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24 June 2014

To: Chairman – Councillor Robert Turner  
Vice-Chairman – Councillor Lynda Harford  
All Members of the Planning Committee - Councillors Anna Bradnam,  
Brian Burling, Pippa Corney, Kevin Cuffley, Tumi Hawkins, Caroline Hunt,  
Sebastian Kindersley, David McCraith, Deborah Roberts, Tim Scott and  
Ben Shelton

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, 2 JULY 2014 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 (revised May 2013) attached to the electronic version of the agenda on the Council's website.

### **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 4 June 2014 as a correct record. The Minutes can be viewed by visiting [www.scambsgov.uk](http://www.scambsgov.uk), and following the links from 'Your Council'.

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

- |            |  |                  |
|------------|--|------------------|
| <b>4.</b>  | <b>S/0767/13/FL - Cottenham, (Units 13 to 22, The Maltings, Millfield)</b><br>There are three Appendices attached to the online version of the agenda. | <b>3 - 18</b>    |
| <b>5.</b>  | <b>S/0638/14/FL - Cottenham (1-5 Pine Lane, Smithy Fen)</b><br>There are three Appendices attached to the online version of the agenda.                | <b>19 - 30</b>   |
| <b>6.</b>  | <b>S/0098/14/FL - Bassingbourn (Land off Spring Lane)</b>  | <b>31 - 44</b>   |
| <b>7.</b>  | <b>S/0782/14/FL - Fowlmere (Queens Head, Long Lane)</b>  | <b>45 - 54</b>   |
| <b>8.</b>  | <b>S/0783/14/LB - Fowlmere (Queens Head, Long Lane)</b>  | <b>55 - 60</b>   |
| <b>9.</b>  | <b>S/0857/14/FL - Fulbourn (16-18 Teversham Road)</b><br>Appendix 1 is attached to the online version of the agenda.                                   | <b>61 - 72</b>   |
| <b>10.</b> | <b>S/2293/13/FL - Croydon (land at Manor Farm)</b>   | <b>73 - 90</b>   |
| <b>11.</b> | <b>S/0734/14/FL - Linton (7 Bakers Lane)</b>   | <b>91 - 100</b>  |
| <b>12.</b> | <b>S/2762/13/FL - Linton (Horseheath Road)</b>   | <b>101 - 114</b> |
| <b>13.</b> | <b>S/0698/14/FL -Barrington (36A High Street)</b><br>Appendix 1 is attached to the online version of the agenda.                                       | <b>115 - 122</b> |
| <b>14.</b> | <b>S/0795/14/VC - Sawston (Deal Farm, Cambridge Road)</b>  | <b>123 - 128</b> |
| <b>15.</b> | <b>S/1329/13/FL - Swavesey (Cygnus Business Park)</b>  | <b>129 - 144</b> |
| <b>16.</b> | <b>S/2763/13/FL - Great Wilbraham (Mill Road)</b>  | <b>145 - 164</b> |

#### **INFORMATION ITEMS**

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| <b>17.</b> | <b>Enforcement Report</b>  | <b>165 - 168</b> |
| <b>18.</b> | <b>Appeals against Planning Decisions and Enforcement Action</b> | <b>169 - 178</b> |

## **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.

## **OUR VALUES**

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

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

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

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#### **Disturbance by Public**

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

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

## **EXCLUSION OF PRESS AND PUBLIC**

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

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

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

### **Notes**

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

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# Agenda Item 2

## Planning Committee

### Declarations of Interest

#### 1. Disclosable pecuniary interests (“DPI”)

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

#### 2. Non-disclosable pecuniary interests

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

#### 3. Non-pecuniary interests

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

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

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

Address/ Location of land where applicable

Signature: .....

Name ..... Date .....

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# Agenda Item 4

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0767/13?FL
<b>Parish(es):</b>	Cottenham
<b>Proposal:</b>	Retention of commercial building for Offices Clas B1(a) and storage Class B8 use and extension to existing storage building (retrospective application)
<b>Site address:</b>	The Maltings, Millfield, Cottenham
<b>Applicant(s):</b>	Paul Ursell on behalf of HC Moss Ltd
<b>Recommendation:</b>	Refusal
<b>Key material considerations:</b>	Residential Amenity, Highway Safety. Loss of Employment
<b>Committee Site Visit:</b>	None
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Julie Ayre
<b>Application brought to Committee because:</b>	This application was reported to committee in October 2013 when Members resolved to defer the application for further highway monitoring.
<b>Date by which decision due:</b>	19 August 2013

### Executive Summary

1. The application requests the regularisation of the use of 10 industrial buildings which were constructed in officers legal opinion without the benefit of planning permission as the planning permission relevant to the development had expired and the applicant could not prove beyond reasonable doubt that the permission had commenced within the statutory time limit of 3 years. This permission also had a personal condition attached to it preventing use by other companies and was for storage only. An Enforcement Notice was issued in April 14, on the grounds that the development seriously impacts on the residential amenity of nearby dwellings. The applicant has since appealed that notice and it will be considered by the Planning Inspectorate in October 2014 by informal hearing. The application before Members but was deferred requesting further highway monitoring, that monitoring as now been completed by Atkins and forms part of the later assessment. The main issues are the

impact on the development on nearby residents in terms of noise, disturbance and highway safety. This is a finely balanced decision as it impacts on 5 businesses which are currently operating from the site without the benefit of planning permission.

### **Planning History**

2. To fully understand this application it is important to be aware of the complex history associated with the site. In 1975 a change of use application was allowed from a former coal yard to a commercial repair depot subject to a personal condition.
3. Later in 1975 an application for use of the site for a builders yard was refused, but later allowed on appeal. Within that consent the Secretary of State declined to attach a personal consent restricting occupation of the site to the appellant company HC Moss (Builders) Ltd, because he did not consider that an over intensive use of the site would be created. The Inspectorate considered the suitability of Millfield to serve the development. He noted that no accident record at the junction with Rooks Street and that 'the traffic expected use the site.... Would not cause serious difficulties on Millfield or at the junction with Rooks Street and ... the traffic flow would be much less than when the site and premises were used as a coal yard and coal packing depot.
4. Several other applications have been since refused planning permission where the issue of sustainability of Millfield to accept the additional traffic generated by the proposed developments has been considered unacceptable. The proposal in 1980, (S/0204/80/FL) to erect a building of 880 square metres for a store, joinery and workshop was dismissed at appeal for this reason. The Secretary of State stated: 'the width and the junctions of the approach road to the appeal site would not provide adequate and safe access. The new building would have the potential to create more business which could exacerbate the existing traffic problems.' (Decision 30 September 1981)
5. Planning permission was granted for the construction of a storage building and extension to existing storage building for the sole use of H.C. Moss on 14 February 2007 (S/1867/06/FL). At the time it was considered that the expansion would help assist the expansion of a local firm. However, it was restricted to a personal consent as there were concerns regarding potential increases in traffic and as such a condition was considered appropriate which helped to minimise additional traffic movement which may have been generated by another occupier. In addition condition no. 5 limited the use of the building to Class B8 (Storage). The reason for approval stated that the development was not considered to be significantly detrimental to the material planning considerations of traffic, parking, overdevelopment and road safety.
6. The enforcement officer was called to the site on 11 April 2011 as the authority had received complaints regarding the site. The enforcement officer noted the activity and took photographic evidence of the site and concluded that the applicant's previous approval (S/1867/06/FL) may not have been started within the time within 3 years of the granting of the application, therefore the previous application had expired and a new application was required. Discussion with the applicant then continued over the next year and the building work continued with the applicant aware of the consequences.
7. On 12 April 2012 the applicant submitted an application to vary condition no 4 associated with the original S/1878/06/FL application requesting that the personal condition restricting single occupancy be removed. During the consideration of that

application the applicant was requested to submit evidence of the commencement of development within 3 years, but failed to provide enough evidence to satisfy the Council's legal officers and was informed on the 14 March 2013. Consequently the application was withdrawn.

8. Then on 23 June 2013 the applicant submitted a the retrospective application being considered today Members may recall they considered this application in October 2013 and resolved to defer the application subject to a transport assessment. That assessment report was received on the 30 April 2014 and is reported later.
9. In April 2014 the Council served an Enforcement Notice on the occupiers and the applicant of all the Millfield units as the planning situation had not been resolved within the statutory 4 years. The application has subsequently appealed that enforcement notice and there has been a hearing date set for the 21 October 2014. Within that appeal the applicant has asked the Secretary of State to consider this application.

#### **Planning History not included in the Background.**

10. This site has a very complex history of planning applications. The applications most relevant in addition to the ones outlined above are:

S/2366/00/FL - Storage building retrospective application - Approved 2003

S/0921/86 - Use of workshop for wine storage and beewax packing. – Approved 1986

Enforcement Notice - Storage of a tower crane to cease - March 1983

S/1374/F - Storage of tower crane - Refused 1982

S/0927/82/F- Warehouse and joinery workshop - Refused 1982

S/0204/80/F - Builders store and joiners workshop - Refused 1980, Appeal dismissed following public enquiry 1981.

S/2090/78/F - Workshop with offices - Refused 1979

S/1834/77/F - Conversion to offices - Approved 1978

S/1200/74/F - Change of use to winter quarters and headquarters of circus - Approved 1975 for a temporary period of 3 years.

C/0542/63 - Covered area for the storage of bulk coal and washing of coal.

C/0011/63 Parking one caravan - Approved 1963, temporary consent for 2 years

RC/0201/60- Use for storage and packing - Approved 1960 and 1962

RC/0059/59 - Use as warehouse or repository - approved 1959

#### **Planning Policies**

*National Planning Policy Framework*

11. National Planning Policy Framework (2012) - Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
12. Circular 11/95 - The use of conditions in Planning Permissions : Advises that condition should be necessary relevant to planning , relevant to the development, enforceable, precise and reasonable in all other respects. The Circular advises that 'a personal condition to a company is inappropriate because it shares can be transferred to other persons without affecting the legal personality of the company. This condition will scarcely ever be justified in the case of a permission for the erection of a permanent building (paragraph 93)

*Local Development Framework*

13. South Cambridgeshire Core Strategy Development Plan (2007)  
ST/5 (minor rural centres)
14. South Cambridgeshire Development Control Policies Development Plan (2007)
  - DP/1 - Sustainable development
  - DP/3 - Development Criteria
  - DP/7 - Development Frameworks
  - ET/1 - Limitations on the Occupancy of New Premises in South Cambridgeshire
  - ET/4 - New Employment Development within Villages
  - ET/5 - Development for the Expansion of Firms
  - NE/1 - Energy Efficiency
  - NE/14 - Lighting proposals
  - NE/15 - Noise pollution

*Draft Local Plan*

15. South Cambridgeshire Local Plan Proposed Submission
  - S/8 Rural Centres
  - HQ/1 Design Principles
  - E/12 New Employment Development in Villages
  - SC/10 Lighting Proposals
  - SC/11 Noise Pollution
  - TI/2 Planning for Sustainable Travel
  - TI/3 Parking Provision

**Consultations**

16. Cottenham Parish Council – Recommendation of refusal of the application as originally submitted on the grounds that:
  - a) it would be a significant over intensification of the site and the excessive traffic movements generated.
  - b) The mezzanine windows shown on the plans directly encroach on the privacy of neighbouring residential properties, despite the application stating that they are specifically for privacy.
  - c) The design and access statement states that the site has been extensively improved with a new entrance; however the removal of gates and a wall has directly impacted on the privacy of residents. Additionally the Parish Council considers there to be a number of inaccuracies in the application:

- d) The units aren't currently being used as described in the application (the proposed storage extension states it's to an existing block of storage; however the units are being rented out as business properties). The Parish Council are of the opinion that should permission be granted for this extension then a further application for change of use would follow, resulting in further traffic generation.
- e) The opening hours mentioned in the traffic report differ from those on the application form. Indeed the businesses on the site operate 7 days a week and traffic is generated from before 7am and after 9pm at night. This causes disruption and noise which affects neighbouring residential properties.
- f) Traffic movements on the site are considerably more than stated on the traffic report and are above Government guidelines. Emergency access is very poor, as highlighted during a large fire in the vicinity in 2006. The road is highly unsuitable for large vehicles, with very narrow access both on and to the site. There are a significant number of vans and lorries now using the site and, since this is an unadopted road with no pavement, this has significantly impacted on the safety of residents. Any increase in vehicle movements, be it either vans or cars, would drastically affect residents. Given these factors it would be fitting for a full traffic assessment to be carried out.
- g) Section 3.1 of the design and access statement says that there is a footpath running parallel to the carriageway on both sides. This is wholly untrue.
- h) The planning history report submitted has omitted 3 rejections for planning on this site, all based on over development.
- i) The application form states that there has been no pre-application advice however there has been constant consultation with yourself over a prolonged period.
- j) Section 6.4 of the design and access statement states that prior to the construction of the units various businesses operated from the site but following the economic downturn only HC Moss remain and this has had an impact on the amount of traffic leaving/entering the site. This statement is wholly untrue and there are numerous businesses operating from the site.

17. The Parish Council has summarised its concerns as follows:

- k) Although it can be argued there is a need for small business units this particular location is far from ideal. The site has increased well beyond the capacity of the narrow access road and is now unsustainable. Given the over development, excessive traffic movements, loss of privacy for residents and noise/nuisance it would be completely inappropriate to grant planning permission in this instance. Conditions made to previous applications for this site have been flagrantly ignored and the applicant has shown a blatant disregard for the planning process on numerous occasions.
- l) It strikes the Parish Council that the reasons stated for rejection of an application in Ivatt Street, Cottenham (S/1209/13/VC) relating to a commercial property would also be wholly applicable to the Millfield application. Ivatt Street is a narrow, privately owned road exactly the same as Millfield. The reasons for rejection were stated as (relevant extracts):
  - I. 'noise/disturbance from vehicles accessing the site and, due to the lack of on-site turning provision and narrow width of Ivatt Street, manoeuvring within Ivatt Street in close proximity neighbouring residential properties. As a result, the proposal would result in an unacceptable level of noise and disturbance to surrounding residents, contrary to Policy DP/3 of the adopted LDF, which states that planning permission will not be granted where proposed development would have an unacceptable adverse impact on residential amenity.
  - II. 'The application has not been supported by sufficient transport information to demonstrate that the proposed development would not prejudice the satisfactory functioning of the highway. Consequently, the proposal is contrary to Policy DP/3 of the adopted LDF, which states that planning permission

will not be granted where proposed development would have an unacceptable adverse impact from traffic generated.'

m) With reference to point 2 in the Ivatt Street refusal notice, the Parish Council notes that HC Moss have actually supplied a traffic assessment which states that there would be an adverse impact from traffic generated. With such a precedent in place it would therefore be desirable to see a consistency in the planning decision regarding the Millfield application.

#### **Council's Environmental Health Officer**

18. No objection.

#### **Local Highway Authority**

19. Originally stated that : the LHA does not oppose the proposal, stating that: 'Given that Millfield is a private road and that the proposed removal of Condition 4 of S/1867/06/F is unlikely to significantly change the nature and or the level of vehicular movements to and from the site, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of planning permission'. This advice was given on the understanding that the 2006 permission had been implemented.
20. Following the submission of information from Atkins (30 April 2014), further additional information submitted by the applicant (17 June 14) and information submitted by residents on the (17 June 14) a further assessment has been made taking all the evidence as presented and while the use of Rooks street and Millfield may not be unusual in terms of traffic numbers (all modes), the access to Millfield is so constrained that in my opinion any increase in motor vehicle movements though this access (as predicted by the Atkins Study) would be a hazard above and beyond the normally meet within the highway both adopted and unadopted. It is clear that the local residents have some quite serious concerns in relationship to the use of Millfield. Whereas, this street is not an adopted public highway, it is in all probability a highway within the meaning of the Highways Act 1980, so I have considered its use along with that of Rook Street.
21. Under the circumstances the Highway Authority requests that the application be refused on the grounds of highway safety.

#### **Cambridgeshire Fire and Rescue**

22. No objection. Recommendation for a condition to be attached to any planning permission issued for adequate provision to be made for fire hydrants.

#### **Police Architectural Liaison Officer:**

23. No objection on the grounds of crime and disorder or community safety.

#### **Environment Agency:**

24. No objection.

#### **Representations**

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

25. Ten letters of objection have been received from Millfield, Corbett Street and Rooks Street. Together with one e-mail providing further transport monitoring carried out by a local resident. The grounds of objection are:

*Principle of development*

- a) This is an undesirable form of commercial over-development of the site.
- b) It does not make sense to say that more businesses will have a negligible effect on traffic from the site.
- c) Contrary to planning policy.
- d) Further development of the site is not suitable in a residential area.
- e) There are under-used units elsewhere in the village which would be better suited for this type of development.

*Millfield Road*

- f) Millfield is a single unadopted track that is in poor condition. It is unsuitable to accept any more traffic, or heavy traffic. It is used by pedestrians, including children, the elderly and infirm.
- g) The road surface on Millfield is bumpy- HC Moss should maintain it.
- h) Parking takes place in the visibility splays.
- i) Lorries visiting the site reverse into Millfield and even Rook Street
- j) Traffic entering and leaving The Maltings already travels too quickly, causing many near misses on Millfield.
- k) The junction with Rooks Street and Corbett Street has poor visibility, and is dangerous for pedestrians and playing children. Emergency vehicles would have difficulties using it.
- l) The 'No Access for HGVs' signs are not completely effective, as HGVs use the road to visit the site
- m) The Council does not let its own refuse vehicles to use Millfield but sends smaller wagons instead.
- n) Damage to the barn and fence at 67 Rooks Street.

*Rooks Street and Corbett Street*

- o) Rooks Street and Corbett Street are unsuitable to take an ever increasing volume of commercial traffic.
- p) On street parking on adjacent roads has increased since the 1950s making it more important that only appropriately-sized vehicles attempt to access the site.
- q) Rooks Street does not have footpaths on both sides down its entire length
- r) Large vehicles reverse in Corbett Street to access Millfield.

*Site and development*

- s) The business units already operate at weekends and between 7am to 7pm.
- t) Limit hours of use to 7am- 7pm.
- u) The proposal has too many parking spaces.
- v) No area for the storage and collection of waste is shown on the plans.
- w) The application form does not indicate the external materials used.
- x) No consent for foul drainage has been granted.
- y) The ground is likely to be contaminated.
- z) Removal of boundary fence on northern boundary.
- aa) No screen fencing on the south western boundary.
- bb) Removal of screen wall from the frontage.
- cc) Removal of trees on the site.
- dd) Visually damaging in the landscape.

### *Residential amenity*

- ee) Overlooking of adjoining properties.
- ff) Noise and disturbance every day.
- gg) Existing units operate unsociable hours in the early morning and late into the evening.
- hh) External lighting stays on overnight.

### *Transport Statement*

- ii) The Transport Statement is wrong because it assumes that planning permission for the building already exists and does not take into account the existing 17 businesses on the site. If approved there would be 28 businesses operating from The Maltings.
- jj) The use of Passenger Car Units in the Transport Statement is misleading as most additional movements will not be passenger cars.  
The additional transport study carried out in June 2014 shows that the increase in traffic is causing considerable harm to highway safety due to the increase in vehicles using the access.
- kk) Photographs included show a recent accident at the junction (March 14)  
The condition of the road is poor and further damage to residents properties is being caused by heavy goods vehicles using the site and again photographic evidence is provided.

### *Planning History*

- ll) At least six previous applications were made retrospectively.
- mm) Refusals of planning permission are not shown on the Design and Access Statement.
- nn) An Inspector at appeal has stated that further development of the site would be unsuitable.
- oo) There is no reason for the Council to reverse its decision in 2007 to limit the occupation of these units to H C Moss Ltd.
- pp) Concern about lack of planning enforcement at the site.
- qq) Two residents have provided a series of photographs showing Millfield being accessed by HGVs, and alleged damage to property fronting Millfield.

### **Cottenham Village Design Group**

- 26. No objection. The buildings, although functional, are suitable for the proposed uses and in this location are acceptable. The Design Group supports the creation of local employment opportunities but in all cases these should be designed and sites with sensitivity to the location, including design of the highways infrastructure leading to them.

### **Representations from the applicant and Transport Consultant**

- 27. The applicant has stated in response to third-party representations received:  
“The objections to our planning application appear to relate mainly to the whole site and in particular to the existing units to the rear of the yard which can be used lawfully at weekends and evenings and not to the units which are the subject of the planning application. In particular in the existing units to the rear of the yard one business stores mobile pizza ovens and another houses an ice sculpture business both of which regularly operate weekends and evenings.



28. 'It must also be taken into account that the whole site is open and we have been advised on a number of occasions that vehicles have been seen in the yard over weekends which have no connection with any businesses that operate from the yard. In addition vehicles do park outside the new units which are the subject of the planning application without our consent. In the context of the wider picture it must be borne in mind that the lapsed planning consent to build the units for our sole use as offices and storage would have generated movements of large and heavy vehicles delivering building materials in bulk and moving pieces of heavy plant such telescopic folk lifts, scaffolding and cement mixers. The proposed new use would generate traffic movements with mainly lighter vehicles.
29. 'It must also be borne in mind that given the fact that there has been no material adverse change in planning policy since the lapsed planning consent was granted a new identical planning application could not reasonably be refused. Therefore, in my opinion, the principle of the development and use has been established.
30. The crux of the issue is who should use the units, us who would generate larger vehicle usage or other businesses which generate light to medium size vehicle usage.
31. I am unable to identify the destinations of the vehicles photographed other than to observe that the vehicles are photographed entering or exiting Millfield which, although likely, does not prove that the destination is the Maltings. These photographs only demonstrate that Millfield is used by HGV's which is not disputed. They do not however demonstrate the number of vehicle movements in any given period or the times of deliveries'.
32. The applicant does not accept that vehicles visiting the site have caused damage to an adjacent property (see paragraph 33 above).
33. The applicant's Transport Consultant has stated:  
It is quite clear that most of the objectors do not understand the planning process. They are making objections to the development as a whole, wishing to treat the application as if the whole site was 'greenfield' rather than considering the planning application for units that form a small part of the development and generate little traffic, which is considered in the Transport Statement. No doubt the Planning Authority will realise this and weight the objections accordingly along with the consultation of the County Council as Highway Authority who I understand have raised no objections to the development.

### **Material Planning Considerations**

33. The application relates both to the building that has been erected and to the use and occupation of the building. Retrospective building on site as operational development
34. The application is retrospective. It should be noted that planning permission for the erection of the building substantially to which the application relates was granted on 17 February 2007 with a condition that development should commence within three years (S/1867/06/F). Development was still being carried out in April 2012 at the date of the submission of planning application S/0693/12/VC, and upon further investigation planning officers considered that insufficient evidence had been provided by the applicant to show that building work had commenced prior to the required date.

35. The current application is intended to regularise the situation by seeking retrospective planning permission for the development as built. The building that has been erected accords with the 2007 planning permission in terms of height, scale and siting, but differs in other respects:
- a) Mezzanine floors have been inserted in five units.
  - b) Roller shutter doors have been replaced by windows in four units.
  - c) Rooflights have been added to all units.
  - d) Parking, turning and access to the rear (north western) part of the site layout has been revised and the above items have been included together with details of:
  - e) Cycle parking has been included.
  - f) A proposed extension to the existing building the south has been omitted.
  - g) Walls and a gate have been removed from the frontage.

### **Principal of Development**

36. The site has been used for the purposes of non-residential for a period in excess of 30 years, and has operated as a builder premises for over 20. The current application seeks to intensify that use by sub-dividing the units to allow additional business to trade from those premises.
37. The retrospective application proposes the facility to allow the occupation of each of the new units by independent businesses either as Class B1(a) offices or for Class B8 storage. All but two units have already been let to independent occupiers. This differs from the 2007 planning permission which limited occupation to the applicant company, for the reason 'to assist the expansion of this local firm and to minimise additional traffic movements which may be generated by another occupier' (Condition 4 of S/1867/06/F).

### **Existing Businesses**

38. The units operating on site are all small independent business, the applicant has continued to advertise and rent the units in full knowledge of the current planning situation.
39. South Cambridgeshire promotes small businesses and the presumption is in favour of the expansion of business under policies ET/4 and ET/5 of the South Cambridgeshire Development Control Policies 2007, therefore the principle of the development is considered acceptable.

### **Residential Amenity**

40. The Parish Council and one objector have expressed concern about overlooking from rooflights in the premises. This concern is not supported by officers as the roof lights have been erected above eye level and do not give rise to overlooking of adjoining dwellings to the south.
41. The Parish Council and some objectors have concern about the removal of the frontage wall, which has given rise to issues of amenity to occupiers of nearby dwellings. In the event that Members are minded to grant planning permission it is recommended that a condition is attached to require the reinstatement of a suitable frontage enclosure and landscaping to improve the visual amenity of the site.
42. Details of external lighting on the new units and parking area can be controlled by condition in consultation with the Environmental Health service. This would minimise

harm to the amenity of adjoining residents. The applicant has stated he will install movement sensitive lighting to resolve the issue of lighting causing a nuisance to nearby residential properties and this could be secured by a condition.

43. The issue of noise and disturbance caused by vehicles delivering to the site has been raised in several complaints received by the Enforcement Officer. These highlight deliveries to the site as early as 02:00 in the morning to one of the businesses known as the 'Sausage Company'. On investigation deliveries to this business are necessary early in the morning as the business operates from before 07:00 when the vans are taken to site. The applicant has indicated that he would be willing to accept conditions associated with deliveries to and from the site. However, It is important to note that the rear business units have also traded for the site for many years and are not controlled by planning conditions associated with deliveries. Therefore the inclusion of a control on deliveries to these premises would be difficult to monitor and almost impossible to enforce as it would not be clear which vehicles are visiting which premises.
44. Concerns about traffic entering and leaving the site outside these hours have been expressed by the Parish Council and local residents. The applicant has insisted that any vehicles operating at these hours are by occupiers of the existing units at the rear of the site. This issue is being investigated separately by officers, having regard to the restrictions imposed by the Secretary of State in 1976. It is not considered to be a material consideration in the current application because this relates to different units on a different part of the site.
45. The noise and disturbance associated with this site, is difficult to control due to the uncontrolled nature of the rear site. It is difficult to assess which vehicles are attending the application premises and which are visiting the rear of the site. The provision of a further consent would simple exacerbate the problems of noise to nearby residents by virtue of additional vehicles. On balance the noise created by this use has a serious impact on the residential amenities of nearby residents and is therefore considered contrary to DP/1, DP/3 and NE/15 of the adopted South Cambridgeshire Development Control policies 2007.

### **Highway Safety**

46. Member may recall that this application was deferred in October 2013, subject to an additional monitoring report the original submitted Transport Statement indicates that the additional element that would be generated by the occupation of the units by independent firms would amount to 8 Passenger Car Units (PCUs) a day.
47. Whilst the transport movements alone show an increase, the independent assessment carried out by Atkins also revealed that there would be an increase in vehicle movements. It concluded that comparing this analysis with analysis submitted by the applicant, as part of the 2013 planning application, the total number of Passenger Car Units (PCUs) more or less matches that predicted within the revised transport assessment (9 PCU increase). However, quoting the number of PCUs does not provide a full assessment of the anticipated impact as, whilst there is an anticipated decrease in HGV movements, there is a larger anticipated increase in car movements.
48. Taking into account total vehicle numbers the new revised application is anticipated to generate between 15 – 21 additional two-way daily vehicle trips. Copy of the findings of the report are attached Appendix 1.

49. Following the Atkins report the applicant was encouraged to submit a further monitoring report on Rooks Street, to provide additional evidence to support the application this report shows that a: the capacity of the road has not been exceeded by the uses operating from the site and additional capacity also exists, b) volumes are below the national average of a residential street of this size, c) the vast majority 94% are motor vehicles, d) speeds below the speed limit, e) little use of the footways by pedestrians and f) excellent accident record over the last 5 years. Copy of the findings of the report are attached Appendix 2.
50. In addition the local residents submitted a report which provides detailed evidence of issues associated with road safety, damage to private property and highlight the issues of noise and disturbance. Copy of the findings of the report are attached Appendix 3.
51. In practice the vehicles associated with the proposed use are for smaller vehicles in comparison to the large vehicles association with H C Moss (Builders) Ltd storage use.
52. The Local Highway Authority has accepted the assessments above and have concluded that, it considers the net increase in traffic arising from the proposed independent occupation of these units based on the revised transport assessments submitted would be unacceptable, as the increase in traffic flows would have a serious impact on the public safety. Therefore on balance the application is recommended for refusal.
53. The Parish Council and local residents have drawn attention to the shortcomings of the road network serving the site, including the limited width of Millfield. This issue has been considered in previous planning applications at the site, including two public inquiries. The most recent of these appeals, S/0204/80/F, was dismissed in September 1981 on highway safety grounds, but this was for a significantly larger joinery and workshop building which could have been expected to generate larger vehicles and whilst this was previously considered in the report in October 2013 that this decision could not provide a precedent for the consideration of the current proposal the significant data submitted within this application concludes that the access should be refused on highway safety grounds.
54. The amended proposal is shown to be provided with 24 vehicle parking spaces including 2 spaces for vans and a turning head which has not yet been implemented. This exceeds the maximum parking requirement as set out in the standards of the current LDF of 21 vehicle spaces, but not by a significant number, and is not considered to amount to a reasonable ground to refuse planning permission. It should be noted that in the emerging Local Plan Policy TI/3 maximum parking standards have been replaced by design-led indicative standards.
55. The applicant has agreed to post signage to discourage unauthorised parking by third parties in the visibility splays at the entrance in order to safeguard visibility at the entrance and to discourage reversing into Millfield. However, by the time these will be visible to drivers they will already have navigated a difficult road and therefore may cause an issue with reversing down a small street such as Rook Street, causing a danger to other road users.
56. The applicant has set out his intentions to continue to maintain that stretch of the road surface of Millfield in use by vehicles from The Maltings, as a voluntary measure. It is not considered practicable to impose any requirement to this end as part of any planning permission granted, as the applicant does not own this length of road nor

has been shown to be fully responsible for the wear on the road's surface. Therefore no assumption on an improvement to the road surface can be made. It is currently in a significant poor state of repair which is causing an issue of safety to road users contrary to policies DP/1, DP/3 and TR/3 of the South Cambridgeshire Local Development Control Policies 2007.

57. On balance taking all the information as submitted into account the application is considered unacceptable and therefore contrary to policy DP/1, DP/2 and TR/3 of the adopted South Cambridgeshire Development Control policies 2007

#### **Other matters.**

58. The Parish Council has drawn attention to a recent refusal of planning permission for increased numbers of children to attend at an existing playgroup at 14 Ivatt Street, Cottenham- S/1209/13/VC. This was an application at premises located on a private drive in a backland position which was refused on the grounds of disturbance to nearby residents from noise from additional children playing and traffic accessing the site, and insufficient transport information. The circumstances of the proposals were significantly different. The lack of a Transport Assessment, the concentration of traffic movements at certain times of the day, the presence of noise from playing children, and the cramped facilities on the site are all differences compared to the current proposal, and which drew recommendations of refusal from Environmental Health and the Local Highway Authority. Applications are required to be assessed on their merits in each instance, and application S/1209/13/VC is sufficiently different in its impact as not to amount to a precedent for the consideration of the current proposal.
59. Building Regulations consent has been granted for the development. This included approval for means of surface water and foul drainage.

#### **Conclusions**

60. The site lies with the development framework of the village
61. The expired planning permission for the development of this part of the site (S/1867/06/F) permitted a building of the same scale and similar appearance to that which has been erected.
62. The concerns raised by the Parish Council and local residents relating to the appearance of the development and overlooking are either not supported by officers or could be resolved by the imposition of suitable conditions on any planning permission granted.
63. The occupation of the building by independent operators within Classes B1(a) and B8 is predicted to give rise to an increase in trips generated which is clear from the transport assessments carried out, This is likely to give rise to a significant highway safety issue and this assessment is supported by the Local Highway Authority.
64. The amenity of local residents can not be safeguarded by the imposition of suitable conditions to any planning permission issued, as these are difficult to monitor and enforce due to the nature of the rear of the site.

#### **Reasons for refusal**

1. The site has an existing use as storage the building was authorised in February 2007 but the building works did not commence within 3 years and therefore that

building has not been lawfully erected. The use permitted within that application was a personal consent necessary to ensure the applicant could expand his business operation and was for Class B8. The applicant subsequently, built the unit and sub-divided it into 10 independent units which are now a mixture of Classes B1 and B8. By virtue of the intensification of the existing use from Class B8 use to Classes B8/B1 and the sub-division of the building it considered that the development would be detrimental to the amenities of nearby residents due to noise and disturbance as such the proposal is contrary to policies DP/1, DP/3 and NE/15 of the South Cambridgeshire LDF adopted 2007.

2. The development by virtue of the net increase in traffic arising from the proposed independent occupation of the units would result in an unacceptable increase in traffic flows which would seriously impact on public safety as such the proposal is contrary to policy TR/3 of the South Cambridgeshire LDF adopted 2007.
3. The use of the premises by independent companies is not supported by any details to assess how the applicant will seek to reduce car dependency and is as such contrary to DP/2 of the South Cambridgeshire LDF adopted 2007.

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Core Strategy Development Plan (2007)
- South Cambridgeshire District Council Development Control Policies adopted 2007.
- Planning File Ref: S/0767/13/FL

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# Planning Dept - South Cambridgeshire DC



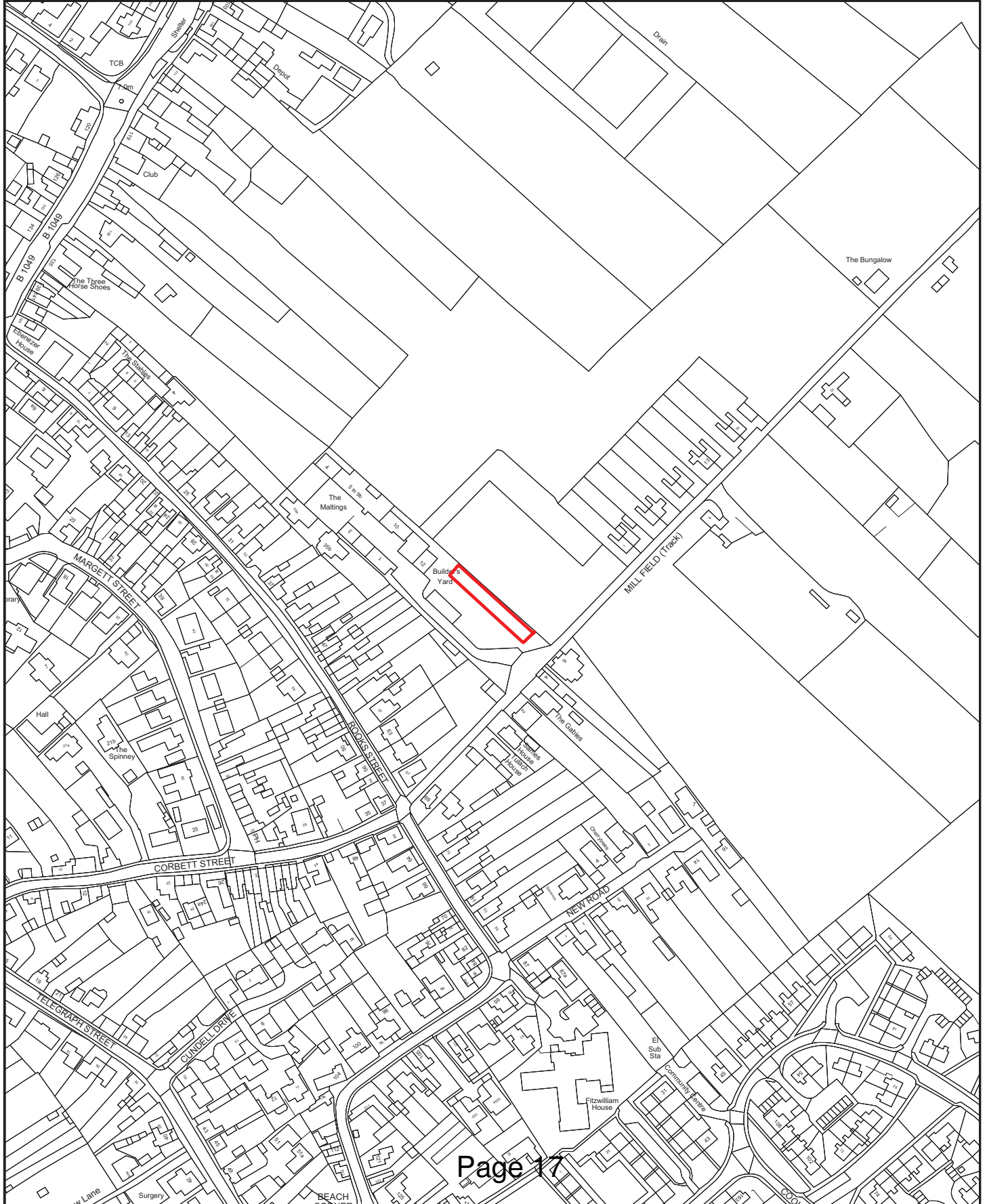
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Cambridgeshire  
District Council

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# Agenda Item 5

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0638/14/FL
<b>Parish(es):</b>	Cottenham
<b>Proposal:</b>	Change of use to a Gypsy and Traveller residential site involving the development of four day rooms, and the siting of up to 10 caravans, of which no more than five would be mobile homes.
<b>Site address:</b>	1-5 Pine Lane, Smithy Fen, Cottenham
<b>Applicant(s):</b>	Mr Thomas Wall
<b>Recommendation:</b>	Approve
<b>Key material considerations:</b>	Effect on the character and appearance of the countryside; Impact on the nearest settled community; Flood Risk; Contamination; Foul drainage; General need for gypsy and traveller pitches in the district; Circumstances of the applicants; S106 Obligations
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The officer recommendation is contrary to the views of the Parish Council
<b>Date by which decision due:</b>	16 May 2014

### Planning History

1. S/0958/03/F. Retention of Existing Caravan Site. Refused.
2. A99/W0530/C/03/1113679. Appeal against Enforcement Notice issued requiring the cessation of the use of the land as a caravan site and for the land to be restored to its condition before the breach of planning control took place. Appeal allowed.

