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25 June 2013

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

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 3 JULY 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. **General Declarations of Interest** 1 - 2
3. **Minutes of Previous Meeting**
To authorise the Chairman to sign the Minutes of the meeting held on 5 June 2013 as a correct record. The Minutes are attached to the electronic version of the agenda on the Council's website.

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Agenda dated 5 September 2012

<http://scambs.moderngov.co.uk/ieListDocuments.aspx?CId=768&MIId=5705&Ver=4>

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OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study 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 focusing on the priorities, needs and aspirations of our residents, parishes and businesses.

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

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

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

Notes

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 5 June 2013 at 10.00 a.m.

PRESENT: Councillor Robert Turner – Chairman
Councillor Lynda Harford – Vice-Chairman

Councillors:	David Bard	Val Barrett
	Brian Burling	Nigel Cathcart (substitute)
	Tumi Hawkins	Caroline Hunt
	Peter Johnson (substitute)	Sebastian Kindersley
	Neil Scarr	Hazel Smith
	Nick Wright	

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Development Control Manager), Gary Duthie (Senior Lawyer), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Senior Planning Assistant), Ian Senior (Democratic Services Officer) and Kate Wood (Planning Team Leader (East))

Councillor Mick Martin was in attendance, by invitation.

Apologies for absence were received from Councillors Deborah Roberts and Ben Shelton.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 8 May 2013.

3. S/0725/13/FL - DUXFORD (MOORFIELD ROAD)

Councillor Mick Martin (local Member) addressed the meeting.

The Committee **approved** the application subject to the Conditions referred to in the report from the Planning and New Communities Director. The Committee endorsed the local Member's comments that particular attention should be paid to the landscaping of the site boundary nearest to Duxford village.

4. S/2545/12/FL - HARSTON (LAND R/O 8 SHEEPSHEAD LANE)

Niall O'Byrne (Harston Parish Council) addressed the meeting.

The Committee **approved** the application subject to the Conditions contained in the Committee report dated 6 March 2013 and to the Legal Agreement dated 15 April 2013 made under Section 106 of the Town and Country Planning Act 1990.

5. S/0747/13/FL- HISTON (HISTON BAPTIST CHURCH, STATION ROAD)

The Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Planning and New Communities Director.

**6. S/1131/12/FL- WATERBEACH (THE TRAVELLERS REST, CHITTERING) -
WITHDRAWN FROM THE AGENDA**

The Committee noted that this application had been **withdrawn** from the agenda.

7. S/0754/13/FL-WHITTLESFORD (11 WEST END)

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

8. ENFORCEMENT ACTION UPDATE

The Committee **received and noted** an Update on enforcement action.

9. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

The Meeting ended at 10.25 a.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

THE OLD RECTORY, LITTLE GRANSDEN**Tree Preservation Order 01/12/SC and Refusal of Application to Fell C/11/17/063/01–9424 - Claim for Compensation****Notes:**

Planning Committee in August and September 2012 considered reports on this case. Since September material considerations have changed significantly and this is the reason for bringing this case back to the Committee for reconsideration.

To be presented to the Committee by David Bevan.

Recommendation: To revoke the Tree Preservation Order (TPO) for the Cedar and Wellingtonia at the Old Rectory.

Reasons for Recommendation

That the potential compensation for the costs of underpinning for which the Council would be liable now outweighs the value of the trees. Revoking the TPO is the simplest and most effective way of allowing the trees to be felled.

Background

1. The Old Rectory is a grade II listed building within the Little Gransden Conservation Area. A Tree Preservation Order (TPO) for a Cedar and Wellingtonia in the grounds of the Old Rectory was made as a precautionary measure in March 2012. This followed a statutory notification to fell the trees on the basis that they were causing damage to the historic property.
2. Planning Committee on 1 August 2012 decided to defer a decision on whether to confirm the TPO. Planning Committee on 5 September 2012 confirmed the TPO, contrary to recommendation, noting the level of damage and nuisance caused by the trees but preferring underpinning of the building to felling. Whilst aware that the costs of underpinning would be a potential liability for the Council if compensation was sought following any subsequent refusal to fell, the Committee considered that such exposure was justified by the high amenity and heritage value of the trees and the unacceptable impact of their felling on the conservation area. The Committee then refused the owners' application to fell the trees, also contrary to recommendation, at the same meeting.
3. The relevant reports to, and decisions made by, the Planning Committee on 1 August and 5 September 2012 give important background to this report and are included as appendices A and B.

Material Considerations

Basis for compensation

4. Regulations provide that the refusal of consent for felling requires the planning authority to compensate for a 'consequent' loss or damage if claimed. Any compensation claim must be made within 12 months of the decision to refuse (in this case by 4 September 2013). Legal proceedings can start anytime within that period but, here, the prospective claimant had given advance notice of its preliminary view of the scale of the claim before the formal claim was served on 6 June 2013. This gives this Council a time frame for the options described below.
5. Counsel has advised that for a claim to succeed it must only be demonstrated that the works were reasonable in nature and extent and the costs incurred were reasonable. This is not the same as saying that the work must have been optimal or that the incurred cost must have been the most economic. The works will not necessarily be those which the Council prefers (except where they may be properly controlled by listed building consent). The recoverable cost is of the works as carried out, rather than as estimated.
6. If this claim is settled, then no further claim can be made in relation to the application to fell which was refused in September of last year. However, new applications could be made and further compensation claims submitted if refused. These could, for example, be after underpinning works are carried out and are believed not to be totally successful. Our structural engineer advised us that a level of risk of movement and damage would remain after underpinning.

Claim for compensation

7. Solicitors appointed by the owners' insurance company wrote to us on 22 March 2013 to tell us that they were preparing a claim. The letter set out indicative costs for works "in the order of at least £82,940.70 to £94,794 (inclusive of VAT and subject to site conditions encountered during the course of the works), plus fees and plus sundry costs." The letter noted that "the figures provided here are purely for indicative purposes. As with any building project it may be that they prove to be higher once the repairs are underway."
8. The solicitors sent their formal Letter of Claim on 6 June (appendix C). The letter referred to on-going discussions with this Council's Principal Conservation Officer to ensure that the heritage significance of the building is safeguarded from the impacts of tree roots and that underpinning is sympathetic to that significance. It goes on to say:

"Subject to any specific Listed Building Officer requirements the repair costs, should the Cedar remain, are considered by Engineers to potentially and broadly range as follows:

- 1) £80,000.00 plus VAT for a partial traditional underpin
- 2) £250,000 plus VAT for a partial piled solution extending to internal areas
- 3) (Conservative) £400,000 plus VAT for a fully piled raft

The above figures are, for the time being net of the usual associated costs ... which will be calculated and added and advised to you once the repair scheme has been finally determined."

The Council's potential liability

9. The cost of £80,000 plus associated costs and VAT for a partial traditional underpin given in the Letter of Claim is substantially more than the £40,000 including VAT for underpinning which was given in the report to the September Planning Committee on the advice of our structural engineer. The most obvious reason for that difference is that the figure given in the Letter of Claim (following information given in the earlier letter) is for a deeper foundation than our structural engineer considered necessary. The second and third options given in the claim letter are for substantially more expensive solutions.
10. Council officers have argued that it is reasonable to deduct the cost of the removal of the Cedar from the cost of underpinning in determining the size of the claim. In the September report we estimated the cost of removing the two trees covered by the TPO as £10,000 - £12,000. The insurer's solicitors have provided two estimates of £4,250 and £4,860 for removing the Cedar (only) but have rejected the notion of discounting notional felling costs in principle. No judicial direction on this point has been found.
11. As noted above, on-going discussions with the owners' insurer and its advisors aim to agree an underpinning scheme which protects the listed building from the impacts of tree roots and conserves its heritage interest. Such a scheme should receive listed building consent. The owners' insurer and its advisors are also seeking a solution which gives them reassurance that further damage will not occur in the future.
12. The design and cost of the scheme may be affected by the need for a solution which is sympathetic to the Old Rectory as a listed building. Options which cause no or minimal harm to its heritage significance should be chosen. If there is no alternative to an option which would cause harm, then that harm would be weighed against the public benefits of retaining the trees in deciding whether listed building consent should be given.
13. While the liability cannot be definitely established at this point, the figures given above indicate the potential range of costs and their significant differences with the estimate from our structural engineer given in the report to the September Planning Committee. Counsel's advice that the remedial works have only to be reasonable in nature, extent and cost for a claim for compensation to be successful, along with other points on cost and risk given above, are also important considerations.
14. The differences in costs justify a review of whether the high amenity value of the trees and their contribution to the conservation area still outweigh the Council's potential increased liability for compensation and other factors. If not, then it necessary to identify how the felling of the trees can be allowed. (The report to the September Planning Committee noted that, if the Cedar was to be felled, the Wellingtonia alone would not justify TPO status and protection.)

Options

15. Four options have been explored. The Council recognises the great contribution that the trees make to the setting of the Old Rectory and the Little Gransden Conservation Area, and how much they are appreciated by the local community. Weighing the high value of the trees against the potential costs of underpinning for which this Council would be liable is a very difficult decision. The increase in estimated costs since the September Planning Committee means that the balance has changed and officers believe that the potential liability now exceeds the high value of the trees and that, unfortunately, they should be allowed to be felled.

The options are:

Recommended option

- 1) The Council revokes the TPO so that its protection of the Cedar and Wellingtonia are removed, allowing the trees to be felled. (See paragraph X under Comments below.)

Other options

- 2) The Council agrees that the felling of the trees should be allowed, and invites an application to fell the Cedar, or Cedar and Wellingtonia, covered by the TPO in time for it to be determined before 4 September.
- 3) The Council continues to support the protection and retention of the trees and agrees to underwrite the cost of an underpinning scheme.
- 4) The Council continues to support the protection and retention of the trees but does not agree to underwrite the costs of an underpinning scheme.

Comments

16. If option (1) is chosen then the Council's potential liability for reasonable costs, which could range from £80,000 to £400,000 plus costs, will be removed. A revocation order will be made which takes immediate effect. The trees could then be felled five days after prior notification.
17. Option (2) would have the same result of removing the Council's potential liability. However, to be implemented, a tree application to fell the tree or trees would be needed. The owners have said that they will not submit such an application and it does not appear to be in the interest of any other party to do so.
18. If option (3) is chosen, then the Council will be liable for potential compensation costs which could range from £80,000 to £400,000 plus costs. The Council would be liable for the costs of works as carried out which is indicated by these figures but not definitely known.
19. If option (4) is chosen then legal proceedings will undoubtedly be started by the insurer's solicitors before the 4 September deadline and the compensation claim will be decided by the Lands Chamber of the Upper Tribunal. This is likely to result in total costs which are significantly higher than the costs of the works and Counsel's advice was that this option had nothing to commend it.
20. If either options (3) or (4) are chosen by this Committee then, because of the level of exposure of this Council and the lack budget provision, a recommendation to Cabinet should be made.

Conclusions

21. The high heritage and amenity value of the trees and their positive contribution to the Little Gransden Conservation Area are fully recognised.

22. The increased potential compensation costs of underpinning mean that the material considerations reported to the September Planning Committee have changed.
23. Given the significant increase in the potential costs of works, officers believe that this increase and future risks now outweigh the value of the trees.
24. Revoking the TPO (option 1) is the most straightforward and effective way of allowing the trees to be felled.
25. The owners have written previously saying that they will replace the trees if they are allowed to remove them. Confirmation that this is still the case will be sought before the July Planning Committee.

Recommendation

26. To revoke the Tree Preservation Order (TPO) for the Cedar and Wellingtonia at the Old Rectory.

Contact Officer: David Bevan – Conservation & Design Manager
01954 713177

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 2012

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

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

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

Recommendations

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

Reasons for Recommendations

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

Background

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

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

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

Considerations and Options

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

Implications

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

Consultations

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

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

Conclusions / Summary

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

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

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

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

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Planning and New Communities Director

5 September 2012

**THE OLD RECTORY, LITTLE GRANSDEN
CONFIRMATION OF TREE PRESERVATION ORDER
01/12/SC 2012 MADE MARCH 2012**

Recommendation: the Tree Preservation Order is not confirmed

Deadline for confirmation of provisional Tree Preservation Order: 9 September 2012

This confirmation was reported to the Planning Committee in August because the Head of Planning & Economic Development was of the view that the application should be presented to the Committee for decision. It was subsequently deferred to this meeting.

Members visited this site on 31 July 2012.

To be presented to the Committee by David Bevan

Site and Proposal

1. Members will recall deferring the decision on whether to confirm the Tree Preservation Order at the meeting on 1 August. The main officer report with its supporting advice from Counsel is appended to this report.
2. An addendum to the report and statement from the owner were sent to Planning Committee members on 27 July. A response to a letter from the Parish Council's legal advisors was sent to Planning Committee members on 31 July. A verbal update on the letters from the Parish Council and its legal advisors, an email from Dr A.E.Hill and an electronic petition was given at the meeting.
3. Since the August meeting, a structural engineer has been commissioned to produce a report which deals with the potential causes of movement and other factors which are material to reaching a decision, and answer specific questions, as requested by Planning Committee members.
4. Advice has been sought from the structural engineer and our arboricultural consultant, John Cromar, on points raised by the Parish Council and others. This included a letter of 14 August from John Cromar which concluded that data presented in original reports was fit for purpose and allowed accurate conclusions to be drawn.
5. The Head of Planning & Economic Development offered to facilitate a meeting between the Parish Council and owner of the Old Rectory to discuss possible solutions and how they could be funded. The offer was not accepted by the owner, who gave the reasons for her decision, but this should not influence the Committee's decision.

6. The Planning Committee will also consider (Item TBA) whether to give consent to an application to fell the two trees covered by the Tree Preservation Order which is the subject of this report. The decision on that application should follow and relate to the decision on whether to confirm the Tree Preservation Order.

Representations from the public

7. Five letters have been received since the August Planning Committee from the occupiers of 2 Church Street, 8 Church Street, 77 Main Road, 10 Primrose Hill and 4 Windmill Close in Little Gransden. The letters make these points:
 - the trees are in a private garden and cannot be seen from many places in the village so are not a public amenity
 - the campaign to keep the Tree Preservation Order does not have the backing of the whole village
 - many who signed petitions (including the writers of the letters) did not have the full facts and understand the issues, cost implications and impact on the owners
 - the writers should not be counted as supporting the confirmation of the Tree Preservation Order despite signing petitions in support
 - professional reports have explained why, reluctantly, the trees should be felled and no further expenditure on reports is justified
 - as council tax payers they do not want themselves or the Council to fund keeping the trees

Structural engineer's report

8. Following the requests made at Planning Committee, a second independent structural engineer's report was commissioned. This has been produced by Peter Woolley, Managing Director at Hannah-Reed and is appended to this report. It includes the brief given by this Council. Key points made in the report are as follows:

Concerns about the methodology and data raised by Dr Biddle and Richard Jackson

9. The structural engineer says that the concerns raised by these consultants commissioned by the Parish Council are answered by visiting the site (which the consultants were not able to do) or are invalid or do not affect the conclusions reached.

Causes of the movement

10. The structural engineer notes the consensus in reports which identifies the cedar tree as the cause of movement, and deals with points raised by Dr Biddle who gives qualified acceptance to this view and Richard Jackson who dissents from this view.
11. Following his own investigation the structural engineer believes that the cedar, and possibly the wellingtonia, are the cause of movement and not the existing historic foundations to the house or modern changes to the building.

