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22 March 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, 3 APRIL 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

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AGENDA

PAGES

PUBLIC SEATING AND SPEAKING

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

PROCEDURAL ITEMS

1. **Apologies**
To receive apologies for absence from committee members.
2. **Declarations of Interest** 1 - 2
3. **Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes (uploaded to the website) of the meeting held on 6 March 2013 as a correct record.

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OUR VISION

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

OUR VALUES

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

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

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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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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

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/0534/12/VC - CAMBOURNE

Variation of Condition 1 of S/6133/01/RM (food store, settlement centre and settlement centre car park) to increase the limit of maximum net sales area within the food store from 2,800m² to 3,200m² (Retrospective)

at Wm Morrison Supermarkets Plc, Broad Street Cambourne

for Wm Morrison Supermarkets Plc

Recommendation: Delegated Approval Subject to a S106

Date for Determination: 3 July 2012

Notes:

This application has been reported to the Planning Committee for determination because the officer's recommendation of approval is contrary to Cambourne Parish Council's.

Members visited the site on 1st June 2012

Deferred from 11th November 2012

To be presented to the Committee by Melissa Reynolds

Update

1. Members will recall that this application was deferred from its 6th June 2012 meeting at officer request. The application was then considered at the 11th November 2012 meeting when it was deferred by the Committee. The Committee asked for an independent retail consultant's report to be commissioned to assess the impact of the proposal on the viability of future retail development along Cambourne High Street.'
2. The report to the November meeting can be found at **Appendix 1**.
3. Officers have since sought advice from an independent consultant. The advice received is contained at **Appendix 2**.
4. The report received advises:
 - a) Cambourne as a centre has a good range of convenience, comparison and service uses. Vacancy rates are very low, which indicates the centre is healthy.
 - b) It notes that the area immediately joining Morrison's are two completed developments that appear quieter than Morrison's.

- c) Development in the pipeline is not likely to utilise all the capacity identified in the short-term.
 - d) That Cambourne is still expanding with significantly more housing to be built and has yet to reach its potential, therefore the centre appeared to be relatively vital and viable.
 - e) Two permissions for further retail in Cambourne have been submitted and approved. This is evidence that the proposal has not impacted on planned investment in the centre, had either applicant been concerned at the effects of Morrison's application, they would not have submitted.
 - f) Given the qualitative deficiencies of the store in terms of its cramped layout, the increase in sale area is unlikely to lead to any material increase in the store's convenience turnover and it is likely that the store will continue to under-trade relative to the store's national average.
 - g) The increase in convenience sales area of 268 sq m will not result in any material increase in the store's turnover and will not impact on the businesses in the centre to any material degree.
 - h) It concludes similarly, in relation to the proposed increase in comparison sales area of 132 sq m
 - i) The increase in turnover of the store will lead to an overall increase in the turnover of the centre as a whole.
 - j) The centre is trading well and is vital and viable.
5. In summary the report concludes with a recommendation that planning permission be granted.
6. The recommendation has been amended in view of MCA's indication that it would not wish to be a party to a Deed of Variation. The Legal officer's advice is that a new Section 106 Agreement can be secured from Morrison, which would cover the original provisions, where they are still applicable, and the amended wording described above. MCA would not have to be a party to this new section 106 Agreement because it no longer has a legal interest in the land and building comprising the supermarket.
7. The new Section 106 Agreement will deliver covenants binding the land and building comprising the supermarket to accord with the recommended approval for this proposed variation of planning condition i.e. no more than 596sq m (6415.3 sq ft) of the net sales area of the supermarket building may be used for the sale to members of the public of comparison goods. All other provisions of the existing S106 will be replicated.
8. The applicant has also requested that the restrictions on floorspace by category are also revised to reflect the store's updated layout. It is recommended that an overall limit be retained but with higher limits for chemists goods and recreational and other miscellaneous goods, as below:
- Chemists goods: 152 sq m
 - Recreational and other miscellaneous goods: 180 sq m
 - All other categories: 92sq m

These revised limits reflect the layout indicated on the submitted floor layout plan.

Recommendation

9. It is recommended that the Planning Committee gives officers delegated powers to approve the application subject to:
- a) Section 106 as detailed in paragraphs 7 and 8 above and

b) The following Conditions and Informatives:

Conditions

1. The building hereby permitted shall not exceed a maximum gross internal floorspace on both storeys of 5740m² incorporating a maximum net sales area of 3200m².
(Reason: To ensure an appropriate level of convenience shopping within a single unit, in keeping with the size of Cambourne and its immediate catchment area, whilst recognising the need to allow for the development of other retail units planned for this local shopping centre within this new settlement, in accordance with the aims of the Approved Master Plan and Design Guide).
2. The refuse storage area and recycling facilities shall be maintained for use for these purposes.
(Reason: To ensure that appropriate facilities are provided for refuse storage and recycling given that this will now form the principal recycling facility for Cambourne).
3. No barrier shall be installed at the entrance to or exit from the car park, unless previously agreed in writing by the Local Planning Authority.
(Reason: To ensure the car park remains available for use by members of the public at all times).
4. The northern boundary treatment to the foodstore shall be maintained hereafter.
(Reason: To ensure the visual quality of the development).
5. Covered secure parking for bicycles for staff and cycle parking for visitors for use in connection with the supermarket shall be maintained hereafter.
(Reason: To ensure provision for cycle parking is retained).
6. Details of the location and type of any power driven plant or equipment, including equipment for heating, ventilation and for the control or extraction of any odour, dust, or fumes from the building but excluding office equipment and vehicles and the location from the building of such plant or equipment, shall be submitted to and approved, in writing, by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(Reason: To safeguard the amenity of nearby residents and adjoining users and in order to minimise the intrusion of such features into the street scene).
7. There shall be no external storage of materials and products save for recycling bins and refuse to be store, as agreed by condition 2.
(Reason: To prevent unsightliness).
8. No openings in any elevation of the foodstore hereby permitted shall have canopies, grilles, shutters or blinds attached to any part of the aforementioned units, unless agreed in writing by the Local Planning Authority.
(Reason: In the interests of visual amenity).
9. The permanent space to be reserved on site for turning, parking, loading and unloading shall hereafter be maintained).
(Reason: In the interests of highway safety).

10. No lighting, bollards to CCTV shall be installed other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure a coordinated approach to the provision of lighting/structures).

Informatives

1. The application site is subject to a Planning Obligation Agreement under S106 of the Town and Country Planning Act 1990 (as amended), dated [date completed to be inserted].

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

- South Cambridgeshire Local Development Framework Core Strategy DPD (adopted January 2007)
- South Cambridgeshire Development Framework Development Control Policies DPD (adopted July 2007)
- National Planning Policy Framework (NPPF), published March 2012
- Circular 11/95 (The Use of Conditions in Planning Permissions)
- NW Cambridge Supplementary Retail Study – Final Report (published 2011)
- Planning File Refs: S/1371/92/O, S/6084/00/RM, S/6133/01/RM, S/6134/01F, S/6165/02/F, S/6239/04/I, S/6393/07/F, /6383/06/F, S/6379/06/F, S/6438/07/O and S/0534/12/VC

Case Officer: Mrs Melissa Reynolds – Team Leader (Planning)
Telephone: (01954) 713237

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 November 2012

AUTHOR/S: Planning and New Communities Director

S/0534/12/VC - CAMBOURNE

Variation of Condition 1 of S/6133/01/RM (food store, settlement centre and settlement centre car park) to increase the limit of maximum net sales area within the food store from 2,800m² to 3,200m² (Retrospective)

at Wm Morrison Supermarkets Plc, Broad Street Cambourne

for Wm Morrison Supermarkets Plc

Recommendation: Delegated Approval Subject to Variation of S106

Date for Determination: 3 July 2012

Notes:

This application has been reported to the Planning Committee for determination because the officer's recommendation of approval is contrary to Cambourne Parish Council's.

Members visited the site on 1st June 2012

Deferred from 6th June 2012

To be presented to the Committee by Melissa Reynolds

Site and Proposal

1. Morrison's supermarket is located on the north side of Cambourne High Street at its junction with Broad Street. The site encompasses the store, petrol station and car park. It is bounded to the north by De La Warr Way. A vacant site for retail development and Sackville House, housing a library, health centre and Trading Standards lie to the west of the car park. South of the site, fronting High Street is building W2, accommodating shops and flats.
2. This planning application seeks to vary a condition of the original planning permission for the supermarket. The condition limited the maximum gross internal floor space on both storeys to 5740m², incorporating a maximum net sales area of 2800 m². The application seeks to vary this to allow a maximum net sales area of 3200 m². No physical extensions to the building are sought.
3. The store has, earlier this year, undergone a programme of internal alterations to its layout to allow the store to operate more flexibly from its existing premises.
4. The application is accompanied by information to support the variation proposed:

- a) The store is the focus of the settlement centre and is the only food store in the centre. Retail proposals should be considered appropriate in the centre.
 - b) Popularity with its customers – serving the growing population of Cambourne plus villages between St Neots, Huntingdon and Cambridge, most which have limited essential convenience shops only capable of performing a 'top up' shopping role.
 - c) The store is very busy and at peak times shopping conditions become uncomfortable.
 - d) In recent years, foodstores have increased in size to reflect customers' desires to undertake one-stop bulky shopping trips. The small size of the store means Morrisons is unable to provide customers with the same quality of shopping experience and range of goods that are available at competing superstores. This is contrary to PPS4, which seeks to facilitate greater consumer choice and to encourage a competitive retail sector.
 - e) The increase in sales area will allow more comfortable shopping conditions due to greater circulation space and delivery of an improved bulk food shopping offer that is of the same standard as other existing superstores in the wider surrounding area.
 - f) The current restriction on net sales floor area was designed to ensure 'an appropriate level of convenience shopping within a single unit, in keeping with the size of Cambourne and its immediate catchment.' Cambourne has seen significant growth since and the store serves an extensive rural catchment. A marginally larger net sales area should be considered appropriate in this location.
 - g) At 2800 m² the current cap on net sales area means that Morrisons is restricted to a net gross factor of 48.8%. Countrywide Morrisons stores generally operate at an average net to gross factor of approximately 55%. The variation sought would bring the store at Cambourne into line with company average.
 - h) The site's in centre location means that the sequential test and issues of impact are not relevant. The impact of the proposal is minimal due to its small scale and fact that it would not be expected to alter the patterns of expenditure in the catchment area.
 - i) PPS4 requires retail proposals for in-centre locations to have regard to issues of scale. Increasing the cap on net sales area by 400 m² will have a negligible impact, reflects internal layout changes being made across the country as Morrisons rolls out its 'stores of the future' concept, and the quantum of back-up and storage area is decreased as the overall floorspace will remain unchanged.
 - j) The principle of increasing the sales area has already been accepted by the Council during its consideration of planning application ref. S/6393/07/F, which was refused due to loss of car parking for the centre.
5. Additional information submitted on 17th May 2012 includes further explanation in relation to the proposed increase in net sales area and addresses the concern raised by the Parish Council in relation to the sales of comparison goods within the store. This letter was accompanied by (a) a plan of the ground floor illustrating the area previous and the new net sales area; (b) A plan showing the areas within the store now being used for comparison goods by category and area; and (c) a copy of 'The Study Area & Household Survey Zones' plan taken from the 2008 Cambridge Sub-Regional Retail Study. The letter confirms that:
- a) The main increase in net sales area results from removal of the entrance gates and moving the Customer Services kiosk so that the former entrance

area can be utilised for the sale of plants and flowers. Circulation space has been improved, predominantly around the fresh produce aisle.

- b) The submitted plan showing the areas being used for sale of comparison goods shows that all categories are compliant with the 92m² restriction, however, the total area has increased to 596m², the limit within the S106 being 464m². A Deed of Variation will be provided to amend this clause.
- c) Cambourne functions as the main shopping destination for the residents of Cambourne and the Morrisons constitutes the primary shopping facility. The granting of permission for an additional 950 homes represents an increase in population of around 2,400 persons. There is a need to reflect that increase by providing for improved shopping facilities in the settlement. They consider the improved Morrisons store to be the most sustainable way of meeting bulk food shopping needs of the additional population.
- d) The store serves a wider catchment, beyond Cambourne, notwithstanding its position within the retail hierarchy. The primary catchment for the Morrisons comprises Cambourne and the surrounding villages.
- e) The surrounding villages have very limited food shopping facilities for essential needs only. Morrisons plays an important role in meeting bulk food shopping needs of the residents of the surrounding villages.
- f) Morrisons has a significant market share, as analysed in the 2008 Cambridge Sub-Regional Retail Study.
- g) The store needs to provide a similar quality of shopping experience and range of goods to other large supermarkets to serve this catchment to avoid expenditure leakage from the catchment to competing retail facilities at Huntingdon, St Neots, Royston and Bar Hill. All competing stores are larger, notably Bar Hill. It is concerned about exacerbating leakage to these other stores.
- h) Approximately 81% of the store's sales area is dedicated to convenience goods and the remaining 19% of the sales area (i.e. 596m²) is for the display of a limited range of ancillary and complementary comparison goods that aim specifically to cater for small impulse purchases that customers expect to buy when undertaking their main food shopping. In this way, it will not function as a comparison goods shopping destination in its own right and therefore, it does not pose a threat to in-centre comparison retailers and / or future investment. The 2008 Retail Study Household Survey results confirm that Morrisons does not feature in any responses in respect of where residents carry out their shopping for comparison goods, unlike Bar Hill. In light of the modest increase, Morrisons will not harm the future development / investment in Cambourne and specifically the High Street. Indeed, they consider that the new Morrisons format represents a significant investment in Cambourne and will attract customers back to the store from competing stores such as Tesco at Bar Hill to the benefit of Cambourne.
- i) A further thirteen part-time staff have been employed as a consequence of the proposal.

Planning History

6. The principle of the existing Morrisons store was established by the outline planning permission for the settlement of Cambourne dated 20 April 1994 (ref. **S/1371/92/O**).
7. Reserved matters for the siting and means of access for a foodstore and settlement centre car park were granted on 22nd August 2001 (ref. **S/6084/00/RM**). It secured consent for the erection of a Class A1 retail store of 5,740 m² gross. The car park was required to be dual use in the sense that it would also serve surrounding development rather than just the supermarket.

8. The remaining reserved matters were granted permission (ref. **S/6133/01/RM**) in 2002. The petrol filling station, kiosk and car wash was approved under a separate reserved matters permission in 2002 (ref. **S/6134/01/F**). A link building to extend the café area between the supermarket and the adjacent W2 building facing the High Street (ref. **S/6165/02/F**) was granted permission in November 2002 but not implemented, and has expired. The loading area of the store has been enclosed under permission reference **S/6239/04/F**. There has also been a number of minor applications relating to matters such as advertisement consent.
9. An application to erect an extension to the sales area of the store (ref. **S/6393/07/F**) was refused and a subsequent appeal dismissed on grounds that the effective loss of car parking capacity which would result from the proposed supermarket extension would be prejudicial to the provision of sufficient car parking to adequately support the development of the centre as envisaged in the Master Plan.
10. In terms of the settlement centre, proposals for a DIY store and garden centre were submitted to the Council in January 2007 (ref: **S/6383/06/F**). The application proposed a 2,393 m² (gross) DIY store and a 932 m² (gross) garden centre. The application was withdrawn in February 2007 following objections from officers on design grounds. A planning application (ref. **S/1666/12/F**) relating to this site and one other undeveloped parcel fronting the High Street within the settlement centre is also due to be considered by Members at this meeting.
11. Planning permission was granted for a Care Home and 3 retail units on the corner of High Street and Monkfield Lane (ref: **S/6379/06/F**) in August 2007. This site remains undeveloped at present.
12. Outline planning application ref. **S/6438/07/O** was submitted by MCA Developments Ltd in August 2007, seeking approval for a further 950 dwellings (plus community building, open space and play areas) within Upper Cambourne. The application was approved in September 2011 and work has commenced on the first parcels, with five reserved matters permissions having been granted for a total of 222 units. A sixth reserved matters application for 98 dwellings is yet to be determined.

Planning Policy

13. **South Cambridgeshire Local Development Framework (LDF) Core Strategy DPD, adopted January 2007:**
 - a) **ST/4** Rural Centres
 - b) **ST/9** Retail Hierarchy
14. **South Cambridgeshire LDF Development Control DPD, adopted July 2007:**
 - a) **SF/2** Applications for New Retail Development
 - b) **SF/4** Retailing in Villages
15. **National Planning Policy Framework (NPPF), published March 2012** advises in paragraph 23-27 on the development of Local Plan policies and assessment of planning applications to ensure the vitality and viability of town centres. Paragraphs 26-27 establish that an impact assessment is required for proposals with a floorspace threshold of more than 2,500 sq m (or other locally set threshold).

16. **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

17. **Cambourne Parish Council** - recommends refusal on the following grounds:
- a) Insufficient information available to justify the increase in floor space.
 - b) It requires a plan indicating how the additional floor area has been created.
 - c) There is no reference to the Section 106 legal agreement (S106), which has restriction on the categories and amount of sales space as a maximum area of 464m² for comparison goods with each category not exceeding 92m². A plan is required to show how the proposed changes affect these limits and ensure the S106 is being complied with.
 - d) The above items are required to assure that the marketing and development of the High Street is not adversely affected by alterations to the area of comparison goods and increased floor area.
 - e) It challenges the statement that the increased floor area would provide more circulation space, as experience of the revised layout shows that the space between the shelves has been reduced in width reducing the level of circulation space.
 - f) It queried whether, if the plan is agreed, the S106 would subsequently need to be renegotiated.
18. The Parish Council has been consulted on the additional information submitted on 17th May 2012. In response, it has stated that it continues to recommend refusal on grounds that:
- a) "The increase in sales area will have a severe negative impact on the future High Street development, something that is already long overdue and needed by residents of Cambourne and surrounding villages.
 - b) There is a consequent reduction in future employment opportunities and sustainability for Cambourne, notwithstanding the 13 part time employment opportunities gained from the increase in sales area of the store.
 - c) The increase in comparison goods sales area is in breach of the S106 Agreement, particularly part 3, paragraph 2, which restricts the sales of comparison goods until the first occupation of the final unit of W1-W6. The reasoning for this paragraph has not changed since it was agreed.
 - d) That South Cambs. District Council themselves verify carefully the total net sales area and the sales area allocations of the comparison goods to ensure compliance with the current S106.
 - e) That South Cambs. District Council put in place a monitoring regime to ensure that the total net sales area and the agreed sales areas for comparison goods comply with the current S106.
- If the District Council were minded to approve the application (as recommended by the officer report for the SCDC Planning Committee meeting scheduled for June 6th) the Parish Council would request that:
- a) That the s106 be re-negotiated agreed and signed by all affected parties including the Parish Council prior to Planning consent being given.
 - b) That if the increase in floor area is agreed that it be used for increased varieties of food stuff and the floor area for comparison goods be kept at the same level as stipulated in the original s106.

- c) That South Cambs. District Council themselves verify carefully the total net sales area and the sales area allocations of the comparison goods prior to granting approval to ensure compliance with the amended S106.
- d) That South Cambs. District Council put in place a monitoring regime to ensure that the total net sales area and the agreed sales areas for comparison goods comply with the amended S106.”

19. **Economic Development Panel** – Supported the application and made the following points:

- a) Refer to the Cambridge Sub-Region Retail Study, published 2008, that informed the informal planning policy guidance document ‘Foodstore Provision in North West Cambridge Informal Planning Policy Guidance’, 2011, for information on catchment of Morrisons at Cambourne.
- b) It will intercept visits to Tesco at Bar Hill and as such increase sustainability by reducing travel.
- c) The condition was applied prior to the approval of an additional 950 homes at Cambourne. The proposal is modest and will cater for the increased population arising from that approval.
- d) Queried if any additional jobs were created as a consequence.

Representations by Members of the Public

20. Councillor Clayton Hudson:

“I am outraged by the planning officer's recommendation for WM Morrison's application.

In my opinion, the application is not appropriate and if approved, will have adverse impact the delivery of the rest of the High Street.

I will be speaking against the recommendation and strongly recommending refusal.

The principal reason why the retail offering within Cambourne has been so poor to date is due to the over-bearing effect of Morrisons and the deterrent this has placed on other retail occupiers.

This was clearly the very reason why well-considered limitations were placed upon the original Morrisons' consent, both in relation to net sales area and the area used for the sale of comparison goods.

Given all the meetings I have attended in trying to move forward the High St, it very apparent Cambourne has only very recently reached a population that might be able to sustain a larger and more varied retail offering. Anything that Morrisons are permitted to do to increase their net sales area can only exacerbate the problem that has persisted for many years and prejudice the very type of additional, varied retail offering that I strongly believe Cambourne residents are so keen to support.

In my opinion, the restrictions originally placed upon the Morrisons' consent were clearly inserted for very good reason – namely in order to limit the effect such a large store could have on the future development of a vibrant village centre. It is apparent from the evidence of the lack of any significant alternative retail development in Cambourne that such a large store has already limited the scope for alternative retail, and I see no reason why this should be relaxed - particularly when a more varied retail offering is within Cambourne's grasp.

Fundamentally, the rationale behind the original restrictions has not changed.”

21. Two residents of Cambourne have written objecting on grounds that:
- a) Need to protect the viability of new shops in Cambourne that are proposed.
 - b) The whole present layout of the shop and goods for sale gives the impression of intending both to squeeze out competition before it has even arrived. Stifling competition to totally thwart development of any retail business that may consider coming to Cambourne.
 - c) The application should be refused and enforcement action should be taken.
 - d) The store should return to the status that existed before they made the unauthorised changes.
22. New Crest (the developer working with the Cambourne consortium of house builders to bring forward further retail development within the settlement centre), Taylor Wimpey and Bovis (Cambourne’s consortium of house builders):

“Firstly, as you know we are spending a great deal of time and money to promote the retail development on our Sites 2 and 3 within the centre of Cambourne, hopefully to be shortly followed by an application on Site 1. The principal reason why the retail offering within Cambourne has been so poor to date is due to the over-bearing effect of Morrisons and the deterrent this has placed on other retail occupiers. This was clearly the very reason why well-considered limitations were placed upon the original Morrisons’ consent, both in relation to net sales area and the area used for the sale of comparison goods.

We would therefore object to the above application for a number of reasons:

- a) Cambourne has only very recently reached a population that might be able to sustain a larger and more varied retail offering – hence our proposed development, details of which are well known to South Cambs. Council as we have been within our formal pre-application period for some time now. Anything that Morrisons are permitted to do to increase their net sales area can only exacerbate the problem that has persisted for many years and prejudice the very type of additional, varied retail offering that Cambourne residents are so keen to support.
- b) We would also object to any increase in the area Morrisons are permitted to use for the sale of comparison goods. Occupiers selling comparison goods are a prime target for our proposed new retail development within Cambourne town centre and we would not therefore like to see the area allocated for similar sales increased within Morrisons, right on our doorstep, at the very time we are trying to induce occupiers to take new retail space.
- c) The location of the additional area which Morrisons proposes to use as net retail sales (i.e. directly at the main entrance to the store as shown by the blue line on the plans provided) is of very particular concern to us. Bringing this area into use clearly enables Morrisons to provide an area within their store for convenience retailing, where customers can buy goods without having to go into the main body of the store. This would be in very direct competition with what the residents of Cambourne are clearly seeking, this being alternative, small convenience retail sales stores. If Morrisons are permitted to amend their application in this manner I firmly believe it will have a very detrimental effect on the chances of introducing an alternative, varied retail offering within Cambourne centre and will probably

cause alternative convenience retail development to be delayed for many more years into the future, if not indefinitely. To give you an example here, I have received a written confirmation of interest from a local florist who wants to take a unit of around 800 sq. ft. in the high street, when we develop Site 1. Do you still think this will be viable now that Morrisons have brought 3,000 sq. ft. or so into net sales right in their entrance foyer, largely selling flowers? What is then to stop them also selling newspapers, loaves of bread, pints of milk etc. in this area – directly competing with potential high street convenience shops.

Don't get me wrong; I do not remotely have a personal issue with Morrisons – clearly they are a very good retailer and have brought a lot to Cambourne. But it this very fact, as with all of the large supermarket retailers, that squeezes out the potential for completion, unless actively and consistently controlled.

In summary, the restrictions originally placed upon the Morrisons' consent were clearly inserted for very good reason – namely in order to limit the effect such a large store could have on the future development of a vibrant town centre. It is apparent from the evidence of the lack of any significant alternative retail development in Cambourne, that such a large store has already limited the scope for alternative retail, and we see no reason why this should be relaxed - particularly at this juncture, when a more varied retail offering is within Cambourne's grasp. Fundamentally, the rationale behind the original restrictions has not changed."

Material Planning Considerations

23. The key considerations in determining this planning application is whether the increase in net sales area is appropriate to the scale of Cambourne in terms of its function as a Rural Centre, and whether if approved, it would have an adverse impact the delivery of the rest of the High Street.
24. Reviewing the net sales area also requires a consideration of the balance between convenience and comparison goods on sale, as there is currently a limit on the extent of comparison goods within the supermarket.
25. The effect of granting a variation of condition would be to issue a new planning permission for the supermarket and so appropriate planning controls need to be re-visited, including conditions and S106 obligations.

Net sales area

26. The supermarket is situated in the Cambourne settlement centre. In terms of retail hierarchy, it is not defined as a town centre. It is a local centre and policy ST/9 informs that these 'are appropriate locations for shopping to serve their local catchment area only'.
27. The local catchment of Cambourne has not been specifically defined, however in recent studies such as the 'NW Cambridge Supplementary Retail Study – Final Report' it is noted that:

'Cambourne Rural Centre is a new village lying approximately eight miles to the west of Cambridge which serves a planned housing development. Cambourne is still expanding and there are outstanding retail permissions which have not yet been implemented. The centre has a good range of uses and is anchored by a modern Morrisons foodstore. There are two retail developments adjoining Morrisons, which comprise a high proportion of retail

service uses.' (P68 NW Cambridge Supplementary Retail Study – Final Report).

'...whilst it is still expanding (there is significantly more housing to be built) and therefore is yet to fulfil its potential, the centre appears to be relatively vital and viable.' (P68, NW Cambridge Supplementary Retail Study – Final Report).

28. The applicant has advised that the supermarket at Cambourne serves a catchment of its own residents but also drawing customers from 'a hinterland which includes a large number of villages from Conington to the north, Barton to the east, Wimpole to south and Gamlingay to the west. It also draws shoppers from surrounding villages
29. The relatively modest increase in net sales area of 400m² will provide a sustainable, primary shopping facility for existing residents of Cambourne, its growing population and rural catchment. The population of Cambourne will increase by 29% as a consequence of permitting the extra 950 homes. The increase in floor space sought by the applicant is approximately 14%. In addition, the retail study for NW Cambridge suggests that Cambourne is 'relatively vital and viable' as a retail centre. It is unlikely, therefore, to significantly impact on retailing within the villages and the future development of the High Street.
30. The settlement centre currently has, in addition to Morrisons, a building society, estate agents (3 no.) chemists / post office, hairdressers, Chinese takeaway, Indian restaurant, bike shop, pizza takeaway, chip shop, dry cleaners and a betting shop. All existing units are currently occupied. In addition, the council has recently received a planning application for a convenience store on a vacant site at Lower Cambourne, adjacent to the cricket pavilion.

Increase in area for sale of 'comparison' goods

31. The S106 that accompanies the original outline planning permission for the supermarket placed a limit on the sale of comparison goods within the store. Of the total net sales area not more than 464m² can be used for comparison goods and not more than 92m² can currently be used for sale of each category of comparison goods. These categories of goods include: (a) books, newspapers, magazines, (b) clothing, footwear, (c) furniture, floor coverings, household textiles, (d) radio, electrical and other durable goods, (e) hardware and DIY supplies, (f) chemists' goods, (g) jewellery, silverware, watches and clocks, (h) recreational and other miscellaneous goods.
32. In a letter received on 2nd July 2012, the applicant has advised that all of the 8 categories for comparison have been complied with the 92m² limit except for small increases in all two categories and, the total comparison sales area is 566m². The terms of the existing S106 have not, therefore, been strictly adhered to for (a) chemist goods and (b) recreational and other miscellaneous goods. The total comparison floorspace has been exceeded by 101.6m², and overall there has been a 21.9% increase in the area permitted currently for the sale of comparison goods.
33. These limits are intended to be applicable until the date of the first occupation of the final unit comprised within the proposed ground floor element of units at W1-W6. Of these buildings, W1 – Caxton House on corner of School Lane and Broad Street and W2 (the building north of High Street & south of Morrisons & the car park) have been constructed. W3 and W4 are the remaining parcels fronting High Street on its northern side (between W2 and Sackville House). W5 and W6 are the vacant parcels

on the south side of High Street between the Monkfield Arms PH and a vacant site for offices (west of The Hub). The purpose of this restriction was limit the impact of a supermarket on delivery of the High Street.

34. The increase is relatively modest and results from revising the existing floor layout without needing to extend the building and, as such, it is not considered that the impact would be so great as to warrant a refusal. As the works have been carried out, if refused it would be necessary to also consider enforcement action. As there is no clear evidence of harm it would not be expedient or in the public's interest to take action.

Section 106

35. The Parish Council has made several requests, if approval is recommended. Firstly, it wishes to be a signatory to any S106. As the Parish Council is not a beneficiary of the S106 it would be not possible to include it in a deed of variation and is unnecessary. Legal advice has stated that a Unilateral Undertaking or S106 agreement between Morrisons and SCDC does require all interested parties to be signatories, although Morrisons is the successor in title. A Deed of Variation could be secured with MCA's agreement. A verbal update will be provided once MCA's position in relation this has been confirmed.
36. Secondly, it has requested, if the increase in floor area is agreed, that it be used for increased varieties of food stuff. It is not within planning powers to control the variety of goods a retailer sells and is not a material planning consideration.
37. Thirdly, it has asked that the floor area for comparison goods be kept at the same level as stipulated in the original S106. Given the proportionate increase of comparison goods being sold in relation to the predicted population of Cambourne, limits on floorspace, as set out by the applicant, are, in officers' opinion, within reasonable tolerances. Officers would not want to see total removal of the limits while the High Street is still be developed out but a small increase in the areas is considered reasonable and proportionate to other increases in floorspace.
38. Fourthly, that this council verify carefully the total net sales area and the sales area allocations of the comparison goods prior to granting approval to ensure compliance with the amended S106. Officers have checked the store layout against the latest plan provided. A further check can be made prior to completion of a S106 or issuing of a decision notice if approved.
39. Lastly, it asks that South Cambs. District Council put in place a monitoring regime to ensure that the total net sales area and the agreed sales areas for comparison goods comply with the amended S106. In light to of this, monitoring would be carried out by officers every six months. .