3. S/0010/11 Siting of 2 static caravans, 2 touring caravans, 2 utility blocks, one temporary portaloo and parking for 4 vehicles. Refused. Allowed on appeal.

### **Planning Policies**

4. *National*
5. National Planning Policy Framework
6. Planning policy for traveller sites (PPTS) (March 2012)
7. DCLG "Designing Gypsy and Traveller Sites: Good Practice Guide", May 2008
8. *South Cambridgeshire LDF Core Strategy DPD, 2007*  
  
ST/5 Minor Rural centres
9. *Adopted Local Development Framework, Development Control Policies*  
  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
NE/4 Landscape Character Areas  
NE/10 Foul Drainage  
NE/11 Flood Risk
10. *Draft Local Plan*  
  
H/19 Provision for Gypsies and Travellers and Travelling Showpeople  
H/21 Proposals for Gypsies and Travellers and Travelling Showpeople in unallocated sites outside the development frameworks  
H/22 Design of Gypsy and traveller Sites and travelling Showpeople Sites
11. *Supplementary Planning Document(s)*
12. District Design Guide SPD – adopted 2010

### **Consultations**

13. **Cottenham Parish Council** – Recommends refusal of the application on the following grounds: The development forms an unwelcome and unsafe use of the open countryside and it causes safety issues (recently proven by a fire engine being impeded when trying to access another area of the site whereby the road was blocked). The site was designed originally to have an area of open space in the middle and this development would be contrary to that. The application appears to 'stretch' the site and crowd the open countryside. Additionally the access road to the site is extremely poor and unable to sustain an increase in traffic. The site is unsustainable.
14. **Environmental Health (Contamination)** – The site has previously been used as a traveller site, with a range of uses. Recommend an informative be attached to any consent requiring a remediation strategy to be submitted should not previously identified contamination be identified.

15. **Cottenham Village Design Group** - The history of the plots here is complex and there has been a long history with the Design Group having previously objected to similar development of the site – our views here are unchanged. The Design Group is concerned by the continuing applications of this type in Smithy Fen. Despite some development, this area, which is outside the village framework, is still of essentially rural character with local distinctive open views of fen edge landscape. We consider that the cumulative effect of additions to the planning consents already granted would seriously threaten the character of this landscape. We also note that developments in this area do not conform to the essentially nuclear settlement pattern established within the parish and are likely to integrate poorly with the village and its facilities.
16. **Local Highway Authority** – No significant adverse effect on the public highway should result from this proposal should it gain the benefit of planning permission.
17. **Environmental Health (Licensing)** – No objection. All individual plots should comply with appropriate caravan sites associated legislation.
18. **Environment Agency** – No objection in principle to the development. The site is identified as being within floodzone 3 (high risk) and a strategy to assist occupiers in the eventuality of the flood defences breaching would be pertinent. Recommend conditions.

### **Representations**

19. Five letters of representation have been received from neighbouring residents opposing the application for the following reasons;
  - Anti-social behaviour including rubbish continually thrown into the ditch causing blockage, unsightly mess caused by foul water discharged onto neighbours property, infilling of the ditch, demolition of fences, litter, abusive language, fly grazing. Exacerbated by the size of the site.
  - Imbalance between the scale of the traveller site and the nearest settlement with the size of the site too large
  - More building is proposed than allowed under the original permission
  - The applicant continuous to disregard planning law and rewarding the applicant by granting permission would send out the wrong message
  - Landscape harm
  - The original permission was granted for named individuals who no longer occupy the site
  - Lack of adequate sewage system
20. A single anonymous phone call has been received in support of the application.

### **Planning Comments**

#### **Proposal**

21. The application proposal seeks full planning consent for change of use of plots 1 – 5 Pine Lane, Smithy Fen for use as a Gypsy and Traveller residential site involving development of four day rooms, and the siting of up to 10 caravans of which no more than five would be mobile homes.

22. The application is predominately retrospective with the plots occupied by caravans and mobile homes, but with ancillary structures (boundary treatment, concrete hard standing, day rooms) either partially complete or un-implemented.
23. The proposed plans do not correspond with the development on site, and differ as follows:
  - Plot 3 - the constructed day room includes an extension to its side, with the internal layout providing a bedroom. These alterations are not shown on the submitted plans.
  - All plots – the layout of the concrete hard standing on site differs to what is proposed in the application.
24. Officers have requested amended plans which reflect the situation on site but at the time of writing the report these have not been provided.

### **Background**

25. The council became aware in February 2003 that four plots (No's 1-3 and 6 Pine Lane) were partly occupied by caravans and proceeded to issue a Planning Contravention Notice, followed by an Enforcement Notice and Stop Notice requiring the use of the land to cease as a caravan site with the land restored to its condition before the breach of planning control. An application was made in April 2003 for the retention of the caravan site (Ref S/0958/03/F), and refused in June of that year. This application identified plots 4 and 5 as 'parking/amenity' area.
26. The Enforcement Notice was subject to appeal (A99/W0530/C/03/1113679), and at the time of the inquiry plots 1-3 and 6 were occupied by a total of 11 adults and 10 children.
27. The inspector considered the main issue to be the balance struck between any planning obligations (harm) and the needs of the applicants. In reaching the decision the inspector considered the development resulted in 'some harm to the character and appearance of Smithy Fen, but this is not great', and that flood risk concerns could be addressed by condition. Furthermore the appeal decision identified a general need for pitches in the area but considered this need would not outweigh the identified harm arising from a concentration of sites and landscape impact.
28. However, in granting permission the inspector gave significant weight to the individual needs and circumstances of the then occupiers stating 'it is probable, if almost certain, that if they are required to leave their own land the families concerned will be forced back to an insecure, uncertain and primitive life on the roadside or in a series of illegal encampments from which they might face eviction or prosecution at any time, with a loss of support of close family, disruption to the children's education and health and welfare of individuals.'
29. Consent was therefore granted due to the particular individual circumstances of the occupiers of the site, with the permission restricted to named occupants. These named persons no longer occupy the site.
30. Additionally condition 5 of the appeal decision required the use to cease on failure to provide a scheme of the site layout/foul and surface water drainage

details/means of reducing flood risk/boundary treatment and landscaping along with implementation plan. This condition was never complied with.

31. Plots 4 and 5 were subsequently occupied by caravans, contrary to the appeal decision, and the council issued an Enforcement Notice (PLAENF.4728) requiring the cessation of the use of plots 4 and 5.
32. Planning permission (S/0010/11) was sought and refused on 10 August 2011 for the 'Siting of 2 static caravans, 2 touring caravans, 2 utility blocks, one temporary portaloos and parking for 4 vehicles' on plots 4 and 5. This application was subject to a successful appeal (APP/W0530/A/12/217121) which allowed the development to be retained subject to a number of conditions including a requirement (condition 3) that within 3 months of the date of decision the applicant provide a scheme of the internal layout of the site including positions of caravans and hardstanding, with the failure to supply such a scheme resulting in the permission lapsing. This condition was never complied with.

### **Current position**

33. In summary, all of the plots (1-5 Pine Lane) subject to this application have previously been approved by the planning inspector. However a failure of the applicants to discharge the relevant conditions has resulted in none of these plots benefitting from an authorised consent.
34. Plots 1-3 and 6 (which is not subject to this application) were granted on appeal largely due to the individual needs of the then occupiers who no longer live on site.

### **Planning obligations**

35. In reaching a decision there is a need to balance the planning obligations resulting from the development against the general need for Gypsy and Traveller Pitches within the district, along with the individual circumstances of the applicants. In this case the planning obligations relate to: effect on the character and appearance of the countryside, impact on the nearest settled community, flood risk, contamination and turning circle.

### **Effect on the character and appearance of the countryside**

36. In the 2003 appeal decision (Plots 1-3 and 6) the inspector took the stance that views of the site are limited, with the gap between the existing authorised sites only making a minor contribution to the character and appearance of the wider landscape. The 2006 appeal related to plots 4 and 5 where the inspector noted the site is difficult to see from the open flat landscape to the east and north, with the close boarded fence running the length of Pine Lane and Park Lane screening views from the south-west. The inspector went on to conclude only the tops of the caravans or mobile homes would be visible outside of Smithy Fen traveller site and these would be seen in the context of the authorised development, with their visual impact not materially harmful.
37. Whilst retaining this development would erode the gap between the two sets of authorised pitches along Setchel Drove and Water Lane, both previous appeal decisions considered the landscape harm arising from the development of these plots not to be significant.

38. The most recent (May 2014) appeal (APP/W0530/A/12/2181439) at Smithy Fen related to 5 - 11 Orchard Drive and 14 - 18 Water Lane where the inspector considered the impact on the landscape to result in 'modest harm to the countryside'. These appeal sites are not well related to plots 1-5 Pine Lane and therefore the inspectors comments, as relates to landscape impact, cannot be given significant weight.

#### Contamination

39. The councils Environmental Health (contamination) officer does not raise any specific concerns recommending an informative note be appended to any permission granted.

#### Foul Drainage

40. Limited details of the method of foul drainage accompany the application and it is necessary to control this through condition.

#### Impact on the nearest settled community

41. In the 2014 appeal (5-11 Orchard Drive and 14-18 Water Lane) the inspector in addressing the issue of tensions with the local settled community of Smithy Fen notes the site dominates this community with the activities spilling out and impacting on the living conditions of other residents, and considers it a reasonable concern that any significant increase in the size of Smithy Fen traveller site would exacerbate these tensions, conflicting with the objectives of Planning policy for traveller sites.
42. The inspector goes on to conclude the additional three pitches would be unlikely to materially add to any existing adverse off site impact on local infrastructure or living conditions and attaches little weight to this concern.
43. At the time of this decision the inspector would have considered the development at plots 1-6 Pine Lane as benefitting from a lawful use. With the overall size of Smithy Fen traveller site remaining unchanged, since the 2014 permission, no material increased harm is identified.

#### Flood Risk

44. The site is located in flood risk zone 3 (high risk), with the Environment Agency not objecting to the principle of development and recommending conditions including setting floor levels a minimum of 300mm above the surrounding ground level and provision of a scheme relating to foul water drainage. Subject to these conditions the development is considered 'safe'.
45. In addition to being considered safe developments are required to be 'sequentially' tested, with alternative 'reasonably available' sites at a lower risk of flooding discounted before sites at a higher risk are considered suitable. Given the lack of alternative provision within the district it is not considered there are alternative 'reasonably available' sites at lower risk of flooding and as such the application is considered compliant with flood risk requirements.

#### Turning circle

46. At the time of the 2003 appeal decision Pine Lane was a cul-de-sac with plots 4 and 5 designated as a turning area for large vehicles such as emergency vehicles. The inspector in the 2012 appeal did not consider this a necessary requirement as by then as Pine Lane and Park Lane were linked. Pine Lane has since reverted back to a cul-de-sac.
47. Building regulation requirements for housing estates require a minimum turning circle between kerbs of 16.8m to allow access for fire and rescue service vehicles. The site layout does not include a dedicated turning area, however sufficient land is available to achieve this provided amendments are made to the plots. This can be controlled through condition.

**Need for Gypsy and Traveller pitches and the circumstances of the occupiers of the site**

48. General need for Gypsy and Traveller sites in the district
49. Local planning authorities are required to set targets for the provision of Gypsy and Traveller pitches which address the likely site accommodation needs of the travellers in their area. The council, along with neighbouring authorities, undertook a Gypsy and Traveller Accommodation Needs Assessment (GTANA), which identified a need to provide 85 pitches in South Cambridgeshire by 2031. On the basis of this assessment no further allocations are proposed in the emerging Local Plan.
50. The inspector in the 2014 appeal decision at Smithy Fen expressed 'considerable reservations' of the approach adopted by the council in determining the need for Gypsy and Traveller pitches, and concluded there is a current shortage of traveller sites with a lack of prospect of future provision. This decision is a material consideration.
51. Notwithstanding the appeal decision the council considers the GTANA an effective means of establishing the need for traveller sites in the district. However further work addressing some the queries raised by the inspector is being undertaken and will assist the Local Plan examination where this issue will be scrutinized.
52. Importantly the 'target' figure set out in the GTANA is the minimum number of pitches identified to be met and there is no maximum requirement. Planning policy for traveller sites acknowledges this and advises criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. The councils proposed approach for dealing with such applications is set out in policy H/21 of the emerging Local Plan.
53. Specific need for the occupiers of the site
54. The applicant advises the plots will be occupied as follows;
- Plots 1 and 2 – Tommy and Roseanne Wall and their two children aged 3 and 6, and Kevin Wall and his partner
  - Plot 3 – Gerry and Kathleen Wall and their three children aged 4, 3 and a unspecified number of months
  - Plots 4 and 5 – Tommy and Kathleen Wall, their daughter and her two children aged 12 and 10.

55. This supporting statement goes on to advise the applicants are Irish Travellers with a cultural tradition of nomadism and caravan dwelling, travelling to work principally in gardening and property maintenance, but require a stable home in order:

- for the children to attend school (4 in school and 2 in nursery) on a regular basis which will provide them with a better education and more opportunities than their parents
- to provide safe stable conditions which are appropriate for children to live in
- offer mutual support of living as an extended family which has been useful in coping with the recent death of Tommy and Roseanne's baby
- the health needs of Mrs Wall and her daughter (Mrs Wall is in poor health and Kathleen suffers from depression)
- to have the stability to travel to seek work – to be able to travel to find work they need the confidence that their families have somewhere secure to live.

56. The benefits arising from the children being settled and attending school is a personal circumstance that adds considerable support to the application. As does the lack of alternative accommodation should the applicants be forced to leave the site. Limited details are provided of the health needs of the applicants and the extent of this need is unknown, and as such limited weight can be attributed to this.

***Balancing planning obligations against the general need for Gypsy and Traveller pitches and the circumstances of the occupiers of the site***

57. The proposed development is relatively small scale with both previous inspectors considering the development would not significantly harm the landscape character or materially increase harm on the residents of the settled community of Smithy Fen. In respect of flood risk, contamination and foul water drainage the development is acceptable subject to conditions and as such there is limited harm arising from the development.

58. In terms of the need the council does not consider there to be an unmet need for traveller pitches in the district, although the most recent appeal decision at Smithy Fen contradicts this assertion. The development would however provide accommodation for travellers who do not have alternative accommodation options, providing stability for the children attending school. For these reasons it is considered, on balance, the personal needs of the applicants outweigh the landscape harm.

**Other considerations**

59. *S106 Obligations*

60. The councils adopted policy requires contributions for new residential developments to be paid towards community facilities and public open space along with associated legal fees to meet the identified shortfalls in both community services and recreation infrastructure in Cottenham. The applicant is not



proposing to pay the stipulated contributions and members will need to consider whether it is necessary to seek these contributions.

### **Recommendation**

61. – Approve, subject to the following conditions:
62. Submission of details of the layout/boundary treatment/day rooms
63. Submission of details of turning area
64. Restriction of sites to named persons
65. Provision of details of foul drainage
66. No commercial activity
67. Requirement for accommodation to be set 300mm above ground floor

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scambs.gov.uk/localplan>

**Report Author:** Andrew Fillmore – Senior Planning Officer  
Telephone: (01954) 713180

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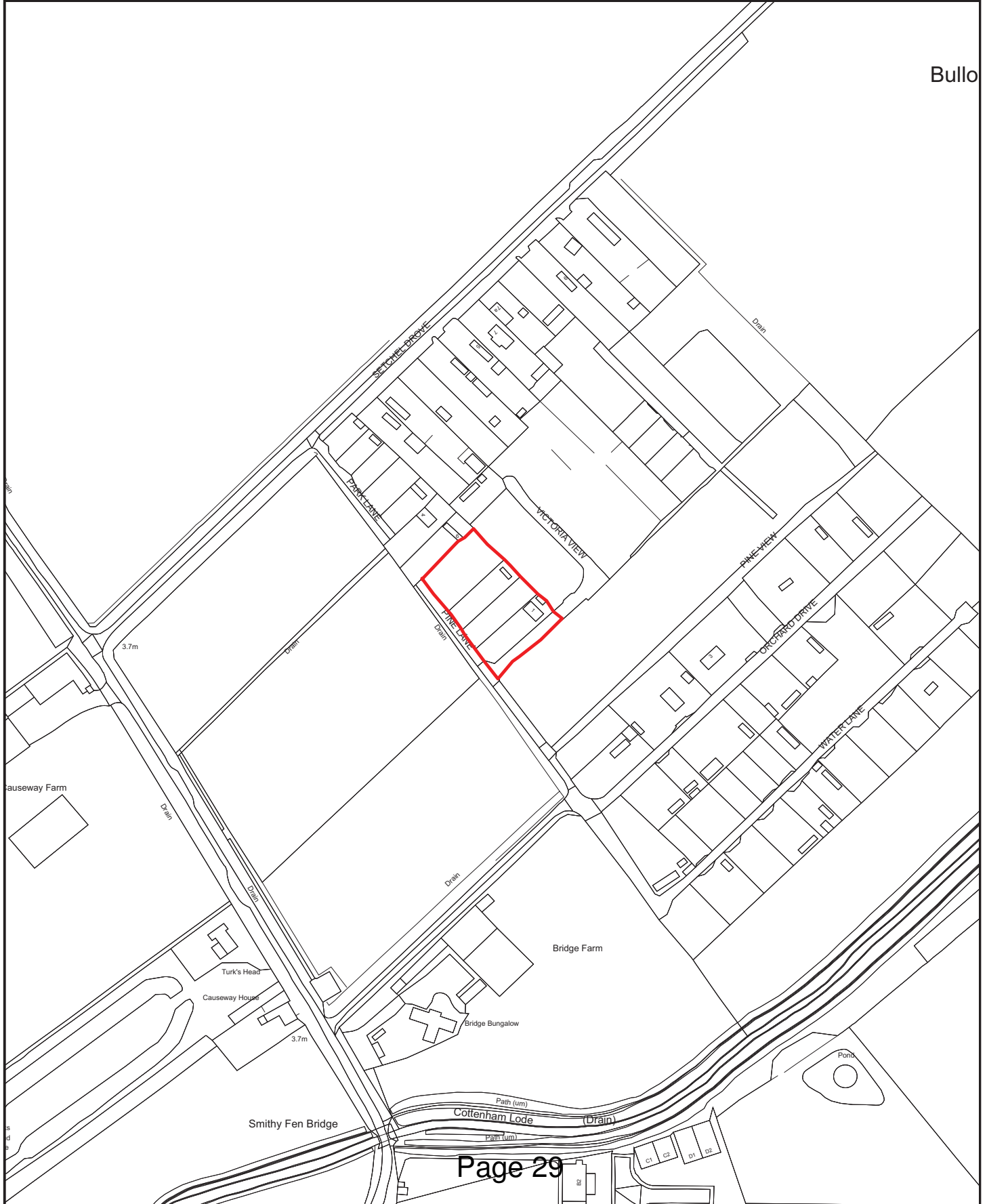
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# Agenda Item 6

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0098/14/FL
<b>Parish(es):</b>	Bassingbourn
<b>Proposal:</b>	Change of use of land from (1) agriculture to (2) mixed use for agriculture and use for the generation of renewable energy (solar)
<b>Site address:</b>	Land to the south of Bury Farm, Spring Lane
<b>Applicant(s):</b>	Push Energy Ltd
<b>Recommendation:</b>	Delegated Approval
<b>Key material considerations:</b>	Principle, Landscape Character, Loss of Agricultural Land, Heritage Assets, Biodiversity, Flood Risk, Highway Safety, Residential Amenity, Archaeology
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	Major Application of Local Interest
<b>Date by which decision due:</b>	18 April 2014

### **Planning History**

1. S/1765/13/E1 - Screening Opinion for Solar Farm - EIA not required.

### **Planning Policy**

2. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 2007**
  - DP/1 Sustainable Development
  - DP/2 Design of New Development
  - DP/3 Development Criteria
  - DP/7 Development Frameworks
  - NE/2 Renewable Energy
  - NE/4 Landscape Character Areas
  - NE/6 Biodiversity

NE/11 Flood Risk  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/16 Emissions  
NE/17 Protecting High Quality Agricultural Land  
CH/2 Archaeological Sites  
TR/1 Planning for More Sustainable Travel

3. **Submission Local Plan (March 2014)**

S/7 Development Frameworks  
HQ/1 Design Principles  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
CC/2 Renewable and Low Carbon Energy Generation  
CC/6 Construction Methods  
CC/9 Managing Flood Risk  
TI/2 Planning for Sustainable Travel

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

Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009

**Consultations**

5. **Bassingbourn Parish Council** – Recommends approval of the application as originally submitted. Comments on the amended details will be reported.
6. **Royston Town Council** – No objections, but concerns in respect of the Preliminary Landscape and Visual Appraisal document, paragraph 2.5 where Johnson Matthey was mentioned.
7. **North Hertfordshire District Council** – no comments received.
8. **Local Highway Authority** – objected to original proposal for the use of South End as access to the site. Comments on the revised access route from Spring Lane are awaited, however there is unlikely to be an objection in principle.
9. A condition will be required to ensure that a condition survey is carried out of the access route before works commence as the developer will be responsible for the repair of any damage to the adopted public highway that may be caused as a result of the operations. All deliveries to the site should be made outside of peak times to avoid conflict with the peak hour traffic along the access roads.
10. **Landscapes Officer** – does not object in principle, but requires additional planting, particularly at the southern end of the site. The site is likely to be seen in conjunction with Bury Farm at Melbourn and therefore cumulative impact should be assessed. Further comments on cumulative impact will be provided at the meeting.
11. **Trees Officer** – No objection subject to retention/protection of existing boundary planting.
12. **Environment Agency** – No objection. There are some concerns regarding surface water drainage from solar panel farms as they are relatively new and have no long term management records to date. In general, a field with impermeable panels is

going to behave differently to an agricultural field without panels. It is not really known what may happen over time as these solar farms are relatively new.

13. Whilst the soils in this area are fairly well-drained owing to the general calcareous coarse and fine loamy soils over chalk rubble, there could still be the tendency for intense rainfall to have concentrated run-off between panels. In view of this, as with other current applications for Solar Farms, there should be an ongoing inspection using a simple check sheet to ensure that any problems with run-off are picked up at an early stage.
14. It is recommended that a surface water drainage condition is appended to any consent, so that a dynamic strategy or inspection regime can be provided, which should include a check sheet, an example of which is provided.
15. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.
16. **Cambridgeshire County Council Historic Environment Team** – does not object in principle but requests any decision on the application is delayed until further appropriate archaeological evidence has been provided.
17. An archaeological desk-based assessment (DBA) has been undertaken, it does not attempt to discuss the impact that the application may have upon the settings of the Cambridgeshire and Hertfordshire scheduled monuments that are in proximity to the site, despite this being a requirement of NPPF (para 128). Furthermore, despite this application area being located at the county and district border with Hertfordshire and North Herts District, no appraisal of the Hertfordshire historic environment has been made.
18. The DBA does demonstrate the lack of archaeological information from the Cambridgeshire area, but does not consider this in relation to the similar lack of examination that has occurred in this part of South Cambridgeshire, which is the principal reason why so little is known from the area. That said, the gently undulating chalk landscape of this this area of the Cambridgeshire/Hertfordshire border contain numerous Bronze Age barrows (burial monuments), and fewer Neolithic long barrows and henge/ceremonial monuments. These were located in number and in proximity to the Icknield Way route, a Neolithic route that followed the line of the chalk geology from Norfolk, across the Chilterns to Wiltshire, and examples of scheduled barrows are known from the next field to the west of the application area (eg Historic Environment record refs MCB 4240, 4012, 4249, SM ref CB99). Those that are known survive(d) either as earthworks until relatively recently, or have been seen on aerial photographs when conditions of ripening crops and good flight angles combine to produce a good aerial image of the monuments in the landscape. Notably absent from the record are the contemporary settlements that are notoriously harder to locate, hence our understanding of the density and character of settlement of this period is poorly understood.
19. The Icknield Way passes by the site to the south, in the area of the Baldock Rd (A505), its route broadly followed and added to in later periods by long-distance medieval ways, such as Avenell Way that passes through the site in its northern part.
20. In order to prevent unnecessary damage to further burial monuments, which can contain between 1 and 20 burials, sometimes with varying numbers of later cremations reusing the earlier monument, and whose location may not yet be known, it is recommended that archaeological work is undertaken to present evidence that

will indicate the presence or absence of remains such as these for which a mitigation strategy should be approved as part of any planning consent. This would allow for the avoidance of impacts upon the remains either by defining embargoed areas, or by altering the foundation of the PV panels - to mount them on concrete shoes in the areas where any significant archaeological remains are present.

21. **Ecology Officer** – No objections.
22. **Environmental Health** – No comments.
23. **Campaign to Protect Rural England – Hertfordshire** – objects as the development would have an adverse impact on the important views northwards and north-eastwards across the Cam Valley from the extensive important chalkland common of Therfield Heath and the Hertfordshire Way.
24. The Landscape and Visual Appraisal (LVA) confirms that the proposed solar panel array will be seen from elevated positions to the south on Therfield Heath. However it includes a photograph which is unrepresentative of views from the Heath as it is taken from a point far below much of the Heath.
25. Contrary to paragraph 7.3 of the LVA, there could not be a clearer change in character at the A505 between the urban industrial area of Royston and the open countryside beyond it. This change in character is important and would be compromised by the introduction of what would appear, in views from the south, as a continuous rectangle of glass because of the tilt of the arrays and the distance between them.
26. The site is an elongated north to south rectangle, that will be seen as an entirely alien feature extending into open countryside when viewed from the Heath. The impact will be far from the minimal significance claimed application, and cannot be accommodated in the landscape.

### **Representations**

27. The occupier of Bury Farm, to the north of the site, comments that the visual impact of the proposal on Bury Farm and Walnut Tree Cottage has been vastly underestimated. The statement that the proposal will have a visual impact 'mainly on locations not commonly frequented by many people' is untrue. Ashwell Street is used by many on a regular basis, and is a loved and valued amenity in the locality.
28. The statement that the 'location is not considered particularly attractive countryside' is subjective, but untrue. The proposed planting on the north boundary of the site to minimise the impact on Bury Farm is inadequate.
29. The occupier of 16 Knutsford Road, Bassingbourn supports the application.
30. Comments on the revised details will be reported.

### **Planning Considerations**

#### **Site and Proposal**

31. The 25.9ha site is located outside of any village framework and within the countryside. It is an elongated strip of undulating agricultural land, situated immediately to the north of the A505 at Royston, and south of the village of Bassingbourn. The site is bounded by a public footpath on its west boundary, which



runs from the Icknield Way (Ashwell Street), which runs east-west 140 metres north of the site, south to the A505 and across into Royston. There is some existing planting on the north, east and west boundaries, but this is intermittent. As amended, the site extends to the boundary with the A505, where planting is again intermittent.

32. As amended, access to the site will be via Spring Lane, a narrow rural lane, into the eastern end of Bassingbourn and then east to the A1198. The closest residential properties to the site are Bury Farmhouse and Walnut Tree Cottage, which front Ashwell Street, 135m north of the site boundary. The front of these properties look towards the site. Highfield Farm, which comprises a series of residential properties, and former agricultural buildings now used as Business Park, is 260m to the east.
33. This full planning application, as amended by revised site plan received on 20 June 2014, proposes the installation of a 14.4MW solar photovoltaic farm along with 12 inverter houses, 6 transformers, a grid connection cabinet, a comms cabinet and a substation, for a temporary period of 25 years. There will be a 1.8m high wire stock security fence and low level CCTV cameras.
34. The photovoltaic panels will be mounted on steel frames that are angled to face south. There would be 1,152 arrays of panels (approx. 55,300 panels), running east to west across the site that measure up to 215m in length. Each panel would measure approximately 1.65m x 0.94m, and have a maximum height of 2.0m, and be angled at 20 degrees. The panels would be composed of modules with a dark blue/grey appearance, the face of which will be treated with a non-reflective coating, which will reduce glare to a minimum.
35. An access track would run along the west boundary. The inverters/transformers, grid connection/comms cabinets would be along the west boundary. These have a maximum height of 2.5m, with the substation/control room occupying the biggest footprint at 40m<sup>2</sup>. An underground route for the cable that connects the panels to the National Grid power line from the south west corner of the site, along the boundary of the A505 for a distance of 1km, to connect to an existing substation. The construction period is anticipated to be a total of 16 weeks, split into 2 phases.
36. The application states that the proposed installation will generate enough electricity to power approximately 3,240 homes.
37. The application is accompanied by a Design and Access Statement, Landscape and Visual Appraisal, Flood Risk Assessment, Transport Statement, Archaeological Desk Based Assessment, Ecological Appraisal, Statement of Community Involvement, and a Construction Management Plan.
38. The site is located within the East Anglian Chalk Landscape Character Area. The distinctive features of this area are the gently undulating arable landscape with large fields bounded by hedges and occasional small groups of woodland.

#### Key Considerations

39. The key issues to consider in the determination of this application are whether the principle of development is acceptable in the countryside and impact of the development upon the character and appearance of the area, archaeology, biodiversity, flood risk, highway safety or other matters.

#### *Principle of Development in the Countryside*

40. The proposal represents a major development for the generation of renewable energy and as such receives considerable support from national and local planning policy.
41. Nationally the NPPF has as one of its 12 core principles the requirement to support renewable resources. Reference is made throughout the NPPF to the support of sustainable development and renewable energy whilst paragraph 98 clarifies that applications for energy development ought not to be required to demonstrate the need for renewable energy.
42. The Government's commitment to electricity generation by renewable sources is set out in the Renewable Energy Strategy, and in particular the target that 15% of national electricity production should be derived from renewable sources by 2020. This target has been maintained under the Coalition Government.
43. Locally the development plan comprises the adopted Core Strategy and Development Control Policies DPD. The Core Strategy has as two of its four objectives the effective protection and enhancement of the environment, and the prudent use of natural resources. Policy DP/7 of the Development Control Policies DPD states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. Policy NE/2 relates to renewable energy and advises the district council will support proposals to generate energy from renewable sources subject to compliance with general sustainable development principles and additionally be able to connect efficiently to existing infrastructure and for provision to be made for the removal of facilities from site should the facility cease to be operational.
44. The site is located within the countryside. The installation of a solar farm is considered to represent appropriate development within the countryside providing given that there are no suitable brownfield sites available in the area of the scale required and the proposal would allow the land to continue to be used for agricultural purposes through grazing.

*Impact on Landscape Character and Appearance of the Area (including cumulative impact)*

45. The site currently consists of open undulating arable land, which rises to the south from Spring Lane, then falls away to the south, before rising again towards the Royston bypass. There is some existing planting on the east and west boundaries of the site, but this is absent in sections. The introduction of large arrays of solar panels and buildings would significantly change the character and appearance of the landscape from being open and rural in character to being semi-industrialised in character.
46. However, although the site will be viewed from the adjacent public footpath network, including the Icknield Way to the north, and from the elevated Therfield Heath to the south, it is not considered that there will be any significant adverse visual impact, provided that suitable additional landscaping is provided.
47. From the marked viewing point on Therfield Heath the site is set to the north east, and is therefore in a similar line of site to the commercial buildings at Highfield Farm off the A1198, and has the western end of the industrial estate on the edge of Royston in the foreground. Although the proposed panels will face south and extend this area of more urban development, the remainder of the countryside vista from the Heath will remain. The panels will not intrude above the existing skyline, and will therefore not have the same visual impact as some other forms of renewable energy

generation. The amended site includes additional land between the panels and the A505, which will allow for significant additional planting.

48. The potential cumulative impact of the proposals on the landscape also needs to be considered. Planning consent was granted at the May meeting for the construction of a 45ha solar farm development on land associated with Bury Lane Fruit Farm to the north east (S/2616/13/FL). That site is approximately 2.5km from the current site, although it is separated by the A1198 and the railway line. There will no views from the site itself, although there may be distant views of the Bury Lane site from the higher sections of Therfield Heath.
49. A further application for a 25ha solar farm development, on land north of the A505 and west of the A10, was received on 13 June, and is currently awaiting validation. The boundary of this site, which has been the subject of pre-application discussions and EIA screening, will be approximately 1km from the current site. There may be some views between the two sites, although these will be restricted by the A1198 and the sewage works adjacent to part of the boundary of the A505/A10 site. It will be possible to view part of the A505/A10 site from Therfield Heath, although the view from this point will be limited.
50. Although the development is not necessarily compatible with the existing landscape qualities of the area as the open arable landscape would be lost, the development would retain some of the characteristic features and provide additional planting that would be designed to ensure it is in keeping with the visual qualities of the area. The development is not therefore considered to have an unacceptable impact upon landscape character.
51. Officers are therefore of the view that the immediate landscape impact of the proposed site can be suitably mitigated, subject to additional planting, but will report the further assessment of potential cumulative impact at the meeting.

#### *Loss of Agricultural Land*

52. The site covers 25.6 hectares of arable land, and forms part of the Cokenach Estate Ltd, Barkway. The majority of the site is Grade 2, with a small part Grade 3. The proposal is not considered to result in the irreversible loss of this land given that it could be returned to its original agricultural use when there is no further need for the development. The land would be laid to grass on the site and although it is noted that it would not be cropped, there will be the opportunity to use the land for sheep grazing or biodiversity gain.

#### *Heritage Assets*

53. The site will be viewed from Therfield Heath, which contains a number of scheduled monuments in the form of Bronze Age barrows. Officers are of the view that the assessment above in respect of the potential landscape impact when viewed from Therfield Heath, can be applied to the impact on the heritage asset. When landscaped the solar farm will have limited adverse impact on the setting of the barrows. The installation represents a static feature in the landscape, and therefore has less of an impact on other potential forms of renewable energy generation, such as turbines

#### *Biodiversity*

54. The development is not considered to result in significant ecological impacts and would provide biodiversity gain. However, a condition requiring appropriate measures to secure ecological enhancement would be attached to any consent.

*Flood Risk*

55. The site is located within Flood Zone 1 (low risk). The submitted Flood Risk Assessment demonstrates that the development would be unlikely to increase the risk of flooding to the site and the surrounding area. However, a surface water drainage condition should be attached to any consent to ensure that there is an adequate surface water strategy at the site to deal with any issues during intense rainfall. The scheme should include reference to the checklist by the Environment Agency to monitor possible longer term effects.

