding to Self-Contained Annexe / Holiday Let at Keepers Cottage, Haverhill Road for Mr John Culbert****Recommendation: Delegated Approval****Date for Determination: 12 February 2013**

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

To be presented to the Committee by Kate Wood

Site and Proposal

1. The application site is an outbuilding associated with a dwelling known as Keepers Cottage. Keepers Cottage is currently used as a holiday let, and no planning permission is required for this. The outbuilding is located on land to the West of the dwelling adjacent to the boundary of the site and is part of a longer range of buildings along the boundary. To the West of the boundary there is a narrow line of trees with open farmland further to the West. The boundary with the open land is enclosed by a hedge. The outbuilding itself is constructed of timber boarding and a corrugated roof. The site is accessed along a long narrow drive from Haverhill Road and this drive also serves other residential properties in the immediate vicinity of the site including The House on the Hill and Middlefield Cottage. The applicant states that the building was converted to ancillary residential accommodation (annexe) in 2004 comprising of an office and recreation rooms and was also used as sleeping accommodation from that time. The conversion to and use of the building as a holiday let occurred in the spring/summer of 2012. The site lies outside of the Development Framework of Stapleford in the open countryside. It is also within the Cambridge Green Belt.
2. The application seeks a change of use of the outbuilding to a self-contained holiday let for a temporary period of three years.

Relevant Planning History

3. S/0812/08/F – Planning permission granted for erection of extension to dwelling following demolition of elements of the building and outbuildings (including the element of the outbuilding currently containing the holiday let). Conditions included one requiring the submission of details regarding the phased demolition of elements of the building and outbuildings prior to commencement. This permission has not been implemented.

Policies

4. **DP/1** Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
GB/1 Green Belt
ET/10 Tourist Facilities and Visitor Accommodation
NE/6 Biodiversity
NE/15 Noise Pollution
TR/2 Car and Cycle Parking Standards

Consultations

5. **Parish Council** – has recommended refusal commenting “Lack of clarity on holiday let – would like 9 months in any year. Assurance annex remains in curtilage of existing property”

Local Highways Authority – has not objected to the proposed development commenting that “no significant adverse effect on the public highway should result from this proposal should it gain benefit of planning permission”.

Council Environmental Health Officer – does not object commenting that “there are no significant impacts from an Environmental Health standpoint”.

Representations

6. Four representations objecting to the application have been received in respect of the proposed development; three from owner/occupiers of nearby properties and one from a member of the public.

The objections raise concern regarding the following issues:

- i. Impact on neighbouring properties
- ii. Green Belt considerations
- iii. Traffic and Highway Safety
- iv. Sustainability
- v. Establishment of a second residential unit on the site
- vi. Conflict with previously issued planning permission

Planning Comments

7. The main planning considerations in this case are the principle of the change of use, the impact on residential amenity, the impact on the Green Belt and parking and highway safety. The issues of the establishment of a second residential unit and the previous planning permission will also be addressed as will the need for a legal agreement.
8. **Principle** – Planning policy DP/7 seeks to ensure that new residential development is located within villages rather than in the countryside, however policy ET/10 stands as an exception to this general policy of restraint for new residential premises in the countryside where it is for the purpose of providing visitor accommodation including short term holiday lets. The policy states that such development will only be permitted by change of use / conversion, or through appropriate replacement of buildings not requiring large extension, or by appropriately modest extensions to existing facilities and that development of holiday accommodation will be limited to short-term holiday lets through conditions or legal agreement. Given that the accommodation would be

provided by conversion rather than new build, the proposed use of the building is for holiday letting and as the applicant has agreed to planning controls to limit the length of stay of each visitor, it is considered that the application complies with the requirements of policy ET/10. Some concern has been raised regarding the sustainability of the location for a holiday let, however the policy ET/10 specifically refers to the appropriateness of conversion of existing buildings in rural locations and it is considered that in terms of such rural locations this site is relatively well located as holiday accommodation being fairly close to Cambridge and within 2 miles of Stapleford, the Babraham Park and Ride site and Great Shelford train station. As such it is considered acceptable in terms of sustainability considerations for holiday accommodation.

9. **Impact on the neighbouring properties** – The building is not located particularly close to any of the neighbouring properties to the site, the closest one being approximately 45 metres from the outbuilding. It is not considered that the use of the building as a holiday let would be likely to cause any harmful impact on neighbouring residents in and of itself.
10. Very significant additional use of the driveway could potentially impact on residential amenity of neighbours closest to the access way, namely the occupants of The House on the Hill and Middlefield Cottage. The applicant also currently lets the main house on site and has suggest that based on the projected occupancy of both the main house and the outbuilding and a survey of previous users of the site that vehicle movements into the site would be lower than at present. However, as the main house may also be occupied permanently by its owners, or let to a long term tenant, it seems reasonable to conclude that the additional holiday let would create additional vehicle trips to the site since separate households would occupy the buildings. As the holiday let in the outbuilding contains two bedrooms, it may also be the case that on occasion more than one vehicle would be brought to the site by each party occupying the holiday let. Nonetheless, while there could potentially be an increase in vehicle movements to or from the site, it is unlikely that these would be of such a significant number that the residential amenity of neighbouring properties would be adversely affected and on balance, it is considered that the proposed use of the outbuilding would not cause any significant harm to the residential amenity of neighbouring properties.
11. One representation has raised concern regarding the impact of odour from the services (gas, water, sewerage) to the outbuilding which it is alleged are unauthorised. As the concern relates to domestic services which are controlled by Building Regulations and would exist whether or not this application were granted, it is not considered that they are material planning considerations in this case, however these concerns have been passed on to the Council's Building Control section which is currently investigating them.
12. The proposed use is therefore considered to be acceptable in terms of its impact on the residential amenity of neighbours.
13. **Green Belt** – The proposed use would not have any significant impact on the character or openness of the Green Belt, given that it involves the conversion of an existing building and parking area. The parking area of the site is well screened in distant views and it is not considered that any additional parking demand would negatively impact on the Green Belt. Concern has been raised regarding the permanent nature or otherwise of the existing building and whether it is therefore compliant with the requirement of the National Planning Policy Framework that the conversion of buildings is appropriate "provided that the buildings are of permanent

and substantial construction". While the building was not originally constructed as a habitable outbuilding, it has existed on site for several decades and it is considered that it is both substantial and permanent. The proposed temporary use of the outbuilding as a short term holiday let is therefore not considered to cause any harm to the openness or character of the Green Belt and is acceptable in terms of national and local green Belt policy.

14. **Parking and highway safety** – The parking area associated with the existing dwelling is significant and it is considered more than adequate to accommodate the parking requirements of the existing house and the holiday let.
15. The Local Highways Authority has commented that the proposed use would not have any significant impact on highway safety in the area. Turning is possible on site and additional traffic to the site would use the existing access out onto the Haverhill Road.
16. The proposed use is therefore considered to be acceptable in terms of the parking provision on site and its impact on highway safety in the area.
17. **Other matters** – Concern has been expressed regarding the potential for any permission to justify a future application for a separate permanent dwelling or for it to allow such an arrangement to occur informally. In terms of precedent, policy ET/10 acts as an exception from the general policy of restraint against new dwellings in the countryside and the granting of a new permission would not exempt any future application for a permanent separate dwelling from consideration against policies which seek to resist such dwellings. Any such application would be assessed on its merits. In terms of the potential for the converted building to be let on a long term or permanent basis, such activity would be expressly prohibited by planning condition. The potential for the building to be occupied as an unauthorised separate dwelling exists equally in the absence of the requested permission and it is considered that the proposed conditions and legal agreement give additional control over such an arrangement for the duration of the permission.
18. Planning permission granted under reference S/0812/08/F in 2010 allowed the construction of an extension to the existing main house on the site subject to a condition requiring that the outbuilding be demolished as part of an enhancement of the site required to justify the extension. Plainly, the 2010 permission, which remains extant, cannot be implemented without the removal of the building to which this application relates. The granting of this temporary permission would not constrain the implementation of the previous permission, as the holiday let use could be discontinued at any point during the three year period of the permission. Similarly both the holiday let use and the construction of an enlarged dwelling could not occur simultaneously.
19. **Legal Agreement** – In addition, it is considered necessary for the ownership of the holiday let to be tied to the main house to ensure that its use does not negatively impact on the living conditions of the main dwelling in terms of noise and disturbance and loss of privacy. The applicant has agreed to enter into a S106 legal agreement which will be drafted and completed prior to the issuing of any permission, hence the request for delegated approval.

Recommendation

20. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that delegated

powers be granted to APPROVE the application, subject to a S106 Agreement and conditions relating to:

