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29 April 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, 8 MAY 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**
- 3. Minutes of Previous Meeting**  
To authorise the Chairman to sign the Minutes of the meeting held on 3 April 2013 as a correct record. The minutes can be viewed by visiting [www.scambs.gov.uk](http://www.scambs.gov.uk) and then following the links from 'Your

1 - 2

Council’.

#### **PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

<b>4.</b>	<b>S/2364/12/VC - Cottenham (1-6 Pine Lane, Smithy Fen)</b>	<b>3 - 18</b>
<b>5.</b>	<b>S/1330/12/FL - Fowlmere (9 Jacksons Way)</b>	<b>19 - 24</b>
<b>6.</b>	<b>S/0630/13/FL - Hardwick (3 Larks Rise)</b>	<b>25 - 32</b>
<b>7.</b>	<b>S/0138&amp;9/13 - Bartlow (1 Stable Cottages)</b>	<b>33 - 38</b>
<b>8.</b>	<b>S/0327/13/FL - Milton (rear of Greengates, Fen Road)</b>	<b>39 - 46</b>
<b>9.</b>	<b>S/0382/13/FL - Waterbeach (31 Burgess Road)</b>	<b>47 - 58</b>
<b>10.</b>	<b>Public Speaking Protocol - Review of arrangements at Planning Committee meetings</b>	<b>59 - 68</b>

#### **INFORMATION ITEMS**

<b>11.</b>	<b>Enforcement Action Update</b>	<b>69 - 72</b>
<b>12.</b>	<b>Appeals against Planning Decisions and Enforcement Action</b>	<b>73 - 76</b>

#### **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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- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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### **Banners, Placards and similar items**

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

### **Disturbance by Public**

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

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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**

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/2364/12/VC – COTTENHAM**

**Removal of condition 2 (personal to named occupiers) from planning permission (granted on appeal) for the use of land as a residential caravan site, ancillary provision of drains & construction of accesses and hard standings at Plots 1-6 Pine Lane, Off Water Lane, Smithy Fen for Mr Albert Boswell and Others**

**Recommendation: Approve****Date for Determination: 11 January 2013****Notes:**

**This Application has been reported to the Planning Committee for determination because the recommendation of approval is contrary to that of the Parish Council.**

**To be presented to the Committee by Kate Wood.**

**Site and Proposal**

1. Plots 1-6 comprise the length of Pine Lane which, along with Park Lane just beyond Plot 6, runs along the south western side boundary of the overall Smithy Fen travellers site area. Park Lane, Pine Lane, and Setchell Drove from which they lead, comprise the L-shaped northern area of the Smithy Fen Site. Park Lane and Setchell Drove are authorised pitches. The land within the crook of the L-shape is vacant as a result of clearance and bunding following an injunction, and the vacation of a single pitch with personal permission. This, and the land further south beyond Pine Lane, is an area of separation between the northern and southern parts of the Smithy Fen travellers site area.
2. Smithy Fen lies within countryside to the north of Cottenham and gains access from Twenty Pence Road. Outside the general travellers' site area, the land is generally flat, open agricultural land with occasional field hedges and ditches, including Cottenham Lode to the south. It is also within Flood Zone 3b (high risk).
3. Plots 4 and 5 of the site are currently occupied following planning permission granted on appeal in 2012 for 2 static caravans, 2 touring caravans, 2 utility blocks, a temporary portaloo and parking. Plots 1-3 and 6 are vacant, generally comprising unbound hardcore, and various boundary fences.
4. The planning application, validated on 16 November 2012, seeks the removal of condition 2 of the permission for plots 1-6 that was granted on enforcement

appeal in 2003. Condition 2 restricted the use of land and the occupation of the caravans to named persons.

5. The application does not seek approval for any layout of caravans or buildings within each of the 4 vacant pitches, not does it suggest who would occupy the pitches instead of the named users. It is proposed that the removal of the condition would enable occupation of the pitches by any defined Gypsy or Traveller.
6. The agent's letter accompanying the application notes that the remaining conditions attached at appeal would still apply. It is asserted that the retention of condition 2 would have no affect on the number of pitches at Smithy Fen, and that there is no condition requiring restoration of the site if it ceases to be occupied by the named persons, such that they would simply fall into dereliction. Furthermore, a personal condition makes it difficult for the pitch owners to raise finance for improvement works or to sell their pitch in order to purchase one elsewhere. There is now an identified unmet need for pitches in the District, and removal of the condition would ensure that Pine Lane continues to contribute to existing supply.

#### **Relevant Planning History**

7. S/0958/03 - retention of Plots at 1-3 and 6 Pine Lane refused on the grounds that filling in the gap between approved plots would be detrimental to the open character of the countryside and that food risk had not been assessed. Planning permission was subsequently granted on appeal against an enforcement notice. At that time plots 1-3 and 6 were occupied by caravans and the Inspector understood plots 4 and 5 to be intended to be laid out as an amenity and play area. The Inspector concluded that the contribution of the gap between existing authorised sites (including those plots) to the character and appearance of the wider landscape was "minor" (para 22), and that "The use of the appeal site causes some harm to the character and appearance of Smithy Fen, but it is not great." On the other hand "the existing authorised caravan sites on Setchell Drove and Orchard Lane / Water Lane are likely to be the dominant elements in the landscape." In balancing the issues, the Inspector considered that it was not demonstrated whether the site's contribution towards meeting the unmet general need for sites was sufficient to outweigh the planning objections. However, he gave considerable weight to the needs and circumstances of the occupiers and that the consequences of their removal from the site "would be disproportionately severe when compared to the degree of benefit to the public interest, mainly deriving from the effects on the landscape" (para 36).
8. The Inspector considered that planning conditions could deal with flood risk. Planning permission was granted subject to conditions which included the submission and implementation of a "Scheme of Works" to incorporate a site layout, parking and turning areas, drainage, reduction of flood risk, boundary treatment and landscaping. Condition 6 required the parking and turning areas within the Scheme of Works to be retained for that purpose. The planning permission was permanent but restricted to personal occupation by named parties. The wording of condition 2 begins: "The use of the land and the occupation of the caravans shall enure for the sole benefit of the following persons and their dependants:..." This means that once they vacate the site, the use of the land is no longer as a traveller pitch, and the fall-back position is agriculture unless the named occupiers return. However, as there is no



condition requiring restoration works, the appearance remains as if it were a traveller pitch.

9. S/0010/11 - Siting of 2 static caravans, 2 touring caravans, 2 utility blocks, one temporary portaloo and parking for 4 vehicles was allowed on appeal in August 2012 following refusal. The Inspector imposed conditions restricting the use to Gypsies and Travellers, the number of caravans, no commercial activities, commercial storage or parking of vehicles over 3.5 tonnes, the removal of the portaloo once the utility blocks are available for use, minimum floor levels (for flood risk). The conditions also required a Site Development Scheme comprising the layout of the pitches, lighting, boundary treatment and landscaping. An application to discharge this condition has been submitted (S/2450/12/DC) but remains un-registered as it is incomplete and awaits further detail.
10. In allowing the appeal at Plot 4 and 5, the Inspector made the following points that are relevant to this application:

"There would be no encroachment on the open countryside since the appeal site is within an area of authorised development." (Para 7)

"The site is difficult to see from the open flat landscape to the east and north. From Setchell Drove to the north and the public footpath alongside Cottenham Lode to the south east it is effectively screened from public view by the development on the existing authorised pitches. A close boarded fence along Pine Lane and Park Lane now effectively screens the site from (other) viewpoints." (Para 8)

"Overall I am satisfied that the appeal proposal would not materially harm the character and appearance of the surrounding countryside." (Para 10)

"The appeal development would not add to the extent of the existing authorised site, in terms of area, and the additional occupiers on the appeal site would not, in my view, increase the population of the overall traveller site to the extent that it would have a noticeable impact on the settled community of Smithy Fen or the wider area." (Para 15)

## **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. 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. Local Planning Authorities should plan for a mix of housing based on the needs of different groups in the community. 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.

#### **Local Plan**

15. 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, as a result of the GTANA matters noted below and subject to Cabinet approval of the draft, may contain criteria based policies and opportunities at major development sites rather than specific allocations, in order to meet longer term needs if they arise. The Local Plan will not be adopted until at least the end of 2015.
16. An updated **Gypsy and Traveller Accommodation Needs Assessment (GTANA)** 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.
17. However, the current position is that, when more recent planning consents are taken into account, such as those at Milton and Willingham, the need has now been met and there is no longer an identified shortfall of sites.

#### **DCLG "Designing Gypsy and Traveller Sites: Good Practice Guide", May 2008**

18. **South Cambridgeshire Local Development Framework Core Strategy 2007**  
ST/5 Minor Rural centres
19. **South Cambridgeshire Local Development Framework Development Control Policies 2007**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks

NE/4 Landscape Character Areas  
NE/10 Foul Drainage  
NE/11 Flood Risk  
NE/14 Lighting Proposals

20. **District Design Guide SPD** - Adopted March 2010

**Consultations**

21. **Cottenham Parish Council** recommends Refusal: the Parish Council are unsure why they need to be amended. There is not a general need and the site has no historical Traveller permission. It is also outside of the village framework and considered unsustainable. To approve the application would open it up as a general Traveller site; the assumption is that had the Inspector not made condition 2 then permission would not have been granted. We therefore wish to reject the application.
22. **Environment Agency** - No objection in principle. It is recommended that a 'Flood plan' for the site be established to safeguard occupants in the eventuality of severe flooding.
23. **Old West Drainage Board** - no comment from a drainage point of view.

**Representations**

24. The Smithy Fen Residents Association (letter signed by the occupiers of 12 nearby properties) states that whilst the 2003 Inspector found for the applicants, it is in his summation that grounds for rejecting this application are to be found.

At appeal the Inspector weighed the "needs" of the applicants against the terms of local policy HG29, and he assessed those "needs" very specifically (para 28 of Appeal 1113679) in the light of their Irish origins and customs. He accepted that as Irish they would not/could not mix (live) with the English and that alternative site provision by the LPA for the Irish was non-existent. He concluded, then, that the 'needs' of the Irish outweighed the 'need' to uphold the terms of plan HG29.

However, despite recognising the 'needs' of the applicants the Inspector was minded to restrict occupancy to "named persons and their dependants" and in doing so clearly acknowledged three things:

- the use of the land as Gypsy/Traveller pitches for other than those named would be inappropriate without establishing comparable "need"
- the use of this land would be inappropriate for anything other than an Irish contingent "in need"
- the use of the land is not, as of fact, granted general planning (for Irish Traveller or any other Gypsy/Traveller occupation) because the Inspector had no wish to see general planning policy flouted for such as profit as opposed to just cause. For this type of thinking there is a more recent precedent: McCarthy January 2011 APP/W0530/A/10/2135632 in which (para 37) the Inspector states (in granting occupancy to named persons only): "This does not indicate that a permanent permission is appropriate or that any further grant of planning permission would be appropriate in the Smithy Fen location."

Unless the planning system has generally become dishonest or been corrupted in some way then the Planning Authority is obliged to offer the public consistency. No matter how misguided some may feel the original appeal decision to have been the Planning Authority is obliged to uphold the decision and abide by its conditions. It should be remembered that just as a decision of the House of Lords can only be overturned by itself so Local Planning Authorities must accept that it is not their place, not within their remit, to offer any opinion, advice or decision which purports to undermine or usurp the power of the Inspectorate. No matter what the 'opinion' of the SCDC planners this application must be refused in order that the appeals process be engaged and the Inspectorate alone be allowed to decide upon the long-term validity of conditions embodied in an earlier decision.

Finally it is the view of this Residents Association that SCDC could take this application to appeal and have it dismissed on the grounds that there is no longer a general need because the applicants, by requesting removal of condition 2, have demonstrated that they no longer require the pitches. Indeed, as was made known to officers at SCDC, by the spring of 2012 the pitches in question had already been abandoned and thus SCDC had/has every right to withdraw licenses and seek a reinstatement of the land to agricultural.

Furthermore SCDC's own (as adopted by Council) quantitative needs assessment shows just 6 Irish families in need in the whole of the District, to wit: 5, 5a, 6, 10 & 11 Orchard Drive and 15 Water Lane. Thus to allow the "removal of condition 2" would be inept, unjust and irresponsible being as it would: a) enable a "sale of the pitches for profit" (something the Inspector of Appeal (1113679) was clearly intent on avoiding) to those without a demonstrated need, whilst b) denying those with a genuine need (as defined by the Inspector at appeal and identifiable under SCDC's own needs assessment) access to land that is, arguably, most certainly suitable for an "amendment to condition 2".

25. The occupiers of Derwent Cottage, Smithy Fen object: We are strongly objecting to the removal of condition 2. These plots were the first to win permission on Smithy Fen on appeal. They only did so because of supposed personal circumstances of illness and need to be here. Therefore the planning was not given as it should always be given, on the land, as we now know personal circumstances can change. Secondly these plots are now four as a further two that at the time of approval were for a turning circle, have since been sold by applicants to Mr Walls and he has now been given planning. Had they tried to get the personal circumstances lifted 8 months ago, planning for the two pitches previously owned may not have got permission. As these 4 plots now not needed, could have provided an alternative. The applicants have never lived on the plots!. Is Mr Rodger Slattery the same one that also owns a legal pitch on Setchell Drove and land at Twenty Pence Road? Please can you ascertain where these families are now living because there is a huge likelihood of them returning using maiden or children's names to apply for more pitches on unlawful land at Smithy Fen. Also as we are continually told about the family units need to be together there may be more accommodation where they are living now for our illegals.