Recommendation

40. It is recommended that the Planning Committee gives officers delegated powers to approve the application subject to
- a) Section 106 requirements (deed of variation in relation to comparison goods), subject to MCA's agreement; and
 - b) The following Conditions and Informatives:

Conditions

1. The building hereby permitted shall not exceed a maximum gross internal floorspace on both storeys of 5740m² incorporating a maximum net sales area of 3200m².
(Reason: To ensure an appropriate level of convenience shopping within a single unit, in keeping with the size of Cambourne and its immediate catchment area, whilst recognising the need to allow for the development of other retail units planned for this local shopping centre within this new settlement, in accordance with the aims of the Approved Master Plan and Design Guide).
2. The refuse storage area and recycling facilities shall be maintained for use for these purposes.
(Reason: To ensure that appropriate facilities are provided for refuse storage and recycling given that this will now form the principal recycling facility for Cambourne).
3. No barrier shall be installed at the entrance to or exit from the car park, unless previously agreed in writing by the Local Planning Authority.
(Reason: To ensure the car park remains available for use by members of the public at all times).
4. The northern boundary treatment to the foodstore shall be maintained hereafter.
(Reason: To ensure the visual quality of the development).
5. Covered secure parking for bicycles for staff and cycle parking for visitors for use in connection with the supermarket shall be maintained hereafter.
(Reason: To ensure provision for cycle parking is retained).
6. Details of the location and type of any power driven plant or equipment, including equipment for heating, ventilation and for the control or extraction of any odour, dust, or fumes from the building but excluding office equipment and vehicles and the location from the building of such plant or equipment, shall be submitted to and approved, in writing, by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
(Reason: To safeguard the amenity of nearby residents and adjoining users and in order to minimise the intrusion of such features into the street scene).
7. There shall be no external storage of materials and products save for recycling bins and refuse to be store, as agreed by condition 2.
(Reason: To prevent unsightliness).
8. No openings in any elevation of the foodstore hereby permitted shall have canopies, grilles, shutters or blinds attached to any part of the aforementioned units, unless agreed in writing by the Local Planning Authority.
(Reason: In the interests of visual amenity).
9. The permanent space to be reserved on site for turning, parking, loading and unloading shall hereafter be maintained).
(Reason: In the interests of highway safety).
10. No lighting, bollards to CCTV shall be installed other than in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

(Reason: To ensure a coordinated approach to the provision of lighting/structures).

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

- South Cambridgeshire Local Development Framework Core Strategy DPD (adopted January 2007)
- South Cambridgeshire Development Framework Development Control Policies DPD (adopted July 2007)
- National Planning Policy Framework (NPPF), published March 2012
- Circular 11/95 (The Use of Conditions in Planning Permissions)
- NW Cambridge Supplementary Retail Study – Final Report (published 2011)
- Planning File Refs: S/1371/92/O, S/6084/00/RM, S/6133/01/RM, S/6134/01F, S/6165/02/F, S/6239/04/I, S/6393/07/F, S/6383/06/F, S/6379/06/F, S/6438/07/O and S/0534/12/VC

Case Officer: Mrs Melissa Reynolds – Team Leader (Planning)
Telephone: (01954) 713237

Our Ref: NT/LM/1004909

Your Ref:

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7th March 2013

Dear Melissa

Proposed extension to Wm Morrisons store, Cambourne

In accordance with our brief, I am writing to advise you on the proposed internal alterations to the existing Wm Morrisons store (hereafter referred to simply as Morrisons).

The proposal will increase the store's sales area from 2,800 sq m to 3,200 sq m and increase the area for the sale of comparison goods from 464 sq m to 596 sq m.

Specifically you have asked that I advise on:

(a) how retail planning policy guidance set out in the National Planning Policy Framework is being applied to proposals such as this. This provides the formal policy context within which the application proposal should be assessed.

(b) the impact of the proposal on existing, committed and planned public and private investment in the centre.

I consider that (b) is the determinant issue in this case and the size threshold is clearly also an important consideration.

You have asked that I not necessarily restrict myself to this brief and advise if I consider there to be any other matters of relevance.

Background

I have been provided with considerable background information on this proposal and from this, I draw the following main points:

- Outline planning permission for a mixed-use scheme including a foodstore in a village centre with shops was granted in April 1994 (ref: S/1371/92/0).
- Reserved matters approval for a foodstore and market square was granted in January 2002 which included a restriction on the sales area of the store to 2,800 sq m (ref: S/6133/01/RM).

- Permission was refused in September 2008 for an extension of the sales area and changes to the car park on the basis of loss of parking, but only on the basis of the loss of parking (ref: S/6393/07/F).

At this stage, I place no weight on the decision made by the Council in September 2008.

The table below summarises the changes in the existing and proposed floorspace, both in terms of quantum and use type, in sq m and as a % of the total floorspace of the store:

Convenience	2,336 (83%)	2,604 (81%)	+268
Comparison	464 (17%)	596 (19%)	+132
TOTAL	2,800 (100%)	3,200 (100%)	+400

Background information to the planning application makes the case for the proposal on the basis that it is the only foodstore in the centre, conditions within the store have become uncomfortable at busy times, greater circulation space is needed, the internal arrangements are different to those experienced in other Morrisons stores, impact on other stores will be negligible and widening the range of goods that can be sold will not cause harm and will benefit customers.

National Planning Policy Framework

The National Planning Policy Framework (the Framework) was published in March 2012. It replaced over 1,000 pages of guidance with around fifty.

Specifically with regards to policy guidance on retail development, Planning Policy Statement No 4 (Planning for Sustainable Economic Growth, 2009) is replaced by paragraphs 23-27 in Section 2 (Ensuring the vitality of town centres).

In simple terms, the Framework reinforces the “town centres first” principle from earlier guidance which seeks to direct town centre uses, of which retail is one use, to town centres so that these are competitive, vital and viable. Annex 2 of the Framework (page 57) defines “town centres” and this makes it clear that this definition applies to even the smallest centres, unless these are a small parade of local shops of purely neighbourhood significance. It is evident that the retail facilities at Cambourne serve a wider market and are not of neighbourhood significance, and hence for the purposes of applying the guidance in the Framework, it is clear that the Morrisons store forms part of a town centre.

A key element of policy guidance is the sequential approach whereby proposals for town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan are directed to sites in town centres, then to sites on the edge of sites and then to sites outside of town centres.

It goes on to advise that an impact assessment will be required if the proposal is outside of a town centre and is not in an up-to-date Local Plan, and is over 2,500 sqm or a locally set floorspace threshold.

The impact assessment should consider:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made.

It goes on to advise that for major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made

It advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

I confirm that I have reviewed appeal decisions made since the Framework was published in March 2012 and there are none of relevance to this case.

Therefore, having regard to the specifics of this case, I consider that for this proposal, the key retail policy tests are:

- (a) whether the proposed use should be the subject of a sequential test assessment; and
- (b) whether the proposal will impact on the overall vitality and viability of the centre of Cambourne and effect on future investment in the centre.

I confirm that given the scale of the proposal and in the absence of a locally set threshold, it is understandable that a retail study has not been submitted in support of the application. This does make it more difficult to consider the practical question of the impact of the proposal and I address this below.

Sequential test

As the proposal is in an existing centre - indeed, it is clear that the original design rationale for the proposal was to create a “village store”, later defined as a “market square” – I confirm that a sequential assessment is not needed. In terms of the guidance in the Framework, the proposal is located in a designated “town centre”.

Impact of the proposal

In assessing the impact of the proposal, I am mindful that a retail study has not been submitted in support of the proposal and therefore although a little out of date, I have turned to the following retail studies to provide background quantitative and qualitative information:

- Cambridge Sub-Region Retail Study, GVA (2008)
- North West Cambridge Supplementary Retail Study, NLP (2010)

These studies provide a range of background quantitative and qualitative information.

(a) Background information – GVA Study

The net floorspace of the existing Morrisons store is 2,992 sq m, with 90% of the floorspace used for the sale of convenience goods. If the store was to trade in line with company average turnover levels, the total turnover would be £30.1m, however it is estimated that the store is trading below company average levels at some £23.1m.

There were a number of retail proposals for Cambourne: a supermarket (net sales area of 1,063 sq m and a turnover of £5.7m in 2016), convenience unit shops (net sales area of 440 sq m and a turnover of £1.2m in 2016) and comparison shops (net sales area of 2,968 sq m and a turnover of £10.4m in 2016). If built, the total turnover of retail businesses in the centre would be around £50m.

Policy ST/9 sets out the retail hierarchy and states that any proposals for new retail development should be consistent with the position of the centre in the hierarchy. Cambourne is identified as a Rural Centre. Although the publication of this study predates the Framework, for the purposes of applying the guidance in the Framework to this proposal, it is clear that Cambourne is a town centre.

The vitality and viability of each centres in the study area is analysed in Table 7.1. The supporting text explains that Cambourne has a total of 18 units, but not all of the floorspace in the centre has been built. It notes that all of the centres have a good range of convenience, comparison and service uses and vacancy rates are very low, which indicates that the centres are healthy. Specifically with regards to Cambourne, it notes that it is still expanding and there are outstanding retail permissions which have not yet been implemented. These include a plot for a DIY store/garden centre and six further plots which it is anticipated will be developed to provide a more substantial high street offer with larger units attracting multiple retailers.

It is noted that immediately adjoining Morrison's are two developments that have already been built (Caxton House and W2). These comprise a high proportion of service uses including a public house, estate agents, a building society, takeaways and a restaurant. It was noted that this area appeared to be quieter than the Morrison's store.

It is anticipated that only pipeline development at Cambourne is likely to come forward by 2011 and the addition of a supermarket and unit shops there would not utilise all the capacity identified in the short-term.

The amount of comparison floorspace at Cambourne High Street was reduced from 6,527 sqm gross to 4,117 sqm. This has been netted down to an additional 2,968 sqm net at Cambourne over the LDF period. It was anticipated this development will come forward by 2011.

(b) Background information – NLP Study

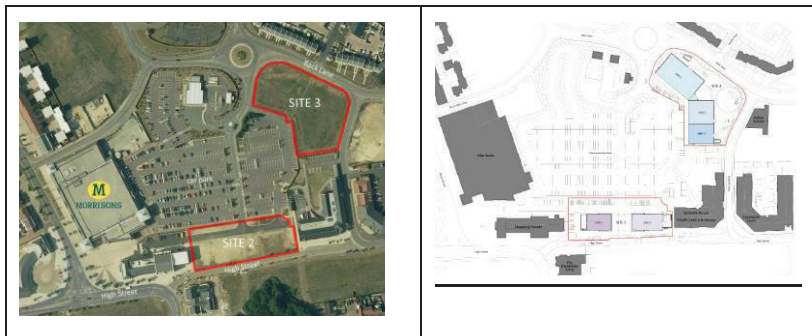
It was noted that the proposed 1,063 sq m net supermarket and 440 sq m net convenience shop units were no longer included in the development pipeline as it was assumed that it was unlikely that these would come forward at this time.

The proposed new main foodstore at the NW AAP (University) Site was the only location expected to impact on Cambourne Rural Centre. It noted that this is a new purpose built centre anchored by a larger foodstore, and whilst it is still expanding (there is significantly more housing to be built) and therefore yet to fulfil its potential, the centre appeared to be relatively vital and viable. The level of predicted trade diversion is low and hence it was not expected to adversely affect the vitality and viability of Cambourne Rural Centre which was still expanding.

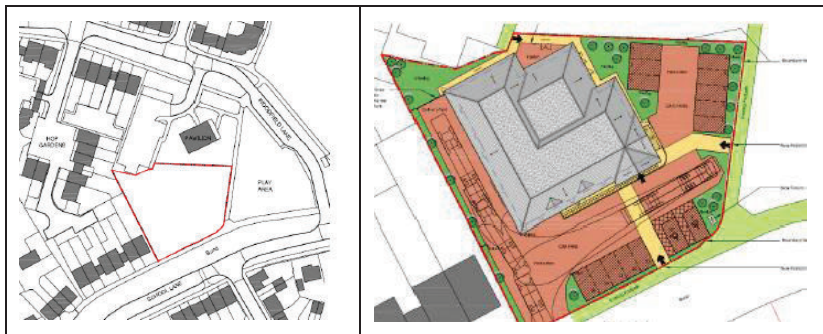
(c) Planning application update

It is relevant to note that since Morrisons' application was submitted, two applications for retail development in Cambourne were submitted and both have been approved.

The first application (ref: S/1666/12/FL) was for 5 retail units comprising 2 standalone retail units (site 2) and 3 retail warehouse units (site 3). In total, the application comprised some 473 sq m of convenience floorspace. Both sites adjoin the existing Morrisons store and an aerial photo showing this and a plan showing the layout are provided on the next page:



The second application was for a stand-alone foodstore (ref: S/2138/12/FL) of some 495 sq m gross. We understand that Co-op will be the operator. The location plan of the store and a site plan is provided below:

(d) Quantitative Impact Assessment

In terms of the quantitative effects of the proposal, it is relevant to note the previous observation that the existing Morrisons store is under-trading.

Given the qualitative deficiencies of the store in terms of its cramped layout, the increase in sales area is unlikely to lead to any material increase in the store's convenience turnover and it is likely that the store will continue to under-trade relative to the company's national average.

I do not consider that the increase in the convenience sales area of 268 sq m will result in any material increase in the store's turnover and I do not consider that it will impact on other businesses in the centre to any material degree.

I reach a similar conclusion in relation to the proposed increase in the comparison sales area of 132 sq m.

Moreover, given the existing store is in a designated "town centre", the increase in the turnover of the store will lead to an overall increase in the turnover of the centre as a whole which is supported in principle by national planning policy guidance.

I note also that both retail studies (2008 and 2010) concluded that the centre is trading well and it is vital and viable. In my opinion, this is consistent with the decision made to secure planning permission for two separate retail developments in the centre.

(e) Qualitative impact assessment

In terms of qualitative impact considerations, the test is whether the proposal will impact on existing, committed and planned public and private investment in the centre.

In this case, despite Morrisons' application, two separate applications for retail development have been submitted, one of which is for a Co-op store.

In our opinion, this is evidence that the proposal has not impacted on planned investment in the centre. Had either applicant been concerned at the effects of Morrisons' application, they would not have submitted.

Overall, I conclude therefore that the proposal will not impact on the vitality and viability of the centre or undermine investment in the centre.

Summary

Morrisons' proposal seeks permission for internal changes to the sales area of an existing store that anchors a designated local centre.

In quantitative terms, the proposal will not impact on the vitality and viability of the centre, indeed it will increase the overall turnover of the centre.

In qualitative terms, it will improve the store and it will not harm the centre. Together with recently approved proposals to extend the centre, the proposal will enhance the overall vitality of the centre.

We recommend that permission should be granted for the proposal.

Yours sincerely

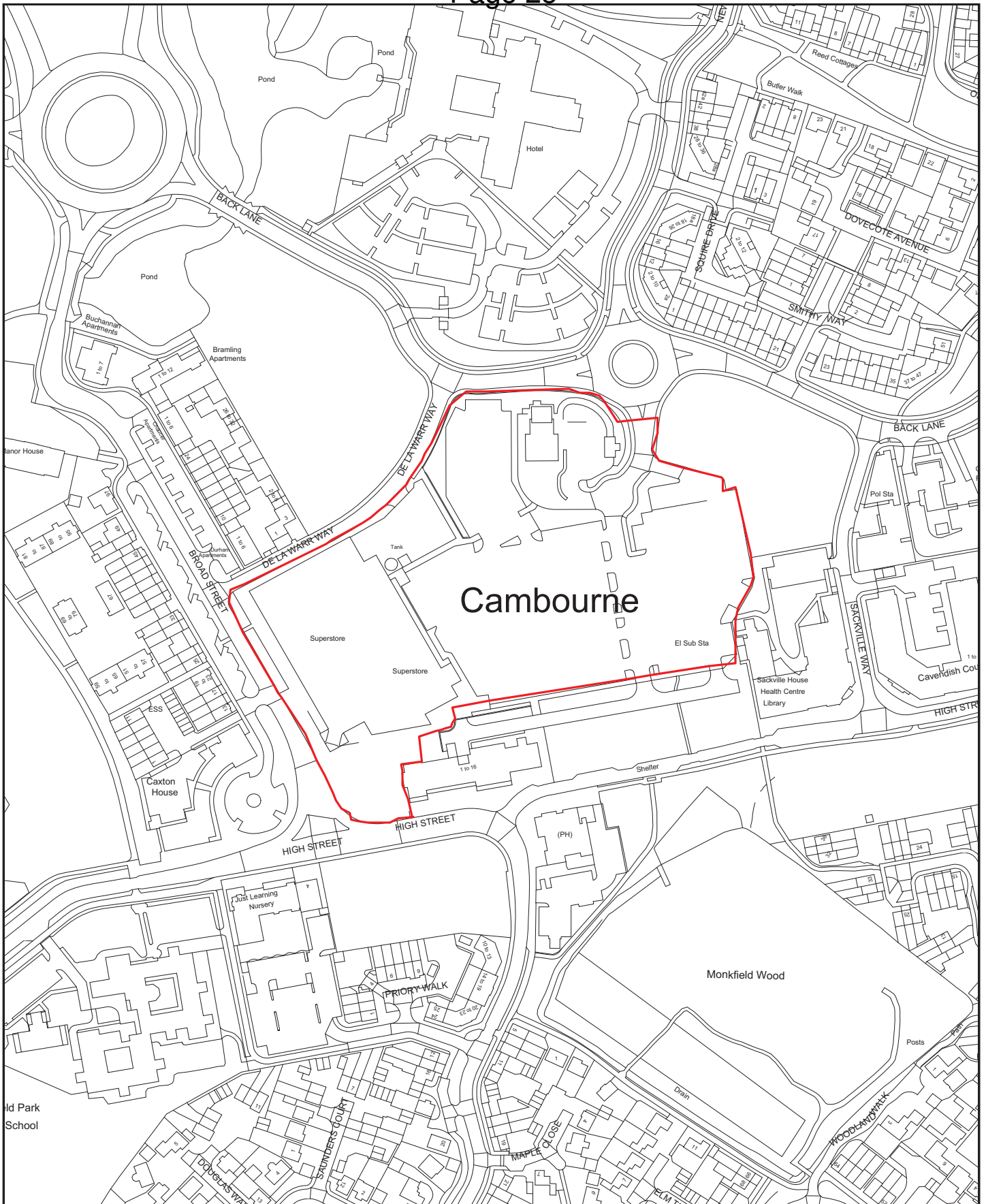
Nick Taylor

Head of Planning

For and on behalf of Carter Jonas LLP

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**South
Cambridgeshire
District Council**

Planning Dept - South Cambridgeshire DC



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Date of plot: 19/03/2013

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/1808/12/FL– GRANTCHESTER**Construction of tennis facility comprising 12 courts, court fencing, floodlighting (for 2 courts), pavilion, car and cycle parking and landscaping with vehicular access off Grantchester Road, for Trinity College****Recommendation: Delegated Approval****Date for Determination: 24 October 2012****Notes:**

This Application has been reported to the Planning Committee for determination as the Development Control Team leader considers that the application should be presented to Committee for decision

To be presented to the Committee by Paul Sexton

Members will visit the site on 2 April 2013

Site and Proposal

1. This full application, as amended by details received 5 March 2012, relates to a 3.4ha area of agricultural land to the west of Grantchester Road, in the parish of Grantchester but abutting the boundary with Cambridge City Council on its east side.
2. To the north the site adjoins the site of the well landscaped site Cambridge Model Engineering Club (CMEC). To the east is the Rugby Club ground, which includes floodlit pitches and a clubhouse, the boundary with which is formed by a hedgerow. To the west there are open fields bounded by short length of hedgerow at the northern end of the site, but otherwise open. To the south are open fields. There is a permissive way which enters the site in the north east corner and continues along the east boundary of the site before running east to west, beyond the south boundary of the site and the rugby club.
3. The nearest residential properties are in Fulbrooke Road, the boundaries of which are a minimum of 120 metres from the application site.
4. The application proposes construction of a tennis facility for the Cock and Hens Tennis Club, which is currently located in Clerk Maxwell Road, Cambridge.
5. The scheme comprises construction of 12 tennis courts, pavilion, court fencing, floodlighting for two courts, car and cycle parking, access/roadway and landscaping.
6. 8 of the courts will be hard surfaced, with the other 4 being either grass or synthetic surface. The courts will be enclosed by 4m high 'open mesh' fencing, in three groups of four. The two hard courts closest to the proposed pavilion will be floodlit by six 8m high columns.

7. The proposed pavilion will be located in the north east of the site. It is a single storey pitched roof building, timber boarded and slate roof, with a maximum ridge height of 5.4m. It comprises male and female changing areas and w.c's, office, lawn mower store, furniture store and social area (10m x 7m) with kitchen and server.
8. A parking area for 36 cars and 40 cycles is provided to the east of the proposed pavilion. Vehicular access will be from Grantchester Road to the south east of the main body of the site, via an existing agricultural access and track, which will be upgraded as part of the proposal, and will enter the site in the south east corner. An additional access is shown in the north east corner of the site, which is an extension of the track which leads from the end of Fulbrooke Road, and currently serves the allotments and CMEC sites. The amended drawings specifies that this access will be for emergency vehicular access only, but will be able to be used by pedestrians and cyclists.
9. Additional landscaping is proposed along the west, east and south boundaries
10. The site is located in the Cambridge Green Belt and Flood Zone 3. The application has been advertised as a departure.
11. The application is accompanied by a Design and Access Statement, Planning Statement, Transport Statement, Landscape Appraisal, Flood Risk Assessment, Phase 1 habitat and protected species scoping survey report, Archaeological Desk Top Assessment, Archaeological Investigation, Illumination Impact Profile and Luminaire Datasheets, and Draft Heads of Terms form.

History

12. No relevant history

Planning Policy

13. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:

ST/1 – Green Belts
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 Green Belts
GB/2 Mitigating the Impact of Development in the Green Belt
GB/5 Recreation in the Green Belt
NE/1 Energy Efficiency
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
NE/14 Lighting Pollution
CH/2 Archaeological Sites
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

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

Consultation by South Cambridgeshire District Council as Local Planning Authority

14. **Grantchester Parish Council** comments that it broadly approves the application but suggests one improvement to the vehicular access junction.

“This region between Grantchester and Cambridge is in an area of many sporting clubs, and the addition of this Tennis Facility is very appropriate. The facilities, fencing and lighting have all been carefully considered to be reasonably inoffensive. Access by cycle has been well designed, and a new road replaces an existing farm track for vehicular access, with sufficient parking. Visibility at the junction with Grantchester Road is suggested as reasonable for a rural road with 30mph limits at either end. However, our observations suggest cars often travel on this portion of Grantchester Road at 60mph or above, indicating that a wider visibility splay is needed at this position. Traffic is unlikely to become a problem due to the relatively small size of the new facility, and parking is sufficient with space for 3 cars per tennis court.

We broadly approve this application. However, the new vehicular access junction on the Grantchester Road warrants improvement; cars often travel faster than suggested in the submission, requiring a greater visibility splay, appropriate for a 60mph road.”

15. The **Local Highway Authority** raised an objection to the application as originally submitted, commenting that insufficient information had been provided in respect to the 85%ile speed on Grantchester Road.

A traffic count for both Saturday and Sunday is requested, to demonstrate that these days are less busy, and/or that the pattern of use is similar to the days that were counted, e.g. do a lot more people turn up at once on a Saturday morning, though the overall figure is lower?

Due to the sites location access by cycle should not only be encouraged, but will be common. More information is required on the cycling provision to the site. Mention is made of cycle access to the north of the site, but little detail is provided. Is the ‘access track’ hard paved and if not will it be upgraded as part of the proposals. Details of the cycle provision should also be provided as that shown is insufficient. It is suggested that cycle provision should conform to the City Councils guidance.

Following the receipt of additional information from the applicant the Local Highway Authority comments that it has concluded that as a statutory consultee as Highway Authority to both Cambridge City Council and South Cambridgeshire District Council it has considered the information contained within the required Transport Statement and considers that for a development of this nature that the information provided is sufficiently robust to give a reasonable level of comfort that the access as designed does not fall outside the normal range of risks and hazards that would normally be encountered by users of the adopted public highway.

It confirms that visibility splays of 2.4m x 120m can be provided which are appropriate for the empirical data which has been provided in respect of the speed of traffic along Grantchester Road, and that this will involve minimal trimming of the hedge to the

south of the access. The 85% ile speeds have been identified as 39mph northbound and 43mph southbound.

16. The **Environmental Health Officer** has no objection in principle. His initial recommendation was that the floodlights should not operate after 21.00hrs on any day, but following a request from the applicant has agreed to a 21.30hrs deadline. Details of an automatic time control switch should be submitted for approval. The floodlights should be used solely in connection with the use of the site as a tennis facility and for no other purpose. The main beam angle of the floodlights as directed towards any dwelling outside the site must be kept below such an angle so as not to adversely affect the living conditions of nearby occupiers. Details of the location and type of any power driven plant or equipment should be required for approval by condition. Conditions should also be imposed restricting the hours of use of power driven machinery during the construction process, and a restriction placed on the hours of deliveries or collections to and from the site.

17. The **Environment Agency** considers that the Flood Risk Assessment has considered the flood risk appropriately for the scale and nature of the development, and has no objection on flood risk grounds.

However, further information will need to be provided demonstrating that the proposed development can go ahead without posing an unacceptable flood risk. It states that this can be addressed by conditions requiring a scheme for Flood Mitigation Measures and surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

18. The **Ecology Officer** requested additional information on lighting. The Phase 1 habitat survey and protected species scoping report identifies a large oak tree with woodpecker holes that could have potential as a bat roost, but it is felt that the floodlights can be shielded so as not to illuminate the boundary features – this needs to be confirmed and how far the light spillage will fall, otherwise the potential for impact upon bat roosts in the tree must be investigated further before the application is determined.

The report also highlights the potential value of the southern watercourse for water voles but as none were recorded at the present time no further action is considered necessary whilst no works are proposed to take place upon it. The applicant should confirm whether the new access road will result in a new bridge crossing over the ditch and the extent of any work.

The scoping report proposes a number of useful and straightforward biodiversity mitigation and enhancement measures, however it is not known if the applicant accepts to work by these recommendations. If consent is granted it will be expected that these measures will form the basis of an Ecological Management Plan for the site, secured by condition.

In response the applicant has confirmed the area of light spill, that measures contained within the ecology document will be implemented, and that there will be no additional culverting of watercourses, which the Ecology Officer has accepted as addressing his concerns.

19. **Cambridgeshire Archaeology** states that the site lies in an area of high archaeological potential and it is considered likely that important remains survive on the site and that these would be severely damaged or destroyed by the proposed

development. It strongly recommends that the site is subject to an archaeological investigation, to be carried out prior to the granting of planning permission.

20. The **Landscapes Officer** comments that the site lies within the Cambridgeshire and Bedfordshire Claylands. This is a broad classification covering a large area to the south west of Cambridge. On a more local level the Cambridge Green Belt study identifies the area as part of the Green Belt lying adjacent the River Cam Corridor Landscape Character Area, which is noted as being distinctive because of its 'key views to the landmark towers of Cambridge and because of its rural and pastoral character, even close to the city centre'. The area forms a distinctive approach to Cambridge, and penetrates close to the city centre. The river valley also a strong historical association with the city and with Rupert Brook and others who have described the river between Grantchester and Cambridge.

The landscape character of areas to the east, north and south of the site is small scale and detailed, in contrast to the more typical character of the Cambridgeshire and Bedfordshire Claylands which is more evident to the west. This particular area could be said to be more sensitive to change and development than other sites around the edge of Cambridge and within the Cambridgeshire and Bedfordshire Claylands Landscape Character Area.

The main landscape and visual effects will be from the flood lights; the columns which can be clearly seen in conjunction with notable Cambridge buildings such as Kings College when viewed from the east, particularly Coton Road; light spill when floodlights are in use; extensive runs of security or ball-stop fencing and; possible loss of mature vegetation along Grantchester Road.

Flood lights - there are locations along Grantchester Road where the visual impact of the development would be significantly higher than shown from viewpoints 7 and 8, although the public using the road will not have a constant view of the site due to the existing vegetation. The proposed floodlight columns do visually extend the developed edge significantly to the west and the visual impact will be particularly noticeable in certain conditions or at certain times of the day e.g. dusk

The existing rugby floodlight columns are surprisingly noticeable from Coton Road, close to Viewpoint 11, and form a mid-ground to a clear skyline featuring historic city centre buildings. The proposed floodlights would add to the mid-ground clutter, either adding to it or extending it to the north west and would have a detrimental effect on the setting of Cambridge, certainly higher than the 'negligible' effects noted for viewpoint.

Light spill - even though the lighting would be designed to have a sharp cut off outside the courts, the floodlit areas would appear as a lit 'box' and would extend or add to the lighting of the area, at times combining with the floodlights from the rugby pitches. A planting scheme could offer only limited mitigation in this instance.

Fencing - significant runs of security or ball-stop fencing will enclose areas of presently open ground, appearing from some viewpoints as more solid than others. Mitigation should be possible by the planting scheme, but the development will reduce the openness of Green Belt land.

Visibility splays – if 215m splays are required in line with Manual for Roads and Bridges it would result in the loss of a substantial length of hedgerow and several mature trees to the north of the proposed entrance, which would severely affect the landscape character and entrance to Cambridge along Grantchester Road.

Mitigation - the detailed landscape plans will mitigate the visual and landscape effects to some extent. The proposed planting will soften fencing, lessen the impact of the pylons and reduce the visual merging of existing and proposed buildings, but more planting is needed. The site (and Green Belt land) will be obviously more enclosed, and planting will only partially mitigate the setting and views to the centre of Cambridge and the apparent extension of the urban edge, particularly when the floodlights are in use.

Detailed planting plan

Revisions are suggested which include moving the courts to the east by approximately 7-8m to take them out of the rooting zone of the mature trees in the north west corner and reduce leaf drop on the court. The proposed trees to the west of the courts should be omitted. The proposed native hedge should be moved approximately 6m to the south, to allow for a mature 4m high hedge and for maintenance access between the hedge and the tennis courts. The native hedge and tree planting should be extended northwards up the west boundary to meet with the existing mature trees in the corner. Tree planting on the south and west boundaries should more closely pick out the field pattern with perhaps tree groups in the field corners. Any gaps in the existing hedges should be filled. Further planting (trees/shrubs) needed in the north west corner behind the rugby buildings. The Ash should be replaced with Oak and White Willow

Comments of the revised details will be reported.

21. **Cambridge City Council** states that its response to this application is given on the basis of the merits of the proposed site on a stand-alone basis, and that any redevelopment of the existing Cock and Hens Tennis Club site on Clerk Maxwell Road resulting from a positive endorsement of this proposal, would have to be assessed against the current Council policy regarding the designation status of the site, its constraints and suitability of alternative provision

In principle it has no objection to the proposal which it states is compliant with the City Council policy concerning the Green Belt and paragraph 89 of the NPPF. It is noted that Sport England supports the proposal.