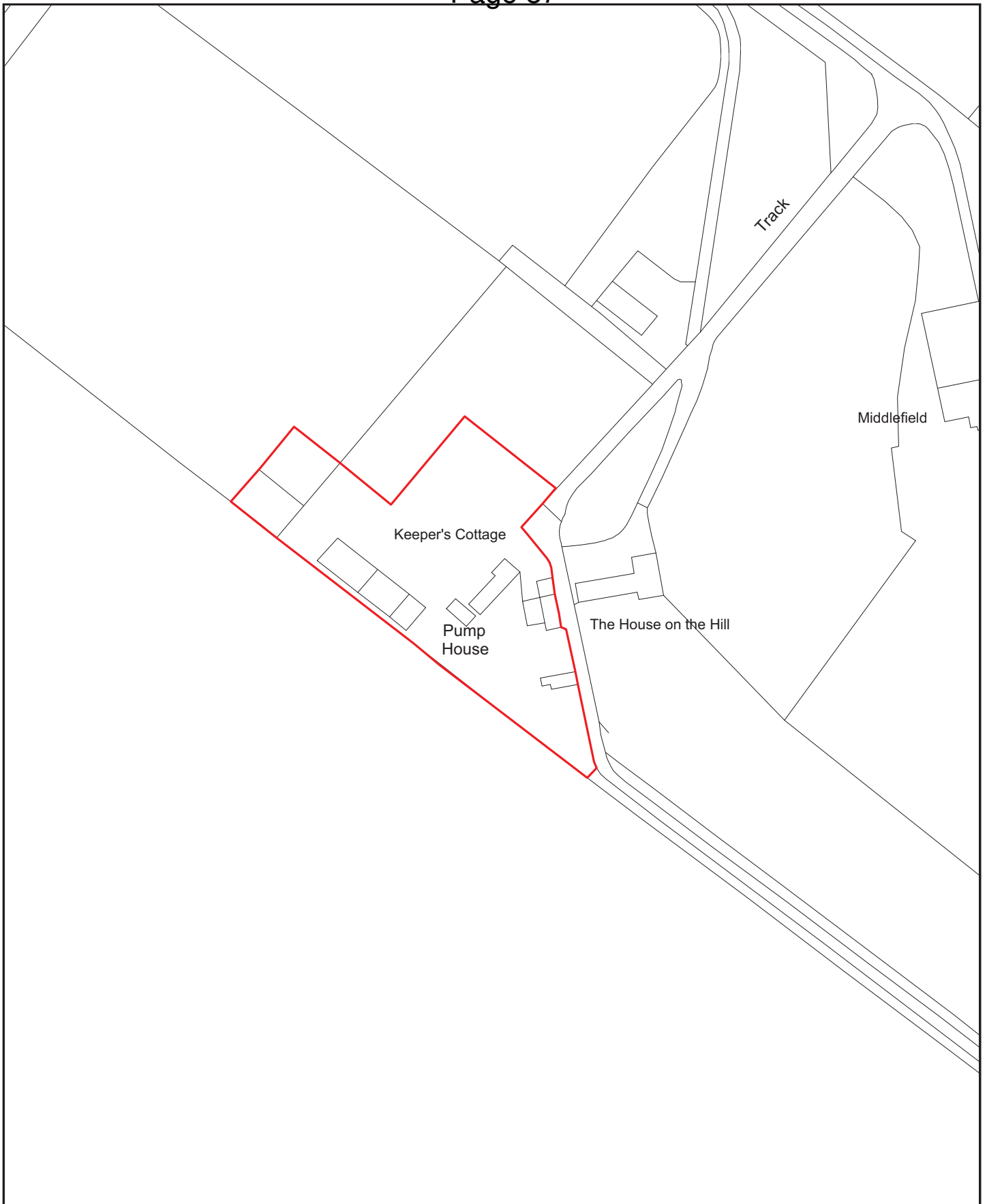
1. Approved Plans
2. Temporary 3 year permission, following which the use of the building to revert to an annexe associated with Keepers Cottage.
3. Use for short term lets only.

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

- Planning File ref: S/1665/12/FL
- National Planning Policy Framework 2012
- Local Development Framework Development Control Policies 2007

Contact Officers: Daniel Smith – Senior Planning Officer
01954 713162

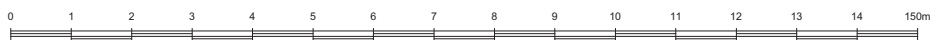
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/2555/12/OL - WATERBEACH**Residential Development (Including Access) at Land to the Rear of 10A Rosemary Road for Mr P. Brown****Recommendation: Approval****Date for Determination: 8 February 2012****Notes:**

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

Members will visit the site on 5 March 2013

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located within the Waterbeach village. It measures 0.26 of a hectare in area and currently comprises an area of cleared land that was formerly overgrown with small trees and shrubs to the south and part of the garden to No. 10A Rosemary Road and a hard surfaced parking area for two vehicles to the north. The southern boundary is defined by a curtilage listed brick wall and a row of tall leylandii trees. The north, east and west boundaries are aligned by 2 metre high close boarded or panel fences. The site is situated adjacent to the northern and eastern boundaries of the village Conservation Area and to the north of a grade II Listed Building (The Hall). It lies within Flood Zone 1 (low risk). Residential properties surround the site on all sides.
2. The proposal (as amended) seeks outline planning permission for a residential development. The means of access is included as part of the application but the layout, scale, appearance and landscaping details of the scheme are matters reserved for later approval.
3. The access would measure 5 metres in width and have 0.5 metre wide maintenance strips and grass verges either side. Vehicular visibility splays would be provided measuring 2.4 metres along the centre point of the access from the edge of the carriageway x 32 metres from the centre point of the access along the edge of the carriageway in both directions and pedestrian visibility splays would be provided measuring 2.0 metres x 2.0 metres on both sides of the access. A 0.5 metre wide build out section of the existing pavement is proposed adjacent to the new access to be able to achieve the splays.

4. Indicative layout and elevation plans have been submitted for eight dwellings on the site. Such a scheme would have a density that equates to 31 dwellings per hectare with three out of the eight dwellings (40%) affordable in nature to meet local needs and a mix of sizes of market dwellings with two out of the five (40%) being small units. The layout shows a curved arrangement around the road with a central turning head. The dwellings shown are a mix of two storeys and chalet bungalows with heights between 7.6 metres and 9.5 metres. The designs are simple with materials of construction being a mix of render and bricks for the walls. 16 parking spaces would be provided. Developer contributions towards open space, community facilities, education, waste infrastructure and waste receptacles have been agreed subject to the provision of justification for need from the Council.

Planning History

5. **S/0654/08/O** - Erection of 9 Dwellings and Vehicular Access - Appeal Dismissed
The appeal was dismissed on the grounds of the impact upon highway safety.

S/0381/07/O - 8 Dwellings - Refused

The application was refused on the grounds of the impact upon the setting of the adjacent listed building and highway safety.

Planning Policy

6. **South Cambridgeshire Local Development Framework (LDF) Core Strategy DPD, adopted January 2007**
ST/5 Minor Rural Centres
7. **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 and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
CH/4 Development Within the Setting of Curtilage of a Listed Building
CH/5 Conservation Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
8. **South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD):**
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

Open Space in New Developments SPD - Adopted January 2009
Affordable Housing SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Waterbeach Parish Council** – Comments as follows: -
“The Parish Council recommends refusal on the grounds of overdevelopment, lack of suitable parking, and concerns with the height of rooflines”.
10. **Local Highways Authority** – Requires conditions to ensure that the 5 metre wide access is constructed as shown on drawing number J111/SK02 Revision B, the provision of 2.4 metres x 32 metres vehicular visibility splays, 2.0 metres x 2.0 metres pedestrian visibility splays, the driveway to be constructed with unbound materials and have adequate surface water drainage measures. Seeks a contribution towards the investigation and potential implementation of traffic regulations within the vicinity of the site in order to mitigate the potential traffic impact of the development. The contribution would be £3-4k for a full Traffic Regulation Order. Also requests an informative in relation to works to the public highway. Comments further that an access width of 5 metres is accepted for up to 11 dwellings but 5.5 metres is preferable. In respect to visibility splays, this is based on speed and volume of the traffic on rosemary Road and not the number of dwellings so this would remain at 2.4 metres x 32 metres if the number of dwellings increased to 11.
11. **Conservation Officer** – Recommends approval given the decision of the previous planning inspector.
12. **Affordable Homes** – Supports the application and comments that there are 3,350 applicants on the housing register in the district and the proposal for 3 x 2 bed affordable dwellings would help meet some of this housing need.
13. **Environmental Health Officer** – Comments are awaited.
14. **Trees and Landscapes Officer** – Comments that the previous application considered a condition in relation to the positioning of the footprints of the buildings to ensure that the conifer hedge which is the conservation area boundary and a buffer to the listed building did not fall under the hedgerow regulations. At appeal, the inspector did not place significant impact upon the loss of the hedge in terms of the setting of the conservation area or listed building. However, the conifer hedge should not be placed under significant threat or loss through the development, as a result of the context it provides to the conservation area and listed building, but as a hedge it is difficult to provide any statutory protection.
15. **Landscape Design Officer** – Comments are awaited.
16. **Ecology Officer** – Suggests conditions to control the removal of any vegetation during the bird breeding season and a scheme to secure ecological enhancement of the site.
17. **County Archaeology** – Recommends a condition to ensure that the site is subject to an archaeological investigation and historic building recording.
18. **Section 106 Officer** – Comments that the applicant has submitted a heads of terms confirming acceptance of the developer contributions required by the Council along with requests made from Cambridgeshire County Council. The Audit of Outdoor Sport

and Children's Play space in South Cambridgeshire, undertaken in 2005, showed that the village of Waterbeach experienced a deficit of 0.99 ha in terms of outdoor sport space and a deficit of 2.45 ha in terms of children's play space against the adopted open space standards. A quantitative assessment undertaken in 2012 demonstrated that Waterbeach experiences a deficit of 1.56 ha outdoor sports space, and a deficit of 2.75 ha formal children's play space. There is therefore an identified need for public open space that will only be further exacerbated by further development. Waterbeach Parish Council intend replacing play equipment at the Recreation Ground following a recent safety inspection report by Wicksteed that recommended that swings and a roundabout be removed without delay. Quotations have been invited from 3 companies and will be considered at the next meeting of the Council. The estimated cost associated with this is in excess of £20,000. The Council is also looking into the provision of additional play equipment, either concentrated at the Recreation Ground or spread around the village. The Council is also investigating with the sports clubs the installation of a multi-use games area for football training, tennis etc. at the Recreation Ground. Finally the Council is looking into the possible acquisition of land adjoining the Recreation Ground which has recently been marketed. The community facility audit of 2009 identified that Waterbeach experienced a deficit of almost 500 square of indoor community space. All other projects planned in the village are heavily reliant on external funding, such as grants and planning obligations, as the Parish Precept cannot deliver these in isolation. The local planning authority are seeking to secure financial contributions for outdoor open space and indoor community facility provision and improvements to mitigate against the impact of development, and help the Parish Council fund local projects, in order to provide new and improved facilities to those new residents. The level of financial contribution, against the cost of all other development matters is considered nominal at £21,692.15 in terms of public open space and £3,584.92 in terms of community facilities and as such they are considered to be fairly and reasonably related in scale and kind to the development. The local cost of providing and delivering each household waste receptacle has been calculated at £69.50 per dwelling.

