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26 January 2016

To: Chairman – Councillor Lynda Harford
All Members of the Planning Committee - Councillors Brian Burling,
Anna Bradnam, Pippa Corney, Kevin Cuffley, Sebastian Kindersley,
David McCraith (substitute for David Bard), Des O'Brien, Deborah Roberts,
Tim Scott, Ben Shelton and Robert Turner

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 3 FEBRUARY 2016 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 June 2015) attached to the electronic version of the agenda on the Council's website.

PROCEDURAL ITEMS

1. **Apologies**
Councillor David Bard has sent Apologies. To receive apologies for absence from other committee members.
2. **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.

3. Minutes of Previous Meeting

1 - 4

To authorise the Chairman to sign the Minutes of the meeting held on 13 January 2016 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

4. S/1527/15/FL - Guilden Morden (Three Tuns 30, High Street)

5 - 24

Change of Use from A4 to C3

5. S/1714/15/FL - Dry Drayton (Land East and West of Battlegate Road, Childerley Farm)

25 - 54

Solar Farm and Associated Development

6. S/0499/15/FL - Bourn (Former runway, Bourn Airfield)

55 - 66

Part change of use of runway to external storage

7. S/1883/15/FL - Madingley (Land adj 10 Church Lane)

67 - 76

Two storey dwelling, associated works and access

8. S/2770/15/FL - Sawston (76-78 High Street)

77 - 82

Change of use restaurant / takeaway to hot food takeaway

9. S/2890/15/RM - Over (38 Mill Road)

83 - 90

Reserved Matters Application for erection of dwelling (appearance, layout, scale and landscape only)

MONITORING REPORTS

10. Enforcement Report

91 - 96

11. Appeals against Planning Decisions and Enforcement Action

97 - 100

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.

OUR VALUES

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

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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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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"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 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 13 January 2016 at 10.00 a.m.

PRESENT: Councillor Lynda Harford – Chairman
Councillor David Bard – Vice-Chairman

Councillors:	Val Barrett (substitute)	Brian Burling
	Anna Bradnam	Kevin Cuffley
	Sebastian Kindersley	David McCraith (substitute)
	Des O'Brien	Deborah Roberts
	Tim Scott	Ben Shelton

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Julie Baird (Head of Development Management), Katie Christodoulides (Planning Officer), Gary Duthie (Senior Lawyer), Andrew Fillmore (Principal Planning Officer), Karen Pell-Coggins (Principal Planning Officer), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)), Charles Swain (Principal Planning Enforcement Officer) and Alison Twyford (Senior Planning Officer)

Councillors Grenville Chamberlain, Mervyn Loynes and Charles Nightingale were in attendance, by invitation.

1. APOLOGIES

There were no Apologies for Absence.

2. DECLARATIONS OF INTEREST

Interests were declared as follows:

Councillor Lynda Harford

Non-pecuniary interest in respect of Minute 6 (S/0957/15/OL) as the Cambridgeshire County Councillor whose Electoral Division of Bar Hill includes the parish of Girton. Councillor Harford had attended a briefing on this planning application but made no comments as to its merits. She was considering the matter afresh.

Councillor Des O'Brien

Non-pecuniary interest in respect of Minute 10 (S/2448/15/FL) as a member of Bourn Parish Council having attended the meeting at which the application had been discussed. Councillor O'Brien was considering the matter afresh.

3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 2 December 2015.

4. S/1431/15/OL - WATERBEACH, (BANNOLD ROAD)

Brian Williams addressed the meeting both as an individual objector and as representative

of Waterbeach Parish Council. Hannah Albans (applicant's agent) also addressed the meeting, and was supported by Alex Kenny (Technical Director) who was present to answer questions of clarification. The major objections to the proposal related to flooding and drainage, position and safety of the access road, the lack of publicity, and sustainability issues. Objections from Councillor Peter Johnson (a local Member) had been circulated to Committee members and other interested parties. The Chairman read out a letter of objection from Councillor James Hockney (the other local Member).

Some Members speculated about the increase in the number of dwellings from the original 90 to a proposed 144. The Senior Lawyer reminded them though that the application had to be assessed in the context of national and local planning policy, and that the applicant's motives were not a material planning consideration.

The District Council's Drainage Manager confirmed that he had no general concerns about surface water in general, but said that the Internal Drainage Board was likely to insist on measures to ensure that such surface water did not enter the sewer system. He added that it was not unusual for buildings in the area to be below the five metre level.

Concerns related to:

- Health provision – the financial contribution should be increased, and paid directly to Waterbeach Surgery rather than to NHS England;
- Affordable Housing – affordable only during the first term granted;
- the relatively small amount being offered by Legal Agreement under Section 106 of the Town and Country Planning Act 1990;
- quality of the proposed development; and
- the loss of very important green space.

The Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reason for refusal as being that the increase in density and urbanisation is inconsistent with South Cambridgeshire District Council policy allowing 40 dwellings per hectare in Waterbeach, thus rendering the proposal as out-of-keeping with the village.

5. S/2003/15/FL - LITTLE SHELFORD (25 CHURCH STREET)

Members visited the site on 12 January 2016.