Rates and trends of cracking

12. The structural engineer identifies the degree and increase in seasonal movement and settlement since March 2010. There is a risk identified that the amplitude of seasonal cyclic movement will continue to increase.

Seriousness of the movement

13. The structural engineer says that the movement is not serious in purely structural terms, but is enough to give rise to damage. It represents a significant nuisance to the owner in terms of: worry about foundation instability; continued needs for repairs and redecoration; doors and windows likely to bind; possible difficulty in insuring and/or selling the property; and consequent reduction in value.
14. The engineer makes a distinction between “normal and superficial cracking arising from thermal and moisture effects in superstructure, which many people are willing to live with, and movements arising from foundation instability, which most people in my experience find worrisome and intolerable”.

Solutions for the movement and degree of risk

15. The structural engineer says that one solution would be the removal of the cedar and, to eliminate risk from a second potential cause, the wellingtonia. He does not believe that a root barrier would work in this case and agrees that underpinning is the appropriate alternative solution if the tree(s) are not felled.
16. His approximate estimate of the costs of underpinning of £40,000 including VAT is greater than the approximate estimate of £22,000 plus building regulation fees given by our first structural engineer, Andrew Firebrace Partnership.
17. The structural engineer believes that following underpinning there is more risk than that identified by Andrew Firebrace Partnership. He says that tree roots are likely to travel past the foundation into the building and that the impact may not be limited to minor cracks.

Material considerations

18. The high amenity value of the two trees which are the subject of the Tree Preservation Order has been accepted. Their loss would detract from the setting of the listed Old Rectory and the conservation area and from a number of public views. The amenity value would, in isolation, fully justify the confirmation of the Tree Preservation Order.
19. The second question which has to be addressed in deciding whether to confirm the Order is whether it would be expedient to do so. Material considerations are the impact of the trees on the listed building and its owners and, if the impact is significant and harmful, the nature and costs of an appropriate solution.
20. Counsel's advice highlighted that “In this case, unusually, the Council has available to it a great deal of information and analysis”. That information and

analysis has been supplemented by the second independent structural engineer's report.

21. There is a consensus between the majority of the reports produced on the causes of movement and solutions for dealing with it which the new structural engineer's report supports. The new report also deals with arguments which partly or wholly dissent from the majority view.
22. The new structural engineer's report (and majority view) identifies the cedar in particular as the cause of movement rather the historic construction or modern changes to the house, and that appropriate solutions are felling or underpinning with the latter costing approximately £40,000 including VAT. The structural engineer notes the risk remaining following underpinning.
23. The same report cites the wellingtonia as a possible source of the movement. The officers' view is that Tree Preservation Order status and protection would not be justified for the wellingtonia alone. This is because it has less amenity value than the cedar, has been damaged by lightning and its growth has been suppressed by the cedar. There are doubts over its stability if the cedar was felled.
24. The new structural engineer's report identifies that the movement is causing a significant nuisance to the owner which goes beyond the level of superficial and 'everyday' cracking which many owners might chose to live with.

Options

25. There are three main options available to the Council.
 1. That the Council accepts that the trees will be felled. If it decides not to confirm the Tree Preservation Order the protection of the trees will end.
 2. That the trees will be felled with an assurance or requirement that they will be replaced. The owners have written confirming that they will replace the trees and the Council could decide to decline the Tree Preservation Order with the knowledge of that assurance. Alternately, the Tree Preservation Order could be confirmed on the basis that an application to fell might be accepted with a condition requiring suitable replacement planting. This may be considered unnecessary given the owner's assurance.
 3. That the Tree Preservation Order is confirmed with the intention that future applications to fell will likely not be accepted. If the Council takes this approach then it would incur a potential liability for the cost of statutory compensation on any subsequent refusal of consent to fell. This would be likely to equate to the costs of underpinning as set out above less the cost of removing the trees (estimated as £10,000 - £12,000), with the costs being those which could be reasonably expected before work starts.
26. If the Council confirms the Order and refuses consent for felling there are two routes it could take with respect to compensation. These are set out in Counsel's advice appended to this report.

Conclusions/summary

27. There is a consensus that the trees, particularly the cedar, have a high amenity and heritage value which, taken alone, would fully justify the confirmation of the Tree Preservation Order. The expediency of confirming the Order also has to be considered and this includes the impact of the trees on the listed Old Rectory and its owners, and the nature and cost of solutions for any significant problems caused by the trees.
28. The consultants commissioned by this Council and the majority opinion of other consultants who have been engaged on this case identify the tree(s) as the cause of movement and that the appropriate solutions are felling the trees or underpinning.
29. The professional view of officers is that while the amenity and heritage value of the trees is high, this is outweighed by the cost of underpinning which would be a potential liability for the Council. Officers believe that the harmful impact will be mitigated in the longer term by replacement planting achieved through the commitment given by the owner.

Recommendation

30. That the Tree Preservation Order is not confirmed because:
 - The trees are causing movement to the Old Rectory which is resulting in a level of damage to the listed building and a significant nuisance to the owners.
 - Confirmation followed by an approval for an application to fell with a condition requiring replacement planting is not necessary given the written commitment of the owner.
 - The costs of underpinning, which is the appropriate solution if the trees are not felled, is a potential liability for the Council and, even when reduced by the cost of felling, outweighs the high amenity and heritage value of the trees.

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BY EMAIL & BY RECORDED DELIVERY

LETTER OF CLAIM

6 June 2013

Our Ref: **SRB/1544/2034197/23/r**
Your ref: **TPO 01/12/SC 2012**

Dear Madam

**REFUSAL OF CONSENT TO FELL 1 NO CEDAR TREE WITHIN THE
GARDEN OF THE OLD RECTORY LITTLE GRANSDEN, SANDY,
BEDFORDSHIRE, SG19 3DU ON THE EASTERN ASPECT
DISTRICT COUNCIL TREE PRESERVATION ORDER 01/12/SC 2012
PLANNING COMMITTEE WEDNESDAY 5TH SEPTEMBER 2012 REF:
C/11/17/063/01
TPO APPLICATION DATE: 20 JULY RECEIVED 25 JULY 2012
TPO APPLICATION REFUSAL DATE: 05 SEPTEMBER 2012
CLAIMANTS: **MIR AND MRS SEABRIGHT****

We have been appointed by Chubb Insurance Company of Europe SA on behalf of the Claimants in relation to subsidence damage that has occurred to the Claimants' property at the Old Rectory, Little Gransden, Sandy, Bedfordshire SG19 3DU.

We refer to the above refusal by your Planning Committee on 5th September 2012, to grant consent to the Claimants in relation to their Tree Preservation Order application for permission to remove the said Cedar submitted by OCA UK Ltd on 20th July 2012.

This Letter of Claim relates to the losses arising by virtue of the said refusal to grant consent to the Claimants in respect of the said Cedar tree.

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It is common ground that the Cedar tree which was the subject of the Tree Preservation Order application has caused subsidence damage to the Claimants' property. As a consequence of the said refusal of consent, substantial costs will be incurred which would not have arisen had permission been granted in 2012 for the said Cedar tree to be removed.

The Claimants' property is a Listed Building. As such the nature and extent of an acceptable and appropriate repair is now being duly considered by SCDC's Listed Building Officer. This is to ensure that the historic heritage, character and integrity of this Listed Building is duly and properly safeguarded, both from the continuing effects of the Cedar tree roots and from any trauma or detriment that the repairs could inflict on the building's historic heritage if they are not sufficiently sympathetic.

Subject to any specific Listed Building Officer requirements the repair costs, should the Cedar tree remain, are considered by Engineers to potentially and broadly range as follows:

- 1) £80,000.00 plus VAT for a partial traditional underpin
- 2) £250,000 plus VAT for a partial piled solution extending to internal areas
- 3) (Conservative) £400,000 plus VAT for a fully piled raft.

The above figures are, for the time, being net of the usual associated costs, including (but not limited to) site investigations, fees, scheme preparation and project co-ordination, and any costs for removals/storage and alternative accommodation, which will be calculated and added and advised to you once the repair scheme has been finally determined.

In accordance with Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and under the compensation provisions covered by Part 6 of the April 2012 (Tree Preservation) (England) Regulations enabled as a result of s192 of the Planning Act 2008 please accept this letter as a formal claim for compensation for all loss and damage incurred in consequence of the refusal of consent.

You will appreciate that the Claimants are not yet in a position to fully quantify their claim, but we trust that the above outline figures will provide a useful indication which will be sufficient for the time being to usefully inform SCDC's understanding of the range of its potential financial exposure in this matter.

You will also appreciate that the losses presently anticipated may be subject to variation, and that losses will continue to be incurred until such time as the claim is resolved. Further, interest will accrue and be added to the claim total, together with legal costs and disbursements on the usual basis.

Preparations are now underway for the repairs to commence. We shall provide you with an updated quantification of the likely cost of the claim once the nature and extent of the necessary repairs has been duly resolved upon by the Listed Buildings Officer. In the meantime we shall be obliged to receive your acknowledgement of this Letter of Claim.

Should you have any queries or require further clarification then please do not hesitate to contact us.

Yours faithfully



Freeth Cartwright

Please respond by e-mail where possible

Copy: Mr G Duthie Senior Lawyer SCDC, Ms Jo Mills Director of Planning, Mr A Colyer Chief Finance Officer, Ms Roz Richardson Tree and Landscape Officer, Ms Corrie Newell Head of Conservation

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Minutes

1 August 2012

Margaret MacQueen (agent for the objector to the Tree Preservation Order), Adrian Penrose (Supporter), Mr Timbrell (Little Gransden Parish Council) and Councillor Bridget Smith (a local Member) addressed the meeting.

Members visited the site on 31 July 2012. The Committee **deferred** the determination of this application until the meeting on 5 September 2012 in order to allow Committee members to be fully appraised of the technical evidence available to South Cambridgeshire District Council, and to enable the commissioning of an Independent Structural Engineer to assess the cause of the issues being encountered by the Old Rectory.

Councillor Sebastian Kindersley declared a personal Interest by virtue of having attended a number of Little Gransden Parish Council and other meetings at which this issue had been discussed, and being acquainted with a number of people involved in this matter.

5 September 2012

Before discussion of this item, the Senior Lawyer addressed Members. He advised that the current composition of the Committee presented a procedural problem in this case. All Members must be, and be seen to be, impartial. A complaint had been lodged against a member of the Committee and a consequence of the circumstances of that complaint was that if the member concerned took part in the consideration and determination of this matter, there was likely to be an impression of bias. The Senior Lawyer said that this rendered the situation legally unsafe and would expose the Council to the risk of challenge through Judicial Review. The inappropriate participation of a Member could result in the Committee decision being set aside. The Senior Lawyer then reminded Members that the provisional Tree Preservation Order would lapse at midnight on 8 September 2012 and protection would be lost on and from 9 September. Councillor Deborah Roberts informed the Committee that she was the Member to whom the Senior Lawyer had referred. She set out her version of the event at the site visit which, apparently, had triggered the complaint. Councillor Roberts said that the event referred to had not been instigated by her. Following a further statement, Councillor Deborah Roberts withdrew to the public gallery, took no part in the debate, and did not vote.

In response to a Member's question, the Senior Lawyer said that, had Councillor Roberts not withdrawn from the Committee for this item, the Committee would not have been able to make any decision as to whether or not to confirm the Tree Preservation Order. The Order would not be confirmed in default of a decision; rather, the law operated to lapse its protective effect.

The Chairman asked the Committee whether it wanted to determine the matter, and the Committee indicated that it did.

The Committee received detailed presentations from Peter Woolley, a Structural Engineer with Hannah Reed, and John Cromar, an Arboriculturalist, both instructed by South Cambridgeshire District Council.

Margaret MacQueen (on behalf of the insurer of the Old Rectory) and Victoria Seabright (owner of the Old Rectory) addressed the meeting and opposed confirmation of the Tree Preservation Order. Adrian Penrose, speaking on behalf of a group of local residents,

addressed the meeting in support of confirmation. Pam Timbrell (Little Gransden Parish Council) and Councillor Bridget Smith (a local Member) also addressed the meeting, supporting confirmation.

The Committee **confirmed** Tree Preservation Order 01/12/SC at the Old Rectory, Little Gransden contrary to the recommendation in the report from the Planning and New Communities Director. Members noted the assertion that the trees were causing movement to the Old Rectory and therefore a level of damage to the listed building and a significant nuisance to the owners. However, they said that felling the trees would have an unacceptable impact on the Conservation Area. Their preferred solution therefore was for these matters to be remedied by effective underpinning of the Old Rectory. While the costs of underpinning would be a potential liability for South Cambridgeshire District Council should compensation be sought in accordance with the regulatory scheme, the Committee considered that such exposure was justified by virtue of the high amenity and heritage value of the trees.

Councillor Sebastian Kindersley declared a personal Interest by virtue of having attended a number of Little Gransden Parish Council and other meetings at which this issue had been discussed, and being acquainted with a number of people involved in this matter.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/0255/13/FL– CALDECOTE**Residential development with 4 chalet bungalows and double garages, Next to Casa de Foseta, St Neots Road, Caldecote****Recommendation: Refusal****Date for Determination: 22 April 2013****Notes:****This Application has been reported to the Planning Committee for determination following a request from the Local Member****To be presented to the Committee by Paul Sexton****Departure Application****Site and Proposal**

1. This full application, as amended by details received 6 June 2013, proposes the erection of 4 chalet bungalows and garages on a 1.52ha area of currently vacant land to the south of St Neots Road, Caldecote.
2. The proposal is for the erection of 4 detached chalet style properties served by a single point of access, which is located midway along the frontage of the site with St Neots Road. Plots 1 and 4 are 3-bedroom units, with detached double garages set in front of the properties. The two central dwellings, Plots 2 and 3, are 5-bedroom units, with linked double garages at the side of each dwelling. The maximum ridge height of the units is 7.5m, and they are set back a minimum of 20m from the front of the site.
3. A newt mitigation area is shown at the southern end of the site and the application documentation refers to the creation of a new pond. The application states that the proposed dwellings will be built to the equivalent to Level 3 of the Code for Sustainable Homes.
4. The north boundary of the site, with St Neots Road, is formed by a varied and unmanaged mixture of coppiced ash trees and field hedge. To the west the boundary comprises a thick but broken line of conifer trees, beyond which is a single storey dwelling, Casa de Foseta. To the east the site is bounded by an unmanaged native, predominately hawthorn hedge, beyond which a track separates this area from the rest of the dwellings along St Neots Road. To the south is an intermittent hedgerow beyond which a mixed woodland area screens views to Caldecote. Beyond the south east corner of the site is a small pond, not in the ownership of the applicant. Access on to the site is currently at the most north eastern corner of the plot.

5. The application is accompanied by a Design and Access Statement, Development Statement, Construction Management Plan, Sustainability Appraisal, Conservation Report (Great Crested Newt Assessment), and Draft Heads of Terms.
6. The density is 2.6 dwellings per hectare
7. The application has been advertised as a departure from the development plan

History

8. S/1516/12/LD – LDC as storage site for 4 transportable stores for Fosters Circus - Refused
9. S/1383/11 – Change of use to touring caravan park – Approved with conditions
10. S/1708/09/F – Erection of 4 bungalows with double garages – Refused
11. The application was refused on the grounds that the site was outside the village framework, that it did not accord with the housing mix required by Policy HG/2 or provide affordable housing under Policy HG/3, and that it did not provide adequate ecological data to assess the presence of Great Crested Newts and the potential impact of development on that species. Caldecote Parish Council objected to the application.