We have been made aware over the years that owning the land that

is then applied for permission on is not necessary, as is happening on most of the O'Brien applications going through at present. Is the council aware if these plots have already changed hands i.e. Ownership at land registry.

To lift these conditions is unacceptable, and with the councils ability for licencing surely you have some control. If the appellants do not need this land then they should not now financially benefit, as this will only make the size of the site increase even more. It will encourage more applications on personal circumstances, Which now clearly is shown to be wrong, as also with the McCarthy plot given on personal circumstances, has not been occupied for two years! These plots would not have ever been given permission without these personal circumstances, cleverly selling the two plots that were the turning circle to Mr Walls it was obvious he would get permission granted because it was in the middle of two sets of plots, if this had come up before they sold the two plots to Mr Walls he might not have got his permission, so a lot of thought has gone into the timing of this application.

26. The occupiers of Goose End Cottage state that they also have similar concerns to those expressed by the occupiers of Derwent Cottage, the continuing development of the site and changes to plots, and would like to lodge an objection.
27. The occupiers of The Windrush state that the 2003 appeal was allowed principally under the heading of Human Rights and Balance of Interests. It appears the appeal only succeeded with this personal condition in place, removal of which could set a precedent for other personal permissions to be changed or overturned. Removal of the condition would allow the plots to be sold on the open market and bring more families onto the site potentially increasing the number of caravans on the site although the condition limiting the occupation to Gypsies would remain. The plots have been empty for several years so clearly there is no longer a need for them by the families, no-one else has taken occupation
28. The occupiers of Merton Hall request refusal. The plots were the first to be bought by Irish travellers who subsequently acquired all the legal plots on Smithy Fen. This has led to the Council, over the years, giving permission to those who sold their Smithy Fen plots, at Willingham, Histon and Rampton, so SCDC cannot be found at fault for not providing for travellers within the District. The personal reasons no longer exist. The Inspector protected the local residents by giving personal permission. As the plots have been empty, bringing them back into use would mean more cars, vans, noise, etc. Why is there a sudden need to improve or replace caravans now, or to sell pitches to move elsewhere? As the pitches are vacant the occupiers have already moved elsewhere, so this is just to sell the plots to their advantage. We are also very concerned that there is no effective sewerage system. raw sewage and effluent is regularly deposited in open ditches and sides of the road, any more people will add to this problem.
29. The occupier of Bridge Farm objects as the pitches haven't been occupied for some years so the applicants can't have nowhere else to reside. The area is already packed with all manner of caravans, walls have been built, tarmac laid, fences erected onto my field. The existing occupiers pump their sewage into my ditches, which I am responsible for, and blocked ditches lead to flooding of my yard. There is also constant fly-tipping, straying dogs and fast driving. Please say no to any more planning.

### Planning Comments

30. The site comprises plots 1-6, since the personal condition applied to the overall site. However, in real terms it relates to plots 1-3 and 6, since plots 4 and 5 were not dealt with as occupied pitches in the appeal, and have since been granted separate permission for use as pitches. The authorised use of the site in terms of plots 1-3 and 6 is either as traveller pitches for the applicants or agriculture as a fall-back position once those named persons cease to occupy the site. However, there is no condition requiring the land to be physically restored to agriculture, it is simply that the use of the site for traveller pitches ceases as well as the occupation. The pitches are therefore simply vacant and remain with hardstandings, hardcore and various forms of boundary treatment.
31. The application, if approved, would result in the pitches being able to be occupied by any Gypsy or Traveller. It is important to distinguish between ownership and occupation: the pitches can be sold at any time to anybody, but a purchaser would be unable to occupy them unless they were the one of the named persons. If the pitches were sold, they could still be occupied by the named persons, and approval of the application to remove the personal restriction doesn't mean that the named persons would be prevented from owning or occupying the pitches. If the application were refused, the pitches would either remain vacant, with no requirement to do any works to them, or could be re-occupied by the persons named in the condition. They would not have an open appearance as is the case for pitches that have been vacated within the gap area.
32. Paragraph 22 of the national Planning Policy for Traveller Sites (PPTS) requires applications to be determined taking the following matters into account:
  - a) the existing level of local provision and need for sites
  - b) the availability (or lack) of alternative accommodation for the applicants
  - c) other personal circumstances of the applicant
  - d) that the locally specific criteria used to guide the allocation of sites in plans (or which form the policy where there is no identified need for pitches/plots) should be used to assess applications that may come forward on unallocated sites
  - e) that they should determine applications for sites from any travellers and not just those with local connections.
33. Paragraph 23 requires that local planning authorities strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. They should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
34. Therefore, the main issues in this case are:
  - A. The need for Gypsy and Traveller sites in the District;
  - B. The applicants' personal needs and circumstances;
  - C. Compliance with the LDF policies;
  - D. Impact of the scale of development on the settled community;

E. Whether, if approved, a permanent, temporary or personal permission should be considered.

35. Issue A - The need for Gypsy and Traveller sites  
For some considerable time now, the two public sites at Milton and Whaddon have remained full with waiting lists of at least a year for Milton and considerably longer at Whaddon. However, recent decisions to grant planning permission for private sites, such as at Milton and Willingham, means that the need for 65 pitches 2011 to 2016 (as identified in the GTANA noted at paragraph 15 above) have been exceeded. Indeed the further need for 20 pitches up to 2021 is also met in numeric terms, such that the Council no longer has an unmet need in the District. Thus, as the Council can demonstrate a 5 year supply of deliverable sites, need is not a material consideration in this application. The lack of need does not mean, however, that applications should automatically be refused, simply that they should be considered on other planning merits.
36. Issue B - The applicants' personal needs and circumstances  
The applicants no longer live on the plots, and have not done so for some time. The agent is not aware of their current whereabouts. No case has been made for them to remain at the site in terms of family associations, educational or medical needs, etc. Granting planning permission for the removal of the personal condition would not prevent them from returning to the site if they so desired. Whether or not they sell any or all of the plots is not a relevant planning matter, provided they are only occupied by Gypsies or Travellers, and a condition to this effect remains extant.
37. Issue C - Compliance with the LDF policies  
The Council's adopted LDF policies listed in paragraph 18 above should be given full weight because of their adopted status but there are no specific policies for Gypsy and Traveller development proposals. The Council therefore primarily relies upon the general principles policies DP/1 - DP/3, although these need to be utilised in accordance with the advice in the PPTS and numerous appeal decisions, that such sites are often located in the countryside and that issues of sustainability should be seen in the round given Travellers' normal lifestyle.
38. The principle concerns in terms of this site are the impact on the character and appearance of the area and the ability to provide an adequate means of foul water drainage and protection from flooding.
39. The site lies in the Fens Landscape Character Area as defined in Policy NE/4, although the District Design Guide SPD classifies the area as 'Fen Edge'. The area is characterised by a generally low-lying, open landscape with large agricultural fields and long-distance views. The land is not otherwise designated or protected. The flat open landscape means that the authorised pitches are not satisfactorily assimilated given their overall number and the extent of land coverage, so that small additions can be cumulatively harmful, especially if they erode the gap between the 2 main parts of the site. The overall effect is that in the main, the overall Smithy Fen site appears as an 'island' in an otherwise open landscape.
40. The application site effectively comprises 2 parts, plots 1-3 and plot 6. Plot 6 is a narrow infill plot between the authorised pitches at Park Lane and Plots 4 and 5 Pine Lane. The Inspector into the appeal at 4 and 5 Pine Lane noted

that those pitches were not visible in views towards the site and that it "would not materially harm the character and appearance of the surrounding countryside". As this pitch is even more enveloped among the authorised pitches, there would be no harm to the character or appearance of the area, thereby complying with Policy DP/2 which requires the character of the local area to be preserved or enhanced, and would have an acceptable impact on the countryside and landscape character as required by Policy DP/3.

41. Plots 1-3 comprise the end of one leg of the L-shape of authorised pitches in the northern area. It does protrude southwards towards the southern area of the overall Smithy Fen traveller site, but the gap between plot 1 and the nearest pitch in Orchard Drive is approximately 75m. The southern side of plot 1 also follows the logical boundary with parcels of land to the rear. The retention of the personal condition would not result in the restoration of the pitches to open land: whilst they would not be able to be used other than by the named persons, they would still be of rough, fenced ground that would not contribute to the otherwise open character of the gap between the northern and southern areas. Additionally the pitches are established as authorised pitches, albeit restricted to named occupiers. The Inspector considering the appeal at plots 4 and 5 adjacent considered that they would not encroach on the open countryside since the appeal site is within an area of authorised development, that the site is difficult to see from wider vantage points, and would not materially harm the character and appearance of the surrounding countryside. He also noted that the site would not add to the extent of the existing authorised site, in terms of area. On this basis, and on balance, it is considered that the removal of the personal condition from plots 1-3 would not erode the important gap between the 2 main parts of Smithy Fen and would also comply with DP/2 and DP/3 as noted for plot 6 above.
42. **Access.** The site is served by a hard-surfaced access track. The local highways Authority has not commented on the application, but the safety of access has not previously been found to be of concern during applications at Smithy Fen. The pitches are large enough for vehicles to park and turn, and the access road is sufficient for refuse collection and emergency access.
43. **Drainage.** A condition to this effect would be appropriate bearing in mind that a drainage scheme was not submitted following the 2003 permission.
44. **Flood risk.** No FRA was submitted with the application as the site is established. On plots 4 and 5, the Environment Agency took the pragmatic view in the knowledge of the Smithy Fen site, that ensuring the floor level of the building and the underside of the static caravans are 300mm above ground level will suffice. It is not reasonable to add a condition to this effect when the application is simply to remove a personal condition, but should be added as an informative.
45. **Contributions** to support local community facilities and public open space are usually sought with planning permission for new residential uses. However as this site is not a new residential use, and can continue to be occupied, it is not appropriate in this case to seek contributions as there would technically be no additional population than has been previously authorised.
46. **Issue D - Impact of the scale of development on the settled community**



The Inspector into the appeal at Plots 4 and 5 considered that "the additional occupiers on the appeal site would not, in my view, increase the population of the overall traveller site to the extent that it would have a noticeable impact on the settled community of Smithy Fen or the wider area." Bearing in mind that plot 1-3 and 6 are already authorised for occupation, there would technically be no difference in the population of the site and their consequent demand on facilities, services and infrastructure.

47. **Issue E - Whether, if approved, a permanent, temporary or personal permission should be considered**

As stated above, the removal of the personal condition from the site is on balance acceptable because there is no planning harm resulting from the proposal. Bearing in mind its location between and adjacent to permanent pitches, it would be inappropriate only to grant temporary permission because the situation is not of a temporary nature. For the same reason, that the application proposal is considered generally acceptable rather than acceptable because of personal circumstances, it would be inappropriate to restrict the use of the site to a personal permission. Indeed, the application has not been made on the grounds of the needs of the intended occupiers but on the basis of compliance with planning policy. Should planning permission be granted for the removal of the personal condition, it should therefore be permanent.

**Other matters**

48. **Precedent.** As noted at Paragraph 40 above, officers are satisfied that there would be no physical or visual difference on the site whether this application for the removal of the personal condition was approved or not. Therefore, there would be no precedent set, since the development of new pitches would have a visual impact. The allocation of, or permission for additional numbers of pitches at Smithy Fen is inappropriate due to overdevelopment of the site, impact on the landscape and poor access to services, but these pitches are established already and can continue to be occupied.

49. Neither is a precedent for refusal set by the refusals and injunctions on other parts of the Smithy Fen area. This is because views of the application site from the wider area are limited, as noted above, whereas there are more prominent views of the southern area and gap area from Setchell Drove to the north east, and from the Cottenham Lode to the south. Development in the southern area therefore has a greater detrimental visual impact on the character and appearance of the area.

50. **Human rights.** Refusal of the planning application would not lead to interference with the applicant's rights under Article 8 of the European Convention on Human Rights, because it would not lead to the applicants being made homeless.

**Conclusion**

51. Removal of the personal condition as proposed would not, on balance, result in undue harm to the wider landscape or affect the important visual separation between the northern and southern areas of the Smithy Fen travellers' site area. Whatever the decision, the site would continue to comprise hard surfaces and fences, and could be resorted to by the named occupiers. It will therefore not contribute to any sense of openness. Inspectors in 2003 and

2012 have confirmed that, unlike other parts of the Smithy Fen area, the impact of the site (or the impact of plots 4 and 5 in the 2012 case) is "minor" and "screened from public view by the development on the existing authorised pitches."

52. Since the Scheme of Works required by the Inspector in 2003 has not been submitted, it is considered appropriate to add a condition requiring the same submissions, namely pitch layout, parking and turning areas, drainage, boundary treatment and landscaping. Reduction of flood risk was also included in that Scheme requirement, but at last year's appeal on plots 4 and 5, the Inspector imposed a condition requiring minimum floor levels, which would be appropriate to reproduce here. The similar "Site Development Scheme" condition the appeal on Plots 4 and 5 also required lighting details, which should also apply to these pitches. Bearing in mind the nature of the application, to remove a personal condition, it is only possible to apply such conditions to new occupiers, since those named in the original permission remain covered by the conditions contained therein.
53. The remaining conditions set in 2003 would continue to apply, namely that the pitches could only be occupied by defined Gypsies or Travellers; no more than 12 caravans (of which no more than 4 shall be static) may be stationed on the site (plots 1-3 and 6); and no commercial activity including storage or vehicles greater than 3.5 tonnes.