Representations by members of the public

19. Nine letters of objection have been received from the occupiers of No. 28 Payton Way, No. 9 Station Road, and Nos. 2, 8, 10, 16, 18, 20, and 28 Rosemary Road. The following concerns have been raised: -
- i) High density/scale of development;
 - ii) Height of dwellings;
 - iii) Loss of light and overshadowing to neighbours;
 - iv) Overlooking and loss of privacy to neighbours;
 - v) Loss of outlook to neighbours;
 - vi) Proximity of new dwellings to neighbours;
 - vii) Proximity of new access to neighbours;
 - viii) Loss of light from new trees;
 - ix) Heavy parking along Rosemary Road;
 - x) Loss of on-street parking along Rosemary Road;
 - xi) Narrowing of Rosemary due to build out;
 - xii) Safety of access on to Rosemary Road particularly visibility;
 - xiii) Increase in volume of traffic along Rosemary Road;
 - xiv) Access in close proximity to shop;
 - xv) Lack of visitor parking within development;
 - xvi) Difficulties for large vehicles turning into the development;
 - xvii) Illegal parking on kerb would affect pedestrian safety;
 - xviii) Traffic survey data old;
 - xix) Poor orientation of layout;

- xx) Flood risk;
- xxi) Drainage capacity;
- xxii) Street lighting;
- xxiii) Archaeology;
- xxiv) Impact upon views from Conservation Area;
- xxv) Impact on views from Listed Buildings (including wall and coach house);
- xxvi) Loss of trees and wildlife habitats from clearing of site;
- xxvii) Previous use of the land as a garden and not a coalyard;
- xxviii) Plans do not show adjoining properties;
- xxix) Position of bins on collection day;
- xxx) Loss of value to property;
- xxxi) Planning history of the site;
- xxxii) Large development site at the barracks – more infill housing unnecessary;
- xxxiii) Decision already made without taking into account objections; and,
- xxxiv) Noise from nearby child care facility and smallholding.

Representations by Local Members

20. Two local members request that planning committee members visit the site and one local member comments that bearing in mind that the application was turned down at appeal before and the reasons it was turned down have not changed, there is no reason to pass this application.

Representations by applicant's agent

21. The applicant's agent has commented in relation to the consultation responses and neighbour representations as follows: -
- i) Welcomes support from the Affordable Homes team as the development would provide much needed affordable dwellings;
 - ii) The density complies with policy and the site has been considered suitable for a development of 9 dwellings by an appeal inspector;
 - iii) The building heights are indicative at this stage and the scale of the properties has been determined by the mix required. Landscaping could screen the development further;
 - iv) The Local Highways Authority has no objections to the access subject to conditions. The traffic survey was carried out on a normal day;
 - v) There is adequate parking within the development;
 - vi) There were no trees on the site prior to the clearance that were worthy of retention; and,
 - vii) Street lighting and surface water drainage could be controlled by condition.

Material Planning Considerations

22. The key issues to consider in the determination of this outline application for residential development on the site with the means of access as part of the application relate to the principle of the development and the impact upon highway safety. All detailed issues to be taken into account such as housing density, housing mix, affordable housing, developer contributions, layout, scale, appearance, and the impacts of the development upon the amenities of neighbours, the setting of the Conservation Area and adjacent Listed Building, flood risk, trees and landscaping, and biodiversity are reserved for later approval and should not be considered in detail at this stage. However, these issues should be considered in terms of the principle of the development on the site.

Principle of Development

23. 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. A residential development of up to 30 dwellings would therefore be satisfactory in policy terms.

Highway Safety

24. The development is not considered to result in a significant increase in traffic generated within the area that would be detrimental to highway safety, given that Rosemary Road already serves a large number of dwellings and the access would comply with Local Highways Authority standards. The narrowing of the road as a result of the 0.5 metre wide build out is satisfactory.
25. The access to the site would measure 5 metres in width. Such an access would be capable of serving at least 8 dwellings. This would be a condition of any consent.
26. A speed and traffic data survey has been carried out to measure the volume and speed of traffic using Rosemary Road in order to determine the vehicular visibility splays required in relation to the development. The results show that there is an average speed of 25 miles per hour along the road which is below the speed limit of 30 miles per hour. Therefore, the visibility splays required for at least eight dwellings as set out in Manual for Streets are 2.4 metres from the edge of the carriageway along the centre point of the access x 32 metres in from the centre point of the access along the edge of the carriageway in both directions. These can be accommodated within the site and on highway land (as amended) and kept clear from obstruction over a height of 0.6 metres subject to the provision of the 0.5 metre build out area as proposed. This would be a condition of any consent.
27. Pedestrian visibility splays measuring 2.0 metres x 2.0 metres can be provided on both sides of the access within the site and highway land (as amended) and kept clear from obstruction over a height of 0.6 metres. This would be a condition of any consent.
28. The indicative layout plan shows 16 parking spaces. The Council's parking standards require an average of 1.75 spaces per dwelling including visitor parking and a maximum of two spaces per dwelling in poorly sustainable areas. The development would provide two spaces per dwelling and therefore accord with the standards. It is therefore unlikely that additional vehicles would need to park on-street along Rosemary Road that would cause a hazard.
29. The proposed 0.5 metre wide highway build out and new access may lead to less on-street parking along Rosemary Road that would improve the free flow of traffic.
30. The Local Highways Authority has requested a contribution towards an investigation and potential implementation of a Traffic Regulation Order in order to mitigate potential traffic impacts from the development upon surrounding streets. This is only considered justified if there would be highway safety issues as a result of the development.

Housing Density

31. Waterbeach is a sustainable location and the site is within walking and cycling distance of the centre of the village where there are a range of shops and facilities and a local bus route. It is also close to a railway station. The development of eight dwellings would equate to a density of 31 dwellings per hectare. This density would not accord with Policy HG/1 of the LDF that seeks a density of at least 40 dwellings per hectare in sustainable villages in order to make the most efficient use of land. The previous decision for a development of nine dwellings on the site was considered acceptable by the appeal inspector and the Council considers that at least this number of dwellings could be accommodated on the site without any adverse impacts. Therefore, eight dwellings would not be supported. However, this issue will be considered in further detail at the reserved matters stage.

Affordable Housing

32. Three of the eight dwellings would be affordable in nature to meet local needs. This would comply with the requirement of 40% of the total number of dwellings within the development to be affordable as set out under Policy HG/3 of the LDF. This issue will be considered in further detail at the reserved matters stage.

Housing Mix

33. Two of the five market dwellings would be two bedroom units to meet the demand for smaller units of accommodation across the district. This would comply with the requirement for at least 40% of the market dwellings to have one or two bedrooms as outlined in Policy HG/2 of the LDF. This issue will be considered in further detail at the reserved matters stage.

Developer Contributions

34. The Council's Section 106 Officer has detailed justification for the developer contributions required to make the development acceptable in planning terms as set out under Policies DP/4 and SF/10 of the LDF. The applicant has submitted a Heads of Terms that agrees contributions towards open space, community facilities, waste receptacles, education, and waste infrastructure for the development of eight dwellings. This issue will be considered in further detail at the reserved matters stage and a scheme to secure these contributions would be a condition of any consent.

Layout, Scale, and Appearance

35. The indicative layout plan submitted with the application show the dwellings arranged around a curved road with a turning head. This is not considered to reflect the linear pattern of development within the locality and the road would dominate the development. This issue will be considered in further detail at the reserved matters stage.
36. The indicative elevations submitted with the application show the some of the dwellings to have a height of 9.5 metres. This appears rather significant in scale when compared to the existing dwellings along Rosemary Road. This issue will be considered in further detail at the reserved matters stage.
37. The indicative elevations submitted with the application show dwellings of a simple contemporary design constructed from render and bricks for the walls. Some have dormer windows within the roof space. The area has a mixed character with a range of different designs. This issue will be considered in further detail at the reserved matters stage.

Neighbour Amenity

38. The indicative layout shows the dwellings sited a distance of at least 25 metres from the rear windows of existing dwellings and 15 metres from their boundaries. This would comply with the advice set out in the District Design Guide SPD to ensure that the development would not adversely affect the amenities of neighbours through a loss of outlook, light, or privacy. The previous decision by the appeal inspector did not consider that nine dwellings would lead to a significant rise in the level of noise and disturbance through the use of the access that would adversely affect neighbours. This issue will be considered in further detail at the reserved matters stage.

Conservation Area/ Listed Building

39. The development is not considered, in principle, to damage the setting of the conservation area or harm the setting of the adjacent listed building. The previous decision by the appeal inspector concluded that the site makes little contribution to the openness of the conservation area given the limited views from the west as a result of the dwellings along St Andrews Hill and from the south due to the row of leylandii trees along the boundary with The Hall. Even if the trees were lost and the development could be seen from The Hall, it would not be intrusive as a result of the set back of the buildings from the boundary. The previous decision by the appeal inspector judged that the principal listed building, The Hall would be relatively distant from the development and not be adversely affected by the development. Although the development would be seen in the context of the curtilage listed wall and coach house, it is considered to be sited a sufficient distance from the buildings to not affect their setting given that the wall provides a strong sense of enclosure by clearly defining the extent of the listed curtilage and the coach house is orientated towards The Hall. The openness of the site is not therefore considered fundamental to its character. This issue will be considered in further detail at the reserved matters stage.

Trees and Landscaping

40. The proposal would not result in the loss of any significant trees that contribute to the visual amenity of the area. Whilst it is noted that the site has already been cleared, it has not led to the removal of any important trees and landscaping that were statutorily protected. The existing leylandii trees along the southern boundary of the site could be protected by condition if necessary. The landscaping of the site would be a condition of any consent. These issues will be considered in further detail at the reserved matters stage.

Biodiversity

41. The development would not harm biodiversity interests. Whilst it is noted that the site has already been cleared, it was not considered to have any known biodiversity constraints and the vegetation clearance was carried out after the bird nesting season. Conditions in relation to the clearing of any further vegetation outside the bird breeding season and an ecological enhancement scheme would be conditions of any consent.

Flood Risk

42. The site is situated within flood zone 1 (low risk). A Flood Risk Assessment is not required for a site of this size within this flood zone. Adequate methods of surface

water drainage would need to be achieved to accord with Policy NE/11 of the LDF to ensure that the development would not increase the risk of flooding to the site and surrounding area. This issue will be considered in further detail at the reserved matters stage.