Planning Policy

12. National Planning Policy Framework 2012

South Cambridgeshire LDF Core Strategy DPD 2007

13. ST/6 Group Villages

Local Development Framework Development Control Policies 2007:

14. DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/2 Housing Mix
HG/3 Affordable Housing
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
15. South Cambridgeshire LDF Supplementary Planning Documents
Biodiversity SPD – adopted July 2009
Open Space in New Developments SPD – adopted July 2009
District Design Guide SPD – adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

16. **Caldecote Parish Council** recommends approval as a departure from planning policy. The Parish Council does not consider this dispensation sets a precedent given the history of the site, and its position in an established row of houses. Approval is subject to the normal considerations regarding drainage, working hours and particularly wheel washing to prevent mud on the road.

In respect of the revised drawings the Parish Council confirms its recommendation of approval commenting that it 'notes the fact that the application is outside the village envelope, but points out that there are already houses either side. The amended application addresses previous concerns re the housing mix, and a sustainability statement is included. The offer of monies in lieu of affordable housing is noted.'

17. The **Local Highway Authority** has no objection subject to conditions which include the provision and maintenance of vehicular and pedestrian visibility splays, the use of dropped kerbs, drainage and surface construction within 6 metres of the highway boundary, provision of cycle parking facilities, and the submission of a traffic management plan which would include the control of dust, mud and debris. Permitted development rights should be excluded for gates across the approved access.
18. The **Environmental Health Officer** recommends, given the previous use of the site, that it is subject to an investigation, recording and remediation of any contamination, which can be secured by condition. A condition should also be included restricting the hours of operation of power operated machinery during the construction process. The use of bonfires and burning of waste should be the subject of an informative.
19. The Council's **Housing Development Officer** comments that the proposal requires the provision of 2 affordable dwellings under Policy HG/3. These should be 2-bedroom houses, one of which should be for rent and one for shared ownership. The preference is to secure on-site provision and therefore the applicant needs to contact local registered providers to ascertain whether or not they would be interested in taking the units on. In the event that no provider is interested, the Council will need written confirmation of this, and can then, at its discretion, seek to secure a commuted sum in lieu of on-site provision, with the cost of any valuation being met by the applicant.
20. The comments of the **Councils' Ecology Officer** and **Hardwick Parish Council** will be included in an update report or reported at the meeting

Representations by Members of the Public

21. 13 letters have been received commenting on the application. Letters are supportive of the proposal for houses on the site, although some express reservations, particularly if a precedent is created. The points made are summarised below:
- a. Although the site is outside the village framework it is a natural site for housing, being more of an infill plot along a busy main road between existing housing and commercial properties. It seems a sensible solution to the need for more housing and the new residents will be easily absorbed into the community.
 - b. The proposed dwellings are in keeping with adjacent properties.

- c. Whilst density could be increased the drainage may not be able to cope with further dwellings and there may be an adverse impact on wildlife.
- d. Affordable housing should be provided on the site and one of the properties should be replaced with 2 or 3 smaller houses (3 or 4 bedrooms) which would better meet local needs. There is a shortage of 3 bedroom dwellings in the area.
- e. There should be an innovative approach in dealing with drainage. It will put less strain on the village sewage station than the 20 caravan plots already approved on the site.
- f. There should be high expectations in terms of environmental performance.
- g. Boundary treatments should reflect existing natural boundaries rather than fencing.
- h. The site is currently unsightly and the development would improve its appearance, and the entrance to the village.
- i. The additional traffic generated by 4 dwellings should not be an issue.
- j. Housing is a better option than the touring caravan site previously approved.
- k. The application contradicts itself both with the statements "enhancement by the addition of" and the "relocation of" a 4x4m pond into the new mitigation area. The owner of the pond in the south east corner of the proposed development, comments that there is no permission to move it, and is not sure whether any enhancement would have a detrimental impact on the existing pond, which has traditionally been fed with seep from the proposed development area. The site layout does not indicate the position of any new pond.
- l. Concern that the new mitigation area will become an unapproved storage area.
- m. The whole stretch of road should be included within the village framework.
- n. One letter, whilst not objecting to the development on the basis of the special circumstances that exist for this site, would object if it leaves the village open to further successful planning applications elsewhere.

Representations on behalf of the applicant

- 22. The applicants' agent has commented that whilst accepting that the site is outside the village framework it is within an area established frontage development of residential and other uses along the south side of St Neots Road, between the Caldecote Petrol Station and the site of the Enterprise Café in the village of Hardwick. There is good evidence that the site can be classified as 'brownfield' and was used when the applicant purchased as a commercial property.
- 23. The design of the proposed dwellings follows the type, scale and form of existing development along St Neots Road, whilst individually varying roof and eaves heights, adding interest to and respecting the level and character of the area. A landscape

scheme is included with the application, which has been agreed with the Conservation department.

24. The applicant has confirmed his willingness to make the necessary contributions required by a Section 106 agreement. There is a regular bus service along this part of St Neots Road connecting the local population to the village and Cambridge City. There is a footpath and cycle path along to frontage of the site, connecting to the local and wider environment.

Material Planning Considerations

25. The key issues for Members to consider are the principle of development, including the sustainability of the site, housing mix, affordable housing, ecology and other matters

Principle of development.

26. The site is outside the village framework of Caldecote, which does not extend northwards beyond the main part of Highfields, 370m to the south west of the site as the crow flies. Policy DP/7 states that in such locations only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The extant consent for use of the land as a touring caravan site accords with this policy.
27. The text to the policy states that it exists to ensure that the countryside is protected from gradual encroachment on the edges of villages, and to help guard against incremental growth in unsustainable locations.
28. Although the land to the south of St Neots Road, heading east from Hardwick, is characterised by a line of detached dwellings, mainly set well back from the road, with well planted frontages, the character changes between the east boundary of the application site, formed by an access track, and the petrol station close to the roundabout at the junction of Highfields and St Neots Road, to the west. Along this 350m stretch of the road there is a single dwelling, which is a sprawling low property in a plot which has a 90m frontage, and the petrol station. The remaining areas, including the application site and a 75m wide area to the east of the petrol station, are undeveloped land.
29. Officers are of the view that development of the application site for residential purposes will have the effect of eroding the countryside along this stretch of St Neots Road, to the detriment of the character of the area, and the erode the gap which currently exists between the settlements of Caldecote and Hardwick. Officers are also of the view that should consent be granted for residential development on this site it would be difficult to resist future applications for residential development on the land to the east of the petrol station, which would further erode the countryside at this point.
30. Although the applicant has pointed out that the site is within 400m of the bus stops connecting Caldecote to Cambridge and the west, with a connecting footpath/cycleway, it is located 1.5km from the village school and shop, and 1.8km from the recreation ground. Whilst it would be reasonable to expect that people will walk to the bus stops there is likely to be reliance on the car for other services, including those within Caldecote village. Officers are therefore of the view that overall this site is not in a sustainable location for additional residential development.

Housing Mix

31. Policy HG/2 requires that developments of less than 10 dwellings should provide a mix of units, including at least 40% one and two bedroom units, at least 40% three bedroom units and around 25% with four bedrooms or more, unless it can be demonstrated that the local circumstances of the particular settlement of location suggest a different mix would better meet local needs.
32. The previously refused scheme proposed all four-bedroom units.
33. Although the scheme, as revised, proposes 2 three-bedroom and 2 five-bedroom dwellings the mix remains contrary to the mix required by Policy HG/2 and no evidence has been presented with the application setting out why the mix put forward would better meet local needs.

Affordable Housing

34. The applicants' agent has advised that letters have been sent to at least three registered providers and to-date there has been no success in finding a provider who will take on affordable dwelling sin this location.
35. To date written responses from registered providers have not been provided, however the applicant has confirmed his willingness to provide a commuted sum in lieu of on-site provision.
36. The further views of the Housing Development Officer will be reported.

Highway safety

37. The Local Highway Authority has not raised an objection and the required visibility splays can be provided. The applicant has indicated that a wheel wash facility will be provided, which could be secured as part of a traffic management plan.

Residential amenity

38. Officers are of the view that the development of the site as shown will not have an adverse impact on residential amenity. The concerns of the occupier of the property served by the access road along the east boundary of the application site about it becoming blocked could be dealt with an informative on any consent.

Ecology

39. The comments of the Ecology Officer will be reported, however the ecology report submitted with the application follows discussions at the time of the application for the use of the site for touring caravans. The applicant has accepted the need for mitigation in respect of great crested newts.

Drainage

40. Surface water drainage can be dealt with by condition should consent be granted

Other matters

41. The application is accompanied by a Draft Heads of Terms in which the applicant recognises the need for contributions in respect of public open space and community facilities infrastructure in accordance with Policies DP/4 and SF/10.

Conclusion

42. Although the application has addressed some of the detailed reasons for the earlier refusal of four dwellings on this site, the objection in principle to residential development of this site has not changed. Officers are of the view that the granting of consent for the use of the site for use by touring caravans does not alter this position.

Recommendation

43. That the application is refused for the following reasons:

The residential development of this site would result in a consolidation of development outside the village framework of Caldecote, which would erode the rural character of the area and the countryside between the settlements of Caldecote and Hardwick, contrary to the aims of Policy DP/7 of the adopted South Cambridgeshire Local Development Framework 2007, which restricts development in such locations to that required for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside. In addition the proposal would result in a form of unsustainable development due to heavy reliance of the private car for access to services and facilities, contrary to the aims of Policy DP/1 of the adopted Local Development Framework 2007, which promotes sustainable development that minimises the need to travel and reduces car dependency.

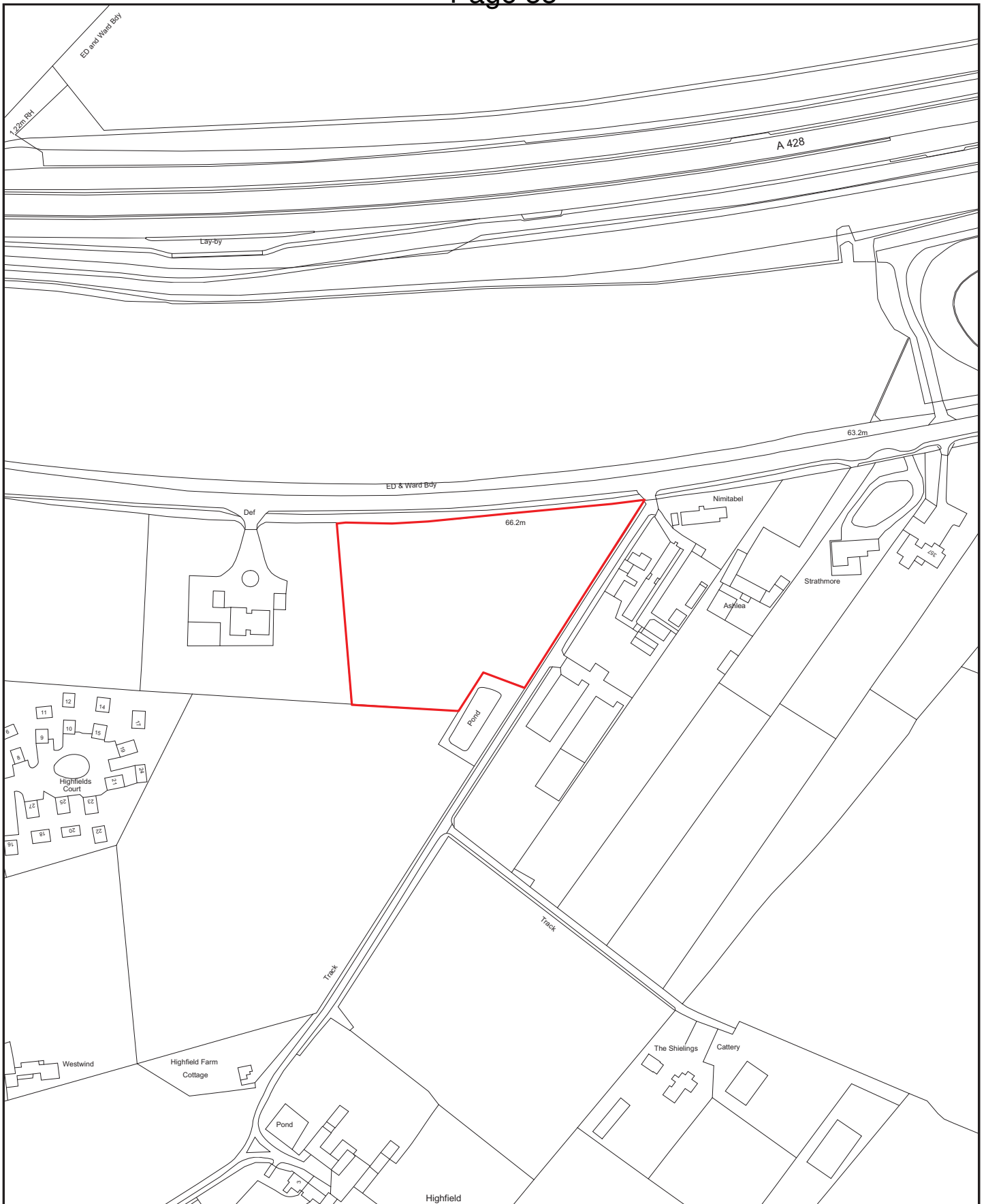
Notwithstanding the above the proposal is unacceptable as it does not provide a mix of housing units as required by Policy HG/2 of the adopted South Cambridgeshire Local Development Framework 2007. In particular the scheme does not provide for 1 or 2-bedroom units of accommodation.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0255/13/FL, S/1383/11 and S/1708/09

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

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/0902/13/FL– GREAT EVERSDEN**Two dwellings following demolition of existing property, 42 Wimpole Road, Great Eversden for Camstead Homes****Recommendation: Delegated Approval****Date for Determination: 24 June 2013****Notes:**

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

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

1. This full application, registered on 29 April 2013, and amended by additional details received 10 June 2013, proposes the demolition of an existing detached house and the erection of two detached dwellings. The 0.127ha site comprises the existing dwelling and its residential curtilage and an area of paddock land to the south west.
2. No 42 Wimpole Road is a part single-storey, part two-storey late 1960's/early 1970's detached house with mono-pitched style main roof. There is an existing single garage in the north east corner of the site. The dwelling is in a poor state of repair.
3. The frontage of the site, where it comprises the residential curtilage of No 43 is formed by mature trees and shrubs, broken by an existing entrance in the north east corner. The frontage of the paddock land, which comprises the remainder of the site, is formed by a field gate and pedestrian gate. It is separated from the residential curtilage of No 42 by a post and wire fence.
4. To the south of the site is paddock land. To the north west is agricultural/paddock land beyond which is No 44 Wimpole Road, a Grade II listed building and its substantial former agricultural outbuildings, which are currently in a poor state of repair, but which benefit from an extant consent for refurbishment as a residential annexe
5. To the north east of the site is No 40 Wimpole Road, a detached house, which has a full length lounge window in the side elevation facing the appeal site. The boundary of this property with the application site comprises a post and wire fence.
6. Opposite the site is No 1 Wimpole Road and its associated residential curtilage and outbuildings. This building is Grade II listed.
7. Wimpole Road is a narrow rural lane with no footpaths.