*Highway Safety*

56. Access to the site was originally proposed from South End, Bassingbourn, then along High Street through the village to the A1198. The route through South End would mean traffic having to pass the Village College and negotiate the difficult junction with High Street, where visibility to the west is particularly restricted. Traffic would then have to travel through Bassingbourn High Street, which at times becomes congested, before accessing the A1198.
57. The revised route takes traffic along Spring Lane, joining High Street to the east, at a junction where visibility is far greater than at South End. Spring Lane serves residential development either side, before becoming a narrow track out of the built-up area of the village.
58. The applicant states that there will be 2 phases of construction over a 16-week period, with an average of less than 2 large vehicles arriving on site first thing in the morning and departing in the evening, during the construction period. Hours of movement can be controlled to protect residential amenity.
59. The Highway Authority opposed access via Spring Lane, but is of the view that access as now proposed is acceptable in highway safety terms, subject conditions.

*Residential Amenity*

60. The site is located 135 metres from the nearest residential properties. In the amended scheme the applicant is proposing significant new planting at the north end of the site, in order to minimise visual impact of the development on these properties. As a result the first line of panels will be approximately 200 metres from these properties. Officers are of the view that the additional planting proposed will adequately mitigate visual impact on residential amenity.
61. A condition will be required in relation to power operated plant and machinery and noisy works given the relatively close proximity of the site to residential properties.

*Archaeology*

62. Officers are of the view that the matters raised by the County Council's Historic Environment Team can be addressed by a condition requiring further archaeological investigation work prior to the commencement of development. If areas within the site are found to be of high archaeological significance then suitable mitigation measures can be agreed, which could include the installation of panels on concrete shoes in order to minimise ground works

### *Other Matters*

58. The site is not situated on land that is subject to contamination and the development is not considered to lead to land or water contamination that would cause a risk to the health of nearby receptors. A condition would be attached to any consent to ensure that any material brought onto the site is not contaminated.
59. Solar farms contribute towards economic growth due employment opportunities during the planning and installation stages.

### *Conclusion*

60. The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it.
61. The proposal would have an impact on the countryside but this is not considered to be unacceptable adverse visual impact that would harm the character and appearance of the area as the development can be satisfactorily mitigated by additional landscaping. The development is also not considered to harm landscape character, damage the setting of heritage assets, destroy important archaeological evidence, result in the loss of important trees and hedges, harm biodiversity interests, cause a flood risk, be detrimental to highway safety or adversely affect the amenities of neighbours.
62. Therefore, on balance, the benefits of the scheme in respect of renewable energy production are considered to outweigh the harm over the temporary loss of agricultural productivity.

### **Recommendation**

63. Subject to the consideration of any comments received in respect of the revised details, it is recommended that the Planning Committee grants officers delegated powers to approve the application subject to the following conditions: -
  1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 09/SK001, 009/PA00D, 09/PA003, 09/PA004 09/PA005, 09/PA006.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. The development, hereby permitted, shall be removed and the land former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 25 years of the date of this permission in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
(Reason - Approval of the proposal on a permanent basis would be contrary to Policy NE/2 of the adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)

4. All development must be removed from site within 6 months of the solar farm ceasing to be operational.  
(Reason - The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and policy NE/2 of the adopted Local Development Framework 2007.)
5. 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.)
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. 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.)
8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].
  - a). No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
  - b). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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.)
9. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage including monitoring arrangements 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.)
10. No development shall commence until a detailed scheme for the importation of any soil onto the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.  
(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.)
11. 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.)
12. Scheme of ecological mitigation.
13. Restriction on hours of working during the construction phase
14. Implementation of Traffic Management Plan
15. Archaeological investigation

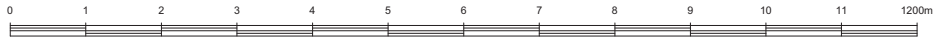
**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Submission March 2014
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012

- Planning File Reference S/0098/14/FL

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





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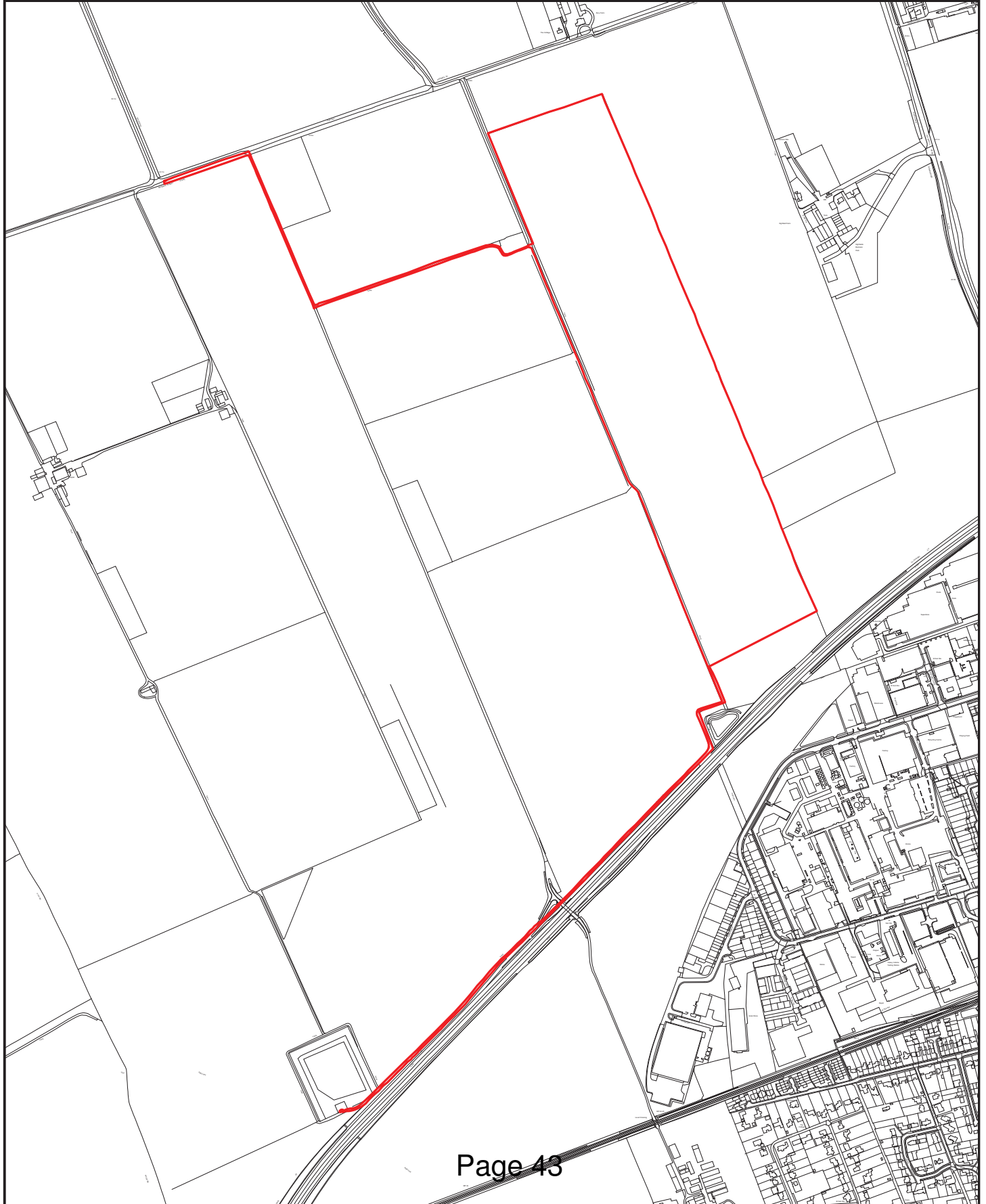
Time of plot: 08:03

Date of plot: 18/06/2014



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# Agenda Item 7

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0782/14/FL
<b>Parish(es):</b>	Fowlmere
<b>Proposal:</b>	New dwelling, access and part demolition of existing wall.
<b>Site address:</b>	Queens Head, Long Lane, Fowlmere
<b>Applicant(s):</b>	WDG Inns Ltd
<b>Recommendation:</b>	Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees.
<b>Key material considerations:</b>	Principle of development; Character and Appearance including Heritage Assets; Residential Amenity; Highway Safety, Trees and Other Considerations
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The officer recommendation is contrary to the views of the Parish Council
<b>Date by which decision due:</b>	11 June 2014

### **Planning History**

1. None.

### **Planning Policies**

2. *National*

National Planning Policy Framework

3. *South Cambridgeshire LDF Core Strategy DPD, 2007*

ST/6 Group Villages

4. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
HG/1 Housing Density  
NE/6 Biodiversity  
NE/15 Noise Pollution  
SF/10 – Outdoor Play Space, Informal Open Space and New Developments  
SF/11 – Open Space Standards  
TR/2 - Car and Cycle Parking Standards  
SF/1 Protection of village services and facilities  
CH/4 Development within the curtilage or setting of a Listed Building

5. *Draft Local Plan*

S/5 Provision of new jobs and homes  
S/10 Group Villages  
HQ/1 Design Principles  
H/11 Residential Space Standards for Market Housing  
TI/2 Planning for Sustainable Transport  
TI/3 Parking Provision

6. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010  
Development Affecting Conservation Areas SPD – adopted 2009  
Listed Buildings: Works to or affecting the setting of SPD – adopted 2009

**Consultations**

7. **Fowlmere Parish Council** – Recommend refusal. The Parish Council is not opposed in principle to an application for a dwelling on this plot however the Parish Council cannot support this application in its current form. A lower roof line and less oppressive bulk would be crucial. There are concerns about the entrance being on a blind corner and being very near a school. There are very sparse details on the materials to be used. Furthermore, the proximity to the neighbouring property Archways, to the west is excessive and concerning.
8. **Local Highways Authority** – Recommend approval subject to conditions requiring two 2m x 2m visibility pedestrian splays, driveway construction details and a construction traffic management plan. An informative is recommended reminding the developer that the grant of planning permission does not constitute a permission to do works to the public highway, which requires a separate permission.
9. **Conservation Officer** – Whilst the new dwelling is in the curtilage of the Listed Queens Head, its position on the site fronting The Butts results in it having a stronger relationship with the group of properties in The Butts and Butts Lane. The predominant architectural styles of the surrounding properties are traditional brick render and tile and the development clearly takes its lead from these. Given the proposals distance from the host there is no reason for thatch to be insisted upon as its roof material. In the

absence of a level survey or a section through the dwelling relating to its floor level to that of the adjoining property this should be requested by condition.

10. **Tree Officer** – No objection to the removal of the central tree. If any tree is to be lost it should be the central tree (the one proposed for removal). The central tree is the poorer of the three specimens and its removal will allow the two remaining trees to grow into natural form. The tree protection plan should provide adequate protection for the retained trees.

### **Representations**

11. Four letters of representation have been received from neighbouring residents
12. The occupier of no. 5 Stanley Barns expresses concern of overlooking from the bedroom window into their dining room and garden, loss of light and the danger to school children from the new access. Additionally they state they were advised they could have nothing higher than their roof height given the site is within a Conservation Area.
13. The occupier of no. 2 Butts View raises concerns over the development exacerbating the current traffic and pedestrian problems, and queries whether the driveway should be wider and located further back from the junction with Butts Lane. Questions are raised over the control of traffic on a narrow lane during construction with this road serving the school and a number of properties.
14. The occupiers of no.1 Butts Lane do not oppose the principle of building a dwelling on the site but question the height of the floor levels, type of brick to be used to repair the boundary wall, and express concern over an increase in traffic given the close proximity of two entrances in a short space.
15. The fourth letter from the adjoining dwelling (Archways) to the west expresses concern over loss of light to their east facing windows, loss of privacy resulting from both bathroom windows facing each other and the front windows overlooking the roof garden and court yard, ground levels have been altered with the result that the building is higher than it should be. Recommend the ground floor levels be lowered by 3 feet and the building set a minimum of 7 feet apart.

### **Planning Comments**

16. The application site comprises land associated with and located to the rear of the Queens Head Public House. The site is separated from the Public House building by a car park.
17. The site levels were raised by the previous owners without planning consent, with the land notably higher than the adjoining road. Following a change in ownership the outside space serving the Queens Head has been rationalised with a small formal beer garden provided to the rear of the car park.
18. The application proposal seeks full planning consent for the erection of a 1½ storey four bed dwelling fronting Butts Lane along with the provision of new vehicular access. The dwelling is to measure 12.3m wide with a height to ridge of 7.5m, with the walls rendered and the chimney and plinth of brick construction and a clay plain tile roof.

19. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Fowlmere, along with a Conservation Area. The Queens Head Public House is Grade 2 listed.

#### **The principle of development on this site**

20. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Additionally the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Fowlmere as a 'Group Village' where the construction of new residential dwellings within the framework is supported.
21. Adopted policy SF/1 relates to the Protection of Village Services and Facilities and advises planning permission will be refused for proposals which would result in the loss of a village service such as a Public House. This development will permanently reduce the amount of outside space associated with the Public House. Whilst this prevents the ability of the Public House business from expanding its operation, the pub would continue to benefit from an appropriate level of outside amenity space and as such the development is not considered to undermine the viability of this business.
22. The principle of development is therefore accepted subject to taking into account other land use considerations.

#### **Character and Appearance including Heritage Assets**

23. Section 7 of the NPPF relates to 'good design' advising great weight should be afforded to the importance of design of the built environment with planning decisions required to respond to local character and reflect the identity of local surroundings. Paragraph 58 states that development should 'respond to local character and history, and reflect the identity of local surroundings', with paragraph 60 encouraging development to 'promote or reinforce local distinctiveness'. Section 12 relates to conserving and enhancing the historic environment where paragraph 131 advises that in determining planning applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
24. The site is located within Fowlmere Conservation Area where new development is required to preserve or enhance the character and appearance of the built environment. Additionally the site lies within the curtilage of the Grade 2 Listed Public House.
25. The dwelling is to face south with access provided off Butts Lane where the predominant architectural styles of surrounding properties, notably excluding the adjacent property 'Archways', is of traditional brick render and tile and to which the proposed development conforms. Furthermore the buildings 1½ storey height and position set back from the road ensures the dwelling is not dominant within the street scene.
26. The site levels have been raised without consent and vary between 23.78m and 24.3m AOD, with the adjoining road rising from 22.8m to 23.18m AOD. The applicant is proposing to lower the internal finished ground floor level to 23.7m AOD, which ensures the building will not be unduly prominent. It is necessary to control this through condition.
27. The development includes constructing a new boundary treatment (1.8m high brick wall) to separate the site from the adjoining Public House along with alterations/repairs

to the roadside boundary. Limited details are provided of these walls and it is necessary to control this through condition.

28. Given the degree of separation from the listed Public House and orientation of the dwelling facing south no material harm is identified to the setting of this designated heritage asset.
29. Subject to securing details of the finished ground floor level and samples of materials for the dwelling and boundary treatment no material harm arises to the built environment.

### **Residential Amenity**

30. Policy DP/3 requires amongst other things that planning permission will not be granted where the proposal would have an unacceptable impact on residential amenity.
31. The site is adjoined by a dwelling (Archways) to the west with further residential properties to the north fronting a cul-de-sac off Long Lane and to the opposite side of Butts Lane (south). The proposed dwelling does not contain any first floor windows to its northern elevation, with two bedroom windows facing east and offering oblique views of the adjoining properties fronting Long Lane. The single bathroom window at first floor to the west elevation faces the bathroom window of 'Archways', and a condition requiring this window be obscure glazed is necessary. The occupiers of the adjoining property (Archways) to the west expresses concern over a loss of privacy to their courtyard and roof garden from the dormer windows to the front elevation. These three windows serve two bedrooms and a landing, and will offer oblique views of the neighbouring property. As such no material harm is identified through loss of privacy.
32. The east elevation of the adjoining property (Archways) is located hard on the boundary and is served by an obscure glazed bathroom window in addition to a larger window. During both visits to the site by the planning officer this non-obscure glazed window was fronted by a book case, restricting natural light entering the property. The proposed dwelling would be set in from the boundary by 1m and would permanently reduce the amount of sunlight entering Archways resulting in a loss of amenity. Given natural light entering Archways is already restricted by the book case and taking into account the neighbour's property has clearly been designed to face west no material harm is identified.

### **Highway Safety**

33. A single new point of access is proposed off Butts Lane, with the local highways authority not raising concerns and recommending conditions relating to the provision of a traffic management plan, visibility splays, and driveway construction.
34. Butts Lane is used to access the local school and it is considered necessary to condition a traffic management plan to prevent conflict between construction traffic and movements associated with the school.

### **Trees**

35. Three mature trees are positioned behind the brick wall forming the southern boundary of the site. The central tree is proposed to be removed to provide the new access, with the trees to either side retained and protected during construction.

36. The tree officer does not object to the loss of this tree advising this is the poorer of the three trees and its removal will allow the remaining trees to grow into natural form. Whilst the loss of a mature tree is regrettable this will not materially harm the quality of the built environment, as the trees to either side are to remain.

### **Other Considerations**

37. The applicant is prepared to pay the councils contributions in respect of open space provision, community facilities, waste receptacles and legal fees, with these to be secured through a S106 legal agreement.
38. No specific concerns are raised with regards to Crime and Disorder.

### **Conclusions**

39. It is considered that the development can be adequately accommodated on the site in harmony with the surrounding area without causing undue harm to neighbouring amenity in terms of over shadowing or loss of privacy. The Highways Authority is satisfied that the provision of a new access is suitable subject to conditions.
40. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted for officers to approve the scheme subject to the completion of a S106 legal agreement securing contributions towards open space, community facilities, waste receptacles and monitoring and legal fees, and the conditions outlined below.

### **Recommendation**

41. Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees, subject to the following conditions –
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Titled 'Street Scene and Layout' Drawing number '13059-02 Rev A Revised after per-app' and 'Floor Plans and Elevations' Drawing number '13059-01'  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. Apart from any top hung vent, the proposed first floor window in the western side elevation of the dwelling hereby permitted, shall be fitted and permanently glazed with obscure glass.  
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
  4. The finished ground floor level of the dwelling hereby permitted shall not exceed 23.7m AOD.



(Reason - In the interest of the amenity of the locality in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan (elevations) of the boundary treatment, samples of the materials to be used in the construction of the eastern boundary wall and details of how the southern boundary wall is to be repaired.

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.)

6. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building 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.)

7. The development shall be carried out in full accordance with the tree protection measures as identified on the drawing titled 'Streetscene and layout' Drawing number '13059-02 Rev A' and document titled 'Barriers and ground protection'.

(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. Prior to commencement of development a construction traffic management plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plan.

(Reason: In the interests of highway safety)

9. The access drive shall be constructed from a bound material and so that its falls and levels are such that no surface water from the site shall drain across or onto the adopted public highway.

(Reason: For the safe and effective operation of the public highway)

10. Prior to the first occupation of the development hereby permitted two 2m x 2m pedestrian visibility splays shall be provided and kept clear of obstruction above a height exceeding 600mm.

(Reason: In the interests of highway safety).

## **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework

- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scambs.gov.uk/localplan>

**Report Author:** Andrew Fillmore – Senior Planning Officer  
Telephone: (01954) 713180

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Time of plot: 16:57

Date of plot: 19/06/2014



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# Agenda Item 8

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0783/14/LB
<b>Parish(es):</b>	Fowlmere
<b>Proposal:</b>	New dwelling, access and part demolition of existing wall.
<b>Site address:</b>	Queens Head, Long Lane, Fowlmere
<b>Applicant(s):</b>	WDG Inns Ltd
<b>Recommendation:</b>	Approve subject to conditions.
<b>Key material considerations:</b>	Effect on the Listed Building
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The officer recommendation is contrary to the views of the Parish Council
<b>Date by which decision due:</b>	6 June 2014

### **Planning History**

1. None.

### **Planning Policies**

2. *National*  
National Planning Policy Framework
3. *Adopted Local Development Framework, Development Control Policies*  
CH/4 Development within the curtilage or setting of a Listed Building
4. *Draft Local Plan*  
N/14 Heritage Assets
5. *Supplementary Planning Document(s)*

### Consultations

6. **Fowlmere Parish Council** – Recommend refusal. The Parish Council is not opposed in principle to an application for a dwelling on this plot however the Parish Council cannot support this application in its current form. A lower roof line and less oppressive bulk would be crucial. There are concerns about the entrance being on a blind corner and being very near a school. There are very sparse details on the materials to be used. Furthermore, the proximity to the neighbouring property Archways, to the west is excessive and concerning.
7. **Conservation Officer** – Whilst the new dwelling is in the curtilage of the Listed Queens Head, its position on the site fronting The Butts results in it having a stronger relationship with the group of properties in The Butts and Butts Lane. The predominant architectural styles of the surrounding properties are traditional brick render and tile and the development clearly takes its lead from these. Given the proposals distance from the host dwelling there is no reason for thatch to be insisted upon as its roof material. In the absence of a level survey or a section through the dwelling relating to its floor level to that of the adjoining property this should be requested by condition.

### Representations

8. No representations received relating to the impact on the listed building.

### Planning Comments

9. The application site comprises land associated with and located to the rear of the Queens Head Public House. The site is separated from the Public House by a car park and small beer garden, and is set on ground which is raised above the level of the car park and Public House.
10. The Queen Head is Grade II listed with the following listing description: 'Public house, early C18 extended later in C18, and in C19 and C20. Red brick, Flemish bond, with half-hipped, tiled roof and later side stack. Dentil eaves cornice similar to the barn at Top Farm (q.v.). Two principal ranges forming an L-plan. Two storeys. Gable end to road has a horizontal sliding sash above a canted bay. The side elevation has a blocked opening and a flat arch to a flush frame horizontal sliding sash. The second principal range forming the L-plan, is late in C18 and also of red brick. The roof is tiled, hipped at junction with early C18 range, but with a similar half-hipped roof and dentil cornice to gable end. Two storeys. In the angle of the two ranges is an early C19 grey brick and slate addition of one storey. It has a canted bay with hung sashes.'
11. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
12. The dwelling is proposed to be located circa 30m from the listed building, and separated by a 1.8m high brick boundary wall located approximately 22m from the Public House. Moreover the dwelling is to face south, positioned side-on to the listed building and externally finished with rendered walls and a clay plain tile roof.

13. Given the distance the dwelling is located from the Public House, its orientation to the listed building and degree of separation provided by the brick boundary wall the development will not undermine the setting of the designated heritage asset.
14. The Council's Conservation Officer supports the proposal.
15. Conditions are recommended to be appended to the corresponding planning application relating to details of the boundary wall and materials to be used in the construction of the dwelling. It is not considered necessary to duplicate these conditions on the listed building consent.

### **Conclusions**

16. It is considered that the development can be adequately accommodated on the site without detracting from the setting of the Listed Public House given the degree and extent of separation along with the orientation of the buildings to one another.
17. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that listed building consent be granted for the development, subject to the conditions outlined below.

### **Recommendation**

18. Approve, subject to the following conditions –
  1. The works to which this consent relates shall be started not later than the expiration of three years beginning with the date of this decision notice.  
(Reason - To ensure that consideration of any future application for works will not be prejudiced by listed building consents which have not been acted upon.)
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Titled 'Street Scene and Layout' Drawing number '13059-02 Rev A Revised after per-app' and 'Floor Plans and Elevations' Drawing number '13059-01'  
(Reason – For the avoidance of doubt.)

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

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- Local Development Framework, Development Control Policies, Adopted July 2007

- <http://www.scams.gov.uk/content/local-development-framework>  
South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scams.gov.uk/localplan>

**Report Author:** Andrew Fillmore – Senior Planning Officer  
Telephone: (01954) 713180





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# Agenda Item 9

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0857/14/FL
<b>Parish(es):</b>	Fulbourn
<b>Proposal:</b>	Erection of three dwellinghouses and associated infrastructure and works.
<b>Site address:</b>	16-18 Teversham Road, Fulbourn
<b>Applicant(s):</b>	R&T Hogger Builders Ltd
<b>Recommendation:</b>	Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees.
<b>Key material considerations:</b>	Principle of development; Character and Appearance; Residential Amenity; Highway Safety; Affordable Housing Contributions; Foul and Surface Water Drainage and Other Considerations
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The officer recommendation is contrary to the views of the Parish Council
<b>Date by which decision due:</b>	9 June 2014

### Planning History

1. S/2747/13/FL. Erection of six dwellinghouses and associated infrastructure and works. Refused.
2. S/2024/12/FL. Erection of two dwellings following demolition of existing bungalow. Approved.
3. S/1207/11. Planning permission refused for a scheme for 4 dwellings on the site. An appeal against the refusal was dismissed on the grounds of the adverse

impact the development would have on the character and appearance of the area and the living conditions of the neighbouring residents

### **Planning Policies**

4. *National*

National Planning Policy Framework

5. *South Cambridgeshire LDF Core Strategy DPD, 2007*

ST/4 Rural Centres

6. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/7 Development Frameworks

HG/1 Housing Density

HG/2 Housing Mix

NE/6 Biodiversity

NE/15 Noise Pollution

SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11 – Open Space Standards

TR/2 - Car and Cycle Parking Standards

7. *Draft Local Plan*

S/5 Provision of new jobs and homes

S/11 Infill Villages

HQ/1 Design Principles

H/7 Housing Density

H/8 Housing Mix

H/9 Affordable Housing

H/11 Residential Space Standards for Market Housing

NH/4 Biodiversity

TI/2 Planning for Sustainable Transport

TI/3 Parking Provision

8. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010

### **Consultations**

9. **Fulbourn Parish Council** – Recommend refusal. Although Januarys have rebutted some of our earlier thoughts on this application, several issues of concern remain and have not been allayed.

10. Attention is drawn to application S/1207/11 (this has been going on for over 3 years) for four houses on the site, and particularly for reasons 1 & 5 of the refusal document. The situation has not changed materially. Although this application is for 3 units, the total number of bedrooms (10) is the same as that application, and

therefore the concerns regarding infrastructure, drainage etc remain exactly the same.

11. The reports and surveys which were submitted with the most recent application have been rehashed for this application, with the front covers re-dated, but the rest remaining as before (still dated July 2013, and with reference to unit 5 etc). The reports on the flood risk and foul water drainage were unsatisfactory then, and remain so. We find the persistence in referring to evidence of inundation as anecdotal patronising, and completely wrong. The developer has not requested an impact assessment from Anglia Water, and the comments made are purely speculative. It uses phrases such as 'Anglia Water hasn't said it isn't... etc, which are meaningless and negative.
12. We still remain deeply sceptical regarding the 3.5m access to the rear units, and would need to see a fire appliance enter and turn satisfactorily before believing it possible.
13. Given the refusal of all applications other than the one for two units facing Teversham Road, we strongly feel that this should also be refused.
14. **Local Highways Authority** – The visibility splays are acceptable. Recommend a condition requiring the splays to be provided and maintained free from obstruction exceeding 0.6m above the level of the adjacent highway.
15. **Anglian Water** – Wastewater Treatment: Foul drainage from the development is in the catchment of Teversham Water Recycling Centre (formerly Sewage Treatment Works) that will have capacity for these flows.
16. Foul Sewage Network: The sewage system at present has available capacity for these flows.
17. **Environmental Health (Contamination)** – The site is adjacent land which has been in industrial use. Recommend a condition requiring a scheme for the recording and remediation of contamination.

## **Representations**

18. Three letters of representation have been received from neighbouring residents opposing the application.
19. The first letter cites the following six reasons why the development is inappropriate: the previous application for four dwellings was rejected by the independent inspector on 3 main issues which the current application does not address and in fact exacerbates these, the independent review undertaken by South Cambs Strategic Housing Land Availability Assessment concluded 'the site is not potentially capable of providing residential development taking account of site factors and constraints', the report commissioned by the builder is biased and incorrect in many assertions, there is documented evidence of long-standing problems of drainage, there is documented evidence of serious raw sewage overflow to the gardens at the rear of 18 Teversham Road, and due to drainage problems and potential of sewage overflow at the boundary barrier restraints have had to be put in place.
20. The second letter expresses concerns over localised flooding and drainage problems being exacerbated by the development.

21. The third representation expresses a view that there has been no attempt by the developer to rectify the foul water drainage concerns, with the foul water network unable to cope with additional demand. Localised flooding has also been an issue. There are numerous inaccuracies in the supporting statements accompanying the application. The high pitch roofs of the buildings leads to the possibility of loft conversions in future. Will result in the loss of amenity as identified in the previous appeal decision. Insufficient parking provision and turning areas are proposed.

### **Planning Comments**

22. The application site comprises a vacant plot (formerly housing a bungalow to the front) which extends to the rear of no.16 Teversham Road, along with land which forms part of the rear garden of no 18 Teversham Road. There is a ditch extending across the front of the site with a bridged vehicle access across it. The site is open (with the exception of temporary fencing) to the front and enclosed by a mixture of hedging and fencing to the sides. The property (No. 14) to the South East of the site is a two storey detached dwelling, while the property (No. 18) on the North West side is a bungalow similar in scale and character to the bungalow which previously occupied the site.
23. The application proposal seeks full planning consent for the erection of three dwellings (net gain of 2 units), comprising a single two storey property to the front along with two bungalows to the rear.
24. The site is to be accessed from Teversham Road to the south via a new bridge.
25. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Fulbourn, whilst the settlement is identified as a 'Rural Centre' in the LDF Core Strategy.

### **The principle of development on this site**

26. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Additionally the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Fulbourn as a 'Rural Centre' which is described as a village which has good access to a secondary school, employment opportunities, food shops, surgery and good public transport services and where new residential development of an unspecified number of dwellings is permitted.
27. The emerging Local Plan seeks to reclassify Fulbourn as a Minor Rural Centre on the settlement hierarchy, and whilst this 'downgrading' considers the village less sustainable, new residential development up to a maximum of 30 dwellings is permitted in such locations.
28. Moreover the application site lies within the Development Framework as defined by the Local Development Framework adopted Proposals Map where the principle of residential development is considered acceptable under Development Control Policy DP/7, subject to other land use consideration.
29. The site was rejected for housing provision for 9 dwellings as part of the Strategic Housing Land Availability Assessment. However this assessment did not take into

account the supporting technical documentation which accompany this application, and the principle of residential development is consistent with the development plan.

### **Character and Appearance**

#### Unit 1

30. The site has been subject to three previous applications of note, with planning reference S/2024/12/FL granting consent for the construction of two dwellings alongside one another positioned to the front. This permission is still extant. Unit 1 of the current application is similar in scale, siting and design to one of these approved dwellings, and as such officers are of the view unit 1 is an appropriately designed building within the street scene.

#### Units 2 and 3

31. Application S/1207/11 sought consent for 4 houses (1 unit positioned to the front with 3 to the rear) following demolition of the bungalow. This application was refused with the subsequent appeal dismissed.
32. In the appeal decision the Inspector described the development to the northeast side of Teversham Road as more loosely grained (when compared to development to the opposite side of the road) and tending to convey the impression of a ribbon of housing extending from village towards open countryside. The Inspector went on to describe the townscape as benefitting from an almost semi-rural character, which is distinguished from the higher density development to the southwest, and considered the site visually separate from the commercial premises to the rear given the screening provided by trees and vegetation.
33. Officers are of the view this description, written in January 2012, remains an accurate portrayal of the site and surroundings.
34. In dismissing the appeal the Inspector concluded the scheme (for 3 houses to the rear and 1 to the front) amounted to a small enclave of higher density housing that would be out of keeping with the more loose-grained character of the immediate locality and would be inappropriate to its context. The appeal decision concludes the scheme would harm the character and appearance of the area.
35. The proposed development differs to the scheme dismissed at appeal, in that the number of units to the rear of the site has been reduced from three to two, and more importantly these buildings are of single storey height (as opposed to two storey). As such given both dwellings 4.95m ridge height, screening achieved by the layout with the bungalows set behind the development to the roadside, and the extent of landscaping no harm is identified to the character and appearance of the built environment.

### **Residential Amenity**

36. Policy DP/3 requires amongst other things that planning permission will not be granted where the proposal would have an unacceptable impact on residential amenity.

37. The Inspector in dismissing the appeal for planning reference S/1207/11 (3 dwellings to the rear and 1 to the front) states 'given the number of units involved and their comparatively tight knit arrangement, the proposal would inevitably lead to a significant increase in residential activity here, which would intrude on the relatively tranquil, secluded setting of the neighbouring properties' and concludes the development would impact on the seclusion of neighbouring residents to an extent that it would unacceptably harm their living conditions.
38. As already noted the built environment surrounding the site remains largely unchanged since the appeal decision. However it is considered a reduction in the number of units to two, with a consequent decrease in parking and manoeuvring of vehicles along with a more spacious layout, satisfactory addresses this consideration.
39. Concerns relating to loss of outlook are addressed satisfactory given the dwellings (to the rear) single storey height and relationship to neighbouring properties. Furthermore no material overlooking issues are identified. It is however necessary to condition the first floor windows (all serving bathrooms) to the side elevations of the dwelling (unit 1) be fitted with obscure glazing.

### **Highway Safety**

40. The proposal would involve replacement of the existing bridge providing vehicular access off Teversham Road with one which is to the satisfaction of the local highways authority. Appropriate visibility splays can be achieved and a condition is recommended requiring these be provided and maintained free from obstruction.
41. Each dwelling would be provided with adequate car parking space as per adopted policy. In addition the access would allow vehicles to turn adequately and exit the site within a forward gear.

### **Affordable Housing Contribution**

42. Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted development plan requires the provision of 40% affordable housing on sites where there is a net gain of two or more dwellings. This scheme seeks permission for a net gain of two residential units and does not propose any affordable dwellings, contrary to the requirements of adopted policy.
43. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).



44. The current development plan is proposed to be replaced by the emerging Local Plan, where draft policy H/9 relates to affordable housing and seeks to raise the threshold of affordable housing provision to sites of three or more dwellings.
45. The draft Local Plan has been submitted to the Planning Inspectorate for 'Examination in Public' and is therefore at an advanced stage in its preparation. In respect of unresolved objections four representations have been received on draft policy H/9, with three of these opposing the policy and the fourth supporting and offering comment. Notably all the representations consider the proposed threshold of three dwellings too low (and seek to raise this). No representations seek to maintain (or lower) the current threshold of two dwellings and as such there are no unresolved objections to this draft policy as far as it relates to this application.
46. Turning to the consistency of the relevant plan with the NPPF. Although no detailed advice is provided on the threshold of affordable housing provision within the NPPF, it advises local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, and look for solutions and to approve applications for sustainable development where possible.
47. For these reasons officers are of the view that sufficient weight can be attributed to draft policy H/9 of the emerging Local Plan that approval of the application without affordable housing contributions would be acceptable in planning terms, assisting the delivery of a small housing site that would otherwise not come forward in the short term.

#### **Foul and surface water drainage**

48. All three letters of representation from neighbouring residents along with the Parish Council express concern over the impact the development will have on foul and surface water drainage and particular the ability of Teversham Wastewater Treatment Works to cope with the additional demand.
49. Foul drainage is proposed to be disposed of via mains sewer, with Anglian Water advising there is sufficient capacity to cope with the additional demand generated by this development.
50. In terms of surface water drainage, the development will result in an increase in impermeable surfaces potentially increasing run-off. In mitigation the applicants are proposing to manage surface water at source through a combination of infiltration and/or below ground detention features with controlled release run-off along with the use of sustainable drainage systems which will restrict post development run-off to those generated by pre-development levels. No specific details of these features are provided and it is necessary to condition a surface water management plan for the site.

#### **Other Considerations**

51. The applicant is prepared to pay the councils contributions in respect of open space provision, community facilities and waste receptacles, along with associated fees. This can be secured through a S106 legal agreement.
52. No specific concerns are raised with regards to Crime and Disorder.

53. The Environmental Health officer notes the sites location in proximity to an industrial use and recommends appending a condition requiring investigation and recording of contamination along with appropriate remediation objectives.