Other Matters

43. The development is not considered to result in the loss of features of archaeological interest and historic importance providing a condition is attached to any consent to require an investigation and recording of any findings.
44. The site is located in a sustainable location within the village framework that is the preference for development rather than a site such as the barracks that is in the countryside. However, given the shortage in housing supply within the district, both sites should be considered favourably unless the benefits are outweighed by harm.
45. Whilst it is noted that the indicative layout plan submitted with the application does not show the position of development in relation to the neighbouring dwellings, it is to scale and the location plan that is also to scale shows the position of dwellings. The site has been visited and other information considered that has enabled officers to make a complete and thorough assessment of the scheme.
46. The decision on the application has not been made to date. However, an informal opinion has been given by officers in relation to the proposal in accordance with the Council's development plan policies.
47. The road would be wide enough to allow a refuse vehicle to access the development. Therefore, it would be unlikely that there would be a bin collection area at the entrance to the site. This issue will be considered in further detail at the reserved matters stage.
48. The date of the speed and traffic survey is considered acceptable due to the lack of any change in circumstances since 2010.
49. The development could be effectively screened to ensure that any noise from the adjacent small holding and child care facility would not cause disturbance. This issue will be considered in further detail at the reserved matters stage.
50. External lighting would be a condition of any consent. This issue will be considered in further detail at the reserved matters stage.
51. It is noted that the site did not originally form part of the coalyard and was previously the garden to a property in St Andrews Hill.
52. The loss of value to a property is not a planning consideration that can be taken into account when determining this application.

Recommendation

53. It is recommended that the Planning Committee approves the application (as amended) subject to the following conditions and informatives: -

Conditions

- (a) Approval of the details of the layout of the site, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline only.)
- (b) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - The application is in outline only.)
- (c) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - The application is in outline only.)
- (d) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan and drawing number J111/SK02 Revision B.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (e) The access and highway build out shall be constructed in accordance with drawing number J111/SK02 Revision B to the satisfaction of the Local Highway Authority prior to the occupation of the dwellings.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (f) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
(Reason – To prevent surface water discharging to the highway in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (g) No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
(Reason – To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (h) Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4 metres measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 32 metres measured along the channel line of the public highway from the centre line of the proposed access road in both directions. The splays shall be maintained free from any obstruction over a height of 600mm
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- (i) Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2.0 metres x 2.0 metres measured from and along respectively the back of the footway
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (j) Drawing number 120379/01 Revision F is specifically excluded from this consent.
(Reason - The application is in outline only and the plan is indicative of the layout, scale, appearance and landscaping of the development.)
- (k) No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (l) 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.)
- (m) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are 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.)
- (n) Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.
(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.

- (o) No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.
(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- (p) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- (q) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
(Reason - To ensure an adequate water supply is available for emergency use.)
- (r) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)
- (s) No development shall commence until a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security lighting, has been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare) and shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) 'Guidance Notes for the Reduction of obtrusive Light'. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details.
(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.)
- (t) During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 hours on Saturdays, nor at

any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

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

- (u) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
- i. The numbers, type and location on the site of the affordable housing provision to be made;
 - ii. The timing of the construction of the affordable housing;
 - iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

(Reason - To ensure the provision of an agreed mix of affordable housing in accordance with Policy HG/3 of the adopted Local Development Framework 2007.)

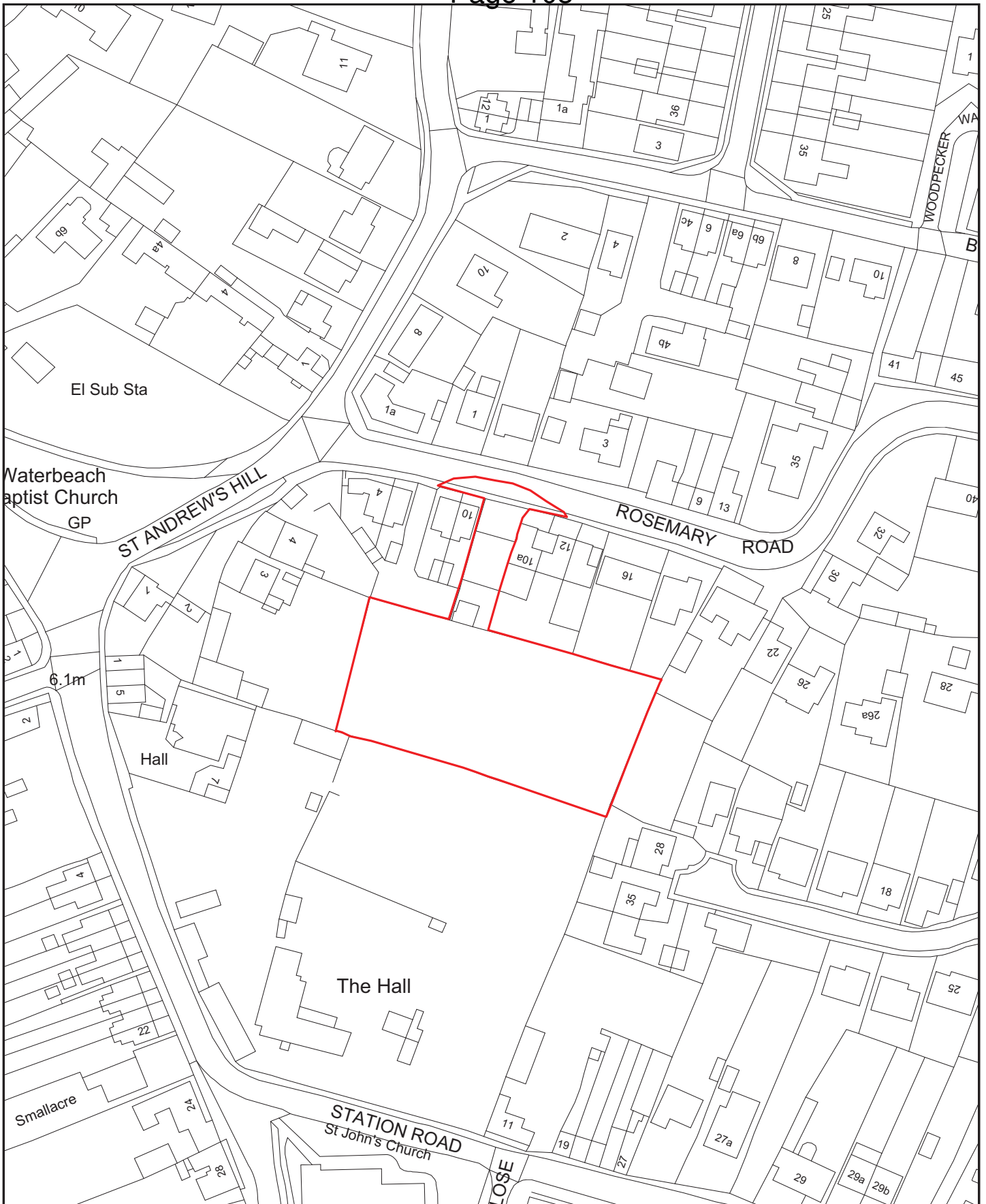
- (v) No development shall begin until details of a scheme for the provision of education places, highway regulations, outdoor sport and playspace, indoor community facilities, waste receptacles, waste infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards 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.)

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: Development Affecting Conservation Areas SPD - Adopted January 2009, Listed Buildings SPD - Adopted July 2009, Trees & Development Sites SPD - Adopted January 2009, Landscape in New Developments SPD - Adopted March 2010, and District Design Guide SPD - Adopted March 2010
- Planning File References: S/2555/12/OL, S/0654/08/O, and S/0381/07/O

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

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**South
Cambridgeshire
District Council**

Planning Dept - South Cambridgeshire DC



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

C/11/17/074/003 - 02/12/SC - OAKINGTON**To confirm or not confirm a Tree Preservation Order at 14 Cambridge Road,
Oakington****Recommendation: Confirm****Date for Determination: 17 March 2013****Notes:****This Application was deferred at February's Planning Committee for a site visit to be held and awaited responses from Oakington Parish Council.****Site and Proposal**

1. 14 Cambridge Road, Oakington comprises a bungalow built in the 1960's on an 'L' shaped plot of approximately 0.25 acres. The site is located near the crossroads where Dry Drayton Road, Water Lane, Longstanton Road and Cambridge Road meet and is outside the Oakington Conservation Area. The end of the garden backs onto properties 9 Dry Drayton Road and 6 – 10 Cambridge Road with mature trees including the subjects of the TPO providing a backdrop.
2. The area on which the trees stand has previously been in the ownership of South Cambridgeshire District Council and is subject to a covenant prohibiting development and, if that prohibition is waived, requiring that a payment in relation to the value of the development is made to SCDC. 14 Cambridge Road was sold as a property in need of modernisation in September 2012 and concerns were raised during June and July by local residents over the potential loss of the mature trees by future re-development of the site.
3. A site visit was made and a Tree Evaluation for Making a Preservation Order (TEMPO) undertaken which determined that a TPO was justified. A Tree Preservation Order was served on 17 September 2012 to afford statutory protection to three Sycamore, one Oak, one Beech, and two Sweet Chestnut trees.

Legal background

4. Local planning authorities may make Tree Preservation Orders if it appears to them to be, "expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area." (Town and Country Planning Act 1990, section 198(1)).

5. Even if a Tree Preservation Order is desirable on amenity grounds, it may still not be expedient to make it if, for example, the tree or woodland, is under good arboricultural management. However, it may be expedient to make an Order if, say, it was potentially threatened by being cut down, or otherwise pruned in such a way as to have a significant impact on the amenity of the area.