**Recommendation:**

54. Approve subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. The use, hereby permitted, shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of any one of the following requirements not being met:
    - i) Within 3 months of the date of this decision, or prior to the first occupation of each of plots 1, 2, 3 and 6, there shall have been submitted for the written approval of the Local Planning Authority a Site Development Scheme. The Scheme shall include: the internal layout of the pitch including the positions of the caravans, the extent of hardstanding, parking and amenity areas, any proposed external lighting, the means of foul water drainage, the position, design, height and materials of boundary treatment, landscaping, and a timetable for their implementation.
    - ii) If, within 8 months of the submission of the Scheme, the Scheme has been refused by the Local Planning Authority, or the Local Planning Authority fails to give a decision within the prescribed period, an appeal shall have been lodged and accepted by the Secretary of State;
    - iii) In the event of an appeal being made in pursuance of requirement (ii) above, that appeal shall have been finally determined and the

submitted Site Development Scheme shall have been approved by the Secretary of State.

- iv) All works comprised in the Site Development Scheme as approved shall have been implemented, and completed within the timetable set out in the approved schemes.

(Reason - To ensure that a Site Development Scheme is implemented in accordance with Policies DP/2, DP/3, NE/10, NE/11 and NE/14 of the adopted Local Development Framework 2007.)

### **Informative**

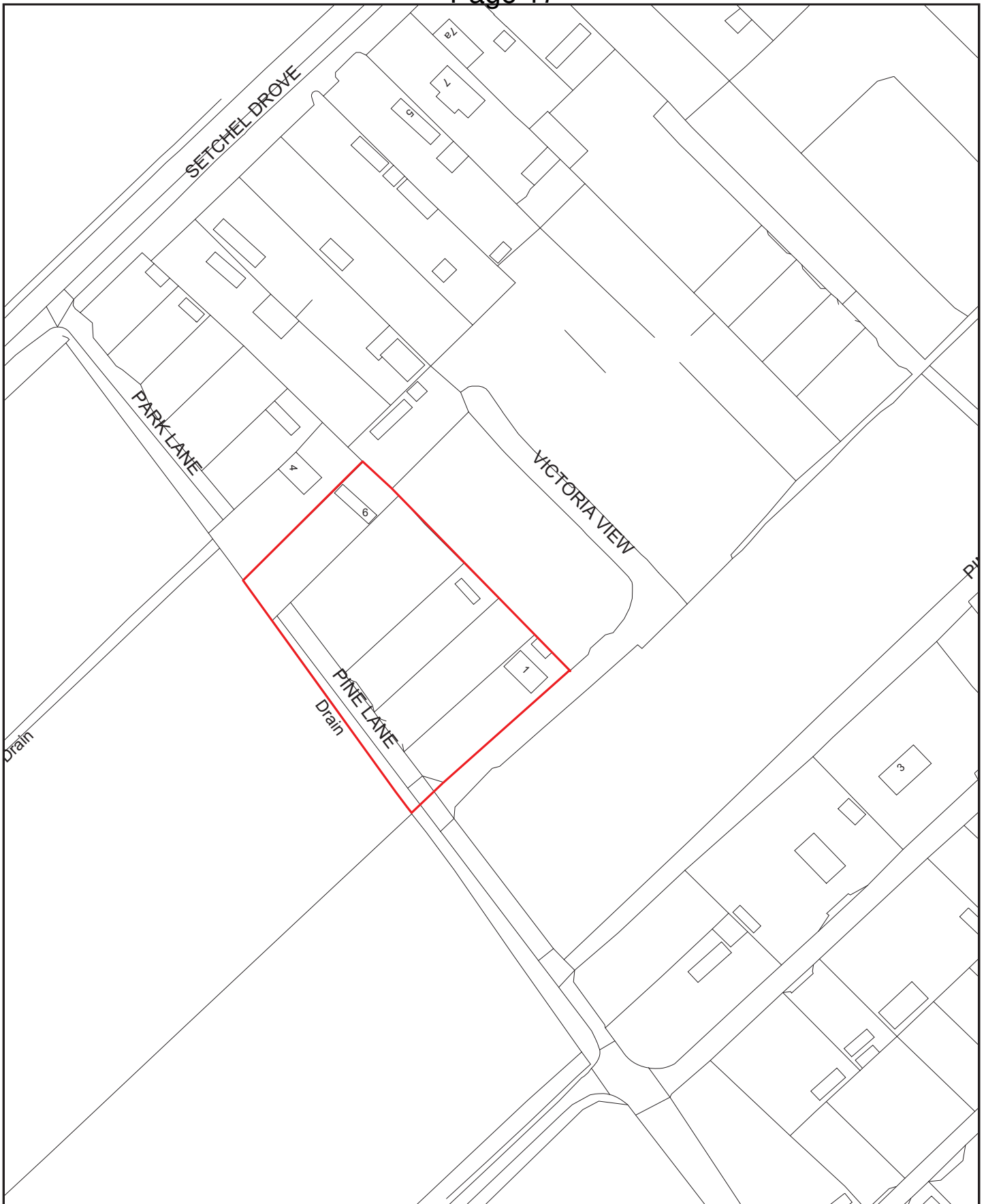
The underside of the caravans and the ground floor of any other building approved under condition 2 above, shall be a minimum of 300mm above the surrounding ground level.

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

- Planning Policy for Traveller Sites 2012
- NPPF 2012
- South Cambridgeshire Local Development Framework 2007
- Planning application files S/2364/12/VC, S/0010/11
- Appeal decisions APP/W0530/C/03/1113679 and APP/W0530/A/12/2170121

**Contact Officer:** Kate Wood – Team Leader (East)  
Telephone: (01954) 713264

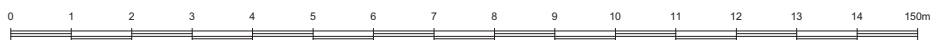
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/1330/12/FL - FOWLMERE**

**Single storey front extension - 9, Jacksons Way, Fowlmere, Royston, Cambridgeshire, SG8 7TN for Mrs Elizabeth Selby**

**Recommendation: Approval**

**Date for Determination: 04 January 2013**

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

**To be presented to Committee by John Koch**

**Site and Proposal**

1. The site is located within the Village Framework, and is located within a Conservation Area. The site is not located in close proximity to any Listed Buildings. The application dwelling forms the end property in a terrace of two storey dwellings of similar style, with a frontage to an area of shared open space.
2. The application seeks permission for the addition of a single storey extension to the front of the dwelling, with a monopitched roof, with a footprint of approximately 4.88 square metres. The extension is proposed to be constructed in materials to match the existing dwelling.

**Site History**

3. There is no applicable site history.

**Planning Policy**

4. **Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, CH/5 Conservation Areas**
5. **District Design Guide SPD** – adopted March 2010, and **Development Affecting Conservation Areas SPD** – Adopted July 2009
6. The **National Planning Policy Framework (NPPF)** states there is a presumption in favour of sustainable development. It provides a list of policies for use in the determination of planning applications. However, it does state that these policies should apply unless where the adverse impact of allowing development would significantly and demonstrably outweigh the benefits. The NPPF also advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

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

7. **Fowlmere Parish Council** recommends refusal of the application, stating: "The Parish Council do not support this application (4 refusal, 3 abstained, 1 for). The proposed addition is visually intrusive and overbearing on neighbouring properties and is generally un-neighbourly. If SCDC have a differing view, Fowlmere PC request a site visit and that it goes to the full Planning Committee.

**Representations by members of the public**

8. **Councillor Roberts** objects to the application, on the grounds of detrimental impacts upon the outlook of neighbours.
9. One representation has been received, from the occupant of the neighbouring dwelling 8 Jacksons Close, in relation to a detrimental impact upon the outlook of the property, and upon the appearance of the terrace.

**Planning Comments**

*Impact Upon Streetscene/Conservation Area*

10. The proposed single storey extension will replace a much smaller forward projection, common to buildings in the terrace, and containing services. The extension will have a small footprint, and a monopitched roof. It is noted that it would be preferable for this roof to meet the main dwelling further beneath the first floor window, but not considered that this concern would be sufficient to warrant a reason for refusal.
11. The structure will project forward of the terrace of properties, but the potential impacts are somewhat mitigated by virtue of the end of terrace location, which will allow the extension to have a "bookend" effect upon the terrace, and will not detrimentally impact upon the character of the wider terrace. The blank side elevation of the extension will be located upon the shared boundary with the adjoining property, and will be located directly adjacent to the recessed entrance doorway, which will ensure that no visual conflicts are realised with the established arrangement of windows which is consistent throughout the terrace.
12. It is not considered that the small extension proposed, marginally larger than a typical porch, would result in any harmful impacts upon the character of the Conservation Area, nor would it result in a detrimental impact upon the role the dwelling plays within the established hierarchy of buildings in the vicinity.

*Residential Amenity*

13. It is not considered that the extension will result in any overlooking impacts, or any significant detrimental impacts as a result of overshadowing/loss of light, by virtue of the orientation of the terrace of dwellings, and the limited scale of the extension proposed.
14. It is considered that whilst the extension will result in a blank wall upon the shared boundary, the limited forward projection of the extension, coupled with



the arrangement of the windows upon neighbouring properties, will not result in any undue impacts as a result of overbearing. The neighbouring property currently has a recessed entranceway, and it is not considered that the extension proposed would result in any significant alteration to this entrance.

15. Similarly, it is noted that the ground floor window of the adjoining property is located upon the far side of this entrance, and considered that the extension proposed will satisfactorily respond to the 45 degree "Rule of Thumb" detailed within the District Design Guide SPD. It is not considered therefore that the extension proposed would result in a detrimental impact as a result of overbearing and overshadowing which would warrant a reason for refusal.

### **Recommendation**

16. APPROVE, subject to the following conditions:

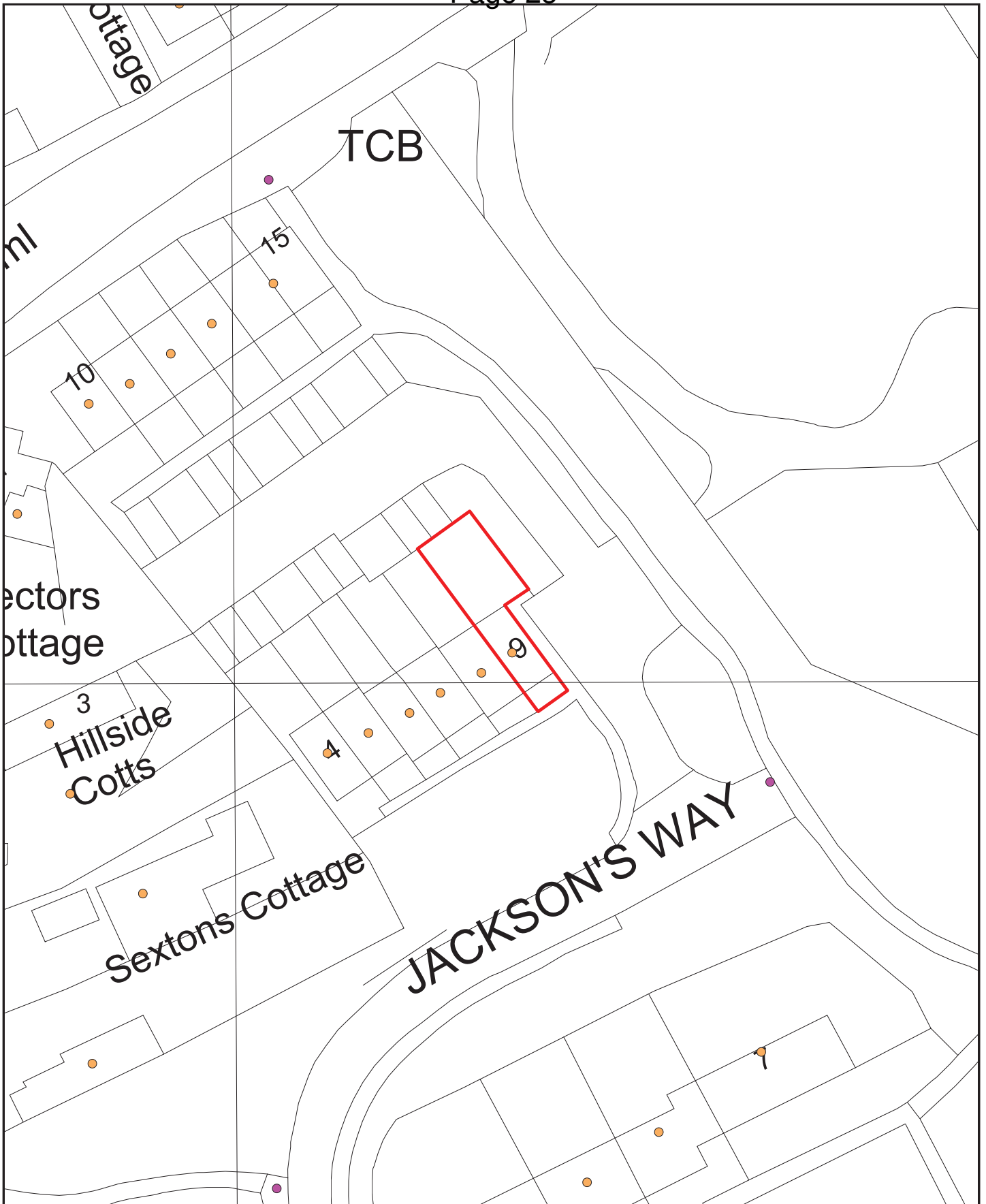
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Site layout Plan; PC/12/048-01; PC/12/048-02; PC/12/048-03 and PC/12/048-04.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. The materials to be used for the development, hereby permitted, shall accord with the specification in the application form and approved plans, unless otherwise agreed in writing by the Local Planning Authority.  
(Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- District Design Guide SPD and Development Affecting Conservation Areas SPD.
- National Planning Policy Framework.
- Planning File refs: **S/1330/12/FL**

**Contact Officer:** James D'Arcy – Planning Officer  
01954 713159

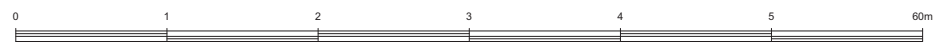
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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/0630/13/FL - HARDWICK  
Two Dwellings - Land Adj to 3 Lark Rise  
for Mr James & Mark Wakeling****Recommendation: Refusal****Date for Determination: 23 May 2013**

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

**To be presented to the Committee by Paul Derry**

**Members will visit the site on 7 May 2013**

**Site and Proposal**

1. The site is located within the designated Hardwick village framework and forms an area of open (not public) land to the north side of Larks Rise. This road is a small cul-de-sac accessed from the private road of Hall Drive. The land is raised from the road level, and currently has some fruit trees and a corrugated garage located on the land. The north boundary is a line of trees, beyond which are the rear gardens of the properties of Hall Drive. The east boundary is a hedgerow, behind which are the rear gardens and properties at Limes Road. To the southern side of Larks Rise are three properties, two bungalows and a two-storey property, all with open frontages.
2. The full application, validated on 28 March 2013, seeks the erection of two properties on the site. The properties are matching in design, fronting southwards onto the road. The properties are three-bed properties with upstairs offices. The application is accompanied by a Design and Access Statement, a draft Heads of Terms for infrastructure contributions, and correspondence from Registered Providers.