### **Conclusions**

54. It is considered that the development can be adequately accommodated on the site in harmony with the surrounding area without causing harm to neighbouring amenity in terms of overshadowing or loss of privacy. The Highways Authority is satisfied that the provision of a new access is suitable subject to a condition.
55. The lack of affordable provision, contrary to the requirements of adopted policy, is justified on the basis of the stage of preparation of the emerging Local Plan, lack of unresolved objections to draft policy H/9 and thrust of the NPPF which seeks to support the delivery of sustainable development.
56. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted for officers to approve the scheme subject to the completion of a S106 legal agreement securing contributions towards open space, community facilities, waste receptacles and monitoring and legal fees, and the conditions outlined below.

### **Recommendation**

57. Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees, subject to the following conditions –
58. 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.)
59. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan OS01A', 'Site Plan P02B', 'Unit 1 P04B', 'Unit 2 P05B', 'Unit 3 P06B', 'Landscape Concept Plan' Drawing number '331-01D' and 'Site Access' Drawing number '010  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
60. No development approved by this permission shall be commenced until:
- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
  - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

- c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority. (Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).
61. Apart from any top hung vent, the proposed first floor windows in the side elevations of Unit 1 as identified on the plan 'SITE PLAN P02B' , hereby permitted, shall be fitted and permanently glazed with obscure glass. (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
62. The visibility splays specified on approved drawing no. 010 'Site Access' at the junction of the access road with the public highway shall be provided before the commencement of the development. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
63. 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.)
64. 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.)

## **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scams.gov.uk/localplan>

**Report Author:** Andrew Fillmore – Senior Planning Officer  
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Date of plot: 17/06/2014



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Cambridgeshire  
District Council

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# Agenda Item 10

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/2293/13/FL
<b>Parish(es):</b>	Croydon
<b>Proposal:</b>	Change of use of land from (1) agriculture to (2) mixed use for agriculture and use for the generation of renewable energy (solar)
<b>Site address:</b>	Land to the north of Manor Farm, Church Lane, Croydon
<b>Applicant(s):</b>	Push Energy Ltd
<b>Recommendation:</b>	Delegated approval
<b>Key material considerations:</b>	Principle of development; Impact upon the landscape character; Loss of Agricultural Land, Highway Safety, Ecology; Flood Risk; Highway Issues; Impact upon Residential Amenity; Archaeology; Landscaping;; and Other Considerations
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	The officer recommendation of delegated approval is contrary to the recommendations of refusal from Croydon and Arrington Parish Councils
<b>Date by which decision due:</b>	20 August 2014

### Planning History

1. No relevant planning history.

### Planning Policies

2. National Planning Policy Framework
3. DCLG Publication: Planning Practice Guide for Renewable and Low Carbon Energy

4. Written Ministerial Statement by the Secretary of State for the Department of Communities and Local Government 'Local Planning and Renewable Energy Developments'

5. ***Adopted Local Development Framework, Development Control Policies***

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
NE/2 Renewable Energy  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/11 Flood Risk  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/16 Emissions  
NE/17 Protecting High Quality Agricultural Land  
CH/1 Historic Landscapes  
CH/2 Archaeological Sites  
CH/3 Historic Buildings  
NE/17 Protecting High Quality Agricultural Land  
TR/3 Mitigating Travel Impact

6. ***Draft Local Plan***

S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
CC/1 Mitigation and Adaptation to Climate Change  
CC/2 Renewable and Low Carbon Energy Generation  
CC/8 Sustainable Drainage Systems  
CC/9 Managing Flood Risk  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
TI/2 Planning for Sustainable Transport

7. ***Supplementary Planning Documents***

Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009

### **Consultations**

8. **Croydon Parish Council** – Recommends refusal:
9. 'The public consultation meeting was held in Arrington, and was for a much smaller development of 12.8Mw. The meeting was held with little notice. Questionnaires available at the meeting had to be returned before leaving. There were only 10 responses.
10. The current proposal is for a much larger site, estimated at 21.6Mw. There has been no public consultation on this larger proposal.



11. No mention of noise levels from the invertors – application states “minimal noise”. The Council would like to see a projected noise pattern plan. Suggest the substation on site could be moved.
12. Views from the footpaths around the area would be seriously spoiled by this development.
13. Traffic movements – proposed amount of traffic is far too much for the narrow road between Casa Mia and the war memorial. The war memorial could be in danger of damage from large vehicles.
14. Church Lane is already in a terrible state of disrepair and the Council has been trying to get it resurfaced – an alternative route for construction traffic?
15. All Saints’ church could be in danger from vibrations caused by heavy traffic
16. No mention of security lighting. Croydon has very little light pollution and would not appreciate a high level of security lighting on the site.
17. There is scope to enlarge the site even further – in the case of the application being successful, a caveat to prevent this is needed.
18. There was strong feeling from the public at a meeting that the countryside should not be covered in metal structures, especially when the time of maximum energy need is the time when there is least sunlight.’
19. **Arrington Parish Council** – recommends refusal, commenting that there is not enough information regarding buildings.
20. **Hatley Parish Council** – No recommendation – ‘this application was brought to our attention due to the proposed volume of heavy goods traffic that will require access to the development using the main road that runs between Hatley and the A603. Whilst it makes no recommendation it states that it wishes to be informed of any significant changes to the application which may impact on, or be of interest to the residents of Hatley.
21. **Landscapes Officer** – ‘the application site lies approximately 400m to the north of Croydon. The site lies within the Bedfordshire and Cambridgeshire Claylands Landscape Character Area, and is also considerably influenced by the East Anglian Chalk Landscape Character Area which lies directly to the south. There are extensive views of the chalklands from the site.
22. Locally the landscape character is determined by a steep south facing ridge running from Arrington in the east, to Gamlingay in the west, rising some 60 metres above the valley of the River Rhee to the south. This is a relatively detailed and complex landscape with the ridge divided by a series of south and south west facing valleys cut by streams flowing towards the Rhee.
23. The valley of the River Rhee marks the transition of the East Anglian Chalk Landscape to the south, and is itself a detailed landscape of fields, meadows, and woodlands, contrasting with the more rolling and open chalk hills beyond.
24. This area of South Cambridgeshire is sparsely populated and rural and local villages are small with a limited scale of development. It is a tranquil area with a deeply rural

character. Apart from the junction of the A1198/A603 2km to the west the nearest major transport links are the main Cambridge-Kings Cross railway and A 505 are 10km to the south.

25. A number of footpaths and a Bridleway pass close to the site including the long-distance Clopton Way Footpath which runs along the southern boundary of the site. Connecting the site with Croydon village 400m to the south and the network of public rights of way running principally to the west, east and north.
26. As noted in the preliminary Landscape and Visual appraisal, mid-distance views to the site will be limited. Long distance views to the site will be possible, although with a limited impact due to the low height of the arrays and of the distances involved.
27. There will however be local impacts both visually - views from footpaths and bridleways - and on the local landscape due to the scale and layout of the development.
28. Landscape effects would be to introduce a significant area of development which is of a semi-industrial character into an area or (for Cambridgeshire) remote and deeply rural countryside.
29. Several other solar developments are at various stages in the planning process (eg at lower road and at Shingay cum Wendy) and could possibly produce successive cumulative landscape effects in this area.
30. Visual impacts will be particularly evident on the approaches to Croydon from east, and to a more limited extent from the east. Heading south on the PROW from the proposed development, views of other potential solar developments will be possible.
31. However, it should be possible to limit the landscape and visual effects with a suitable planting scheme and minor amendments to the layout.
32. Suggest that the existing hedge and tree boundaries are reinforced and replanted where they have become 'gappy' or are in poor condition.
33. The main landscape and visual impacts will be on the Clopton way which follows the southern boundary of the development for 400m. Suggest that the site boundary is pulled back from the path to allow clear views east and west, and to enable some tree planting without over-shadowing.
34. A further group of trees would be useful at the junction of Church Lane and the Clopton Way, to the south of the path, and at the south east corner of the development to give visual destinations and lessening the perception of the development to the north.'
35. Comments on the amended scheme which include further mitigation measures will be reported
36. **Trees Officer**- No objection.
37. **Local Highway Authority** – recommends refusal as originally submitted, as it has serious concerns with regards the location of the site.

It confirms that the proposed route is not within the remit of the public highway, and therefore the applicant appears to have an access problem as no documentation has been provided to show that there is a right of way over the track.

38. The war memorial is unprotected at present, at a tight junction, and therefore damage may occur. This was raised as a concern that the pre-application stage but has not been addressed in the application submission.
39. The County Rights of Way and Archaeology teams should be consulted.
40. The revised access details show construction access from Croydon Hill. Although formal comments are awaited this option is likely to be supported by the Highway Authority.
41. **Cambridgeshire Definitive Map and Records Unit** – Public Bridleway No.08 Croydon and Public Footpath No.07 run to the west and south of the site. Church Lane shares some of the route of both these rights of way. There is extreme concern about the impact of the level of construction traffic on users of the rights of way and on the footpath surface.
42. The cabling to take power from the site also crosses Bridleway No.08 but impact is minimal.
43. There is a slight obstruction of the line of the footpath at two points in the south west corner of the site.
44. **Cambridgeshire Archaeology** – strongly recommends, in comments received on 28 May 2014, that the site is subject to an archaeological evaluation, to be commissioned and undertaken at the expense of the developer, and carried out to the granting of planning permission. The evaluation results should allow for the fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains within the development area. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ*. It is standard practice for this office to provide a design brief for such an evaluation.
45. **Conservation Officer** – has no objection. There will be no immediate effect on the setting of any listed building or conservation areas, but there will be long distance effects on the setting of the listed Church at Croydon. However, the effect would be possibly from only two relatively narrow vistas and it is considered that in view of the low reflectivity which is promised, and the mitigation of additional tree screening, the effects in this regard will not be significant. Nevertheless, there would be a less definable detrimental effect in respect of the general environs of the historic group around the Church, which would be evident to walkers in the area confronted by the incongruous array of panels as they pass towards or away from the Church. The point could be reached where in combination with future solar farms, this could be detrimental to the setting of heritage assets, but this is not the case at the present time.
46. **Environment Agency** – no objection. However, it wishes to see a precautionary approach to surface water drainage as no porosity tests appear to have been undertaken. In general a field with impermeable panels is going to behave differently to an agricultural field without panels. As this type of proposal is in its infancy it is not

known what may happen over time to the ground surface and any existing field drainage system.

47. It is believed that the soils here are clayey. On an empty ploughed field there will be some infiltration up to a certain cut-off point when sheet runoff may occur, due to the soils' moisture content becoming too high, or the intensity of the rainfall being greater than the infiltration rate. When panels are installed the runoff will concentrate into rows between the panels so that the intensity will be greater on the more open areas, and that cut-off point is likely to be lower. Rivulets could form, but the main risk would be that the hill would not hold as much water for the same period as the original field.
  48. It would appear that the soils in the area are predominantly labelled Hanslope, which lead to slowly permeable calcareous clayey soils, especially on slopes. This can also cause seasonal waterlogging, particularly on lower ground levels around the valleys of the watercourses. Croydon borders the solid bedrocks of Gault and Lower Chalk so the till can be a mixture.
  49. The proposed scale of development could present risks of flooding on-site and/or elsewhere if surface water run-off is not effectively managed. Beneath the original plough layer the soils are compacted and form a boundary which water runs down. Local springs can form, but where there is disturbance to the underlying layers during the construction phase there could be a 'welling-up' process.
  50. It is therefore recommended that a 'living' or dynamic surface water drainage strategy should be provided to identify the surface water regime for the site 'post installation' over a period of time. The initial installation should have scope to adjust, if required, to provide swales or gravel cut-off trenches for instance.
  51. A condition is therefore requested for a surface water drainage strategy.
  52. **Environmental Health** – The application contains the potential to import quantities of soil onto the site. Recommend a condition requiring a chain of evidence be provided for all imported material.
  53. **Cambridgeshire and Peterborough CPRE** – The site lies in an area of very lovely countryside, with a wonderful view from the top, looking south, over an extremely wide area. The Landscape and Visual Appraisal cites six 'potentially notable visual receptors' i.e. the Clopton Way footpath and other footpaths, and a bridleway. These rights of way are well used by walkers, cyclists and horse riders. It is strongly believed that the users will be disappointed that their experience of the countryside is marred by sheets of solar panels, more reminiscent a factory landscape than a rural one. There is concern that agricultural land will be taken out of crop production, despite it having value in sheep grazing land.
  54. It is noted that the Appraisal proposes a number of mitigation measures by way of establishment of new field boundary hedges, and this should be secured by condition if the Local Authority is minded to grant permission.
  55. Comments on the revised details will be reported.
- Representations**
56. 7 letters of representation have been received to the original scheme opposing the application for the following reasons;

- a) Concern about impact of construction traffic along Church Lane – impact on fragile structure of the Church itself due to vibration from HGV's. – the junction at the war memorial is dangerous and there could be damage to the memorial itself. The Clopton Way runs along the lane and there is a dangerous blind summit where there has been a fatal accident in the past.
- b) Manor Farm has recently been constructing an access to the west onto the Hatley Road to avoid dangers associated with travelling through Croydon.
- c) Negative impacts on Grade 1 and other listed buildings and parkland. Site will be visible from part of the A1198 and from the Cambridge Road near to Wimpole Avenue
- d) No archaeological heritage statement in the application documents. No information as to how deep the posts are to be driven into the ground.
- e) Inappropriate scale. Not in keeping with the rural landscape
- f) No noise assessment of the operating solar installation
- g) No noise and vibration assessment during the construction process
- h) Lack of research into ecological disturbance
- i) Disruption to communities of Croydon and Arrington
- j) There are very low light pollution levels in the area, with an absence of street lighting. Security lighting would be highly objectionable in this location.
- k) Concern about possible noise pollution from the invertors and possible increased hum from the higher loading at the sub-station which is very close to the centre of the village
- l) Loss of agricultural land, which if farmed properly would be a high yielding as the nearby fields. The idea of panels was for them to be placed on less favourable growing land, rather than good ploughable land as in Cambridgeshire.
- m) Incorrectly referred to in application documents as Church Farm.
- n) Unfortunate that initial meeting with developer took place out of village.
- o) Important area for conservation and wildlife. An area along the ancient leafy grass stretch along 'the Dean' has been dug up and brick rubble put down. The existing farmer has removed hedges and trees. Previously the site area grew 60 acres of rye grass and clover to help enhance and encourage the habitat of Church Farm, for which farm subsidies are available.
- p) The development is right up against two long distance footpaths. Clopton Way runs through Croydon and is one of the best parts of the 11 mile walk. Walking along this ridge looking south, walkers look into the sky as if walking in a dip and the natural look would be changed by looking north over the proposed panels. The panels being very close to the edge of the paths means that it does not pay due regard to the amenity value of the area. There should be a 75m clearance from the footpaths to allow for full landscaping to take place.

- q) Would also impact on National Trust visitors who walk this route. Impact on horse riders using the bridleway
- r) The steep south facing scarp slope, with its long interrupted views to the south, coupled with the relatively high altitude plateau to the north, offers a virtually unique landscape and sense of remoteness in South Cambridgeshire.
- s) Wheat can be grown, the straw baled and sent to Ely Power Station to process through burning to generate electricity, allowing the valuable countryside habitat to be retained. The land owned by these farmers in total could produce 10,000T of straw. They could also put panels on commercial/barn roofs
- t) In a short space of time the proposal has grown from 60 – 85 acres. This may be extended in the future as at Bourn.
- u) Are the sunlight hours for this area enough to generate power for solar panels?
- v) There is no mention of the numerous airfields in the area, and the potential for glare from the panels. Has any study of this impact been undertaken?
- w) As there is currently no technology to store generated electricity in significant quantities, the panels will make close to zero difference to the amount of electricity generation needed for peak consumption
- x) Lack of local consultation by developer. This was in respect of a smaller scheme anyway.

57. Comments on the revised details will be reported.

### **Material Planning Considerations**

#### Site and Proposal

- 58. The 34.6ha site is located outside of any village framework and within the countryside. The site itself is in the Parish of Croydon, but the north east boundary abuts Arrington Parish. It comprises 3 contiguous, but visually separate, arable fields to the north and north east of Manor Farm, which are mostly enclosed by tall field hedges and tree lines, except for a section of the south east edges of the central and north east fields, and the outer edges of the field to the north west. The land is undulating but in general rises to the north. The central and north east fields overlook the Cam river valley to the south, with rising land on the north edge of Hertfordshire beyond.
- 58. Church Lane, which leads up to the site from Croydon village to the south, is a narrow rural lane, and is also the route of Bridleway No.6 Croydon and Footpath No.7 Croydon. The bridleway then continues north through Manor Farm and along the south west boundary of site, before stretching beyond the site to the north west. Footpath No.7 carries on north to the south east boundary of the site, before turning north east towards the A1198, along the south east boundary of the site as part of the Clopton Way.

59. An originally submitted access, both during the construction period and beyond, was proposed by Church Lane, leading past the Church, which joins High Street at the War Memorial. As amended, access to the site will be from Croydon Hill, to the west of the site and along a route already used by the existing farm. A section of roadway from Croydon Hill into the site has recently been upgraded.
60. The closest residential properties are Manor Farmhouse, Orchard House and Manor Fields, which are located within the grouping of residential and agricultural buildings that comprise Manor Farm, immediately south west of the site. The nearest of these is within 100m of the site boundary. Winter Wells, a single dwelling barn conversion 440m to the east, with properties along the Croydon - Arrington Road 460m to the south. Residential properties in the main part of Croydon village are 400m from the site.
61. This full planning application, as amended, proposes the installation of a 21.6MW solar photovoltaic farm along with 18 inverters, 9 transformers, a grid connection cabinet, a comms cabinet and a substation' for a temporary period of 25 years. There will be a 1.5m high wire stock security fencing, although a 1.8m high metal palisade security fence will be paced locally around high voltage plant. Low level CCTV cameras will be mounted on the transformer/inverter housings and support framework of the PV arrays.
62. The photovoltaic panels would be mounted on steel frames that are angled to face south. There would be 1,728 mounting racks (approx. 82,944 panels), running east to west across the site that measure up to 330m in length. Each panel would measure approximately 1.65m x 0.94m, and have a maximum height of 2.0m, angled at 20 degrees. The panels would be composed of modules with a dark blue/grey appearance, the face of which will be treated with a non-reflective coating, which will reduce glare to a minimum.
63. The inverters/transformers will be located away from the outer boundaries of the site. The grid connection/comms cabinets will be located towards the south west corner of the site. These have a maximum height of 2.5m, with the substation/control room occupying the biggest footprint at 40m<sup>2</sup>. An underground route for the cable that connects the panels to the National Grid power line will run from the south west corner of the north west field for 200m site, to connect to an existing overhead line.. The construction period is anticipated to be a total of 14 -16 weeks, split into 2 phases.
64. The application states that the proposed installation will generate enough electricity to power approximately 4,860 homes.
65. The application is accompanied by a Design and Access Statement, Landscape and Visual Assessment, Flood Risk Assessment, Transport Statement, Archaeological Desk Based Assessment, Statement of Community Involvement, Ecological Appraisal and a Construction Management Plan.

#### Key Considerations

66. The key issues to consider in the determination of this application are whether the principle of development is acceptable in the countryside and impact of the development upon the character and appearance of the area, archaeology, biodiversity, flood risk, highway safety or other matters.

*Principle of Development in the Countryside*

67. The proposal represents a major development for the generation of renewable energy and as such receives considerable support from national and local planning policy.
68. Nationally the NPPF has as one of its 12 core principles the requirement to support renewable resources. Reference is made throughout the NPPF to the support of sustainable development and renewable energy whilst paragraph 98 clarifies that applications for energy development ought not to be required to demonstrate the need for renewable energy.
69. The Government's commitment to electricity generation by renewable sources is set out in the Renewable Energy Strategy, and in particular the target that 15% of national electricity production should be derived from renewable sources by 2020. This target has been maintained under the Coalition Government.
70. Locally the development plan comprises the adopted Core Strategy and Development Control Policies DPD. The Core Strategy has as two of its four objectives the effective protection and enhancement of the environment, and the prudent use of natural resources. Policy DP/7 of the Development Control Policies DPD states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. Policy NE/2 relates to renewable energy and advises the district council will support proposals to generate energy from renewable sources subject to compliance with general sustainable development principles and additionally be able to connect efficiently to existing infrastructure and for provision to be made for the removal of facilities from site should the facility cease to be operational.
71. The site is located within the countryside. The installation of a solar farm is considered to represent appropriate development within the countryside providing given that there are no suitable brownfield sites available in the area of the scale required and the proposal would allow the land to continue to be used for agricultural purposes through grazing.

*Character and Appearance of the Area (including cumulative impact)*

72. The comments of the Landscapes Officer and Historic Buildings Officer above outline the concerns about possible visual impact on this attractive area of countryside, which is crossed by a number of well used public rights of way. However, both conclude that with suitable landscaping mitigation, in the form of new planting, the impact will be acceptable.
73. Although the site is set well above the level of Croydon village views from the south will be limited until the last 100m of the footpath along Church Lane. Any long distance views of the site from the south will also be limited as the site in the main sits just beyond the horizon.
74. The site will be most perceived from the public rights of way network which pass along the south and east boundaries. Due to the site comprising 3 contiguous fields, with good planting between, any views will not be of the site as a whole, which reduces impact. The panels have been set back from the south boundary to allow for additional planting. The introduction of large arrays of solar panels and buildings would significantly change the character and appearance of the landscape from being open and rural in character to being semi-industrialised in character. However officers



are of the view that this impact can be sufficiently mitigated by appropriate landscaping.

75. In respect of cumulative impact, planning consent exists for a 33ha solar farm installation at Hoback Farm, south of the A603, to the east of the A1198 (Ref S/0155/13/FL). Officers are of the view that this development, which is 3.3km away, will not be viewed from the current application site. The Council has recently issued an EIA screening opinion in respect of a possible extension to the Hoback Farm site, but this will not alter any impact on Croydon site.
76. An application for a 100ha solar farm development is currently being considered at Vine Farm Shingay (ref S/1067/14/FL). This development would sit in the valley 2.5km south of the Croydon site, south of the road through Shingay village. There will be views of the Shingay site to the south from the road between Croydon and Arrington, although the current application site will not be viewed to the north due to it being just over a ridge. When looking south from the Croydon site, there may be distant views of the Shingay site at certain times of the year, however at the present time, when the field to the south of the site is in crop, any views to the south are limited to the rising land in the distance in Hertfordshire. It will be possible to gain views of both sites from the top 100m section of the bridleway leading from Church Lane to the application site, when looking due north or due south.
77. Officers are of the view that with suitable landscaping of the south boundary of the Croydon site in particular, any cumulative visual impact will not be significant.

#### *Loss of Agricultural Land*

78. The site covers 34.6 hectares of Grade 2 arable land. The proposal is not considered to result in the irreversible loss of this land given that it could be returned to its original agricultural use when there is no further need for the development. The land would be laid to grass on the site and although it is noted that it would not be cropped, there will be the opportunity to use the land for sheep grazing or biodiversity gain.

#### *Highway Issues*

79. The applicant has revised the application to include a proposal for a new access to be formed from Croydon Hill. This revision has followed discussion with the Local Highway Authority in an attempt to address its, and local concerns, about the unsuitability of Church Lane for construction traffic.
80. The access to Croydon Hill is unable to provide the 215m visibility splay that would normally be required for accesses where a road is subject to the national speed limit, with a maximum of 160m being achievable to the south. A traffic survey has been carried out and officers anticipate that the Highway Authority will not object to the proposal, subject to mitigation measures, possibly in the form of warning signage.
81. The construction period is expected to last 14-16 weeks over two periods with approximately 100 HGV deliveries during that period. Following completion of construction work, access for the ongoing servicing of the site would be from Church Lane.

#### *Residential Amenity*

82. The closest residential properties to the site are those associated Manor Farm itself, and these are well screened in the main from the proposed panels by existing planting and agricultural buildings. Winter Wells to the east sits well below the level of the site, with only its roof being visible from the south east corner of the site.
83. The applicant has produced additional noise information, and any comment of the Environmental Health Officer will be reported at the meeting.
84. Any unreasonable impact on residential amenity from construction traffic has been addressed by the new access route.
85. A condition will be required in relation to power operated plant and machinery and noisy works given the relatively close proximity of the site to residential properties.

*Heritage Assets (including archaeology)*

86. The Historic Buildings Officer has concluded that there will be no significant effects on heritage assets, although cumulative effect is a matter which is considered under the section on landscaping above.
87. Although a request for a pre-determination archaeological investigation has been received, this was not made until 4 months after receipt of the application and therefore officers are of the view that it would be unreasonable for the consideration of the application to be delayed at this late stage in the process.
88. Officers are of the view that the matters raised by the County Council's Historic Environment Team can be addressed by a condition requiring further archaeological investigation work prior to the commencement of development. If areas within the site are found to be of high archaeological significance then suitable mitigation measures can be agreed, which could include the installation of panels on concrete shoes in order to minimise ground works.

*Biodiversity*

89. The development is not considered to result in significant ecological impacts and would provide biodiversity gain. However, a condition requiring appropriate measures to secure ecological enhancement would be attached to any consent.

*Flood Risk*

90. The site is located within Flood Zone 1 (low risk). The submitted Flood Risk Assessment demonstrates that the development would be unlikely to increase the risk of flooding to the site and the surrounding area. However, a surface water drainage condition should be attached to any consent to ensure that there is an adequate surface water strategy at the site to deal with any issues during intense rainfall. The scheme should include reference to the checklist by the Environment Agency to monitor possible longer term effects.

*Other Material Considerations*

91. The applicant has commented on the issue of glare and possible impact on aviation, stating that the glass used in the production of PV panels is specifically designed to absorb as much daylight as possible. Whilst there is potential for any minimal diffused glare to be reflected skyward, he states that this would not be visible and does not create a safety hazard for planes.

### *Conclusions*

92. The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it.
93. The proposal would have an impact on the landscape, but officers are of the view that this can be mitigated by additional landscaping.
94. There is no outstanding amenity issue. Conditionally there are no outstanding highways (subject to Highway Authority comments), flood risk, nature conservation or historic environment issues.
95. With the conditions recommended below, it is concluded that on balance the benefits of the scheme in respect of renewable energy production, outweigh the harm over the temporary 'loss' of agriculture productivity.

### **Recommendation**

96. Subject to consideration of any comments on the revised details that delegated approval is given subject to the following conditions –
  1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers to be listed  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. The development, hereby permitted, shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 25 years of the date of this permission in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
(Reason - Approval of the proposal on a permanent basis would be contrary to Policy NE/2 of the adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)
  4. All development must be removed from site within 6 months of the solar farm ceasing to be operational.  
(Reason - The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and policy NE/2 of the adopted Local Development Framework 2007.)
  5. 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.)

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. 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.)
8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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.)

9. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage including monitoring arrangements 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.)
10. No development shall commence until a detailed scheme for the importation of any soil onto the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.  
(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.)
11. 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.)
12. Scheme of ecological mitigation.
13. Restriction on hours of working during the construction phase
14. Implementation of Traffic Management Plan
15. Archaeological investigation

## Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007

- <http://www.scams.gov.uk/content/local-development-framework>  
South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scams.gov.uk/localplan>

**Report Author:** Paul Sexton – Principal Planning Officer  
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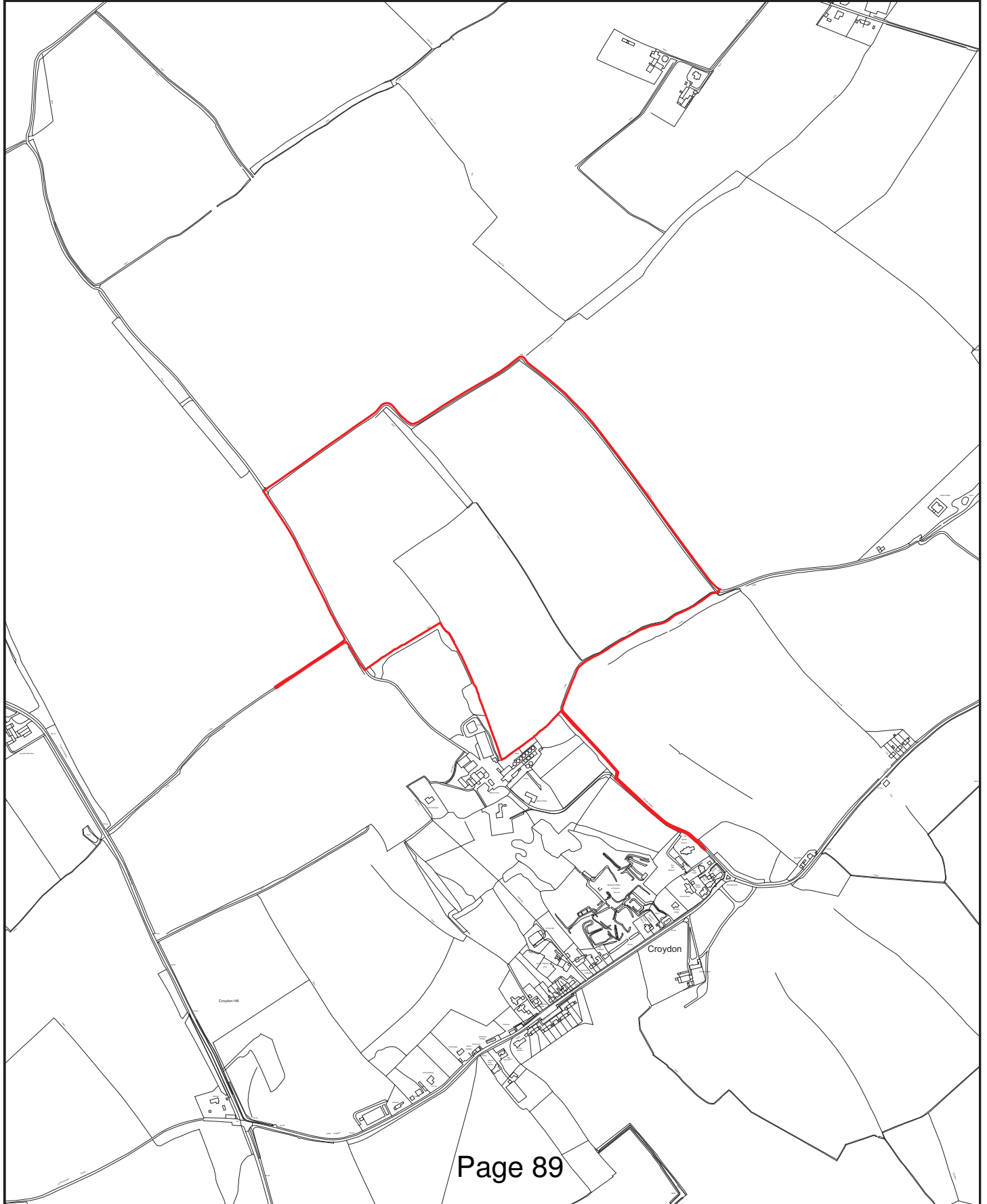
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# Agenda Item 11

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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**Application Number:** S/0734/14/FL

**Parish(es):** Linton

**Proposal:** Dwelling House

**Site address:** 7 Bakers Lane, Linton, Cambridgeshire

**Applicant(s):** Mr and Mrs C O'Malley

**Recommendation:** Delegated Approval

**Key material considerations:** Neighbouring amenity

**Committee Site Visit:** Yes

**Departure Application:** No

**Presenting Officer:** Rebecca Ward

**Application brought to Committee because:** The recommendation of the Parish Council conflicts with that of Planning Officers

**Date by which decision due:** 06 June 2014

### Planning History

1. S/1255/09/F New Dwelling – Approved  
S/0513/09/F Two Storey Dwelling – Refused on the impact to character and appearance of the area and impact of overlooking to No.22 Crossways  
S/0682/86/F Caravan (renewal) – Approved on the condition that the caravan was to be occupied by a certain person and their family members only. No time limit was applied.  
S/1432/83/O Erection of dwelling - Approved  
S/0184/81/F Siting of caravan – Approved  
S/1861/75/F Siting of caravan – Approved

### Planning Policies

2. *National Planning Policy Framework*
3. *Local Development Framework*  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria

DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
TP/2 Car and Cycle Parking Standards

4. District Design Guide SPD – adopted March 2010

5. *Draft Local Plan*

HQ/1 Design Principles  
SF/7 Development Frameworks  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

### **Consultations**

6. Parish Council – The Parish Council Objects to the application on the following grounds:

- The application would appear to contravene policy DP/3 of the South Cambridgeshire Local Development Framework which seeks to ensure that new development does not have an unacceptable adverse impact on residential amenity.
- Despite having a reduced height the proposed property would still dominate Bakers Lane.
- Despite changes regarding the position of the hedge it is felt that, if this becomes overgrown, the footpath would soon become impassable or unpleasant to use. The height and proximity of the fence to the path would be oppressive and overbearing to this very regularly used footway. This route is used as a safe route by children attending Linton Heights Junior School.
- There are concerns over the legality of the access to the site; one access crosses a public footpath. The proposed drive is accessed by crossing land owned by another resident of the lane. Boundaries of neighbouring gardens have not been taken into account in these plans; the available access is actually narrower than indicated.
- The design and access statement is not accurate. It is not a replacement dwelling as described. Previously the site was occupied by a caravan and shed. The housing adjacent to the site is single storied; two storied housing is some distance from this site. Recent housing has been made single storey and is cut into the slope of the ground to reduce their impact.
- The planting scheme is considered to be detrimental to neighbouring properties, the proposed trees being too large and inappropriate areas.
- There are concerns over the lack of sustainability features (solar panels etc)
- There are concerns regarding traffic impacts
- Can you clarify the highways department have been consulted

7. Local Highways Authority – No objections raised, but require a condition to be added to the decision notice for a method statement to be submitted in relation to the process of demolition and construction and effects it might have to the adopted public highway.

8. Environmental Service - Concerned that problems could arise from noise and suggests conditions to minimise the effects of the development upon nearby neighbours.

9. County Footpaths Team – Awaiting consultation response. An update will be issued in due course.

### **Representations**

10. Representations were received from the occupiers of:  
Bakers Lane – The Barhams, No 4, No.5 and No.8  
Bartlow Road - No.37 and No.39
11. The following material planning considerations were raised; Overlooking, Overbearing on the street scene, Highway Safety/vehicle access, Ownership, inappropriate landscaping, impact to public footpath.

### **Planning Comments**

#### *Site and the proposal*

12. The site is located to the east of Linton, just off Bartlow Road within an existing residential area, within the village framework. The access to the site is off Bakers Lane where land levels steadily rise.
13. The proposed development is on a redundant plot of land on Bakers Lane. The land once contained a caravan and shed, whereby an elderly gentleman lived for a number of years. The caravan and shed have since been removed. In 2009 a planning application was approved for a similar dwelling on this plot. This application seeks to reinstate that decision as the timescale to build has now lapsed.
14. In accordance with the amended drawings dated 19 May 2014 the detached dwelling will have an integral double garage and five bedrooms. The dwelling will be 5.5m in height at its lowest point and 6.6m at its highest.

#### *Principle of Development*

15. The proposal falls within the village framework of Linton, where Policy ST/7 of the LDF Core Strategy 2007 allows for residential developments of not more than 8 dwellings. The principle of a new dwelling is therefore considered acceptable in relation to this policy.
16. Housing density policy HG/1 is applicable in this instance and seeks a minimum density of between 30-40 dwellings per hectare, unless there are local circumstances that require different treatment. It would appear that a single dwelling in this instance is appropriate given the surrounding housing density.
17. Affordable housing contribution would not apply in this instance as the emerging Local Plan now applies the threshold to development schemes of three or more dwellings.

#### *Impact upon the Street Scene*

18. The site in its present state is not considered to form an essential part of village character. The existing land levels together with the scale and height of the proposed dwelling at a maximum height of 6.6m and a lower height at 5.5m is not considering to be dissimilar to the character and appearance of the area whereby there is a range

of different styles and forms. As the dwelling is set back in the plot, officers do not consider that it would adversely dominate or detract from street-scene.