Consultation

6. **Chair & Vice Chair of Planning Committee**
Cllr Turner – Unable to attend consultation site meeting
Cllr Bard – Unable to attend consultation site meeting
7. **Local Members**
Cllr Edwards – Comments awaited
Cllr Wotherspoon – Unable to attend consultation site meeting
Cllr Harford – Attended consultation site meeting in January 2013.
8. **Other**
Gas Board – Comments awaited
EDF energy – Comments awaited
Clerk Oakington Parish Council – Parish Council support confirmation of the Tree Preservation Order
9. **Owner** – Objection received 21 September 2012:
 - The property was purchased with the intention of redeveloping the site and therefore the notice is potentially disruptive to future plans.
 - The owner accepts that the trees are an effective boundary with neighbouring properties but would be willing to erect a suitable fence or replant with a suitable species.
 - Light and air to the property and surrounding properties is restricted therefore the trees impact on the value of these properties.
 - Only the tops of the trees are visible from the public domain therefore their loss will have minimal impact on the local community.
 - The owner notes concerns over limb or complete tree failure and the potential for damage to neighbouring properties.
 - The owner notes concerns over root activity and the potential to damage or hinder the proposed erection of a boundary fence.

TPO comments

10. The TEMPO evaluation scores tree(s) on amenity, retention span, and public visibility based on the cumulative score of these categories – 7 or more - decides whether further factors can be considered and increase the score to provide a decision base.
11. Amenity value was considered fair, scoring 3, given the size of the trees and their location near a main road junction, retention span, scoring 4, was

determined as 40-100 years, relative public visibility scored 4 as the trees are large and clearly visible to the public.

12. The scoring totalled 11, the following categories, other factors looking at the trees as a group of trees important for their cohesion scored 4 and expediency to protect taken as a perceived threat scoring 2 placed a total score of 17 which provides a decision guide that a TPO is defensible.

13. **Objections Received - Response**

- The owner states that the property was purchased with the intent to redevelop the site, removal of the mature trees and replacement with a fence would not replace the canopy cover the trees form above the roofline of the surrounding properties.
- The trees do not significantly overhang the neighbouring properties in respect of overhanging dwellings although they do overhang garden areas, of these 4 properties only one is in private ownership the other 3 are SCDC housing stock.
- In law generally no one has a right to light therefore the issue over light has no legal standing, it is unlikely that the trees will be restricting air to the properties they absorb carbon dioxide and release oxygen, on the contrary it can be argues the trees absorb pollutants while providing shade from the sun and intercepting rainfall.
- The canopy of the trees are significantly visable on the approach to the junction and surrounding roads, towering above the roof line these trees have a significant impact in the landscape of this area as skyline trees.
- Failure of any tree is a possibility and any owner of a tree has a duty of care, the confirming of the TPO does not prevent works to the trees and if any of the trees included in the TPO were to become structurally compromised and unsafe they would be exempt from the TPO. Therefore issues over future maintenance and failure are not one of concern.
- The owner states concerns over root activity in erecting a boundary fence or future impact on a boundary fence, erecting a fence within the rooting area of the trees can be carried out carefully by hand digging all the post holes to avoid damage to the roots and the fence can be placed over any roots if required.

Recommendation

14. Confirm TPO with a variation to correct an administration error that identified a London Plan as one of the three Sycamore trees.

Reasons for confirmation

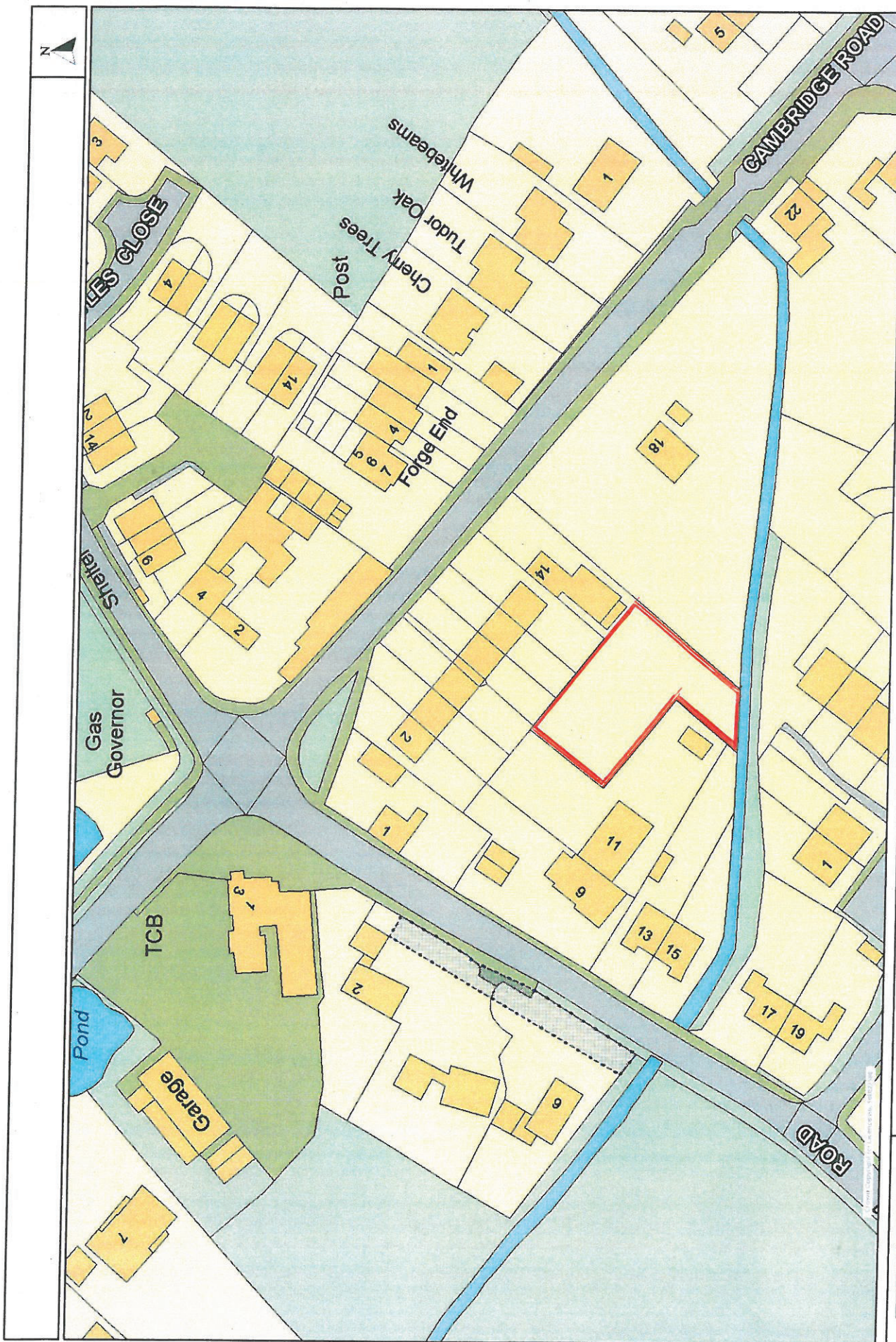
15. To retain the mature trees that are prominent in the location, providing a treed buffer and softening to the built environment at the cross road junction, and have public amenity value.

16. The confirmation of the TPO would be expedient given the potential threat to the trees.

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

- The Town & Country Planning (Tree Preservation)(England) Regulations 2012
- Tree Preservation Orders – A Guide to the Law and Good Practice, Department of the Environment, Transport and the Regions 2000
- Documentation relating to this proposed Tree Preservation Order on a file maintained by the Trees and Landscape Section

Case Officer: Roz Richardson – Tree Officer
Telephone: (01954) 713405



Date 25/2/2013

Scale 1/999
Centre = 541057 E 264197 N

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/1664/12/FL – ICKLETON**Change of use of annexe to form separate dwelling, modifications to existing access and associated fences, walls, gates, hardstanding and bin and bike stores at 66 Abbey Street for Mrs Barbara Cooper****Recommendation: Delegated Approval****Date for Determination: 20 March 2013****Members of Committee will visit the site on 5 March 2013****Notes:**

This application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of Ickleton Parish Council

Conservation Area**To be presented to the Committee by Kate Wood****Site and Proposal**

1. The site is located within the Ickleton village framework and inside the Conservation Area. No.66 Abbey Street is a two-storey render and slate dwelling located on the north side of Abbey Street. Within the rear garden area is a single-storey timber outbuilding. Planning permission was granted in 2005 to alter and extend this outbuilding for use as an annexe to the main dwelling. To the north the site abuts agricultural land that lies within the open countryside.
2. The application proposes to change the use of the annexe to form a separate one-bedroom dwelling. In order to facilitate this, and to provide separate garden and parking areas for each property, a number of external works are proposed:
 - Erection of a dividing fence.
 - An additional access and driveway (necessitating the removal of a hedge at the front of the site and a cherry tree)
 - Recycling and refuse areas
 - Existing gravel drive changed to block paving
3. Part of these works have already been carried out, with a fence having been constructed to subdivide the two garden areas and a separate pedestrian walkway created to the annexe.

Planning History

4. S/0177/05/F – Alteration and extension to outbuilding – approved subject to a standard annexe Agreement.

Planning Policy

5. National Planning Policy Framework 2012
6. South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/7: Infill Villages
7. South Cambridgeshire LDF Development Control Policies DPD 2007:
DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
HG/1: Housing Density
NE/1: Energy Efficiency
NE/6: Biodiversity
NE/15: Noise Pollution
CH/5: Conservation Areas
SF/10: Outdoor Playspace, Informal Open Space and New Developments
SF/11: Open Space Standards
TR/1: Planning for More Sustainable Travel
TR/2: Car and Cycle Parking Standards
8. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Development Affecting Conservation Areas – Adopted January 2009
Open Space in New Developments – Adopted January 2009
Trees and Development Sites – Adopted July 2009
District Design Guide – Adopted March 2010
9. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

10. **Ickleton Parish Council** – Recommends refusal, stating:

“We wish to make the following comments:

1. We felt that the application did not make out a sufficient case for setting aside the Section 106 agreement reached in 2005 relating to the house and the annexe.
2. Dividing the properties as planned left the original house at No. 66 with a very small private amenity area. We felt that the proposal would therefore result in an adverse impact on this dwelling and hence on the Conservation Area. This was not acceptable.
3. We thought that if No. 66 did not possess an annexe and the owner had divided up the plot as proposed and had applied for permission to build a new dwelling the size of the annexe this would have been regarded as an unacceptable instance of "garden-grabbing".