**Site History**

3. A previous application for two dwellings on the site (**S/2184/12/FL**) was withdrawn. Members should be aware there is an extant consent for a dwelling and garage on the land between the orchard and 41 Hall Drive (**S/1101/12/FL**).

**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, **HG/2** Housing Mix, **HG/3** Affordable Housing, **HG/4** Affordable Housing Subsidy, **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, **Affordable Housing SPD** - adopted March 2010, & **District Design Guide SPD** – adopted March 2010.
7. The **National Planning Policy Framework (NPPF)** states there is a presumption in favour of sustainable development. It provides a list of policies for use in the determination of planning applications. However, it does state that these policies should apply unless where the adverse impact of allowing development would significantly and demonstrably outweigh the benefits. The NPPF also 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. **Hardwick Parish Council** recommends approval.

**Representations by Members of the Public**

9. **Councillor Stewart** is in favour of the application.
10. At the time of writing, no neighbour comments have been received. However, the consultation period ends on 24 April 2013. Members will be updated on any comments received. Objections were received regarding the previous application S/2184/12/FL from the occupiers of 2 Lark Rise and 171 Limes Road.

**Planning Comments**

11. The key issues in the determination of this application are the principle of development, provision of affordable housing, impact upon the street scene, impact upon the amenity of the occupiers of adjacent properties, highway safety and parking provision, and infrastructure contributions.

*The Principle of Development*

12. The site is located within the designated Hardwick village framework. The village is classified as a Group Village within the LDF CS, where residential development up to an indicative maximum scheme size of eight dwellings will be permitted in such areas. The village is considered to have adequate facilities to sustain two further properties.

13. Policy HG/1 of the LDF DCP seeks residential development to make best use of land by achieving average net densities of at least 30 dwellings per hectare. The site (excluding the access) has an area of approximately 0.078 hectares. Two dwellings on the plot represent development at 26 dwellings per hectare. This is only slightly below the policy requirement, and is considered acceptable in this instance given the nature of the site.
14. Policy HG/2 of the LDF DCP seeks residential developments to contain a mix of units providing accommodation in a range of types, sizes and affordability to meet local needs. It adds that in schemes of up to ten dwellings, market dwellings should provide at least 40% of homes with one or two bedrooms. The scheme provides two three-bed units, although the first floor office effectively makes the properties four-bed units (the applicant notes the properties to be four-bed units in their draft Heads of Terms). No information has been provided from the applicant to demonstrate any local circumstance that suggests the proposed mix would better meet local needs.

*Provision of Affordable Housing*

15. Policy HG/3 of the LDF DCP seeks 40% or more of dwellings to be affordable on sites of two or more dwellings. The application provides two properties, and therefore one unit should be affordable in line with the Policy. The applicant has provided copies of correspondence with Registered Providers to demonstrate that none are willing to take a house in this location. This is unsurprising given access is along a private road. The Council's Housing Development Officer has noted the need to secure an off-site affordable housing contribution, and has sent the application to a land valuer to determine the amount for this contribution. Provided the applicant agrees this figure, it would then be secured through a Section 106 Agreement. Members will be updated on the progress of this matter. If the applicant does not agree the payment of the contribution, this would form a further reason for refusal.

*Impact upon the Street Scene*

16. The cul-de-sac of Larks Rise serves only three dwellings, these being two bungalows and a two-storey property. All three units have their gables facing the road. The surrounding properties along Hall Drive to the west are bungalows, whilst those along Limes Road are two-storey units derivative of a typical 1980's estate. There is no obvious architectural style in the vicinity of the site.
17. The proposed dwellings are matching in design, but handed so would effectively form a symmetrical pair. The site is raised from Lark Rise, and therefore the dwellings would be set on higher ground. Plot 1 is located between 2.5m and 3.4m from the eastern side of Lark Rise prior to the bend in the road. The dwelling would have a maximum ridge height of 7.8m, which would appear taller given the land levels. As a result of the proximity of plot 1 to the bend in the road and the height of the dwellings, the pair would appear as dominant features in the street scene that would detract from the character of the locality and appear out of context.

*Impact upon the Amenity of the Occupiers of Adjacent Properties*

18. Plot 2 (the western unit) has been moved from 0.7m to 1.4m from the shared boundary with 171 Limes Road to the east from the previous scheme. This neighbouring property has a rear conservatory and a garden approximately 12.5m in depth. The gable end of plot 2 has a height of 7.8m, although there is a small hip shifting some bulk from the boundary. Despite this hip, the proposal would be an overbearing feature when viewed from the rear garden of 171 Limes Road. Given the orientation of the plots, a gable of this length would also cause serious overshadowing of the rear garden at 171 Limes Road.
19. Plot 2 also has a bedroom window in its rear elevation close to the boundary with 171 Limes Road overlooking the rear garden of the plot. The outlook from the window however would cause some serious overlooking to the rear garden of 170 Limes Road to the northeast. A 45° line drawn from the centre point of the window would allow views into the garden from 5m, to the detriment of the amenity of the occupiers of 170 Limes Road.
20. The existing two storey property at 3 Lark Rise has its principal elevation facing northwards. It has two first floor windows that serve habitable rooms in its north elevation. Plot 2 would be located approximately 13.5m from the front elevation, and has an office/bedroom window opposite. The Council's District Design Guide, despite directly referring to rear windows, seeks a minimum distance of 25m between habitable rooms. Given the distance between properties, there would be mutual overlooking between the two, to the detriment of occupiers of both units.
21. Notwithstanding the comments above, the remaining relationships with adjacent properties are considered acceptable. There should be no negative impact between the proposal and the plot to the north with the extant planning permission S/1101/12/FL.

*Parking Provision*

22. The proposal includes a shared hardstanding area between properties that measures 10m in width. It also measures 7.3m in length but when combined with the turning head, would allow space for eight vehicles per dwelling. The hardstanding element is excessive, and should be reduced accordingly. There is also no boundary between plots. Whilst the personal needs of the applicants are noted, the planning system should seek to protect the amenity of future occupiers of the properties. It would therefore be necessary to put a low dividing fence or hedgerow along the hardstanding between dwellings. This could be secured through condition.
23. The Local Highways Authority has not commented on this particular application. However, they noted that the previous application S/2184/12/FL would not have impacted upon the public highway. This is mainly due to Hall Drive being private. Lark Rise is a narrow road but would appear to have the capacity for two further dwellings.

*Infrastructure Contributions*

24. The application is accompanied by a draft Heads of Terms form confirming the applicants willingness to contribute towards the provision of open space,



community facilities and waste receptacle infrastructure and the Section 106 monitoring fee. However, this has not yet been passed to the Council's legal team due to the affordable housing issue discussed above. If supported, relevant conditions and informatives can secure the contributions.

### *Other Matters*

25. When commenting on previous application S/2184/12/FL, the Council's Scientific Officer recommended a condition regarding investigation of contamination and mitigation measures where necessary. If approved, such a condition can be added to the consent.

### *Conclusion*

26. Despite the recommendation of approval from the Parish Council and support from the Local Member, officers consider there are several failings with the application. Whether taken individually or collectively, they are such as to warrant refusal of the application.

### **Recommendation**

27. Refuse for the following reasons

1. The application site is set on higher ground than the road of Lark Rise and proposes two dwellings. Plot 1 would be located between 2.5m and 3.4m from the road to the west, close to the bend in this road. Each plot has a total height of 7.8m, which would appear taller on site given the higher ground. As a result of the location of plot 1 and the proposed height of both units, the pair of dwellings would appear as dominant features in the street scene that would detract from the character of the locality and appear out of context with their location. The proposal is therefore contrary to Policy DP/2 of the Local Development Framework Development Control Policies 2007 (LDF DCP) which states all new development must be of high quality design, and as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area; and Policy DP/3 of the LDF DCP which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on village character.
2. Plot 2 would be located between 1.4m and 1.5m from the rear boundary with 171 Limes Road. Given the total height of 7.8m, the proposal would be viewed as a dominant overbearing feature when viewed from the rear garden area of 171 Limes Road. Given the orientation of the site, the proposal would also cause a serious level of overshadowing to the garden at 171 Limes Road, to the detriment of the occupiers of this property. The outlook from the rear facing easternmost bedroom window of plot 2 would also allow significant views into the rear garden of 170 Limes Road, to the detriment of the occupiers of this property. The front office/bedroom first floor window to plot 2 would be located 13.5m from the front elevation of the existing property at 3 Lark Rise, where there are two windows at first floor level serving habitable rooms. At such a distance, there will be mutual overlooking between properties, to the detriment of the occupiers of both units. The proposal is therefore contrary to policy DP/3 of the LDF DCP which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on

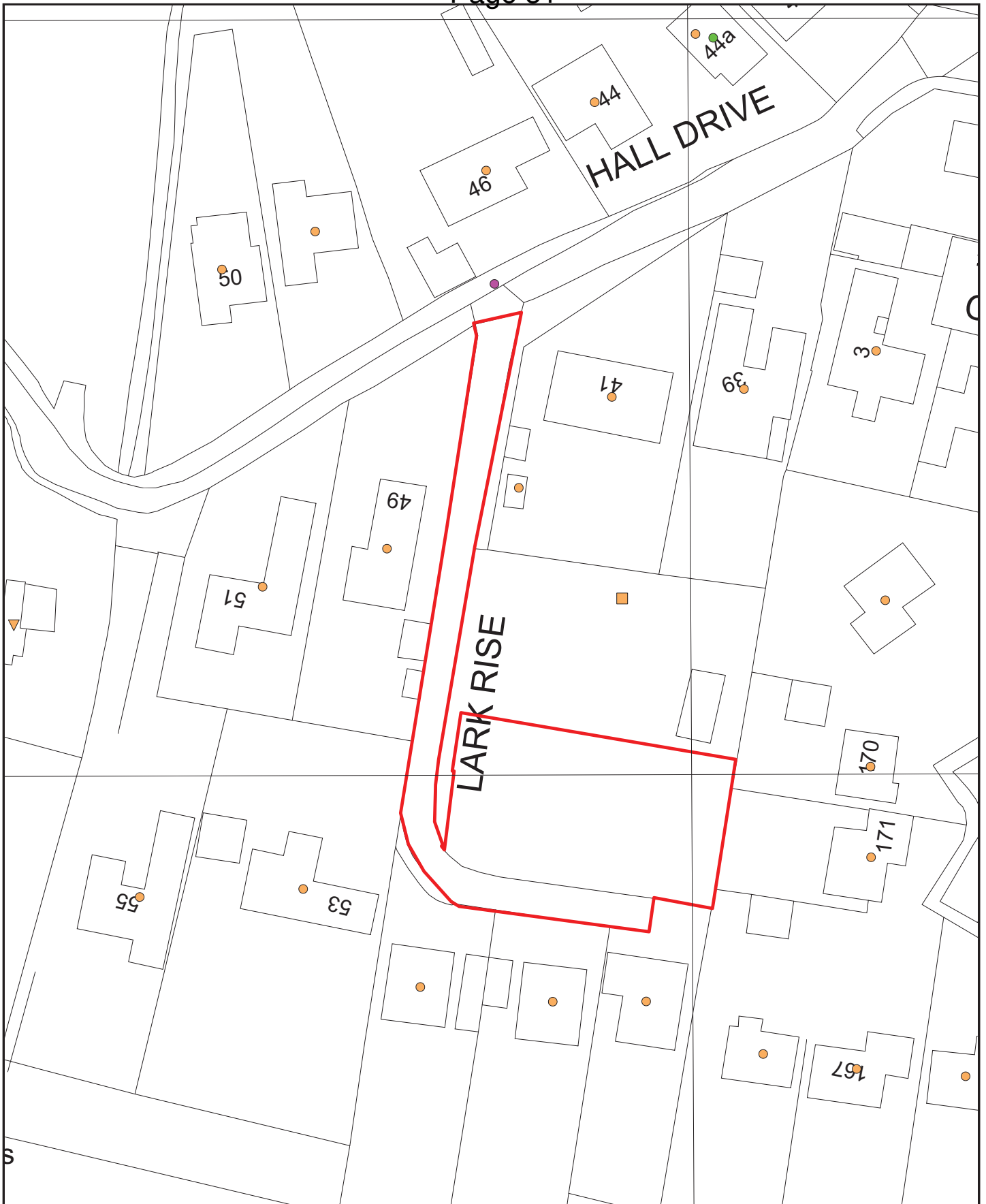
residential amenity; and paragraph 6.69 of the Local Development Framework District Design Guide SPD 2010, which states careful consideration must be given to minimise the impact of direct overlooking from a new dwelling into a neighbouring garden.