19. Although the dormer windows would give the dwelling a more complex appearance, they are not considered to cause significant harm, given the variety of different styles of dwellings. However, the drawing has been amended (dated 19 May 2014) to remove the eastern facing dormer window, which should help reduce some of its bulk and perceived overlooking impact to No.8 Bakers Lane.
20. The use of buff bricks, stained weatherboarding and plain tiles is considered appropriate, as the area does not have a specific palette of local materials.

#### *Neighbouring Amenity*

21. Impact to No.8 Bakers Lane - The first floor master bedroom windows in the east elevation of the dwelling would not result in significant overlooking to the ground floor bedroom windows in the west elevation of No. 8 Bakers Lane or its garden area, as the bedroom windows are situated 19 metres away from the bedroom windows of that property and behind a 1.8m brick wall.
22. Impact to No.5 Bakers Lane - Whilst it is acknowledged that the dwelling would be on higher land than the bungalow at No. 5 Bakers Lane, it is not considered to result in an unduly overbearing mass or lead to a significant loss of light to the garden of that property, as it would be orientated to the north and behind the garage of No.5.
23. Impact to No.22 Crossways – There will be a gap of roughly 3m between the boundary of No.22 and the position of the new bungalow. The proposed dwelling will be situated adjacent to the end of No.22's garden amenity space. Due to the size and siting the proposal is not considered to not cause significant harm to neighbouring amenity in regards to overbearing or overshadowing.
24. The proposed development is not considered to have significant harmful impact the amenities of other neighbouring properties in the area, and therefore it is considered to comply with policy DP/3 (2 j) 'Development Criteria' of the Local Development Framework.
25. Concerns were raised to the impacts that construction traffic will have on Bakers Lane. This has been addressed in the 'Highway Safety' paragraph below.

#### *Landscape*

26. The proposed landscaping and boundary treatment are not considered acceptable, as the trees would grow to be too large for the site. A condition will be placed on the decision notice for a revised scheme in the event that the application is approved.

#### *Highway Safety*

27. The access to the site is via Bakers Lane that is a narrow (approximately 3 metre wide) unmade track with poor visibility in both directions at its junction with Bartlow Road.
28. The substandard width of the access would result in vehicles waiting on Bartlow Road to enter the site whilst other vehicles are exiting, which would cause an obstruction to the free flow of traffic along Bartlow Road. The poor visibility and additional vehicles

would also cause a hazard, as vehicles would need to pull out into the road to be able to see whether any traffic is approaching.

However, the addition of a single dwelling, which is likely to bring an additional two cars to the street, is not considered to cause significant impact to the existing arrangements on Bakers Lane as to warrant a refusal. The Local Highways Authority has made no objections to this scheme.

29. The right of way across the small part of private access (tarmac) to the north of Nos. 5 and 6 Bakers Lane is a legal matter that cannot be considered during the determination of this application. In any case, intensification in the use of this would also not cause any harm. An informative will be placed on any decision notice to cover this matter.
30. A condition can be attached to any consent to agree details of where contractors' vehicles would park during demolition and construction to allow Bakers Lane to remain unobstructed in accordance with Policy DP/6. Damage to the access surface is not a material planning consideration that can be taken into account.

#### *Public Footpath*

31. Public footpath No. 24, Linton is located through the site. In the previous planning application the County Councils Definitive Maps Officer stated that the proposed dwelling would obstruct the legal line of Public Footpath No.24. The County Council advised the applicant to contact the County Council to resolve the discrepancy between the current walked route and the legal line of the public footpath.
32. As proposed, the new footpath will be positioned along the southern and western boundaries. A 1.2m close boarded fence will be erected until a low hedge (copper beech) has established.
33. The following conditions can be applied to the decision notice to ensure the proposed new route is acceptable to the County Council Highway Authority and the public :
  - Detailed scheme to ensure the width surface and boundary treatment of the proposed new route have been agreed.
  - No development shall commence until public footpath has been satisfactory diverted.
34. Informatives can also be attached to ensure that the developer does not obstruct the diverted public footpath during the construction phase and to ensure it remains open and unobstructed at all times.

#### *Other Considerations*

35. Any consent could be subject to a condition that limits the times of operation of power-operated machinery in order to limit noise disturbance to nearby residents.
36. Informatives in relation to foundations, demolition works and bonfires would also be included. Similarly, due to the constrained width of the access, a condition could be added requiring a scheme for the parking of construction vehicles and the storage of building materials to be agreed.

#### **S106 requirements**

37. The applicants have submitted a heads of terms document agreeing to cover open

space, community facilities and waste disposal costs. This will need to be signed and completed prior to a decision notice being sent out.

### **Conclusions**

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

### **Recommendation**

39. Approval , subject to the prior completion of a S106 agreement towards infrastructure contributions 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 works will not be prejudiced by listed building consents which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DD431.01 G, DD431.01 G (date stamped 19 May 2014)  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building 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 a site survey plan showing the ground levels of the application site and the surrounding land, and a site section plan showing the finished floor levels of the proposed dwelling in relation to the existing and proposed ground levels of the surrounding land have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. (Reasons – Insufficient information was submitted with the application to assure the Local Planning Authority that the dwelling would not be greater than 5.5m high from the natural ground level in the interest of residential and visual amenity, as required by policy DP/3 of the adopted Local Development Framework 2007).
5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size. (Reasons – To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with policy DP/2 and NE/6 of the adopted Local Development Framework 2007)

6. No development shall commence until public footpath No.24, Linton, has been satisfactorily diverted under section.257 of the Town and Country Planning Act 1990. (Reasons – To ensure that the proposed new route of the footpath is acceptable to the Highway Authority and to the Public)
7. No development shall commence until a scheme detailing the position, width and surfacing of the proposed new route of Public Footpath No.24 Linton has been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. (Reasons – To ensure that the proposed new route of the footpath is acceptable to the Highway Authority and to the public)
8. No development shall commence until a method statement relating to the process of the erection and demolition and any effects this may have on the adopted public highway have been submitted to and approved in writing by the Local Planning Authority. In particular reference should be made to control debris, mud and dust, pedestrian and vehicle movements and the control of contractors parking. The development shall be carried out in accordance with the approved method statement (Reason – In the interests of highway safety in accordance with policy DP/3 of the adopted Local Development Framework)
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the West Elevation of the dwelling house at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. 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, no at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reasons – To minimise noise disturbance for adjoining residents in accordance with policy NE/15 of the adopted Local Development Framework 2007).

### **Informative**

1. The granting of planning permission does not constitute permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.
2. The granting of planning permission does not constitute permission or licence to a developer to override the property rights of the occupier of the part of the land in which this permission relates to.
3. The development must not encroach onto the footpath. Any encroachment would constitute an obstruction, which is an offence under s. 137 of the Highways Act 1980. If the developer requires advice on where the boundaries of the right of way are the applicant should contact the Definitive Map Officer for assistance.

4. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it.
5. No alteration to the surface of the footpath is permitted without the County Council's consent. It is an offence to damage the surface of a public right of way under S1 of the Criminal Damage Act 1971.
6. The developer's attention is drawn to the fact that the grant of planning permission does not entitle the developer to obstruct the public right of way. Development, in so far as it affects the right of a way, must not be started, and the right of way kept open for public use, until the necessary order under Section 247 or 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. It should not be assumed that because planning permission has been granted an order will invariably be made or confirmed.
7. Prior to the commencement of the first use, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. This is in the interests of highway safety and to ensure satisfactory access into the site.
8. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

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

**Report Author:** Rebecca Ward – Senior Planning Officer  
Telephone: (01954) 713236





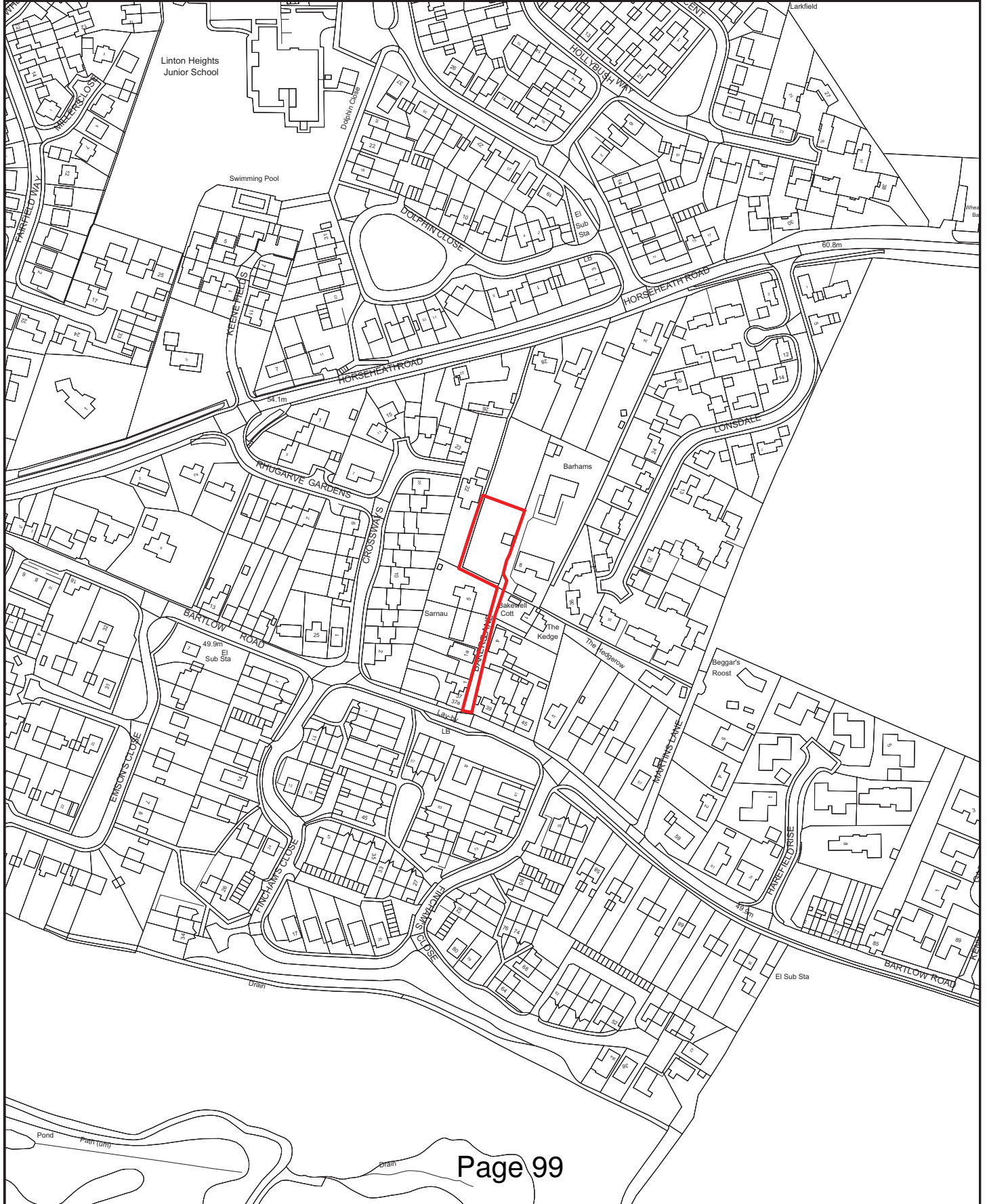
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Date of plot: 19/06/2014



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District Council

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# Agenda Item 12

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/2762/13/FL
<b>Parish:</b>	Linton
<b>Proposal:</b>	Erection of 12 dwellings following demolition of dwelling
<b>Site address:</b>	Newdigate House, 3 Horseheath Road
<b>Applicant:</b>	Mr Andrew Hodgson (Savills (UK) Ltd)
<b>Recommendation:</b>	Delegated Approval
<b>Key material considerations:</b>	Principle, density, mix and affordable housing, character of the area, residential amenity, highway safety and parking, drainage and other matters.
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	The officer recommendation of delegated approval is contrary to the recommendation of refusal from Linton Parish Council
<b>Date by which decision due:</b>	6 March 2014

### Planning History

1. S/0730/10/F – 9 Dwellings - Withdrawn
2. S/0348/06/O and S/1640/08/RM – relate to the approval of the existing Keene Fields development of 11 dwellings to the rear of the site, but include the access roadway through the site.

### Planning Policies

3. *National Planning Policy Framework*
4. *Local Development Framework*

ST/5 – Minor Rural Centres  
DP/1 – Sustainable Development  
DP/2 – Design of New Development  
DP/3 – Development Criteria  
DP/4 – Infrastructure and New Developments  
DP/7 – Development Framework  
HG/1 – Housing Density  
HG/2 – Housing Mix  
HG/3 – Affordable Housing  
SF/10 – Outdoor Play Space, Informal Open Space and New Developments  
SF/11- Open Space Standards  
NE/1 – Renewable Energy  
NE/6 – Biodiversity  
NE/15 – Noise Pollution  
TR/2 – Car and Cycle Parking Standards

5. Supplementary Planning Documents

Affordable Housing SPD – adopted March 2010  
District Design guide SPD – adopted March 2010  
Open Space in New Development SPD – adopted January 2009

6. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development  
S/9 – Minor Rural Centres  
CC/3 – Renewable and Low Carbon Energy in New Developments  
CC/6 – Construction Methods  
HQ/1 – Design Principles  
NH/4 – Biodiversity  
H/7 – Housing Density  
H/8 – Housing Mix  
H/9 – Affordable Housing  
SC/7 – Outdoor Play Space, Informal Open Space and New Developments  
SC/8 – Open Space Standards  
SC/11 – Noise Pollution  
TI/3 – Parking Provision

**Consultations**

7. **Linton Parish Council** – whilst appreciating the use of this site for necessary housing, recommends refusal in respect of the scheme as originally submitted for the following reasons:
8. “There are safety concerns regarding the effect of the envisaged heavy traffic at the junction with Horseheath Road on the safety of pedestrians. The path is part of the Safer Routes to School and the heavier traffic, especially at peak times of pedestrian use, is a safety concern. CCC highways to be consulted regarding the parking and sight lines especially when cars are parked on Horseheath Road.
9. The Transport Plan is inaccurate as in section 3.2 “Existing Highway Network” it states that “*Horseheath Road is subject to 30mph speed limit and is essentially typical of a village road with frontage development to both sides. There are lit footways on both sides of the road.*” Horseheath Road does NOT have footways on both sides. It only has a footway on the north side. There are no street lights or a

footway on the south side. It does not state that Horseheath Road is a busy main access road for Linton. This has a significant impact on road safety concerns.

10. The plan is not accurate in relation to the junction of Keene Fields and Rhugarve Gardens. The junction with Horseheath Road and the expected quantity of traffic using it should be referred to CCC Highways Dept for reasons of safety and effect on access to Rhugarve Gardens.
11. The access road to Keene Fields, that would also serve this development, is very narrow so that delivery vans, emergency vehicles etc, have difficulty in in access.
12. Similarly the entrance from the development to the access road appears insufficiently wide for the expected traffic (especially if a car is parked on it).
13. Insufficient parking spaces for 12 houses. The parking at Keene Fields (calculated on a similar basis), is already insufficient for needs. Anticipate a knock-on effect to the visitor parking here. Insufficient parking space will result in more cars parking on the Horseheath Road, a major access road for the village, exacerbating the safety problems on this busy road.
14. The design of the housing is out of keeping with the street scene and the styles of neighbouring housing. In particular the cladding seems out of character for the area. The housing will be elevated from the road and so be particularly conspicuous.
15. The site will be over-developed for the limited space available.
16. There is an inappropriate housing mix for the needs of the village – smaller housing and bungalows are particularly needed, rather than 4 bed family homes.
17. Unit 1 will overshadow and affect the privacy of adjacent housing in Parsonage Way.
18. Unit 12 will overshadow and affect privacy of the adjacent house off Horseheath Road. There is a house there already, with potential for further development which could be affected by this proposed unit.
19. Units facing Horseheath Road (9,10,11) will overlook the houses in Rhugarve Gardens (esp 2+4). The site is rather elevated compared to these houses, so even ground floor windows would affect the privacy of houses across the road.
20. Units 2-4 have potential to overlook and affect privacy of plots 1-3 Keene Fields.
21. Unit 8 appears very close and intrusive on 7 Horseheath Road – are the proportions of bungalow to green area correct?
22. Having more bungalows might resolve the issues of overlooking neighbouring homes.
23. Due to the loss of open grassed area, and its replacement with hard surfacing/buildings, there is a sever loss of rain soak-away space. Hence, there is the potential for flooding off the site (and an ice hazard in winter) particularly affecting banks near to Horseheath Road
24. Lack of sustainability in the design (no solar panels, rainwater collection etc)
25. Lack of spaces for bins and recycling containers

26. Is there sufficient capacity in the water supply + sewage systems (both are issues in Linton)
27. Regarding landscaping – the silver birch tree should be retained. Planting should be sensitive and of native species. Trees officers should be consulted regarding planting.
28. Conditions – Construction traffic must only access the site via the A1307 and Horseheath Road and not through the village. It should avoid times when children are walking to and from school.'
29. Comments of the amended drawings will be reported at the meeting.
30. **Local Highway Authority** – initially objected to the application on the grounds that the submitted drawings did not show the required 2.4m x 43m visibility splays at the junction with Horseheath Road. Revised plans have since been provided and the objection has been withdrawn.
31. The Local Highway Authority has stated that it will not be adopting any part of the development. It points out that a bin collection point will need to be located to the front of the proposed development due to the proposed bin stores being located more than 25m from publicly maintainable highway.
32. A condition should be included in any consent requiring submission of a Traffic Management Plan covering the period of demolition and construction for approval.
33. The Highway Authority has commented in respect of matters raised by the Parish Council and residents and these are referred to under the relevant section of the Planning Comments below.
34. **Urban Design Team** – considers the scheme as originally submitted to be generally well-designed, crisply blending contemporary and historic and design characteristics, although there were still elements of poor design which undermined the overall quality of the scheme. These concerns have been addressed in the amended drawings
35. **Trees Officer** – objects to the layout as submitted. There are two TPO trees on adjoining land and the root protection area (RPA) extends well into the site. The proposed car parking/permanent hard surfacing within the RPA is unacceptable as it occupies in excess of 20% of the RPA underneath the Beech Tree, which is beyond the limits of BS5837:2012. This applies regardless of whether the surface is permeable or not, or whether 'no-dig' construction is used. The parking of vehicles underneath a mature tree is something which should be avoided, due to falling branches etc, which will lead to pressure for the tree to be felled or heavily lopped.
36. Comments on the revised drawings will be reported.
37. **Environmental Health Officer** – requests that a condition is attached restricting hours of operation of power driven machinery during the period of demolition and construction, along with standard informatives.
38. **Housing Development Officer** – comments that there is a net gain of 11 units and therefore the provision of 4 affordable units meets the 40% or more required by Policy HG/3. The mix is two 1-bedroom, one 2-bedroom and one 3-bedroom unit, of which 3 should be rented and 1 shared ownership. Properties should be built to HCA design and quality standards.

39. **Environment Agency** – no objection but points out that the site is located above a Principal Aquifer, Source Protection Zone (SPZ2), Safeguard Zone, WFD groundwater body, WFD drinking water protected area, and is within 245m of a surface water course. The site is therefore considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.
40. Planning permission should only be granted subject to conditions being included requiring further investigation of the site if contamination not previously identified is found to be present, and the submission for approval of a scheme for surface water drainage.

### **Representations**

41. 21 letters have been received from the occupiers of Nos. 1, 7, 9, and 15 Horseheath Road, 1, 3, 4, 6, 10, 11 and 12 Keene Fields, 29, 31 and 33 Parsonage Way, and 2, 5, 8, 11, 12, and 13 Rhugarve Gardens objecting to the application as originally submitted on the following grounds:
- a. Density too high, leading to overcrowded development. Keene Fields is 32 dwellings per hectare – proposed development should reflect this, but is 52 dph, which is out of keeping with surrounding developments, which have more of a suburban feel, as opposed to a tightly developed High Street location. Linton is not highly sustainable location as it does not have good services and public transport links required to support densities of 40 dph and above (Policy HG/1). Are minimum garden sizes met?
  - b. Loss of open space.
  - c. Information with the application is inaccurate as there are not footpaths either side of Horseheath Road which is a Safer Route for Schools.
  - d. Access is extremely narrow and on-street parking is not possible without cars parking on the grass verge, which will not be available if this development goes ahead. Access for emergency and delivery vehicles will be impeded. These already find it difficult to access Keene Fields and have to stop on the road, blocking entry to Keene Fields.
  - e. Inadequate parking – only 20 spaces proposed for 12 houses, five of which are garages, which are less likely to be used for parking. Parking will overspill onto Keene Fields. 1½ car spaces per dwelling is not realistic. There is no visitor parking and only a single disabled space (should be 5%).
  - f. There is already inadequate parking for the existing Keene Fields development leading to parking off-site on the roadway into the site and Horseheath Road.
  - g. Overspill parking on Horseheath Road will obstruct visibility at the junction (cars park here already), which will be dangerous for cars turning in and out of Keene Fields as a result. Horseheath Road is on a Safer Route to School and safety will be compromised.
  - h. Overflow parking could result in Rhugarve Gardens opposite, which is also narrow and used as a rat-run.

- i. Outdoor playspace provision does not comply with Policy SF/10 and should take account of lack of playspace in the existing Keene Fields development.
- j. Danger from construction traffic – should not be during school hours. Parking for construction/delivery vehicles will be a problem.
- k. No street lighting proposed – at least one lighting post is required for both the old and new developments.
- l. Parking close to the TPO Beech Tree should not be permitted and the tree should not be allowed to be re-shaped.
- m. Plot 9 is set well forward of adjacent building lines and will be out of keeping.
- n. Plots 1-7 have an unacceptable impact on adjacent properties in Parsonage Way, which primarily have a rear outlook. There will be loss of light to the houses and small gardens, overbearing impact due to scale of proposed building and proximity to boundary, and overlooking. There is no room for planting to soften the impact.
- o. Loss of privacy to rear of properties in Keene Fields due to overlooking from Units 1-7. The proposed dwellings are 3-storey and higher than the existing building on the site and will be overbearing as a result. The massing of these units is too great and height should be reduced, particularly as the land is lower than houses in Keene Fields. Incorrect distances from the proposed houses are marked on the plan.
- p. The occupier of 1 Horseheath Road is concerned at the scale of the unit on Plot 12, which will overshadow and overlook the existing property. There have been pre-application discussions about redevelopment of the land associated with 1 Horseheath Road and the proposed scheme for Newdigate House will prejudice this being brought forward.
- q. Plot 8 will have a seriously detrimental impact on 7 Horseheath Road. It will overlook being close to the boundary and result in the loss of a mature Poplar tree. Insufficient justification is put forward for its removal.
- r. Parking form Unit 8 next to 1 Keene Fields will result in fumes and noise. Development is too close to 11 Keene Fields.
- s. Due to the slope of the site boundary fences will need to be of adequate height to prevent overlooking.
- t. No screened storage and collection point for refuse provided.
- u. Retention of the Golden Ash at the front of the site should be ensured. The hedge along the front boundary of the site should be protected.
- v. Loss of wildlife – has the site been surveyed for bats?
- w. There should be no vertical cladding.
- x. Scheme has not addressed issues raised in earlier withdrawn application.



- y. There is a covenant on existing properties in Keene Fields preventing parking on the road which would cause an obstruction – this should be extended to the new properties.

## **Planning Considerations**

### **Site and Proposal**

- 42. Newdigate House is a detached dwelling set in a 0.3ha plot of land, elevated above the level of Horseheath Road. The site is located on the north side of the road. There is a high hedge along the Horseheath Road frontage and the site slopes in a northerly direction.
- 43. The site is accessed from Horseheath Road via Keene Fields, a development of 11 dwellings built on land at the rear of Newdigate House. To the west is No.1 Horseheath Road, a large detached house, and a number of properties in Parsonage Way. To the east are a number of properties in Horseheath Road, some of which have gardens abutting the application site. Opposite the site across Horseheath Road are further properties in Rhugarve Gardens and Horseheath Road.
- 44. There is no footpath along the south side of Horseheath Road, and as a result pedestrians have to walk across the Keene Fields access.
- 45. The application, as amended, proposes the demolition of the existing dwelling and the erection of 12 new properties. 11 of these will be served by an access spur from the west side of Keene Fields, with one plot having its own access from Keene Fields. No plot has direct access to Horseheath Road.
- 46. The proposed dwellings consist of 2 one-bedroom, 3 two-bedroom, 5 three-bedroom and 2 four bedroom houses. 4 affordable dwellings are provided (Plots 5-8). The layout comprises a terrace of 7 dwellings at the northern end of the site, including 2 one-bedroom dwellings. These properties will be two-storey at the western and eastern ends, with 2 three storey units in the middle.
- 47. Unit 8 comprises a single storey two bedroom bungalow at the north east corner of the site. Unit 9 will be adjacent the existing access road into the site and comprises a two storey four bedroom property. Units 10 and 11 are semi-detached three bedroom properties, the rear elevation of which face Horseheath Road. In the south west corner is Plot 12, a two storey four bedroom property.
- 48. A total of 20 car parking spaces are provided, including 4 garages. The existing footpath on the north east side of Keene Fields will be extended to the entrance to plot 8. A speed reduction measure will be introduced opposite plots 7 and 8, which will be in place of a feature shown on the approved drawings for the existing Keene Fields development, but which has not been constructed. This feature would have been at the point where the driveway to Plot 8 is now proposed.
- 49. The application is accompanied by a Design and Access Statement, Planning Statement, Arboricultural Impact Assessment, Landscape Statement, Land Contamination Survey, Renewable Energy Report, Services and Utilities Assessment, Drainage Statement, Site Waste Management Plan, Transport Statement and Draft Heads of Terms.

### *Principle of development*

50. The site is within the village framework and therefore the principle of the redevelopment of the site is acceptable subject to compliance with other policies in the plan. Linton is designated as a Minor Rural Centre and so the number of dwellings proposed is within the maximum number of 30 permitted.

*Density, Housing Mix and Affordable Housing*

51. The density of the proposed development is 38 dph. Whilst this above the average density of 30 dph sought by Policy HG/1, the policy states that higher net average densities of at least 40 dph should be achieved in more sustainable locations close to a good range of existing or potential services and facilities, and where there is, or there is potential for, good local public transport services. Officers are of the view that Linton falls into this category.
52. Although Policy H/7 of the draft Local Plan omits the 40pdh comment in respect of Minor Rural Centres, objections have been received to that policy and therefore it cannot be given any significant weight in the determination of this application.
53. However, the acceptability of this density needs to be judged on other matters such as character, highway safety and impact on residential amenity. The density of the existing Keene Fields development is 39 dph.
54. The market housing mix was agreed at the pre-application stage and is required to allow the provision of 4 affordable housing units. The provision of this level of affordable housing meets the aims of Policy HG/3 and the scheme is supported by the Housing Development Officer.

*Impact on character of the area*

55. The site in its current form provides an area of green space in the street scene, and reads alongside the large garden of No.1 Horseheath Road to the south east. The remainder of the surrounding area is more intensely developed. The site is set above the level of Horseheath Road and therefore the impact of any new development will be increased. The Urban Design Team has been involved in the pre-application discussions and generally supports the design approach adopted. Although the design approach does not reflect that of adjacent properties officers are of the view that with the use of appropriate materials, which can be agreed by condition, the development need not appear out of character. The comments regarding the use of boarding are noted.
56. It is important that the existing planting along the Horseheath Road frontage is retained, including the Mountain Ash, and that high fencing is not allowed on that boundary. This can be secured by condition.

*Residential amenity*

57. The amended drawings seek to address concerns raised in respect of the impact of parts of the scheme of existing dwellings.
58. The house on Plot 1 has been reduced in height to 7.4m, with a roof design which slopes away from the boundary with the adjacent houses in Parsonage Way, which are dwellings which have a primarily rear aspect, so that the ridge line will be 7m from the boundary. Plot 1 will be within 3m of the boundary with Parsonage Way, but the eaves height at that point has been reduced to 2.9m, and the depth of two-storey element reduced. Although the outlook from the rear of properties in Parsonage Way

will change significantly, in officers view the amended scheme achieves an acceptable relationship with those properties.

59. Units 1-7 will back onto existing dwellings in Keene Fields. Any element of the new buildings above single storey height will be a minimum of 25m from the rear windows of properties in Keene Fields, and therefore compliant with Design Guide SPD distances aimed at preventing unreasonable overlooking. The new dwellings, with the exception of single storey rear projections will be a minimum of 15m from the boundary with Keene Fields, on land which is set below the level of that development. At the present time the view from the rear windows of properties on the south side of Keene Field is of a rising landscape to the south of Linton in the distance, which will be impeded by Units 1-7. The central units will be 8.9m high, however officers are of the view that there will not be an overbearing impact on properties in Keene Fields.
60. Plot 8 has a ridge height of 5.2m and will be set 5.4m from the boundary of the adjacent house in Horseheath Road. There is no significant change in level and officers are of the view that the new dwelling will not appear overbearing. A condition can be imposed preventing the insertion of any openings in the rear facing roof.
61. The house on Plot 12 will have a maximum ridge height of 7.6m. Although it is located close to the boundary with No.1 Horseheath Road officers do not consider it will have an overbearing impact on that property. It is designed with no first floor windows facing No.1 and future opening sin this elevation can be controlled by condition. Impact on potential future development of the adjacent site is not a material consideration.
62. The distances between the rear elevations of plots fronting Horseheath Road and properties on the opposite side of the road is such that they will not have an unreasonable impact.

*Highway safety and parking*

63. The Highway Authority has not objected to the application, and the applicant has demonstrated that the required visibility splays at the junction of Horseheath Road can be achieved.
64. In response to concerns raised by the Parish Council and residents, the Highway Authority has commented that under Manual for Streets, parked cars are not generally considered to be a significant impediment to vehicular visibility. In traffic generation terms the Highway Authority states that it can, under national guidelines, only object to a development if the impact is severe. The development is likely (using nationally recognised figures) to generate about 6 motor vehicle movements during the peak hour. Such an increase cannot realistically be seen as severe. Although the increase in motor vehicle movements will increase the likelihood of an accident occurring at the junction, this increase is likely to be so small as to almost be immeasurable within the normal variations in numbers of motor vehicles using the highway on a daily basis.
65. The Highway Authority is of the view that given the low levels of motor vehicle traffic that the proposal is likely to generate, the impact on the operation of the access to Rhugarve Gardens is unlikely to be significant.
66. As amended the scheme provides off-street parking for 20 cars, 4 of which are garaging. Policy TR/2 requires an average parking provision of 1.5 spaces per dwellings and the scheme achieves this, with two additional spaces. In practice the

driveway to Plot 8 will accommodate 3 vehicles, although only two are shown on the plan.

67. Two spaces have been lost on the revised plan. Whilst this is unfortunate this reduction is required to address the concerns of the Trees Officer regarding the impact of parking on the adjacent Beech Tree, which is the subject of a Tree Preservation Order.
68. The Highway Authority comments that Keene Fields is a private road and the control of on street parking therefore falls to the owner rather than the Highway Authority. Any parking that obstructs the carriageway such that access for emergency service vehicles is a danger and should be avoided. The width of Keene Fields is approximately 4.5m.
69. Refuse vehicles will need to stop on the access road when collecting bins from the collection points. Although this will obstruct the access roadway while it is taking place it is a weekly occurrence and for a short period of time only.
70. Garage sizes meet the requirements set out in the District Design Guide SPD.

*Other matters*

71. The application is accompanied by an arboricultural assessment. Whilst some existing planting within the site will be lost the individual quality of these trees does not of itself warrant retention.
72. The applicant has provided a small area of space which meets the requirements for on site provision for the number of units proposed. This development cannot be required to make up any shortfall in open space in the existing Keene Fields development.
73. Officers have asked for the comments of Anglian Water in respect of capacity on the sewage system.
74. The applicant has accepted the need for contributions in respect of public open space, community facilities and waste receptacle provision, and a draft Section 106 securing these is being prepared to cover these matters, and secure the provision of the affordable housing. The County Council has been asked to confirm whether an education contribution is required.
76. A condition can be imposed on any consent for a scheme of surface water drainage, and renewable energy technology.

*Conclusion*

77. Officers are of the view that the scheme as amended is acceptable.

**Recommendation**

78. That subject to the consideration of comments on the revised drawings, and the applicant entering into a Section 106 Agreement to secure the required contributions to public open space, community facilities and waste receptacle provision, that delegated powers to approve the application.

**Conditions** (to include)

- (a) 3 year time limit
- (b) Approved drawings
- (c) Landscaping
- (d) Tree/hedge protection
- (e) External material
- (f) Boundary treatment
- (g) Surface water drainage
- (h) Restriction on hours of power driven machinery during demolition and construction
- (i) Levels
- (j) Withdrawal of PD
- (k) No further windows in specified elevations

### **Background Papers**

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
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- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/2762/13/FL, S/0730/10/F, S/0348/06/O and S/1640/08/RM

**Report Author:** Paul Sexton – Principal Planning Officer  
Telephone: (01954) 713255

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# Planning Dept - South Cambridgeshire DC



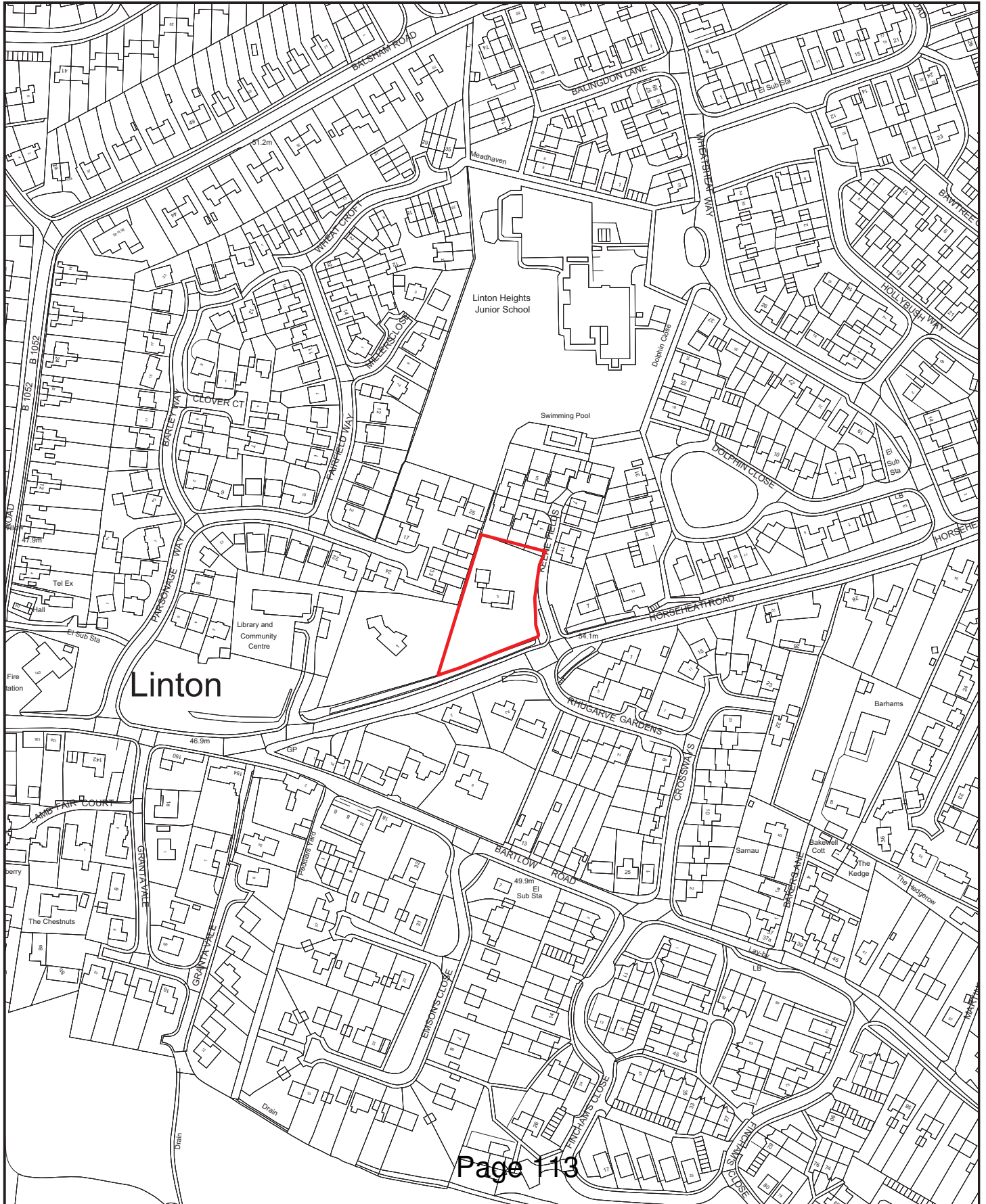
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# Agenda Item 13

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0698/14/FL
<b>Parish:</b>	Barrington
<b>Proposal:</b>	Extension to garden room and extension, and alteration to utility/store room
<b>Site address:</b>	36a High Street
<b>Applicant(s):</b>	Mr Christopher Taylor
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Conservation Area Impact and Residential Amenity
<b>Committee Site Visit:</b>	None
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Andrew Winter
<b>Application brought to Committee because:</b>	This Application has been reported to the Planning Committee for determination on the request of District Councillor Aidan Van de Weyer.
<b>Date by which decision due:</b>	21 May 2014

### Planning History

1. **S/0699/14/NM** – A non-material amendment has been submitted for an increase in the footpath width from 1.2m to 1.5; an escape window at first floor level in the east elevation; and a reduction in the length of the dwelling and alterations. A decision is pending on this application.
2. **S/1896/12/FL** – A revised scheme to S/1609/10 proposed a first floor addition above the flat-roofed ground floor study/bedroom 2 and an enlarged and altered utility/workshop room. This was refused at planning committee (January 2013) and later dismissed at planning appeal (ref **APP/W0530/A/13/2194340**) due to the design, bulk and massing of the development not being of high quality design and thereby causing harm to the character and appearance of the conservation area, contrary to Policies DP/2 and CH/5.