4. There are numerous properties in the Conservation Area with large gardens and outbuildings, and it was felt that if this application were granted it could create an unfortunate precedent.
 5. At no point in the application is the question of impact on the amenity of neighbouring houses addressed. It should be.
 6. The proposed installation of raised planters on the street frontage was felt to be inappropriate to the Conservation Area.
 7. The proposal would result in over development of that part of the Conservation Area, not least owing to the amount of fencing required.”
11. **The Conservation Officer** – Objects to the application and recommends refusal, stating that the proposal would be harmful to the character of the area for the following reasons:
- It would fragment the existing site by creating a separate dwelling. This would impact on the pattern of development in the Conservation Area, and alien to the strong linear form that characterises the area.
 - The existing site is open in character and the development will compromise this openness by loss of important green space which is a significant feature in the area.
 - The creation of a new vehicular access would result in the loss of a hedge and cherry tree and the replacement of the gravel drive with block paving would harm the character and appearance of the area.
 - The immediate setting of the dwelling would be affected. The erection of a low wall and planter, and a brick paved shared access will impact on the character of the Conservation Area and street scene.
 - The site is historically important as the cluster of outbuildings represent ancillary accommodation supporting the function of the bakery business. The outbuildings include the former granary and stables. The creation of the new vehicular access will result in the loss of garden area.
 - The site and surroundings contribute positively to the semi-rural character and appearance of the area by virtue of large plots with established gardens characterized by mature trees. This landscape setting provides important views along Abbey Street.
12. **The Trees Officer** – States that the yew tree has been identified for retention, but expresses concern regarding the impact of the proposed bin store(s) and hard landscaping adjacent to the yew tree. Specific details of the stores and landscaping should be submitted, in accordance with BS5837 2012, to ensure the yew is protected.
13. **The Environmental Health Officer** – Raises no objections providing a condition is added to any consent to control the hours of use of power operated machinery during the construction period.
14. **The Local Highways Authority** – Expresses concern regarding the proposed parking layout as it appears to be awkward and contrived. This can be resolved by providing two car parking spaces of 2.5m x 5m within the block paving area. Any consent would need to be subject to conditions requiring the provision of 1.5m x 1.5m pedestrian visibility splays, the use of a bound surface for the driveway, and construction of the driveway to prevent surface water draining onto the public highway.

Representations by members of the public

15. Letters of objection have been received from the owners of Nos.64 and 68 Abbey Street. The main points raised are:
- The barn was never intended to be used as a permanent dwelling. The original planning consent granted in 2005 required the annexe to be used and occupied as part of the main dwelling, and never as a separate unit of accommodation.
 - The residential amenity interests of No.64 Abbey Street would be seriously affected by the change of use. Planning permission was granted to extend No.64 based on the restricted use of the annexe. Now it is being used as a permanent dwelling, there has been a substantial increase in noise, reduced privacy, traffic and people accessing the property at all times.
 - The number of vehicles parking on Abbey Street has already increased as there is insufficient parking (just 2 spaces for a family home and the annexe to share).
 - If approved, the proposal would set an undesirable precedent for backland development in the area.
 - The development would create an undesirable intensification in the use of the site, with consequent loss of privacy and nuisance from vehicle and pedestrian movements adjacent to the boundary.

Material Planning Considerations

16. The key issues to consider in the determination of this application relate to: the principle of the development; the impact of the development upon the character and appearance of the Conservation Area; the impact upon the amenities of nearby residents; highway safety; impact on trees; and infrastructure requirements.

Principle of the development

17. The site lies inside the village framework of Ickleton, which is identified as an infill only village within LDF Policy ST/7. In such settlements, residential development is restricted to no more than two dwellings comprising (in part) the redevelopment or subdivision of an existing residential curtilage. The proposal would therefore comply in principle with this policy.

Impact on the character of the Conservation Area

18. With regards to the impact of the development upon the character and appearance of the area, the Conservation Officer has objected to the proposal on the grounds that it would result in the creation of a backland plot, which would be out of keeping with the linear pattern of development in the area and consequently harmful to the Conservation Area. In addition, the Conservation Officer has expressed concerns that the new vehicular access, additional hardstanding, loss of greenery and fences etc would also be detrimental to the character of the area.
19. The Parish Council has voiced similar concerns, stating that there are many properties in the Conservation Area with large gardens and outbuildings, and that the proposed development would be out of keeping with this character. The installation of raised planters and extent of fencing required is also considered by the Parish Council to be harmful to the character of the area.
20. The outbuilding that is the subject of this application is already in situ. As such, the main physical changes associated with the proposal relate to the erection of fences to subdivide the garden areas, the removal of a small section of hedge and tree from the

front of the site in order to provide an extended shared access and separate driveway to the proposed dwelling, and the provision of bin and bike stores for each dwelling. Officers consider that the extent of proposed hardstanding, and the overly formal and suburban appearance of the access works and planters at the front of the site would be inappropriate and harmful to the character of the area. These concerns have been discussed with the applicant's agent, as a result of which it is intended to amend the application to provide two parking spaces within the paved area at the front of the site and to provide a pedestrian only access from there to the proposed dwelling. The amended plans also remove the planters from the frontage and, instead, define the visibility splay areas through the use of a differing surface treatment. Officers have also requested that the proposed block paving be replaced with a bound gravel surface. Providing these improvements are incorporated into the scheme, it is considered that, as the building is already in situ, the development would not result in demonstrable harm to the character or appearance of the Conservation Area, or harm the open views through to the countryside beyond the northern boundary of the site.

Residential amenity

21. The original consent for the extension and conversion of the outbuilding was subject to a Section 106 agreement requiring the annexe to be used/occupied as part of the main dwelling only, and not as a separate unit of accommodation. The curtilage of the property has since been subdivided through the erection of close-boarded fencing, thereby providing both the main house and rear outbuilding with separate defined curtilage areas. With regards to the impact upon the amenities of nearby residents, the outbuilding is a single-storey property so its use as a separate dwelling would not result in any adverse overlooking of adjacent properties. Concerns have been raised by the owner of No.64 Abbey Street regarding noise and disturbance arising from the unauthorised use of the building as a separate dwelling, but this land has always formed part of the garden area of No.66 Abbey Street, with the approved plans dating from 2005, showing the provision of two parking spaces in this area, and the proposal would not therefore be introducing domestic activity in an area where there was previously none. The requested amendments to provide parking for the existing and proposed dwellings at the front of the site would negate the requirement to provide parking and turning areas in the curtilage of the proposed dwelling, and this would therefore minimise any impact upon the amenities of occupiers of Nos. 64 and 66 Abbey Street arising from vehicle movements.
22. With regards to the amenities of future occupiers of the proposed dwelling, there is a small bedroom window in the rear elevation of No.66 Abbey Street that is sited 18 metres from the front elevation of the outbuilding. Whilst this distance is lower than the desired 25 metres set out within the District Design Guide SPD, given the small size of the window and that views from this window are partially obscured by a long single-storey wing at the back of the property, there is no real sense or perception when standing in the garden area or within the property of being overlooked to an unacceptable degree. A two-storey extension is currently being added to the rear of No.64 Abbey Street, bringing the extended property in close proximity to the south-eastern corner of the curtilage of the proposed dwelling. This extension includes a first-floor bedroom window in its north elevation but this is at an oblique angle to the site and is not considered to unacceptably compromise the amenities of occupiers of the proposed dwelling by reason of overlooking.
23. The Parish Council has raised concerns that the proposal would result in overdevelopment of the area. The adopted District Design Guide SPD states that a one bedroom house should have a private garden space of 50m² in rural settings, whilst a 3+ bedroom property should have an area of 80m². Both the existing and

proposed dwellings would have curtilages exceeding this level of provision, and the size of each plot is therefore considered sufficient to ensure residents of each property would enjoy an adequate level of amenity.

Highway safety and parking

24. The application proposed a separate driveway and in-curtilage parking for each dwelling, resulting in a contrived and over-engineered layout that would be very much dominated by hardsurfaced areas. The Local Highways Authority has raised concerns regarding the awkward nature of the access and parking arrangements, suggesting that the parking spaces be provided within the shared block paved area at the front of the site. As set out within paragraph 20 of this report, amended drawings have been submitted that address these concerns.

Impact on trees

25. The Trees Officer has raised no objections to the loss of the cherry tree but has raised concerns regarding the impact of the landscaping and bin storage proposals upon the yew tree that lies within the proposed reduced curtilage of No.66 Abbey Street. The Trees Officer has advised that these concerns can be controlled through a condition of any planning consent.
26. The applicant's agent has commented that the requested amendments would provide ample space to reposition the bins etc away from the yew tree, thereby ensuring the development would not negatively impact on this tree.

Infrastructure requirements

27. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. For the 1 bedroom dwelling proposed, this amounts to £743.82. It would also result in the need for a contribution towards the provision of indoor community facilities (£284.08) and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £400). The application has been accompanied by a Heads of Terms. A Section 106 agreement to secure these contributions would need to be completed prior to any permission being issued.

Recommendation

28. Subject to the prior signing of a Section 106 legal agreement, delegated powers are sought to approve the application as amended 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: [amended plan number to be inserted].
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. The development, hereby permitted, shall not commence until details of the proposed bin stores and hard landscaping in the context of the yew tree have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
4. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
5. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 1.5m x 1.5m 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.)
6. The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority.
(Reason – To prevent surface water discharging to the highway in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
(Reason – To avoid displacement of loose material onto the highway in the interests of highway safety, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. 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.)
9. 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.)