Lighting

The conclusions of the 'Illumination Impact Profile' report are noted. The proposed scheme seeks to implement the lowest recommended Lawn Tennis Association lux levels, which accords with the City Councils policy on floodlighting. There is conflicting information within the application regarding the number of courts to be illuminated (2-4). It is noted that the height of the lighting columns (8m) is approximately half that of those erected on the adjacent rugby club (18m). Subject to a maximum of two courts being illuminated, and conditions to control the impact of lighting, particularly the timing of use, this aspect of the proposed scheme is considered acceptable.

Impact on residential amenity

The proposal is sufficiently far enough away from residential properties (150m to the NE) not to give rise to any significant concern regarding amenity on those properties. Such is the nature of the tennis use, that no concerns are raised regarding its potential impact in terms of noise and disturbance on adjacent land users.

Consideration should be given to ensuring the impact of the use of the pavilion is minimised, for example by considering an appropriate evening closure time.

Impact on ecology

The findings of the Ecological Assessment are noted. Provided the lighting scheme is implemented in accordance with the lighting report, no concerns are raised.

Impact on openness of the Green Belt

Unlike adjacent rugby, cricket and football pitch provision in this part of Cambridge, which is generally more open in appearance, the nature of the specific tennis proposal requires a significant amount of high fencing and column lighting, which reduces the openness of this part of the Green Belt. The boundaries of the site mean that it is set within a staggered hedgerow line and benefits from the backdrop of an adjacent tree belt to the north. The location of the single storey pavilion and the extent of accommodation provided, which is to the minimum Sport England standard, means that the visual impact on the openness of the Green Belt is minimised. It is noted from the Landscape Appraisal that the location of the site and its visual presence from surrounding vantage points would be minimal, afforded through 'glimpse' views. On the basis the Council is not minded to object to the location of the proposed courts, pavilion, fencing or lighting columns on the grounds of impact on the openness of the Green Belt. The development will form part of a cluster of sporting facilities within this part of Cambridge. Any detracting from the openness of the Green Belt would be minimal and is outweighed by the benefits of the proposed use.

Access

SCDC should ensure itself that the proposed access arrangements to the site are safe, particularly to pedestrians and cyclists, seeking to use the facility. It is unclear from the documentation to what extent it is possible for the applicants to rely on pedestrian and cycle permissive access rights via the track to the north and to what extent this could also be used for vehicular traffic from Fulbrooke Road. The latter should be conditioned out of any grant of planning permission and likewise any permission should be specific to ensure that parking at the tennis club is ancillary to the use of the courts and not, for example, to be used in association with the adjacent CMEC site.

In particular, the vehicular access point is from an unlit stretch of road with no pavement, outside the 40 mph zone. Grantchester Road is subject to traffic calming proposals by the City Council, although none have yet been implemented. This stretch of road is narrow and there are local concerns regarding speeding. Expert advice should be sought on the safety implications of the access and robustly demonstrated as part of any recommendation to approve.

Landscaping

The proposed southern boundary landscaping appears sparse and could be strengthened to lessen the visual impact of the courts, fencing, pavilion building and lighting columns. The preservation of the setting of this part of south Cambridge requires very careful consideration. Additional landscaping should be secured by condition.

Flood risk

The advice of the Environment Agency should be sought in relation for the proposal to exacerbate the risk of flooding to nearby houses. Any permission should be subject to a condition to require a surface water drainage scheme to be submitted to the Council for approval prior to the commencement of development

If consent is to be granted it recommends that conditions are imposed in respect of controlling floodlighting levels, time of floodlights, maximum of 2 illuminated courts, additional landscaping, surface water drainage, restrictions of use of access, materials and use of pavilion.

22. **Councillor Burkitt** strongly supports the application
23. The comments of the **Councils' Drainage Manager, Anglian Water and Sport England** are awaited, although a letter from the latter was included within the application documents indicating its general support.

Representations by Members of the Public

- 24 Letters of objection have been received from a total of 33 households in Fulbrooke Road, Grantchester Road and surrounding area. In addition to these two letters have been received, one of which is signed by the occupiers of 12 properties in Fulbrooke and the other by 12 properties in the same road, and letters of objection from Cllr Sian Reid, City Councillor for the adjacent area and County Councillor Lucy Nethsingha.

One letter from a resident of Grantchester supports the application and hopes that it can be implemented without unnecessary delay. Another letter from a Cambridge resident also supports the application, but declares an interest as a member of the Club.

The objections raised are summarised below:

- a. Green Belt – particularly sensitive part including the world-famous south-west approach to Cambridge, including Grantchester. Although some limited sports facilities have been allowed in the Green Belt this exceeds the norms for non-disruptive development and would alter the character of the green belt in this visually and environmentally sensitive area. Contrary to para 80 of NPFA - preserve the setting and special character of historic towns, para 79 - openness and their permanence, and para 81 – to retain and enhance landscapes, visual amenity and biodiversity. Gradual erosion of Green Belt. Intrusion of lighting. A facility of this kind is inconsistent with the Local Plan. Over-provision of ancillary facilities, the size of the club house is not justified. The access road will be intrusive.
- b. Para 87 of NPPF states inappropriate development harmful by definition and should only be approved in very special circumstances and whilst one of exceptions in para 89 is provision of appropriate facilities for outdoor sport etc, appeals are often rejected where it does not protect openness of land.
- c. Road between Cambridge and Grantchester has deliberately been maintained as a narrow, undeveloped country road, and is part of the charm of this approach to Cambridge. It is not sufficient to say that the new junction with the track from the tennis club to Grantchester Road would be widened and

landscaped; it would still fundamentally alter the character of this part of Grantchester Road.

- d. Any major increase in volume of traffic entering or leaving the road from both sides is likely to be dangerous and have a disruptive effect on traffic. Despite what is said in the application the use would result in a significant increase in traffic and the location of the exit to Grantchester Road is at a particularly dangerous and unsuitable as a junction. Limited visibility. Speed limit should be reduced to 40mph.
- e. Access is not proposed to be lit and will have minimal visibility splays. Night time use is planned and Grantchester Road is very dark at night, narrow and twisting. The access will not be safe creating a risk for both cars and cycles using the access and on Grantchester Road. If the scheme goes ahead the users will seek to expand the access and install lighting on grounds of safety.
- f. Will make road more dangerous for cyclists at a time when cycle use is encouraged.
- g. Traffic to the Rugby Club in Grantchester Road is already a hazard, not just on match days.
- h. The application makes no reference to the existing consultation about the very dangerous pedestrian and bike crossing at the intersection of Fulbrooke Road and Grantchester Road, reviewing ways to slow down traffic in the latter as it hits the 30mph zone.
- i. More bike and pedestrian traffic in Fulbrooke Road, including over a very fragile bridge at the end, and what is currently an extremely quiet lane that leads past the allotments.
- j. Will pedestrian access to Grantchester, across the fields, be preserved? The plans seem to indicate there will be a gate blocking access to the track on the other side of the PAD. A lovely walk will be urbanised
- k. No plan for traffic – will cars go behind the rugby club where currently they only go to the model engineering site.
- l. Cars backed up bumper to bumper midweek mornings past planned access point and slow moving.
- m. Cars sometimes parked outside Pembroke fields at weekends.
- n. Claim that will largely be used on Fridays seems highly questionable as most people play tennis at weekends. The methodology used in the traffic assessment is queried.
- o. Traffic assessment based on existing membership – facilities indicate this will increase and looking at more costs 279 member club.
- p. Need further traffic calming measures.
- q. Vehicular access from Fulbrooke Road to the tennis courts should be prohibited. Parking in Fulbrooke Road already difficult. Understood that there is an agreement between Trinity College and the CMEC to allow vehicle

access from Fulbrooke Road to the parking area and then out to Grantchester Road via the tennis courts, which would be unsatisfactory to local residents.

- r. Transport Statement - greatly underestimates additional hazard proposed by new access to Grantchester Road. 10% of vehicles traveling over 45mph should not be considered, a 'small percentage'.
- s. Distances quoted to bus stops are very marginal and only within 400m 'as the crow flies'.
- t. Farm track should be preserved to maintain the essential agricultural character of this stretch of the road.
- u. One letter suggests access should be via Fulbrooke Road or the Rugby Club, where Grantchester Road is wider and lit.
- v. The large copse of trees between the top of Fulbrooke Road and the site is an important habitat for wildlife, especially birds. It is not true that the proposed development would have no harmful effect on this ecologically sensitive area. It would irrevocably change the environment at a time when such sanctuaries close to the city are becoming most needed and prized.
- w. Lighting will have adverse impact on wildlife. The list of birds drawn up omits migratory species: nightingales and cuckoos nest here. Bird nesting will be affected and nest boxes are no substitute.
- x. There are foxes in the area. Badgers, muntjacks and hares. On major flight path to seminal lake behind Fulbrooke Road.
- y. Wildlife has already diminished in the area through the clearing of trees and shrubs – this proposal will only increase this.
- z. Undue pressure on local wildlife and habitat, contrary to para 81 of NPPF. Four red species noted on day of survey – others known to live in the area that includes the woodland next to the development. Not enough research done into impacts of both light and noise pollution. Insect population will be disturbed.
- aa. Although reference is made to the area as being of 'low ecological value that refers to the open grass field not the areas that surround it.
- bb. Allotment holders and gardeners welcome birds and animals that reduce pests and any threat to their livelihood is to be deplored.
- cc. Visual amenity – impact will be contrary to paras 79 and 81 NPPF.
- dd. The rural character of this area is part of the Local Plan. It is absurd to claim that the development proposed will have no impact on the appearance of this area, and that it will not affect the appreciation of the area by walkers, visitors and residents. The present grassy track is an integral part of the rural appearance and amenity of the area and to give it a hard surface suitable for vehicular access will be intrusive, no matter the colouring or finish.
- ee. Erosion of landscape character.

- ff. Loss of farmland.
- gg. Disingenuous to suggest that because several present members of the club live within cycling distance that it will result in minimal increase in traffic and disturbance. These change and once erected people will be able to join from all over the region. Bound to be traffic disruption to Fulbrooke Road, presently a quiet cul-de-sac. Of a scale that will enable it to host tournaments and facilities will be hired out for social purposes. These are more extensive than it enjoys at its current location.
- hh. To place such a quasi-commercial hub in such a spot, will fundamentally alter the character of Fulbrooke Road, the lane that leads alongside the Townlands Charity ground, and the whole aspect of the countryside on this edge of Cambridge.
- ii. The area is flood plain and ditches which surround the area, the brook and the lake have risen to the point of serious threats three times in the last few months. The land is clay and completely inappropriately to the dependently flat requirements of courts. The necessity for very large quantities of concrete is another reason for not allowing further massive building.
- jj. The statement about flooding fails to acknowledge actual flooding in residential gardens in Fulbrooke Road during wet weather (max 1m 2001). Soakaways are an inadequate measure against run-off, which may find its way into the Fulbrooke and thus into gardens. Add to ground saturation in area that consists of heavy clay, with a high water table. There is no possibility of water infiltration.
- kk. At a meeting held by the agents it was recognised that the storm cells currently proposed will serve no purpose, and unless actively pumped will always be full and offer no flood mitigation. Extensive land drainage will be needed that has not been shown, that will pull water from a greater area than the development itself, with outflows from pumps needed to local ditches. More pressure will be put on streams feeding Bin Brook, further endangering properties in the area, and more attention is need to the drainage arrangements before the planning application can safely be allowed to proceed.
- ll. Sewage – problems have been experience from the Rugby club. Not at all clear that the Tennis Club has begun to think through consequences of adding to the loads on aged pipes. Croftgate Flats had to provide pumps and storage tanks.
- mm. Despite assurances given, there is bound to be night sky illumination, visible from some distance.
- nn. Impact on permissive path which runs along east and south boundaries – appears restricted by a stile and partially merged with planned vehicular access track. Valued and well used route should not be compromised by development. Should be no restriction to its access from Fulbrooke Road and clear separation should be between it and access track.
- oo. Noise and light pollution will impact on residential amenity Social events at pavilion a concern – add to noise and disturbance already experienced from Rugby Club and occasionally from the CMEC.

- pp. Little to prevent Visitors straying onto agricultural land – regarded as conservation area by the Campaign for the Farmed Environment.
- qq. Concern about future expansion into remainder of site.
- rr. Seems to be lack of long-term commitment to use of the site by landowner as it is understood there is an enforceable break point in the lease after only 10 years.
- ss. Wide enough gap between access road and hedge on south boundary is required to allow wild fruits to be culled safely.
- tt. While Grantchester residents have been kept in the loop over the development the agents have made little effort to contact affected Cambridge residents. Full consultation should be required.
- uu. Will this application make it easier for future residential development of the area, which residents will oppose?

Comments on the revised details will be reported.

Representations on behalf of the applicant

- 25. In response to points raised during the consultation process the applicant has submitted a letter setting out comments relating to the amended drawings, permissive path, floodlights, drainage, highway and access, hours of use, archaeology and Green Belt, and this is attached as Appendix A

Material Planning Considerations

- 26. There are a number of key issues for Members to consider in this case; whether the proposed development is appropriate development by definition in the Green Belt; whether the proposal results in any other harm to the Green Belt; landscape impact; highway safety; residential amenity; lighting; ecology; drainage, archaeology and any other matters
- 27. If it is concluded that the proposal is inappropriate by definition, then this and the extent of any other harm, will require Members to consider whether the applicant has demonstrated that very special circumstances exist which clearly outweigh that harm.

Is the proposal inappropriate development in the Green Belt by definition?

- 28. Paragraph 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' 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.
- 29. Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate, but lists exceptions, which includes 'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

30. Paragraph 90 states that certain other forms of development are also not inappropriate development in the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are referred to as falling within the scope of this paragraph.
31. The proposed development provides facilities for outdoor recreation and therefore looking at the provisions of paragraphs 89 and 90 of the NPPF the main consideration in determining whether the proposed development represents inappropriate development is whether it preserves the openness of the Green Belt.
32. Policy GB/5 encourages proposals in the Green Belt which provide opportunities for outdoor sport and recreation, appropriate to the Green Belt, where it would not harm the objectives of the Green Belt.
33. The site is at the edge of Cambridge and is currently part of the open land to the west of the rugby club site. When walking out into the site along the permissive way leading from the track off the end of Fulbrooke Road there is an immediate sense of entering open countryside, and a similar open impression will be gained looking back to the site from the permissive way to the south. The proposed development of the site, which involves extensive amounts of fencing around the tennis courts, along with the erection of a clubhouse, six flood light columns, and car parking area will not preserve the openness of this particular section of the Green Belt. Although the fencing will be an 'open-mesh' style fencing it can have a fairly solid appearance depending on the angle from which it is views.
34. Officers are therefore of the view that the proposal is inappropriate development, and therefore harmful by definition.

Any other harm to the Green Belt

35. The Landscapes Officer has highlighted the importance of this section of the Green Belt on the southern edge of Cambridge. The applicant is proposing additional landscaping on the east, west and south boundaries of the site, and a native hedge within the site, immediately to the south of the tennis courts.
36. To a degree the proposed use will be seen as an extension of the existing sporting use of land to the west by the rugby club and officers are of the view that the visual impact on the wider Green Belt can be sufficiently mitigated by the landscaping proposed, although the exception to this will be the proposed floodlighting.
37. Although officers are of the view that the wider visual impact of the six 8-metre high columns, as structures, will be limited, and less than that of the higher, and numerically greater number of columns at the rugby club, there will be an increased impact when the floodlights are in use. This will have the effect of extending the area of illumination into the currently unlit area to the west of the rugby club, and officers are of the view that the lighting will be viewed from a wider area, particularly from the south, along the Coton Road, Grantchester.
38. The applicant accepts the need for a restriction on the hours of use of the floodlights and is suggesting a time of 21.30hrs, which officers consider reasonable. Given this restriction, the fact that only two courts are to be floodlit, that there will be periods of the year when lighting is not required for this time, and the ability to control the type and direction of lighting to limit light spill, officers are of the view that it is possible to reduce this potential visual impact on the Green Belt to an acceptable degree

Landscape Impact

39. The initial comments of the Landscapes Officer are set out earlier in this report and revised drawings submitted by the applicant incorporate the majority of the suggested amendments requested in order to help reduce landscape impact.
40. Officers are of the view that it is inevitable that there will be a significant change to the character of the site when viewed from the permissive paths, but that with the additional landscaping proposed the impact on the wider landscape, and longer distance views, will be limited to the floodlight columns and lighting as discussed above. When viewed from the south these will be viewed against the significant planting immediately to the north of the site.
41. The further comments of the Landscapes Officer will be reported at the meeting but officers are minded to take the view that the applicant has adequately addressed the issues of the impact of the proposed development on the wider landscape

Highway safety

42. The existing farm access can be upgraded, and appropriate visibility splays provided based on the empirical evidence supplied, without resulting in the need to remove any significant amount of the existing hedge along Grantchester Road
43. The Highway Authority has confirmed that it is satisfied with the additional information supplied by the applicant, which included traffic counts for Saturdays and Sundays, and that a safe vehicular access can be provided, in accordance with the empirical data provided. In coming to this conclusion it has noted the comments received during the consultation process.
44. The access has been designed to allow vehicles to enter and leave the site while encountering no greater hazard than would normally be associated with any access onto the adopted public highway. Whilst the increased use of the road has the potential to increase conflict between cyclists and motor vehicles this is unlikely to be of such a level to present a clear and constant danger to more vulnerable road users.
45. The Highway Authority has recognised the consultation being undertaken by Cambridge City Council in respect of traffic calming in Grantchester Road and although these proposals may impact on the speed of vehicles using the junction, the design of the access to the site is such that it is acceptable in highway terms for the approach speeds along the road with its current layout.
46. The Highway Authority has confirmed that there is currently no requirement for the junction to be illuminated, but that it can only consider the information provided with this application and any proposal for future expansion of the site would need to be reviewed at that time. Officers of this Council would not support illumination of the entrance due to the adverse impact it would have on the character of the area and a condition would be imposed on any consent controlling external lighting.
47. The Highway Authority does not consider any conflict with movements to and from the site at times of peak traffic to pose a highway issue as traffic passing the site will be slow moving.
48. Adequate off road parking is provided for the proposed facility.

49. The site falls within the Western Corridor Area Transport Plan area where a contribution of £20, 862 is required towards highway infrastructure and the applicant has submitted a draft Heads of Terms form recognising this requirement, which should be secured through a Section 106 Agreement.

Residential amenity

50. The nearest residential properties to the site are in Fulbrooke Road and Grantchester Road to the north east, with the boundary of the closest property being some 120m from the north east corner of the application site, with the CMEC site, allotments and rugby club in-between.
51. The impact of the proposed floodlighting on residential amenity has been assessed as part of the comments of the Environmental Health Officer and deemed to be acceptable, subject to the conditions suggested in respect of angle of light beam and hours of use of the site.
52. Noise from use of the site is not considered to be likely to have a significant adverse impact on amenity. Restrictions can be imposed on the hours of use of the pavilion.
53. Fulbrooke Road is already used as access to the Kings and Selwyn sports grounds and CMEC and its use for vehicular access to this site would not be appropriate. The revised drawings show access in this direction to be for emergency use only, and this can be controlled by condition. Access to the site for pedestrian and cycle use is considered by officers to be acceptable.

Lighting

54. The application as amended confirms that only the two hard surfaced courts closest to the pavilion are to be floodlit. This involves the erection of six 8-metre high columns and the issues relating to the impact of lighting on the Green Belt, landscape and residential amenity have been discussed above. The lighting levels proposed are at the minimum levels recommended for this type of use. The Club currently has two floodlit courts at its existing site and argues that any relocation needs to maintain this provision. A condition can be attached to any consent controlling specification of lighting and hours of use, including the requirement for an automatic cut out device.
55. Any future application to increase the amount of floodlighting would have to be judged on its merits.

Ecology

56. The application is accompanied by a Phase 1 habitat and protected species scoping survey report and following the receipt of additional information from the applicant regarding the Ecology Officer is content with the information provided in respect of light spill and that there is no additional culverting of watercourses that will result. The confirmation that the applicant accepts the implementation of the measures outlined in the ecology document is noted.

Drainage

57. The eastern half of the site is identified as being within Flood Zone 3 and the history of flooding and drainage issues in the surrounding area is recognised. It is therefore important to ensure that drainage issues associated with the development have been appropriately considered.

58. The applicant entered into pre-application with the Environment Agency and has produced a Flood Risk Assessment, which has been accepted in principle by the Agency, although it states that the risk to the adjacent Award Drain has not been fully assessed, and requests that conditions are included in any consent requiring the submission for approval of a detailed scheme for surface water drainage and flood risk mitigation measures.
59. Any scheme for surface water drainage will need to be designed to ensure that run-off rates are controlled to existing greenfield run-off equivalents and the local comments in this respect are noted and have been passed to the applicant. A condition can be attached to any consent requiring the submission of a scheme for approval prior to commencement of any development.
60. The Award Drain runs along the southern boundary of the site and any comments of the Councils' Drainage Manager will be reported at the meeting.
61. Although Anglian Water has been consulted on the application no comments have been received. The applicant has indicated that foul water could be dealt with by an on-site sewage treatment plant if necessary, although connection could be made to the existing foul sewer in Fulbrooke Road.

Archaeology

62. Following the original comments of Cambridgeshire Archaeology the applicant has undertaken an investigation of the site and a report has been produced that indicates that there are no findings that would prevent the proposed development from proceeding, although Officers are currently waiting for confirmation from Cambridgeshire Archaeology on this point.

Other matters

63. Officers have concluded that the proposal is inappropriate development by definition as it will not preserve the openness of the Green Belt
64. The applicant does not agree with officers view that the proposed development is inappropriate by definition but has, without prejudice to that view, set out what it considers to be the very special circumstances that exist in this case. It states that the NPPF clearly supports outdoor sports uses, and the development will enable the construction of a purpose-built tennis club, for a club which has an open Membership policy. It will support the health and well-being of the local community, stating that tennis is a sport that appeals to a very large are range so a facility that is more likely to provide these health and well-being benefits to wider section of the community.
65. The agents letter points out that Planning authorities should make decisions to give 'access to high quality open spaces and opportunities for sport and recreation that can make an important contribution to the health and well-being of communities' [NPPF para 73] and 'to provide opportunities for outdoor sport in the Green Belt' [NPPF para 81]. The provision of a new purpose built tennis facility is an important and special circumstance that weighs in favour of the proposal.
66. Officers are of the view that the proposed development will have an impact on the openness of the Green Belt in the immediate area of the site, but accept that the impact on the wider Green Belt will be minimal, with the exception of the lighting proposed.

Conclusion

67. Officers are of the view that the issues in this case are very finely balanced. As a matter of fact the proposed development will have an impact on the openness of this part of the Cambridge Green Belt, however Policy GB/5 and the NPPF support the appropriate provision of facilities for sport in the Green Belt, and it is the benefit of the provision of these which forms the main basis of the applicants 'very special circumstances' in this case.
68. Having carefully considered the additional matters of highway safety, landscape impact, residential amenity, lighting, ecology, drainage and archaeology, and the limited harm that would result from these, officers are of the view that on balance the identified harm is clearly outweighed by the overall benefits of the proposal.

Recommendation

69. Subject to any additional comments, including those of the Landscapes Officer, Drainage Manager and Anglian Water, it is recommended that the Planning Committee gives delegated powers to approve the application subject to the prior signing of a Section 106 Agreement securing the Western Corridor Area Transport Plan contribution, and the following suggested conditions

Conditions

Conditions should be imposed relating to the following matters

- Time limit – 3 years
- List of approved drawings
- Details of external materials
- Visibility splays
- Falls, levels and materials of access road
- Gates 5m from carriageway
- Surface water drainage
- Foul water drainage
- Flood mitigation measures
- Details of floodlighting
- Hours of operation of floodlights – 21.30hrs
- Restrict use of pavilion – 22.30hrs
- Landscaping
- Ecology measures
- Details of external lighting
- All vehicular access from Grantchester Road (emergency access only to north)
- Car and cycle parking provision and restrict use to tennis club
- Restriction on hours of use of power operated machinery during construction process
- Restriction on hours of collection/deliveries
- Details of location of any power driven plant or equipment
- Western Corridor Area Transport Plan contribution.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/1808/12/FL

Case Officer: Paul Sexton – Principal Planning Officer
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Date: 5 March 2013

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Dear Paul

Granchester Road Tennis Facility – S/1808/12/FL – additional and amended information

Following the second consultation round, public exhibition and representations made to the application I am now able to provide formal amendments to the proposal and provide clarity on a number of points. In no particular order I cover the following points that have been raised:

Amended Drawings

Enclosed with this letter are the following drawings:

- 002 Rev A – Site Layout
- 006 P1 – Proposed Long Elevations and Site Sections
- S08810026-01 Rev A – Detailed Landscape Proposals

The amended drawings include a number of detailed changes to respond to the landscape officer comments and detailed layout matters. In summary these changes are:

1. Notation added: "Gap up existing hedge where possible with native species as per the native hedge mix on the planting schedule" to the western boundary;
2. Remove proposed trees to the north western corner of the field adjacent to the proposed tennis courts;
3. Move the northern row of tennis courts eight metres to the east to be further from the root protection area of the existing trees to the west;
4. Move the proposed native hedge adjacent to the south of the proposed tennis courts by six metres to give more space for the hedge to grow and space for maintenance;
5. Move proposed trees along the western field boundary into the wildflower field margin to be more in character with field and planting patterns;
6. Add groupings of trees to the southern corners of the field;
7. Move trees in the south of the field into the native hedge proposed along the southern site boundary to be more in character with field and planting patterns;
8. Move access road three metres to the west to provide more space for the permissive footpath and ecology buffer;

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9. Permissive footpath, running parallel to access road, to be low maintenance amenity grass maintained no longer than 75mm, the adjacent ecology buffer would be maintained to have taller grass;
10. Additional tree planting to the north eastern corner; and
11. Notation added to the north eastern corner - "Emergency Vehicular access to tennis club"

Permissive Path

A number of representations make reference to the permissive path that runs along the eastern edge of the site and then splays east and west at the south-east corner of the field. The drawings allow for the retention of this path and the continued permissive use of it.

Floodlights

There is some confusion as to the number of floodlights that the scheme is proposing. This amended submission confirms this as being to only two courts; courts one and two, which are to the immediate west of the pavilion.

There has been some suggestion that the courts to the south of the pavilion should be flood lit instead of courts one and two. There are pros and cons as to which courts are lit. The preference is for courts one and two to be lit as shown, but if the matter was significant to a planning permission being granted then alternative courts can be considered.

Drainage

A number of representations make reference to localised flooding and the potential impact of the scheme on flood risk.

Prior to the application being first submitted consultation was made with the Environment Agency on matters of flood risk to ensure this matter is duly considered from the very start. The Environment Agency make no objection to the proposal.

Any drainage strategy would have to ensure that the water runoff is no greater than the existing Greenfield runoff rate.

The proposal is to have permeable surfaces to the tennis courts and hardstandings. If the infiltration rates for the land are found to be poor then runoff attenuation would be incorporated by holding water on site before discharging into the drainage system.

A high water table has been suggested. The archaeological investigations earlier this year involved the digging of trenches with a digger. No standing water was found in the trenches. The site is on a higher ground level than Fill Brook and Bin Brook and further away from these Brooks than the housing, so there may well be a different water table level in comparison to the ground levels. The normal practice would be to undertake ground investigations following a planning consent and design a detailed drainage system accordingly.

Highway and Access

Prior to the application being formally submitted, consultation was made with the County Highway Authority to scope out the extent of highway assessment that is necessary to review the proposal. A traffic and speed survey of vehicles using Grantchester Road has been undertaken to inform the proposal. The access design has then been led by the Design Manual for Roads and Bridges, being the up-to-date highway design guidance.

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The car park is not intended for use other than by the tennis club, a planning condition could be attached to a planning permission to ensure this detail.

There will be no vehicular traffic using the link between Fulbrooke Road and the site, this link will only provide for pedestrians and cyclists. A vehicular gate is shown to the north east of the site towards the link, but this will only provide emergency access for the tennis facility. A planning condition could be attached to ensure the tennis club can only use the vehicular link for emergency access only.

It is proposed that the tennis facility will be operated by Cocks and Hens Tennis Club. The Club currently operate from Clerk Maxwell Road with 10 tennis courts. To form a base line it is right and proper to undertake a traffic survey of the existing facility. The new facility at Grantchester Road would not necessarily operate in exactly the same way, but it can give a good indication. The robustness of the highway design is not limited to the findings of the traffic survey; rather it is capable of servicing increased traffic generation if the Club did generate increased movements compared to its location on Clerk Maxwell Road.

Hours of Use

During the planning application process the Environmental Health Department has set a time of 21.30hrs for the flood lights to be turned off. A planning condition can be imposed to secure this. Cambridge City Council has suggested that a planning condition be imposed upon the hours of use of the pavilion. 23.00hrs is suggested to allow time for members to shower and change without undue rush after play. Vehicular traffic would travel southwards onto the Grantchester Road, so there would be limited noise nuisance to neighbouring properties.

Archaeology

Ground intrusive investigations have been undertaken in mid-January 2013, following the agreement of the specification of the works with the County Archaeological Department. A Report presenting the evaluation of the findings is enclosed, and copy has been issued to the County Archaeological Department. There are no findings of archaeological significance.

Green Belt

The National Planning Policy Framework (NPPF) is clear that outdoor sports and recreation are appropriate uses in the Green Belt, indeed that such opportunities in the Green Belt should be positively planned for.

Important matters contained in the NPPF that need to be taken into account are at paragraphs:

7. A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

...take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments

73. *Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.*

81. *Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.*

87. *As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

88. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.*

89. *A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

As to what appropriate facilities are (paragraph 89). The superseded PPG2 'Green Belts' is helpful. At its paragraph 3.4 it arguably has a higher test to the NPPF of 'essential' rather than 'appropriate' facilities. Paragraph 3.5 goes on to give more detail on what essential facilities are and include, as an example, spectator accommodation. I believe this pushes the term 'facilities' beyond merely those facilities contained with the building, but are facilities more widely appropriate.

"3.4 The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it (see paragraph 3.5 below);

3.5 Essential facilities (see second indent of paragraph 3.4) should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation."

It would be perverse for the guidance to allow for outdoor sports as appropriate development, and make all ancillary facilities to that principle use inappropriate. Paragraph 89 of the NPPF allows for appropriate facilities in the recognition that outdoor sports require some supporting facilities, whether this be goal posts, pavilion, store room, access road, security, spectator facilities or tennis fencing. There is an assessment still to be had as to the impact on the openness of the Green Belt from the facilities and the use of them, but by definition they are not inappropriate.

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All the facilities proposed are appropriate for outdoor sport. The courts, lighting, fencing, car park, access road and pavilion are all necessary facilities to allow for the tennis club to function. Each facility is design and located to reduce its potential impact on the landscape and Green Belt.