8. The proposed dwelling on the north east plot (shown as 42A) is a 4-bedroom house with a maximum ridge height of 8.0m. The existing garage on the north east boundary is to be rebuilt and extended, with a pitched roof. The proposed dwelling will be located 3.1m from the boundary with No 40 Wimpole Road. The existing dwelling is a similar distance from the boundary. Access will be via the existing access in the north east corner of the site.
9. The proposed dwelling on the south west plot (shown as 42B) is a five-bedroom house sited end on to Wimpole Road. It has length of 20.5m, including a lean-to single garage on the Wimpole Road. The main ridge height is 7.6m. The proposed dwelling will be located partly within the existing residential curtilage of No 42 and part within the adjacent paddock land. Access will be at the south east end of the site and will require the removal of an existing section of frontage hedge. The existing field gate will be removed and that part of the frontage planted.
10. The amended details include a surface water drainage report which refers to the use of swales in the gardens of the new dwellings or adjacent paddock, owned by the applicant, to deal with this issue.
11. The application is accompanied by a Design and Access Statement, Planning Statement (incorporating a Heritage Statement), Ecological Appraisal, Bat Survey, Drainage Report, and draft Unilateral Undertaking.

History

12. S/0163/12/FL – Erection of 2 dwellings following demolition of existing property – Refused – Appeal Dismissed
13. The application was refused on five grounds. The Council did not consider that the proposal complied with the definitions of infill development in Policy ST/7, as although the site was within the village framework, it comprised part residential curtilage and part paddock land. The Council was of the view that by extending built development into the paddock land, and the removal of a section of hedgerow to provide access, would materially detract from the open and rural character of this part of Wimpole Road, compounded by the scale, bulk and form of the proposed dwelling on the south west plot (42B), and was therefore contrary to the aims of Policy DP/2 and DP/3. The Council was of the view that the proposed dwellings, by reason of location, bulk, form, depth and mass of the south west dwelling would detract from the setting of the Listed Buildings at Nos.1 and 44, and the visual relationship between them, contrary to Policy CH/4. The Council was also of the view that the bulk, mass, depth and form of the south-west dwelling would detract from the open and rural character of the adjacent Green Belt, contrary to Policy GB/3. Finally, the Council was of the view that the housing mix did not comply with Policy HG/2.
14. The Inspector, whilst accepting that the proposed development did not comply with the definitions of infill development in Policy ST/7, stated that it appeared that the aim of the policy was to limit the extent of development in the village. He stated that in this case the site largely comprised the existing curtilage of No.42 and development would be entirely within the village framework. The development would not be unsustainable to any material degree and given the unusual circumstances concluded that there would be no material harm to the objectives of Policy ST/7, and that the in-principle objection on these grounds was not an overriding one.
15. He concluded that while the circumstances of the site were such as to potentially outweigh the conflict with Policy ST/7, the particular proposals would have an adverse effect on the character and appearance of the area, warranting that the appeal be dismissed.

S/0784/11 – Erection of two dwellings following demolition of existing property – Withdrawn

Planning Policy

16. National Planning Policy Framework 2012

Local Development Framework Development Control Policies 2007:

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/7 Development Frameworks

GB/3 Mitigating the Impact of Development Adjoining the Green Belt

HG/2 Housing Mix

NE/1 Energy Efficiency

NE/6 Biodiversity

NE/11 Flood Risk

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

TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents

Biodiversity SPD – adopted July 2009

Listed Buildings SPD – adopted

District Design Guide SPD – adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

17. **Great Eversden Parish Council** recommends refusal. 'The dwellings are still far too large for the site and too close together, out of keeping with surrounding properties. The height at 8m is significantly higher than neighbouring houses. The latest plans do not address the concerns of the residents of the listed house (No1) opposite or No40 adjacent (overlooking, light, amenity). The site is poorly drained, there are already flooding issues in adjacent houses. Any extra building or hard standing is likely to increase problems for other householders. Wimpole Road is narrow, without passing places at the site. Adequate provision for service vehicles are essential otherwise obstruction will occur.
18. The **Local Highway Authority** has no objection subject to conditions which include the submission and approval of a Traffic Management Plan for the period of demolition and construction works, and the provision of vehicle and pedestrian visibility splays
19. The **Environmental Health Officer** has no objection in principle, and is of the view that a condition relating to contamination is not required. Conditions should be included in any consent in respect of the hours of operation power operated machinery during the demolition and construction process, and the use of bonfires and burning of waste. Informatives should be attached to consent regarding the need for a Demolition Notice.
20. The comments of the **Conservation Manager** will be included in any update to the report, or reported at the meeting

Representations by Members of the Public

21. Letters of objection have been received from the occupiers of Nos.1, 40 and Ash Tree House Wimpole Road and 11 High Street. The grounds of objection are summarised below.

- a) Not in keeping with the character of the area – existing properties are set back from the road with spacious gardens to the front, reflecting a pleasant rural setting, with a balanced, well-proportioned streetscape. The development results in the serious overcrowding of a plot which is only suitable for a single dwelling.
- b) Proposed ridge height of 8.2m exceeds that of nearby properties. 42A will be a two-storey dwelling replacing what is currently a part one-storey and part two-storey dwelling, which emphasises the lack of surrounding space and detrimental impact on close neighbours. The site is 0.5 higher than that of No40, will increase this disparity in heights.
- c) The south west elevation of 42B is not in keeping with other properties in Wimpole Road, extending too close to the road and reducing the 'open' aspect of the road.
- d) Concern about reduction in daylight, sunlight and overshadowing to both No.40 and No.1 Wimpole Road. The pitched roof of the garage in addition to the increased and extended house elevation of 42A would constitute a large brick wall effect to the south west of, and overshadowing the house and garden at No.40. 42A is positioned directly southwest of No40 and will drastically reduce light levels into the living space of that property.
- e) There will be additional noise disturbance and emissions due to the close proximity of the new properties to the boundary, and the adverse impact of additional external lighting.
- f) Intrusion on setting of listed buildings at Nos.1 and 44 Wimpole Road.
- g) Drainage is currently a problem after heavy rain in the road and the development would exacerbate this and interfere with the two water courses which run each side of Wimpole Road. The proposed soakaway system will not be effective and may cause problems for No.40, which is on slightly lower ground, as is No.1.
- h) The application form is incorrect as it states that the proposal is not within 20 metres of a watercourse. It is within 8 metres of the ditch, or stream, which runs the length of Wimpole Road and acts as a drainage channel, carrying water from the higher ground to the south and east, which can become very full at times of high rainfall. This statement is therefore misleading. Impact on drainage as a result of the additional development remains a concern, and although the application states that adequate land drainage exist to meet the needs of the new development, however this is doubtful as the owners of a property 4 away from the site have recently had to raise the bank of the stream artificially raised where it passes their house because of flooding problems. The application refers to a drainage report being prepared and it is hoped that this will be made available for public comment.
- i) Traffic from an additional dwelling will considerably add to an inadequate 'no-through road' which is already busy with vehicles, and may prove dangerous for local pedestrians, car drivers, walkers, cyclists, and horse riders. Eight car parking spaces are provided, which seems disproportionately large and above the Councils maximum standards. Bus services to the village are extremely limited and there will be reliance on the use of the private car, contrary to the aims of Policy DP'1
- j) Construction vehicles will cause huge disruption and damage to the already poor state of the road.
- k) The Bat Survey indicates that there are no bats present at the site, however bats do occupy the site and have always been a regular sight within nearby gardens.
- l) There is no reference to the large fruit tree which is within 0.5m of the existing and proposed garage to plot 42A. This will be destroyed by damage to the roots.

m) Concerns about accuracy of the boundary with No.40 on the submitted drawings.

Material Planning Considerations

22. The main issues to consider with this application are the principle of development, housing mix, impact on the character of the area, impact on the setting of listed buildings, impact on the adjacent Green Belt neighbour amenity, drainage, highway safety and other matters.

Principle of development

23. The site is within the village framework of Great Eversden. Policy ST/7 of the Core Strategy identifies Great Eversden as an Infill-Only Village where residential development and redevelopment within the village framework is restricted to not more than 2 dwellings, and defines the type of development which would constitute infill development.
24. The proposed development comprises the residential curtilage of 42 Wimpole Road and a 15m wide section of paddock land to the south. As a result the proposal fails to meet any of the four definitions of infill development, however the Inspector, in dismissing the appeal, felt that although this was the case any in principle objection on these grounds was not an overriding one.

Housing Mix

25. Policy HG/2 seeks to ensure that all new developments provide a mix of housing units, in terms of types, sizes and affordability to meet local needs. For developments up to 10 dwellings the policy prescribes a mix, which includes a requirement for at least 40% of new dwellings to be homes with 1 or 2 bedrooms, to meet the needs for such housing types in South Cambridgeshire.
26. The application proposes a four-bedroom unit and six bedroom units, and the Council argued at the previous appeal that the proposed mix did not comply with the requirements of Policy HG/2. The Inspector however agreed with the applicants' contention that, as the proposal only resulted in a net gain of one unit, the provisions of this policy should not be applied.

Impact on the character of the area

27. The existing house is read as the last house in the line of frontage properties in Wimpole Road, with a visual transition at the end of its identified residential curtilage to the open countryside beyond. Any development beyond the identified residential curtilage of No 42 has the potential to have an adverse impact on the present open and rural character of this part of Wimpole Road.
28. In dismissing the appeal the Inspector accepted this point and stated that the two proposed houses, with fairly large footprints, would be sited close together and 42B would project near to the road, and the overall effect would be a large bulk of development on this edge of the village, eroding the semi-rural feel of the location and making it more suburban, notwithstanding the new landscaping proposed.
29. The amended application reduces the size of the dwelling on Plot 42B. The main ridge height is reduced from 8.4m to 7.6m, with a lowering of the eaves height and the introduction of dormer windows in the south west elevation. The overall depth of building is reduced from 22.5m to 20.5m, and the property has been set a further 2.5m back from the frontage to Wimpole Road. A hipped roof has been added to the south west elevation of Plot 42A thereby reducing the bulk when viewed from the road.

30. Officers are of the view that the reductions/alterations satisfactorily address the previous concerns relating the impact of the development on the character of the area.

Impact on the adjacent Cambridge Green Belt

31. The south west and north west boundaries of the site represent the boundary with the Cambridge Green Belt. Policy GB/3 states that where development proposals are in the vicinity of the Green Belt, account will be taken of any adverse impact on the Green Belt.
32. The boundary of the Green Belt and the south west boundary of the application site is currently undefined and the south western section of the application site forms part of the larger paddock, the remainder of which is Green Belt land. Although there are no public rights of way across the Green Belt land to the south of the site, there will be views of the site and the Green Belt from Wimpole Road. In dismissing the previous appeal the Inspector accepted that there would be a small element of adverse impact on the rural setting of the Green Belt. Officers are of the view that the revised scheme satisfactorily addresses these concerns given the reduced scale of the south west elevation of Plot 42B.

Impact on the setting of listed buildings

33. The existing property opposite the site in Wimpole Road is a Grade II listed building. It is a thatched roof building c1600. To the south west of the site, and set well back from the road, is No.44 Wimpole Road, which is also a Grade II listed building, C16 with thatched roof. Views of both these buildings are obtained from Wimpole Road and the views between the buildings form an important part of the setting of both buildings. Policy CH/4 seeks to ensure that the setting of listed buildings is not adversely affected by new developments.
34. The Conservation Manager was previously concerned that the proposed development will harm the countryside views of No.44 Wimpole Road, thereby adversely affecting its setting, and result in the loss of visual relationship between the two listed buildings, adversely affecting the setting of both buildings, and that this impact was increased due to the bulk, form mass and depth of the proposed dwelling on the south west plot.
35. The Inspector accepted that the existing semi-rural aspects of the setting of the two listed buildings and that the erosion of this setting would result in a minor degree of harm to their significance. The views of the Conservation Manager on the current scheme will be reported, however any impact is significantly reduced in the new application.

Neighbour amenity

36. In officers view the direct impact of the proposed development on neighbour amenity, in terms of overlooking, loss of light or overbearing impact, is restricted to the existing dwelling to the north east at 40 Wimpole Road. No 40 Wimpole Road is a two-storey detached house located 4m from the south west boundary. There is a full height ground floor lounge window in the south west elevation facing the application site, and a smaller window. The lounge is a through room with a window in the front elevation and patio doors at the rear.
37. The existing dwelling on the application site is located to the south west of No 40 and is sited 3.2m from the boundary. It is two-storey with a mono-pitched style roof, and is 7.4m at its highest point. There are ground floor and a first floor shower room window in the elevation facing No.40, and there is currently a post and wire fence forming the boundary which allows for overlooking between the two properties.

38. The proposed dwelling on the north east plot will be sited in approximately the same position as the existing dwelling although it will extend slight less both at the back and front, with the distance from the boundary with No 40 unchanged.
39. The existing property has an impact on No 40 due to overlooking windows and the height of its end wall, which in a mono-pitched form 7.4m at its highest point, is quite dominant when viewed from No 40 and its garden.
40. Although the proposed dwelling is higher (8.2m to ridge) the roof slopes away from No 40 and the rear section of roof is hipped, and the height of wall closest to No 40 reduces to 4.8m. Officers are of the view that whilst the front section of the new dwelling will have a greater impact on No 40 in terms of loss of light, the impact of the rear section will be less than that of the existing dwelling. There is a first floor en-suite window proposed in the north east elevation of the new dwelling closest to No 40. If approved a condition could be imposed requiring this window to be obscure glazed and non-opening. There is a single door in this elevation at ground floor level.
41. The garage close to the boundary with No 40 at the rear of the site, is to be rebuilt and extended in length, with a pitched roof added. Its height will not exceed 3.6m and officers not consider that it will have an unreasonable impact on the occupiers of No 40.
42. The relationship of the proposed dwelling on Plot 42A to No.40 Wimpole Road has not changed since the appeal decision. The Inspector agreed with officers assessment that the proposal would not materially harm the living conditions of the occupiers of No.40 by comparison to the impact of the existing dwelling on the site.

Highway safety

43. Wimpole Road is a narrow rural lane with no footpaths, however the proposed development will result in one additional dwelling only. The Local Highway Authority has not objected to the application and I am of the view that there are no grounds to oppose this application on highway issues.

Drainage

44. Concern has been expressed about the impact of the proposed development on the existing surface water drainage system, and reference has been made to the existing drainage ditches becoming very full at times. The applicant has suggested the introduction of swales to deal with surface water drainage, given the relatively poor soakage rates, and the comments of the Building Control Section on this proposal will be reported. If planning permission were to be granted a condition could be included requiring the submission of a surface water drainage scheme, which would need to demonstrate that it was designed to ensure that run-off from the site would not exceed the existing run-off rate.

Other matters

45. The proposal results in a net increase of one dwelling on the site, which will be required under Policy DP/4 and SF/10 to contribute to relevant infrastructure improvements that will result from the demands placed upon them by the additional occupants.
46. The application accepts this need and a draft Heads of Terms has been submitted covering the above requirements.

Conclusion

47. In dismissing the previous appeal the Inspector the Inspector did not accept that the Council's argument that the proposal did not constitute infill development, but accepted that the size of the dwellings proposed, and particularly that on Plot 42B, would have an adverse impact on the area. Officers are of the view that the revised scheme, with the reduction in the scale of the dwelling on Plot 42B in particular, addresses these concerns.