3. **S/1609/10** - A new ecological dwelling was approved subject to conditions at planning committee in December 2010.
4. **S/1455/09/F** – Planning permission was refused for the erection of an ecological dwelling, carport and store with new access at land to the north of 36 High Street, Barrington, on the grounds of its harmful impact on the character and setting of the Listed Building (The Old Guildhall), the conservation area and the special character of the PVAA; and because it failed to make sufficient provision for the additional burden the development would place on open space within the village.
5. An appeal against the refusal of S/1455/09/F was dismissed by a planning inspector in April 2010 (**APP/W/0530/A/10/2119529**), although the grounds on which he dismissed the appeal were more limited than those given by the Local Planning Authority in its original reasons for refusal.
6. **S/0613/09/F** – Planning permission was refused for largely the same development as proposed in the S/1455/09 application on the same grounds as above and in addition because it was considered that the application failed to adequately consider the impact of the development upon the biodiversity value of the site.

### **Planning Policies**

7. *National Planning Policy Framework*

Paragraph 14 and Chapter 12 (Conserving and enhancing the historic environment)

8. *Local Development Framework*

DP/1 Sustainable Development  
 DP/2 Design of New Development  
 DP/3 Development Criteria  
 DP/7 Development Frameworks  
 CH/4 Development Within the Curtilage or Setting of a Listed Building  
 CH/5 Conservation Areas  
 CH/6 Protected village Amenity Areas  
 District Design Guide SPD – adopted March 2010  
 Development Affecting Conservation Areas SPD – adopted January 2009

9. *Draft Local Plan*

HQ/1 Design Principles  
 NH/11 Protected Village Amenity Areas  
 NH/14 Heritage Assets  
 S/7 Development Frameworks

### **Consultations**

10. Parish Council – recommends refusal:

“1. This is a retrospective planning application and Council does not believe that the planning process should be misused in this way.

2. The width has been increased by 1.9m against plan of 1.8. When Mr Taylor had applied previously to amend plan (which had been passed on appeal), this

subsequent amendment had been dismissed on appeal 'due to the design, bulk and massing would not be of a high quality design and thereby would cause harm to the conservation area'. Therefore would fail to accord with the aims of the Framework and LDF Policies DP/2 and CH/5.

4. The Council cannot agree with the argument under 'design principles' that this latter increase in habitable space is considerably less than the size approved for the basement which was not constructed. Obviously the footprint would not have been increased if the basement had been constructed.

The Council feel strongly that the Authority should not condone such a flagrant abuse of the planning system and should take whatever measures it can under enforcement."

### **Representations**

11. Cllr Van de Weyer "I believe that the increased size of this building may cause harm to the conservation area and to the PVAA. Design considerations were very important when the previous plans were judged acceptable by the appeal inspector. This proposal is a significant departure from the previous design, so the appeal inspector's views no longer apply."
12. Owner/Occupier of 34 High Street - objects to the development on the following grounds:
  - The extended utility/store room was previously rejected and dismissed at appeal
  - The extension of the utility/store room should be justified on the basis of losing habitable space due to the unbuilt basement space under the dwelling
  - Light pollution and visual prominence of the proposed garden room
  - Increase in habitable area of the building

### **Planning Comments**

13. Firstly, it should be noted that the utility/store room has already been enlarged without planning permission .A breach of planning control has therefore occurred, which the applicant is seeking regularise in the submission of this planning application. A planning breach in itself is not illegal and does not automatically rule out the granting of planning permission through the retrospective submission of a planning application. The decisive issue, however, is whether the breach would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.
14. The Parish Council and neighbour have made reference in their comments to the appeal decision made on planning application S/1896/12/FL for a revised design to the dwelling. This appeal decision is included in Appendix 1 for ease of reference.
15. The main issue in this instance is whether the development would preserve or enhance the character of the conservation area and unduly impact on the amenity of neighbouring residential properties.

### **Conservation Area Impact**

16. The house stands some distance behind No.36 so that views of it from the Green are screened by existing planting. This distance, together with the screening, is considered sufficient to avoid any significant effect to the setting of No.36. For similar

reasons, the development itself would not be visible to any substantial degree from any public parts of the protected village amenity area (PVAA) or the conservation area.

17. The key features of the main dwelling are its gable ended form and simple design. The flat-roofed, single storey element to its east side was previously approved with a glazed canopy link to the utility/store room. This link continues in the new scheme but with the addition of a glazed lantern and glazed east-facing elevation. This addition would not undermine the key features of the dwelling and would appear subservient in scale and height to the main gable form of the building. For this reason, the garden room extension would not cause unacceptable harm to the character of the building nor the character or appearance of the conservation area.
18. The altered and enlarged garden room was considered in the appeal decision for application S/1896/12/FL where the inspector opined that the original flat roof structure was simple and elegant. The concern in the appeal (see paragraph 10) was that the altered and enlarged structure would be detached from the main house and its height would conflict with the eaves height of both the proposed first floor addition and the mono-pitched glass canopy over the kitchen door. It was thus the cumulative impact of these alterations and additions that was considered to cause adverse harm to the architectural quality of the building.
19. Neither the first floor addition nor the glass roof canopy are proposed in this new application. The scheme instead seeks an enclosed living area under the glass canopy whilst continuing to provide a coherent architectural connection between the flat roofed elements to the east side of the dwelling. The utility/store is two metres deeper than the original structure but this increase would still appear subservient and proportionate to the main dwelling. The only criticism would be of its vented roof element which interrupts its simple roof form but does try to mimic the roof design and appear diminutive. It is understood that this has been constructed over the air source heat pump to provide enhanced air circulation.
20. Therefore, on balance, the development is not considered to significantly detract from the key features of the building and its architectural quality. For this reason, the development is found to preserve the character and appearance of the conservation area in accordance with Policies DP/2 and CH/5.

### **Residential Amenity**

21. Light pollution to the surrounding neighbours is not considered to be a significant issue in this instance, as the proposal is not of an industrial level or similar to cause adverse harm to residential amenity. No other impacts have been identified and the impact on existing residential properties is therefore acceptable.

### **Recommendation**

22. Approval, subject to the following conditions:
  1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Scale 1:2500) and 12/1300:100A. (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  2. Details of the materials to be used in the external construction of the extension, hereby permitted, shall follow the specifications as stated on the planning application form or shall be approved in writing by the Local Planning Authority prior to any

development commencing. The development shall be carried out in accordance with any approved details.

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

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- Planning File Ref S/1896/12/FL

**Report Author:** Andrew Winter – Senior Planning Officer  
Telephone: (01954) 713082

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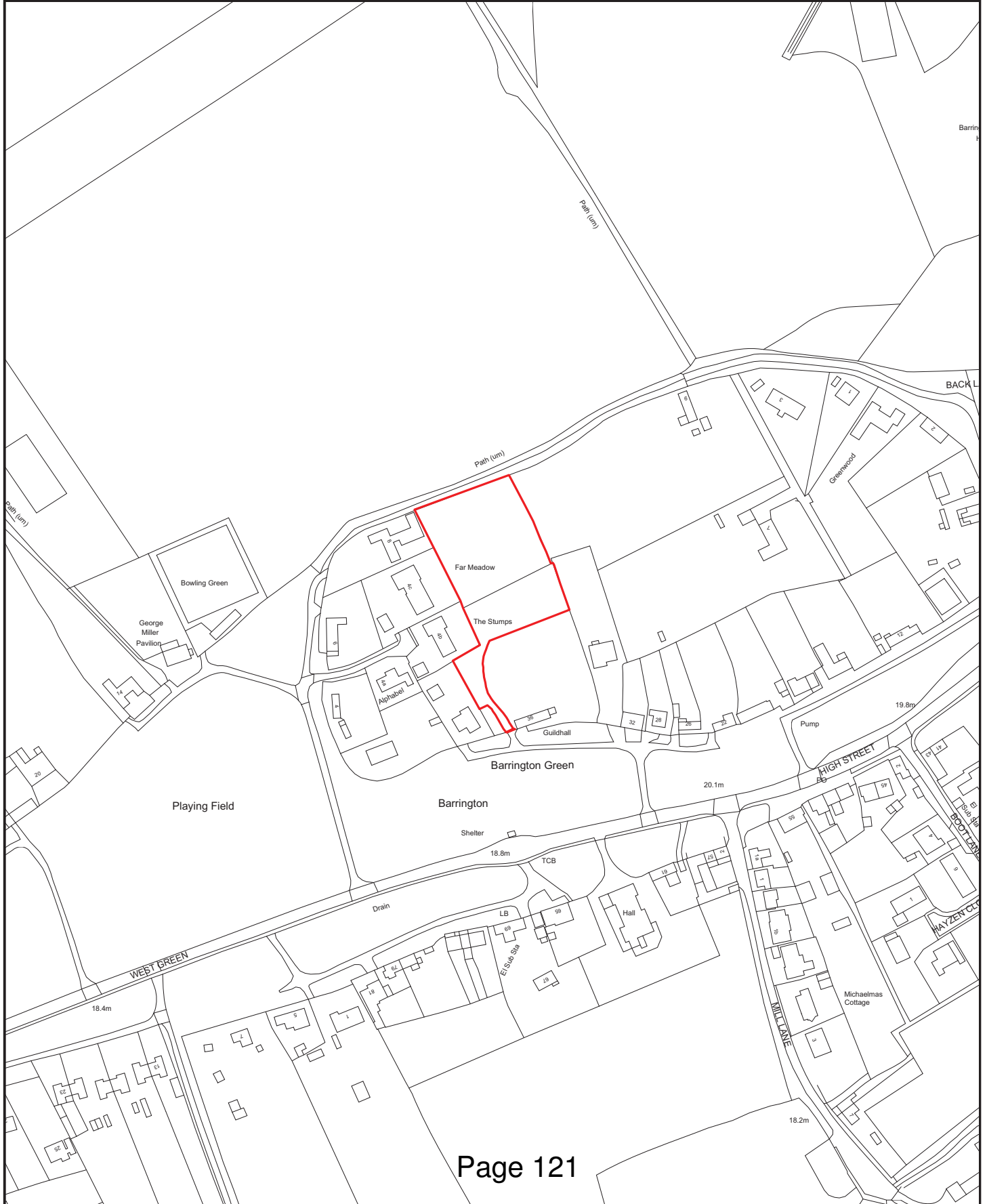
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# Agenda Item 14

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0795/14/VC
<b>Parish(es):</b>	Sawston
<b>Proposal:</b>	Variation of Condition 2 (Approved Plans) of planning permissions S/2619/12/FL and S/1330/13/VC to allow the provision of an addition single storey plant room attached to the main building.
<b>Site address:</b>	Deal Farm, Cambridge Road, Sawston
<b>Applicant(s):</b>	Miss Rachel Ward Fisher German LLP
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Visual Impact, Green Belt, Noise
<b>Committee Site Visit:</b>	None
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Dan Smith
<b>Application brought to Committee because:</b>	Parish Recommends Refusal
<b>Date by which decision due:</b>	26 June 2014

### Executive Summary

1. The application requests a variation to the plans approved under S/2619/12/FL and S/1330/13/VC which granted planning permission for the erection of an agricultural building for crop storage in place of an existing grain store. The variation to the approved plans would allow the provision of a single storey plant room attached to the South side of the main building (which is substantially complete). The new plant room would measure approximately 6 metres by 2.5 metres and would be a maximum of 4 metres in height. The Parish Council has objected to the proposal on the grounds of scale, however taking all material planning considerations into account, including the considerable scale of the permitted building, the application is considered acceptable and the recommendation is approval.

## **Planning History**

2. S/2619/12/FL – Planning permission approved for the demolition of existing grain store and erection of agricultural building for crop storage.
3. S/1330/13/VC – Planning permission approved for a variation of condition 2 (approved plans) of planning permission S/2619/12/FL, to allow alterations to the dimensions of the building and a slight relocation of its position on the site.

## **Planning Policies**

4. *National Planning Policy Framework*
5. *Local Development Framework*
  - DP/1 Sustainable Development
  - DP/2 Design of New Development
  - DP/3 Development Criteria
  - DP/7 Development Frameworks
  - GB/1 Development in the Green Belt
  - GB/2 Mitigating the Impact of Development Upon the Green Belt
  - NE/2 Renewable Energy
  - NE/3 Renewable Energy Technologies in New Development
  - NE/11 Flood Risk
  - NE/12 Water Conservation
  - NE/14 Lighting Proposals
  - NE/15 Noise Pollution
  - NE/16 Emissions

## **Consultations**

6. Sawston Parish Council has recommended refusal of the application on the grounds that the building is large enough now and it feels that the plant room should have been built within the existing building.

## **Representations**

7. No representations have been received in respect of the proposed development.

## **Planning Comments**

8. The site comprises an agricultural storage barn, hardstanding and agricultural land located to the northern end of Sawston, outside of the Development Framework of the village and within the open countryside and the Cambridge Green Belt. The main grain store building, granted permission under references S/2619/12/FL and S/1330/13/VC, has been substantially completed.
9. The current application seeks a further variation to the original plans approved under S/2619/12/FL, in addition to the variation granted under S/1330/13/VC, to allow the provision of a single storey plant room attached to the South side of the main store building. The new plant room would measure approximately 6 metres by 2.5 metres and would be a maximum of 4 metres in height.

10. In terms of the visual impact of the additional plant room. Given that in most views it would be seen against or be screen from view by the large side elevation of the main store building, which is 31 metres long and 8 metres in height to the eaves, and would be constructed in materials with a similar appearance to the main building, it is not considered that the proposed plant room would have any significant impact on visual amenity.
11. The site is located within the Green Belt, however the NPPF (para. 89) gives support for the construction of buildings for the purpose of agriculture within the Green Belt. The impact of the main barn on the openness of the Green Belt was considered as part of the original application and judged to be acceptable. It is not considered that the relatively small addition of the plant room would have any significant additional impact on the openness of the Green Belt, particularly given the mass of the existing building.
12. The proposed plant room would house an electricity meter and solar inverters necessary to serve the solar panels which will be installed on the main roof. Given the limited noise generated by such equipment and given considering that, if not housed within the proposed plant room, the equipment would have to be housed within the main building in any case, it is not considered that the plant room would result in any significant additional noise nuisance likely to impact on the amenity of neighbouring properties.
13. Conditions considered necessary as part of the previous permissions would, where they have not already been discharged, be applied to this permission, to ensure that the necessary controls and restrictions remain in place.

### **Recommendation**

14. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that the application be granted Planning Permission, subject to the following condition(s):
  1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
  2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 8690/1F  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. The development, hereby permitted, shall not be used for the accommodation of livestock.  
(Reason - To protect the occupiers of adjoining dwellings from the potential effects of odours and pests in accordance with policies DP/3 and NE/16 of the adopted Local Development Framework 2007.)
  4. Details of the location and type of any power driven plant or equipment for crop drying purposes shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; said plant

or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.

(Reason - To prevent and significant adverse noise or emissions from the development in accordance with policies DP/3, NE/15, and NE/16 of the adopted Local Development Framework 2007.)

5. Surface water drainage measures shall be fully constructed and completed in accordance with the plans and documents approved under application reference S/2527/13/DC prior to the first use of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority prior to that first use.

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

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

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

## Background Papers

15. Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -
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The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- Planning Files Ref: S/0795/14/VC, S/1330/13/VC and S/2619/12/FL

**Report Author:** Dan Smith – Planning Officer  
Telephone: (01954) 713162

# Planning Dept - South Cambridgeshire DC



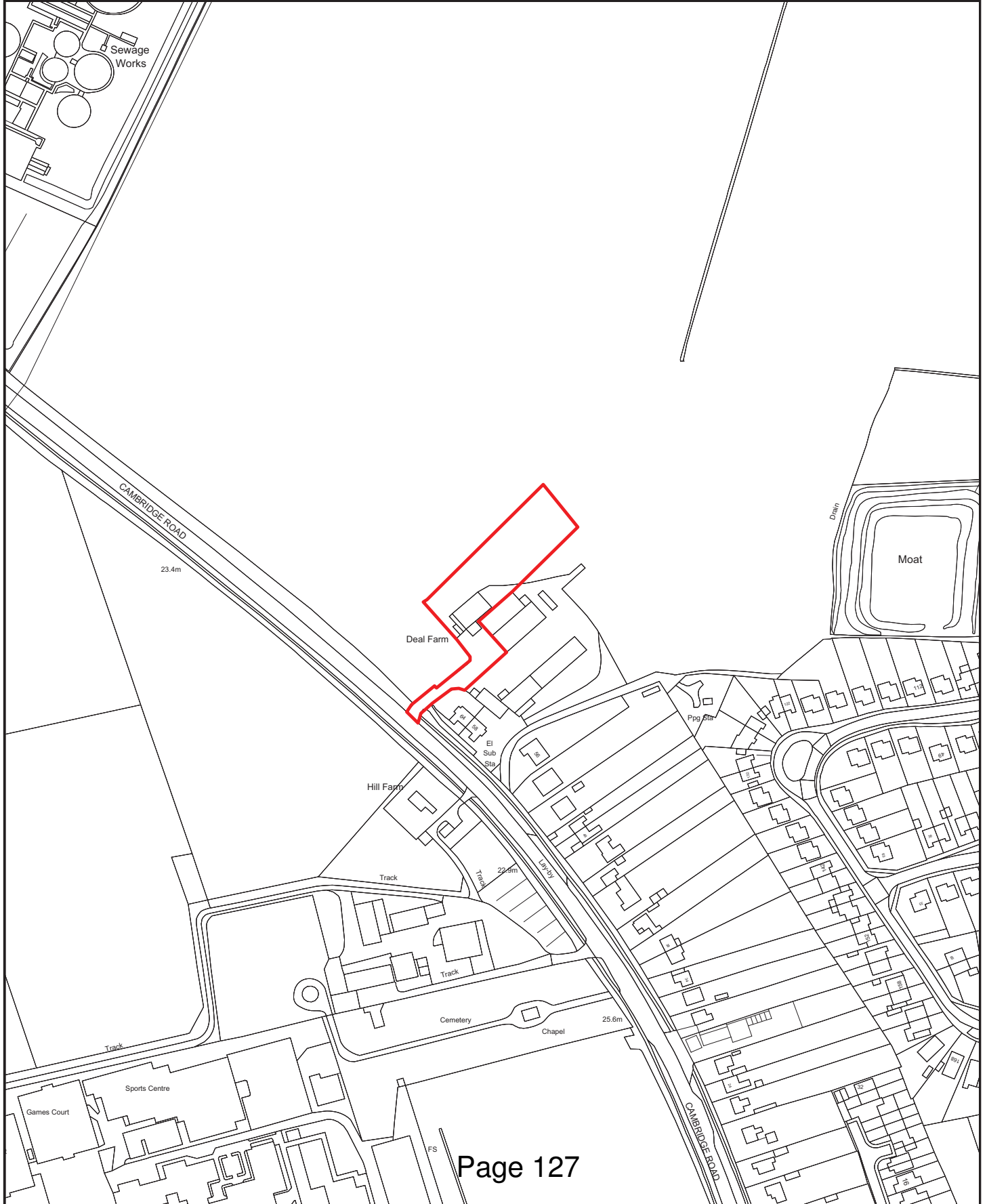
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# Agenda Item 15

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/1329/13/FL
<b>Parish:</b>	Swavesey
<b>Proposal:</b>	Erection of 12 residential units (including 7 affordable dwellings)
<b>Site address:</b>	Rear of Cygnus Business Park, Middle Watch
<b>Applicant:</b>	Starburst Limited
<b>Recommendation:</b>	Delegated Approval
<b>Key material considerations:</b>	Principle and sustainability, density, and affordable housing, character of area (including setting of listed buildings), residential amenity and highway safety
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	The officer recommendation of delegated approval is contrary to the recommendation of refusal from Swavesey Parish Council
<b>Date by which decision due:</b>	26 August 2013

### Background

1. Members may recall deferring this application at the March meeting to allow officers to enter into negotiations with the applicant about design, layout, size of scheme, and the maximum number of affordable housing units that could be provided, while still maintaining the viability of the scheme.
2. Members are asked to refer to the March report, a copy of which is attached at Appendix 1 for full details of the site, history, policy, original consultation responses, representations and planning comments.

### **Revised Drawings**

3. Revised drawings have now been received which propose a total of 12 dwellings, with 7 units being affordable dwellings and 5 market dwellings. All the market dwellings are 4-bedroom units.
4. The layout remains similar to the previous scheme and is still primarily based on the footprint of the approved layout for commercial buildings on the site, the slabs for which have been laid out,
5. The affordable units comprise 3 one bedroom, 2 two bedroom units for rent and 1 three bedroom and 1 two bedroom unit for shared ownership in a single block to the rear of the existing refurbished barn in Cygnus Business Park.
6. The link between the two four bedroom units proposed at the rear of the site has been reduced in depth, as has eastern wing of the other two plots, from that previously consented for commercial use.
7. Revised parking arrangement and enlarged residential curtilages have been provided.

### **Additional Consultations**

8. **Housing Development Officer** – supports the affordable housing mix and tenure.
9. Comments of other consultees will be reported at the meeting,

### **Additional Representations**

10. Any additional representations will be reported at the meeting

### **Planning Comments**

11. Officers previously advocated support for the development of this site for residential use outside of the village framework for the reasons set out in the March report. That position remains the same.
12. The application still proposes the same number of market dwellings, although these are now all four bedroom units. The affordable housing provision has been increased from 4 to 7 units. Information on the viability of the scheme has been sought to ensure whether a better mix of market houses can be provided, whilst maintaining the number of affordable units. Members will be updated on this point at the meeting
13. Officers are of the view that the increase in the number of units does not materially affect highway considerations of the scheme. The design approach and parking provision is considered acceptable

### *Conclusion*

14. Officers maintain the view that although this site is outside the village framework it is well related to it and development of the site for residential purposes and the number of units proposed would be sustainable. The applicant has marketed the site with the existing commercial consent over a period of time, but occupiers have not been found. The design, layout, size of the scheme, and the number of affordable housing units are considered to be acceptable having regard to the viability of the proposal.



## **Recommendation**

15. That subject to the consideration of any comments received in respect of the revised scheme, and confirmation that the viability of the scheme precludes a different market housing mix, that delegated approval subject to the completion of a Section 106 Agreement in respect of affordable housing, public open space and community facilities

### **Conditions (to include)**

- a) Time limit – 3 years
- b) Approved plan
- c) Landscaping
- d) Implementation of landscaping
- e) Surface water drainage
- f) Provision of footpath and screening
- g) Parking provision
- h) Withdrawal of pd rights
- i) No Further openings

## **Background Papers**

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- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/1329/13/FL and S/1453/04/F

**Report Author:** Paul Sexton – Principal Planning Officer  
Telephone: (01954) 713255

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

5 March 2014

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

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**Application Number:** S/1329/13/FL

**Parish:** Swavesey

**Proposal:** Erection of nine residential units

**Site address:** Rear of Cygnus Business Park, Middle Watch

**Applicant:** Starburst Limited

**Recommendation:** Delegated Approval

**Key material considerations:** Principle and sustainability, density, and affordable housing, character of area (including setting of listed buildings), residential amenity and highway safety

**Committee Site Visit:** Yes

**Departure Application:** Yes

**Presenting Officer:** Paul Sexton

**Application brought to Committee because:** The officer recommendation of delegated approval is contrary to the recommendation of refusal from Swavesey Parish Council

**Date by which decision due:** 26 August 2013

### **Planning History**

1. S/0703/08/F – Erection of seven new business units in alteration of planning permission ref: S/1453/04/F - Approved
2. S/1453/04/F – Conversion of barns into offices and erection of offices and children's day nursery – Approved

### **Planning Policies**

3. *National Planning Policy Framework*
4. *Local Development Framework*

ST/6 – Group Villages  
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 Building in the Countryside to Residential Use  
ET/6 – Loss of Rural Employment to Non-Employment Uses  
SF/10 – Outdoor Playspace, Informal Open Space and New Developments  
SF/11 – Open Space Standards  
NE/1 – Energy Efficiency  
NE/6 – Biodiversity  
NE/9 – Water and Drainage Infrastructure  
NE/11 – Flood Risk  
NE/12 – Water Conservation  
CH/4 – Development Within the Setting or Curtilage of a Listed Building  
TR/1 – Planning for More Sustainable Travel

4. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development  
S/7 – Development Frameworks  
S/9 – Minor Rural Centres  
CC/3 – Renewable and Low Carbon Energy in New Developments  
CC/8 – Sustainable Drainage Systems  
CC/9 – Managing Flood Risk  
HQ/1 – Design Principles  
NH/4 – Biodiversity  
NH/14 – Heritage Assets  
H/7 – Housing Density  
H/8 – Housing Mix  
H/9 – Affordable Housing  
H/11 – Residential Space Standards for Market Housing  
H/16 – Re-use of Building in the Countryside for Residential Use  
E/14 – Loss of Employment Land to Non Employment Uses  
SC/7 – Outdoor Play Space, Informal Open Space and New Developments  
SC/8 – Open Space Standards  
TI/2 – Planning for Sustainable Travel

5. *Supplementary Planning Documents*

Open Space in New Developments SPD 2009  
District Design Guide SPD 2010  
Listed Buildings SPD 2009  
Affordable Housing SPD 2010

**Consultations**

6. **Swavesey Parish Council** recommends refusal.

7. 'The site is outside the village development framework and therefore contrary to Policy DP/7 of the Local Development Plan. The Parish Council also raises the following comments:
8. The vehicle access road is primarily single vehicle width. With business use the traffic flow would predominantly be in one direction – into the site in the morning and out of the site late afternoon. Residential use would most likely bring traffic flow in both directions at all times of the day and evening.
9. There is no pedestrian footpath on the east side of Middlewatch, all pedestrian traffic to and from the development would have to cross the road at the point of access.
10. The Council does not think that business and residential mix on one site would be ideal.
11. Residential use of the site would affect the surrounding land and its use more than business use would. Business use being predominantly from approx. 8am – 6pm Monday-Friday, whereas residential use and associated noise would be all day, every day.
12. Agricultural and equestrian business use takes place on land surrounding the development site. Noise from the residential development and use would have a greater constant effect on this existing use than business use.
13. The Council also has concerns that if permission is given for residential development on this site, outside of the development framework, what would that decision have on other potential similar sites elsewhere in the village which might then put development applications through'?
13. The **Conservation Officer** comments that the proposed drawings are very similar in plan and elevation, although more openings are proposed on the 'outside' elevations than for the commercial scheme. The largest change is the substitution of an open car port for some of the accommodation, and whilst this is a good idea in principle the proposal to make it two-storey is not supported. The splitting of plots into separate gardens is more of an intrusion in the countryside, and would introduce clutter and paraphernalia which would over domesticate the character and setting of this listed group. Any garden areas should be communal.
14. In conclusion there is a general preference for commercial rather than residential use where agricultural buildings are concerned, however as the approved scheme is considered to be poorly fenestrated there is an opportunity for improvement by reducing openings.
15. The **Local Highway Authority** has no objection
16. The **Environmental Health Officer** has no objection
17. The **Housing Development Officer** comments that 4 of the properties will be for intermediate housing, which is not in accordance with the Affordable Housing SPD, which indicates that tenure mix should be a 70/30 split in favour of rented. Three of the four properties should therefore be for rent in this case.
18. The **Environment Agency** has no objection, but requests a condition requiring investigation of any contamination found during development.

19. The **Middle Level Commissioners (Swavesey IDB)** comments than an appropriate Flood Risk Assessment has not been submitted and should be required. The document should advise whether there is any material prejudice to the Boards systems, local water level management systems, natural or built environment. Flows from the development must be restricted to greenfield run-off rate, and no additional volumes will be consented to the Board's system. Evidence has not been provided that the application can comply with relevant development plan policies and is therefore opposed.
20. The **Landscapes Officer** has no objection, but would wish to see additional tree planting within the proposed boundary native hedgeline.
21. The **Ecology Officer** accepts that the change from office use to residential will have no greater impact upon biodiversity associated with this site

### **Representations**

22. Letters have been received from the occupiers of Mill Farm House (87 Middle Watch), 93 and 95 Middle Watch, along with Analytik Ltd and Cambridge Marketing Colleges, companies that occupier two of the existing Cygnus Business Park units, objecting on the following grounds:
23. Outside village framework and previously understood that barns could only be used for commercial use. Permission for houses previously rejected in the area outside framework.
24. Existing units used only from 8am to 6pm, residential use would be outside these hours leading to greater noise disturbance from traffic/use.
25. Width of road not adequate for two cars to pass and will cause bottleneck. Mixing residential and commercial will create significant access issues, and conflicts at certain access and exit times. There is no separate pedestrian access along the main driveway.
26. Number of cars seriously underestimated – the 20 allocated car parking spaces will not be enough, and this does not take into account visitor parking needs.
27. When all three office units are occupied car parking will be full, and any future parking for occupiers of the housing could have serious implications for safety, as there is nowhere else to park, other than the main road. The number of spaces allocated for parking for the business units should be clarified.
28. The entrance to the residential parking area should be separate, leaving the business car parking clear.
29. Site borders Mill Farm/Mill Farm Stables which is in constant use for agriculture, animal grazing and equestrian leisure purposes, and seasonal farming activities. Noise from these activities may affect the proposed residential dwellings
30. The equestrian use involves a floodlit, all-weather ménage, which is in constant use, especially in the evening. Horses can be easily spooked by sudden unfamiliar elevated sound.

31. Dwellings could have negative effect on future plans for expansion of the existing farming business at Mill Farm., or any changes in farming policy required to enable the business to remain viable.
32. Confirmation is sought that adequate consideration has been given to drainage, sewage and other services, the use of which will be higher for residential units.

### **Planning Comments**

33. Cygnus Business Park is located to the east of Middle Watch and comprises three commercial buildings, which were formed by the conversion of existing barns under a planning consent granted in 2004. One of these buildings remains unoccupied. Two of the barns are Grade II listed buildings.
34. The 0.4ha site to the rear of the existing Business Park benefits from an extant consent for the erection of seven new business units. Slabs of the approved buildings have been laid.
35. The full application, as amended, proposes the erection of nine residential units, including four affordable dwellings. The scheme is based on the footprint of the approved scheme for commercial buildings, although as amended Units 1 and 2 are reduced in size and moved away from the north boundary to provide an extension of the access roadway to the rear of the site. The market units comprise three 3-bedroom units and two 4-bedroom units.
36. The scheme comprises a mix of single-storey and two-storey buildings. A total of 21 car parking spaces are provided. Access is provided by the existing driveway to the north of Cygnus Court. As amended a separate area of parking, comprising 15 spaces is provided for the three commercial units. The width of the access is shown as being 3.5m at its narrowest point. It is proposed to provide a separate access for pedestrians to the south of the existing Cygnus Court building, and this pathway already exists.
37. To the west, at its northern end, the site adjoins the rear parking area of Cygnus Business Park, and at its southern end it adjoins the rear of Mill Farm House, a Grade II listed building. To the north the site adjoins agricultural land, and to the east land used for agricultural/equestrian purposes, with buildings adjacent the south east boundary of the site.
38. The application is accompanied by a Planning, Design and Access Statement and Heritage Assessment, Marketing Report and Records, Environmental and Ecology Report, Contamination letter, and Draft Heads of Terms.

### *Principle of development and sustainability*

39. The site is outside the village framework and therefore the application has been advertised as a departure from the development plan
40. Policy DP/7 'Development Frameworks' states that outside of urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses, which need to be located in the countryside will be permitted. This is necessary 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. Therefore the proposal is deemed unacceptable in principle by this policy.

41. However, the site is brownfield land, with the 2008 consent for commercial development having been implemented. The applicant has supplied marketing information for the site, and the remaining unoccupied building between the site and the main road from 2010. No occupiers have been found.
42. The principle of new built development on this site has previously been accepted. The site in its current state does not enhance the character of the area. The proposed development has the potential to result in an environmental upgrading of the site, and help to contribute towards the districts housing and affordable housing need. On balance, it is considered that this material consideration carries significant weight consideration to support the proposal. The detailed implications for a residential use are considered below.
43. Swavesey is identified as a Group Village in the adopted Local Development Framework, where residential development can be permitted within the village framework for schemes with an indicative maximum size of eight dwellings. The draft Local Plan submission proposes to designate Swavesey as a Minor Rural Centre.
44. Although the site is outside the village framework the site is within walking distance of village facilities with the Village Centre and Village College being 900m and 400m away respectively. There are properties 1.1km south of the application site which are within the village framework. There are bus stops at the site entrance. Officers therefore consider that the location of the site is sustainable.

*Housing density, and affordable housing*

45. The density of development equates to approximately 22 dwellings per hectare. The development is based on the footprint of the approved commercial buildings, and in officers view is appropriate for this site given its location adjacent next to a series of listed buildings, and the more open countryside beyond.
46. The scheme provides four affordable dwellings, which meets the percentage required by Policy HG/3, however the Housing Development Officer has highlighted the need to revise the proposed tenure, and further negotiations will be needed on this point.

*Character of the area and impact on setting of listed buildings*

47. The existing approval for new commercial buildings on this site has set a precedent for its development. The residential scheme , as amended, reduces the footprint proposed from that previously approved.
48. If Members are minded to support the principle of development on this site further negotiations can take place with the applicant regarding the detailed elevational treatment of the buildings and plot subdivision to address the concerns of the Conservation Manager.
49. Permitted development rights can be withdrawn to prevent the further additions to the buildings, further openings, and the erection of outbuildings etc, in order to protect to setting of listed buildings and the rural character of the area.

*Residential amenity*

50. Whilst a residential use of the site will result in an increased level of activity at evening and weekends, officers are of the view that it will not have an unreasonable



impact on the amenity of existing residential dwellings. The main existing dwelling that will be affected by the use is Mill Farm, however officers are of the view that the layout proposed will not have an undue adverse impact on this property, provided that adequate additional boundary screening is provided to the front of the building, to protect the amenity of occupiers from additional use of the footpath link. This boundary is currently formed by a low wall.