It is considered that the development is appropriate development in accordance with Paragraph 89 of the NPPF.

If a judgement was, nevertheless, made by the Council that elements of the proposal are inappropriate then the consideration has to be made as to whether the inappropriateness or other harm is outweighed by other considerations. In terms of any harm created by the development this is considered to be most limited being that the development is contained to the northern part of the site where it is most closely associated with the backdrop of trees and existing hedgerow boundaries; the lighting is designed to minimise any light spill; the pavilion is to the lowest Sport England guidance; the pavilion is single storey; mitigation planting is to be provided and the limited perimeter fencing will be post and rail (rather than a solid screen).

A significant hedge is to be planted to the southern side of the courts to provide a planted boundary, a hedge that can be planted outside of a planning application.

Balanced against any harm or inappropriateness are the benefits and special circumstances of the proposal.

The NPPF clearly supports outdoor sports uses. The development will enable the construction of a purpose-built tennis club, for a club that has an open membership policy. It will support the health and well-being of the local community. Tennis is a sport that appeals to a very large age range so a facility that is more likely to provide these health and well-being benefits to a wider section of the community.

Planning Authorities should make decisions to give 'access to high quality open spaces and opportunities for sport and recreation [that] can make an important contribution to the health and well-being of communities.' [NPPF para 73] and 'to provide opportunities for outdoor sport [in the Green Belt]' [NPPF para 81].

The provision of a new purpose built tennis facility is an important and special circumstance that weighs in favour of the proposal.

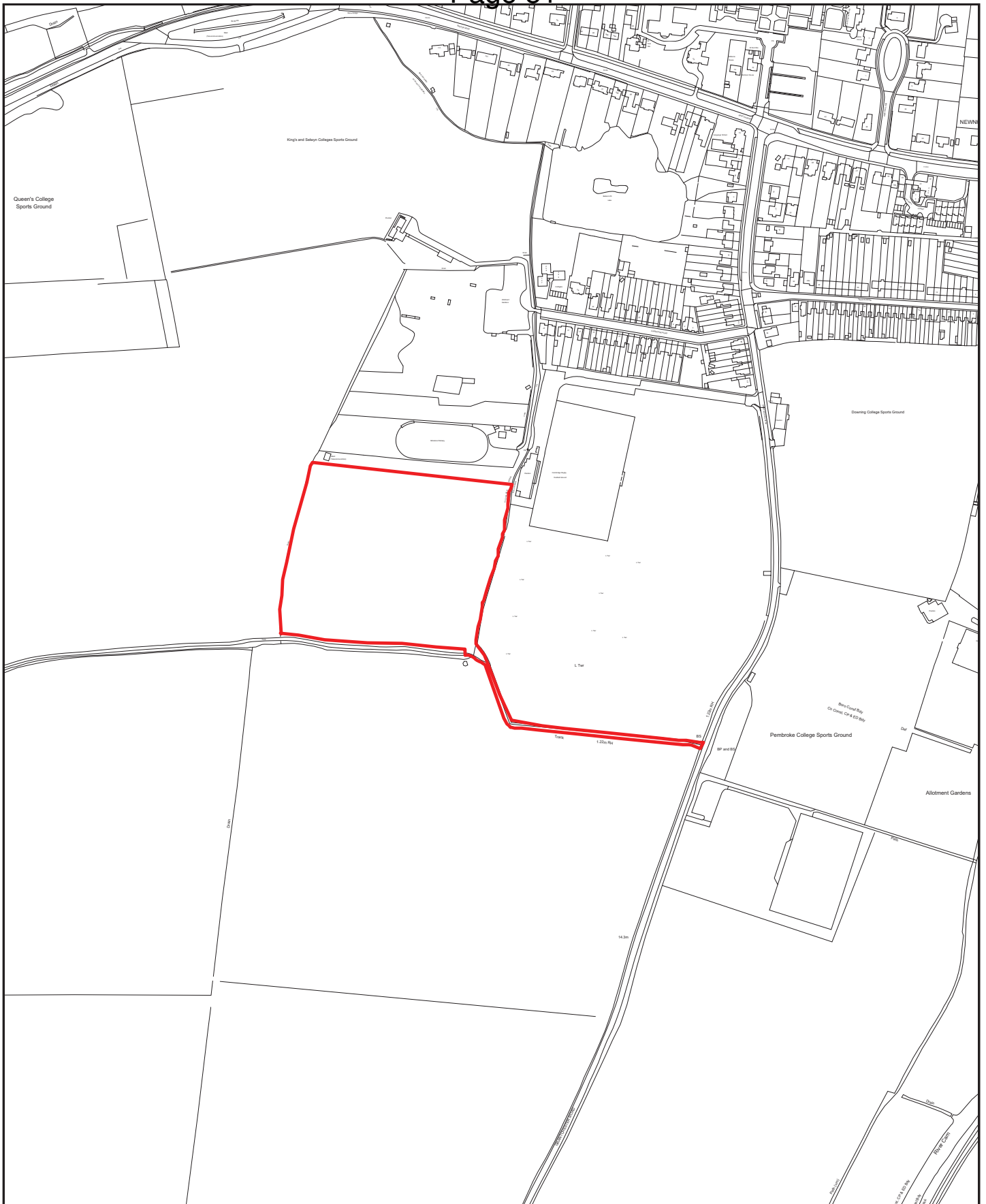
I trust you find this overview of the amendments and the clarity on a number of points useful. Should you have any further queries then please do not hesitate to contact me.

Yours sincerely


Guy Kaddish BSc (Hons) DipTP MRTPI
Senior Planning Associate

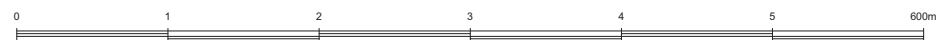
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/0092/13/FL – HEYDON**Erection of 1MW anaerobic digester plant, creation of new access track and associated works following demolition of existing barns at Three Corners Plantation, Heydon Grange, Fowlmere Road, Heydon for Mr James Fenwick.****Recommendation: Approval****Date for Determination: 17 April 2013****Notes:**

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

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

1. The application site is located on a shallow bend in Fowlmere Road between Heydon and the A505 in area colloquially referred to as Three Corners Plantation. The site comprises a yard and a collection of large agricultural barns that have fallen into disrepair and are now redundant.
2. The site falls outside of the Heydon Development Framework and therefore within the defined countryside. The site is open to Fowlmere Road but benefits from established planting on its other boundaries, with the exception of the north east boundary which comprises relatively juvenile trees albeit these have been purposely planted to provide screening.
3. The site is elevated from the road but relative to the wider landscape sits on land that is much lower than the village of Heydon. To the south of the site runs Icknield Way which is a public bridleway.
4. A 1 MW anaerobic digester plant is proposed. The plant is proposed to take a natural feedstock of grass, maize and sugar beet. This feedstock will be broken down (in the absence of oxygen hence anaerobic) by naturally occurring bacteria which will release natural gases (a majority of which is methane) which can then be used to drive a turbine to generate electricity. However the process does not end here, the spend feed stock 'digestate' is collected to be used as an organic fertilizer on the land that provides the feedstock in the first instance.

Planning History

5. None of relevance.

Planning Policy

6. **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
- NE/2 – Renewable Energy
- NE/6 – Biodiversity
- NE/8 - Groundwater
- NE/17 – Noise pollution

Consultation by South Cambridgeshire District Council as Local Planning Authority

7. **Heydon Parish Council** - Recommends refusal on the application, commenting:

There is concern about the amount of traffic generated and its ability to cross onto and off from the A505 from Fowlmere Road safely (particularly at rush hour times).

The Parish Council believes it was commented that it was probable that given the width of Fowlmere Road and the lack of passing places, two tractors travelling in opposite directions could not pass each other without mounting the verges.

The traffic survey did not include the golf club traffic coming off the A505 – the monitoring was taken beyond that point close to the proposed digester plant site. Traffic to the golf club should have been included into this survey, thus giving a more accurate traffic survey.

8. **Environmental Health Officer** – Recommends approval, advising:

'I am satisfied with the proposed development and associated site processes that they are extremely unlikely to result in any adverse effect upon the amenity of the public in terms of odour and noise.'

Recommends a number of conditions regarding development to be constructed in accordance with the Environmental Noise Assessment submitted to accompany the application and that the feedstock to the fertilizer is limited to maize, grass and sugar beet only.

9. **Local Highways Authority** – Following submission of tracking details for the turning of HGV's on site and a S106 Unilateral Undertaking that defines what routes delivery vehicles will take to the site the LHA recommends approval subject to a number of standard conditional requirements:

- Construction traffic management plan
- The permanent closure of existing access points to the site
- No surface water discharge onto the highway
- Use of bound material for the access

10. **Environment Agency (EA)** – Raises no objection subject to a surface water drainage and effluent disposal condition. Comments that such a condition is justified

on the grounds that the site overlies a major aquifer and therefore any contamination could lead to pollution of drinking water.

11. **Tree Officer** - Raises no objections.
12. **Scientific Officer (Contaminated Land)** – No objections.

Public Consultations by South Cambridgeshire District Council as Local Planning Authority

13. None received.

Material Planning Considerations

14. The key issues to consider in this instance are the principle of development, the impact upon landscape character, highway safety and the potential for environmental pollution.

Principle of Development

15. The National Planning Policy Framework at section 10 is very supportive of proposals for renewable or low carbon energy generation. Para 93 states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.' More critically the NPPF views such developments as integral to the notion of sustainable development stating 'this is central to the economic, social and environmental dimensions of sustainable development'.
16. At the first bullet point of para 98 the NPPF emphasises the importance that even small scale renewable energy schemes have. The proposal has a 1MW power output which is not huge but none the less is a welcomed contribution. In relative terms this is about one fifth of the individual power output of any of the solar farms that this Council has approved in recent years.
17. The Councils own planning policy NE/2 is also supportive of new renewable energy proposals in principle, providing that the units can be effectively connect to existing national grid infrastructure. The application is accompanied by copies of correspondence with UK Power Networks which demonstrates that a connection is entirely feasible.

Landscape Character Impact

18. The site is currently occupied by two large redundant agricultural buildings. The buildings are of substantial scale and due to their dilapidated nature are somewhat of an eyesore. The current site does not contribute positively to the character and appearance of the landscape.
19. The proposals comprise four large cylindrical structures with peaked roofs. Two of these are digesters (i.e. where the organic matter that is brought to site will be broken down and gas collected). Two of these are residue collectors where the digested organic matter, or digestate, is collected to await exportation for use as organic fertilizer. In addition the feeder and combined heat and power plant are proposed to sit within close proximity to the tanks, but this plant of altogether much smaller scale. A silage clamp is also proposed to the north east aspect of the site, this is effectively

a low concrete retaining wall with an earth bund against. Finally a small lagoon is proposed adjacent to the clamp, this does not have a strong role in the biogas production process fulfilling more of a functional role for surface water collection, needless to say this has little visual impact above ground.

20. The application is accompanied by a Landscape Visual Appraisal (LVA) dated January 2013. Officers have made a separate assessment of potential landscape impact and largely concur with the findings of the LVA. Essentially the greatest visual impact is upon close proximity views of the site (less than 100m). Whilst the site is visible in various long-distance views the scale and agricultural nature of the proposals are such that they are not considered to appear inappropriate within the rural landscape. In addition the replacement of the existing redundant structures on site could be considered to yield a visual enhancement, the proposed digester tanks are not much taller than the existing barns on site.
21. Furthermore the proposals are accompanied by a landscaping scheme that seeks to retain much of the existing planting including, where possible, the larger trees that occupy the southern aspect of the site and plant a substantial new native tree belt to the north to surround the proposed clamp and lagoon. Over time this planting would grow into a significant screen.
22. In conclusion officers find that whilst there will be a visual impact this visual impact will not be harmful due to the agrarian character of the plant and the fact that it is proposed to replace an existing dilapidated development that visually degrades the environment at present.

Highway Safety

23. Heydon Parish Council raises objections on the grounds of impact upon highway safety arising from deliveries to any from the site. These objections are certainly not unfounded, the transport assessment that accompanies the application identifies a significant number of vehicular movements over specific parts of the year. These specific period are limited to the harvesting periods of the three feed stocks; maize, sugar beet and grass.
24. Maize would be delivered to the site over a 2 week harvest period in mid/late September, sugar beet over an 8 week period in October/November (with a residual amount – 10% of total – extending to the end of January and grass over a three week period in the summer months (May – August). The digestate will then be returned to the farm over a 6-8 week period in spring/early summer.
25. The upshot of this is that the vehicular movements to and from the site are concentrated during critical periods throughout the year. The transport statement estimates that using a 15T tractor trailer capacity this would equate to:

Maize – 18 loads per day over a two week period – mid/late Sept

Sugar Beet – 19 loads per day over a four week period – Oct/Nov

Grass – 4-5 loads per day over a three week period – May-August

Digestate – 11-15 loads per day over (10T loads) 2 x 6-8 week periods – late spring/summer & after harvest.

26. The Local Highway's Authority has been consulted on the proposals and essentially is satisfied that the proposed access and egress to and from the site is safe but wishes to see a condition seeking a scheme to address potential highway overrun on Fowlmere Road at the point of access (i.e. to ensure that the verge does not get broken down). It does however have concerns for the potential impact of HGV's and tractors travelling through the villages in the area, clearly a high number of such vehicles at certain points in the year would justifiably represent a nuisance for residents. The LHA considers that the junction of Fowlmere Road with the A505 can safely accommodate the traffic that the proposal would generate and thus only supports HGV deliveries to and from the site via either the A505 or internal farm tracks.
27. Having regard to the requirements of the LHA the applicants have provided a unilateral undertaking (UU) that seeks to legally bind any site operator to using only the A505 or internal farm tracks for deliveries, thus avoiding the nearby villages entirely. The LHA is satisfied that once the UU is formally signed this will provide due reassurance that the proposals do not pose a risk to highway safety. Similarly Officers will be satisfied that residents will not face undue nuisance from intense HGV movements through the small villages. Due to the matter of time UU remains unsigned at the time of writing, it is intended that the document will be signed by the date of the committee meeting, thus Officers will update members accordingly.
28. In reaching the above conclusion it has also been important to note that the existing site has a lawful agricultural use which is not bound by any routing agreement. As such significant HGV and tractor movements could quite lawfully operate to and from the site with no control by the Local Planning Authority.

Environmental Pollution & Ecology

29. The Environment Agency (EA) has notified the LPA that the site overlies a major aquifer. Should any pollutants from any use on the site enter the ground water then it would take approximately 400 days for said pollutants to have a potential impact upon public drink water supply boreholes. Thus it is important that no pollutants enter the ground water.
30. The EA advises that insufficient information on surface water drainage and pollution control measures with regard the silage clamp has been submitted with the proposals to assertively advise that there is no risk. The EA is however satisfied that it is technically achievable for the proposed clamp to be made safe in this regard. Thus the EA is content to recommend a conditional requirement to agree such details. Officers consider that such a condition is reasonable and necessary and the applicants have acquiesced to such a condition in the event of approval.
31. The application is accompanied by a reptile survey report and general scoping survey. No reptiles were found to be present upon the site. However the scoping survey identifies that the existing barns and planting on the site provide nesting areas for birds and as such recommends that any demolition or landscape removal only take place outside of bird nesting season. The barns are identified as having limited potential for roosting bats. The scoping survey also recommends that the site be surveyed for badgers 2 to 3 months prior to development as some redundant badger setts were discovered on site. Resurvey before development would ensure that adequate mitigation could be taken if there has been any change in circumstances with regard to badgers.

32. The scoping survey also recommends that bird and bat nest boxes be installed on site within the trees. This is a reasonable condition.

Further Considerations

33. Policy NE/2 requires that any scheme acceptable should make provision for the removal of the development and reinstatement of the site should the scheme ever become redundant. To this end the application is accompanied by a Biogas Plant Decommissioning Statement dated 15.12.11. The statement does not quite cover the requirements of policy NE/2 thus it will be reasonable and necessary to apply a condition that seeks to agree a scheme of removal in the event of redundancy.
34. The Parish Council raises concerns for the potential for damage to highway verges if two large vehicles associated with the proposed use were to meet on narrow stretches of the highway. Officers have raised this concern with the LHA who advise that given the period of deliveries to and from the site i.e. late spring to early autumn, the verges should be on average solid at this time of year and therefore damage is unlikely to be substantial. The Local Highways Authority would require a S278 agreement with the applicant/developer to contend with the matter of the site entrance alterations and as part of this agreement road widening works may be a requirement immediately adjacent to the site, which would address the concern in this location.
35. The Local Highways Authority requests a condition to ensure that the access drive to the site would be comprised of a bound material. The application confirms that the access and hard standing would be formed from concrete, thus such a condition is not necessary in this instance.
36. The development proposals have been screened and are not found to be EIA development.

Conclusion

37. 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

38. Approval subject to the conditions below and the completion of a unilateral undertaking detailing the route for delivery vehicles.

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: PH11-HGAD-001, SC01, SC-02, SC-03, SC-04, SC-05, SC-06, SC-07, SC-08, SC-09, SC-010, L10414-LVIAREPORT-APPENDIX1-06, 13211-05, 13211-06, MTE-**

020934, 9048.20.0000.00 & Arbtech Arboricultural Impact Assessment.

(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 trees to be retained are given adequate protection.)

- 3. Prior to the commencement of development full details of the proposed entrance gate as shown on plan ref SC-010 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

(Reason – The details provided with the application are not sufficient to ascertain whether the proposed gate would have any unacceptable adverse impact upon highway safety.)

- 4. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water and effluent from silage clamp has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to the first operation of the development.**

(Reason - The site overlies a major aquifer and is within a Source Protection Zone 2. Any pollutants entering the groundwater beneath this site could potentially contaminate public drinking water supply boreholes within 400 days (travel time).)

- 5. No demolition or construction works shall commence on site until a construction traffic management plan has been submitted to and agreed in writing with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:**

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)**
- ii. Contractor parking (all such parking should be within the curtilage of the site and not on the public highway)**
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)**
- iv. Control of dust, mud and debris**

The works shall thereafter be carried out in accordance with the approved details.

(Reason - In the interests of highway safety)

- 6. Prior to the commencement of development a scheme for access improvement works including any overrun areas on the existing adoptable public highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the first use of the development hereby approved.**

(Reason – To ensure that vehicles entering and leaving the site in association with the approved development do not damage the adopted public highway.)

- 7. Prior to the commencement of development on site the results of a badger survey and scheme of biodiversity enhancement carried out in accordance with the recommendations of the MKA Ecology Phase 1 Habitat and Protected Species Survey Report dated 7th October 2011 (i.e. three months before development) shall submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

(Reason – To ensure that badgers are not adversely harmed by the development of the site and to ensure adequate biodiversity enhancement measures are provided in accordance with policy NE/6 of the of the adopted Local Development Framework 2007.)

- 8. All soft landscape works shall be carried out in accordance with the approved details as shown on plan ref L10414-LVIAREPORT-APPENDIX1-06. The works shall be carried out prior to the operation 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.)

- 9. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing 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.)

- 10. The turning area as shown on plan ref.13211-05 shall be permanently kept free from obstruction**

(Reason – In the interests of highway safety to ensure that HGV's can access and egress the site in a forward gear.)

- 11. The existing access points shown on plan ref.13211-06 shall be permanently and effectively closed off prior to the first operation of the development hereby approved**

(Reason – In the interests of highway safety)

- 12. No surface water from the site shall discharge onto the adopted public highway.**

(Reason – In the interests of highway safety.)

- 13. The development hereby approved shall be constructed, implemented and operated in accordance with the Sound Planning Ltd report titled “Environmental Noise Assessment: Anaerobic Digestion (AD) Plant dated 7th January 2013 (Ref: J 00972R7)” including the installation of the noise mitigation measures as outlined in section 7.2 (7.2.1 & 7.2.2). The noise mitigation measures detailed in the Sound Planning Ltd report shall thereafter be maintained in strict accordance in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.**

(Reason - In order to secure an appropriate reduction in the level of noise emanating from the building in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

- 14. The feedstock for the anaerobic digester plan shall be limited to maize, grass and sugar beet unless otherwise agreed in writing with the Local Planning Authority.**

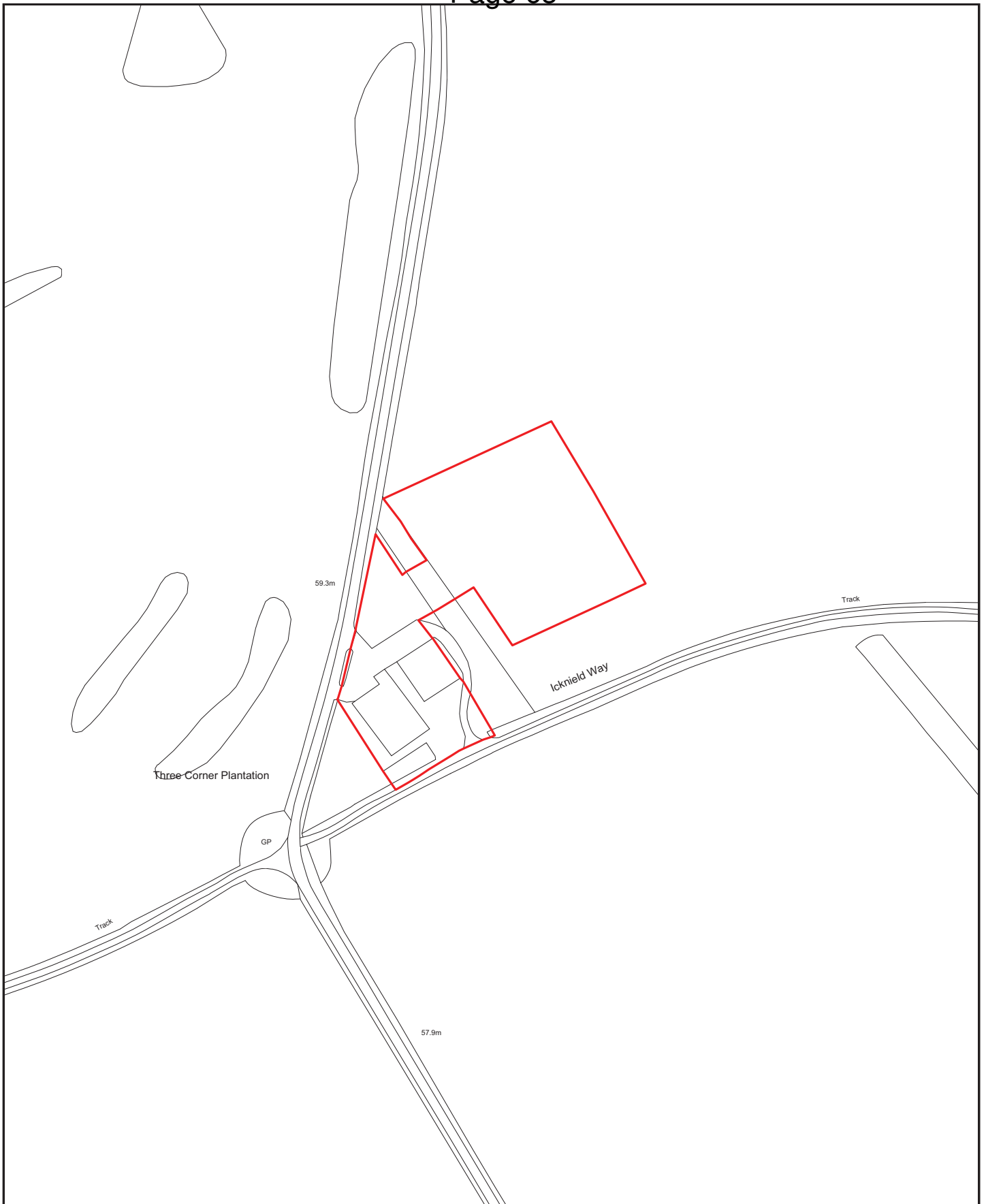
(Reason - To reduce the risk of pollution to the environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

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

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/0664/11 - MILTON**Continued use for 18 Gypsy/Traveller caravan pitches (replacement of consent reference S/1332/07/F) – West View Park (formerly Plots 1,3 and 5 Sandy Park), Chesterton Fen Road, for Mr Nelson O'Connor****Recommendation: Approval****Date for Determination: 16 August 2012****Departure application****This Application has been reported to the Planning Committee for determination because the application relates to the provision of Gypsy/ Traveller accommodation.****To be presented to the Committee by Ray McMurray.****Site and Proposal**

1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The surrounding area is generally flat and much of the land is still open in character. The Cambridge to Ely railway line runs to the west, the river Cam and a towpath lie to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road. As this is the only access into the area, the Fen is relatively isolated.
2. The site is on the western side of the road. The site has an area of 0.23 hectare and comprises 19 mobile homes on a single piece of land which is not subdivided by fences. The site includes a wood-fired boiler enclosure which is the subject of a separate planning application (S/0627/11). The site is surrounded by a 2.0 metre high close boarded fence except on the frontage to Fen Road which is marked by a wall.
3. To the north and west the site adjoins the Gypsy caravan site, Sandy Park. Opposite the site are three longstanding Gypsy sites. To the south the site adjoins the Gypsy/ Traveller site at Grange Park. There are other Gypsy sites further to the south, interspersed with areas of open land.
4. The site lies within the Cambridge Green Belt and is adjacent to flood zones 2 and 3.
5. The full application, dated 28 March 2011, seeks permanent permission for the retention of 18 gypsy/ traveller mobile homes. The application boundary was amended to include a children's play area and the layout of mobile homes was adjusted in a drawing received 28 November 2011 (ownership certificate received 21 June 2012).
6. The application is supported by a design and access statement and a flood risk assessment.

Planning History

7. **S/0627/11**: Retention of existing wood-fired boiler enclosure. Current application.
8. **S/1332/07/F**- An application for retrospective planning permission for the retention of 19 Gypsy caravan pitches was received 6 July 2007. The application was considered by Planning Committee and was referred to the Secretary of State as a departure from the Development Plan. Planning permission was issued on 18 April 2008. Condition 1 restricted occupation to Gypsies and Travellers; Condition 2 imposed a time limit for expiry of the consent as 30 April 2011. Condition 3 prohibited commercial activities at the site. Condition 4 prohibited any vehicle over 3.5 tonnes to be parked at the site; Condition 5 required details of foul water drainage, flood evacuation plan and landscaping to be provided and implemented following approval. Condition 6 required details of any external lighting to be submitted for approval.

Adjacent site to the north and west- Sandy Park

9. **S/2364/06/F**: Retention of Gypsy Caravan Site of 29 Plots and Access Road (Retrospective Application). This application was dated 4 December 2006, and was granted temporary consent on 18th April 2008, subject to conditions, to expire 30 April 2011.

Both sites- West View Park and Sandy Park

10. Prior to the grant of the above temporary planning permissions there has been an extensive planning history. An enforcement notice (reference E237) alleging the unauthorised laying of hardcore and construction of hardstandings/roadways was issued on 23 May 1996. This was in respect of the appeal site and the site of Grange Park. A further notice (reference E237A) was issued on 5 November 1997 alleging the unauthorised change of use of agricultural land for the siting of residential caravans and their accompanying vehicles. Appeals against the second enforcement notice and a separate planning application (to site caravans on the Grange Park land) were dismissed on 29 April 1998. The notice came into effect on 29 April 1999.
11. The site remained free of caravans until July 2002, when the Council became aware that hardcore was being laid and caravans were being parked. Travellers on the site were advised that occupation was in breach of the enforcement notice. An application for a 34 pitch Travellers' site was received on 17 July and refused by the Council's Development and Conservation Control Committee on 2 October 2002.
12. A second round of applications were submitted on an individual basis and supported by statutory declarations in most instances on 23 April 2003. These confirmed that most of the appellants had purchased their plots in June 2002. One such application was given the reference **S/0903/03/F**. This was submitted by the current applicant, Mr N O'Connor, on Plots 1, 3, 5 and 7 Sandy Park and related substantially to the same land as the current application site. The applications were refused on 13 June 2003. Appeals against the refusals of planning permission were dismissed by the Secretary of State on 1 July 2004 following a public inquiry. The appeal by Mr N O'Conner was given the reference APP/W0530/A/03/1122882.

Planning Policy

National Planning Policy

13. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to 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.
14. 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.
15. PPTS has superseded the advice contained in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.
16. 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.
17. Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community.
18. 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.
19. 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.
20. 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

21. **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.

22. **ST/2** (Housing Provision) The District Council will make provision for 20,000 new homes in South Cambridgeshire during the period 1999 to 2016 in locations in the following order of preference:

1. On the edge of Cambridge;
2. Northstowe new town;
3. Rural Centres and other villages

23. **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

South Cambridgeshire Local Development Framework Supplementary Planning Documents

District Design Guide SPD (2010)

Open Space in New Developments SPD (2009)

Landscape in New Developments SPD (2010)

Gypsy and Traveller DPD (GTDPD)

24. 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 are 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.
25. Within the GTDPD, the application site has been evaluated under reference 'Site 2'. The site is located on the edge of Cambridge and so has access to a wide range of services, which complies with policy ST/2. It is just beyond 2km walking distance of some key facilities, but overall is considered to be a relatively sustainable location. The site suffers less from issues of noise from the adjoining railway than Sandy Park (adjacent), and would benefit from landscape planting and playspace provision. The siting within the Green Belt is a disadvantage, but the impact on the openness of the countryside is considered to be low due to the location of development on three of its boundaries. The site adjoins the allocation area made under policy saved policy CNF6. The GTDPD concludes that there may be exceptional circumstances to justify an allocation.
26. 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.
27. 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.
28. 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.
29. **LDF Site Specific Policies DPD 2010**
Policy SP/17 Rail Infrastructure: Land at Chesterton Sidings is safeguarded for the development of a railway station and interchange facility.
30. Cambridge Science Park Railway Station: Cambridgeshire County Council is actively pursuing the development of a new railway station and public transport interchange at the existing Chesterton Sidings. The site is approximately 12 hectares in size and includes land lying within the administrative boundaries of both Cambridge City Council and South Cambridgeshire District Council. The scheme will be delivered by

the County Council together with Network Rail and then operated by Network Rail and the train operators.

31. **South Cambridgeshire Local Plan 2004**

Saved Policy CNF6: The expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site, where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.