3. Notwithstanding the above, the applicant seeks two properties that are effectively four-bedroom units. There is large demand in the District Council for smaller units such as one or two-bed units. The applicant has failed to demonstrate that local circumstances in Hardwick suggest the proposed mix would better meet local needs. As a result of the size of the dwellings, the application is contrary to Policy HG/2 of the LDF DCP which states all residential developments will contain a mix of units providing accommodation in a range of types, sizes and affordability to meet local needs. It adds that in schemes of up to ten dwellings, market dwellings should provide at least 40% of homes with one or two bedrooms.

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

- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- District Design Guide SPD and Open Space in New Developments SPD.
- National Planning Policy Framework.
- Planning File refs: S/0630/13/FL, S/2184/12/FL and S/1101/12/FL.

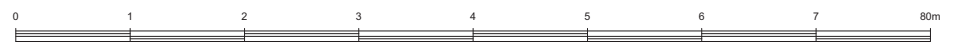
**Contact Officer:** Paul Derry - Senior Planning Officer  
01954 713159



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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/0138/13/FL & S/0139/13/LB – Bartlow  
Retrospective applications for the installation of solar photovoltaic panels  
1 Stable Cottages, Bartlow Barns, Bartlow, Cambridgeshire, CB21 4PY  
for Mr Nigel May**

**Recommendation: Refusal**

**Date for Determination: 10 April 2013**

**This Application has been reported to the Planning Committee for determination at the request of the Cllr Hickford**

**To be presented to Committee by Kate Wood**

**Site and Proposal**

1. The site is located within the Village Framework, within a Conservation Area, and is designated as Curtilage Listed by virtue of its association with the Grade II Listed Hall located nearby. The application dwelling is an L-shaped converted former stable, comprising part of a pair of similar single storey dwellings. There are a number of residential conversions in the vicinity, and there is a two storey dwelling located to the rear of the site which also features a number of photovoltaic panels upon the roof.
2. The application seeks retrospective permission for the installation of solar photovoltaic panels upon the roof plane which faces towards the Listed Building.

**Site History**

3. **S/1054/94/LB** – Part demolition, alterations, and conversion of 3 barns into 4 dwellings - Approved  
**S/1436/94/F** – Use of barns for 2 dwellings – Approved  
**S/1437/94/F** – Part demolition, alterations, extensions and conversion of agricultural barns into 2 dwellings – Approved  
**S/1759/94/F** – Conversion of barn into 2 dwellings and erection of 3 houses - Approved  
**S/1838/94/LB** – Part demolition, alteration, conversion and extension to barn to form 2 dwellings – Approved  
**S/2046/06/F** - Installation of 2 Solar Heating Collectors – Approved  
**S/2047/06/LB** - Installation of 2 Solar Heating Collectors 2650 x 1700 on South Facing Roof – Approved

**Planning Policy**

4. **Local Development Framework Development Control Policies (LDF DCP) 2007:**

**DP/1** Sustainable Development  
**DP/2** Design of New Development  
**DP/3** Development Criteria  
**CH/3** Listed Buildings  
**CH/5** Conservation Areas

5. **District Design Guide SPD** – adopted March 2010  
**Listed Buildings SPD** – Adopted July 2009
6. The **National Planning Policy Framework (NPPF)** states there is a presumption in favour of sustainable development. It provides a list of policies for use in the determination of planning applications. However, it does state that these policies should apply unless where the adverse impact of allowing development would significantly and demonstrably outweigh the benefits. The NPPF also advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

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

7. **Bartlow Parish Council** Recommends Approval
8. **Conservation:** Recommends Refusal: “Refuse due to prominence and visual harm to curtilage listed building and setting and character of main house”

**Representations by members of the public**

9. **Councillor Hickford** recommends approval.

**Planning Comments**

*Impact Upon Streetscene/Conservation Area*

10. There is no visibility of the solar panels from outwith the immediate site area, and therefore no impact upon the streetscene. The panels constitute a notably modern addition within the former farmyard area, and provide a significant contrasting feature within this part of the wider Conservation Area. It is not considered that the installation can be considered to preserve or enhance the character or appearance of the Conservation Area.

*Impact upon Curtilage Listed Building and the Setting of the Listed Hall*

11. Whilst noting the limited visibility of the installation from much of the site, the array of panels are visible from the front areas of the Listed Hall, and will be of high visibility when viewed from within the site. It is therefore considered that the panels will impact upon the setting and character of the listed Hall, and will fail to preserve the special interest of this building and its wider setting.
12. It is also considered that the works have resulted in harm to the character of the curtilage Listed property, and the contribution it makes within the wider collection of curtilage listed properties. The modern materials result in a detrimental contrast with the more restrained arrangement of traditional materials found upon both the application dwelling and the surrounding

properties, and it is considered that the installation works, whilst conducted to a high standard, have resulted in harm to the fabric of the building. It is noted that whilst many of the neighbouring properties have been subject to modern conversions the enclave is considered to be well preserved, and considered that unsympathetic additions would compromise this preservation. It is considered that the reflective frames, and regimented grid pattern, will detract unacceptably from the character of the converted stable.

*Residential Amenity*

13. It is considered that the main impact upon residential amenity is the potential for glare as a result of the large amount of panels located in close proximity to the front windows of the Listed Building. It is not considered that this potential is sufficient to warrant a refusal of Planning Permission.

**Recommendation**

14. REFUSE, for the following reasons:

**S/0138/13/FL and S/0139/13/LB**

1. The installation of the photovoltaic panels, by virtue of their use of materials, high visual prominence, and visual impacts upon both the application dwelling and the setting of the nearby Listed Building, would result in undue harm to the character of the buildings, and the wider Conservation Area. The prominent frames and regimented arrangement would provide an undue and detrimental contrast to the restrained character of the converted stable, which would fail to preserve or enhance the contribution the dwelling makes within the local environment. The proposal is therefore considered to be contrary to the requirements of Local Development Framework 2007 policies CH/3 and CH/5, and to advice detailed within the Listed Buildings Supplementary Planning Document.

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

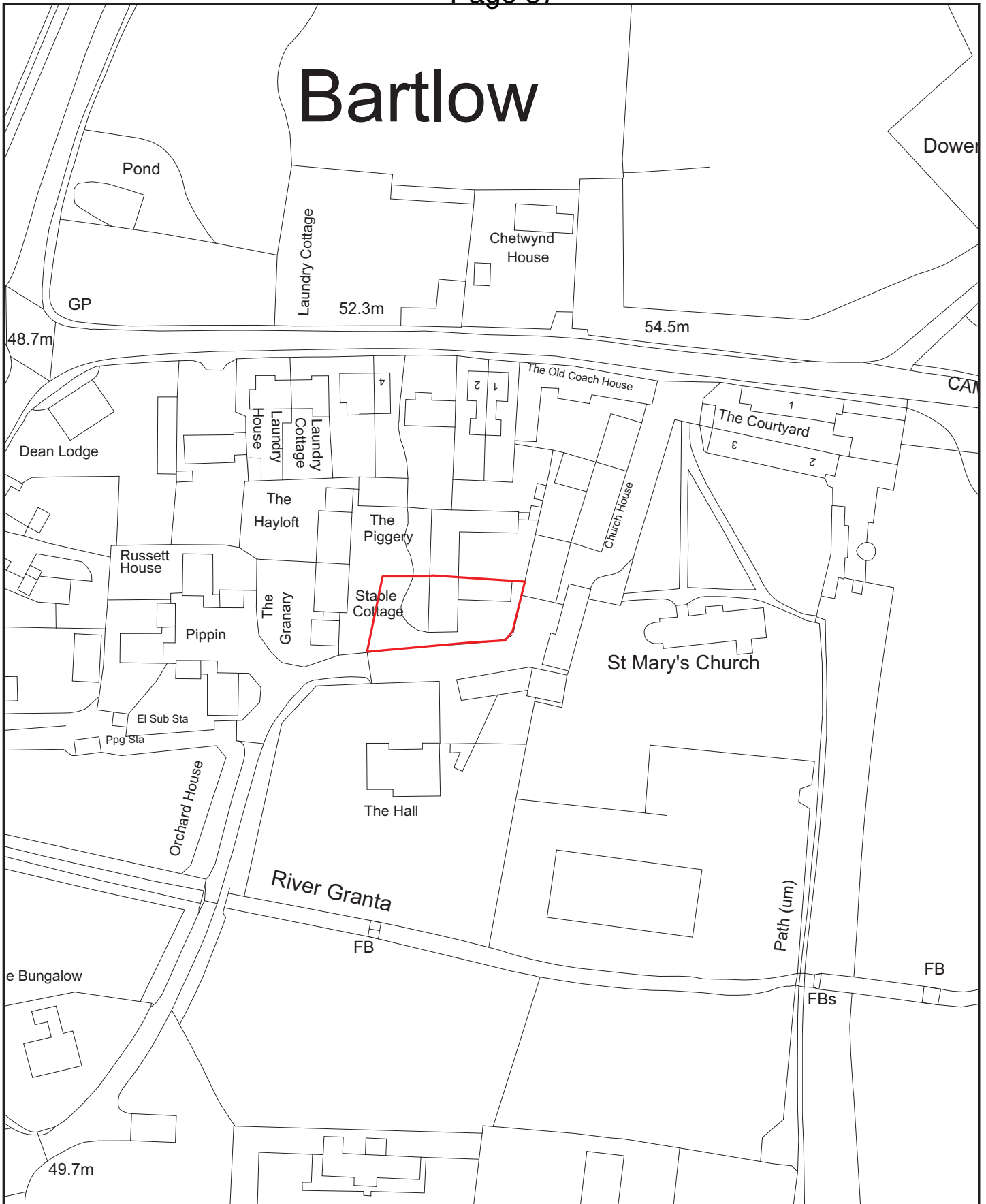
- South Cambridgeshire Local Development Framework Core Strategy 2007.
- Local Development Framework Development Control Policies 2007.
- District Design Guide SPD and Listed Buildings SPD.
- National Planning Policy Framework.
- Planning File refs: **S/0138/13/FL, S/0139/13/LB**

**Contact Officer:** James D'Arcy – Planning Officer  
01954 713159

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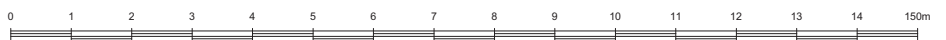
# Bartlow



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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Planning and New Communities Director**S/0327/13/FL - MILTON**

**Continued use of land for a temporary period of three years for the siting of portable prefabricated buildings for mixed storage/office/light industrial/ workers accommodation purposes (retrospective application).**

**Recommendation: Approval****Date for Determination: 8 May 2013****Notes:**

**This Application has been reported to the Planning Committee for determination because the recommendation of Milton Parish Council differs from that of the Planning Officer.**

**To be presented to the Committee by Ray McMurray****Site and Proposal**

1. This full planning application seeks retrospective consent for three years for the retention of eight portable buildings for use as short-term workers' accommodation and office/storage/light industry purposes. The short-term accommodation is to be limited to people working in the area but who do not reside here. The agent states that it will generally be used during the working week with occupants returning home at weekends. Some units are in use purely for business storage.
2. The site is located in an area of mixed residential (including residential caravans) and business. The site area is 0.1 hectare. Vehicular access to the site is gained from Fen Road via an existing small group of industrial units at Cottage Industrial Estate.
3. The site lies within the development framework and within saved policy area CNF6. The site is adjacent to the Chesterton sidings to which site specific policy SP/17 relates. The eastern part of the site is within flood zone 2 (medium risk). The application is supported by a Planning Statement and a Flood Risk Assessment.

**Planning History**

4. **S/2186/02/F** - Erection of 3 Buildings for Industrial and Warehouse Uses (Classes B1(c), B2 and B8) following Demolition of Existing Buildings      Approved 2003
5. **S/0880/95/LDC**- Scrap yard (Lawful Development Certificate)      Approved 1995 (by Cambridgeshire County Council)
6. **S/0198/92/EU**- Scrap metal dealer's yard (Established Use Certificate)      Approved 1992

## Planning Policy

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

**ST/2** (Housing Provision)

**ST/3** (Re-Using Previously Developed Land and Buildings)

**ST/6** (Group Villages)

**ST/8** (Employment Provision)

**DP/1** (Sustainable Development)

**DP/2** (Design of New Development)

**DP/3** (Development Criteria)

**DP/4** (Infrastructure and New Developments)

**DP/7** (Development Frameworks)

**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, including Key Workers.

**HG/2** (Housing Mix) 1. Residential developments will contain a mix of units providing accommodation in a range of types, sizes and affordability, to meet local needs.

**ET/4** (New Employment Development in Villages)

**NE/11** (Flood Risk)

**NE/15** (Noise Pollution)

**TR/1** (Planning for More Sustainable Travel)

**TR/2** (Car and Cycle Parking Standards)

### 8. **LDF Site Specific Policies DPD 2010**

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

*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.

### 9. **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.

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

### 10. **Milton Parish Council-** Recommendation of refusal, commenting: 'The portacabins are substandard for living accommodation. No amenity block or cooking facilities provided. The area of the application was never intended for extra residential development.'