Recommendation

48. Subject to any additional comments, including those of the Conservation Officer and Building Control Section that delegated powers of approval are given subject to conditions. Officer,

Conditions

49. Conditions should be imposed relating to the following matters

Time limit – 3 years

List of approved drawings

Details of external materials

Visibility splays

Falls, levels and materials of access road

Surface water drainage

Landscaping

Ecology measures

Restriction on hours of use of power operated machinery during construction process

Traffic management plan

Restrict pd rights, and new openings in north east elevation of Plot 42A

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0902/13/FL and S/0163/12/FL

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



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/0552/13/FL – IMPINGTON
New dwelling and garage to rear of 24 Hereward Close**(for Mr D'Angelo)****Recommendation: Delegated Approval****Date for Determination: 1st July 2013****Notes:**

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

Members will visit the site on 2 July 2013.

Site and Proposal

1. The site comprises a grassed garden area, detached garage and shared vehicular access (serving Nos. 20, 22 and 24). The property falls within the village framework of Impington and adjoins the Conservation Area to its north-western boundary. The site is also located within a Flood Zone 3 area.
2. The proposal involves the subdivision of the rear garden and the erection of a 3-bed bungalow and detached garage. The site would be accessed via an existing track leading out on to Hereward Close. The submitted plans show two new parking spaces to the front of 24 Hereward Close to be carried out under permitted development.

Planning History

3. An application for a bungalow in the garden of 24 Hereward Close was refused in 2003 (S/0665/03/O). Whilst the plot was found sufficient in size to accommodate a bungalow its siting was considered to impinge on the outlook from properties in Impington Lane. The intensified use of the plot, together with its shared access, was found to result in loss of amenity to neighbours through increased usage.
4. An application for a bungalow was withdrawn in 2012 (S/2330/12/FL) due to the absence of a detailed Flood Risk Assessment.

Planning Policy

5. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the

development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.

Local Development Core Strategy 2007:

6. ST/4 Rural Centres

South Cambridgeshire LDF Development Control Policies DPD, 2007:

7. DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
CH/5 Conservation Areas
DP/7 Development Frameworks
HG/1 Housing Density
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Water - Alternative Drainage Systems
NE/15 Noise Pollution
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

8. District Design Guide SPD – adopted March 2010
Open Space in New Developments SPD - adopted January 2009
Landscapes in New Developments SPD - adopted March 2010
Development Affecting Conservation Areas SPD – adopted January 2009

Consultations

9. **Histon & Impington Parish Council** – "Recommends refusal due to the following reasons
- Intensified use of the plot together with the shared access would result in a loss of amenity to neighbouring properties.
 - Impinge on the outlook from properties on Impington Lane
 - Out of keeping with street scene
 - Risk of flooding noting inaccuracies in Flood Risk Assessment

10. If SCDC are minded to make a recommendation of approval, the Parish Council would like the following conditions to be applied:

- 1) The site entrance should be brought in line with the proposed plan (and the terms of the right of way) which would require narrowing it from the existing 4m to 2.5 in width
- 2) As mentioned in the FRA, installation of floodable void to reduce the risk of flooding to neighbouring properties.
- 3) A professional assessment undertaken to determine whether asbestos is present on site, if so removed in accordance with relevant regulations.
- 4) Restriction of access times during construction and power operated machinery on site

- 5) Scheme for parking of personnel and plant during construction period noting the cul-de-sac location and off street parking present
- 6) Positive surface water drainage to be provided via an oil interceptor for vehicle parking and garage areas to avoid groundwater contamination."

11. **Local Highway Authority** - Recommends the following conditions for the new parking spaces for the existing dwelling: 2m x 2m visibility splays in the curtilage of the existing dwelling; adequate surface water drainage to driveway; and no unbound material along driveway. For the existing driveway serving the new dwelling there is no objection, subject to a condition to ensure that the new manoeuvring area is maintained.
12. **Environment Agency** - No objections to the proposals as submitted on flood risk grounds, subject to a condition requiring floor levels of any part of the dwelling to be set no lower than 10.80m above Ordnance Datum Newlyn. Informatives are recommended regarding surface water and foul water drainage.
13. **Acting Environmental Health Manager** - Recommends a restriction on the hours power operated machinery is used during the construction works. Further general advice is given regarding the use of driven pile foundations and bonfires during construction and demolition.
14. **Tree Officer** - No objections. The existing trees are not afforded any statutory protection.

Representations

15. Neighbours at 20 and 22 Hereward Close, 12 and 18 Impington Lane have raised the following issues:
 - (a) Increase use of driveway and loss of residential amenity
 - (b) Loss of privacy/overlooking
 - (c) Noise and disturbance
 - (d) Out of character
 - (e) Restrictive covenants
 - (f) Flood Risk (and also surface water and foul water drainage)
 - (g) Increased traffic, congestion and on-street parking along Hereward Close
 - (h) Parking and highway Safety
 - (i) Inconsistent tree survey
 - (j) Services and utilities difficulties
 - (k) Asbestos in existing garage
 - (l) Damage to property during construction
 - (m) Boundary treatment
 - (n) Loss of property value
 - (o) Tree maintenance
 - (p) Poor access for construction vehicles and emergency services
16. The neighbour at 15a Water Lane supports the application for the following reasons:
 - (i) it is in keeping with the scale and type of buildings around it and recognises that this site is in a location which potentially impacts on a number neighbouring houses

(ii) the proposal preserves the trees on site and these should be formally protected in any grant of planning permission and permitted development rights restricted.

Planning Comments – Key Issues

17. The main issues to consider in this instance are: the principle of the development; the character of the area; parking, highway safety, access; residential amenity; environmental and flooding issues; landscape and boundary treatment; community open space and infrastructure; and other issues.

Principle of Development

18. The proposed new dwelling is located within the village framework and within a sustainable location close to existing infrastructure, facilities and services to accord with the aims of Policy ST/4 of the LDF Core Strategy 2007. In terms of housing density, the scheme would equate to 16 dwellings per hectare, which falls under the expected 30 dwellings per hectare average of Policy HG/1. However, any further dwellings in this scheme would not be feasible due to the constraints of the site.

Character of the Area

19. The development would be located to the western end of Hereward Close, which comprises a residential cul-de-sac of two storey dwellings. The location and position of the application site is considered to be an anomaly in that it is sandwiched between two distinctly different residential streets: Hereward Close and Impington Lane. The design and scale of any new dwelling in this location would clearly struggle to affiliate itself with both streets but in terms of public views would most readily be seen to the background of the terraced row of Nos. 22-28 Hereward Close.
20. To the western end of Hereward Close visual breaks can be seen between housing groups and plots which contribute to a sense of spaciousness within the street scene. The proposal is not considered to necessarily harm this character or quality of the area because it would be positioned within the background of the immediate street scene with a modest scale and a low, subservient roof height and profile. Furthermore, the background of these visual gaps either side of the terrace of Nos 22-28 Hereward Close is already punctuated by views of neighbouring dwellings along Impington lane and Water Lane; the size and siting of the proposed bungalow is therefore not considered to cause adverse harm to the character or setting of Hereward Close.
21. No objection is raised in relation to the design and appearance of the proposed bungalow which would be simple in form with a hipped roof to reflect the design of the surrounding neighbouring dwellings at Hereward Close. Final materials would need to be agreed by condition but, overall, the appearance of the proposal is considered to be compatible with the location in accordance with Policies DP/2 and DP/3.

Parking, Highway Safety and Access

22. The Local Highway Authority has raised no objection to the new bungalow and a condition is agreed to ensure the vehicle manoeuvring area shown on the submitted plans is maintained free from obstruction.
23. Traffic congestion and on-street parking have been raised in the representations above as concerns. The proposal represents small scale residential development and is not considered to give rise to significant traffic increases in the location. Sufficient parking is also provided on the application site to meet the parking standards set out in Policy TR/2 and further parking could be accommodated on the site in future should the need arise.
24. Access to the site for larger-scale construction vehicles is limited due to the width of the access road. It is the responsibility of the developer or contractor to ensure safe and effective delivery of materials and machinery to the site by alternate means where necessary and this message can be relayed to the applicant for information. A site traffic management plan is recommended to be agreed by condition to agree suitable locations on the site for storage of construction material and contractor parking.
25. Fire and rescue service vehicles require a 3.1m wide access and a maximum distance of 45m from pump appliance to all points within the dwelling under building regulations. The first half of the existing access adjoining the public highway present a width of 3.1m and is therefore accessible to such vehicles. Further on, the vehicle access is more restrictive but the required 45m distance would be met in this instance.

Residential Amenity

26. The application site adjoins neighbouring gardens and therefore the proposal would naturally impinge upon the existing outlook of these neighbours to some extent. Policy DP/3 does not permit development that would have an unacceptable adverse impact upon residential amenity and in this instance the following factors need to be taken into account:
 - i. the bungalow is over 13m away from the rear elevations of the surrounding neighbouring dwellings and therefore the outlook to the rear of the neighbouring dwellings would remain relatively open and unimpeded.
 - ii. the design incorporates a low, hipped roof with a maximum height of 4.8m and an eaves height of 2.3m (marginally above the height of a typical 1.8m boundary fence) avoiding any significant loss of light or privacy to the immediate neighbours.
 - iii. existing tall, evergreen trees already impinge upon the outlook of neighbouring gardens to a significant extent given their height, density and year-round foliage.
 - iv. existing vehicle access is already provided to the rear garden of No.24 alongside neighbouring dwellings which, although not utilised at present, can be used by the occupiers or future occupiers of No.24. The relocation of the existing parking to No.24 would therefore offset

the impact of the new dwelling in terms of access usage and would serve a small scale residential development.

- v. further boundary treatment - such as fencing - could be secured to protect neighbouring privacy.
27. The concerns of the immediate neighbours regarding residential amenity have been considered against the above factors and, on balance, the development is not found to result in an unacceptable adverse impact upon residential amenity that would warrant a strong reason for refusal in this instance.
28. The advice of the environmental health officer is noted and a condition is agreed to control the hours of use of power operated machinery during the course of the works in order to safeguard residential amenity. Informatives are recommended regarding pile foundations and bonfires, which are governed by separate environmental legislation.

Environmental and Flooding Issues

29. Asbestos removal has been raised as a concern and this will be relayed to the applicant as this issue is dealt with under separate environmental legislation.
30. In terms of flood risk, the Environment Agency support the findings of the submitted Flood Risk Assessment and their recommended condition requiring set floor levels for the new dwelling is agreed. With regards to the accuracy of the site levels, the Environment Agency has responded as follows: "The topographical survey for the site was undertaken by SJ Geomatics, from Halesworth who are considered reputable surveyors. We have no reason to doubt the ground levels indicated on their survey. I'm afraid the eye is sometimes a poor instrument for comparing relative ground levels and a formal survey is unfortunately the only way to determination levels for any location." In summary, no property is completely free from all forms of flood risk anywhere. The aim at planning stage is to minimise that risk to acceptable levels and it is argued that the submitted FRA for the site has demonstrated that the development will not cause nor exacerbate flooding in the area.
31. The final details of the surface water drainage scheme would need to be agreed with the Council's Building Control section and a condition is recommended to secure this. Foul water drainage is proposed to be connected to the public sewer which is acceptable in principle. Legal rights to install the drainage infrastructure over third party land has been raised in the representations above but is not a planning matter; the applicant solely needs to demonstrate that it is physically possible to connect to a mains sewer and the final details of this can be secured by planning condition.

Landscaping and Boundary Treatment

32. The submitted plans show the proposed removal of the evergreen trees to the west boundary of the site and no objection is raised in this regard given that these trees are not afforded any statutory protection. Other trees on the site are to remain. The accuracy of the submitted tree plan has been questioned

but the more crucial issue in this instance is considered to be the final boundary treatment and this can be secured by planning condition.

Community Open Space and Infrastructure

33. The new development would put extra demand on community infrastructure and community open space in Impington and the applicant has confirmed that a contribution towards these elements, and refuse bins, in accordance with Policies DP/4 and SF/10, can be secured via a Section 106 agreement. The applicant has already submitted a draft heads of terms towards this legal agreement.

Other Issues

34. The following issues have been raised but do not represent material planning considerations that can be taken into account in this application:
- Loss of property value
 - Legal covenants
 - Maintenance and damage to property

Conclusion

35. The development is considered to be compatible with the location and is not considered to have an unacceptable adverse impact with regard to the character of the area, parking, highway safety, noise or residential amenity.

Recommendation

36. Delegated Approval, subject to the completion of a S106 Agreement and the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: JPT/NDA/0712/003 Rev C.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for the new dwelling shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

5. The permanent space to be reserved on the site for parking and manoeuvring shall be provided in accordance with the layout shown within drawing number JPT/NDA/0712/003 Rev C before the occupation of the dwelling, hereby permitted, and thereafter maintained.

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

6. Before development commences, a plan specifying the area and siting of the land to be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction, shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of construction.

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

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

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

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

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

9. The finished floor level of the dwelling, hereby approved, shall be no lower than 10.80metres above Ordnance Datum Newlyn.

(Reason – In mitigate the impact of flood risk upon the development in accordance with Policy NE/11 of the adopted Local Development Framework 2007.)

10. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays 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.)

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

(Reason - To ensure that future additions that would otherwise be permitted under this Order can be considered in relation to the amenities of adjoining neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

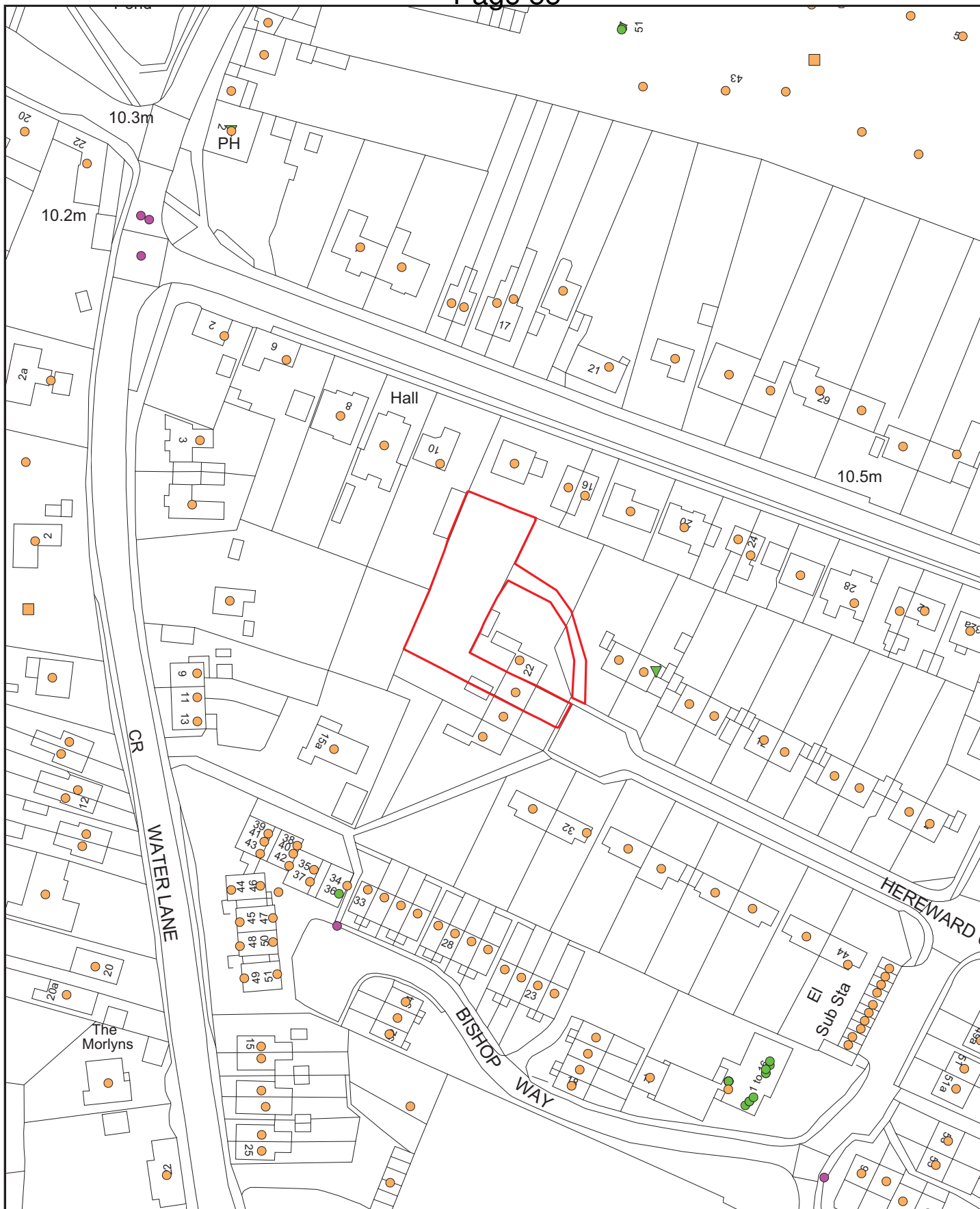
Informatives regarding asbestos, and driven pile foundations and bonfires during demolition and construction.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007
- South Cambridgeshire LDF Supplementary Planning Documents (SPD): District Design Guide SPD.