Consultations

32. **Milton Parish Council** – No recommendation, commenting that renewal of temporary permission should be no more than three years.
33. **Environmental Health Manager-** The site does not have a site licence due to the prior need for planning permission. The layout shown in the submitted drawing is satisfactory from a licensing point of view.
34. If approved, conditions should be attached to require adherence to the approved layout plan and to prohibit commercial activity on the site.
35. **Gypsy & Traveller Site Team Leader** – This is a rental site where there is no requirement for a needs assessment to be made, as tenants have a right to refuse.
36. **Local Highway Authority** - No objection, stating that 19 residential units would be anticipated to generate around 95 motor vehicle trips (two-way) per day. Of those trips, 10% (ten trips) would be anticipated to occur in the morning peak, with a similar number in the evening (*brought forward from S/1332/07/F*).
37. **Environment Agency** – No objection. The accompanying FRA is considered appropriate to the scale and nature of development. The EA recommends that conditions be attached to any consent issued to require the provision of a flood evacuation plan and a scheme for foul drainage. It goes on to recommend informatives relating to surface water disposal and septic tanks.

Representations

38. Councillor Mrs Hazel Smith has commented that the site was identified as suitable for allocation in the GTDPD. Are Environmental Health Officers happy to grant a licence for 19 units? No recreation space is ever part of Traveller applications on Chesterton Fen, which is not equal to the settled community, but in this case the units are small and there may not be any families with children on the site. Some landscaping should be included. Any tenants should be Gypsies or Travellers.

Planning Comments

Character and appearance

39. The site consists of single-storey structures which are screened by 2m high fencing. There is relatively little landscape screening. The development, when it was originally carried out, caused some harm to the landscaped setting of this part of Cambridge, but this was acknowledged when temporary planning permission was granted in 2008. Although the proposal is considered to be contrary to Policies DP/2/ DP/3 and

NE/4, no significant additional harm has been caused to the landscaped setting of the settlement over the period since 2008, and there no open views of the countryside from the site. If approved, landscaping proposals for the site would be required.

Cambridge Green Belt

40. 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 has contributed to the erosion of the gap between Cambridge and Milton, and has reduced openness, which are two of the purposes of the Green Belt designation.

Sustainability

41. 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. While not ideally located in relation to the built framework of Cambridge it is reasonably sustainable in terms of its location.

Grant of permanent planning permission

42. Members will wish to consider the appropriateness of granting planning permission on a permanent basis. In considering this option the following matters should be taken into account:
43. The delivery of this site would help to meet 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 has become a *significant* material consideration (as introduced by the PPTS).
44. In the event that permanent planning permission is granted on this site a condition should be attached to limit occupation to those from the Gypsy/ Traveller community.

Human Rights Issues

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

Conclusion

46. Members will wish to balance the factors in favour of the application against the material harm that the development represents. The merits of the application include the benefit to the existing accommodation needs of the families, and the significant benefit of a contribution to the provision of Gypsy/ Traveller sites in the district, where there is an identified shortfall. The limited harms are to the openness of the Green Belt and appearance of the countryside. The protection of the Green Belt carries great importance, as indicated in the NPPF.

47. The contribution to the Gypsy/Traveller needs of the district through permanent permission is a very special circumstance as the site has been included for public consultation in the Gypsy and Traveller Development Plan Document. On balance, it is considered that this very special circumstance is sufficient to set aside the presumption against inappropriate development in the Green Belt and harm to the countryside.

Recommendation

48. Approval or permanent permission subject to conditions, to include:
1. Approved drawings
 2. Layout to be implemented in accordance with approved drawings within 4 months
 3. Limitation of occupation to Gypsies / Travellers and their dependants.
 4. Limitation to 18 caravans and no other caravans, mobile homes or amenity buildings.
 5. Landscaping details.
 6. Details of a flood evacuation plan and a scheme for foul drainage.
 7. Retention of layout as shown.
 8. No business uses or storage.
 9. No vehicle over 3.5 tonnes to be parked at the site.

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/0664/11, S/0627/11, S/1332/07/F, S/2364/06/F S/0903/03/F, appeal APP/W0530/A/03/1122882.

Contact Officer: Ray McMurray – Principal Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/2150/11 - MILTON**Change of use to 7 caravan plots for Travellers – The Old Coal Yard, Chesterton Fen Road, for Mr Joseph Upton****Recommendation: Delegated refusal****Date for Determination: 13 February 2012****Departure application**

This Application has been reported to the Planning Committee for determination because the application relates to the provision of Traveller accommodation.

To be presented to the Committee by Ray McMurray.

Site and Proposal

1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The surrounding area is generally flat and much of the land is still open in character. The Cambridge to Ely railway line runs to the west, the river Cam and a towpath lie to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road. As this is the only access into the area, the Fen is relatively isolated.
2. The site, area 0.54 hectare, is located on the western side of the road. The applicant resides in the authorised pitch at the entrance to the site. The site itself was formerly in use for skip hire but structures associated with that use have been removed, except for some runs of partition fencing on the southern part of the site. The northern part of the site retains trees and shrubbery, and a hedge on the western boundary with the railway line. Beyond this lie extensive areas of pasture land. There are Gypsy sites to the south and south east, interspersed with areas of open land.
3. The site lies within the Cambridge Green Belt and is partly within and partly adjacent to flood zones 2 and 3.
4. The full change of use application, dated 25 September 2011, seeks permanent permission for the principle of forming 7 Traveller pitches. The application is supported by a flood risk assessment, noise assessment, contamination report and a planning statement. A layout plan has been provided showing typical plots having a static van, a touring van, a day room parking area and provision for the storage of bins and cycles. Post and rail fencing with hedge and tree planting are proposed for the exposed northern boundary. On the western boundary with the railway lines an acoustic bund is proposed. This is shown to be a temporary fence with tree planting surmounted on an earth bund 2.5 metres high and 5.0 metres wide, extending full

width of the site (26.3 metres) along that boundary. All caravans are to be connected to sealed cesspools and to have soakaway surface water drainage.

5. A revised site plan was received 23 July 2012 showing an area for children's play and the western end of the access drive, measuring 16.0 metres by 26.3 metres. The drawing also shows a turning head within the driveway and Plot 7 with a depth of 11.0 metres.
6. A revised flood risk assessment and a revised noise assessment have been submitted following comments received from the Environment Agency and the Environmental Health Manager.

Planning History

7. The front part of the site was formerly a coal yard. This use subsisted for some 40 years prior to 2001 when the current owners, Mr and Mrs J Upton purchased the site.
8. **S/0980/01** Change of use to storage of skips. Approved 2001. This consent related to the front part of the current site only.
9. **Planning Enforcement by Cambridgeshire County Council:** Part of the application area was granted planning permission on Appeal (Appeal Reference APP/E0535/C/06/201387), following the service of an Enforcement Notice by Cambridgeshire County Council as Waste Planning Authority, for a change of use of the land from agriculture (on part) and skip storage (on part) to a use for the importation, storage, sorting and processing and export of waste subject to conditions, in January 2007.
10. **S/0863/10/F** Change of use to 15 traveller pitches: application withdrawn December 2010.
11. The site is subject to a **High Court Injunction** preventing unlawful occupation of the land.

Planning Policy

National Planning Policy

12. **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.
13. Policy B indicates that Local Planning Authorities should ensure that their policies:
 - a) Provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any Travellers that may locate there or on others as a result of new development; and
 - b) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
14. 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.

15. The PPTS states that, 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.
16. PPTS has superseded the advice contained in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.
17. 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.
18. Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community.
19. 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.
20. 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.

Cambridgeshire County Planning Policy

Cambridgeshire and Peterborough Minerals and Waste Plan (2011-2012)

21. **CS23** :Sustainable Transport of Minerals and Waste:
Sustainable transport of minerals and waste by rail, water, conveyor, and pipelines will be encouraged. A new Transport Zone will be located north of Chesterton Sidings, Cambridge which will be identified in the Site Specific Proposals Plan and defined on the Proposals Map. Transport Safeguarding Areas will be identified in the Site Specific Proposals Plan and defined on the Proposals Map. Within these Areas there will be a presumption against any development that could prejudice the existing or potential use of the protected transport zone for the transport of minerals and / or waste.

22. **CS30 Waste Consultation Areas**
Waste Consultation Areas will be identified in the Core Strategy and Site Specific Proposals Plan and defined on the Proposals Map at locations:
- a) within and around existing waste management facilities that make a significant contribution in managing waste in Cambridgeshire and Peterborough
 - b) within and around unimplemented permitted waste management sites, allocations and designated Areas of Search.

Development will only be permitted where it is demonstrated that this will not prejudice existing or future planned waste management operations.

23. **CS31: Waste Water Treatment Work Safeguarding Areas**
Within the Safeguarding Areas there is a presumption against allowing development, which would be occupied by people. Where new development is proposed within the Safeguarding Areas involving buildings which would normally be occupied, the application must be accompanied by an odour assessment report. Planning permission will only be granted when it has been demonstrated that the proposed development would not be adversely affected by the continued operation of the existing waste water treatment works.

District Planning Policy

24. **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.
25. **ST/2 (Housing Provision)** The District Council will make provision for 20,000 new homes in South Cambridgeshire during the period 1999 to 2016 in locations in the following order of preference:
1. On the edge of Cambridge;
 2. Northstowe new town;
 3. Rural Centres and other villages

26. **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.

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NE/11 Flood Risk

South Cambridgeshire Local Development Framework Supplementary Planning Documents

District Design Guide SPD (2010)

Open Space in New Developments SPD (2009)

Landscape in New Developments SPD (2010)

Gypsy and Traveller DPD (GTDPD)

27. 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.
28. Within the GTDPD, the application site has been evaluated under reference 'Site R14'. The site was rejected at tier 1 examination due to the combination of factors of being in the Green Belt and that it forms part of wider views of the countryside from the north and east. Development of the site would cause harm to the openness of the Green Belt, and would extend the built up area. There were already sites options identified in the GTDPD to the south of this site that would have less impact.
29. 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.
30. 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.
31. 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.

32. **LDF Site Specific Policies DPD 2010**

Policy SP/17 Rail Infrastructure: Land at Chesterton Sidings is safeguarded for the development of a railway station and interchange facility.

33. Cambridge Science Park Railway Station: Cambridgeshire County Council is actively pursuing the development of a new railway station and public transport interchange at the existing Chesterton Sidings. The site is approximately 12 hectares in size and includes land lying within the administrative boundaries of both Cambridge City Council and South Cambridgeshire District Council. The scheme will be delivered by the County Council together with Network Rail and then operated by Network Rail and the train operators.

34. **South Cambridgeshire Local Plan 2004**

Saved Policy CNF6: The expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site, where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.

Consultations

35. **Milton Parish Council** – Recommendation of refusal, commenting: ‘Is beyond the agreed boundaries for travellers’ sites and therefore does not adhere to SCDC policies. We are concerned about encroachment on the Green Belt’.

36. **Planning Policy Manager-** A larger area including this site was considered in the Issues and Options 2 process for the Gypsy and Traveller DPD, and identified as a rejected option. The site lies in the countryside, in the Green Belt, and is outside the area identified in Saved policy CNF6 for Gypsy and Traveller pitches. The assessment noted that, ‘this area of the Green Belt is very open, more so than the land to the south, with wider views from the north and east. Development would have a significant impact on the openness of the Green Belt, and extend the built up area.’

37. Issues regarding noise in relation to the railway sidings (and new station), as well as flood risk, would need to be investigated.

38. **Environmental Health Manager-** Recommended refusal of the scheme as originally submitted due to:

- a) Inadequate Design and Layout. Inadequate or no provision of Communal Recreation / Play Space
- b) Noise Issues- Inadequate noise and vibration impact assessment of existing and future noise impacts on proposals and in particular noise / vibration associated with existing operational railway and any future new railway infrastructure development of Chesterton Sidings.

39. If members were minded to grant approval it is recommended that planning conditions be imposed to control site layout, structure separation distances and secure effective surface and foul drainage, lighting, and construction noise/ dust.

40. The Scientific Officer has recommended a condition to ensure proper investigation and remediation of any contamination present on the site.

41. The comments of the EHM on the revised noise assessment are awaited.

42. **Local Highway Authority** - No objection, commenting that the proposed change of use will result in a different pattern of traffic generation. There will inevitably be a significant reduction in the number of skip vehicles (which in essence are HCV's) and a rise in the number of domestic trips. Overall, there is likely to be a reduction in motor traffic generated by the site and this is something that the Highway Authority would welcome (*brought forward from S/0863/10/F*).
43. **Development Strategy Team, Cambridgeshire County Council** – The DST has drawn attention to the appeal decision on the site and to the various designations under the Cambridgeshire and Peterborough Minerals and Waste Plan that affect the site. The designations are Waste Water Treatment Safeguarding Area, Waste Consultation Area, and Transport Safeguarding Area arising from the existing aggregates railhead and its proposed expansion.
44. The County Council has recommended that additional information be provided by the applicant to address the concerns raised, particularly with regard to the Waste Water Treatment Safeguarding Area. This information is needed to demonstrate that the development will not prejudice the existing and proposed waste management / transport uses which are the subject of designations in the Cambridgeshire and Peterborough Waste and Minerals Plan.
45. **Environment Agency** – As originally submitted the EA had concern at the vulnerability of the site to flood risk, although groundwater protection issues have been investigated to the extent that conditions could be recommended to safeguard the water environment. A revised flood risk assessment has been submitted and the comments of the EA are awaited.
46. **Anglian Water** – Anglian Water has advised that as the proposed development lies within the 400 metre encroachment zone of Cambridge Sewage Treatment Works (STW), Anglian Water considers it may pose an unacceptably high risk of nuisance to the proposed units from the normal operation of the STW. Nuisance may be caused by noise, lighting, flies or traffic movements but its most prevalent source will be odours that are unavoidably generated by the treatment of waste water. As such Anglian Water would regard any proposed development within this encroachment zone as unwise.
47. Anglian Water has indicated that it intends to produce a model to assess the odour around Cambridge STW as a whole and does not expect the applicant to provide a separate assessment.

Representations

48. None received.

Planning Comments

Character and appearance

49. The site, which lies beyond the designated development framework, is mostly open in character except for some sections of 2 metre high fencing. There is relatively little landscape screening. There are views from Fen Road over the site, which provides a setting for the existing caravan parks to the south of the site. The proposal would extend the area of caravans and day rooms into this open area which is considered to be contrary to Policies DP/2/ DP/3 and NE/4.

Cambridge Green Belt

50. 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 Cambridge and Milton, and would reduce openness, which are two of the purposes of the Green Belt designation.

Sustainability

51. The adjacent site at Sandy Park has performed 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 in Cambridge. While not ideally located in relation to the built framework of Cambridge it is reasonably sustainable in terms of its location.

Environmental impact and flood protection

52. The Environmental Health Manager has raised a number of concerns. Many of these could be adequately addressed by the imposition of conditions in the event of planning permission being granted. The provision of children's play space has been made in the amended layout plan and also the typical plot layout is shown to include 22m x 6m amenity space. The provision for children's play is considered to be adequate.
53. The concerns over safeguarding from noise are noted, and the further comments of the EHM on the revised noise assessment are awaited.
54. The comments of the Environment Agency on the revised flood risk assessment are awaited.
55. The concerns of Cambridgeshire County Council relate to the various designations introduced by the Cambridgeshire and Peterborough Minerals and Waste Plan. Anglian Water has withdrawn its requirement for an odour assessment of Cambridge Sewage Treatment Works and in the case of the remaining designations it is considered that the requirements for further information could be submitted as part of conditions to be attached to any planning permission, if issued.

Grant of planning permission

56. Members will wish to consider the appropriateness of granting planning permission on a permanent basis. In considering this option the following matters should be taken into account:
57. The delivery of this site would help to meet 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 has become a *significant* material consideration (as introduced by the PPTS).
58. In the event that permanent planning permission is granted on this site a condition should be attached to limit occupation to those from the Gypsy/ Traveller community.

59. Outstanding consultation responses are awaited from Environment Agency and Environmental Health. If Members are minded to grant permanent planning permission, delegated authority is requested in order to take into account the responses from consultees.

Human Rights Issues

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

Conclusion

61. Officers have balanced the factors in favour of the application against the material harm that the development represents. The merits of the application include the benefit to the existing accommodation needs of the families, 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. The protection of the Green Belt carries great importance, as indicated in the NPPF, and there are other sites options identified to the south of this site that would have less impact on the countryside and Green Belt.
62. The contribution to the Gypsy/Traveller needs of the district is not considered to amount to a very special circumstance as the site has not been included for public consultation in the Gypsy and Traveller Development Plan Document.
63. On balance, it is considered that there is insufficient justification to set aside the presumption against inappropriate development in the Green Belt and harm to the countryside that would be caused by the development.

Recommendation

64. Delegated refusal:
1. The use of land as a Traveller 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 Milton and Cambridge. 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 Traveller caravan site would harm the rural character and appearance of this part of the countryside that could not be adequately compensated for by landscape planting. 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 shortfall in Gypsy/ Traveller provision in South Cambridgeshire District, and considers that this factor, although a significant material consideration, does not outweigh the presumption against

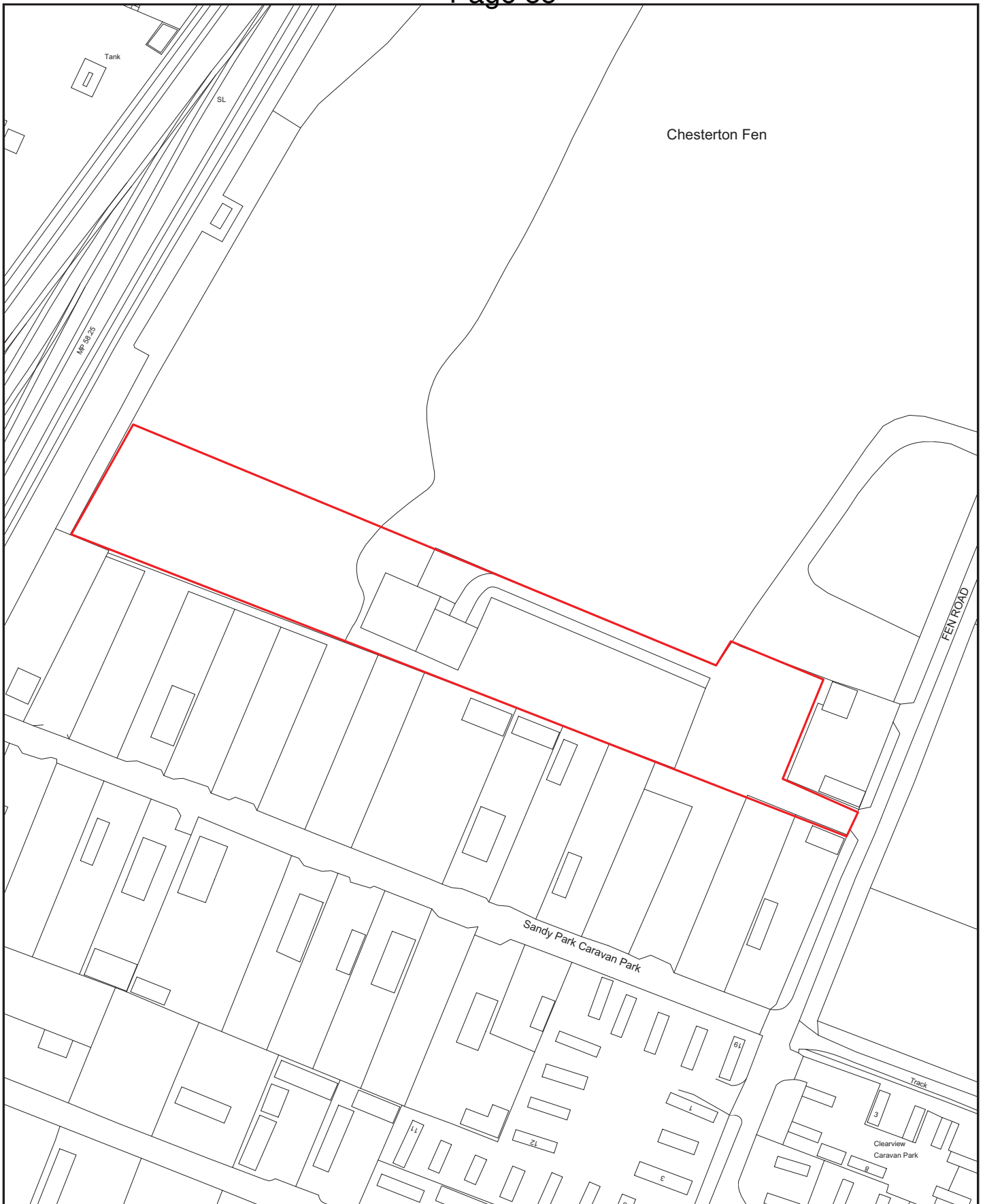
inappropriate development in the Green Belt, and harm to the countryside setting of Cambridge.

4. Reasons relating to flood risk and/ or noise disturbance, if justified by additional consultee responses.

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/2150/11, S/0863/10/F, planning appeal reference APP/E0535/C/06/201387.

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



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Cambridgeshire
District Council**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/2589/11 - MILTON**Continued use of land as a residential Gypsy/Traveller caravan site of 30 plots, including hardstandings and access road – Sandy Park, Chesterton Fen Road, for Mr John O'Connor and Others****Recommendation: Delegated Approval****Date for Determination: 31 May 2013****Major development
Departure application****This Application has been reported to the Planning Committee for determination because the application relates to the provision of Gypsy/ Traveller accommodation.****To be presented to the Committee by Ray McMurray.****Site and Proposal**

1. The site is on the north-eastern outskirts of the City in an area known as Chesterton Fen. The surrounding area is generally flat and much of the land is still open in character. The Cambridge to Ely railway line runs to the west, the river Cam and a towpath lie to the east and the A14 to the north. Chesterton Fen Road is a long cul-de-sac, which runs roughly northwards from the level crossing over the railway line to a point ending close to the A14 road. As this is the only access into the area, the Fen is relatively isolated.
2. The site is on the western side of the road. It is divided into a number of plots, most of which are occupied by mobile homes and caravans. 14 plots have permanent unauthorised amenity blocks, sheds and stables erected upon them. The access road has been provided centrally within the site.
3. To the north the land was formerly in use for skip hire but is currently disused. Beyond this lie extensive areas of pasture land. Opposite the site are three longstanding Gypsy sites. There are other Gypsy sites to the south, interspersed with areas of open land.
4. The site lies within the Cambridge Green Belt and is adjacent to flood zones 2 and 3. Land at the northern corner of the site is filled with unknown material and is potentially contaminated.
5. The full change of use application, dated 20 December 2011, seeks permanent permission for the principal of forming thirty gypsy/ traveller pitches, The application is supported by a flood risk assessment, noise assessment and a planning statement. A survey layout plan has been provided.

Personal Circumstances

6. The agent has submitted a statement that includes a summary of the applicants' personal circumstances. The site accommodates a mixture of older couples and young families. Plot 16 for example accommodates 4 generations of the West family. Several families have children who attend local schools and one child who receives regular treatment for deafness at Addenbrookes Hospital.

Planning History

7. **S/2364/06/F**: Retention of Gypsy Caravan Site of 29 Plots and Access Road (Retrospective Application). This application was dated 4 December 2006, and was granted temporary consent on 18th April 2008, subject to conditions. Condition 2 states:
*'The use, hereby permitted, shall cease and all transit caravans, mobile homes, structures, materials and equipment brought on to the land in connection with the use shall be removed on or before 30th April 2011. Within 6 months of that time the land shall be restored in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.
(Reason - In accordance with the advice in Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, the Council is preparing a Gypsy and Traveller Development Plan document, and on a without prejudice basis to a permanent consent on this site, a time limited consent will enable the Local Planning Authority to properly assess the impact of Traveller development on Chesterton Fen Road and the Green Belt.)'*
8. Prior to the grant of temporary planning permission there has been an extensive planning history. An enforcement notice (reference E237) alleging the unauthorised laying of hardcore and construction of hardstandings/roadways was issued on 23 May 1996. This was in respect of the appeal site and the site of Grange Park. A further notice (reference E237A) was issued on 5 November 1997 alleging the unauthorised change of use of agricultural land for the siting of residential caravans and their accompanying vehicles. Appeals against the second enforcement notice and a separate planning application (to site caravans on the Grange Park land) were dismissed on 29 April 1998. The notice came into effect on 29 April 1999.
9. The site remained free of caravans until July 2002, when the Council became aware that hardcore was being laid and caravans were being parked. Travellers on the site were advised that occupation was in breach of the enforcement notice. An application for a 34 pitch Travellers' site was received on 17 July and refused by the Council's Development and Conservation Control Committee on 2 October 2002.
10. A second round of applications were submitted on an individual basis and supported by statutory declarations in most instances on 23 April 2003. This confirmed that most of the appellants had purchased a plot in June 2002. The applications were refused on 13 June 2003. Appeals against the refusals of planning permission were dismissed by the Secretary of State on 1 July 2004 following a public inquiry.

Planning Policy

National Planning Policy

11. **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.

12. 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.
13. PPTS has superseded the advice contained in Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'.
14. 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.
15. Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community.
16. 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.
17. 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.
18. 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.

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1. On the edge of Cambridge;
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Health Impact Assessment SPD (2011)

Gypsy and Traveller DPD (GTDPD)

24. 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.
25. Within the GTDPD, the application site has been evaluated under reference 'Site 1'. The site is located on the edge of Cambridge and so has access to a wide range of services, which complies with policy ST/2. It is just beyond 2km walking distance of some key facilities, but overall is considered to be a relatively sustainable location. The site suffers from issues of noise from the adjoining railway, possible land contamination and lack of children's play space. The siting within the Green Belt is a disadvantage, but the impact on the openness of the countryside is considered to be low due to the location of development on its northern boundary. The site adjoins the allocation area made under policy saved policy CNF6. The GTDPD concludes that there may be exceptional circumstances to justify an allocation.
26. 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.
27. 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.

28. 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.
29. **LDF Site Specific Policies DPD 2010**
Policy SP/17 Rail Infrastructure : Land at Chesterton Sidings is safeguarded for the development of a railway station and interchange facility.
30. Cambridge Science Park Railway Station: Cambridgeshire County Council is actively pursuing the development of a new railway station and public transport interchange at the existing Chesterton Sidings. The site is approximately 12 hectares in size and includes land lying within the administrative boundaries of both Cambridge City Council and South Cambridgeshire District Council. The scheme will be delivered by the County Council together with Network Rail and then operated by Network Rail and the train operators.
31. **South Cambridgeshire Local Plan 2004**
Saved Policy CNF6: The expansion of existing residential caravan sites or the sporadic siting of individual caravans will not be permitted with the exception of an area on the west side of Chesterton Fen Road up to and including the Grange Park site, where permission may be granted for private gypsy sites to meet local need so long as they are properly landscaped and drained.
Consultations
32. **Milton Parish Council** – No recommendation, commenting that there is no mains drainage for the site which causes problems for residents.
33. **Environmental Health Manager**- Awaited.
34. **Gypsy & Traveller Site Team Leader** – Awaited.
35. **Local Highway Authority** - Awaited.
36. **Police Architectural Liaison Officer**- No objection. The local policing team advises that calls to the site are no higher than normal and so are not an issue.
37. **Environment Agency** – Notes that the site is predominantly in flood zone 1, low risk, adjacent to flood zone 3, high risk. The accompanying FRA is considered appropriate to the scale and nature of development. The EA recommends that conditions be attached to any consent issued to require the provision of a flood evacuation plan and a scheme for foul drainage. It goes on to recommend informatives relating to surface water disposal and septic tanks.
38. **Anglian Water** – Does not wish to comment on the application.
39. Consultation responses are awaited as indicated above and from SCDC Landscape Officer, Planning Enforcement, Cambridgeshire County Council Planning, Cambridge City Planning, and Network Rail.

Representations

40. None received.

Planning Comments

Character and appearance

41. The site consists of single-storey structures which are screened by 2m high fencing. There is relatively little landscape screening. The development has caused harm to the landscaped setting of this part of Cambridge, but this was acknowledged when temporary planning permission was granted in 2008. Although the proposal is considered to be contrary to Policies DP/2/ DP/3 and NE/4, no significant additional harm has been caused to the landscaped setting of the settlement over the period since 2008.

Cambridge Green Belt

42. 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 has contributed to the erosion of the gap between Cambridge and Milton, and has reduced openness, which are two of the purposes of the Green Belt designation.

Sustainability

43. 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. While not ideally located in relation to the built framework of Cambridge it is reasonably sustainable in terms of its location.

Personal circumstances

44. The family circumstances are documented above. Children are attending local primary school. The site has been established for over ten years.

Grant of permanent planning permission

45. Members will wish to consider the appropriateness of granting planning permission on a permanent basis. In considering this option the following matters should be taken into account:
46. The delivery of this site would help to meet 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 has become a *significant* material consideration (as introduced by the PPTS).
47. In the event that permanent planning permission is granted on this site a condition should be attached to limit occupation to those from the Gypsy/ Traveller community.
48. The application relates only to the change of use of the site and access road. Further applications would be required to regularise the retention of fixed structures on each site.

49. Outstanding consultation responses are awaited from several consultees. If Members are minded to grant permanent planning permission, delegated authority is requested in order to take into account the responses from consultees.

Human Rights Issues

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

Conclusion

51. Members will wish to balance the factors in favour of the application against the material harm that the development represents. The merits of the application include the benefit to the existing accommodation needs of the families, 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. The protection of the Green Belt carries great importance, as indicated in the NPPF.
52. The contribution to the Gypsy/Traveller needs of the district is a very special circumstance as the site has been included for public consultation in the Gypsy and Traveller Development Plan Document. On balance, it is considered that this very special circumstance is sufficient to set aside the presumption against inappropriate development in the Green Belt and harm to the countryside.

Recommendation

53. Delegated approval subject to addressing any additional consultee comments and to conditions, to include:
1. Approved drawings
 2. Limitation of occupation to Gypsies/ Travellers and their dependants.
 3. Limitation to 30 pitches, with the number of mobile homes and caravans to be specified.
 4. No business uses or storage.
 5. Details of ancillary buildings within 3 months.

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/2589/11 S/2364/06/F appeals APP/W0530/A/03/1122881-1122896.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

**S/0114/13/FL –GREAT ABINGTON
Use of Barn as Temporary Dwelling for 12 Months
– 32a South Road
for Dr Joy Duffen**

Recommendation: Approval

Date for Determination: 25 March 2013

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

To be presented to the Committee by Andrew Winter

Site and Proposal

1. The site is located to the west of 32a South Road and is situated on the former 'Land Settlement' outside of the village framework of Great Abington. The site comprises a single storey timber barn (Shed 2), running parallel to South Road, which was formerly built for lettuce packaging and is now in use as an unauthorised residential dwelling. A smaller barn is located behind the main barn, once used as a piggery and more recently converted to residential accommodation although occupation of this unit has ceased.
2. The application, validated on 28 January 2013, seeks consent for temporary use of Barn 2 as a single dwelling for 12 months. The applicant already resides in Barn 2 and therefore this application is submitted retrospectively.

Site History

3. Planning permission S/0123/12/FL was submitted by the same applicant and approved for conversion of Barn 2 and the former piggery to a live-work unit.