51. Concern has been expressed locally about the suitability of a mixed use development, and the relationship of the proposed residential use to the adjoin land to the north and east which is used for agricultural and equestrian activities.
52. In respect of the mixed-use officers are of the view that whilst the vehicular access to the site will be shared between the two uses, the residential use within the site, will be relatively self-contained. The parking area for the commercial units abuts the west elevation of the proposed dwellings on plots 1 and 2, and a boundary wall will be required. The private space for these dwellings face into the site, and will be protected from the use of the commercial car park.
53. Officers do have some concern about the relationship of the residential curtilages of dwellings on the east and south east boundaries of the site. The layout of the buildings was originally designed to support the commercial use, and the need to provide curtilages for residential use would not therefore have been a factor in the siting of the buildings. As a result buildings are located close to the east and south east boundaries of the site, which allows for limited private amenity space for some units, and restricts the ability to provide boundary landscaping.
54. The Environmental Health Officer will have considered the relationship of the site to the adjacent agricultural and equestrian uses and has not objected to the proposal.

*Highway safety and parking*

49. The Local Highway Authority has not objected to the application. As amended the application proposes a separate pedestrian access to the site to the south of the commercial buildings.
50. The width of the access roadway at the front part of the site is restricted, although allowing two cars to pass for part of its length.
51. There is no pedestrian footpath from the site entrance towards the village on the east side of Middle Watch and pedestrians will have to cross to the other side of the road to access the existing footpath. Whilst this is not an ideal situation there is no existing footpath on this side of the road from the site until the centre of the village, and therefore no opportunity for the applicant to make such provision.
51. Adequate parking is retained for the existing commercial buildings to comply with the adopted car parking standards. A total of 21 car parking spaces are provided to serve the 9 dwellings proposed, which again meets the adopted parking standards.

*Other matters*

53. Whilst the comments of the Internal Drainage Board are noted, there is an approved scheme for the development of this site, and the built form now proposed is reduced from that previously consented. A scheme for surface water drainage was approved as part of the consent for commercial buildings and a similar condition can be

attached to any new consent. The site is not within Flood Zones 2 or 3 and therefore a Flood Risk Assessment is not required by the Environment Agency.

54. The applicant has provided a draft heads of terms and has accepted the need to provide affordable housing, and the required contributions for public open space and community facilities. A Section 106 agreement securing these will need to be completed prior to the issuing of any planning consent.
55. Concern has been expressed about a precedent being set for further residential development being permitted outside the village framework should this scheme be permitted, however officers are of the view that any support of this application would be based on the extant consent. As such, any planning permission would not be seen as a precedent for any other potential edge of village sites.

#### *Conclusion*

56. Officers are of the view that although this site is outside the village framework it is well related to it and development of the site for residential purposes would be sustainable. The applicant has marketed the site with the existing commercial consent over a period of time, but occupiers have not been found.
57. Subject to the detailed matters referred to above officers are of the view that there is a case here to permit a residential development of the site, as a departure from the development plan

#### **Recommendation**

58. Delegated approval subject to the completion of a Section 106 Agreement in respect of affordable housing, public open space and community facilities, and to the receipt of further amended drawings addressing the concerns of the Conservation Manager.

#### **Conditions (to include)**

- a) Time limit – 3 years
- b) Approved plan
- c) Landscaping
- d) Implementation of landscaping
- e) Surface water drainage
- f) Provision of footpath and screening
- g) Parking provision
- h) Withdrawal of pd rights
- i) No Further openings

#### **Background Papers**

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/1329/13/FL and S/1453/04/F

**Report Author:** Paul Sexton – Principal Planning Officer  
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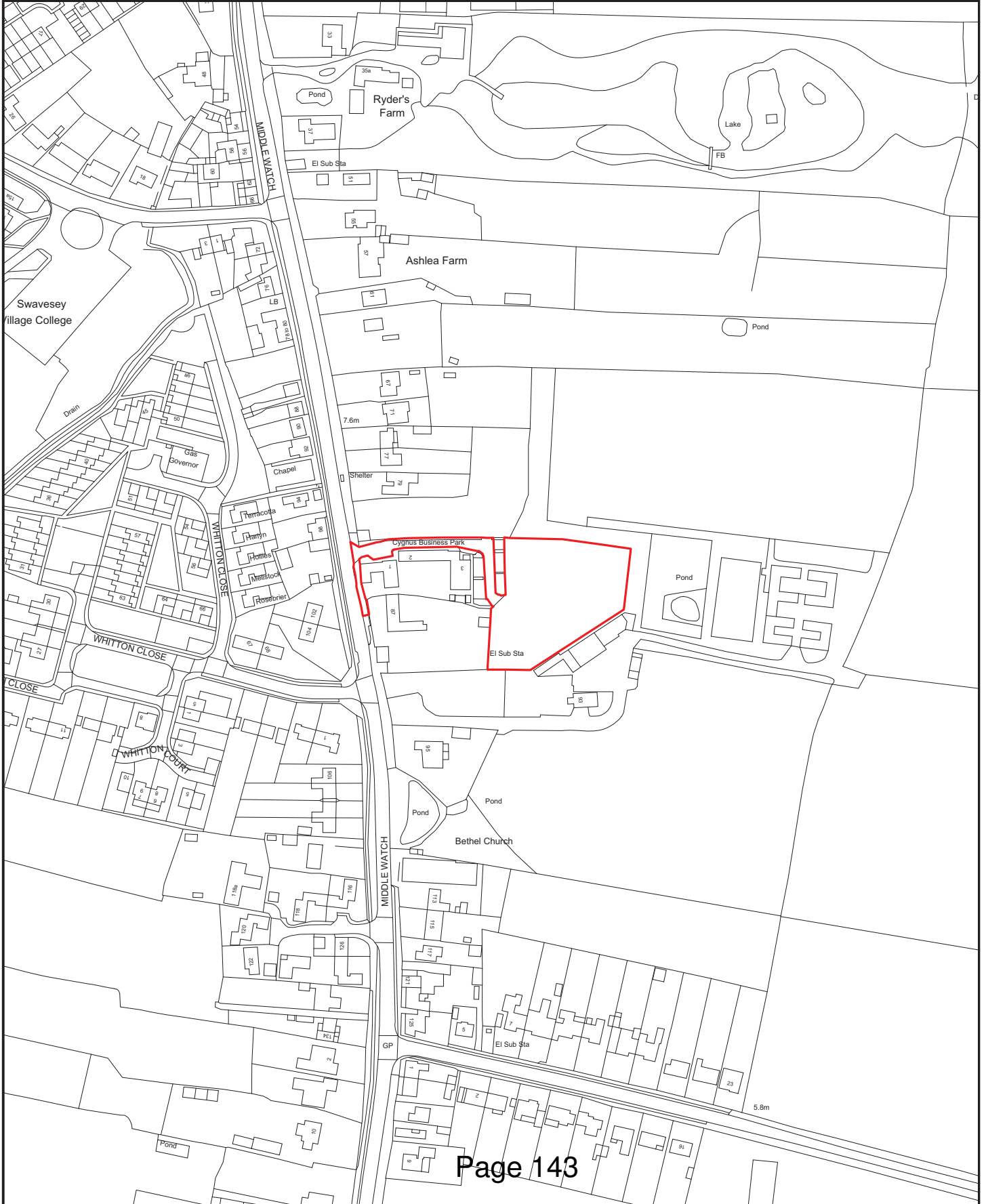
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# Agenda Item 16

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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**Application Number:** S/2763/13/FL

**Parish(es):** GREAT WILBRAHAM

**Proposal:** Solar Farm and Associated Equipment

**Site address:** Mill Road

**Applicant(s):** Great Wilbraham Solar Park Ltd.

**Recommendation:** Delegated Approval

**Key material considerations:** Countryside  
Landscape Character  
Heritage Assets  
Area of Archaeological Interest  
Biodiversity  
Trees and Landscaping  
Flood Risk

**Committee Site Visit:** Yes

**Departure Application:** No

**Presenting Officer:** Karen Pell-Coggins

**Application brought to Committee because:** Major Application of Local Interest

**Date by which decision due:** 15 April 2014

### Executive Summary

1. This proposal is for a new 30 MW solar farm with associated equipment covering an area of 63 hectares to the east of the A11 and village of Great Wilbraham. The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it. The proposal would have an impact on the countryside but this is not considered to be unacceptable adverse visual impact that would harm the character and appearance of the area as the development would be satisfactorily mitigated by additional landscaping. The development is also not considered to harm landscape character, damage the setting of heritage assets, destroy important archaeological evidence, result in the loss of important trees and hedges, harm biodiversity interests, cause a flood risk, be detrimental to highway safety or adversely affect the amenities of neighbours. Therefore, on balance, the benefits of the scheme in respect of renewable energy production are considered to outweigh the harm over the temporary loss of agricultural productivity.

## Site and Proposal

2. The site is located outside of any village framework and within the countryside. It is situated immediately to the south east of the A11, 2.5 km to the south east of the village of Great Wilbraham, 1km to the south west of the village of Six Mile Bottom and 4.5km to the north west of the villages of West Wrating and Weston Colville. The site measures approximately 63 hectares in area and comprises undulating agricultural land that consists of two fields. The fields are separated by a tree belt. There are hedges along the north eastern and north western boundaries of the site, a row of trees along the south eastern boundary and a tree belt along the south western boundary. The site has a grade 2/3 (very good/good to moderate) agricultural land classification. It lies within the East Anglian Landscape Character Area. The site lies within flood zone 1 (low risk). The land falls gently to the south east. The nearest public right of way is situated 200 metres to the south of the site. The nearest listed building is Great Wilbraham Hall Farmhouse (grade II) that lies 1.1km to the south west of the site. The Old Cambridge Road verges and West Wrating Valley Farm County Wildlife Sites lie to the south east and south west of the site.
3. The site lies adjacent Green Belt land to the north west of the A11. The Wadlow Wind Farm and Camgrain storage facilities are situated 1km to the south.
4. This full planning application, received on 14 January 2014, proposes the installation of a 30MW solar photovoltaic farm along with inverter houses and ancillary equipment, a security fence and CCTV cameras for a temporary period of 30 years. The photovoltaic panels would be mounted on steel frames that are angled to face south. There would be arrays of panels running east to west across the site that measure up to 500 metres in length. Each panel would measure approximately 3.0 metres x 3.0 metres. They would have a maximum height of 2.3 metres and be set between 4 and 7 metres apart. The panels would be composed of modules with a dark blue/grey appearance. A 3 metre wide access track would run along the north western boundary and into the fields at various intervals. Adjacent to the access track, 11 groups of one field transformer (6.1 metres length x 2.5 metres depth x 2.6 metres height) and one inverter station (5.9 metres length x 2.4 metres depth x 2.8 metres height) would be erected at regular intervals to serve the panels. In the northern corner of the southern field, a DNO Housing Building (3.2 metres length x 2.3 metres depth x 2.8 metres height) and Customer Switchgear and Inverter Room (11.6 metres length x 2.4 metres depth x 2.8 metres height) along with hardstanding would be erected. This would also comprise the temporary construction compound. The security fence would surround the site. It would measure 2 metres in height, be constructed from galvanized steel and have a mesh design. Approximately 50 CCTV poles would be erected around the perimeter of the site that have a height of 3 metres. An underground route for the cable that connects the panels to the National Grid power line would run through the villages of Great Wilbraham and Fulbourn to a substation in Teversham. Access to the site would be via the existing access on to Six Mile Bottom Road at the junction with A11.

## Planning History

5. S/1042/13/E1 - Screening Opinion for Solar Farm - EIA not required.

## Planning Policy

6. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 2007**  
DP/1 Sustainable Development  
DP/2 Design of New Development



DP/3 Development Criteria  
DP/7 Development Frameworks  
NE/2 Renewable Energy  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/11 Flood Risk  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/16 Emissions  
NE/17 Protecting High Quality Agricultural Land  
CH/2 Archaeological Sites  
CH/4 Development Within the Setting of a Listed Building  
CH/5 Conservation Areas  
TR/1 Planning for More Sustainable Travel

7. **Submission Local Plan (March 2014)**

S/7 Development Frameworks  
HQ/1 Design Principles  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
NH/8 Mitigating the Impact of Development in and adjoining the Green Belt  
NH/14 Heritage Assets  
CC/2 Renewable and Low Carbon Energy Generation  
CC/6 Construction Methods  
CC/9 Managing Flood Risk  
TI/2 Planning for Sustainable Travel

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

Development Affecting Conservation Areas SPD - Adopted January 2009  
Listed Buildings SPD - Adopted July 2009  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010

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

9. **Great Wilbraham Parish Council** – Recommends approval and makes the following comments: -

“The Parish Council are aware of the governments targets regarding renewable energy. After a lengthy discussion it was decided to recommend approval but concerns were raised regarding the inevitable disruption to the highway during the cable laying period. Should this application be approve, we expect SCDC to negotiate conditions to minimise disruption.”

10. **Little Wilbraham and Six Mile Bottom Parish Council** – Recommends refusal and makes the following comments: -

“The above Planning Application refers variously to ‘solar farm’ or ‘solar park’ in the documents. In fact, the application is for an installation of solar energy on an industrial scale. The site area of the proposed installation (63.13 hectares) would encompass the residential areas of the villages of Great Wilbraham, Little Wilbraham and Six Mile Bottom, possibly with some area to spare. The site is adjacent to the

Cam Grain Store Facility and the Wadlow Wind Turbines, existing developments clearly visible, which are accepted as significant by the applicant (paragraph 4.3): 'The wind farm development to the south on Cambridge Hill is also a significant feature in the landscape together with the adjacent Chalk Quarry complex.'

The addition of the proposed solar farm would create an industrial area.

The meaning of paragraph on page 5 of the Landscape and Visual Impact Assessment is not entirely clear:

'Once suitable areas for renewable or low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that proposed location meets the criteria used in identifying suitable areas.'

What are the implications of this statement? Further industrial developments on arable land?

The support buildings included in the application are described as 'metal construction', without any further definition. The detail drawings show the substantial buildings are metal storage containers approximately 2.5 m high, and 7 or 14 metres long. The numbers and siting of these buildings are not clearly shown. Similarly, other minor buildings, shown on detail drawings, are not clearly identified on the overall plan. It is certain that an individual application to permanently site even a single metal storage container in the area would be refused.

### LAND USE

The land is defined as grade 3A agricultural, and is currently used for crops. There is concern with the potential loss from the change of use. The anticipated yields from 63.14 hectares of land would be in the order of 3,500 tons of sugar beet or 400 tons of cereal, giving an approximate income of £60,000. In order to replace this loss of production, an equivalent area of arable land would have to be created, but more likely, the food would have to be imported. Importing food has an energy cost! There is mention of a possible use of the site for grazing, which is now generally accepted to increase the discharge of methane into the atmosphere. This may be a minor consideration on an individual scale, but with the large number of proposed large solar collector installations in the South Cambridgeshire District, it is valid to consider this aspect.

Existing installations on arable land should not be used as a precedent, and previous decisions need to be reviewed and viability assessed.

### VISUAL IMPACT

The visual impact has been considered and assessed from some 14 locations and opinions expressed. All the statements submitted acknowledge some degree of visual impact, but these are generally dismissive, with the opinion that the impact is 'low change'. Where there is an acceptance of visual impact being 'medium', the proposal is for 'mitigation'. The mitigation usually suggested is for the use of hedgerows. There is no indication as to how the mitigation is to be evaluated or measured. The whole of the assessment appears to be based on superficial opinions with little or no supporting information. The frames and panels in the installation are described as 2.5m high in some areas, and the proposed buildings are 2.5m high. It could take quite a long time for new hedgerows to achieve this height. Even then, the hedgerows will only screen the development from close views. The main visual impact is the scale of the proposals when viewed from the surrounding areas and in association with the nearby wind turbines.

### CABLE ROUTE

In order to deliver the electricity generated by the scheme, the site needs to connect to the National Grid. The application proposes to install a cable to the sub-station located between Fulbourn and Cherry Hinton, 11 km (7 miles) away. The proposed route follows roads from the A11 to Great Wilbraham, through part of Great

Wilbraham, through Fulbourn, along Cambridge Road and then crossing the railway line to the sub-station. These roads often experience traffic congestion during normal usage and alternative routes are very limited. The Wilbraham Road and Station Road are used occasionally by farm vehicles, and more consistently by large grain lorries operating from the Grain Store in Fulbourn. All these vehicles are wide and can cause some disruption to other traffic, even when the road is in normal use. From the scale of the cabling proposals, it is likely that the work would take at least 3 months. Long term disruption reducing the available road width is untenable. Cambridge Road is one of the main roads into Cambridge and is extremely busy, especially at peak times. The disruption to these roads will severely impact on local businesses, particularly those on Station Road and the shops in the centre of Fulbourn. There is a bus service connecting the Wilbrahams to Fulbourn, which would also suffer from this proposed work. It is assumed that the costs of this proposed cable would be borne by the developer, but individuals will be left to cover their own costs in petrol costs for waiting/longer alternative routes, together with the time lost in extended travel times.

### SUPPORTING DOCUMENTS

The application includes 6 completed questionnaires (1 completed by a child, judging from the handwriting and spelling) in favour of the proposals. This is an insignificant indication of local opinion. It would seem reasonable that the applicant should submit at least a summary of all the questionnaires, in order to present a balanced view.

### CONCLUSION

The Parish Council would wish to support sensible renewable energy schemes, but this scheme appears to consist of packing as many panels on a rural site, without regard to the countryside or infrastructure requirements. The applicant dismisses the use of 'brown field' sites as too expensive, but the extra costs associated with these sites applies to any form of development on such land. The scale of subsidies would allow for the redevelopment of brown field sites, albeit perhaps with a slightly less profit margin for the developer.

A more imaginative approach is required from government, planners and developers, such as: A planning requirement to require all commercial and industrial applications to now include energy generation integral with each application would be very effective. This would drastically reduce the infrastructure requirements, placing energy generation at points of use. If necessary, the subsidies could be directed to overcome possible increased building costs in the short/medium term.

Requirements for insulation standards in buildings were greatly increased several years ago, but now they are accepted as routine, and associated costs absorbed. There would be the incentive to businesses to save on energy costs. Nationally, this would provide large scale generation but environmentally more acceptable."

11. **West Wrattling Parish Council** – Recommends refusal and makes the following comments: -

"1. It is not an optimum location nor is it without significant environmental impact  
· Potential major disruption and environmental impact caused by underground cabling unless they mean to make use of something that is already there (they do not say that they intend to make use of pre-existing infrastructure). Hidden away on page 10 of Planning Design and Access statement there is the very brief statement: "*By means of an underground cable which will be run under the public highway as shown on plan*". It is over 10km to the substation which will result in significant environmental impact of cabling, and/or major traffic disruption. This is one of the major commuter routes into Cambridge (between Fulbourn and Cambridge "Cambridge Road") . Significant traffic congestion will result in further environmental impact to the

surrounding area, increased CO2 emissions and major inconvenience. Have Fulbourn been consulted on this application as they may incur the greatest short term impact?

- It is on a north facing slope which is suboptimal
- There are far better locations closer to the substation where if landowners are made aware of the significant incentives, they may consent to more efficient and more sustainable developments, with much lower environmental impact and greater efficiency. Would SCD approach local landowners close to the substation?
- These developments have been known to cause damage to older substations by the variability of their voltages. How old is the substation, and what would be put in place to ensure damage and disruption to local electricity supply is not likely to happen?
- The distance to the substation will also result in transmission losses
- SCD would, in our opinion, be better advised to reach its green obligations by smaller scale localised supply that is more efficient, more sustainable and has much less environmental impact than this proposal

#### 2. Loss of productive agricultural land

- The applicant attempts to give the impression this is poor land of insignificant value. This is misleading. Large parts of East Anglia are grade 3 and yet highly productive. Quote from DEFRA: "*grading of (agricultural land) does not necessarily reflect the land use, range of crops, suitability for specific crops or level of yield*". It is recommended that a proper assessment is taken of the site to properly inform planners of what the real loss of food production over a 30 year period would be if this site is given over to this development.
- The cumulative effect of this and other sites like it given over to an inefficient form of energy production need to be weighed against the loss of food production when any general assessments of sustainability are made
- The applicant argues that policy NE/17 does not apply as they are uncertain whether the land is grade 3a, and secondly, that this development is not irreversible. Firstly it would be advisable for independent assessors to determine whether the more modern classification of grade 3a does apply. Secondly it seems risible to suggest a 30 year lifetime project with substantial infrastructure investment and 10km of cabling can seriously be classified as genuinely "reversible".

#### 3. Local democracy and the industrialisation of a rural landscape

- By reference to the quarry and the windfarm, the applicant appears to seek to make the case that this is already an industrialised landscape that has little value and that therefore can absorb more such development. This is clearly not the case as local residents and their democratically elected representatives were highly vocal in their opposition to such industrialisation. It was one of the main fears of many who opposed the windfarm development that it would lead to a degrading of the area and encourage developers to apply for further such developments. If consent is given to this application reassurances must be given to locals that it is not the first of many in the immediate area

#### 4. Potentially misleading and/or unsubstantiated claims in the application

- Is statement about 30MW of output accurate or hyperbole? We have no way of knowing as there is no reference given to how the claim is verified. Is this the maximum assuming full sunlight 365 days a year with zero transmission loss or have variables been factored in? How would numerous smaller facilities with localised transmission compare? How would a scheme such as this be better than more numerous smaller schemes?
- How constant is the output, or do fossil fuels have to "kick-in" when there is a wet dull day, resulting in surges of CO2 emissions that outweigh the reductions? Item 2.6 on p4 of "Planning design and Access Statement" suggests that it is not constant and provides a misleading and scientifically illiterate claim that it can be a significant element of base demand. As it is not predictable it cannot do such a thing.

### Further points

If this application is approved we would recommend that a very sizeable decommissioning bond is put in place to ensure that decommissioning takes place. We would also request a community fund for the two villages affected (WW and Great Wilbraham) be put in place similar to the Wind Farm fund. This could be commensurate with the wind farm fund, but only benefit the immediate two villages. We would also wish to see substantial planting of woodland (not hedgerow) to screen from all angles. A full environmental impact assessment is needed to assess any damage caused not just to the site but also to verges on the 10km of cabling.”

12. **Weston Colville Parish Council** – Recommends approval and makes the following comments: -  
  
“Needs to include a clause that the site is cleared and returned to original agricultural fields at end of solar farm life.”
13. **Fulbourn Parish Council** – Recommends refusal and makes the following comments: -  
  
“Having looked at the website of Inazin Power (the developer) their site finding policy is given, which states that they seek to use low grade agricultural land, within 1km of a substation.  
This application meets neither of those criteria. The accompanying documentation states that the land is grade 3 agricultural land, though they are unsure whether grade 3A or 3B. Enquiries locally state that this is grade 2 and therefore certainly not low grade. It is also stated that at the time of the survey the land was under intense cultivation. To take this land out of cultivation for a 30 year period would mean the loss of approximately 13000 tonnes of grain, which would be unacceptable. Secondly, the development is certainly not within 1km of a substation and the proposed routing to the substation in Yarrow Road, Fulbourn following village roads would lead to large scale disruption. If using this substation the obvious route would be to follow the railway line which passes this substation. There are also substations at the Fleam Dyke Pumping Station and very nearby at the Wadlow Wind Farm. Presumably either of these could be upgraded to meet the needs of the development, should it be passed. Alternatively, like the Wadlow Wind Farm application some years ago, building a dedicated substation could be made a condition of acceptance.
14. **Teversham Parish Council** – No reply received (out of time).
15. **Conservation Officer** – Comments that the development would not adversely affect the setting of listed buildings or conservation areas within the vicinity of the site due to the distance and screening.
16. **Ecology Officer** – Comments that no significant ecological impact would occur as a result of the development but appropriate biodiversity gain is important to secure. Improvements sought are an increase in the number of gaps to facilitate the movement of small animals on the site, a more appropriate wildflower mix and a correction to the management plan.
17. **Trees and Landscapes Officer** – Comments that the site is not affected by Conservation Area status or Tree Preservation Orders. A felling license would be required for any substantial tree felling. The tree survey notes a number of aboricultural features on the site and the layout show that these would be retained. However, there are some issues that remain to be addressed, for example, trenches for cables/services, CCTV poles/ cameras (sight lines and possible lopping), fencing (crown lifting), access tracks and tree protection measures. Requests an aboricultural

impact assessment and tree protection plan to determine the acceptability of the proposal.

18. **Landscape Design Officer** – Comments that no objections are raised in principle and the landscape mitigation works are acceptable but requests additional tree planting to screen the site from the A11, Upper Heath Farm and Mill Road. Suggests conditions in relation to hard and soft landscaping, tree and hedgerow protection measures, maintenance and management of landscape scheme and the provision of bat boxes, bird nest boxes and logpiles, hedgehog and inset houses.
19. **Environmental Health Officer** – Requests conditions in relation to power driven plant or equipment and hours of noisy works during construction.
20. **Contaminated Land Officer** – Comments that the proposal may lead to the incorporation of soil on to the site. Recommends a condition to ensure that the soil is suitable and not contaminated.
21. **Local Highway Authority** –Comments are awaited.
22. **Highways Agency** – Comments that the application will not adversely affect the A11 trunk road.
23. **Environment Agency** – Comments that there are no objections in principle on flood risk grounds but there are some reservations in relation to surface water drainage as the Flood Risk assessment didoes not consider surface water drainage from the panels and overland flows may be possible during intense rainfall due to the the site levels that drop 20 metres towards the A11. Recommends a surface water drainage condition to ensure that there is a strategy to ensure that this would not result in any flood risk issues. .Also requests informatives in with regards to flood risk, pollution control and areas of conservation value on the site.
24. **Cambridgeshire County Council Historic Environment Team** – Comments that the Historic Environment Record entries for known archaeological evidence in the area include an area of clustered ring ditches at the eastern end of the site and this has been assessed in the submitted desk based study. It is welcome that the development would be excluded from these areas. However, there may be unknown archaeological evidence present on the site as the wider area is known to contain evidence. Further investigations are required in the form of an archaeological evaluation of the site that identifies, characterises and maps the extent of archaeological remains in the area and ranks the heritage assets in terms of their significance. This is required to ensure that the development would not harm heritage assets that may be of regional or national importance.
25. **Natural England** – Comments that the site is not within any nationally designated landscape and development would not result in the permanent loss of agricultural land as the panels would be removed when the planning permission expires with no likely loss in agricultural land quality in the long term. The application provides opportunities to incorporate features into the design which would be beneficial to wildlife such as the provision of roosting sites for bats, bird nest boxes, wildflower planting and hedgerow enhancement and management.

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

26. The **Local Member** has concerns that too little information is provided on the proposal to route the cable connecting the solar farm to the substation at Fulbourn Old Drift. No alternative routing is considered and no information is provided on the

construction impacts of laying the cable. I am led to believe that the road works could take at least 3 months and involve road closures which would be unacceptable. Does not object to the solar farm but does not consider that adequate thought has been given to its connection to the National Grid.

27. A **Local Landscape Consultant** has set out possible parameters for solar farms in the district as follows: -

The Solar Trade Association has a 10 Commitments mission statement. This is referred to in underlined notes. The National Policy Framework also looks at use of Agricultural Land.

- i) Applications for Grade 3 land and above should not be considered. S.T.A Commitment 1. and SCDC Report 13.1.14 10.2.2\*
- ii) SCDC should seek to determine the percentage of Grade 4 and below in South Cambridgeshire that it would be reasonable to take out of agricultural production for use of solar energy production. A figure of 3% should be considered.
- iii) The presumption of return to farmland after the 25 year permitted period should be strengthened. For instance, no change of use application would be considered until 10 years after the removal of the Solar Farm, during which time the land should be committed to agriculture. S.T.A Commitment 10.
- iv) Applications of over 35 hectares should not be considered. If exceptional circumstances can be shown, for instance a field pattern which would leave an area inaccessible, up to 40 hectares could be considered. See National Policy Framework\*
- v) A Community Woodland Compensation scheme should be set up for each photovoltaic site. This would be intended to compensate local people for loss of landscape amenity. It would also be intended to provide a carbon offset. An area of not less than 100m x 50m would be planted as part commercial coniferous woodland, and part British Native hardwood. (The core of the woodland commercial, the perimeter native hardwood.) This woodland should have public access. The size should be on a sliding scale determined by the size of the solar farm. This could be one of the various screens designed to prevent the solar farm being seen from housing, footpaths, roads, etc. Ideally there should be space between the woodland and the solar farm of agricultural land, with the woodland being near to the area of damaged view. (The nearer the screen is to the viewer, the higher it appears, and the greater the height it covers.) Woodland taken out of agriculture in this way, might attract installation grants, and annual subsidy for the landowner, under the new EU scheme to be implemented in 2015. S.T.A. Commitments 2 and 5.
- vi) Applications should be considered as part of a South Cambridgeshire wide directive, and take into account the impact on the District as a whole, and not as "one off" applications. S.T.A. Commitment 8.

\*SCDC Report 13.1.14, 10.2.2. "National Policy Framework requires planners to take account of economic and other benefits of the best and most versatile agricultural land, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality in preference to that of a higher quality"

### **Material Planning Considerations**

28. The key issues to consider in the determination of this application are whether the principle of development is acceptable in the countryside and impact of the development upon the character and appearance of the area, the setting of heritage assets, biodiversity, flood risk, highway safety or other matters; and, whether any very special circumstances have been demonstrated that would outweigh any harm to the Green Belt through inappropriateness or other harm identified.

## **Principle of Development in the Countryside**

29. The proposal represents a major development for the generation of renewable energy and as such receives considerable support from national and local planning policy.
30. Nationally the NPPF has as one of its 12 core principles the requirement to support renewable resources. Reference is made throughout the NPPF to the support of sustainable development and renewable energy whilst paragraph 98 clarifies that applications for energy development ought not to be required to demonstrate the need for renewable energy.
31. The Government's commitment to electricity generation by renewable sources is set out in the Renewable Energy Strategy, and in particular the target that 15% of national electricity production should be derived from renewable sources by 2020. This target has been maintained under the Coalition Government.
32. Locally the development plan comprises the adopted Core Strategy and Development Control Policies DPD. The Core Strategy has as two of its four objectives the effective protection and enhancement of the environment, and the prudent use of natural resources. Policy DP/7 of the Development Control Policies DPD states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. Policy NE/2 relates to renewable energy and advises the district council will support proposals to generate energy from renewable sources subject to compliance with general sustainable development principles and additionally be able to connect efficiently to existing infrastructure and for provision to be made for the removal of facilities from site should the facility cease to be operational.
33. The site is located within the countryside. The installation of a solar farm is considered to represent appropriate development within the countryside providing given that there are no suitable brownfield sites available in the area of the scale required and the proposal would allow the land to continue to be used for agricultural purposes through grazing.

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

34. The site currently consists of open undulating arable land. Whilst it is noted that the introduction of large arrays of solar panels and buildings would significantly change the character and appearance of the landscape from being open and rural in character to being industrialised in character, it is not considered to have adverse visual impact from the main public viewpoints surrounding the site on the A11, Six Mile Bottom Road, Mill Road and the public footpath to the south east. This is as a result of the long distance views, low height and new planting is proposed along the boundaries to screen the development and mitigate its impact upon the landscape. It should also be noted that the surrounding land already has an industrialised character as a result of the Wadlow Wind Farm and Camgrain facility to the south east that are already highly visible within the landscape. The cumulative impact of all developments would result in a concentration in the area but this is considered preferable due to the isolation of the site rather than dispersal of the developments across different sites that may have a greater impact.
31. The site is located within the East Anglian Chalk Landscape Character Area. The distinctive features of this area are the gently undulating arable landscape with large fields bounded by hedges and occasional small groups of woodland. Although the development is not necessarily compatible with the existing landscape qualities of the



area as the open arable landscape would be lost, the development would retain some of the the characteristic features and provide additional planting that would be designed to ensure it is in keeping with the visual qualities of the area. The development is not therefore considered to have an unacceptable impact upon landscape character.

### **Loss of Agricultural Land**

32. The site covers 63 hectares of arable land. Natural England states that the site has an agricultural land classification of grade 2/3 (good/ good to moderate quality). The proposal is not considered to result in the irreversible loss of this land given that it could be returned to its original agricultural use when there is no further need for the development. The arable land is farmed as part of a current crop rotation that which has grown a crop of Spring Barley and Winter wheat this year. The site forms part of the commercial agricultural business but the land is lower quality when compared to the rest of the farm. The development would result in the loss of 11.5% of the total farm holding of 538 hectares and the farm would remain viable without this land. The land would be laid to grass on the site and although it is noted that it would not be cropped, there will be the opportunity to use the land for sheep grazing or biodiversity gain.

### **Heritage Assets**

33. The site is located a significant distance from the nearest listed building at Great Wilbraham Hall Farm. The development is not considered to damage its setting due to the distance from the site. It would also not adversely affect the setting of listed buildings and conservation areas within nearby villages.
34. The site is located within an area of high archaeological potential and it has the potential to to harm undesignated heritage assets of historic interest through excavation in connection with the development. Due to evidence of ringed ditches on the site and evidence in the area of Neolithic and Bronze Age occupation, there may be archaeological remains of equal importance also in this area and further investigation needs to be carried out to determine whether the proposal is acceptable. A written scheme of investigation has been submitted direct to the Historic Environment Team at Cambridgeshire County Council and trial trenching will be carried out to try and resolve this issue.

### **Biodiversity**

35. The development is not considered to result in significant ecological impacts and would provide biodiversity gain. However, improvements in the form of access gaps for small animals under the fence, an appropriate wildflower mix and management of a newly established meadow habitat would be conditions of any consent.

### **Landscaping/Trees**

36. The development would not result in the loss of any important trees or hedges that contribute to the visual amenity of the area providing a condition is attached to any consent for protection purposes. A significant landscaping scheme would also be attached as a condition of any consent in order to mitigate the impact of the development upon its surroundings.

## **Flood Risk**

37. The site is located within Flood Zone 1 (low risk). The submitted Flood Risk Assessment demonstrates that the development would be unlikely to increase the risk of flooding to the site and the surrounding area. However, a surface water drainage condition should be attached to any consent to ensure that there is an adequate surface water strategy at the site to deal with any issues during intense rainfall.

## **Highway Safety**

38. Access to the site during and after construction would be via the existing field access track off Six Mile Bottom Road at the junction with the A11. The access would be at the bend in the road where visibility is good in both directions. The Traffic Management Plan submitted with the application shows the access route to the site during construction and demonstrates that vehicles would access the site via the A11 and not need to travel through nearby villages. During construction, the traffic generation is estimated at approximately 30 HGV/LGV deliveries per working day over a period of approximately 12 to 16 weeks. There would also be movements from site personnel. When construction is complete, the traffic generation to maintain the development is estimated at one or two visits every quarter. Whilst it is acknowledged that there would be a significant number of traffic movements during the construction period, the development is not considered to result in a level of traffic generation to and from the site that would be detrimental to highway safety given the position of the access and the route taken. A condition would be attached to any consent to agree a traffic management plan for access to the site for delivery of the panels and servicing the development.
39. A temporary compound would be provided on site for vehicles to park off the public highway during the construction period.
40. The works required to the public highway for the cable connection to enable the solar farm to connect to the National Grid are noted. Comments from the Local Highways Authority are awaited as to the impact of these works upon the satisfactory functioning of the public highway. The connection is required to run to this substation due to the lack of capacity at substations closer to the site. An alternative route across fields would result in permission being sought from a number of different landowners and is not practical.

## **Residential Amenity**

41. The site is located a significant distance from the nearest residential properties and is not considered to result in a loss of amenity. The conditions suggested by the Environmental Health officer in relation to power operated plant and machinery and noisy works are not considered necessary given the distance of the site from residential properties.

## **Other Matters**

42. The site is not situated on land that is subject to contamination and the development is not considered to lead to land or water contamination that would cause a risk to the health of nearby receptors. A condition would be attached to any consent to ensure that any material brought onto the site is not contaminated.

43. Solar farms contribute towards economic growth due employment opportunities during the planning and installation stages.
44. The possible parameters for solar farms as set out by a local landscape consultant reflect the commitments of members of the Solar Trade Association. However, this is not national policy that can be taken into consideration in the determination of the application.