11. **Scientific Officer (Environmental Health)**- Noted that the site has a historical industrial use which has a potentially contaminative use, and that the proposal does not include any form of garden/ landscaped areas. No objection to occupation of the portable cabins for short-term periods.
12. **Local Highway Authority**- No objection from a public highway point of view.
13. **Environment Agency**- No objection in principle subject to a condition requiring the submission of details of drainage and industrial storage in order to safeguard the water environment.
14. **Anglian Water**- No comment to make.
15. The comments of the following consultees will be reported if received: SCDC Environmental Health Officer, Environment Agency, Cambridgeshire County Council, Network Rail, Cambridgeshire Fire and Rescue.

#### **Representations from the Local Member, Councillor Mrs Hazel Smith**

16. Cllr Mrs Smith has commented: 'I think they are substandard for living accommodation. They have no kitchens, or bedrooms, and the insulation is likely to be poor. Although the application has them as temporary mid-week hostel-type accommodation, (in association with work premises) there appears to be no amenity block or arrangement for the inhabitants to be able to cook for themselves. I fear that if they gain permission families will end up living there (though that is not a material planning consideration?). The CNF policies quoted in the application have not been saved in the LDF - I believe only CNF/6 was saved and that was then to be dropped in the local plan process that we are working on now, as it is obsolete now (as the area set aside for Traveller development has now all been developed). The area of the application site was never intended for extra residential development, and the area West of Fen Road mentioned starts further north.

'This area has generally been industrial in nature, apart from the house at the front of the site, which was replaced fairly recently. The area at the back may well be contaminated land as I think I remember a garage/breakers yard on that site. The council must have records that could verify this. Google Earth shows many many cars parked there over the last decade.'

#### **Representations by members of the public**

17. None received.

#### **Material Planning Considerations**

##### *Principle of development*

18. The site lies within the development framework. Saved Policy CNF6 derives from the Local Plan 2004 which sought to restrict any further harm to Chesterton Fen due to the restricted road access and the preponderance of bad neighbour' commercial and industrial uses. The sporadic siting of individual caravans or the expansion of caravan sites was considered likely to lead to increased traffic and a decline in the visual environment. The policy specifically exempts private gypsy sites to meet local need. The current development is not proposed to be restricted to Gypsies and so would not strictly comply with policy CNF6 if limited to a purely residential use. However the

proposed use includes commercial Class B1 and storage Class B8, which should be assessed on its merits.

19. The use of the site for this purpose for a temporary period would not prevent consideration in the future for its use for Gypsy/ Traveller accommodation, subject to environmental constraints being resolved, if this would be supported by policies in the Local Plan, when adopted.

*Material harm*

20. The traffic generated by the development, being cars and vans, is considered to be less harmful to road safety on Fen Road than the authorised use as a scrap yard. The Local Highway Authority has not objected to the proposal.
21. The site is in a tidy condition and is not visible from Fen Road and so does not significantly affect the character of the area.
22. The site does not provide any day room facilities, but this is not considered to be necessary due to the short-term of the intended use and occupation. The portable buildings are equipped with kitchen areas and toilets. They are spaced with six metres between them to allow for the parking of vehicles. They are not intended for permanent occupation and so are not provided with garden areas or outdoor amenity. The Scientific Officer has not objected to the use of the site for the intended purpose.

*Conclusion*

23. The facility is intended to serve a specific need for contracting staff working in the area. The proposed use is not considered to give rise to any material harm to the character of the area, which is of commercial uses and two dwellings. Provided the use and occupation of the site is limited to short-term occupation and/or commercial/light industrial, no significant issues of residential amenity are considered to arise.
24. The application is for a temporary period of three years. Temporary consent is considered to be justified on account of potential contamination concerns if occupied permanently, and to enable the provisions of Policy CNF6 to be reviewed in the emerging Local Plan.
25. The agent has been asked to provide further information on the extent to which occupiers of the buildings have been employed in the local area, and the typical length of stay. This information will be provided to Members in an update.

**Recommendation**

26. It is recommended that the Planning Committee approves the application subject to any further comments from consultees and the following Conditions;

**Conditions**

1. Temporary three years, thereafter all portable prefabricated buildings to be removed from the site.
2. The use shall be restricted to short-term occupation for residential and commercial/light industrial/storage purposes.
3. The number of portable prefabricated buildings on the site shall not exceed eight.

4. Parking spaces shall be retained for that purpose.
5. Scheme of pollution control, including drainage, to be submitted.
6. Restriction on hours of commercial deliveries to the site.

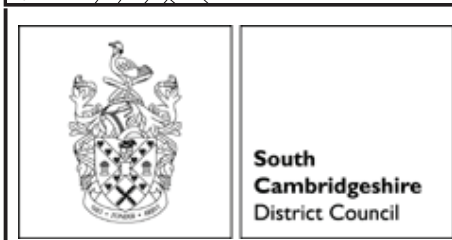
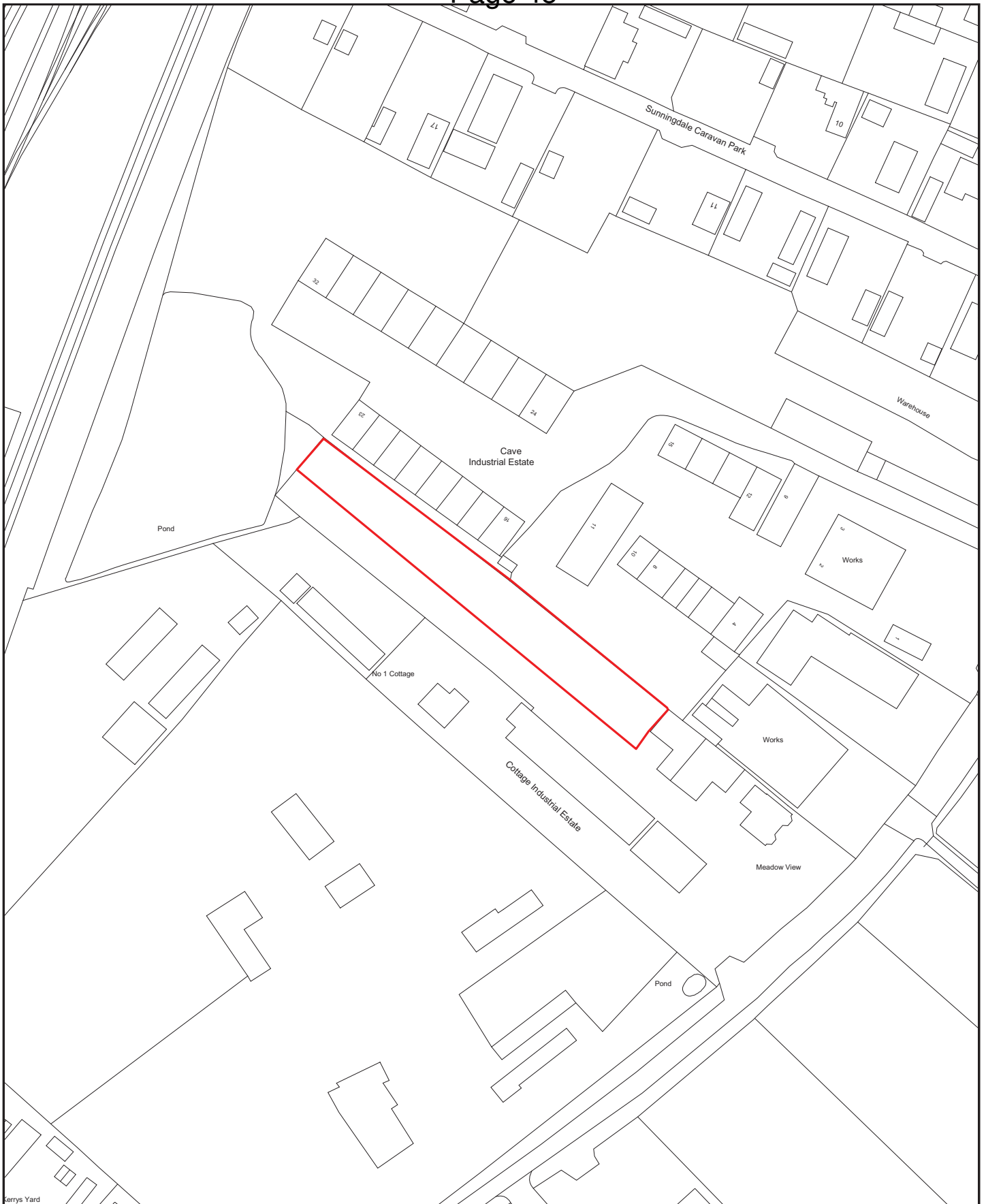
**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- LDF Site Specific Policies DPD 2010
- South Cambridgeshire Local Plan 2004
- Planning file ref S/0327/13/FL

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

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Planning and New Communities Director

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**S/0382/13/FL – WATERBEACH****Erection of Dwelling and Car Port following Demolition of Existing Barn at Land Adjacent 31 Burgess Road for Mr and Mrs Garner****Recommendation: Approval****Date for Determination: 3 May 2013****Notes:**

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

**To be presented to the Committee by Karen Pell-Coggins**

**Site and Proposal**

1. The site is located within the Waterbeach village framework. It measures 0.07 of a hectare in area and is accessed off a single track driveway between Nos. 31 and 33 Burgess Road. The site currently comprises a one and a half storey barn to the western side and an area of open land to the eastern side. The barn was formerly used as storage for two lorries but is now vacant. It measures 13.1 metres in length, 6.9 metres in depth, and has a height of 2.4 metres to the eaves and 4.6 metres to the ridge. The materials of construction are concrete blockwork for the walls and corrugated fibre cement sheets for the roof. Green Belt land lies to the north and west. Nos. 31 and 33 Burgess Road are residential properties that are situated to the south. No. 31 is a grade II listed building. A residential care home lies to the east. The site lies within flood zone 1 (low risk).
2. This full planning application, received 8 March 2013, seeks the erection of one and a half storey dwelling sited on the majority of the footprint of the existing barn to be demolished. It would measure 13.1 metres in length, 6.9 metres in depth, and have a height of 2.5 metres to the eaves and 5.1 metres to the ridge. The building would have a simple pitched roof design. The materials of construction would be horizontal timber weatherboarding above a brick plinth for the walls and clay pan tiles for the roof. The accommodation would have two bedrooms. A small garden and patio area would be provided adjacent the dwelling. The car port would be sited on the open land to the east. It would measure 6.1 metres in length, 5.1 metres in depth and have a height of 2.2 metres to the eaves and 4.3 metres to the ridge. The building would have a pitched roof design with a lean-to store to the side. The materials of construction would be horizontal timber weatherboarding above a brick plinth for the walls and clay pan tiles for the roof. The carport would accommodate two parking spaces and a cycle and refuse store. Two parking spaces and a turning area would be provided on the driveway to the front of the car port. A small garden would be provided to the side and rear. The existing hedges along the northern and western boundaries adjacent the Green Belt would be removed and replaced with new post and rail fences. A new hedge would be planted to the western boundary. A new close boarded fence is proposed along the southern boundaries adjacent Nos. 31 and 33 Burgess Road. The western boundary would remain as existing. New hedges would be planted within the garden and adjacent to the driveway.

### **Planning History**

3. Planning permission was granted for use of agricultural building as a garage for two lorries engaged in the delivery and transport of fruit and vegetables under reference **RC/0089/60**.
4. Planning permission was granted for the erection of an implement shed under reference **RC/0368/53**.

### **Planning Policy**

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

**South Cambridgeshire LDF Core Strategy DPD, 2007:**  
ST/5 Minor Rural Centres

**South Cambridgeshire LDF Development Control Policies DPD, 2007:**

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

**South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments 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**

6. **Waterbeach Parish Council** – “Recommends refusal on the grounds of: -
  - i) Overdevelopment;
  - ii) Insufficient drainage capacity (at the time of the meeting there was standing surface water on the site); and,
  - iii) Poor access.”
7. **Conservation Officer** – Comments that the dwelling and car port (as amended) would have a neutral impact upon the setting of the listed building. The site did not form part of the curtilage of the listed building at the time of listing and the proposal would not therefore result in subdivision of land. Whilst the dwelling would have a greater height than the existing building, it would have a simple traditional design and improved materials. The car port would be sited adjacent an existing group of outbuildings and not result in the loss of an important piece of open land. It would have a simple and traditional design and form that responds to existing buildings

within the area. Requests conditions in relation to samples of materials, details of openings in the south elevation, eaves and verge, and boundary treatments.

8. **Local Highways Authority** – Comments that the proposal would not have a significant adverse effect upon the public highway.
9. **Environmental Health Officer** – No reply (out of time).
10. **Contaminated Land Officer** – Comments that the site houses a former agricultural barn and suggests a condition in relation to the investigation into contaminated land.
11. **Trees and Landscapes Officer** – Has no objections as the trees are not afforded any statutory protection.
12. **Landscape Design Officer** – Comments that the siting of the buildings should be reconsidered as the footprint of the dwelling is very large with little surrounding garden space, the height is domineering, and the elevations indicate intrusive views into adjoining properties. Suggests that the dwelling and car port swap positions to allow a larger garden, more planting of trees and shrubs on the green Belt boundary, and restricted views of the adjoining properties, Recommends conditions in relation to hard and soft landscaping of the site, boundary treatments, and surface water drainage.
13. **Ecology Officer** – No reply (out of time).

#### **Representations by Members of the Public**

14. The occupiers of No. 33 Burgess Road object to the application on the following grounds: -
  - i) Narrow width of driveway;
  - ii) Highway and pedestrian safety when exiting the access on to Burgess Road,
  - iii) Noise and disturbance from the use of the driveway;
  - iv) Insufficient drainage system;
  - v) Flood risk;
  - vi) Building on Green Belt; and,
  - vii) Loss of privacy to garden.
15. The occupiers of No. 31 Burgess Road have the following concerns: -
  - i) Demolition of building containing asbestos and health and safety issues;
  - ii) Loss of privacy to garden;
  - iii) Construction of property;
  - iv) Insufficient drainage capacity;
  - v) Damage to the road and drains from construction vehicles;
  - vi) Noise from construction work;
  - vii) Highway and pedestrian safety when exiting the access on to Burgess Road,
  - viii) Blocking of driveway by construction vehicles and prospective purchasers; and,
  - ix) Need for development on such a small site due to Waterbeach Barracks site coming forward for housing.