Contact Officer: Andrew Winter – Senior Planning Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/1131/12/FL - WATERBEACH**Change of use of vacant public house, management flat and guest rooms to nine residential flats and associated works: The Travellers Rest PH, Ely Road, Chittering, for Mr Colin Crickmore****Recommendation: Approval****Date for Determination: 2 August 2013****Notes:**

This Application has been reported to the Planning Committee for determination because the recommendation of Officers does not accord with the recommendation of Waterbeach Parish Council.

Members will visit this site on 2 July 2013

To be presented to the Committee by Ray McMurray

Site and Proposal

1. The site lies in the countryside beyond any development framework and within flood zone 3 (Significant risk: the chance of flooding in any year is greater than 1.3% (1 in 75). The existing site comprises a vacant two-storey public house and car park with access directly onto the A10, together with a detached single-storey annexe for additional guest accommodation. The site is located to the east of the A10 at the junction of School Lane. To the north and east the site is adjoined by a touring caravan site. School Lane provides access for a small number of detached dwellings.
2. This full application seeks planning permission for the conversion of existing buildings to provide nine flats and the closure of the existing vehicular access onto the A10 Ely Road. Acoustic fencing is proposed around the perimeter of the future garden area. In amended proposals received 25 January 2013 the application proposes two areas of shared garden in place of the existing car park, and the provision of a new car park to the south of the annexe with access onto School Lane. 12 parking spaces would be provided. The acoustic fencing would have a height of 3.5 metres and would subdivide the site and be located on the northern perimeter. On the A10 frontage the fence would be set back from the pavement by between 6 and 7 metres to allow for a significant belt of screen planting to be provided.
3. The density is 30 dwellings per hectare.
4. The application has been supported with a Planning Statement, Flood Risk Assessment and a Noise Assessment. An amended ownership certificate was received on 7 June 2013, together with a revised layout plan showing a slightly reduced communal garden area adjacent to the caravan park.

Planning History

5. **S/2510/11** – Change of use to nine flats Withdrawn 10 April 2012
S/0119/04/F- Building for 8 guest rooms Approved 16 December 2004
S/0265/98/F- Extension to public house and car park Approved 1998

Planning Policy

6. **National Planning Policy Framework (2012)** - Housing applications should be considered in the context of the presumption in favour of sustainable development (*paragraph 49*). Local Planning Authorities should normally approve planning applications for change to residential use from commercial buildings where there is an identified need for additional housing, provided that there are not strong economic reasons why such development would be inappropriate (*paragraph 51*). The planning system should prevent new development from being put at unacceptable risk from noise pollution (*paragraphs 109 and 123*).
7. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**
ST/3 (Re-Using Previously Developed Land and Buildings) – Between 1999 and 2016 at least 37% of new dwellings will either be located on previously developed land or utilise existing buildings.
8. **South Cambridgeshire Development Control Policies Development Plan Document (2007)**
DP/1 (Sustainable Development)
DP/2 (Design of New Development)
DP/3 (Development Criteria)
DP/4 (Infrastructure and New Developments)
DP/7 (Development Frameworks)
HG/1 (Housing Density)
HG/2 (Housing Mix)
HG/3 (Affordable Housing)
HG/8 (Conversion of Buildings in the Countryside for Residential Use)
SF/1 (Protection of Village Services and Facilities)
NE/1 (Energy Efficiency)
NE/4 (Landscape Character Areas)
NE/6 (Biodiversity)
NE/11 (Flood Risk)
NE/15 (Noise Pollution)
TR/1 (Planning for More Sustainable Travel)
TR/2 (Car and Cycle Parking Standards)
9. **South Cambridgeshire Local Plan Issues and Options 2 Report: Part2- South Cambridgeshire Further Site Options** (January 2013)
Issue 6: Village Framework Changes, Option VF2:Chittering
The site is not included within the proposed village framework boundary for Chittering.
10. **South Cambridgeshire Local Development Framework Supplementary Planning Documents**
District Design Guide SPD (2010)
Open Space in New Developments SPD (2009)
Affordable Housing SPD (2010)

Landscape in New Developments SPD (2010)

Consultation by South Cambridgeshire District Council as Local Planning Authority

11. **Waterbeach Parish Council**- Objection to the amended scheme received 25 January 2013, commenting that: 'Height of fence: 11 foot 6 inches is too high for a rural setting'. The Parish Council had earlier raised concerns (but not objection) to the proposed removal of the hedge on the School Lane frontage, and to the impact on visibility at the junction from the proposed planting of a hedge on the Ely Road frontage.
12. **Landscape Design Officer** – The proposed landscape treatment is acceptable and has been the subject of detailed discussion. Landmark trees should be planted in the gardens and additional planting on the boundary with School Lane.
13. **Environmental Health Officer** – The EHO is concerned about the impact of noise on the amenity of future residents from traffic noise levels from the A10. Every room will require a substantial upgrade to achieve noise insulation requirements. Garden areas must not be exposed to traffic noise that will cause serious annoyance or be a detriment to amenity and health. A condition to require approval details of a noise insulation scheme is recommended. External artificial lighting should be controlled by condition.
14. The provision of a 3.5 metre-high acoustic barrier in the positions shown on the amended plan received 25 January 2013 is the minimum necessary to achieve an adequate noise reduction in the garden areas.
15. **Affordable Homes Manager** – As no Registered Providers are interested in the property a commuted sum in lieu of on-site provision is acceptable in this case. The sum has been agreed with the applicant.
16. **Section 106 Officer**- Financial contributions towards affordable housing, open space, community facilities, and household waste facilities will be required.
17. **Cambridgeshire County Council Growth and Economy** – A contribution towards Strategic Waste Infrastructure is required as the site is in the catchment area for Milton Household Recycling Centre.
18. **Local Highway Authority**- no objection to the closure of the existing access and the creation of new accesses onto School Lane. This will result in significant improvement in terms of highway safety. The limited amount of on-street visitor parking that the development is likely to generate can be accommodated on School Lane.
19. **Highways Agency** – No objection.
20. **Environment Agency** – No objection.
21. **Waterbeach Internal Drainage Board** – No objection.

Representations by members of the public

22. Representations have been received from 4 dwellings on School Lane:
 - a) Additional traffic on School Lane and the junction which is busy at peak times.

- b) The caravan site already generates traffic at his junction.
- c) The public house should be retained.
- d) This is a hamlet where new housing is restricted.
- e) The annexe is in use for short-term lets.
- f) Loss of planting on School Lane frontage.
- g) Hedgerow planting on the frontage will be a hazard for traffic using the junction.
- h) The site is not connected to mains drainage, as stated.

Material Planning Considerations

Principle of development

23. The site has been marketed since May 2011 with no offers being received. The Traveller's Rest went into receivership in April 2011. There are nine public houses within a 5-mile radius. Cambridge Research Park offers vacant B1 units within close proximity to the site. Policy HG/8 allows for the conversion to residential of redundant rural buildings if use for employment purposes has become inappropriate. The recent history of the use indicates that this is the case in this instance. Although the site is not within a development framework it is located adjacent to a bus route and considered to be in a reasonably sustainable location for that reason.

Highway safety

24. The concerns raised by local residents are noted but are not supported by the local highway authority, which considers that an improvement to highway safety will result from the development.

Landscape impact

25. In order to secure safe levels of noise attenuation in the communal garden areas substantial fencing 3.5 metres high is required to be erected to meet environmental standards. This will change the appearance of the site and the impact on the landscape setting. Officers consider that the harm to the landscape can be substantially mitigated by new planting along the frontage to the A10. This limited harm is to be balanced with the benefit of housing provision in a reasonably sustainable location, for which there is currently a shortage in the District housing supply. Officers consider that the balance is in favour of granting planning permission.
26. Details of landscaping can be agreed by condition, including retention of hedgerow planting on the School Lane frontage to screen existing buildings.

Flooding and drainage

27. Part of the site lies in an area at significant risk of flooding. This has been assessed in the submitted flood risk assessment and accepted by the Environment Agency. The proposal will remove a large area of hardstanding car park within flood zone 3 and thereby reduce the flood risk to the development. A resident has queried whether the site is connected to mains drainage. Members will be updated on this detail prior to the meeting.

Other matters

28. The applicant has agreed to make contributions towards infrastructure provision in respect of the matters raised by the S106 Officer and Affordable Housing Manager and to enter into a legal agreement. The requirement of the County Council for a strategic waste infrastructure contribution of £1,710 is considered in this case to be administratively disproportionate to the impact of the development and is not proposed to be included.

Recommendation

29. It is recommended that the Planning Committee approves the application as amended and to the prior completed on a Section 106 Agreement for affordable housing, open space, community facilities and waste receptacles and to the following conditions:

Conditions

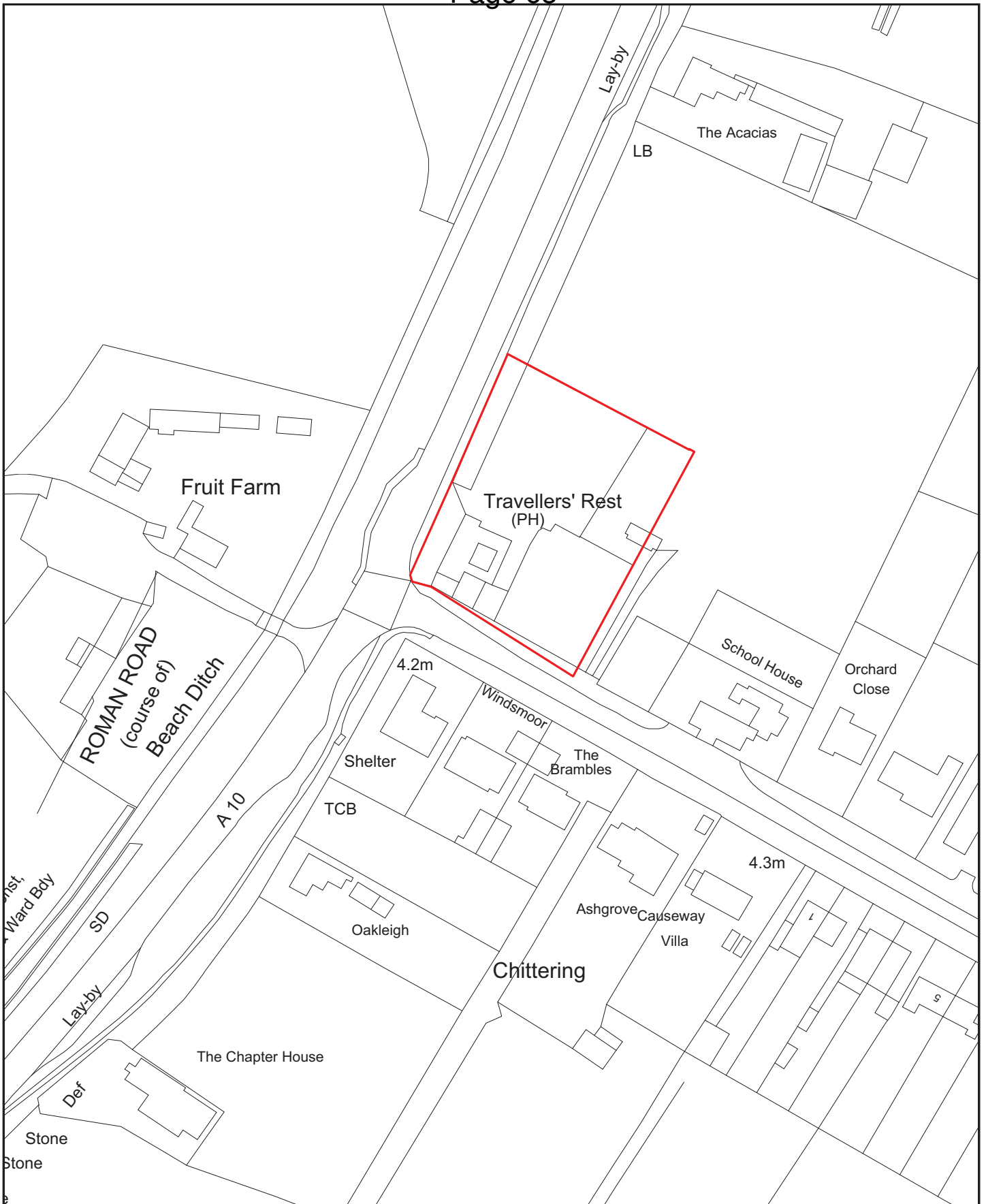
1. Time limit
2. Approved drawings
3. Removal of permitted development rights
4. Landscaping details
5. Retention of landscaping
6. Retention of parking
7. Scheme of noise insulation and attenuation
8. Details of artificial lighting
9. Control of power-operated machinery during the construction period.
10. Management of deliveries during the construction period.
11. Visibility splays
12. Flood mitigation

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

- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Local Plan Issues and Options 2 Report: Part2- South Cambridgeshire Further Site Options (January 2013) National Planning Policy Framework Planning file ref S/1131/12/FL

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

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/0681/13/FL – OVER
Replacement buildings and change of use to office space (B1a) at Land
opposite 55 Fen End
for Mr Andrew Sandham, Neoven Limited

Recommendation: Approve Conditionally

Date for Determination: 17 June 2013

Notes:

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

Members will visit the site on 2 July 2013.