Planning Policy

4. The **National Planning Policy Framework (NPPF)** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein.
5. **South Cambridgeshire Local Development Framework Development Control Policies 2007:**
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - DP/4 Infrastructure and New Developments
 - DP/7 Development Frameworks

HG/8 Conversion of Buildings in the Countryside for Residential Use

6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):** District Design Guide SPD – adopted March 2010
7. **Circular 11/95 (The Use of Conditions in Planning Permissions)** advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects..

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Great Abington Parish Council** – Recommends refusal “The Council feels that this property should not be occupied until the conversion has been completed and made habitable.”
9. **Local Highway Authority** – No objections.
10. **Acting Environmental Health Manager** – Recommends a condition regarding land contamination.

Representations by Members of the Public

11. **Owner/Occupier of 36 South Road** – Objection: (1) when the Ministry sold the Holdings then belonging to the Land Settlement Association to the sitting tenants, the owners were not allowed to sell a portion of the land off, unless it was only used for agricultural purposes; (2) the Ministry rules still apply at the time of this application; (3) the proposed temporary dwelling was built only as a packing shed and not intended as a domestic dwelling; (4) the dwelling lies well in front of the building line.

Material Planning Considerations

12. The main issues in this case are:
 - the principle of the temporary residential use in relation to countryside policy

Principle

13. The site was formerly Woodside Rural Care CIC - a social enterprise and non-profit organisation offering services and support to those with physical and mental challenges that can benefit from the care farm environment and approach. The business was started in 2009 and applicant gained planning permission for a live-work unit to progress the Care Farm business and to investing in this proposal subject to the sale of their home and principal dwelling: the latter completed in 2012. After this point, the applicant explains the following in the submitted Planning Statement,

“Whilst expecting to reduce the Care Farm activity whilst undertaking the major building works [for the live-work unit] other factors also impacted the expectations of this business not least serious health issues of one of the full time directors (co-owner) and the necessity of the relocation of the Management Director whose vision of assisting veterans had shaped the

enterprise. However, there arose an alternative opportunity for the utilisation of the work-live unit in the employment of co-owner Dr Joy Duffen in work for the Charity, The Cure Parkinson's Trust which requires the allocation of significant office facilities and work from a home base. No progress could be made on the new building works until the sale of the owner's home and it was on their understanding that temporary accommodation in the existing buildings would be permitted that the owners proceeded on that basis. Having subsequently been advised that a formal application to that effect is necessary, it is the subject of the current application to allow the owners to live on site whilst plans are finalised for the new building works [in connection with S/0123/12/FL]."

14. The proposed temporary dwelling is therefore assessed with regard to its impact upon the countryside. In principle, the proposal is contrary to general countryside Policy DP/7 and the onus is on the applicant to provide exceptional circumstances to justify a departure from this Policy.
15. The departure in this instance would be temporary and it is noted that the applicant has already gained permanent permission for a dwelling on the site in the form of a live-work unit. The circumstances to stay on the site whilst building works are prepared are understandable given the poor health of the applicant's partner; the financial implications of moving and renting alternate accommodation; the need to manage horses on the land; and the need for security on the site.
16. Consequently, there are considered to be exceptional circumstances in this instance that are specific to the applicant and that would enable an extant permission (S/0123/12/FL) to be pursued and the existing unauthorised residential conversion of the barns to be rectified in planning terms. The 12 month temporary period for this use is also considered reasonable to allow for the drafting and agreement of the final working drawings for the live-work unit under building regulations and the clearing of all relevant pre-commencement planning conditions to enable commencement of works to take place and to be completed.

Other Issues

17. The comments of the neighbour at 36 South Road are noted in relation to the legal agreements on the former Land Settlement Association; however, this issue does not represent a material planning consideration and therefore cannot be taken into consideration in this application.

Recommendation

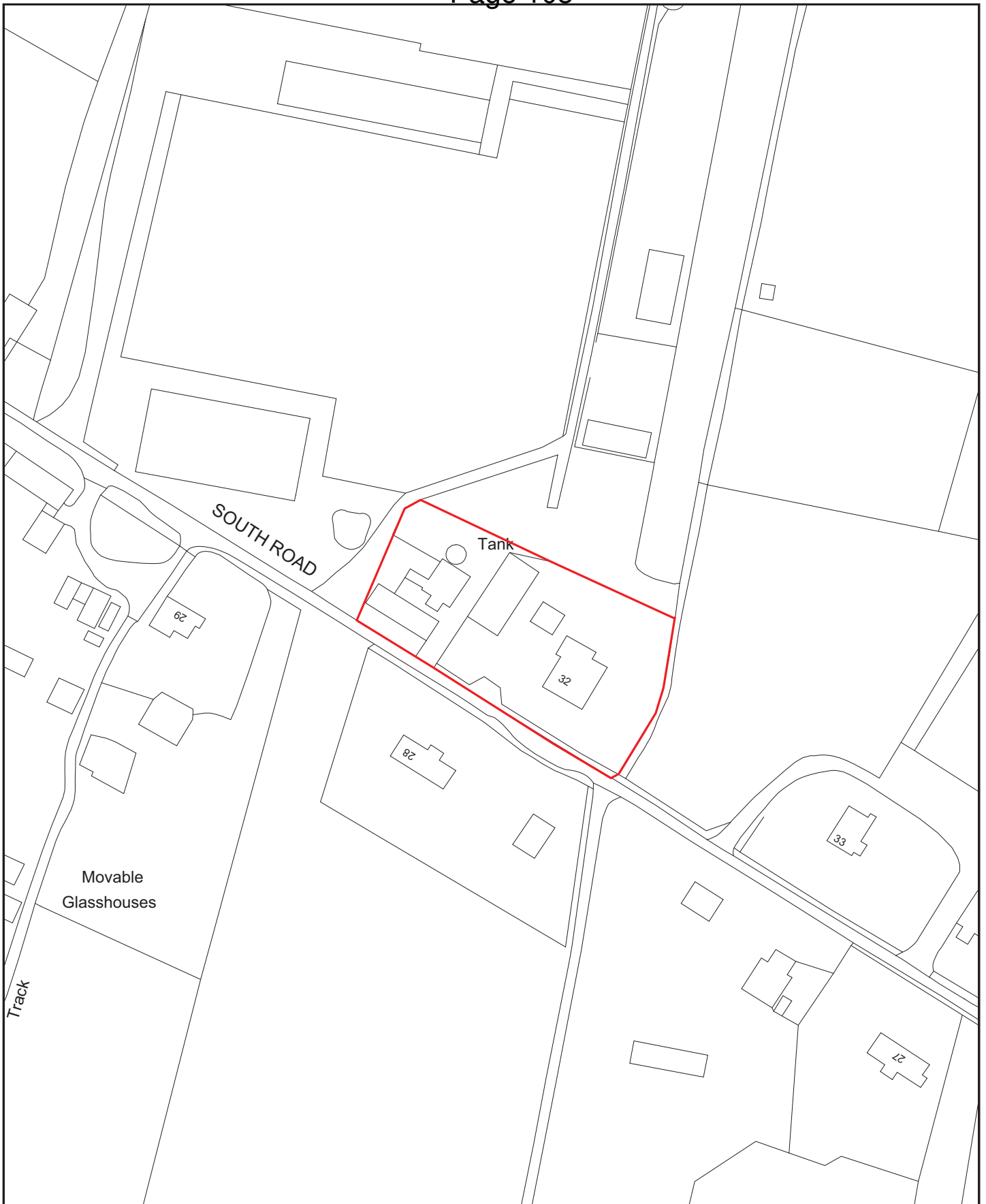
18. Approval, subject to the following condition:
 1. **The residential use of Barn 2, hereby permitted, shall be discontinued and the land restored to a condition to be agreed in writing by the Local Planning Authority on or before 12 months from the date of this decision in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**
(Reason - 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.)

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

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

**S/0231/13/FL - OVER
Dwelling and Garage - 16 Willingham Road
for Mr Ian Willars****Recommendation: Delegated Approval****Date for Determination: 01 April 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 2 April 2013

Site and Proposal

1. The site is located within the designated Over village framework, and forms an area of garden land set to the rear of 16 Willingham Road. This property is a blue painted rendered bungalow, with mixed concrete tiles on the roof above. There is an existing double garage set beyond the bungalow, along the eastern boundary of the site. The front of the dwelling is open, with a gravelled area across the whole of the frontage. There are dropped curbs to both sides of the plot. The neighbouring properties are bungalows, whilst to the rear are two storey properties at Pippin Close. An Awarded Watercourse runs underground across the front of the plot.
2. The full application, validated on 4th February 2013, seeks the erection of a dwelling to the rear garden of the plot. The existing access to the east of the bungalow would be continued further southwards to serve a double garage and turning area. The proposed dwelling is a chalet bungalow, with first floor accommodation in the roof space. The application is accompanied by a Design and Access Statement and a Heads of Terms form. Amended plans have been received showing the introduction of a landscape belt along the access, clarification of the parking layout to the front of the site, and confirming the obscure glazing to east facing first floor windows.

Site History

3. Outline planning applications were withdrawn through applications S/1430/02/O and S/1431/02/O for residential developments to the rear of 16 and 18 Willingham Road respectively.

Planning Policy

4. **South Cambridgeshire Local Development Framework Core Strategy (LDF CS), adopted January 2007: ST/6 Group Villages.**
5. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/4 Infrastructure and New Development, HG/1 Housing Density, SF/10 Outdoor Playspace, Informal Open Space, and New Developments, SF/11 Open Space Standards, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/15 Noise Pollution & TR/2 Car and Cycle Parking Standards.**
6. **Open Space in New Developments SPD** – adopted January 2009, **Biodiversity SPD** – adopted July 2009, & **District Design Guide SPD** – adopted March 2010.
7. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Over Parish Council** recommends refusal as the scheme would be out of keeping with the linear pattern of development within this area of the village. Given its height, it would have an overbearing impact on surrounding dwellings, all of which are bungalows. The access would affect the amenity of the neighbouring properties and the development constitutes garden grabbing.
9. The **Local Highways Authority** request clarification of the parking plan for the original application. Conditions regarding pedestrian visibility splays, materials for the access, and drainage of the access are proposed, along with an informative regarding works to the public highway.
10. The Council's **Trees Officer** notes the site is outside the conservation area and are considered domestic being set so far back into the garden, thereby having limited wider amenity value. There are no objections.
11. The consultation period following the receipt of the amended plans expires on 20 March, and Members will be updated on any comments received from the Parish Council or the Local Highways Authority.

Representations by Members of the Public

12. None were received. The consultation period following the receipt of the amended plans expires on 20 March, and Members will be updated on any comments received.

Planning Comments

13. The key considerations in the determination of this application are the principle of development, impact upon the street scene, impact upon the amenity of the occupiers of adjacent properties, highway safety and parking provision, impact upon trees, and infrastructure provisions.

The Principle of Development

14. Over is classified as a Group Village within the LDF CS 2007, where residential development up to a maximum scheme of 8 dwellings will be permitted within village frameworks. Policy HG/1 of the LDF DCP 2007 seeks residential development to make best use of the site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. The site has an area of approximately 0.05 hectares excluding the access (which would need to be included in any application site). A single dwelling on the plot would represent development with a density of 20 dwellings per hectare. This is below that required by the policy. However, given the development forms a backland plot on a relatively narrow site, and the dwellings in the vicinity, the lower density is considered acceptable in this instance.

Impact upon the Street Scene

15. The frontage bungalow is a relatively low structure. The proposed dwelling is taller given the accommodation in the roof. However, there would be a separation of 20m between the existing bungalow and the garage to the proposed dwelling. The proposal would not be visible above the existing bungalow at this distance. Part of the development would clearly be visible along the proposed access road to the site. However, no serious harm would result from this relatively narrow view.
16. Comments from the Parish Council note the village is linear in this location. There is no backland development in the immediate locality along Willingham Road, although nos. 4a and 6 are well set back from the road. This would appear to be the result of a lack of access to the rear gardens, or the positioning of some dwellings deeper into their plots. While adding backland development in this area would alter the pattern of development along Willingham Road, there is no serious impact on the character and appearance of the area such that the approach into the village will be materially altered. While this may be seen as “garden grabbing”, no material harm has been identified. The application can therefore be supported. The proposal would not set a precedent for further development, as each application would be determined on its merits.

Impact upon the Amenity of the Occupiers of Adjacent Properties

17. The neighbour to the east at 18 Willingham Road is also a bungalow. It is set slightly deeper into its plot than no. 16. The two-storey element of the proposed dwelling would be located just 4.8m from the shared boundary, which is currently open except a low post and wire fence. The dwelling would easily be visible from the rear garden of no. 18. However, it is some distance from the private garden area of no. 18, and there are a number of fruit trees in the garden of this property. As a result, the proposal is not considered to be

overbearing to the occupiers of 18 Willingham Road. The orientation should ensure no serious overshadowing would result.

18. There are two dormer windows at first floor level facing the garden of 18 Willingham Road. These serve a bathroom and a bedroom. The amended plans show that these windows are to be obscure glazed to a minimum height of 1.7m above finished floor level. This should ensure no serious overlooking would result and be secured through a condition. A further condition can prevent further windows at first floor level in this elevation.
19. There were concerns regarding original plans regarding the impact of the access on the occupiers of 18 Willingham Road. The existing garage on the application site is located to the side and rear of 16 Willingham Road, and therefore there is a neutral impact up to this point. The access would continue further along the garden to the proposed garage. The amended plan introduces a break in the access to allow it to be moved approximately 0.5m. This would allow some defensive planting in this area to aid prevention of noise disturbance. Although occupiers of no. 18 will be aware of vehicles using the access, no serious harm should result.
20. To the west side of the site is 14 Willingham Road. This is a bungalow with a large area of hardstanding to the rear running to the garage deep into the plot. The grassed area would be parallel with the proposed reduced garden to 16 Willingham Road. The proposed garage and dwelling would be visible, but given the location of the garage, no serious harm should result. Land beyond the garage at 14 Willingham Road is the extended rear garden to no. 12. Again, the proposal would be visible from this area, but given the size of the garden and the low proposed eaves height, no serious impact would result. There are three first floor rooflights in the west elevation of the dwelling, and these would be a bedroom and the landing. The proposed section plan shows them to be at high level, so no overlooking would result.
21. The proposed dwelling does have a bedroom window in the north elevation. This would be 8.5m from the shared boundary with the rear garden of 16 Willingham Road. At such a distance, overlooking could result. However, the garage would prevent overlooking, and a condition would be necessary to ensure the garage is in situ or the window is obscure glazed.
22. Officers note that no objections have been received from occupiers of adjoining properties.

Highway Safety and Parking Provision

23. The amended plan clarifies the highway arrangement to the front of the site. The proposed dwelling would use the existing access onto Willingham Road. The applicant has shown that relevant pedestrian visibility splays can be achieved. A small hedge would divide this access from the existing parking area to the front of the property. This would be retained to serve the existing bungalow. There would be adequate space to park two vehicles off-street in this location. Of the other proposed conditions, a condition to prevent water draining to the public highway is not considered necessary as the layout would not change from the existing situation. Details of materials for access can be incorporated within the hard landscaping plan.

Impact upon Trees

24. The trees to the rear of the site are fruit trees, and the proposal would seek the removal of 11 of these. The trees are not protected in their own right. However, orchards are a habitat within the Cambridge Biodiversity Action Plan. Its size would suggest it would not be an economically viable area of open space, or would not make a significant community area in itself. While the loss of the trees is unfortunate, the applicant has proposed three new fruit trees as part of a landscape plan. There would appear ample space for further fruit trees if considered necessary. A landscape condition can be added to ensure appropriate species are used (the landscape plan will also provide further details regarding hedging).

Infrastructure Provision

25. The application is accompanied by a Heads of Terms, and this was sent to the Council's legal team to draft the agreement. The Terms agree the relevant contributions towards provision of open space, community facilities and waste receptacles, and the Section 106 monitoring fee. Members will be updated on any progress of the Section 106 Agreement. If not agreed prior to the determination of the consent, a condition can be added to any approval, along with a relevant informative.

Recommendation

26. Approve, (as amended by plans 16WRD1-PP-03C, 16WRD1-PP-05C and 16WRD1-PP-07) subject to any further comments received on the amended plans.

If approved, **Conditions** would be requested regarding the time limit of consent, approved plan numbers, materials, detailed landscaping and implementation, provision of infrastructure contributions, prevention of further windows in the east and west elevations, control of bedroom windows if the garage is not built, obscure glazing to the two dormer windows in the east elevation, cill heights of the west facing rooflights to be 1.7m above finished first floor level, retention of pedestrian visibility splays, and the timings of use of power operated machinery during construction.

Informatives regarding provision of infrastructure contribution, use of pile foundations, bonfires and burning of waste, and works to a public highway should also be added to the permission.

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, Open Space in New Developments SPD and Biodiversity SPD.
- National Planning Policy Framework.
- Planning File refs: S/0231/13, S/1430/02/O and S/1431/02/O.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

S/2600/12/OL – COTTENHAM**Outline application, with all matters reserved, for the erection of a dwelling and garage at 15 Ivatt Street for Mr A Bareham****Recommendation: Delegated Approval****Date for Determination: 15 February 2013****Notes:**

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

Departure Application**To be presented to the Committee by Nigel Blazeby****Site and Proposal**

1. The site comprises an overgrown parcel of land that lies on the east side of Ivatt Street and outside the defined village framework for Cottenham. The site is accessed from Ivatt Street which exits onto the High Street, between Nos. 68 and 70 further to the south. Ivatt Street consists of a concrete track up to No.14, from where it continues north as a dirt track along the frontage of the site and to No.38 Ivatt Street. The site is bounded by mature trees and hedges to the north, east and west boundaries and by a fenced boundary to the adjacent 1980's chalet-style dwelling at No.14 to the south. To the north is a substantial detached dwelling whilst to the south-west, on the opposite side of the road, is a 1980's house. Further to the south are an attractive group of render and slate cottages.
2. The application seeks outline consent, with all matters reserved, for the erection of one dwelling on the site. The information submitted with the application states that the proposal would represent infill development, and that the land is a brownfield site, having previously been used as a commercial garage and with the concrete base of the garage building and parking areas still evident on the site.
3. It is proposed that the dwelling would be a two-storey four-bedroom building (approximately 8m high), with an integral garage, and would comprise brick and render walls under a tiled roof. It is proposed to retain trees and hedges along the boundaries and to supplement this with additional planting.

Planning History

4. S/1304/12/OL – Outline application for two detached two-storey dwellings refused for the following reasons (summarised)
 - Development outside the defined framework would contravene LDF Policy DP/7
 - The development would detract from the open, rural character of the area
 - Absence of evidence to demonstrate that the provision of affordable housing cannot be secured on the site
 - In the absence of a biodiversity survey, the application fails to demonstrate the development would not have an adverse impact on great crested newt habitat.
5. S/1434/91/O – Outline application for a dwelling and garage refused on the grounds that the site lies outside the village framework and for highway safety reasons.
6. S/2653/88/O – Outline application for one house refused on the basis that the site lies outside the development framework and due to the inadequate width and construction of the access and poor visibility at the junction with the High Street to cater for the additional traffic.
7. S/1159/81/O – Outline application for a dwelling, 2 garages and a stable block refused and dismissed at appeal. The Inspector considered whether the proposal would represent an acceptable addition to and infilling of development along this part of Ivatt Street, and whether the increased use of Ivatt Street would cause unreasonable highway safety hazards. He stated that Cottenham is essentially a linear village with Ivatt Street being a long cul-de-sac leading north-westward from the High Street. To the south-east, the site is adjoined by No.14, to the north-east it adjoins a narrow strip of land with an extensive warehouse beyond. This part of the High Street has a distinctive plan shape with closely built-up frontages backed by long and narrow strips of land and considered Ivatt St, although fronted by properties on both sides, to be part of this pattern. The south-east half of Ivatt Street is closely built-up with houses and the rear parts of a repair garage fronting High Street. The north-west half containing the site is very different in character and fronted by open land. Although adjoined by curtilages on 2 sides the site is remote from the buildings on adjacent properties. Gap between No.14 and 30 in excess of 100m. Inspector did not consider the development to amount to infilling of an otherwise built-up frontage and considered the site to lay beyond the built limits of Cottenham. The land is open with a pleasant rural character and Inspector felt village should not be expanded in this direction. Nos. 13 and 14 were recently built at the time and not considered to form a precedent for allowing the scheme. They face each other and Inspector felt they clearly indicate the visual physical limits of this part of Cottenham. Development of the site felt to be seriously out of character with its neighbours and undesirably intrude into the open countryside. With regards to highway safety, he felt visibility to south-west was adequate but to north restricted by overhanging foliage and a telegraph pole. It was acknowledged that the hard surfaced parts of Ivatt St could be extended to form an adequate approach to the site. Representations expressed concern about the congestion and danger caused by the limited width of the junction of Ivatt St with the High St. However, the impact of 1 extra dwelling was not considered to be significant in highway safety terms.
8. S/0915/80/O – 2 bungalows – refused on grounds of – outside built up area, inadequate access to the site and precedent for similar development in the vicinity. The application was dismissed at appeal. In this decision, the Inspector commented on the substandard nature of the access, considering it scarcely fit to serve the dwellings already there, whilst reference was made to the planning gains associated with development of the dwellings now known as Nos. 13 and 14.

9. S/1047/79 – Residential development – refused.
10. Between 1961 and 1970, temporary consent was granted (and renewed a number of times) for two residential caravans on land comprising the current application site and that now occupied by the dwelling at No.14 Ivatt Street.

Planning Policy

11. National Planning Policy Framework 2012
12. South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/5: Minor Rural Centres
13. South Cambridgeshire LDF Development Control Policies DPD 2007:
DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
DP/7: Development Frameworks
HG/1: Housing Density
NE/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
14. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Cottenham Village Design Statement – Adopted November 2007
Open Space in New Developments – Adopted January 2009
Trees and Development Sites – Adopted July 2009
Biodiversity – 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. **Cottenham Parish Council** – Recommends refusal on the following grounds:
 - The proposed location is outside the village framework therefore this would create a precedent.
 - The private access road is also very poor and a previous application for this site was refused.
17. **The Trees Officer** – Raised no objections to the previous application for two dwellings, advising that trees on the site are not afforded any statutory protection and that trees identified for retention should be protected in accordance with BS5837 2012.

18. **The Ecology Officer** – States that the site is near to a number of waterbodies that have historically provided breeding sites for the protected great crested newt. Whilst no objection is raised to the principle of development on the site, before full permission is granted, an assessment of the habitat for its suitability for great crested newts will be required, with the possible follow-up work of site clearance of newts and exclusions measures being put in place. The site was cleared of shrubs in 2012 and is not presently considered a suitable habitat for breeding birds.
19. **The Environmental Health Officer (Contaminated Land)** – States that the site is occupied by a former service station/garage. A condition requiring a scheme of contamination investigation prior to commencement of any development should therefore be added to any consent.
20. **The Local Highways Authority** – Raises no objections, stating that no significant adverse effect upon the public highway should result from the proposal as Ivatt Street is not public highway.
21. **The Cottenham Village Design Group** – States that the site is outside the village framework and is not in direct view of the High Street. The Design Group would not generally wish to see development that extends the village edge in a piecemeal way but, in this instance, it is considered this site could be an acceptable location for an element of infill development.

Representations by members of the public

22. Letters of objection the owners of Nos. 1, 9, 13 and 38 Ivatt Street. The main points raised are:
 - How can altering the scheme from two dwellings to one result in an alternative decision? The same issues apply whether for one of two houses.
 - The site is a greenfield site that lies outside the village framework. In such locations, new dwellings are unacceptable.
 - If approved, this would set a precedent for further development.
 - The development would result in additional traffic for which Ivatt Street is unsuited. Ivatt Street is a narrow unadopted road with no footpaths and is of insufficient width for two vehicles to pass. The site is also adjacent to a busy day nursery at No.14 where there are families with young children that drive or walk along the road.
 - The development would increase traffic and noise along Ivatt Street, and result in disturbance and a loss of amenity to adjacent residents.
 - There are believed to be great crested newts on the site.
 - The statement refers to the site being a commercial garage with access from Rampton Road and Ivatt Street. This is incorrect. There have been no buildings on the site since two small wooden houses were demolished in the 1940's.
 - There was no historic access from Rampton Road to Ivatt Street as stated in the application.

- There are no gas, water and electricity services on the site.
- Granting consent for a dwelling could allow caravans to be legally parked on the site.
- The road is becoming in need of repair, and the applicant should repair any additional damage after the houses have been built.

Material Planning Considerations

23. 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 of the area; highway safety; residential amenity; ecology; and infrastructure requirements.

Principle of the development

24. The site lies outside the defined village framework for Cottenham. Policy DP/7, which relates to development in countryside locations, states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. The erection of a dwelling on this site would conflict in principle with Policy DP/7, which seeks to ensure that all development (other than the exclusions referred to above) is located on sites within village frameworks.
25. The applicant's agent contends that the proposed development is supported within the National Planning Policy Framework (NPPF), firstly on the basis that it is 'previously developed land' (with services connected and previous foundations being clearly visible). In addition, as the Council does not have a 5 year supply of housing land with planning permission, it is argued that the development of unallocated land or land outside the framework would also be in accordance with Government policy encompassed within the NPPF.
26. With regards to the issue of 'previously developed land', one of the 12 core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). Annex 2 of the NPPF defines previously developed land as:
- "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes.....land that was previously developed but where the remains of the permanent structure or fixed surface-structure have blended into the landscape in the process of time."
27. The site has an extremely lengthy planning history. The applicant's agent states that there were previously two cottages on the site as well as caravans, whilst there was also a repair workshop, the foundations of which can still be seen on site. It is understood the former cottages were demolished in the 1940's. The planning history indicates that throughout the 1960's and early 1970's, the site formed part of a larger area of land upon which a succession of temporary consents was granted for two caravans, with the last of these consents expiring some 40 years ago. Appeal decisions dating from the 1980's refer to the presence at that time of two derelict workshop buildings on the land and the remains of a third building. This is in excess of 30 years ago and, whilst it is understood the foundations of these buildings remain on the site, there are no obvious structures on the land that lend it a 'developed'

character. The NPPF definition of previously developed land makes it clear that, where the remains of previous structures have blended into the landscape in the process of time, such land is excluded from the definition. This is considered to be the case in this instance, and it is therefore considered that the site does not fall within the definition of brownfield land.

28. As stated above, the applicant's agent has stressed that development of the site would accord with Government policy and should be granted as a windfall, stating that the Council does not have a 5 year supply of land with planning permission and that land outside frameworks should therefore be favourably considered for development.
29. The NPPF sets out a presumption in favour of sustainable development, stating that this should be seen as a golden thread running through plan-making and decision-taking. It states that Local Planning Authorities should identify a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. To promote sustainable development in rural areas, the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities.
30. As part of the review of the Local Plan, consideration is being given to upgrading the sustainability status of Cottenham to a Rural Centre, where there would be no limit on housing development within the village framework. The Council does not presently have a demonstrable 5-year supply of housing sites. Given that the site lies directly adjacent to the framework boundary and in close proximity to the heart of the village and its services and facilities, the location of the site is considered to be in compliance with the principles and objectives of the NPPF, and the presumption in favour of sustainable development. As such, the erection of a dwelling on the site is considered to be acceptable in principle.

Impact on the character of the area

31. The NPPF states, in paragraph 14, that permission should be granted for sustainable development unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework....".
32. Previous applications on the site, including that for two dwellings, have been refused due to the impact on the character of the area. In the consideration of the appeal into application reference S/1159/81/O, the Inspector considered the site to be open and rural in character, with Nos. 13 and 14 indicating the visual physical limits of this part of the village, and concluded that development of the site would represent an undesirable intrusion into open countryside. Since this decision, planning permission has been granted for the erection of a substantial detached replacement dwelling at No.38 Ivatt Street and the site therefore comprises a parcel of land sited midway between two sizeable detached dwellings. Whilst there is open land on the opposite side of Ivatt Street to the west, in all other directions, any dwelling on the site would be viewed in the context of a mixture of residential and commercial buildings. In conclusion, therefore, it is considered that, whilst development of the site would result in some visual intrusion into the open and rural character of the area, the harm can be mitigated by existing and proposed landscaping and is not considered to be so

significant as to outweigh the presumption within the NPPF in favour of such development.

Highway safety

33. Within a number of representations, including from the Parish Council, concerns have been raised regarding the highway safety implications of the proposed development. Ivatt Street consists of a concrete track of a poor standard of repair and generally of insufficient width to enable two vehicles to pass. In addition, visibility from Ivatt Street onto the High Street is often restricted by vehicles parked on-street. In the previous appeal decisions, Inspectors came to differing views on the highway safety implications of previous proposals. In the decision relating to 2 bungalows (S/0915/80/O), the Inspector deemed the substandard nature of the access to be scarcely fit to serve the dwellings already there. However, in the later decision relating to 1 dwelling (S/1159/81/O), the Inspector acknowledged that visibility to the north was restricted, but stated that hard surfaced parts of Ivatt Street could be extended to form an adequate access to the site and felt the additional movements associated with 1 extra dwelling would not be significant in highway safety terms. Outline applications to erect a dwelling on the site in 1988 and 1991 were both refused on highway safety grounds, but neither of these decisions were the subject of an appeal.
34. The Local Highways Authority has been consulted on the proposal and has been made aware of the planning history of the site, as well as the points made within neighbour representations. However, it has concluded, given the number of dwellings served by Ivatt Street at present, the number of additional movements associated with one additional dwellings would not be such that an objection could be raised on highway safety grounds.

Residential amenity

35. The proposed site occupies a substantial gap between two detached dwellings whilst the land opposite and directly to the rear is undeveloped. It is therefore considered that the site can accommodate a two-storey dwelling in principle without compromising the amenities of occupiers of adjacent residential properties.

Ecological impacts

36. The Council's Ecology Officer has advised that the site lies near to a number of waterbodies that have historically provided breeding grounds for great crested newts, a protected species. In the previous application, the Ecology Officer objected to the principle of the development in the absence of a biodiversity assessment, and the application was therefore refused on these grounds. However, the comments have since been revised to advise that this matter could be resolved by way of a condition requiring an assessment to be carried out before any full permission is granted. As this matter can be controlled by condition, this therefore overcomes the fourth reason for refusal of the previous decision.

Affordable housing and infrastructure requirements

37. The previous application for two dwellings was refused partly because it failed to provide sufficient justification for the payment of a commuted sum in lieu of the on-site provision of one affordable dwelling. Given that the scheme has been revised from two dwellings to one dwelling, there would no longer be a requirement for affordable housing.

38. To comply with the requirements of Policies DP/4 and SF/10 of the Local Development Framework, as well as the adopted Open Space Supplementary Planning Document, all residential developments must contribute to the off-site provision and maintenance of open space, to the off-site provision of indoor community facilities, and towards the provision of household waste receptacles. For a dwelling comprising four+ bedrooms, this would result in a requirement for the following contributions: £4,258.90 for offsite public open space, £703.84 for indoor community facilities, £50 for Section 106 monitoring and £69.50 towards household waste receptacles. The application has been accompanied by a completed Heads of Terms template confirming the applicant's acceptance of these payments. If Members resolve to approve the application, the S106 agreement will need to be completed in advance of the decision being issued.