10. No site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Local Planning Authority following BS 5837:2012. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Development Affecting Conservation Areas – Adopted January 2009, Open Space in New Developments – Adopted January 2009, Trees and Development Sites – Adopted July 2009, District Design Guide – Adopted March 2010
- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/1664/12/FL and S/0177/05/F

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

ENFORCEMENT REPORT**Purpose**

- To inform Members about planning enforcement cases, as at 14th February 2013. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

- | Period | Cases Received | Cases Closed |
|-------------------------------|----------------|--------------|
| January 2013 | 33 | 32 |
| | | |
| | | |
| 2013 YTD | 33 | 32 |
| Q 1 (Jan – March) 2012 | 127 | 107 |
| Q 2 (April – June) 2012 | 107 | 96 |
| Q 3 (July – September) 2012 | 98 | 148 |
| Q4 (October – November) 2012 | 125 | 110 |
| 2012 YTD | 457 | 461 |

Enforcement Cases on hand:

- Target 150
- Actual 113

Notices Served

- | Type of Notice | Period | Year to date |
|-------------------------------|--------------|--------------|
| | | |
| | January 2013 | 2013 |
| | | |
| Enforcement | 1 | 1 |
| Stop Notice | 0 | 0 |
| Temporary Stop Notice | 0 | 0 |
| Breach of Condition | 1 | 1 |
| S215 – Amenity Notice | 0 | 0 |
| Planning Contravention Notice | 0 | 0 |

Injunctions	0	0
High Hedge Remedial Notice	0	0

Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
PLABOC.337	Cottenham	1 Setchell Drove, Smithy Fen	08/01/2013
PLAENF.294	Gamlingay	Land rear of 7,9,11,13,15 & 17 Everton Road	16/01/2013

7. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
8. Full details of enforcement cases can be found on the Councils Web-site

Updates on items outstanding from the disbanded Planning Enforcement Sub-Committee

9. Updates are as follows:
- a. **Stapleford: Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road.**
The direct action approved by the Planning Sub-Committee was challenged in the High Court and leave was granted to apply for a Judicial review (JR) – Upon advice from Counsel the direct action was suspended to avoid a costly legal challenge. A comprehensive file has been compiled relating to the planning and enforcement information to-date and is now to be reviewed by Counsel with a view to take alternative action. Further inspection of the land has been carried out with the results being compiled along with witness statements as part of the action currently being instigated. *Work in progress.*
 - b. **Q8, Foxton**
Planning application in preparation
 - c. **Moor Drove, Histon**
Enforcement notice ENF/301/11 issued 13th April 2012 relating to plot 4 Moor Drove, re Storage of scrap materials and stationing of a container – Progress being made re the removal of materials however further inspection carried out on the 29th August 2012 revealed compliance with the enforcement notice still not fully carried out. Matter discussed with Legal - Warning letter issued requesting full compliance by the owner with the enforcement notice. Partial compliance with the notice made - Planning application submitted 1st October ref 2062/12/FL to address outstanding matters. *Application now validated,* No further progress at the time of this report

d. 23 Howard Road Meldreth

Section 106 outstanding payments. Matters now resolved papers to be returned to mortgage provider for execution – Once completed this will put in place an agreement for regular staged payments. No further progress at the time of this report – *Formalities completed. Miss Brown has now been asked to make payments in accordance the terms of the agreement*

e. Whittlesford – Scrapyard

Issues relating to mud on road have been addressed by County Council. Matters' relating to noise are being progressed - Retrospective planning application to be submitted for the weighbridge and separate planning application for the boundary fencing. Acoustic fencing scheme submitted for consideration – Retrospective application to follow once scheme accepted in principal. Application received, waiting validation – No further progress at the time of this report

Summary

10. The number of enforcement cases investigated during the January period showed a 37.5% increase when compared to the same month in 2012. Year to date 2012 revealed that the overall number of cases was down by approximately 1.51% which equates to 7 cases.

The numbers of cases on hand are 32.7% below the expected number of cases per enforcement officer for the same period.

11. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation.

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

Contact Officer: Charles Swain
Principal Planning Enforcement Officer

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2. SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as 22 February 2013. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

2.	Ref.no	Details	Decision	Decision Date
	S/1646/12/FL	Mr P Webster 49 Duddle Drive Longstanton Extension, internal alterations, new porch, new bay window	Allowed	01/02/13
	S/1766/12/FL	Mr C Frewin 114 Hinton Way Great Shelford Extension, bay window and improvement of property	Allowed	01/02/13
	S/0836/12/FL	Goreway Holdings Adj 7 Station Road Foxton Dwelling and garage	Dismissed	06/02/12
	S/2521/11	Mr T Deans Deans Farm Shepreth Road Fowlmere Conversion of a building (B1 usr) to a poultry, pet & equestrian store.	Allowed	13/02/13
	S/2521/11	Mr T Deans Deans Farm Shepreth Road Fowlmere Conversion of a building (B1 usr) to a poultry, pet & equestrian store.	Award of costs is allowed. SCDC to pay Mr T Deans	13/02/13
	S/0680/12/FL	Mr T Mendham 14 Fen Road Milton	Dismissed	14/02/13

	Dwelling House		
S/1180/12/FL	Mr D I Bowyer 22 Fen End Willingham Demolition of Existing House and erection of single storey dwelling	Allowed	14/02/13
S/0366/12/FL	Landmark Real Estate Woburn Place Heathfield, Thriplow Two dwellings	Allowed	14/02/13
S/0440/12/FL	Weston Homes (Housing) Ltd Land adj 7 Station Rd Over 26 dwellings with 39 parking spaces	Dismissed	15/02/13
	Barratts Long Drove/Beech Road Cottenham	Withdrawn	18/02/13

Appeals received

3.

Ref. no.	Details	Decision	Decision Date
S/2193/12/FL	Mr S Garner The Old Rectory Rectory Lane Kingston Retention of timber pergola located to the eastern side of house	Refused	01/02/13
S/0824/12/FL	Mrs Saunders & Miss Wisson Adj Meridian Court, Comberton Road Toft 3 Dwellings	Refused	01/02/13
S/1444/12/FL	Mr E Wells The Scholes Rectory Farm Road Little Wilbraham Chimney Air Conditioning units,gates, detached outbuilding	Refused	08/02/13
S/2341/12/FL	Mrs A Hurley 12 Little Lane Melbourn Loft Conversion& New dwelling	Refused	14/02/13

S/1150/12/LB	Mr S Gardner The Old Rectory Rectory Lane Kingston Cambridge	Non-determination	18/02/13
S/0383/12/FL	Mrs K Scott Field adj The Cemetery, The Causeway Bassingbourn Cof U of land from agricultural land to dog training, & the erection of 3 portacabins for a shop, day car facility & training (retrospective)	Refused	22/02/13

Local Inquiry and Informal Hearing dates scheduled before the next meeting on 6 March 2013.

4.

Ref. no.	Name	Address	Hearing
S/0041/12/FL	Mrs K O'Brien	Water Lane Smithy Fen, Cottenham	12- February 2013 Offered
S/2317/11	Barretts Eastern Counties & CJ Abbs	Long Lane Cottenham	19 February 2013 Cancelled and Appeal Withdrawn
S/0198/12	Mr & Mrs Lee	7 Belsars Field Schole Road Willingham	30 April 2013 Confirmed
S/1621/12	Mr T Buckley	The Oaks Meadow Road Willingham	1 May 2013 Confirmed
S/0518/12/FL	Mrs L Brown 3 Beaumont Place Meadow Road Willingham	3 Beaumont Place Meadow Road Willingham	2 May 2013 Confirmed
S/1188/12	Mrs L Holmes	2 Cadwin Field Schole Road Willingham	3 May 2013 Confirmed

Summaries of recent decisions

- **Weston Homes Housing Ltd– Erection of 26 Dwellings and Associated Works –Land adj to 7 Station Road, Over– Appeal dismissed.**

5. The main issues in this appeal were i) whether the site is in a sustainable location for the proposed housing, and, if not, whether any harm would significantly and demonstrably outweigh the benefits of the development, and ii) whether the development would preserve or enhance the setting of the Conservation Area and of the Grade 1 Listed Church. The case was determined by Public Inquiry and Mr G Twiss of Over Parish Council attended and spoke at the Inquiry.
6. Policy DP/1 of the Development Control Policies Document (DCP), adopted 2007, refers to sustainable development and notes, amongst other matters, a need to minimise travel and car dependency, and to require development to be consistent with the sequential approach set out in the Core Strategy (CS), also adopted 2007. This spatial strategy is contained in a suite of policies, including ST/6, which identifies Over as a Group Village, where a maximum of 8 dwellings will be permitted on a previously undeveloped site. The appeal proposal for 26 units conflicted with this requirement.
7. The National Planning Policy Framework (NPPF) requires planning authorities to maintain a five year supply of deliverable housing sites. On this point there was no dispute between the main parties that there is a significant shortfall (the South Cambridgeshire Annual Monitoring Report (AMR), December 2012, indicates a supply of 2.4 years). In procedural terms the Framework makes clear that where a five year supply of deliverable sites cannot be shown, housing applications should be considered in the context of the presumption in favour of sustainable development, with relevant policies for the supply of housing not being considered up to date. In accordance with the NPPF the appellants argued that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits and that the harm identified by the Council in its reasons for refusal did not significantly and demonstrably do so.
8. The Council argued that whilst the village is well served by local community and social facilities, it is deficient in three functions which are likely to generate regular journeys: there is no indication of significant sources of employment in the vicinity, there being an especially low ratio of local jobs to the working age population (the Inspector was referred to the South Cambs Village Classification Report, 2012); the nearest secondary school is Swavesey Village College, about 2.9km from the site; and anything other than the most basic shopping trip could not be fulfilled locally. The crux of the Council's Argument was that in the absence of significant local employment, services and facilities the occupants of any new development (of the scale proposed) in the village would have a high propensity to use a private car to reach such things. The Inspector was referred to the 2001 census information that indicates a preponderance of the use of private vehicles for journeys to work, Over having an especially low level of non-car use.
9. The appellants argued that the increasing trend in internet shopping negates the need for a settlement to contain a food shop in order to be sustainable. The Council's counter argument in this regard was that whilst the use of internet shopping is likely to be more popular in less accessible locations, the evidence falls short of proving that it plays a significant role in meeting local needs. Journeys out of the village for food shopping would therefore be a regular necessity for the majority of residents.