#### **Representations by Applicant's Agent**

16. The applicant's agent has responded to the above consultation responses and representations as follows: -
  - i) The design approach to the application was retain the current disposition and scale of buildings on the site but in a manner that enhances the character of the area and the setting of the listed building through use of more appropriate materials;

- ii) There would be less overlooking from the new building than the existing building;
- iii) Boundary planting will be strengthened where possible;
- iv) A residential use is more sympathetic to the area in terms of traffic generation and noise and disturbance given the existing commercial use of the site;
- v) A surface water drainage strategy will be developed to address flood risk;
- vi) Construction traffic arrangements can be agreed; and,
- viii) The amount of built development on the site would be similar to the existing apart from the modest car port that has a limited impact.

### **Material Planning Considerations**

17. The key issues to consider in the determination of this application are the principle of the development, density, developer contributions, and the impacts of the development upon the setting of adjacent listed building, the character and appearance of the area, trees and landscaping, highway safety, neighbour amenity, and flood risk.

### **Principle of Development**

18. The site is located within the village framework of a 'Minor Rural Centre' where residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations. The erection of one dwelling is therefore supported in policy terms.
19. The existing agricultural building is not considered of any significant historic or architectural merit and no objections are raised to its demolition.
20. The loss of the existing commercial use is not considered to result in a reduction in the number of employment sites available locally, given the existing authorised use as a garage for storage only.

### **Density**

21. The site measures 0.07 of a hectare in area. The development of one dwelling would equate to a density of 14 dwellings per hectare. Whilst this would be below the density requirement of 40 dwellings per hectare that should be achieved in more sustainable villages such as Waterbeach, it is considered appropriate in this case given the sensitive nature of the site adjacent to a listed building and the Green Belt.

### **Setting of Adjacent Listed Building**

22. The proposed dwelling (as amended) is not considered to damage the setting of the adjacent listed building. The existing building did not form part of the same site at the time of the listed building and it would not therefore result in the subdivision of land. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would retain a low height of 5.1 metres at a lower ground level, have a simple form and design, and be constructed from traditional materials. The design and construction of the building is considered an enhancement to the existing building and would reflect that of a more traditional agricultural building. The form would make reference to orientation of surrounding buildings. The residential use of the building would be likely to have a more sympathetic relationship with the listed building than the existing lawful commercial use. The siting, scale, design and materials of the car port (as amended) are considered appropriate.

### **Character and Appearance of the Area**

23. The proposed development is not considered to harm the character and appearance of the area. The siting of the dwelling in this backland position is not considered to be out of keeping with the pattern of development along Burgess Road given the presence of the existing building, varied character of the area that comprises buildings set back different distances from the road and some in-depth development, and limited views of the building from public viewpoints. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would retain a low height of 5.1 metres at a lower ground level, have a simple form and design, and be constructed from traditional materials. The design and construction of the building is considered an enhancement to the existing building and reflect that of a more traditional agricultural building. The form would make reference to orientation of surrounding buildings. The development would not therefore adversely affect the visual amenity of the adjoining Green Belt or have an unacceptable impact upon the Burgess Road street scene. The siting, scale, design and materials of the car port (as amended) are considered appropriate.

### **Trees and Landscaping**

24. The proposal would result in the loss of the poor quality hedges along part of the northern and western boundaries of the site. A new hedge would be planted along the western boundary to mitigate the impact of the building upon the adjacent Green Belt. However, the northern boundary would remain open from planting. The comments of the Landscape Design Officer are noted. However, given there is an existing building in the position of the new dwelling and the proposal has an improved design and appearance, the siting is considered appropriate. A landscaping condition would be attached to any consent to achieve an appropriate planting scheme.

### **Highway Safety**

25. 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, given the existing lawful use of the site.
26. Two on-site parking spaces and a turning space would be provided for the new dwelling. The proposal would not therefore lead to on-street parking or manoeuvring that would cause a hazard and adversely affect the free flow of traffic along Burgess Road.

### **Neighbour Amenity**

27. The dwelling is not considered to seriously harm the amenities of neighbours through being unduly overbearing in terms of its mass, through a loss of light, through a loss of privacy or through noise and disturbance through the use of the access.
28. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would be situated a distance of 17 metres from the habitable room windows in the north elevation of No. 31 Burgess Road and 13 metres from the main sitting out area of that property, retain a low height of 5.1 metres at a lower ground level, and be orientated to the north. The windows in the south elevation would not result in a loss of privacy to the property or its garden, as a condition would be attached to any consent to ensure that they are fixed shut and glazed with obscure glass. The windows in the east and west elevation would not result in overlooking to the property, due to the very oblique angle of view. Although it is noted that there is a habitable room window close to the access, the development is not considered to result in an increase in the level of noise and disturbance through the use of the access, given the existing lawful use of the building. The relationship with this property is therefore considered acceptable.

29. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would be situated a significant distance from the dwelling and garden of the property at No. 33 Burgess Road, retain a low height of 5.1 metres, and be orientated to the north west. The windows in the east elevation would not result in a loss of privacy to the property or its garden, as they would be situated a distance of 20 metres away from the windows in the rear elevation with an oblique angle of view and 30 metres from the garden behind the existing dwelling. Although it is noted that there is a habitable room window close to the access, the development is not considered to result in arise in the level of noise and disturbance through the use of the access, given the existing lawful use of the building. The relationship with this property is therefore considered acceptable.

### **Flood Risk**

30. The site lies within flood zone 1 (low risk). The development is not considered to increase the risk of flooding to the site and surrounding area subject to a satisfactory method of surface water drainage. Given the existing issue with standing water on the site, this would be attached as a condition to any consent.

### **Developer Contributions**

31. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The increase in demand for such space as a result of the development requires a financial contribution of approximately £2,244.90 (index linked) towards the provision and management of open space in the village to comply with Policy SF/10 of the LDF. A section 106 legal agreement has been completed that secures this contribution.
32. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £371.00 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. A section 106 legal agreement has been completed that secures this contribution.
33. 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**

34. The proposal is unlikely to result in the loss of any protected species. The ecological report submitted with the application states that the building is has no evidence of roosting bats and it is not considered suitable for roosting bats. The habitats on the site are of low ecological value and the most important would be retained within the development. However, a condition should be attached to any consent to agree a scheme of bird and bat boxes to enhance biodiversity.
35. The site is located in a sustainable location within the village framework that is the preference for development whether or not the barracks site comes forward for development.
36. The capacity of the sewers to serve the development is a building control matter.



37. The removal of the existing building in relation to the control of asbestos is an issue controlled under environmental regulations.
38. Obstruction to the private access driveway and damage to the private access driveway and drains is a civil matter between the parties involved.

**Conclusion**

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

**Recommendation**

40. It is recommended that the Planning Committee approves the application (as amended) 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: To be confirmed.  
(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 and car port 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 setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and 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 a panel of brickwork including coping details to be used in the construction of the southern boundary wall 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 setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until precise details (drawings at a scale of 1:20) of the openings in the south elevation of the dwelling and the eaves and verge 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 protect the setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

6. No development shall take place until precise details (drawings at a scale of 1:20) of the eaves and verge of the car port 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 setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
7. 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 - (Reason - To protect the setting of the listed building in accordance with policy CH/4 of the adopted Local Development Framework 2007 and 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.)
8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
10. No development shall begin until a scheme for the provision of bird nest boxes and bat boxes has been submitted to and approved in writing by the Local Planning Authority; the dwellings shall not be occupied until the nest boxes have been provided in accordance with the approved scheme. (Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
11. The permanent space to be reserved on the site for the parking of two cars and turning 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.)
12. 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 All Classes of Part 1 of Schedule 2 of the Order and Class A of Part 2 Schedule 2 of the Order of shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

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

13. The ground floor windows in the south 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.)
14. No development shall commence until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
15. No development approved by this permission shall be commenced until:
  - i) 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.
  - ii) 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.
  - iii) 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.
  - iv) 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).
16. 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.)

### **Informatives**

1. The site is subject to an agreement under section 106 of the Town and Country Planning Act 1990 dated (to be confirmed).

2. This consent does not give permission for the existing 1.8 metre high timber fence along the western boundary of the access driveway.
3. The bird nest boxes should include a sparrow nest box.
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. Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the Council establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
6. Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.

**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/0382/13/FL, RC/0089/60, and RC/0368/53.

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



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Cambridgeshire  
District Council

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

8 May 2013

**AUTHOR/S:** Executive Director (Corporate Services) / Legal and Democratic Services  
Manager

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**PUBLIC SPEAKING PROTOCOL – REVIEW OF ARRANGEMENTS AT PLANNING COMMITTEE MEETINGS****Purpose**

1. To conduct a review of the public speaking protocol in the context of experience gained during the past 12 months.

**Recommendations**

2. It is recommended that the Planning Committee endorses the draft protocol attached at Appendix A, and adopts it for use with immediate effect, subject to officers being given delegated power to make any minor typographical changes.

**Reasons for Recommendations**

3. The protocol needs to be amended in order to remain effective, relevant and understandable.

**Background**

4. At its meeting on 24 May 2007, Council resolved that public speaking at Planning Committee be introduced, and that the Planning Committee be authorised to review and amend the scheme at its discretion, Part 4 of the Constitution being amended accordingly.
5. Planning Committee last reviewed the protocol in April 2011. Parts of the Protocol have been rewritten in the interests of Plain English.

**Considerations**

6. Public speaking at Planning Committee meetings, which includes contributions from local Members not on the Committee and members of parish councils, has been well received generally, and has allowed applicants, their agents, and objectors to take a greater part in the planning application process.
7. During the past few years, public speaking has operated well, but unforeseen circumstances have arisen from time to time, which have been dealt with under the Committee Chairman's general discretionary powers. The current review proposes the incorporation of those circumstances into the written protocol. This will provide clarity and certainty for Committee members and other interested parties.
8. The attached revision (with additions underlined and deletions struck through) does not make significant changes from the Protocol agreed 12 months ago. However, Members should note the following

- (a) Clarification that Objectors, Supporters and Parish Councils (but not local Councillors) must previously have submitted written comments to the District Council
- (b) Clarification that Appeal decisions are relevant (“material”) planning considerations
- (c) Inclusion of the National Planning Policy Framework as a relevant planning consideration
- (d) Confirmation that the retrospective nature of a planning application is not a relevant factor
- (e) Increased use of Plain English

### **Options**

9. The Committee has the option to approve the proposed protocol, either in whole or in part or as amended, or continue with the existing protocol.

### **Implications**

#### **Equality and Diversity**

10. The protocol is available electronically and in hard copy. Provision has been made for the document to be provided in alternative formats. Democratic Services Officers can advise verbally about the protocol’s main requirements.

### **Consultations**

11. The Chairman and Vice-Chairman of the Planning Committee, Planning and Economic Development Portfolio Holder, Youth Council, and key Council officers have been consulted about the proposed revised Protocol. The following comments have been received:

#### ***Sarah Stevens, immediate past Head of Planning & Economic Development***

“...I think the speaking protocol works well and if there is ever any pressure to increase the time from 3 to 5 minutes, I would resist as it would add considerable time to the Committee without adding anything extra in terms of input.”

#### ***Councillor Robert Turner, Planning Committee Chairman***

“...I agree keeping public speaking to 3 minutes.”

12. Other comments are reflected in the proposed additions (underlined) to the Protocol and deletions from it (struck through).

### **Effect on Strategic Aims**

13. The introduction of, and subsequent agreement of improvements to, the public speaking scheme, enables effective engagement by residents and parish councils with the decision-making process.

### **Conclusions / Summary**

14. To be effective, any system of public speaking must be clearly understood. It must be seen to be fair to everyone, and members of the Planning Committee should adhere to its general principles. A system of customer feedback is in place. For clarification, Appendix B shows the document should all suggested changes be accepted.

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

- None

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



Appendix A



**Public Speaking  
at meetings of the Planning Committee**

April ~~2012~~2013

Appendix A

## What is the Planning Committee?

The Council's Planning Committee consists of 13 District Councillors and is responsible for the determination of the larger, more complex or sensitive planning applications submitted to the Council. It also deals with other matters such as some public rights of way, the protection of important hedgerows, tree preservation and the administration and enforcement of building regulation regimes for existing or proposed buildings. A complete list of matters decided by the Planning Committee can be found by looking at the Council's Constitution (insert link).

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## **When and where do Planning Committee meetings take place?**

The Planning Committee meets in the Council Chamber at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA at 10.00am on a Wednesday, which is usually the first Wednesday each month. Further details, including contacts, directions, and variations to dates are available on the Council's website ([www.scambs.gov.uk](http://www.scambs.gov.uk) and follow the links from 'Your Council') or by phoning Democratic Services on 03450 450 500.

## **Can those not on the Planning Committee anyone attend Planning Committee these meetings?**

Meetings of the Planning Committee are open to the public, so anyone is able to attend. A range of people with differing interests in specific applications observe these meetings, whether they are applicants or an applicant's agent, objectors, neighbours or other residents, local District Councillors or members of Parish Councils.

Despite being a public meeting, in some very occasional cases the law does allow the committee to consider some matters in private. For example, an application may contain information of a personal or commercially sensitive nature that the Council would not be able to publicise. In every case, however, the public interest in excluding the press and public from the meeting room must outweigh the public interest in having the information disclosed.