Recommendation

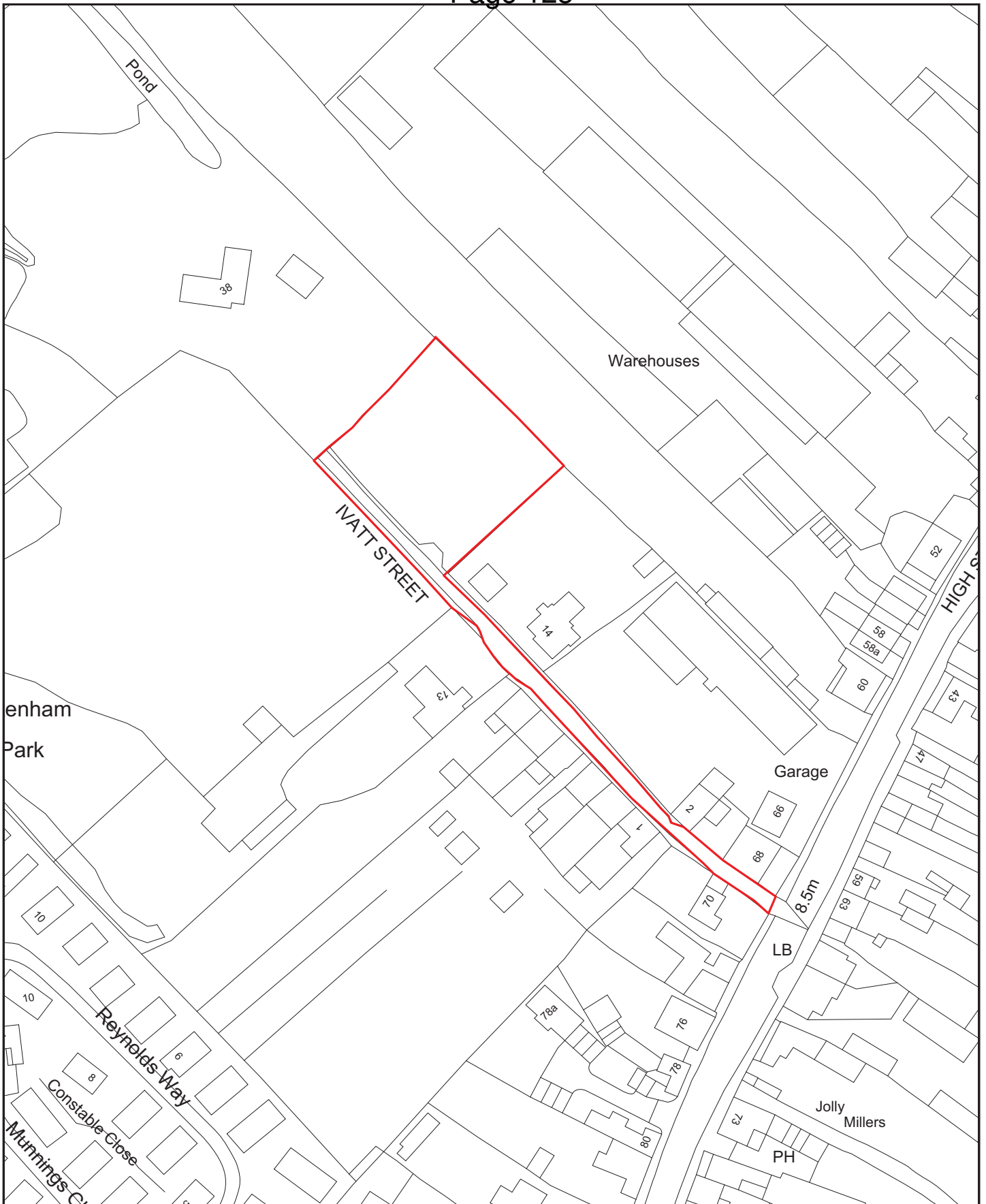
39. Subject to the prior signing of a Section 106 legal agreement, delegated powers are sought to approve the application subject to the following conditions:
1. Approval of the details of the layout of the site, the scale and appearance of the development, the access and the landscaping (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason – This application is in outline only.)
 2. 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).
 3. 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.)
 4. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 5. The layout shown within drawing number ASCA/CKM/03/36/2012.1 Rev A is for illustrative purposes only and is not approved by this consent.
(Reason – The application is in outline only).
 6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

7. No demolition, 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. 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.)
8. No development shall take place until walk over surveys of the site for protected species (great crested newts) has been undertaken and the results submitted to the Local Planning Authority, together with any mitigation measures. No development shall take place other than in accordance with approved mitigation measures. (Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981.)
9. 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.)
10. No development approved by this permission shall be commenced until:
 - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.
(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

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: Cottenham Village Design Statement 2007, Open Space in New Developments 2009, Trees and Development Sites 2009, Biodiversity 2009, District Design Guide 2010.
- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/2600/12/OL, S/1304/12/OL, S/1434/91/O, S/2653/88/O, S/1159/81/O, S/0915/80/O and S/1047/79.

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



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

**S/0167/13/FL – ICKLETON
Erection of Dwelling at Land to the West of 20 Church Street
for Heddon Management Ltd.**

Recommendation: Approval

Date for Determination: 27 March 2013

Notes:

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

Conservation Area

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located within the Ickleton village framework and conservation area. It is a triangular shaped plot that measures approximately 0.05 of a hectare in area. The site currently comprises an area of rough grass that has a number of trees around the perimeter. The land levels rise to the north. A public footpath runs along the north eastern boundary. The site lies within flood zone 1 (low risk).
2. An electricity substation is situated immediately to the east of the site. It is surrounded by high fencing. No. 20 Church Street is a detached, two-storey, render and plain tile listed building that lies to the south east. It has a high curtilage listed flint wall along the boundary with the site and first floor kitchen, bathroom and landing windows in its rear elevation. No. 1 Frogge Street is a detached, two and a half storey, render and plain tile listed building that lies to the south west. It has a high fence along its rear boundary. No. 28 Church Street is a one and a half storey, render and slate dwelling that lies to the west. It has a ground floor kitchen window in its side elevation and ground lounge patio doors and a first floor bedroom window in its rear elevation. A low fence and trees align the boundary with the site. No. 10 Butchers Hill is a detached, one and a half storey, weatherboard and plain tile dwelling that lies to the north. It is set at an elevated level and has sitting room and bedroom windows in its rear elevation and its main sitting out area adjacent the southern boundary wall.
3. This full planning application, received 30 January 2013, seeks the erection of a part two-storey and part single storey L shaped dwelling along the north western and south western site boundaries. It would be set below existing ground levels (0.8 metres lower than the previous application) and have a maximum height of 5.8 metres. The building would measure 11.4 metres (3 metres shorter than the previous application) and a depth of 17 metres (the same as the previous application). It would have a contemporary design with two monopitch elements of different heights separated by a link. The materials of construction for the monopitch elements would be vertical timber cladding above a brick plinth for the walls and sedum for the roofs. The link would have a zinc roof. The accommodation would have three bedrooms.

Two parking spaces would be provided on the driveway. The existing Walnut and fruit trees in the south eastern corner of the site would be retained. The remaining trees would be removed. Three new trees and a laurel hedge would be planted on the south western boundary of the site, two new trees would be planted on the north /north eastern boundary of the site, and one new tree would be planted within the courtyard amenity area.

Planning History

4. An appeal was dismissed for the erection of of a dwelling on the site under reference **S/1725/11**. The proposal was considered by the Inspector to have an unacceptable impact upon the amenity of the neighbour at No. 10 Butchers Hill.
5. Planning permission was refused for the erection of a dwelling on the site under reference **S/2123/08/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street and the conservation area through the bulk of the development affecting the site's open character and design being unsympathetic to the traditional character of buildings within the vicinity of the site and harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass, through noise and disturbance from the use of the access; and through overlooking.
6. An appeal was dismissed for the erection of dwelling and garage on the site under reference **S/0750/05/F**. The proposal was considered by the Inspector to damage the setting of the listed building at No. 20 Church Street through the loss of a significant section of the curtilage listed boundary wall, the bulk of the development affecting the secluded surroundings, and the height of the building destroying the majority of the site's open character; harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass and through noise and disturbance from the use of the access; and an adverse impact upon the new dwelling though overlooking from existing dwellings.

Planning Policy

7. ***Local Development Plan Policies***

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

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

HG/1 Housing Density

CH/3 Listed Buildings

CH/4 Development Within the Setting of a Listed Building

CH/5 Conservation Areas

NE/1 Energy Efficiency

NE/6 Biodiversity

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

SF/11 Open Space Standards

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009

Development Affecting Conservation Areas SPD - Adopted January 2009

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

Consultation by South Cambridgeshire District Council as Local Planning Authority

8. **Ickleton Parish Council** – Recommends refusal and has the following comments:

“The current application differs only slightly from the proposals submitted under ref: S/1725/11 (as originally submitted and amended) which were decisively rejected by the Planning Committee. An appeal against that decision has also been dismissed by the Planning Inspectorate. The width of the roof of the upper storey of the rear portion of the building has been reduced by 3025mm, by removing one bedroom compared with the original application. The relative height of the rear portion has been reduced by 800mm by sinking it further into the ground by that amount. The roof will still be higher than the boundary wall with 10 Butcher's Hill - 1.5m above the garden ground level of that dwelling. The footprint of the building remains as before.

We consider that the current proposals fail completely to overcome the Planning Inspector's objections at paras. 16 & 17 of the Appeal Decision dated 22 November 2012. They should be rejected for the same reasons that are given there.

In addition, we consider that the changes from the previous proposals, which result in the proposed dwelling having fewer windows and being sunk even deeper into the ground than before, merely add to the overall unattractiveness of the design. It is even more reminiscent of a military bunker than before.

The additional excavating needed compared with the previous proposals increases our concerns for the historic flint walls bordering the site. They now seem under even more threat than before. No account appears to have been taken of the Conservation Officer's remarks in the Update Report to Planning Committee dated 11 January 2012 that points out that flint walls are unlikely to be suitable for the type of underpinning apparently being recommended to and contemplated by the applicant.

Ickleton Parish Council's view continues to be that this dwelling, even as revised, is far too large for the site, and its design is wholly incongruous and unsympathetic to the area and the surrounding dwellings. By virtue of the scale, design and form of the proposed dwelling the development would intrude upon the open and natural setting of the listed Gurner House, and it would therefore adversely affect the setting of this listed building. In addition it would adversely affect the special character and appearance of the Conservation Area. We recommend refusal.

(Policy CH/4 of LDF 2007, Listed Buildings SPD, Policy HE10 of PPS 5, Policy CH/5 of LDF 2007, Conservation Areas SPD, & Policy HE9 of PPS 5)

For ease of reference we repeat our specific comments in relation to the previous application S/1725/11 as an Appendix below. We think these still apply to the current proposal. We are dismayed and disappointed that, despite complete rejection of these proposals from all parties at a local level, they should be put before you again with no significant revision. When as a local council we are being told by Central Government that planning policy and regulations are being changed to give local communities the development they want, and of a design and quality they want, we

are especially concerned not to have this particular development foisted on our community. We urge refusal.”

9. **Conservation Officer** – Recommends approval given the views of the Inspector in relation to the previous application.
10. **Local Highways Authority** – Requires conditions to ensure that the driveway is constructed with adequate drainage measures and bound material within 6 metres of the public highway.
11. **Environmental Health Officer** – Has no objections and suggests an informative in relation to the burning of waste on site.
12. **Trees and Landscapes Officer** – Has no objections.
13. **Landscape Design Officer** – No reply (out of time).
14. **Ecology Officer** – No reply (out of time). No objections to previous application.
15. **Rights of Way and Access Team** – Has no objections but comments that Public Footpath No. 6, Ickleton runs along north eastern boundary of the site and highlights points of law in relation to the footpath.

Representations by Members of the Public

16. Three letters of objection have been received from the neighbours at No. 10 Butchers Hill, No. 30 Church Street, and Gurner House 20 Church Street. A letter of objection has also been received from the Ickleton Society. Concerns are raised on the following grounds: -
 - Not significantly different from previous application;
 - Roofline shown on plan for previous application is inaccurate;
 - Unduly overbearing mass, noise and disturbance, and loss of privacy to No. 10 Butchers Hill;
 - Impact upon retaining wall at No. 10 Butchers Hill;
 - Noise and disturbance from the driveway, overlooking and overbearing mass to No. 28 Church Street;
 - Overlooking to and from Gurner House
 - Noise and disturbance from the driveway and overlooking to and from the annexe to Gurner House;
 - Limited access width and highway safety issues with regards to pedestrian visibility and manoeuvring as there is no on-site turning;
 - The scale, design, form, siting, proportions, materials, texture and colour of the building is out of keeping with the conservation area;
 - The scale, design, form of the building would enclose the existing open setting of the adjacent listed building (Gurner House) and other cottages in Church Street;
 - Overdevelopment of the site;
 - Impact upon the listed wall;
 - Amenity to new dwelling from lower ground levels;
 - Planning history of the site;
 - Overlooking to No. 30 Church Street;
 - Damage or loss of Ash tree

Representations by Applicant's Agent

17. The applicant's agent has responded to the above consultation responses and representations as follows: -
- Sole reason for the previous application being dismissed at appeal was the impact of the development upon the neighbour at No. 10 Butchers Hill;
 - A number of representations from neighbours raise issues that the Inspector considered acceptable;
 - Any decision that deviates from an Inspector's view must be based upon material planning considerations that did not affect the previous decision otherwise this could result in costs at appeal;
 - There have been no change in circumstances since previous appeal decision;
 - The changes that have been made in terms of the lower height and reduced width of the building significantly alter the relationship of the development with No. 10 Butchers Hill to a satisfactory extent;
 - The design of the building retains the contemporary design and remains co-ordinated in relation to its form and appearance;
 - Appropriate protection measures for the surrounding walls will be incorporated into the development; and,
 - The dimensions quoted by some of the neighbours are inaccurate. The roof extends from between 150mm and 600mm above the height of the boundary wall with No. 10 Butchers Hill and not at a height of 1 metre. The roofline on the plan from the previous application is accurate.

Material Planning Considerations

18. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the setting of adjacent listed buildings, the character and appearance of the conservation area, the curtilage listed wall, trees and landscaping, highway safety, and neighbour amenity.

Principle of Development

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

Density

20. The development of one dwelling would equate to a density of 20 dwellings per hectare. Whilst this would be below the density requirement of 30 dwellings per hectare that should be achieved in villages such as Ickleton, it is considered appropriate in this case given the sensitive nature of the site within the conservation area and adjacent listed building, and the access restrictions.

Setting of Adjacent Listed Buildings

21. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"As open space, the land helps to maintain a very pleasant, spacious setting for the rear of the listed building at 20 Church Street. On the other hand with the garden of 1 Frogge Street narrowing as it does on the western side of the appeal site, the contribution to the setting of that building is less obvious".

22. No. 20 Church Street is situated to the east of the site. It is a two-storey listed building that is set on the back edge of the footpath. The original building is to the eastern side with the main garden to the rear, and a 1970's two-storey annexe extension is to the western side with a kitchen garden to the rear and parking area to the side. There is a high flint wall along the eastern side boundary and large conifers to the rear.

23. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The curtilage of 20 Church Street once extended to the appeal site, albeit separated from the main part of the garden by the flint wall. The archway allowing access to the site is still evident but otherwise the relationship of the site to the listed house is somewhat tenuous. Its contribution to the interest and significance of the listed building is generally for the backdrop of openness it provides. Although there is no doubt that the proposed dwelling would be visible from 20 Church Street, the new building's L-shape, its partial setting into the ground and part single storey construction would maintain much of the openness that the previous inspector regarded as important. Furthermore, the two-storey part of the new house would be some distance from the listed building and largely below the height of the flint boundary wall. The combination of these factors would limit the extent to which the dwelling would impinge on the spacious setting of Gurner House".

24. Given the above comments and that the current proposal has been further set into the ground with a lower height and a reduced in scale, the development is not considered to damage the setting of the listed building at Gurner House, No. 20 Church Street.

25. No. 1 Frogge Street is situated to the west of the site. It is a two and a half storey building that is set on the back edge of the footpath. It is situated a distance of 20 metres from the site boundary and has a high fence along its rear boundary. There are some trees and landscaping within the site that act as a screen.

26. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The generous garden of 1 Frogge Street would prevent the new building from intruding harmfully on its well-defined setting".

27. Given the above comments and that the current proposal has been further set into the ground and reduced in scale so that the two-storey element is situated further from the boundary, the development is not considered to damage the setting of the listed building at No. 1 Frogge Street.

Curtilage Listed Wall

28. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"As an important feature of the listed building's curtilage, and of special historic interest itself, the wall's preservation and its long term integrity must be ensured during construction of the new dwelling and after it has been erected. There is nothing to suggest that the wall is structurally unsound, and its fabric is generally in a serviceable condition. The report (structural) identifies the means by which the stability of the wall could be secured as excavations take place to accommodate foundations for the new dwelling. The technique described is not unusual and often successfully implemented under similar circumstances of proximity of historic buildings to new development. I am confident that there are sufficient expertise and

construction methods available to be assured of adequate protection of the wall during and after construction of the proposed house. Such measures could be controlled by condition.”

29. Given the above comments and subject to a condition that requires details of the method of excavation to be agreed to enable its retention and protection, the development is not considered to harm the curtilage listed wall.

Character and Appearance of the Conservation Area

30. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The appeal site is not readily visible from public vantage points. However, public views are not the only determinant of a site’s contribution to the character and quality of an area. Considerations also include openness, pattern of development and historic layouts. The conservation area close to the appeal site is characterised by a mix of buildings with open spaces glimpsed in between. Open spaces around buildings facing Church Street, Frogge Street and Butchers Hill are mainly enclosed gardens with trees and vegetation contributing to the appearance of the conservation area. Although frontage development predominates, 18 and 28 Church Street and 10 Butchers Hill are set back from the roadside behind front gardens or forecourts. The differences in the way that buildings west of the church are positioned in relation to their plots and to each other introduce a pleasing variety to the area. The new dwelling would be positioned some distance from the road frontage. By virtue of that set back, as well as planting and fences or masonry boundaries, it would remain largely secluded from public views. It is likely that sections of the two-storey house would be glimpsed from Church Street. However, with the benefit of distance and a backcloth of trees, it would no more impinge upon views from public vantage points than the house already visible alongside to the north of the site. The same applies to how it would be perceived by neighbours. The new development would be seen in context of variety in building types and ages; it would be of a scale respectful of its surroundings and interposed with houses already visible from the rear of existing properties. No. 28 Church Street and 10 Butchers Hill occupy positions that do not conform to a pattern readily discernible as frontage development, and the appeal proposal would be similarly perceived as part of that small group. The design is contemporary but that should not be held against the scheme, especially as the height and scale intended would allow the new housing to integrate into its surroundings.”

31. Given the above comments and that the current proposal has been reduced in height and scale without resulting in a substantially different design approach, the development is considered to preserve the character and appearance of the conservation area.

Trees and Landscaping

32. The proposal would not result in the loss of any important trees or landscaping that contribute to the visual amenity of the area. The significant Walnut tree would be retained and protected. The trees to be removed along the south western boundary would be replaced. A landscaping condition would be attached to any consent ensure that planting softens the impact of the development upon the surrounding listed buildings and conservation area.

Highway Safety

33. The proposal is not considered to result in a material increase in traffic generation to and from the site that would be detrimental to highway safety. The access width is considered suitable. Whilst it is acknowledged that the standard requirement of 2.0 metres x 2.0 metres pedestrian visibility splays could not be achieved on each side of the access due to the boundary wall and that this would lead to restricted visibility when exiting the site, the use of lower splays are considered acceptable in this case given the support by the appeal Inspector who did not consider the level of traffic that would use the access and standard of visibility to pose a significant threat to pedestrian safety.
34. Two on-site parking spaces would be provided for the new dwelling that would accord with the Council's parking standards. The proposal would not therefore lead to on-street parking that would cause a hazard and adversely affect the free flow of traffic along Church Street.
35. Although it is noted that the proposal would not provide an on-site turning area and vehicles would have to reverse out of the site, this is considered acceptable given the nature of the existing access and the lack of any objection from the Local Highways Authority.

Neighbour Amenity

36. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The new house would be visible from habitable rooms at the rear of 20 Church Street. However, the separation distance of some 29 metres from the rear wall of the listed building to two-storey part of the new house would be well beyond the sort of distances or relationship expected by the Council's standards. Intervening vegetation and the flint wall would reinforce the separation and the existing occupiers would be assured a good level of privacy. The distance of the new building from Nos. 20 and 28 Church Street, as well as 1 Frogge Street, combined with its low profile and partial setting into the ground would remove the likelihood of the existing properties being dominated, overshadowed or overlooked to any harmful extent."
37. Given the above comments and that the current proposal would be reduced in height and scale and have a lesser number of first floor windows, the development is not considered to have an unacceptable adverse effect upon the amenities of the neighbours at Nos. 20 and 28 Church Street, and No. 1 Frogge Street.
38. The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The relationship with 10 Butchers Hill troubles me. The two-storey part of the new building would extend across much of the width of the neighbour's property, and situated at a distance of only 1.5 metres from the stepped boundary wall marking the end of their garden. Although the eaves would rise to 0.8 metres to 1.1 metres above the wall, the roof would slope upwards (albeit at a shallow pitch) to rise a further 1.7 metres. The expanse of roof would occupy a large part of the outlook from south facing windows and dominate the garden; the effect would be exacerbated by the elevated positioning of No. 10 in relation to the appeal site. Whilst the sedum roof would soften the roof's profile, because of its proximity to No. 10, the two-storey part of the new dwelling would be seriously harmful to the enjoyment of the existing occupant's use of their garden and to their outlook."

39. Given the above comments, the design of the proposal has been revised as part of the current application to address the concerns of the Inspector. The new dwelling has been lowered 0.8 metres further into the ground that would result in an eaves height that sits below the boundary wall to No. 10 Butchers Hill and a ridge height of 0.15 metres above the wall at the eastern end and 0.6 metres above the wall at the western end, both at a distance of 8.3 metres away. In addition, the width of the dwelling has been reduced by 3.025 metres at its western end at first floor level that would result in an 11.4 metre long rear elevation. Whilst it is acknowledged that the dwelling would still be visible from the windows in the south elevation and garden of this neighbour, the changes are considered to significantly alter the impact of the new dwelling so that there would be a satisfactory relationship between the properties. The limited height that the new dwelling would project above the boundary wall at such a long distance away immediately adjacent the main part of No. 10 Butchers Hill together with its reduced width and the soft appearance of the roof would not result in a dominant bulk and unduly overbearing mass of built development that would seriously harm the amenities of the occupiers' enjoyment of their property through a loss of outlook.
40. The existing dwellings at Nos. 20 and 28 Church Street and No. 10 Butchers Hill are not considered to result in harm to the occupiers of the new dwelling through being unduly overbearing in mass, through a loss of light, or through a loss of privacy. The windows between the properties would have the same relationships identified above and the internal courtyard amenity area would be screened by the proposed dwelling or situated a distance of 20 metres from any windows.
41. The lowering of the dwelling by an additional 0.8 metres is not considered to lead to the boundary walls of the site resulting in an unduly overbearing and dominant mass when viewed from the windows or amenity area of the new dwelling, given that they would be a distance of at least 6 metres away and screened by landscaping.

Developer Contributions

42. The South Cambridgeshire Recreation Study 2005 identified a shortage of play space within Ickleton. No public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £3,104.38 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. A section 106 legal agreement has been completed that secures this contribution.
43. The South Cambridgeshire Community Facilities Assessment 2009 states that Ickleton has an excellent level and standard of indoor community facilities. However, investment is required and due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. A section 106 legal agreement has been completed that secures this contribution.
44. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. A section 106 legal agreement has been completed that secures this contribution.

Other Matters

45. The drawings submitted with the current planning application are accurate in relation to the previous scheme determined at appeal.

Conclusion

46. 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

47. It is recommended that the Planning Committee approves the application subject to the following conditions and informatives: -

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan and drawing numbers 10044-05 Revision D, 06 Revision D, 07 Revision D, 08 Revision E, 09 Revision A; LD 11 895-2 and 5A; and Prior Associates Report ref: 9581 dated November 2011 updated January 2013.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used for hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 2007 of the adopted Local

Development Framework 2007 and in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)

6. No development shall take place until details of the method of surface water drainage for the driveway has been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
7. The permanent space to be reserved on the site for the parking of two cars shall be provided before the development hereby permitted is occupied and thereafter maintained.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
8. 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.)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in any elevation/roof slope of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. The first floor bathroom window in the south west side elevation of the dwelling, hereby permitted shall be fixed shut and glazed with obscure glass.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D, and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. During the period of 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.)

13. No development shall take until details of the method of excavation of the site and the method of construction for the dwelling and associated works, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To protect the listed wall in accordance with Policy CH/3 of the adopted Local Development Framework 2007.)

Informatives

1. The site is subject to an agreement under section 106 of the Town and Country Planning Act 1990 dated 26 February 2013.
2. The driveway should be constructed from bound materials within 6 metres of the public highway in order to avoid the displacement of loose materials on to the public highway.
3. The access shall remain open at all times and not be obstructed.
4. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
5. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
6. See attached Environment Agency advice regarding soakways.
7. Public footpath No. 6, Ickleton runs along north eastern boundary of the site. The following points of law should be noted in relation to the public footpath: -
 - i) No alteration to the surface of the footpath is permitted without the consent of the Cambridgeshire County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971).
 - ii) The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s. 137 of the Highway Act 1980 to obstruct a public right of way).
 - iii) Landowners are reminded it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 154 of the Highways Act 1980.)
 - iv) The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para. 7.1)

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

- National Planning Policy Framework 2012
- Planning File References: S/0167/13/FL, S/1725/11, S/2123/08/F, and S/0750/05/F

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 11 January 2012
AUTHOR/S: Executive Director (Operational Services) / Corporate Manager - Planning and New Communities

S/1725/11 – ICKLETON
Erection of Dwelling at Land to the West of 20 Church Street
for Heddon Management Ltd.

Recommendation: Approval

Date for Determination: 25th October 2011

Notes:

Members will visit the site on Tuesday 10th January 2012

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

Site and Proposal

1. The site is located within the Ickleton village framework and conservation area. It is a triangular shaped plot that measures approximately 0.05 of a hectare in area. The site currently comprises an area of rough grass that has a number of trees around the perimeter. The land levels rise to the north. A public footpath runs along the north eastern boundary. The site lies within flood zone 1 (low risk).
2. An electricity substation is situated immediately to the east of the site. It is surrounded by high fencing. No. 20 Church Street is a detached, two-storey, render and plain tile listed building that lies to the south east. It has a high curtilage listed flint wall along the boundary with the site and first floor kitchen, bathroom and landing windows in its rear elevation. No. 1 Frogge Street is a detached, two and a half storey, render and plain tile listed building that lies to the south west. It has a high fence along its rear boundary. No. 28 Church Street is a one and a half storey, render and slate dwelling that lies to the west. It has a ground floor kitchen window in its side elevation and ground lounge patio doors and a first floor bedroom window in its rear elevation. A low fence and trees align the boundary with the site. No. 10 Butchers Hill is a detached, one and a half storey, weatherboard and plain tile dwelling that lies to the north. It is set at an elevated level and has sitting room and bedroom windows in its rear elevation and its main sitting out area adjacent the southern boundary wall.
3. This full planning application, received 26th August 2011, as amended 28th November 2011, seeks the erection of a part two-storey and part single storey L shaped dwelling along the north western and south western site boundaries. It would be set below existing ground levels and have a maximum height of 5.8 metres. The building would have a contemporary design with two monopitch elements of different heights separated by a link. The materials of construction would be vertical timber cladding above a brick plinth for the walls and sedum for the roofs. The accommodation would have four bedrooms. Two parking spaces would be provided on the driveway. The existing Walnut and fruit trees in the south eastern corner of the site would be retained. The remaining trees would be removed. Three new trees and a laurel hedge would be planted on the south western boundary of the site, two new trees would be

planted on the north /north eastern boundary of the site, and one new tree would be planted within the courtyard amenity area.

Planning History

4. Planning permission was refused for a dwelling on the site under reference **S/2123/08/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street and the conservation area through the bulk of the development affecting the site's open character and design being unsympathetic to the traditional character of buildings within the vicinity of the site and harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass, through noise and disturbance from the use of the access; and through overlooking.
5. An appeal was dismissed for the erection of dwelling and garage on the site under reference **S/0750/05/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street through the loss of a significant section of the curtilage listed boundary wall, the bulk of the development affecting the secluded surroundings, and the height of the building destroying the majority of the site's open character; harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass and through noise and disturbance from the use of the access; and an adverse impact upon the new dwelling though overlooking from existing dwellings.

Planning Policy

6. ***Local Development Plan Policies***

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

South Cambridgeshire LDF Development Control Policies DPD, 2007:

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
CH/3 Listed Buildings
CH/4 Development Within the Setting of a Listed Building
CH/5 Conservation Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Development Affecting Conservation Areas SPD - Adopted January 2009
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

7. **National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 5 (Planning for the Historic Environment)

8. **Circulars**

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

Consultation

9. **Ickleton Parish Council** – Recommends refusal and has the following comments:

“General summary comment

By virtue of the scale, design and form of the proposed dwelling the development would intrude upon the open and natural setting of the listed Gurner House, and it would therefore adversely affect the setting of this listed building. In addition it would adversely affect the special character and appearance of the Conservation Area. (Policy CH/4 of LDF 2007, Listed Buildings SPD, Policy HE10 of PPS 5, Policy CH/5 of LDF 2007, Conservation Areas SPD, & Policy HE9 of PPS 5)

Specific comments

No weight should be given to any preference expressed for Option 1 in pre-application discussions. This amounted to nothing more than identification of the least worst option amongst those on offer.

The current proposal represents gross overdevelopment of the site. The dwelling is far too big for the site. It is doubtful that a two-storey dwelling could ever be considered suitable for such a sensitive site.

This is just not the place for this type of design. In this part of the Conservation Area there are no fewer than 5 listed buildings in the vicinity. The building will simply not complement them, or the surrounding non-listed buildings, and the CA will therefore be adversely affected.

The building would be considerably more visible than suggested by the drawings submitted and as claimed in the narratives. In particular the sedum roof - whose visibility will be exacerbated by the intended rooflights - will be visible from the public highway on Butchers Hill. The intended building will also be more visible when viewed from Church Street than indicated in the application papers.