Site and Proposal

1. The site comprises agricultural storage buildings located outside of the village framework of Over and adjacent to a designated County Wildlife Site to the north.
2. The proposal involves the refurbishment and extension of building 1; the demolition and replacement of buildings 2 and 3 and the total demolition of building 4 as shown on the submitted site layout plan (49CFene1-02). The existing permitted use of the site is, by default, agricultural use in the absence of any previous planning permissions and the proposal would change this to B1a office use.
3. Vehicular access remains as existing and 5 parking spaces (including one disabled space) would be provided on the site with further hardsurfacing to its eastern end.

Planning History

4. No history.

Planning Policy

5. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the

development; and are fairly and reasonably related in scale and kind to the development.

Local Development Core Strategy 2007:

6. ST/6 Group Villages

South Cambridgeshire LDF Development Control Policies DPD, 2007:

7. DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/4 New Employment Development in Villages
ET/7 Conversion of Rural Buildings for Employment
ET/8 Replacement Buildings in the Countryside
NE/6 Biodiversity
NE/14 Light Proposals
NE/15 Noise Pollution
TR/1 Planning for More Sustainable Transport
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

8. District Design Guide SPD – adopted March 2010
Landscapes in New Developments SPD - adopted March 2010

CONSULTATIONS

9. Over Parish Council – Recommends refusal "The proposal would constitute a new-build outside the village framework. The building has not previously been used for agricultural purposes and therefore its conversion to office space does not comply with the appropriate policy. The new build element of the proposal would be an unacceptable development in the countryside. The use of agricultural land for any other purpose should not be permitted. The proposal would also be an unacceptable alteration of the character of the rural area. We would also like to recommend that if the Council were minded to grant this application then permission should be granted to the applicant rather than attaching to the property."
10. Local Highway Authority - Recommends the following: appropriate surface water drainage to the access; no unbound material next to the highway; any gates to be set back 5m from the highway; and a traffic management plan.
11. Ecology Officer - No objections to submitted ecological report. The findings in this instance do not show any evidence of bat or bird habitats within the existing building structures.
12. Environmental Services - No objections.
13. Tree Officer - The trees are not afforded and statutory protection but are important to the screening of the site. Works shall be carried out in accordance with the submitted Arboricultural report.

Representations

14. None

Planning Comments – Key Issues

15. The main issues to consider in this instance are: the principle of the development, visual impact, access, travel, parking, highway safety, ecology and other issues.

Principle of Development

16. The existing site comprises existing storage buildings, many of which are in a poor state of repair. The proposal would redevelop the site to create small scale economic development in a location, which is very close to the village framework boundary approximately 10m to the west of the site. The development would create 4-5 new jobs and is considered to represent sustainable economic development that is sensitive in scale to the location. Consequently, the proposal would positively contribute to sustainable economic growth, providing a wider range of local employment opportunities very close to the village framework in accordance with Policy ET/4 and Chapter 3 of the NPPF.
17. The existing barn-like buildings appear relatively dilapidated with the exception of building 1 and consequently not all of the buildings are capable of conversion in accordance with Policy ET/7. However, building 1 would be capable of conversion and the proposed rear extension to this building is considered justified in order to facilitate functional office space.
18. The replacement of buildings 2 and 3 is supported under Policy ET/8 given the volume and floor space of these new buildings is very similar to the existing.
19. Consequently, the principle of the development is accepted with regard to Policies ET/4, ET/7 and ET/8 and there is considered to be no strong reason why it is reasonable or necessary to grant permission only to the applicant rather than the land in this instance, as suggested by the Parish Council. Such an approach is also contrary to the advice in paragraph 94 of 'Circular 11/95: Use of conditions in planning permission' - which states that "if a service, or the employment it generates, is needed in an area, there is no planning reason why it should be provided by one firm rather than another. Commercial and industrial buildings in an area of open countryside will not become more acceptable because their occupancy is restricted, nor will the expansion of a local firm necessarily lead to less pressure for further development (e.g. housing) than the arrival of a firm from outside. The Secretaries of State therefore regard such conditions as undesirable in principle."

Visual Impact

20. The site is rural and agricultural in character and the proposal aims to reinforce this character by emulating the scale and appearance of the existing barns on the site. This can be seen in the detailing of buildings 2 and 3 which comprise pantiles, timber cladding, large apertures and timber braces. Both the rear extension to building 1 and the car port to building 2 would be subservient in height with a low roof profile to appear in scale and character with the surrounding area.

21. The tree group to the north of the site is considered an important visual feature to the site and the rural character of the area. The proposal would lead to the loss of some of the ash trees along this boundary and the pruning of other trees. Further planting would ensure that the development is assimilated well into the area and therefore conditions are recommended to ensure that the proposed tree protection methods are carried out with the submitted tree report and details of any new boundary treatment are agreed prior to commencement of the development.
22. External lighting is not proposed but in future could lead to excessive light pollution given the open, rural environs; consequently, a condition is recommended to control this aspect of the site.

Access, Travel, Parking and Highway Safety

23. The existing access to the site is proposed to be retained and sufficient car and cycle parking would be provided on site commensurate to the requirements of Policy TR/2, which requires 5 spaces for the total office space (102m²). Travel movements to the site would not be significant for a small scale employment site like this and this is highlighted in the submitted transport statement. The nearest bus stop is at the junction of the High Street and Fen End and this is within walking distance of the application site. The scheme would therefore benefit from its close proximity to the village framework and the available means of alternative transport modes such as public transport, walking and cycling.
24. The recommended conditions of the Local Highways Authority are acknowledged but are not considered necessary with regard to the existing access and gates, which already provide a clear 5m space for vehicles to park clear of the highway carriageway as measured on the submitted site plans. The proposed gates would also open inwards towards the site to avoid overhanging the highway verge. Some loose gravel is present at the access and a condition is appropriate to prevent further unbound material from being laid in the site within 6m of the highway boundary.
25. The site has ample space for parking and deliveries during the course of the works and therefore a site traffic management plan is not considered necessary in this instance. An informative is recommended to encourage wheel washing facilities on the site for construction vehicles.

Ecology

26. No objections are raised by the ecology officer with regard to the impact of the development upon ecology and biodiversity.

Other Issues

27. The submitted plans include details for works to building 5 which is not included or located within the application site. Any granting of consent in this application will therefore not in turn grant permission for works to building 5, which may require separate planning consent.

Conclusion

28. The development is considered to represent sustainable economic development on the edge of the village framework of Over that would appear compatible with the rural character of the area and its surroundings in accordance with the aims and objectives of Policies DP/2, DP/3, ET/4, ET/7 and ET/8.

Recommendation

29. Approve, subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 49CFENE1-01; 49CFENE1-02, 49CFENE1-03B, 49CFENE1-05A, 49CFENE1-06B and 49CFENE1-09.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timescale for its implementation. The boundary treatment shall be completed in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. The permanent spaces to be reserved on the site for parking and manoeuvring shall be provided in accordance with the layout shown on drawing number 49CFENE1-03B before the first occupation of any one of the B1a use buildings, hereby permitted, and shall thereafter be maintained for this purpose only
(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. No unbound material shall be used in the surface finish of the access within 6 metres of the highway boundary of the site.

(Reason – To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

7. Tree protection shall be carried out in accordance with the recommendation set out in the tree survey report (by Lesley Dickinson Ltd, dated April 2013), unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

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

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

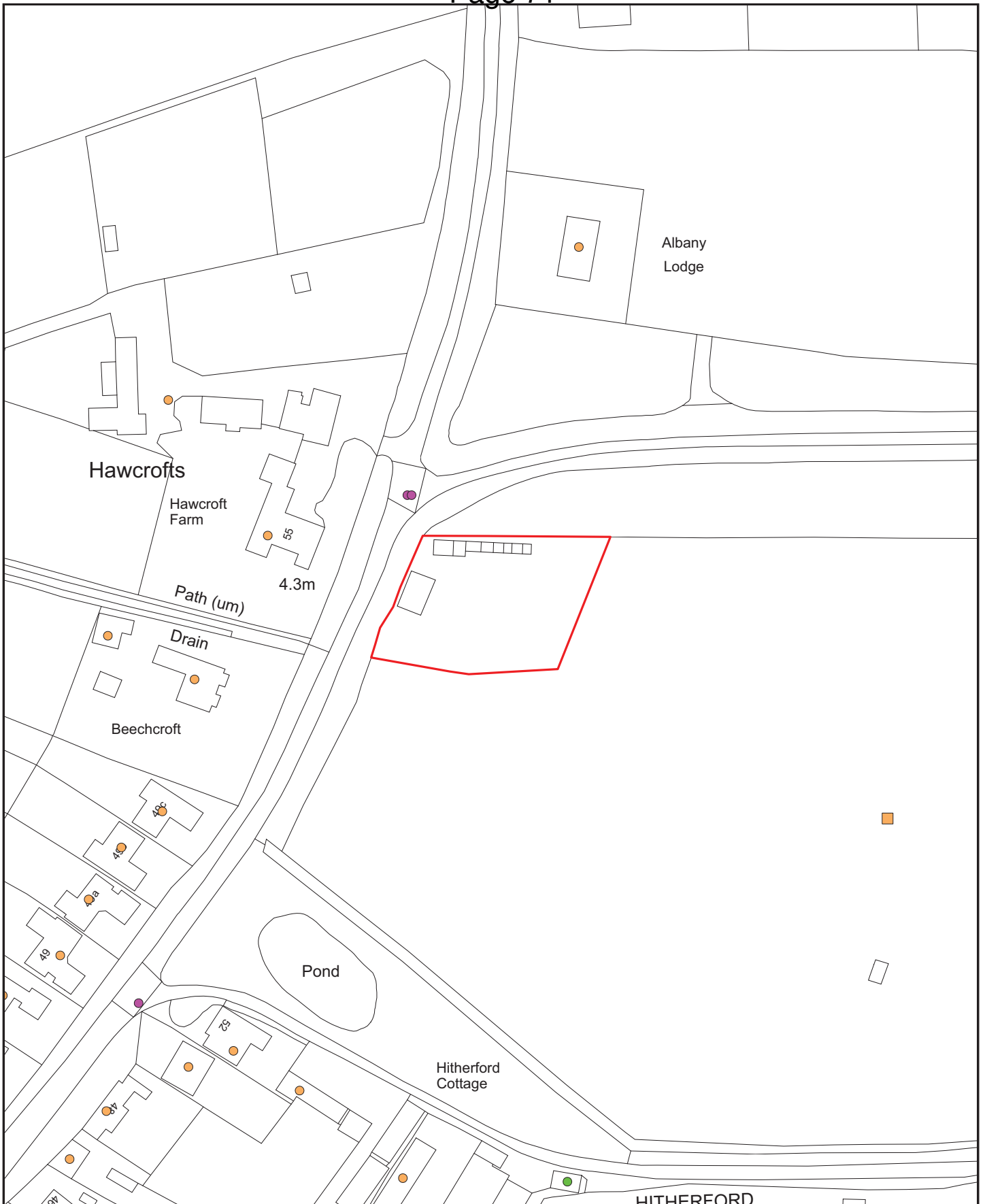
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Part 41 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason – To ensure that any future additions do not materially increase the impact of the site upon its rural surroundings in accordance with Policies DP/2 and ET/7 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 (adopted January 2007)
- South Cambridgeshire LDF Development Control Policies DPD, adopted July 2007
- South Cambridgeshire LDF Supplementary Planning Documents (SPD): District Design Guide SPD.

Contact Officer: Andrew Winter – Planning Officer
Telephone: (01954) 713082



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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

S/0825/13/FL - WILLINGHAM**Change of use of land to Gypsy and Traveller site. – Alwyn Park, Willingham Road, Over, Cambridgeshire, CB24 5EU for Mr Paul Pickering****Recommendation: Delegated Approval****Date for Determination: 12 June 2013**

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

To be presented to the Committee by John Koch

Site and Proposal

1. Alwyn Park is a longstanding site for touring caravans and camping comprising several pitches restricted to an eight-month occupancy. The site lies within Over, albeit on the edge of Willingham and outside any defined village framework. It contains a bungalow, two mobile homes, domestic garaging a storeroom/stables, and a toilet/shower block. The application site comprises the central access that runs through the site and an area of mainly grassed land along part of the eastern boundary. It is currently vacant.
2. The proposal is to create three permanent pitches each comprising space for a mobile home, a small amenity building, car parking and refuse and recycling facilities. Two of the pitches are 720 sq m. while the other is 480 sq m. It is intended the site will be managed by the site owner who lives in the bungalow and the pitches will be rented out to prospective families.

Planning History

3. Apart from permissions covering the existing buildings on the site, the relevant planning history is as follows:

S/1360/78 - Use as a touring caravan site between 1 March and 31 October in any one year - Allowed on appeal.

S1312/06/F - Siting of 16 mobile homes for permanent accommodation - Refused.

S/0880/07/F - Change of use from holiday caravan accommodation and the storage of caravans to use for the siting of 16 low-cost mobile homes - Refused and dismissed at appeal.

4. There are currently no traveller sites in Over. There are 11 permanent, six temporary and four expired permissions in Willingham (with four of the

temporary permissions currently at appeal). There is also the emergency stopping place on the former local authority site off Meadow Road.

Planning Policy

5. **Planning policy for traveller sites (PPTS)** (March 2012) requires local planning authorities to make their own assessment of need for traveller sites based on fair and effective strategies. Local Plans should include fair, realistic and inclusive policies such that travellers should have suitable accommodation in which to access education, health, welfare and employment infrastructure but for Ipa's to have due regard to the protection of local amenity and the local environment. Paragraphs 20 -26 provide criteria against which to judge planning applications. These criteria have been taken into account in this report.
6. Paragraph 10 states that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Paragraph 25 states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration when in any subsequent planning decision when considering applications for the grant of temporary planning permission.
7. The **National Planning Policy Framework** promotes a presumption in favour of sustainable development having regard to the soundness of the development plan and the policies therein. It confirms that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; they directly relate to the development; and are fairly and reasonably related in scale and kind to the development.
8. **Circular 11/95** (The use of Conditions in Planning Permissions) advises that planning conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
9. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/5 Minor Rural Centres (Willingham)
ST/6 Group Villages (Over)
10. **South Cambridgeshire Local Development Framework Development Control Policies 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
SF/10 Outdoor playspace, Informal Open Space and New Developments
NE/4 Landscape Character
11. **South Cambridgeshire Local Plan 2004 (Saved Policies)**
CNF6 Chesterton Fen

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

Consultation by South Cambridgeshire District Council as Local Planning Authority

13. **Over Parish Council** recommend refusal on the grounds we believe the need for additional traveller sites within the area has been met. We see no reason to change the use of any part of the site from that of touring to permanent. Any such change of use from a touring site would set a precedent for other sites in the area. There is, in addition, no footpath from the site to Willingham.
14. **Willingham Parish Council** recommends refusal on the grounds of proportionality. Willingham has more pitches already than they can reasonably absorb and although the land is technically within Over it will most probably be Willingham Services that will be used and put under additional pressure. This has also previously been refused at appeal in 2008.
15. The **Local Highway Authority** comments that the access is acceptable in highway terms. The proposal is likely to reduce the number of traffic movements overall from the site, in particular during the summer season. The proposed parking spaces and manoeuvring spaces should be properly laid out.
16. The LHA would require the applicant to enter into a Section 106 agreement for the provision of a 1m. wide footway from the western side of Haden Way (i.e. outside the northern boundary of 1 Haden way) to the proposed pedestrian access to the site. The footway should be constructed before any of the proposed pitches are occupied in order to provide safe and efficient operation of the adopted public highway.
17. The **Landscape Officer** has no objections in principle but suggest conditions in respect of hard and soft landscape works and boundary treatments.
18. The **Travellers Site Team Leader** has made no observations on the application.