10. The inspector was convinced by the Council's arguments concerning the relative sustainability of Over as a settlement concluding that "this lack of sustainability is both significant and, in terms of the data presented to the appeal and the observations during the site visit, demonstrable, and the harm arising out of it equally so. There is a clear objective in the Framework to minimise the generation of greenhouse gases, to which private transport contributes, in order to diminish the effects of climate change. There is a need to actively manage patterns of growth to make the fullest possible use of alternative means of travel, which this development would not achieve."
11. Regarding heritage impact the Council presented information to demonstrate that the settlement was formed by linear development alongside the village streets, and that this is the basis of the Conservation Area. Subsequently there has been a greater depth and consolidation of built form, especially on the southern side of the village, so that the appeal site, and an adjoining field to the east, remain as open grassland, separating the Conservation Area from more recent housing. The adjacent parts of the Conservation Area are dominated by St Mary's Church, a large medieval structure which is Listed, Grade 1, and the Council presented the view that development of the open site would harm the setting of this building and, by association, the Conservation Area. The Council was able to argue this point on two levels, one on visual grounds and the other that the site and the church were historically owned and administered by Ramsey Abbey – one of the great early religious houses in the Region.
12. The appellants argued that views of the church across the site are of little value as in a majority of cases they are only glimpsed through an existing hedgerow. In addition they argued that the site is private land without public access and as such open views across the site are extremely limited. The appellants argued that in actuality a development scheme that improved public access would be a beneficial feature. In this respect, the appellants proposed a landscaped sitting area in the middle of the site affording views of the church, and to provide public access through it, from Station Road to Turn Lane, to be secured by a planning condition. The Council's counter argument to this was that the public would not view the development site as a rational through route in the context of other more direct paths across the village and therefore these views would not be of substantial benefit.
13. The inspector concurred with the Council that there is no reason to doubt that the land has always been undeveloped, and that it formed part of the countryside which surrounded the Church and the development along the village streets. He opined that use of the site for 26 dwellings would remove the open quality of the land, which forms part of the historic setting of the Church and Conservation Area. Development in the manner proposed would be harmful to the established character of that setting.
14. NPPF paras. 133 and 134 distinguish between substantial and less than substantial harm to a heritage asset. Both the Council and English Heritage considered that the harm would be less than substantial, and such a view would be consistent with the tenor of the PPS5 Practice Guide, which groups substantial harm with the demolition or destruction of a heritage asset, which clearly didn't arise in this case. In these circumstances, the NPPF requires the harm to be weighed against the public benefits of the proposal. Whilst great weight should be given to conservation of a heritage asset, the level of that weight in any particular instance is proportional to the significance of the asset. Any harm identified requires a clear and convincing justification.
15. During the Inquiry the appellants argued that, should the inspector agree that there was 'less than significant harm to the heritage assets of the area' then the public

benefits of affordable housing provision, high quality design, housing provision and biodiversity enhancement were sufficient to outweigh this harm. The Council countered this by arguing that these were all benefits that any development would be expected to achieve as a minimum and therefore could not be considered sufficient to outweigh the harm identified. The inspector's decision supported the Council's argument in this regard.

16. The Inspector's overall conclusion was that the benefits that development brings with it are subject to the development being in the right place to support growth, and accessible to local services. In failing to meet these objectives, the Inspector considered that the development would create an unsustainable demand for private transport, with consequent environmental implications, and would fail to conserve the setting of designated heritage assets. He found that both aspects are contrary to the objectives of the NPPF and, despite the presumption in favour of sustainable development, and whether taken together or individually, amount to harm which clearly outweighs the benefits of the scheme. For these reasons, the appeal was dismissed.
 - **Mr T Deans - Conversion of a building (B1 use) to a poultry, pet and equestrian store – Deans Farm, Shepreth Road, Fowlmere – Appeal allowed and costs awarded to the appellant**
17. This appeal followed the decision of the Planning Committee to refuse permission for a retail outlet in part of the existing buildings contrary to the officers' recommendation of approval. The main issues were identified as the effects on the local rural economy, viability of surrounding village shops, and vitality of rural and village centres; and whether the site would be accessible to future customers, having regard to the principles of sustainable development. The appeal was considered by an exchange of written representations.
18. The appeal building has been used in recent years to make up wood shavings, hay and straw, the majority of which is produced on the farm, into plastic bags for wholesale distribution to retail outlets for sale as pet and animal food and bedding. The proposal would involve the use of one of the sections of the building to retail these goods, along with a limited range of other associated products, direct to the public.
19. Local Development Framework policies allow for well-conceived farm diversification schemes, and the sale of produce and/or craft goods from farms where the majority of goods are produced on the farm or in the locality. The purpose of this approach is to allow farm businesses to effectively contribute to the rural economy, whilst preventing sporadic retail uses in the countryside that could harm the viability of surrounding village shops or the vitality of rural and village centres. More recent national policy encourages a positive approach to economic growth and diversification in rural areas, including the expansion of all types of business through the conversion of existing buildings.
20. The inspector found that the proposal would represent an additional activity that would help to diversify the existing agricultural business as encouraged by national and local planning policies. Most of the hay and straw that would be retailed from the appeal site would be produced on the farm, and in terms of bulk, it seems likely that such produce would represent the majority of goods to be sold from the site. Whilst there is no evidence to suggest that the other items to be sold as part of the proposal would be produced locally, they are limited in range, all clearly appropriate to a poultry, pet and equestrian store, and it seems likely that many would be purchased

less frequently than the bags of hay and straw. The types of goods sold could be restricted by a planning condition if the appeal were allowed, in order to prevent the sale of convenience or other goods that ought to be retailed from village or other rural centres. On this basis the proposal would accord with the local and national planning objectives.

21. The inspector noted there are a number of retail outlets in the local area, including two around 2.5km from the appeal site, that sell, amongst other things, similar goods to those that it is proposed be sold from the site. But while concerns have been raised that the proposal would damage the viability of these existing retail outlets, planning policies do not protect all existing businesses from competition, even in the current economic climate. While there may be a number of large retail units similar to the appeal property, some empty, in the local area, there was no substantive evidence before the inspector that the proposal would lead to existing businesses to fail, undermine the viability of village shops, or harm the vitality of village centres.
22. The appeal site has found to have reasonable road access, and is only around half a mile from the village of Fowlmere, with several other villages located not far away. The bulky nature of bags of hay and straw means that many customers would be likely to come by car to purchase such goods, even if reasonable public transport services were available to the retail outlet. Only limited weight could be attached to the fact that the appeal site is not easily accessible by public transport. Furthermore, the nature and restricted range of the goods being sold would mean that customers would be likely to come from the local area, and be limited in number. Accordingly, the proposal is unlikely to generate a significant number of additional long car journeys. The site was therefore reasonably accessible.
23. In allowing the appeal, the conditions suggested by the Council were generally agreed. These limit the types of goods sold and the retail use to the specific part of the building as indicated on the submitted plans; a limit on the times at which retail sales take place, and deliveries are made to and despatched from the site; adequate car parking and turning space; details of foul and surface water drainage; and preventing the outside storage of materials and equipment, and to ensure that any waste stored outside is in appropriate containers.
24. With regards to the application for costs, the inspector concluded that, having considered representations made by Fowlmere Parish Council and from the owner of a local pet store, the Committee decided to refuse the planning application, contrary to the professional advice of officers. Whilst the reason for refusal refers to a relevant development plan policy there was no indication that the Committee properly assessed the proposal against the criteria set out in that policy, including whether the majority of goods sold would be produced on the farm or locally, and whether controlling the types of goods sold by the imposition of a condition would overcome any concerns. Nor was there any substantive evidence to justify the conclusion that the proposal would cause harm to the objectives of that policy, or that appropriate weight was given to more recent national policy. Rather than properly considering the likely effect on the vitality and viability of village centres and sustainable patterns of development, it seems undue weight was given to protecting existing businesses from competition.
25. There was a lack of realistic and specific evidence to substantiate the argument that the proposal would harm the viability and vitality of village centres. Nor was there a convincing explanation for why the imposition of conditions to control the types of goods sold, and limiting the extent of the retail use, would not prevent any such harm. With regard to sustainable patterns of development, the Council has not reasonably

demonstrated that the proposal would represent an unsustainable form of development.

26. The inspector therefore found unreasonable behaviour resulting in unnecessary expense has been demonstrated and that a full award of costs is justified.
- **Landmark Real Estate – Two Dwellings and Garage - Land to the South West of 8 Woburn Mews and 54 Woburn Place, Thriplow - Appeal allowed and costs awarded to the appellant**
27. A planning application for 2 dwellings and a garage was refused by Members at the Planning Committee meeting on 9 May 2012, contrary to the officers' recommendation of approval. The site lies on the east side of the entrance to the Heathfield Estate from the A505. Members felt that the form, design and scale of the proposed dwellings in such a prominent location would harm the character and appearance of the area. There had been a previously dismissed appeal for a similar development on the grounds of the appearance of the gable end of the dwelling on plot 2 facing the road and its proximity to the road. Officers had negotiated the scheme, in particular to ensure the dwellings would relate better to the adjacent development and to improve landscaping.
28. The Inspector noted that the dwelling on plot 2 would now provide "an elevation with interest and life that would complement the character of the area" and that there would be sufficient space for landscaping. He considered that the dwellings would be seen as a continuation of the existing pattern of development. Consequently, he decided that the dwellings would not harm the character and appearance of the area and would comply with Policy DP/3 as it would not have an adverse impact on village character, as well as the NPPF requirement for development to respond to local character and reflect the identity of local surroundings.
29. The Inspector also awarded FULL COSTS to the appellant as a result of the unreasonable behaviour of the Council in refusing the application leading to the unnecessary expense of an appeal. In particular, he states that where a previous Inspector has indicated that elements of the previous proposal would be acceptable, it is unreasonable for the Council to object to them unless there were material planning considerations that were not related to the previous appeal. As there were none, the appellant could reasonably expect that the application would be decided upon whether the changes made to the new application would satisfactorily address the specific issues that led to the dismissal of the previous appeal. The Council has not had sufficient regard to the conclusion drawn by the previous Inspector and has not addressed the specific changes to the dwelling on plot 2.

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

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