There would be adverse impact on the amenity of Gurner House, and also on the amenity of 10 Butchers Hill. The residents have submitted their own detailed comments in this regard, and the Parish Council supports their comments.

More than on any other neighbouring dwelling, the adverse impact on 28 Church Street would be immense, given the proximity of the intended single-storey wing extension to that dwelling. In addition, the long flanking side elevation of the dwelling and its extension running as it would alongside the garden/recreation space of No 28 would dominate and have a deleterious effect.

The intended parking arrangements for the new dwelling would have almost as bad an impact on the quiet enjoyment of the residence and garden at No 28 as those proposed in previous, rightly rejected, applications. It should be noted that no representations will be received from No 28 directly as the property has been taken into the ownership of the Applicant. The adverse impact of the proposal on that property however needs to be recognised.

There would be considerable negative impact on the amenity of the intended dwelling itself. It would be overlooked - and overheard - from above at the rear from one neighbouring property, and overlooked at the front from two properties and an annexe. There would be serious issues of privacy for any residents. The main rectangular block of the building, which has to be sunk into the ground by reason of the constraints of the site, gives off an unfortunate 'bunkerish' impression. This is reinforced by the need to reduce and set back window openings in the upper floor windows to the front, and the insertion of 'firing-slit' windows at the rear. These rear windows will in addition be awkwardly placed when viewed from within. The rear of the building will be an unattractive dead zone. The need to constrain the height also results in constrained internal dimensions in the upper corridor. We feel these factors, forced on the design in order to address the problem of amenity of surrounding dwellings, detract from the amenity of the proposed dwelling whilst simultaneously failing to remove the adverse impacts upon the surrounding properties.

The Parish Council thinks it is unacceptable that cars should be reversing in or out of the property onto the public highway at that particular part of Church Street. This is a very busy stretch of footpath, located near the village shop and bus stops (used by school buses). There are a lot of vehicle movements and short-term parking related to users of the village shop very near to the location. We believe the application should be refused on the grounds of highway safety.

The Parish Council wondered whether there were any Health & Safety issues involved with arrangements involving the permanent parking of vehicles adjacent to the Electricity sub-station?

The Parish Council was not convinced that the proposed Sedum roof will sit well in this neighbourhood. It was felt that it was not likely to thrive; there was no awareness of any Sedum roofs in the area which can be said to be thriving. It was difficult to see how this roof and other features of the building design could be said to preserve or enhance the character of the area.

Great concern was expressed over the lack of detail about the extensive excavations required if the application were to succeed. These would potentially jeopardize not merely the curtilage wall of listed Gurner House, but equally the historical and interesting flint and brick wall bordering the public footpath between Butcher's Hill and Church Street (and perhaps even endangering the footpath itself). We would not wish to see either of these walls lost or damaged owing to excavations, which may be complicated as we understand the underlying land may be very unstable."

10. **Conservation Officer** – Recommends refusal and makes the following comments: -

Original Plans

"This land is within the ownership of Gurner House at the time of listing and is within the current setting of this and 1 Frogge Street, both grade II listed buildings. The walls predating 1948 would be curtilage listed. The site is significant as an informal open green space within the setting and backdrop of listed buildings and within the conservation area. The Inspector commenting on S/0750/05/F commented that it

provides a very pleasant, spacious setting for the rear of the listed building and that a reason for dismissing the appeal was that it would mean the loss of the existing open backdrop to Gurner House and due to the bulk of the proposed house would amount to an insensitive intrusion into the secluded surroundings of the secluded garden (para 7).

I would have the following concerns:

- The loss of the open green space and backdrop to the listed buildings.
- The cramped and bulky layout of the proposed development.
- The likely undermining of the curtilage listed flint walls due to the extensive lowering of ground levels and proximity of the proposed building and structures close to the walls.
- The set-back location of the building in contrast to the road edge positions of adjacent buildings. The Heritage Statement says other buildings are set back, but these comprise either the farmstead buildings or ancillary and subservient buildings, rather than main houses.
- The potential loss of viability of number 28 due to impact on amenity.
- There is insufficient information regarding how visible the building would be from the listed building or conservation area, say over the wall and at the entrance as accurate sections have not been supplied through these areas and there is conflict between the heights of wall between the listed buildings and this site shown on the drawings e.g. the 3-D drawings do not seem to accord with photos and seem to show more screening than exists.
- The proposed development is therefore likely to be visible above the entrance fencing due to the two-storey nature of the building.
- The extensive use of close boarded fencing at the entrance in contrast to the better quality brick and stone walls more characteristic of the group.
- The loss of trees and green screening in the setting of 1 Frogge Street, making the development and loss of open green space more obvious.
- The development contrasts with the character of main houses along streets in the conservation area which is only varied by farmsteads and subservient buildings. Contrary to para 3.02 of the Heritage Statement, backland development of the hierarchy and form proposed is not characteristic of the historic village.

I refer you to the Inspectors comments on S/1534/08/F which is more current than the views of the Inspector on this site in 2005 with regard to the harm caused by the presence of a building within a formerly open space in a conservation area despite limited public views.

There is no public benefit to offset the harm under PPS5 and I therefore recommend refusal as follows:

The proposed dwelling will adversely affect the settings of the grade II listed Gurner House and 1 Frogge Street, due to its position, extent, bulk and loss of screening and openness. This would be contrary to policy CH/4 and PPS5 policies HE6, 7, 9 and 10 (including HE6.1, HE7.2, HE7.5, HE9.1, HE9.4 and HE10.1).

The proposed development is likely to undermine the curtilage listed boundary flint wall, contrary to policy CH/3 and PPS5 policies HE6, 7 and 9 (including HE6.1, HE7.2, HE9.1 and HE9.4).

The position and presence of the dwelling within a significant open space behind street frontage buildings and the design of the entrance would adversely affect the character of this part of the conservation area, contrary to policy CH/5 and PPS5 policies HE6, 7, 9 and 10 (including HE6.1, HE7.2, HE7.5, HE9.1 and HE9.4)”

Response to agents letter dated 12th October 2011

"I have viewed the site from Gurner House. It is my opinion from the information available in the application, that it would be visible over the wall from Gurner House, both from the garden and from the house. It would intrude upon the openness which is significant to the rear and setting of Gurner House. By being within backland and surrounded by rear gardens, the proposed dwelling does not have the same relationship to houses around it as the street edge buildings do.

The assessment of harm under PPS5 does not require the development only to be dominating or overbearing in order to be harmful. "

11. **Local Highways Authority** – Requires conditions to ensure that the driveway is constructed with adequate drainage measures and bound material within 6 metres of the public highway.
12. **Environmental Health Officer** – Has no comments.
13. **Trees and Landscapes Officer** – Has no objections.
14. **Landscape Design Officer** – No reply (out of time).
15. **Ecology Officer** – Accepts that no reptiles would be damaged and has no further comments.
16. **Rights of Way and Access Team** – Has no objections but comments that Public Footpath No. 6, Ickleton runs along north eastern boundary of the site and highlights points of law in relation to the footpath.

Representations

17. Letters of objection have been received from the neighbours at No. 10 Butchers Hill, March Cottage Butchers Hill, No. 30 Church Street, Gurner House 20 Church Street, and 5 Priory Close. A letter of objection has also been received from the Ickleton Society. Concerns are raised on the following grounds: -
 - Unduly overbearing mass, noise and disturbance, and loss of privacy to No. 10 Butchers Hill;
 - Noise and disturbance from the driveway, overlooking and overbearing mass to No. 28 Church Street;
 - Overlooking to and from Gurner House
 - Noise and disturbance from the driveway and overlooking to and from the annexe to Gurner House;
 - Limited access width and highway safety issues with regards to pedestrian visibility and manoeuvring as there is no on-site turning;
 - The scale, design, form, siting, proportions, materials, texture and colour of the building is out of keeping with the conservation area;
 - The scale, design, form of the building would enclose the existing open setting of the adjacent listed building (Gurner House) and other cottages in Church Street;
 - Overdevelopment of the site;
 - Impact upon the listed wall;
 - Loss of paddock that is possibly a valuable wildlife area;

- If the site is developed it should be for a small affordable dwelling
- Planning history of the site;
- Overlooking to No. 30 Church Street;
- Damage or loss of Ash tree

18. The applicant's agent has responded to the conservation officer original objections in a letter dated 12th October 2011 as follows: -

"I note the Conservation Officer's concerns in respect of the loss of the green space and backdrop to the Listed Building. The supporting documentation of the application clearly outlines our case that it is the views above and beyond the boundary wall which are of most importance to the setting of Gurner House. The tall boundary wall provides an effective screen/barrier between the application site and the curtilage of Gurner House. If development were to occur that is well concealed behind this wall, the presence of built form will not, in our view, have a harmful impact on the setting of the listed building.

In this regard I note the pictures that have been taken from Gurner House. It would be helpful to understand from which windows these pictures are taken from. While I have clearly not had the benefit of viewing the site from Gurner House, it would appear to me that the photos are taken from the first floor window in the modern extension to the dwelling (Bathroom), the ground floor (Kitchen) window in the single storey link and the first floor (Bathroom) window in the main dwelling. Can this be verified?

Also, have you inspected the views from these windows? The reason I ask is that having regard to the orientation of Gurner House, relative to the application site, and the level of separation provided, it would be helpful to know at what angle these pictures have been taken from, (particularly the external first floor shot). I would appreciate your confirmation of this before commenting in any detail on these pictures.

Notwithstanding the above, my initial observations are however that from the historic parts of the listed building views of the proposed building will be limited with the majority of the structure being screened by the boundary wall. When viewed at a certain angle, (and perhaps outside of the first floor bathroom window), views of the first floor will be provided. Such views are however limited and are provided over some distance. As a result the development will not have a dominating or overbearing impact that will adversely affect the setting of the Listed Building. It will instead form a partly visible feature just as existing developments do in the case of Gurner House already and indeed in the vast majority of all other listed buildings.

In relation to the comment about cramped development, the building to plot ratio is not dissimilar to existing plots along Church Street. By design, the dwelling is inward looking with the building lining the outer boundaries of the site. I do not agree that the development appears cramped as a result or harmful to either the setting of the Listed Building or the Conservation Area.

I note the comments about views from beyond the site boundary. These are often difficult to generate as accurate survey data can not be obtained from third party land. The sections that have been submitted are based on accurate survey data and are therefore representative. I will however explore with the architect to see if further drawings can be provided to assist with the assessment of this application.

In respect of the scale of development, relative to other buildings set back from the road, I think the important factor is how the development is viewed/perceived. While it is a two storey building, because it is to be set down within the site, it will have the appearance, when viewed from the surrounding area, of a building of a more subservient scale. It should also be noted that the pattern of development is very mixed in the local area.

The view of the development from Church Street is illustrated on the street view submitted within the application. The proposed use of close boarded fencing reflects the existing treatment of the entrance to the site. I am happy to discuss the potential use of alternative materials here if this is considered necessary/appropriate. In respect of landscaping, some trees are to be removed but these are of limited value. Replacement planting will be provided as part of this development. The level of separation provided, the scale of development proposed and the presence of existing development means, that in our view, the proposed development will therefore have no adverse impact on the setting of No 1 Frogge Street.

I note the comments about the future stability of the Listed Wall. I will seek further guidance on this and revert back to you. Clearly the Party Wall Act would ensure that damage to this common boundary wall would not occur and that it will be adequately protected. I will however see if I can be any more specific on this matter at this stage.

I have had regard to the appeal decision provided by the Conservation Officer for 9 Rectory Farm Road, Little Wilbraham. The comments within this decision concerning the openness of the Conservation Area are noted. Firstly this land is very different to the application site. It is a large parcel of undeveloped land which abuts the highway and provides a very clear break in the ribbon of development which extends along the road. I do not think this site's characteristics could be more different to the application site which has limited highway frontage and sits in amongst enclosed residential gardens. Gaps similar to that provided by the appeal site are characteristic of the Little Wilbraham Conservation Area and are fundamental to the character and appearance of the area. This is not so in the case of the application site and the undeveloped nature of the site makes very little contribution to the overall character of the area, a view very much supported by the previous appeal decision for this site and the Council's pre-application letter, dated 29th July 2011.

In the case of the Little Wilbraham Appeal, the inspector concluded that the open aspect provided by the appeal site, together with the presence of very prominent and high quality landscaped features meant that the development of the space would have an adverse impact on the character and appearance of the designated area. While reference was made to the limited views provided of the development I do not agree that this decision adds any weight to the case being put forward by the Conservation Officer. Each case has to be judged on its merits and the character of the application site and its relationship with the surrounding Conservation Area is fundamentally different to that at Little Wilbraham.

What I think is of relevance within the Little Wilbraham Appeal is paragraph 3 where the impact of the development on the adjacent Listed Building, Reed Cottage, is discussed. Here the Inspector states (and I quote)

its [Reed Cottage] north elevation is along the common boundary with The Bell House. There is only one small window within this, its northern wall, which is a bathroom. Along this boundary there is a considerable amount of vegetation in the form of trees and shrubs, their height emphasising their effectiveness as a screen between the Listed Building and The Bell House, which dates from the early 19th century. These considerations of aspect and screening persuade me that the openness of the appeal site does not contribute in any significant way towards the setting of the Listed Building. Its setting is essentially its garden which is its curtilage, and so I do not consider that the appeal proposal would have any material effect upon the setting, immediate or wider, of the Listed Building."

The applicant's position remains therefore that the development will not have any adverse impact on the setting of the Listed Building nor will it adversely affect the

character and appearance of the Conservation Area. I would also like to point out that this is a position which the Council supported in its pre-application letter since which the development has been reduced in height and scale and has been relocated further away from the Listed Building.”

Amended plans with additional information and a revised landscape strategy have also been submitted.

Planning Comments – Key Issues

19. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the setting of adjacent listed buildings, the character and appearance of the conservation area, the cartilage listed wall, trees and landscaping, highway safety, and neighbour amenity.

Principle of Development

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

Density

21. The development of one dwelling would equate to a density of 20 dwellings per hectare. Whilst this would be below the density requirement of 30 dwellings per hectare that should be achieved in villages such as Ickleton, it is considered appropriate in this case given the sensitive nature of the site within the conservation area and adjacent listed building, and the access restrictions.

Setting of Adjacent Listed Buildings

22. No. 20 Church Street is a two-storey listed building that is set on the back edge of the footpath. The original building is to the eastern side with the main garden to the rear, and a 1970's two-storey annexe extension is to the western side with a kitchen garden to the rear and parking area to the side. There is a high flint wall along the eastern side boundary and large conifers to the rear.
23. Whilst the conservation officer's concerns are noted, the proposed dwelling is not considered to damage the setting of this listed building. Although the dwelling would be visible above the listed boundary wall, it is not considered to result in the loss of the existing open backdrop to the listed building given that it would project 1 metre above the lowest part of the wall, would not be visually dominant in views from the ground floor windows and the garden of listed building, would be situated a distance of 29 metres from and closer to the less significant service area of the building and garden, and that there area already views of the existing boundary wall to No. 10 Butchers Hill that has a poor design and materials.
24. No. 1 Frogge Street is a two and a half storey building that is set on the back edge of the footpath. It is situated a distance of 20 metres from the site boundary and has a high fence along its rear boundary. There are some trees and landscaping within the site that act as a screen.
25. Although the existing trees and landscaping on the site would be removed, the revised landscape strategy proposes replacement planting in order to ensure that the proposal would not damage the setting of this listed building.

Curtilage Listed Wall

26. The proposed dwelling would be situated a distance of 5 metres from the curtilage listed wall along the eastern boundary. However, the excavation works and retaining walls required to construct the dwelling at a lower ground level would be situated a distance of 2.5 metres from the wall. A structural report has been submitted to demonstrate that the proposal would not have an adverse impact upon the curtilage listed wall subject to the construction of the retaining wall by specialist means. This could be a condition of any consent.

Character and Appearance of the Conservation Area

27. The conservation area comprises a number of houses along the street frontages that have a traditional and dense character and appearance. However, a number of more recent infill plots have been built on sites that are set back from the street frontage, namely No. 28 Church Street and No. 10 Butchers Hill. This is in contrast to open spaces including the green at the corner of Church Street and open paddock land to the south of Church Street that forms a countryside setting.
28. Whilst the conservation officer's concerns are noted, the proposed dwelling is not considered to harm the character and appearance of the conservation area. The Inspector when determining the 2005 application did not consider the site to form an important open space in the conservation area, given its secluded nature and its limited visibility from public viewpoints. The proposal is also not considered to be out of keeping with the pattern of development in the village as infill plots to the rear of dwellings have been allowed in the past. The proposed dwelling would be constructed at significantly lower ground level and have a lower height than the dwelling at No. 10 Butchers Hill and its boundary wall that is currently visible from Church Street albeit well screened by the existing trees on the site. In addition, it would have a contemporary outbuilding style design with timber walls and a sedum roof that although would not match the form of existing buildings, is considered appropriate, and would reduce the impact of the modern dwelling and render wall at No. 10 Butchers Hill. Although it is acknowledged that the dwelling would be situated close to the boundaries of the site, it would have an open courtyard amenity area centrally and a very low scale link so it would appear as two separate buildings. It is not therefore considered to result in a cramped form of development. The close boarding fencing at the entrance to the site is considered to be less prominent than the existing close boarded fencing and is therefore considered acceptable.

Trees and Landscaping

29. The proposal would not result in the loss of any important trees or landscaping that contribute to the visual amenity of the area. The significant Walnut tree would be retained and protected. The trees to be removed along the south western boundary would be replaced. A landscaping condition would be attached to any consent ensure that planting softens the impact of the development upon the surrounding listed buildings and conservation area.

Highway Safety

30. The proposal is not considered to result in a material increase in traffic generation to and from the site that would be detrimental to highway safety. The access width is considered suitable. Whilst it is acknowledged that the standard requirement of 2.0 metres x 2.0 metres pedestrian visibility splays could not be achieved on each side of the access due to the boundary wall and that this would lead to restricted visibility when exiting the site, the use of lower splays are considered acceptable in this case given the support by the appeal Inspector who did not consider the level of traffic that

would use the access and standard of visibility to pose a significant threat to pedestrian safety.

31. Two on-site parking spaces would be provided for the new dwelling that would accord with the Council's parking standards. The proposal would not therefore lead to on-street parking that would cause a hazard and adversely affect the free flow of traffic along Church Street.
32. Although it is noted that the proposal would not provide an on-site turning area and vehicles would have to reverse out of the site, this is considered acceptable given the nature of the existing access and the lack of any objection from the Local Highways Authority.

Neighbour Amenity

33. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 20 Church Street through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. The single storey element of the dwelling would be situated 5 metres off the boundary, adjacent the kitchen garden, and orientated to the west. This is not considered to be unduly overbearing mass or a loss of light. The first floor bedroom windows in the front elevation would be 30 metres from the windows in the rear elevation and 12 metres and from the boundary. This relationship is considered acceptable.
34. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 28 Church Street through being unduly overbearing in mass, through a significant loss of light, through a severe loss of privacy, or through noise and disturbance from the use of its access. Whilst it is noted that the single storey part of the building would be situated 1.6 metres off the boundary, it is not considered to result in an unduly overbearing mass or light, as it would have a maximum height of 3.3 metres adjacent to the sitting out area and be orientated to the north. The two-storey building would be located adjacent the very rear portion of the garden away from the sitting out area. The first floor bedroom windows in the front elevation would be 17 metres and an oblique angle from the bedroom and living room windows in the rear elevation and 12 metres and an oblique angle from the boundary and sitting out area beyond. This relationship is considered acceptable. The first floor shower room window is not considered to result in a loss of privacy as it would only overlook the very rear portion of the garden and could be conditioned to be fixed shut and obscure glazed. The driveway would run adjacent to the kitchen window and not project as far as the sitting out area and windows in the rear elevation. Given the nature of this room and the proposed use of the site, the development is not considered to result in a significant level of noise and disturbance.
35. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 10 Butchers Hill through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. Whilst it is acknowledged that the dwelling would be situated a distance of 1.5 metres from the boundary of that property and orientated to the south of its rear habitable room windows and private sitting out area, it would have a sedum roof sloping away with a maximum height of 1.7 metres above the boundary wall at a distance of 8 metres from the boundary. This is not considered to result in an unduly overbearing mass or loss of light. The first floor windows in the rear elevation are not considered to result in a loss of privacy, as they would serve a landing area (non habitable) and have a sill height approximately 1 metre below the height of the wall.

36. The existing dwellings at Nos. 20 and 28 Church Street and No. 10 Butchers Hill are not considered to result in harm to the occupiers of the new dwelling through being unduly overbearing in mass, through a loss of light, or through a loss of privacy. The windows between the properties would have the same relationships identified above and the internal courtyard amenity area would be screened by the proposed dwelling or situated a distance of 20 metres from any windows.

Developer Contributions

37. The South Cambridgeshire Recreation Study 2005 identified a shortage of play space within Ickleton. No public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £4,258.90 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant's agent has confirmed agreement to this contribution.
38. The South Cambridgeshire Community Facilities Assessment 2009 states that Ickleton has an excellent level and standard of indoor community facilities. However, investment is required and due to the increase in the demand for the use of this space from the development, a financial contribution of £703.84 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant's agent has confirmed agreement to this contribution.
39. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant's agent has confirmed agreement to this contribution.

Other Matters

40. The loss of the paddock is not considered to result in the loss of any important wildlife habitats. Ecological enhancement could be a condition of any consent.
41. The development of one dwelling is not required to be affordable to meet local needs.
42. The loss of the value of a property is not a planning consideration.

Conclusion

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

Recommendation

44. Approve as amended by plans stamped 28 November 2011, subject to the following conditions:
- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

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

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan and drawing numbers 10044-05 Revision C, 06 Revision C, 07 Revision C, 08 Revision C, 09 Revision A; LD 11 895-2, 4A and 5A; Prior Associates Report ref: 9581 dated November 2011.**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.**
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 5. No development shall take place until details of the materials to be used for hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.**
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 2007 of the adopted Local Development Framework 2007 and in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
- 6. No development shall take place until details of the method of surface water drainage for the driveway has been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
- 7. The permanent space to be reserved on the site for the parking of two cars shall be provided before the development hereby permitted is occupied and thereafter maintained.**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
- 8. 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.)

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

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

10. **The first floor bathroom window in the south west side elevation of the dwelling, hereby permitted shall be fixed shut and glazed with obscure glass.**
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

11. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D, and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

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

12. **No development shall begin until details of a scheme for the provision of open space, community facilities and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards open space, community facilities and waste receptacles in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

13. **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.)

14. **The excavation works and retaining walls shall be constructed in accordance with the Prior Associates Report ref: 9581 dated November 2011.**

(Reason - To protect the listed wall in accordance with Policy CH/3 of the adopted Local Development Framework 2007.)

Informatives

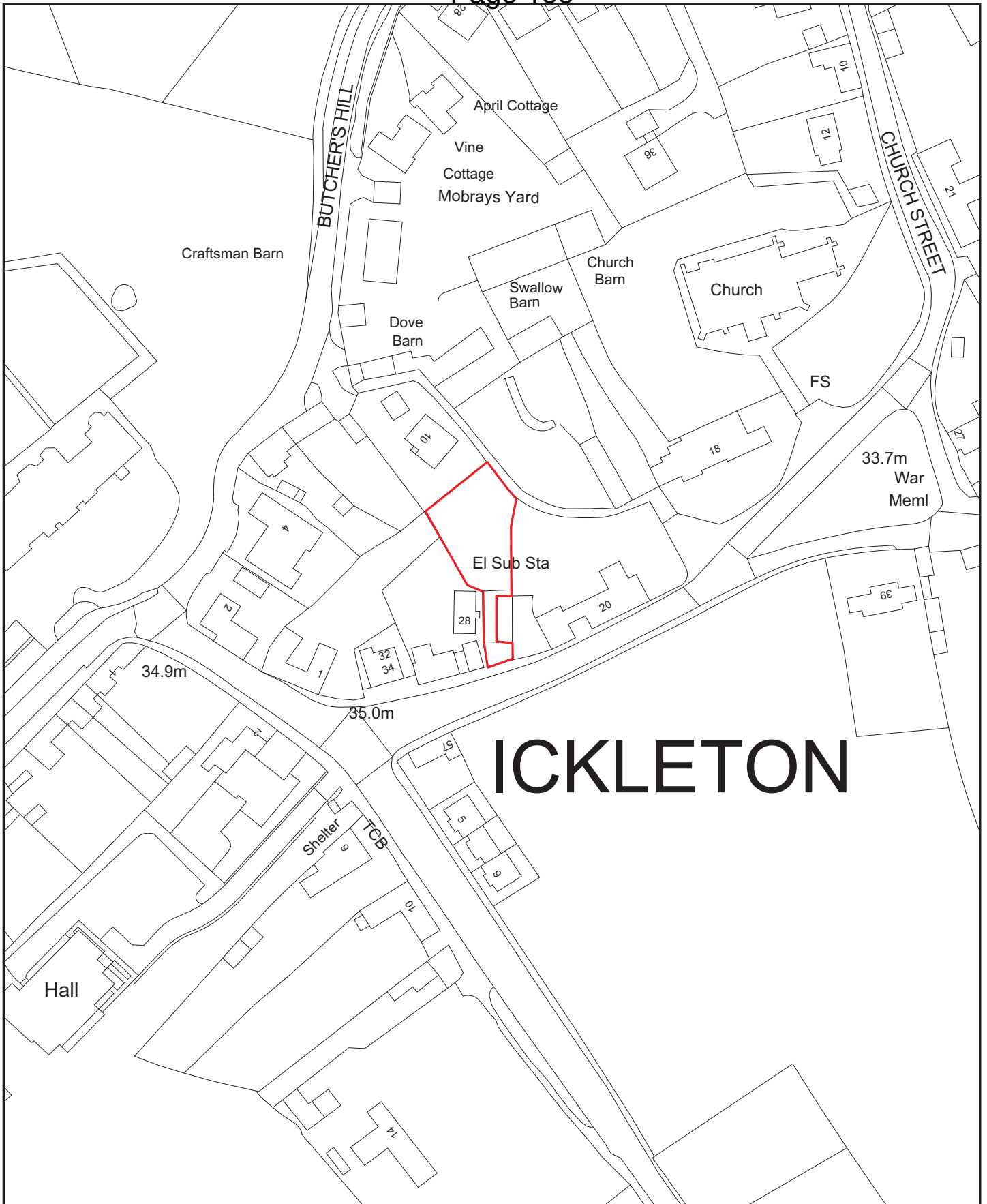
1. The driveway should be constructed from bound materials within 6 metres of the public highway in order to avoid the displacement of loose materials on to the public highway.
2. The access shall remain open at all times and not be obstructed.
3. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
4. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
5. See attached Environment Agency advice regarding soakways.
6. The effect of development upon a public right of way is a material planning consideration in the determination of applications for planning permission. No alteration to the surface of the footpath is permitted without the consent of the Cambridgeshire County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971).
7. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s. 137 of the Highway Act 1980 to obstruct a public right of way).
8. Landowners are reminded it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 154 of the Highways Act 1980.)
9. The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para. 7.1)

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- Planning Policy Statements 1, 3 and 5.
- Planning File References: S/1725/11, S/2123/08/F, and S/0750/05/F

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ICKLETON



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District Council

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Scale - 1:1250
Time of plot: 08:03

Date of plot: 14/03/2013

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 2013

AUTHOR/S: Planning and New Communities Director

ENFORCEMENT REPORT**Purpose**

- To inform Members about planning enforcement cases, as at 18th March 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 |
| February 2013 | 35 | 48 |
| | | |
| 2013 YTD | 68 | 80 |
| 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 111

Notices Served

- | Type of Notice | Period | Year to date |
|-------------------------------|---------------|--------------|
| | | |
| | February 2013 | 2013 |
| | | |
| Enforcement | 1 | 2 |
| Stop Notice | 0 | 0 |
| Temporary Stop Notice | 0 | 0 |
| Breach of Condition | 0 | 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
	PLAENF.288	Cambourne	45 Mayfield Way	Enforcement

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 with the terms of the agreement. Direct debit is in the course of being organised.*

e. Whittlesford – Scrapyard

Issues relating to mud on road are a matter for the County Council, although it is understood that this is still a problem and officers are in contact with the County Council to encourage closer attention. An application for an acoustic fence along the south-western boundary of the site has been submitted, and after having amended the plans to include the access and served notice on its owner, now only awaits the fee before it can be processed. The retention of the weighbridge also requires planning permission and an application has been sought, however, officers are focussing on pursuing the fence application as it is felt this will have the greatest beneficial impact on neighbouring residents.

Summary

10. The number of enforcement cases investigated during the February period showed a 10.25% reduction 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.
11. The numbers of cases on hand are 26% below the expected maximum number of cases per enforcement officer for the same period.
12. In addition to the above work officers are also involved in the Tasking and Coordination group working with other departments on cross-cutting cases.

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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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 April 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 20 March 2013. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

Ref.no	Details	Decision	Decision Date
S/0691/12/FL	Mr W Twigg Land at Silverdale Avenue Coton New Dwelling	Dismissed	01/03/13
S/1689/12/FL	Mr P Collis 1 Hinton Road Fulbourn Extension	Dismissed	04/03/13
S/0968/12/FL	Mr M Jackson Plot 7 The Willows Highfield Caldecote Dwelling	Allowed	05/03/13

Appeals received

Ref. no.	Details	Decision	Decision Date
S/2376/12/FL	Mr & Mrs Deeks 2a Shelford Park Avenue, Great Shelford Extensions	Refused	05/03/13
S/1539/12/FL	Mr A Liao 45 Mayfield Way Great Cambourne Conservatory fences culvert and garden works	Refused	08/03/13
S/1952/12/FL	Mr I Pearson Church Green Cottage, 1 Church Green Hinxton Extension	Refused	08/03/13
S/1951/12/LB	Mr I Pearson Church Green Cottage, 1 Church	Refused	08/03/13

	Green Hinxton Replacement Garage And New gate		
S/1950/12/FL	Mr I Pearson Church Green Cottage, 1 Church Green Hinxton Extension Extension	Refused	08/03/13
S/1891/12/FL	Mr & Mrs Judd 15 Hinton Road Fulbourn Dwellings following demolition of existing	Refused	09/03/13
S/2094/12/FL	Mr Haining 29 Cambridge Road Linton Fences and Gates	Appealing Condition 1	11/03/13
S/2527/12/FL	Mr J Burton 2 Alstead Road Histon Two storey side extension	Refused	11/03/13
S/0025/13/FL	Mr R Legge 59 Highfields Road Caldecote Extension	Refused	13/03/13

Local Inquiry and Informal Hearing dates scheduled before the next meeting on 3 April 2013.

4.

Ref. no.	Name	Address	Hearing
S/0041/12/FL	Mrs K O'Brien	WaterLane Smithy Fen, Cottenham	12- February 2013 Offered
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
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5 Summeries of Appeals

None

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

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

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