Representations by Members of the Public

19. Two letters of objection have been received, raising the following points:
- Out of keeping with the rural character of the area
 - If further sites are needed the sites at Schole Road could be expanded
 - Increased traffic generation
 - Willingham has more than its fair share of Gypsy and Traveller sites
 - Devaluation of property

Planning Comments

20. The main issues in this case are:

- The extent to which the application accords with the provisions of the development plan - principally the impact on the character and appearance of the area; the sustainability of the location; the capacity of Willingham (as the nearest settlement) to accommodate further traveller sites; and highway safety
- The general need for, and availability of, additional gypsy sites in the district.

The Development Plan

21. Since the loss of Policy HG23 from the previous 2004 Local Plan, the current development plan does not contain any specific criteria-based policies against which to assess the impact of proposals for gypsy sites. While saved policy CNF6 allocates land for use as gypsy sites at Chesterton Fen, a number of previous appeal decisions have ruled out the possibility that there is still land at Chesterton Fen that is suitable, available and affordable.
22. The Council therefore relies upon the 'General Principles' policies DP/1 - DP/3, albeit these need to be utilised in accordance with the advice in PPTS. This and numerous appeal decisions confirm that gypsy sites are often located in the countryside and that issues of sustainability should be seen in the round with a more relaxed approach taken to gypsies' normal lifestyle.
23. The site is clearly read as part of the countryside but is very much self-contained. It is not otherwise designated or protected for its landscape value or contribution to the setting of either Over or Willingham. All the relevant boundaries are generally well screened such that use of, and activity on, the three proposed pitches would not be visible outside the site. The pitches are of an appropriate size so that the site could be satisfactorily laid out for the benefit of future occupants and enhanced with landscaping and suitable boundary treatments where necessary. Adequate space for car parking and refuse provision can be provided. No harm to the character and appearance would result.
24. PPTS states that the scale of sites should not dominate the nearest settled community. Clearly in terms of its physical impact, that would not be the case here, especially as permission already exists for use by caravans for a larger part of the year and their storage for the remainder.
25. In sustainability terms, the site is relatively close to the edge of Willingham and is sufficiently close to enable pedestrian access to the services and facilities in the village. Although there is no footway link with Haden Way at present, the applicant has agreed to provide a new link as requested by the local highway authority. This can be covered by way of a condition rather than the legal agreement sought by the lha. The Citi 5 bus service provides an hourly bus service between Cambridge and St Ives via Over. The site therefore has the potential to be made safely accessible.
26. As ever, there are concerns that Willingham lacks the capacity to accommodate additional sites and that it already has its "fair share" of sites. Policy DP/1 requires development to contribute to the creation of mixed and socially inclusive communities and provide for health, education and other social needs of all sections of the community. Willingham has witnessed the greatest increase in demand for sites in the district in a relatively short period and understandably this continues to be an issue of significant concern to the

parish council. However, there remains a lack of demonstrable evidence that undue pressure is being placed on village services, to an extent that this application should be refused for these reasons. Neither is there any suggestion that occupation would prejudice peaceful and integrated co-existence between the site and the local community, or that the site and its occupants would be deliberately isolated from the rest of the community.

27. In the event that planning permission is granted, the applicant has already offered provided a Heads of Terms for the necessary contributions towards open space, indoor community facility provision (which it is assumed would be for Willingham Parish Council) and refuse collection. This is in accordance with policies DP/4 and SF/10.
28. The local highway authority has raised no objections on highway safety grounds, subject to the agreed provision of the footpath link.
29. In the circumstances, the use of the site is considered to be suitable on landscape and wider sustainability grounds and subject to the conditions set out below is in accordance with the development plan.

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

30. The Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011 was published in October 2011. The GTANA has assessed a need for 67 additional pitches between 2011 and 2016, and a need for five extra pitches from 2016 - 2021. These findings were largely accepted by the Council's Housing Portfolio Holder on 13 June 2012 as part of the evidence base to support the Council's planning framework. The shortfall in pitches between 2011 and 2016 has been reduced by two and agreed as 65.
31. Since 2011, 18 pitches with permanent planning permission have been developed. At the April 2013 meeting, the Planning Committee granted planning permission for a further 55 pitches across three sites at Chesterton Fen, although the decision notices have not yet been issued. This brings the total to 73 pitches, which is in excess of the assessed need for the period up to 2021. In spite of this, however, the two public sites at Whaddon and Milton are full with infrequent turnover of pitches. While two extra pitches are to be provided at Whaddon when the site is refurbished, the Council currently has around 36 applications on the waiting list for its two sites. There are also approximately 11 sites in the district that have temporary or an expired temporary planning permission. There are no other sites in the district where pitches are known to be vacant, available and suitable for travellers.
32. Thus while the need arising from the GTANA has been met, approval of the application site would have the potential to meet some of the unmet need arising from the waiting list for the two public sites. Critically, given no harm has been identified from the use of the site, officers consider that the lack of any perceived need for additional sites would not in itself be a reason to refuse the application. This view is consistent with paragraph 10 of the PPTS set out in paragraph 7 of this report.

Other Matters

33. The previous appeal decision to refuse "Park homes" at Alwyn Park covered a larger area of land including the current application site. It was based on materially different circumstances and the application of different development plan policies, which prevent the location of such development in the countryside. While traveller mobile homes may be no different in their appearance, PPTS places no such presumption other than new traveller site development should be strictly limited in open countryside away from existing settlements. The application site is not part of open countryside which can be regarded as remote from either Over or Willingham in particular.
34. Approval would not act as a precedent for other sites coming forward, albeit there would be scope to further expand the use within the confines of the Alwyn Park site. The greater urbanising effect of a larger site would need to be considered on its merits and this would give the local planning authority control over the possibility of the impacts arising from a larger site.

Conclusion

35. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development accords with the development plan and no material considerations have been identified to suggest the application should be refused.

Recommendation:

36. Approve subject to the satisfactory completion of a section 106 agreement to secure the necessary infrastructure contributions and 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: 6314-01A.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. This permission does not authorise use of the land as a caravan site by any persons other than gypsies and travellers as defined in Annex 1: Glossary of 'Planning policy for traveller sites (March 2012)'
Reason - The site is in a rural area where residential development will be resisted by Policy DP/7 of the adopted Local Development Framework 2007 unless it falls within certain limited forms of development that Government guidance allows for. Therefore use of the site needs to be limited to qualifying persons.)
 4. 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 details of boundary treatments

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

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

5. 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.)

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

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

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

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

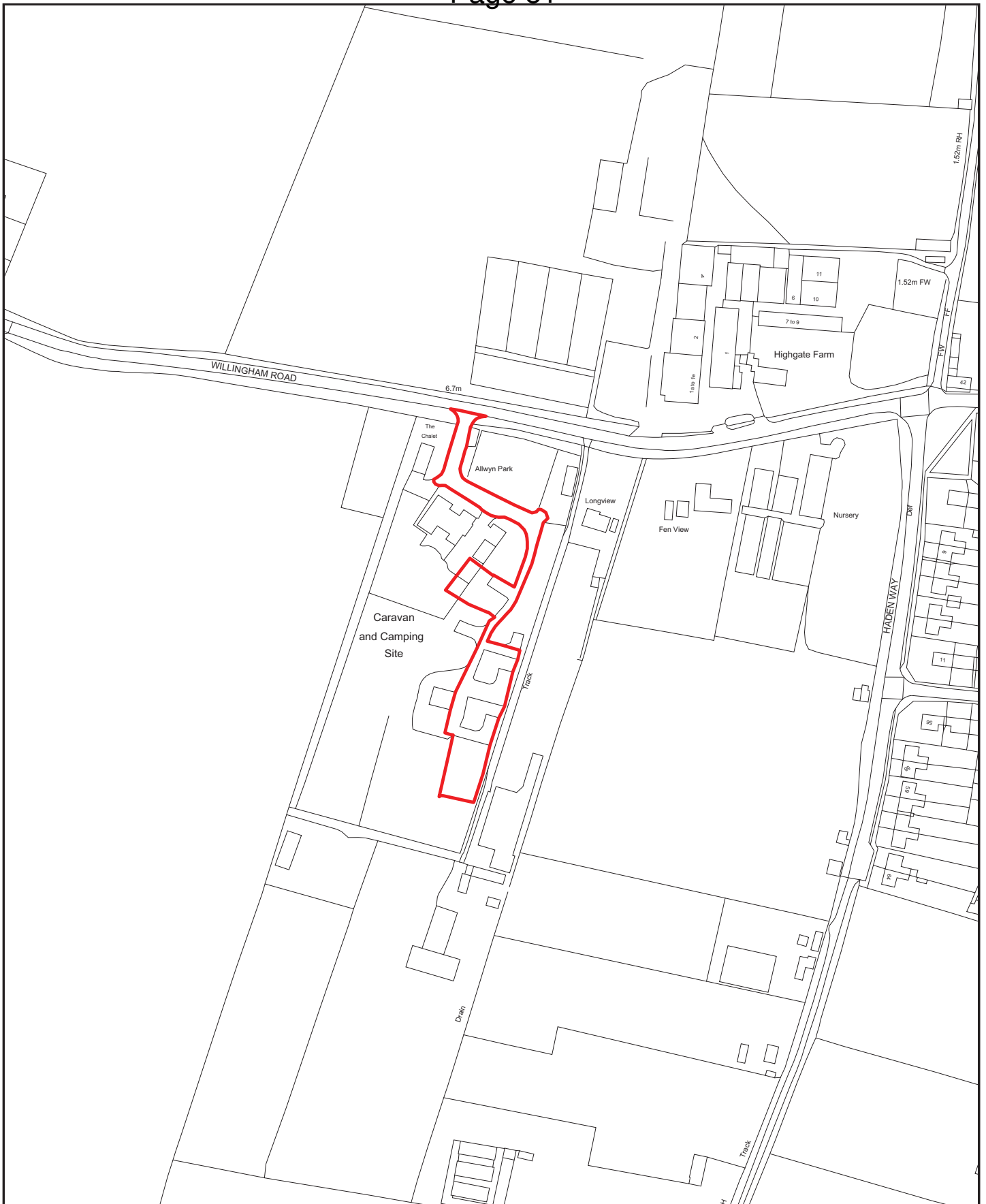
8. Notwithstanding the details shown on drawing no. 6314-01A, full details of the line of the proposed footpath and its link between the pedestrian access into the site and the western side of Haden Way shall be submitted to and approved in writing by the local planning authority before the use of the site hereby permitted is commenced. The use shall not be commenced until the footpath has been provided in accordance with the approved details.

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

- **Local Development Framework Core Strategy and Development Control Policies DPD**
- **National Planning Policy Framework**
- **Planning policy for traveller sites**
- **Planning file reference S/0825/13/FL**
- **Cambridge sub-Regional Gypsy and Traveller Accommodation Needs Assessment (GTANA) 2011**

Contact Officer: John Koch - Team Leader - West
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 July 2013

AUTHOR/S: Planning and New Communities Director

ENFORCEMENT REPORT

Purpose

- To inform Members about planning enforcement cases, as at 17 June 2013. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

- | Period | Cases Received | Cases Closed |
|------------------------------|----------------|--------------|
| May | 51 | 46 |
| April | 48 | 60 |
| 1 st Qtr. 2013 | 108 | 133 |
| 2013 YTD | 207 | 239 |
| 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 |
| 2012 YTD | 457 | 461 |

Enforcement Cases on hand:

- Target 150
- Actual 101

Notices Served

- | Type of Notice | Period | Year to date |
|-----------------------|----------|--------------|
| | May 2013 | 2013 |
| Enforcement | 0 | 5 |
| Stop Notice | 0 | 0 |
| Temporary Stop Notice | 0 | 0 |
| Breach of Condition | 0 | 1 |

S215 – Amenity Notice	1	3
Planning Contravention Notice	1	3
Injunctions	0	0
High Hedge Remedial Notice	0	0

Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
03	Great Abington	`57A North Road	Planning Contravention Notice
PLAENF.488	Whittlesford	27 Station Road	Amenity Notice

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 March 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. Assessment to the Planning Contravention response and the site inspection 10th May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. No further update at this time
 - b. **Q8, Foxton**
Planning application in preparation - No further update available at this time
 - c. **Moore Drove, Histon**
Application for two stables now validated, Site visited and consideration of application underway. No further update available at this time.

d. Whittlesford – Scrapyard

A planning application for the boundary/acoustic fencing has been recommended for approval – Decision Notice to be issued shortly.

The weighbridge situated at the former fuels depot has now been removed from the site therefore no further action is required. Remove from listing

Summary

10. The number of enforcement cases investigated during the May period showed a 75.8% increase when compared to the same month in 2012. Year to date 2012 revealed that the overall number of cases was down by approximately 1.51% which equates to 7 cases. With the exception of 2009 the number of cases reported in May 2013 is the highest they have been since 2004

The numbers of cases on hand are 33% 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

3 July 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 21 June 2013. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

2.

Ref.no	Details	Decision	Decision Date
S/1891/12/FL	Mr C Judd 15 Hinton Road Fulbourn	Withdrawn	25/04/13
S/2221/12/FL	Mr & Mrs B Glove Land adj 64 Water Lane, Oakington New Dwelling	Dismissed	31/05/13
S/0171/13/FL	Mrs B Lury 71 High Street Little Shelford Two storey rear extension	Dismissed	04/06/13
S/1219/12/FL	Mrs A White 43 Church Street Thriplow Relative Annexe	Dismissed	06/06/13

Appeals received

3.

Ref. no.	Details	Decision	Decision Date
S/2600/12/OL	A Bareham Ivatt Street Cottenham Reserved matter for Dwelling	Refused	30/05/13
S/0840/12/FL	Mr P O'Keeffe The Sawston Storage Depot Mill Lane Sawston	Refused	30/05/13
S/0579/13/FL	Mr S Griffiths 90 Ermine Way Arrington Garage, Porch Extension & Boiler Room	Refused	04/06/13

S/2442/12/VC	Mr C Richmond Adj 6 Main Street Caldecote Amend condition 9 of S/0699/11/-affordable housing	Refused	17/06/13
S/2300/12/FL	Mr R Merrill r/o 7 Church Walk Little Gransden Dwelling and garage	Approved Subject to condition	17/06/13
S/0562/13	Mr & Mrs F Monmont St Neots Road Hardwick Dwelling	Refused	19/06/13

Local Inquiry and Informal Hearing dates scheduled before the next meeting on 5 June 2013.

4.

Ref. no.	Name	Address	Hearing
S/0041/12/FL	Mrs K O'Brien	WaterLane Smithy Fen, Cottenham	12- February 2013 Offered
S/2193/12/FL	Mr S Gardner	The Old Rectory Rectory Lane Kingston	2 July 2013 Confirmed
S/0824/12/FL	Mrs Saunders & Miss Wisson	Adj Cambridge Meridian Golf Club Comberton Road Toft	9 July 2013 Confirmed
S/1987/12VC PLAENF.423	Dr Sangray	Cadwin Nurseries 37a Rampton Road Willingham	8 October 2013 Confirmed

Summaries of Appeals

5. None

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

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Telephone: (01954) 713165