### **Conclusion**

45. The development is of a kind that receives very considerable support in national and local planning policy and that, following the guidance in the National Planning Policy Framework there must be a strong presumption in favour of it.
46. The proposal would have an impact on the countryside but this is not considered to be unacceptable adverse visual impact that would harm the character and appearance of the area as the development would be satisfactorily mitigated by additional landscaping. The development is also not considered to harm landscape character, damage the setting of heritage assets, destroy important archaeological evidence, result in the loss of important trees and hedges, harm biodiversity interests, cause a flood risk, be detrimental to highway safety or adversely affect the amenities of neighbours.
47. Therefore, on balance, the benefits of the scheme in respect of renewable energy production are considered to outweigh the harm over the temporary loss of agricultural productivity.

### **Recommendation**

48. It is recommended that the Planning Committee grants officers delegated powers to approve the application upon the removal of the objection from the County Council Historic Environment Team subject to the following conditions: -
  - i) 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.)
  - ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers PL-01 Revision 03, PL-02 Revision ), PL-05-22 Revision 01, PL-07 Revision 01, PL-08 Revision 01, PL-09 Revision 03, PL-09 Revision 01, PL-10-AB1-A Revision 02, PL-10-AB2 Revision 01, PL-11 Revision 01 and 020 Revision 00.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  - iii) The development, hereby permitted, shall be removed and the land restored to its former condition or to a condition to be agreed in writing by the Local Planning Authority on or before 30 years of the date of this permission in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
(Reason - Approval of the proposal on a permanent basis would be contrary to Policy NE/2 of the adopted Local Development Framework 2007 and the land should be reinstated to facilitate future beneficial use.)

- iv) All development must be removed from site within 6 months of the solar farm ceasing to be operational.  
(Reason - The application site lies in the open countryside and it is important that once the development has ceased the site is brought back into a full agricultural use in accordance with the provisions of the NPPF and policy NE/2 of the adopted Local Development Framework 2007.)
- v) 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.)
- vi) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- vi) 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.)
- vii) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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.)

viii) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage including monitoring arrangements 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.)

ix) No development shall commence until a detailed scheme for the importation of soil onto the site has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

(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.)

x) 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.)

xi) The development shall be carried out in accordance with the MWA Ecological Survey dated (to be confirmed) and MWA Landscape and Biodiversity Management Plan dated (to be confirmed).

(Reason - To enhance ecological and biodiversity interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

xii) The development shall be carried out in accordance with the Inazin Construction and Traffic Management Plan dated July 2013.

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

xiii) No development shall commence until archaeological investigation works have been carried out in accordance with the Cotswold Archaeology Written Scheme of Investigation dated (to be confirmed).

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Submission March 2014
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File Reference S/2763/13/FL

**Case Officer:** Karen Pell-Coggins- Acting Principal Planning Officer  
Telephone: (01954) 713230



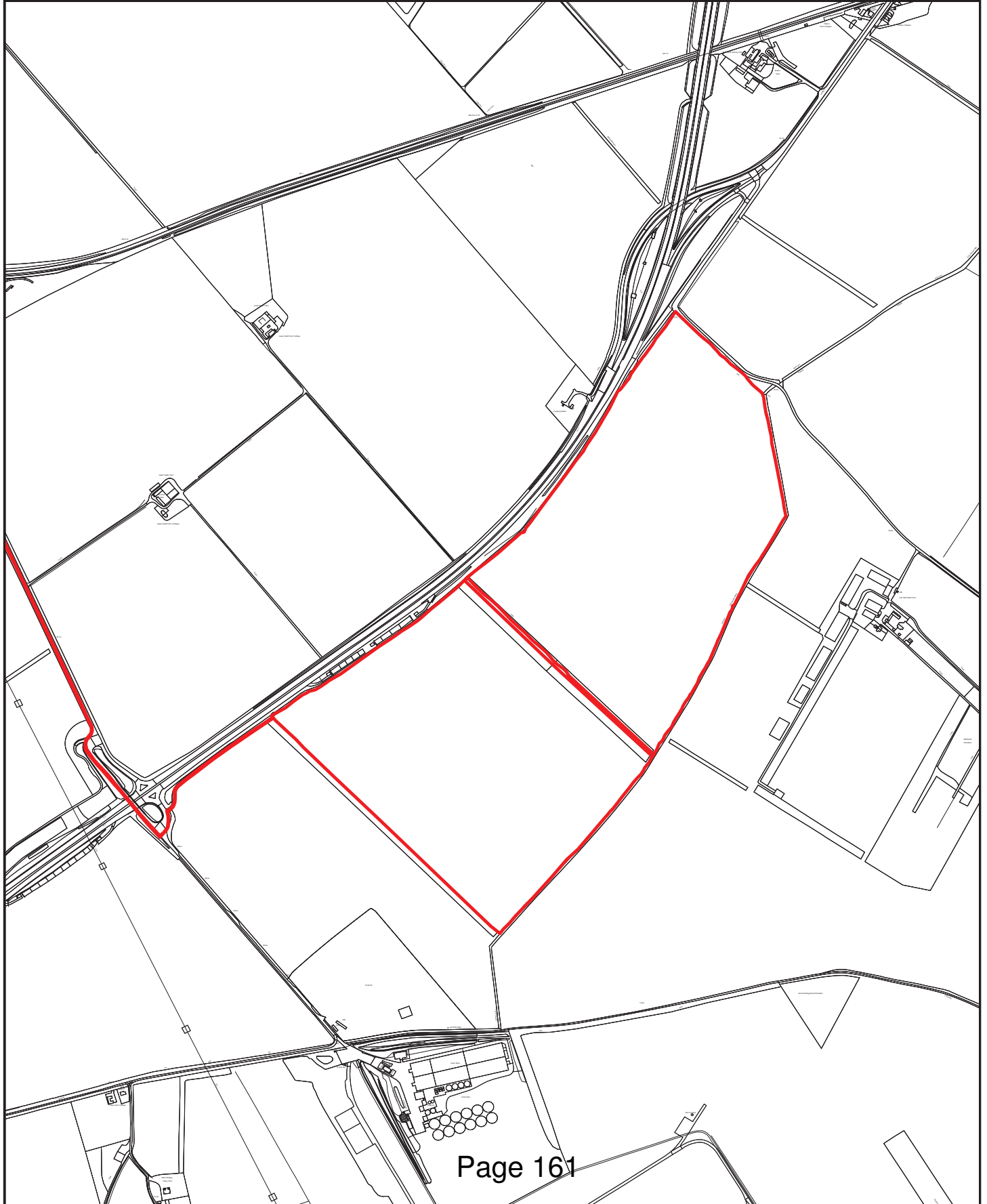
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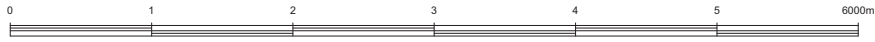
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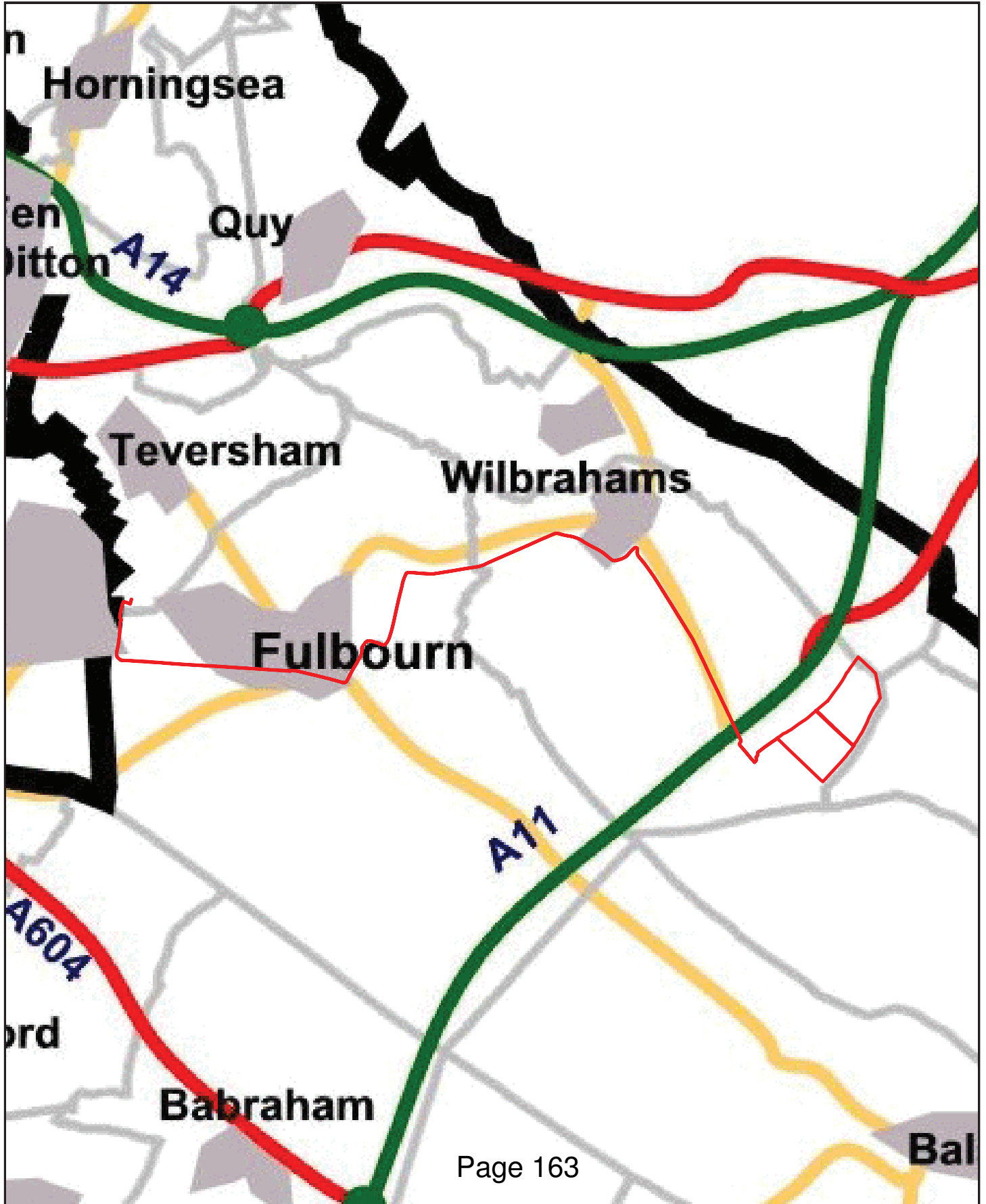
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# Agenda Item 17



**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and New Communities Director

2 July 2014

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## Enforcement Report

### Purpose

1. To inform Members about planning enforcement cases, as at 19<sup>th</sup> June 2014  
Summaries of recent enforcement notices are also reported, for information.

### Enforcement Cases Received and Closed

2. 

Period	Cases Received	Cases Closed
1 <sup>st</sup> Qtr. (Jan – March) 2014	118	99
2 <sup>nd</sup> Qtr. (April – June) 2014	*	*
3 <sup>rd</sup> Qtr. (July – Sept) 2014	*	*
4 <sup>th</sup> Qtr. ( Oct – Dec) 2014	*	*
April 2014	38	37
May 2014	24	30
June 2014		
<b>2014 YTD</b>	<b>180</b>	<b>166</b>
1st Qtr. (Jan – March) 2013	109	133
2nd Qtr. ( April – June) 2013	147	157
3rd Qtr. (July – Sept) 2013	145	155
4 <sup>th</sup> Qtr. (Oct – Dec) 2012	110	127
<b>2013 YTD</b>	<b>511</b>	<b>572</b>

**Enforcement Cases on hand:**

3. Target 100
4. Actual 91

**Notices Served**

Type of Notice	Period	Year to date
	May 2014	2014
Enforcement	0	7
Stop Notice	0	0
Temporary Stop Notice	1	1
Breach of Condition	0	0
S215 – Amenity Notice	0	1
Planning Contravention Notice	0	2
Injunctions	0	0
High Hedge Remedial Notice	0	0

**Notices issued since the last Committee Report**

Ref. no.	Village	Address	Notice issued
PLAENF. 1168	Milton	27 Sandy Park, Chesterton Fen Road	Temporary Stop 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 that are of particular note**

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 noted 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 10<sup>th</sup> 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. A report to the planning committee was prepared and submitted. The Committee authorised officers to apply to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the

reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307

The Injunction statement has now been considered by Counsel with further information being requested in order that the Injunction application can be submitted. Information is currently being collated in order to prepare a further report to submit to the Planning Committee.

Report prepared and formed part of the May Planning Committee Agenda. The Committee resolved to give officers the authority sought in paragraph 8 of the report from the Planning and New Communities Director for the reasons set out in paragraphs 9, 10 and 11. No further update at this time

**b. Q8, Foxton**

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

**c. 1-6 Pine Lane – Smithy Fen**

Previously the subject of a planning consent resulting from an appeal decision 14<sup>th</sup> October 2003 under reference APP/W0530/C/03/1113679 The planning permission is no longer valid as the owners have failed to comply with their planning permission relating to conditions. Additionally a further permission granted at appeal for plots 4 & 5 Pine Lane 30<sup>th</sup> August 2012 under reference APP/W0530/A/12/2170121 has also lapsed due to planning conditions contained in the appeal decision not being complied with/met. A planning application for plots 4/5 has been submitted but not validated. An application for the remaining plots in Pine Lane, 1, 2, 3 & 6 is in the process of being submitted.

Valid planning applications relating to plots 1-6 inclusive have not been received as requested therefore a file has been submitted to legal requesting the issue of a planning enforcement notice. Notices have now been issued and are effective from 21<sup>st</sup> March 2014

Planning enforcement notice issued relating to plots 1 to 5 inclusive. Plot no 6 is currently empty and not in breach of planning control. Planning application covering plots 1 to 5 inclusive subsequently submitted and validated. Planning Reference no S/0638/14 refers. Application referred to Planning Committee - Case officer progressing

**d. Portelet High Street, Croydon**

Complaint received regarding a statutory noise nuisance following a change of use at the property to a dog breeding business. Investigations so far have revealed that there is a change of use at Portelet but a statutory noise nuisance has not been substantiated. Retrospective planning application for the change of use has been submitted –

Planning application now validated reference number S/2529/13/FL Determination date 5<sup>th</sup> May 2014. Officer recommendation differs to that of the local Parish Council, application now referred to Planning Committee  
Approved at Planning Committee - Item to be removed

**e. Buckingham Business Park, Swavesey**

Complaint received regarding the stationing of buses belonging to Sun Fun Travel on land adjacent to the business park without the benefit of planning. Retrospective planning application submitted – Outstanding items submitted, application now validated - Case officer progressing, no further update at this time

**f. Land North West of Cambridge Road, Wimpole**

Without planning permission, the change of use of the affected land for the stationing and residential occupation of a mobile home Planning application submitted and validated. Planning enforcement notice issued, effective 30<sup>th</sup> April 2014 unless an appeal is made against it beforehand. Appeal against the enforcement notice submitted Waiting for start date. Planning application S/0583/14 delegated refusal

**g. Pear Tree Public House, High Street Hildersham**

Complaint received regarding the reported change of use of the premises to residential without the benefit of planning. Enquiries continue.

**Summary**

10. As previously reported Year to date 2013 revealed that the overall number of cases investigated by the team totalled 511 cases which was an 11.8% increase when compared to the same period in 2012. The total number of cases YTD 2014 totals 180 cases which when compared to the same period in 2013 is a 13.4% reduction
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.

**Effect on Strategic Aims**

12. This report is helping the Council to deliver an effective enforcement service by

**Engaging with residents, parishes and businesses to ensure it delivers first class services and value for money**

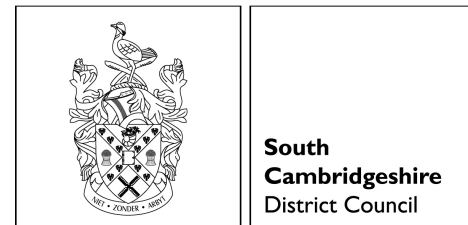
**Ensuring that it continues to offer an outstanding quality of life for its residents**

**Background Papers:**

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

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# Agenda Item 18



South  
Cambridgeshire  
District Council

**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and new Communities Director

2 July 2014

## APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

### Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as 20 June 2014. Summaries of recent decisions of importance are also reported, for information.

### Decisions Notified By The Secretary of State

Ref.no	Details	Decision	Decision Date
PLAENF.638	Mr P Fox 56 &56a Park Lane Fen Drayton	Withdrawn	23/05/14
S/2122/12/FL	Stubbins Marketing Ltd Oaktree Road Fen Drayton Commercial Glasshouse	Allowed	03/06/14
S/1966/13/VC	Mr T Deans Deans Farm Shepreth Road Fowlmere Restricting retail use	Allowed	03/06/14
S/1966/13/VC	Mr T Deans Deans Farm Shepreth Road Fowlmere Restricting retail use	Award of Cost Refused	03/06/14
S/2764/13/FL	Mr & Mrs Denton 1 Birch Trees Road Great Shelford Extensions	Dismissed	06/06/14
S/2294/13/FL	Mr R Hays Building off Royston Road Foxton Conversion of vacant building to live/work unit.	Dismissed	16/06/14
S/2439/13/FL	Mr T Rule 18 Pages Lane Histon Two Dwellings	Withdrawn	S/2439/13/FL

### Appeals received

3.

Ref. no.	Details	Decision	Received
PLAENF.1110	Mr R Crotty 146 Cambridge Road Wimpole		28/04/14
S/2647/13/FL	Mrs Corinee Brown 4 Shelford Road WHittlesford Two Storey Extension, new porch & new entrance gates	Refused	6/5/2014
S/2088/13/FL	Mrs T McAteer Land rear of the Shack Little Heath Gamlingay Change of Use to dog agility training	Granted subject to condition no 4	06/05/14
S/2639/13/FL	Mr & Mrs Smith 10 Cinques Road Gamlingay Dwelling	Refused	13/05/14
S/0439/12/F	Eversheds Land at Highfield Farm Royston Road Litlington Wind Farm	Refused	20/05/14
S/1850/12/FL	Mr I Ford Carters Farm House Main Street Shudy Camps Conversion,alteration and extension	Refused	22/05/14
S/2308/12/LBL	Mr I Ford Carters Farm House Main Street Shudy Camps Conversion,alteration and extension	Refused	22/05/14
S/1152/13/F	Mitre Property Development Ltd Former Bishops Hardware Store Old Station Yard Cambridge Road Impington	Non-determination	23/05/14
S/0439/12/FL	Highfield Wind Energy Ltd Highfield Farm Litlington Five wind turbines and associated works	Refused	03/06/14



S/2207/13/FL	Mr H Miles Riverside Barns Frogge Street Ickleton	Refused	17/07/14
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**Local Inquiry and Informal Hearing dates offered or confirmed in the next few months.**

4.

Ref. no.	Name	Address	Hearing
S/1237/13/FL	Ms D Beaver	Haden Way Willingham	Hearing Confirmed 24/06/14
S/0691/13/FL	Mr A Hartwig	Ryders Farm 35 Middlewatch Swavesey	Hearing 20/08/14-21/08/14 Offered
PLAENF.638	Mr P Fox	56&56A Park Lane Fen Drayton	Hearing 9 September 2014 Confirmed

**Summaries of recent decisions**

5. **Mr P Pickering – Change of use of land to provide 3 gypsy pitches – Alwyn Park, Over Road, Willingham – Appeal Allowed. Costs awarded against the Council**

1. Planning Committee refused this application on the grounds that a further site in or close to Willingham village would cause unacceptable pressures on village services and facilities and that the loss of an established touring caravan park as a vital part of the rural economy was undesirable. The appeal was heard by way of written representations.
2. The inspector noted that Willingham is a minor rural centre and is recognised by the Council as being one of the more sustainable settlements in the District. The village has a population of around 4,000 and a dwelling stock of some 1,700 homes. The scale of the proposal would respect and not dominate the nearest settled community, taking account of the small number of pitches and their location and allowing for the existing traveller sites on the eastern side of the village. The village has a wide range of services and facilities. There is no empirical or specific evidence from the local planning authority, the Parish Council or the service providers to show that the school or health facilities are under pressure. Planning obligations have been secured through a section 106 agreement for financial contributions to be made towards improvements to open space and community hall provision in the village.
3. The Council had argued that the relatively secluded location of the site would not assist in easing tensions and improving integration between the settled and travelling community in the village. However, the inspector concluded that

the site is well placed for residents of the pitches to access the facilities in the village and the proposed footway to Haden Way would improve accessibility. The location strikes an appropriate balance in relation to the built-up area of the village and the open countryside. Also, the pitches are part of a site that has settled housing and provision for camping and caravanning for tourist purposes, thereby reducing any sense of isolation.

4. The proposal therefore complies with local plan policies and Planning Policy for Traveller Sites (PPTS) in that it is located near to a settlement, is of an appropriate small scale and would not place undue pressure on the local infrastructure. Officers note that this view is consistent with other appeal decisions for gypsy sites in Willingham where previous inspectors have come to the same conclusion.
5. The LDF identifies a significant demand for tourist accommodation by reason of the proximity of Cambridge and surrounding attractions. A key objective is to support the growth of the tourism industry in the District whilst ensuring new facilities do not have an adverse impact on the built and natural environment. Therefore the focus for new accommodation is the larger villages, where there is access to public transport and local services. However, although the Council rely on Policy ET/10 in the reason for refusal, the inspector found that the policy does not refer specifically to camping and caravan sites or to protecting such forms of accommodation. The location of the site in the countryside, rather than the defined village framework, also reduces the weight to be attached to the Council's argument that the tourist facility is consistent with encouraging accommodation in rural centres, such as Willingham. There was no evidence from the Council to illustrate the role of the holiday caravan site in the supply of such accommodation in the District or to indicate its role in supporting the rural economy. To the contrary, the Appellant's evidence suggested there is no shortage of caravan and camping sites in the Cambridge area.
6. An appeal decision in 2008, concerning the provision of park homes at Alwyn Park, noted that demand had declined for touring caravans and over-winter storage because of competition and a change in the nature of tourism. That Inspector found no obvious indication the site was operational. The Appellant's case remained that demand has declined, with only a small number of visitors in caravans and tents in the summer months. However, there is no intention to discontinue the holiday caravan use. The current proposal would occupy only part (about 25%) of the overall area. In view of the layout of the site as a whole, the inclusion of pitches for traveller occupation would not necessarily be incompatible with the continuation of the tourist use. There was therefore no material conflict with plan policies in this respect.
7. The inspector also addressed the question of need for sites. The Council's case was that the assessed need for traveller sites in the District to 2021 has been exceeded through the grant of planning permissions since 2011. However, the inspector noted there is waiting list for the two existing public sites and there are sites with temporary or an expired temporary permission. In a recent appeal, the inspector had concluded that there was a clear need for additional traveller accommodation in South Cambridgeshire and that the assessed need was likely to have been under-estimated. As such, the unfulfilled need in the District for traveller sites supports the proposal. Furthermore, in accordance with the PPTS sites are intended to provide for

any travellers and not just those with local connections. Even if the identified need has been satisfied, it is appropriate to assess the proposal on its merits, consistent with advice in paragraph 10 of the PPTS.

8. The appeal was allowed subject to conditions including restricting the use of the site to gypsies as defined in PPTS; limiting the number of pitches to three, restricting the number of caravans; limiting commercial activity on the site, landscaping; and provision of a footpath link to Haden Way. A section 106 agreement providing contributions to open space, indoor community provision and refuse receptacles was also secured.
  9. In response to the appellant's application for costs, the inspector found that there was a lack of demonstrable evidence from health and education service providers that undue pressure is being placed on village services. The Council's statement had therefore attempted to argue that the focus of concern in this case is the effect on the ability to create mixed and socially inclusive communities and to promote peaceful and integrated coexistence between travellers and the local community. This distinguished this case from the capacity and physical domination arguments presented in earlier successful appeals. Nonetheless, the inspector found that the reason for refusing the proposal was not clarified or adequately explained. The Council should have been aware of the need for more specific evidence as a result of an appeal decision dated 26 June 2012 for a traveller site in Willingham. It had therefore failed to produce evidence to substantiate the first reason for refusal.
  10. The second reason for refusal was based on the established use of the site as a touring caravan site. The Council had been unable to support the reason for refusal and to explain what it saw as the important role of the site within the context of overall provision of caravan and camping sites in the District.
  11. I conclude that the Council has failed to produce evidence to substantiate each reason for refusal. Therefore unreasonable behaviour resulting in unnecessary expense has been demonstrated and a full award of costs was justified.
6. **Mrs K O'Brien – Change of use of land to provide 6 gypsy pitches at Plots 5, 5a, 6, 10 and 11 Orchard Drive and 15 Water Lane and community garden at 7, 8 and 9 Orchard Drive and 14, 16, 17 and 18 Water Lane, Smithy Fen, Cottenham – Appeal Allowed only for gypsy/traveller pitches at Plots 10 Orchard Drive and 15 Water Lane. Application for costs against the Council dismissed**
1. Prior to the start of the inquiry into this appeal, plots 5, 5a and 6 were excluded from the proposal and did not form part of the appeal. This left three pitches on Plots 10 and 11 Orchard Drive and 15 Water Lane.
  2. The inspector identified the main issues as the effect of the proposal on the character and appearance of the surrounding area; whether the scale of the proposal together with the existing traveller development at Smithy Fen would unduly dominate the settled communities of Smithy Fen and Cottenham; whether the proposal would set a harmful precedent for further development; the effect of the proposal on community infrastructure and public open space; and whether any harm arising from the above is outweighed by other considerations, including the general need for sites, future site provision and

the accommodation needs and personal circumstances of the proposed occupiers.

3. The proposed development was judged to be relatively small scale. It would have a modest adverse impact on the intrinsic character of the surrounding landscape and on public views into the site. There would also be limited harm arising from the lack of open space and community provision with little harm from the physical and social impact on the local settled community.
4. The inspector did not consider it likely the proposals would set a precedent for development in the northern part of the site. Nonetheless, there is an important and well founded concern that allowing the proposal would set a precedent for a further unplanned extension of development in the southern part of the site. This would have a substantial adverse effect on the character and appearance of the surrounding countryside and be of a scale that would be likely to exacerbate tensions with the Smithy Fen settled community.
5. Set against this harm is the significant weight that must be given to the general need for sites and the lack of planned future provision, together with the individual accommodation needs and personal circumstances of the proposed occupiers. The inspector concluded that these considerations would not outweigh the harm that would be caused by granting a permanent permission.
6. There was therefore a need to see if a temporary permission would be appropriate. It would restrict the harm to a limited period and in the long term would not dilute the principle of containing development within the existing site boundaries. The identified accommodation needs of the occupiers of Plots 10 and 15 would justify temporary permission. Nonetheless, this would only be justified if planning circumstances may be expected to change in a particular way at the end of that period. Whilst the Council has no plans for further site provision it has an allocation of funding for improved provision and there is a window of opportunity during the Local Plan examination to review the position. A four year period would give adequate time to identify and bring forward one or more sites and the appellant's circumstances may have changed after this time.
7. If implemented, the community garden would become an integral part of the site and strengthen the precedent argument. It should be resisted on this basis alone although it was also unlikely to be deliverable.
8. Of particular significance in this appeal was the inspector's conclusion on the Council's approach to meeting travellers' needs. He had considerable reservations over the approach adopted by the Council as part of the accommodation and needs assessment carried out in 2011 (and which underpins policy objectives in the emerging Local Plan).
9. This apprehension was based on the lack of a full household survey and concerns about the methodology used. He found fault with the assumption that there is no demand from hidden households doubling up or in overcrowded conditions on existing private sites and the assumption that there will be an annual turnover of 4% of pitches which would then count towards supply. There is no evidence of this level of turnover on privately owned sites but more fundamentally it assumes that there will be no net in-

migration or internal movements within the District. Indeed it assumes there will be out-migration but no immigration.

10. One indicator of demand is the waiting list for the two Council sites. This stands at 49. Whilst there may be some double counting in this figure it represents an element of unmet need which is not currently reflected in the assessment model. Demand from households living in conventional housing is also assumed to be balanced by those wanting to move in the opposite direction. Yet there is no analysis of those travellers on the housing waiting list to understand whether they would prefer caravan accommodation if it were available.
11. The inspector noted that similar findings were identified in recent appeal decisions on four traveller sites in Willingham and by the Inspector examining the East Cambridgeshire Local Plan. Overall he considered the current shortage of traveller sites and the lack of any prospect of future provision weighed significantly in favour of the proposal.
12. In conclusion, the inspector found that South Cambridgeshire has a current unmet need for traveller sites which is unlikely to be resolved in the near future. Taking this into account, he found that the individual accommodation needs and personal circumstances of the proposed occupiers of 15 Water Lane and 10 Orchard Drive are such as to outweigh the limited conflict with countryside protection and community integration planning policies so as to justify a temporary permission. A temporary permission which is tied to specific health, education and accommodation needs would not provide a general precedent for any further incursion into the unconsented area at Smithy Fen.
13. In their application for costs, the appellants argued that the grounds of refusal did not stand up to scrutiny. Landscape harm could be mitigated. No evidence has been produced to show that the scale of Smithy Fen is disproportionate to Cottenham and the effectiveness of the injunctions shows that concern about precedent is misplaced. 3. Furthermore, the needs assessment is inadequate and evidence of the accommodation needs of the travellers and their circumstances has not been heeded. The Council has acted unreasonably in its practice of not accommodating Irish Travellers on its sites.
14. In response the inspector found that the Council was entitled to argue landscape harm. On the issue of scale, the written representations from settled residents of Smithy Fen raised proper concerns that needed to be addressed. In considering the issue of scale and precedent the Council had support from the conclusions of Inspectors in appeals which post-date the injunction on the site. In relation to general needs the Council provided a response to the criticisms identified by others in its approach. While shortcomings in the present assessment were identified, this was only after the underlying assumptions had been tested in cross examination.
15. In relation to alternative sites, the Council was found to be ambivalent about whether its own gypsy and traveller sites are, in practice, available for Irish Travellers but it was not a matter that was central to its case. It relied in particular on the availability of vacant sites within Smithy Fen. It would have been of assistance if the Council had produced its own evidence of availability based on the work it has done to release these sites and on the knowledge of officers working with the traveller community at Smithy Fen. Nonetheless its

approach was by no means an irrational one. In the event the inspector found the first hand evidence from the appellant and potential occupiers more convincing. Finally the Council placed less weight on the personal circumstances of the individual traveller households than the appellant but this is a matter of judgement and did not make its stance unreasonable.

16. Thus the Council had produced adequate evidence to substantiate its grounds of refusal and that this evidence had, where necessary, been supported by appropriate objective analysis. No unreasonable behaviour resulting in unnecessary expense had been demonstrated.

7. **Stubbins Marketing – Commercial glasshouse - Oaktree Road, Fen Drayton – Appeal allowed**

1. The Planning Committee refused this application on the grounds it would have a harmful effect on the policy objectives for the Fen Drayton Former Land Settlement Association (LSA) Estate and on the living conditions of nearby residents, with reference to dominance, light and noise.
2. The inspector concluded that the intention of the former LSA to provide employment and training for unemployed persons is not reflected in the adopted SPD. Moreover, although the appeal site lies within the area of the former estate, it comprises land which now lies outside the boundaries of dwellings and smallholdings and none of the buildings thereon are identified as eligible for development in accordance with the SPD. The land is in the ownership of the Appellant and is not available for residents of the estate. He found that the development would not reduce the amount of land which is currently available for use by LSA residents, nor prejudice existing policy objectives in the SPD.
3. Construction of the glasshouse would represent a significant change in the nature of the appeal site. The presence of the glasshouse would be readily apparent in this part of the former LSA estate. However it would be set further back from Oaktree Road than existing frontage development, and the dwellings and smallholdings would remain an important component of the street scene. In addition to the large glasshouse on the Appellant's existing site to the south, there are other glasshouses nearby to the east of Oaktree Road. He did not consider that the proposed development would introduce a harmful change to the character of the former LSA estate and the surrounding area.
4. As such, the proposed development would not prejudice policy intentions for the former LSA estate contained in the SPD.
5. The proposed glasshouse would extend past the back of adjoining dwellings and be set back between 7.5m and 14m from their rear boundaries. These dwellings have relatively generous garden areas, and having regard to the intended relationship between the proposed and existing buildings, the glasshouse would not appear unduly dominant in the outlook from the rear of the properties on the north side of Oaktree Road. For the same reason the presence of the glasshouse would not result in a loss of light in existing houses, or that neighbours would experience any appreciable loss of privacy.
6. Neighbours had expressed concern about disturbance from the operation of the site. The main access for the Appellant's overall operation would remain

as now. Although there would be vehicle and pedestrian movement across Oaktree Road between the existing and proposed glasshouses, the main access point into the site of the new glasshouse would be set away from the nearest dwellings on the northern side of the road. A secondary access on Springhill Road would be used for a weekly delivery of fertiliser and for maintenance purposes. There would only be occasional movements of vehicles travelling beyond the business's main access along Oaktree Road and onto Springhill Road towards this access.

7. Some neighbours had complained about noise from the operation of fork-lift trucks early in the morning. The inspector anticipated that any external use of fork-lift trucks in connection with the development would involve movement between the existing and proposed glasshouses. The main access to the proposed glasshouse would be centrally positioned on the Oaktree Road frontage, and set away from dwellings which are not in the Appellant's ownership. He did not consider that the movement of vehicles along Oaktree Road and Springhill Road and the use of fork-lift trucks would be likely to cause unacceptable disturbance to local residents.
  8. Similarly concern about a boiler showed there was some noise from outside the building, but this was not loud or characterised by distinct impulses, and therefore is intrusive. No growing lights would be used, and external lighting is intended to be directed downwards: a lighting scheme could be the subject of a condition.
  9. As such, there would be no worsening of living conditions for residents.
  10. The appeal was therefore allowed subject to a comprehensive suite of conditions designed to enhance the appearance of the development and protect residential amenity. However, the inspector declined to accept a planning obligation to restrict the number of goods vehicles using Oaktree Road was necessary. The obligation could not be framed with any certainty and in any event he reached the view that there would only be occasional movements by vehicles travelling directly to and from the appeal site itself. It was not therefore CIL complaint and could not be imposed.
8. **Mr T Deans - Conversion of building (B1 use) to a poultry, pet and equestrian store without complying with a condition attached to a previous inspector's appeal decision dated 13 February 2013 – Deans Farm, Shepreth Road, Fowlmere – Appeal allowed. Application for costs against the Council dismissed**
1. The application had been refused under delegated powers and the appeal related to a lean-to bay in a large portal frame building. The main issue was whether the removal or variation of the condition in dispute would contribute to the sporadic development of retail uses in the countryside, which would result in unsustainable patterns of development that would unacceptably undermine the vitality and viability of surrounding villages.
  2. The basis for the inspector allowing the appeal lies in changes made by the Government to the General Permitted Development Order (GPDO). Changes to the GPDO have come into force since the previous appeal decision and under the present provisions of Schedule 2, Part 4, Class D of the GPDO, an unrestricted retail activity of up to 150 sq m could now take place in the appeal bay for a period of two years. The area involved is some 138 sq m.

3. Given the difference between the area of the appeal bay and that which could now potentially change use the inspector did not think that removing the condition would have any practical effect on the scale of the retail operation taking place on the appellant's land. Moreover, removing the condition would reflect the Government's present more permissive approach. In the light of the provisions of Part 4, Class D, the inspector considered if condition 4 should be deleted for a temporary period only; however this seemed to him to be an unnecessarily restrictive approach given that the appellant has other likely routes to obtaining a permanent A1 use in other nearby buildings.
4. It was acknowledged that the proposal conflicts with policy ET/9 in the Council's Local Development Framework and that the application was not accompanied by a Farm Business Plan. However, he considered that this requirement is out-of-date in relation to the proposal before him given that changes of use with a similar effect can now be carried out without an explicit planning permission. In this particular case similar considerations also applied to policy SF/5 in the same document.
5. The basis for the appellant's cost claim was that the Council had acted unreasonably in ignoring relevant national policy and in particular the recent changes to the GPDO. However, the inspector found that the Council's behaviour could not be classified as unreasonable. He considered that the case for granting permission was not as clear-cut as the appellant suggested. No award of costs was therefore justified.

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

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