Yes — typically, meetings may be attended by applicants, their agents, objectors, neighbours, other villagers, local district councillors and members of parish councils. The vast majority of agenda items will be considered in public. However, the law does allow Councils to consider a limited range of issues in private session without members of the Press and public being present. An example would be a planning issue in which sensitive personal or commercial matters are discussed, or options, which, if publicized, could prejudice the Council's position. 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.

## **Can those not on the Planning Committee anyone speak at Planning Committee meetings?**

The Planning Committee welcomes public speaking and participation from outside of the Committee's membership. Other than Members of the Planning Committee and the Council's officers, there are four main categories of other people able to speak at meetings of the Committee: -

- (1) Objector
- (2) Supporter (usually the applicant or planning agent)
- (3) Parish Council representative (but not the Clerk)
- (4) Local District Councillor(s).

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Appendix A

~~Yes, so long as previously objectors, supporters (including applicants or their agents) and PCs have submitted written comments to the District Council. There are four categories of “non-Committee speakers” (public speakers). These are, in order:~~

- ~~(1) Objector~~
- ~~(2) Supporter (usually the applicant or planning agent)~~
- ~~(3) Parish Council representative~~
- ~~(4) Ordinarily, one local Councillor (whether a Committee member or not) will also speak. However, where there are two or three local Councillors, a second local Councillor will be invited to speak only if they have a view contrary to that of the first. Where a local Member (whether a Committee member or not) has declared a personal and prejudicial interest a Declarable Pecuniary Interest in the matter being discussed, and has previously been given a dispensation to speak, that Member will address the Committee prior to any other speaker and will then leave the room, take no part in the debate, not sit in any public gallery and not vote.~~

**Comment [GAD1]:** Members with DPis do need the benefit of a dispensation to speak.

Parish Councils and local Members speak as part of the planning process, regardless of whether they support or oppose an application. Objectors and Supporters speak as part of the specific application and, except in exceptional circumstances identified by the Committee Chairman prior to the meeting, number one in favour and one against. Where more than one objector or supporter exists, they are encouraged to agree between themselves on a presentation that covers all their concerns.

In exceptional circumstances, the Committee Chairman may opt to make special arrangements such as where a neighbouring parish is perceived as being significantly affected by a proposal, or for a Portfolio Holder [to speak](#).

## What can people say and for how long can they speak?

Each speech is limited to three minutes. ~~Speakers [are advised to](#) ~~must~~ restrict themselves to material planning considerations such as:~~

- Design, appearance, layout, scale and landscaping
- Environmental health issues such as noise, smells and general disturbance
- Highway safety and traffic issues
- Impact on trees, listed buildings, biodiversity, conservation areas and other designated sites.
- Loss of an important view from **public** land that compromises the local character
- Planning law and previous decisions [including appeals](#)
- [National Planning Policy Framework and](#) Planning Policy Guidance
- South Cambridgeshire Local Development Framework
- Visual and residential amenity

**Comment [GAD2]:** LPAs are under duties to consider/have regard to conserving/enhancing biodiversity when performing functions so worth flagging as a discrete material consideration.

Committee members will **not** be able to take into account issues such as:

- boundary and area disputes
- perceived morals or motives of a developer
- the effect on the value of property
- loss of a **private** view over adjoining land (unless there is a parallel loss of an important view from public land)
- matters not covered by planning, highway or environmental health law
- covenants and private rights of access
- suspected future development,
- ~~processing of the application,~~
- [the retrospective nature of a planning application](#)

Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action. After the objector and supporter have spoken, Committee members may ask speakers to clarify matters relating to their presentation. If those registered to speak are not present in the meeting room by the

[Appendix A](#)

time the relevant item is considered, the Committee won't be able to wait, and will determine the application – officers will be able to say whether a particular item is at the beginning, middle or end of the agenda, but cannot give an accurate idea of when it will be considered.

Committee members will have read the written reports prepared for them, so speakers should try to avoid repeating points that are already explained in that material.

## **Can public speakers give Committee members written information or photographs relating to an application or objection?**

Yes, but **not** at the meeting itself. Councillors will be given lots of information to read and digest before the meeting, so need to be given as much time as possible to read or view the information.

Please send such information, preferably by e-mail, to Democratic Services ([ian.senior@scambs.gov.uk](mailto:ian.senior@scambs.gov.uk)), who will circulate the information for you. In practical terms, such information will not be distributed earlier than seven days or later than two days before the meeting. Please do not supply information directly to members of the Planning Committee.

Projection equipment operated by Council officers is available in the Council Chamber.

## **How are applications considered?**

The appropriate planning officer will introduce the item. Committee members will then hear any speakers' presentations. The order of speaking will be as stated above. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made and seconded by members of the Committee. Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

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

Further information is available from Democratic Services, South Cambridgeshire District Council, South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA – Telephone 03450 450 500.  
[democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)

[Updated: 8 May 2013](#)

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South  
Cambridgeshire  
District Council

# **Public Speaking**

## **at meetings of the Planning Committee**

April 2013

DRAFT

## What is the Planning Committee?

The Council's Planning Committee consists of 13 District Councillors and is responsible for the determination of the larger, more complex or sensitive planning applications submitted to the Council. It also deals with other matters such as some public rights of way, the protection of important hedgerows, tree preservation and the administration and enforcement of building regulation regimes for existing or proposed buildings. A complete list of matters decided by the Planning Committee can be found by looking at the Council's Constitution (insert link).

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- (2) Supporter (usually the applicant or planning agent)
- (3) Parish Council representative (but not the Clerk)
- (4) Local District Councillor(s).

Parish Councils and local Members speak as part of the planning process, regardless of whether they support or oppose an application. Objectors and Supporters speak as part of the specific application and, except in exceptional circumstances identified by the Committee Chairman prior to the meeting, number one in favour and one against. Where more than one objector or supporter exists, they are encouraged to agree between themselves on a presentation that covers all their concerns.

In exceptional circumstances, the Committee Chairman may opt to make special arrangements such as where a neighbouring parish is perceived as being significantly affected by a proposal, or for a Portfolio Holder to speak.

## What can people say and for how long can they speak?

Each speech is limited to three minutes. Speakers are advised to restrict themselves to material planning considerations such as:

- Design, appearance, layout, scale and landscaping
- Environmental health issues such as noise, smells and general disturbance
- Highway safety and traffic issues
- Impact on trees, listed buildings, biodiversity, conservation areas and other designated sites.
- Loss of an important view from **public** land that compromises the local character
- Planning law and previous decisions including appeals
- National Planning Policy Framework and Planning Policy Guidance
- South Cambridgeshire Local Development Framework
- Visual and residential amenity

Committee members will **not** be able to take into account issues such as:

- boundary and area disputes
- perceived morals or motives of a developer
- the effect on the value of property
- loss of a **private** view over adjoining land (unless there is a parallel loss of an important view from public land)
- matters not covered by planning, highway or environmental health law
- covenants and private rights of access
- suspected future development,
- processing of the application,
- the retrospective nature of a planning application

Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action. After the objector and supporter have spoken, Committee members may ask speakers to clarify matters relating to their presentation. If those registered to speak are not present in the meeting room by the time the relevant item is considered, the Committee won't be able to wait, and will determine the application – officers will be able to say whether a particular item is at the beginning, middle or end of the agenda, but cannot give an accurate idea of when it will be considered.

Committee members will have read the written reports prepared for them, so speakers should try to avoid repeating points that are already explained in that material.

## Can public speakers give Committee members written information or photographs relating to an application or objection?

Yes, but **not** at the meeting itself. Councillors will be given lots of information to read and digest before the meeting, so need to be given as much time as possible to read or view the information.

Please send such information, preferably by e-mail, to Democratic Services ([ian.senior@scams.gov.uk](mailto:ian.senior@scams.gov.uk)), who will circulate the information for you. In practical terms, such information will not be distributed earlier than seven days or later than two days before the meeting. Please do not supply information directly to members of the Planning Committee.

Projection equipment operated by Council officers is available in the Council Chamber.

## How are applications considered?

The appropriate planning officer will introduce the item. Committee members will then hear any speakers' presentations. The order of speaking will be as stated above. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made and seconded by members of the Committee. Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

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

Further information is available from Democratic Services, South Cambridgeshire District Council, South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA – Telephone 03450 450 500.  
[democratic.services@scambs.gov.uk](mailto:democratic.services@scambs.gov.uk)

Updated: 8 May 2013

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

8 May 2013

AUTHOR/S: Planning and New Communities Director

## ENFORCEMENT ACTION UPDATE

## Purpose

- To inform Members about planning enforcement cases, as at 18 April 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
March 2013	40	53
1 <sup>st</sup> Qtr. 2013	108	133
<b>2013 YTD</b>	<b>68</b>	<b>80</b>
Q 1 (Jan – March) 2012	127	107
Q 2 (April – June ) 2012	107	96
Q 3 (July – September) 2012	98	148
Q4 (October – December) 2012	125	110
<b>2012 YTD</b>	<b>457</b>	<b>461</b>

## Enforcement Cases on hand:

- Target 150
- Actual 111

## Notices Served

Type of Notice	Period	Year to date
	March 2013	2013
<b>Enforcement</b>	<b>3</b>	<b>5</b>
Stop Notice	0	0
Temporary Stop Notice	0	0
<b>Breach of Condition</b>	<b>0</b>	<b>1</b>

S215 – Amenity Notice	2	2
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.43	Papworth	9 Blyton Road	Enforcement
PLAENF. 259	Over	35 Mill Road	Amenity Notice
PLAENF. 260	Over	39 Mill Road	Amenity Notice
PLAENF. 423	Willingham	37A Rampton Road	Enforcement
PLAENF. 235	Bassingbourn	Land West of Cemetery The Causeway	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.**

Work still in progress regarding legal action relating to the current breach of enforcement. Additional concern rose since the last report regarding the stationing of a mobile home on the nursery land section and the importation of brick rubble to form a track to link the upper field to the main residence. A planning Contravention Notice has been issued to assess whether there is a breach of planning control. County Council and the Environment Agency to assess brick material imported

**b. Q8, Foxton**

*Planning application in preparation- No further update available at this time*

**c. Moor Drove, Histon**

*Application for two stables now validated,*

Site visited and consideration of application underway.

**d. 23 Howard Road Meldreth**

Section 106 outstanding payments. Matters now resolved and first payment received - Confirmation received that direct debit payments have been arranged commencing 1<sup>st</sup> May – Remove from active listing.

**e. Whittlesford – Scrapyard**

Issues relating to mud on road are still causing concern with residents of Station Road - County Council informed. Matters relating to noise are being progressed currently through a planning application for the boundary/acoustic fencing – Retrospective planning application scheme accepted in principal. Application now received. A decision is expected shortly.

A retrospective planning application is to be submitted for the weighbridge situated at the former fuels depot

**Summary**

10. The number of enforcement cases investigated during the March period showed a 31% 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.

The numbers of cases on hand are 35% below the expected maximum number of cases per enforcement officer for the same period.

11. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation, including Environment Health, Planning, Housing, Anti-Social behaviour Officers, Vulnerable Adults and Safeguarding Children Teams.

**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

8 May 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 at 26 April 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/1106/12/FL	Mr R Hodson Land adj 6 Market Street, Swavesey Detached dwelling	Dismissed	20/03/13
S/1462/12/OL	Mr J Webster Orchard House Highfield Road Impington Three dwellings and Associated garage and access	Allowed	22/03/13
S/0272/12/PO	Mrs MKE Prime 43 Chiswick End Meldreth The removal of the second schedule that ties the occupation of the bungalow to the scrapyard	Allowed	22/03/13
S/1444/12/FL	Mr E Wells The Scholars Rectory Farm Road Little Wilbraham Wall/Gates posts, outbuilding chimney, air conditioning units wall extension	Part Dismissed/ Part Allowed	26/03/13
S/1444/12/FL	Mr E Wells The Scholars Rectory Farm Road Little Wilbraham Wall/Gates posts, outbuilding chimney, air conditioning units	Cost Decision Refused	26/03/13

	wall extension		
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**Appeals received**

3.

Ref. no.	Details	Decision	Decision Date
S/2292/12/FL	Mr W Young 5 Shearling Drive Lower Cambourne Rear Extension	Refused	22/03/13
S/2096/12/FL	Mr & Mrs Jones Rear 94 Rampton Road Willingham Dwelling	Refused	05/04/13
S/2464/12/FL	Mr & Mrs A Riddell 2 Pyrethrum Way Willingham Front & Rear Dormer Windows	Refused	11/04/13
S/0639/12/FL	Mr S Pearson 11 Ermine Way Arrington	Refused	19/04/13

**Local Inquiry and Informal Hearing dates scheduled before the next meeting on 8 May 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 2013-2May 2013 Confirmed
S/1621/12	Mr T Buckley	The Oaks Meadow Road Willingham	30 April - 2 May 2013 Confirmed
S/0518/12/FL	Mrs L Brown	3 Beaumont Place Meadow Road Willingham	30 April - 2 May 2013 Confirmed
S/1188/12	Mrs L Holmes	2 Cadwin Field Schole Road Willingham	30 April - 2 May 2013 Confirmed

PLAENF.288	Mr Liao	47 Mayfield Way Great Cambourne	18 June 2013 Confirmed
S/2193/12/FL	Mr S Gardner	The Old Rectory Rectory Lane Kingston	2 July 2013 Offered
S/0824/12/FL	Mrs Saunders & Miss Wisson	Adj Cambridge Meridian Golf Club Comberton Road Toft	9 July 2013 Offered

### Summaries of Appeals

5. 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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