Jane Westbrook (objecting on behalf of a group of neighbours), Don Proctor (applicant's agent), Councillor Andrew Stephenson (Little Shelford Parish Council) and Councillor Charles Nightingale (a local Member) addressed the meeting. Objections related to adverse impact on the Conservation Area, loss of amenity, the proposal not being in keeping with the surrounding area, the loss of sunlight for Beach Cottage, and overbearing nature of the proposal.

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

6. S/0957/15/OL - GIRTON (GIRTON COLLEGE, HUNTINGDON ROAD)

Members visited the site on 12 January 2016.

Deborah Lowther (Girton College Bursar) addressed the meeting. Councillor Tom Bygott (a local Member) had indicated his support for the proposal.

Councillor Sebastian Kindersley welcomed the positive manner in which this application had been had been constructed through joint working. He said that there existed very special circumstances for granting planning permission in the Green Belt in this instance.

The Committee gave officers **delegated power to approve** the application, subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing appropriate contributions towards off-site transport infrastructure, and the Conditions and Informatives set out in the report from the Planning and New Communities Director, and subject to the application not being called in for determination by the Secretary of State.

7. S/2580/15/OL - FOXTON (LAND OFF SHEPRETH ROAD)

Members visited the site on 12 January 2016.

Philip Kratz (agent for Foxton Parish Council) addressed the meeting. He conveyed the Parish Council's objections on the grounds of adverse impact, scale, and isolation from the existing village.

The Committee **refused** the application for the reasons set out in the report from the Planning and New Communities Director.

8. S/1686/15/FL - HARDWICK (11 CAMBRIDGE ROAD)

Members visited the site on 12 January 2016.

Katharine Jeary (objector), Peter McKeown (applicant's agent) and Councillor Grenville Chamberlain (local Member) addressed the meeting. Objections related to the reduction in size of the plot, proximity to neighbours, cramped nature of the proposal, lack of space for soft landscaping, adverse impact on the character of the area, bring forward the building line, sub-urban nature of the proposal, highway safety, and the absence of visitor parking.

The Committee **approved** the application, as amended by plan received on 12 January 2016, subject to the Conditions set out in the report from the Planning and New Communities Director, an additional Condition securing details of the construction of the driveway and parking area, and an Informative relating to the removal of the on-site telegraph pole.

9. S/2109/15/OL - LINTON (1 HORSEHEATH ROAD)

Members visited the site on 12 January 2016.

Kate Kell (objector) and Councillor Enid Bald (Linton Parish Council) addressed the meeting. Objections related to the adverse impact on residential amenity, loss of privacy, cramped nature of the proposal, and design.

The Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reason for refusal as being over-development by virtue of the applicant's failure to demonstrate that nine dwellings could be accommodated on the application site without having an adverse impact on neighbour amenity.

10. S/2448/15/FL - BOURN (ROOKERY FARM, BROADWAY)

Members visited the site on 12 January 2016.

Annarita Demetriou (objector), Nick Ward (applicant), Councillor Les Rolfe (Bourn Parish Council) and Councillor Mervyn Loynes (a local Member) addressed the meeting. Objections related to nuisance, loss of residential amenity, health concerns, and hours of operation.

Members explored with officers options relating to the environmental health aspect of the application.

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

11. S/2540/15/OL- CONINGTON (3 SCHOOL LANE)

Members visited the site on 12 January 2016.

Emma George (Project Officer) addressed the meeting.

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

12. ENFORCEMENT REPORT

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

13. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action. The Chairman drew Members' attention to the number of Appeals that had been dismissed, and congratulated officers on their success.

The Meeting ended at 3.00 p.m.

Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 February 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/1527/15/FL

Parish(es): Guilden Morden

Proposal: Change of Use from A4 (Drinking Establishment) to C3 (Single Residential Dwelling House)

Site address: 30 High Street, Guilden Morden

Applicant(s): Ms Beverly England (Florin Interiors Ltd)

Recommendation: Approval

Key material considerations: Principle of development, Impact to Listed Building and Conservation Area, Parking, Contributions

Committee Site Visit: 3 November 2015

Departure Application: No

Presenting Officer: Rebecca Ward, Senior Planning Officer

Application brought to Committee because: The officer recommendation conflicts with that of the Parish Council and also at the request of the Local Member

Date by which decision due: 3 February 2016

Planning History

1. S/2040/14/LB and S/2042/14/FL (2014) - Change of use from pub to residential dwelling (including replacement extension) – Withdrawn

S/0177/08/LB and S/0178/08/F (2008) – Smoking Shelter, Patio Area, Gate and Lanterns – Approved

S/0654/86/F (1986) – Extension – Approved

SC/0113/71/D (1971)– Dining Room and Toilet Facilities – Approved

SC/0465/65 (1965) – Siting for Three Caravans - Approved

Planning Policies

2. *National Planning Policy Framework*

Local Development Framework

3. ST/6 Group Village
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Village Frameworks
CH/3 Listed Buildings
CH/5 Conservation Areas
HG/1 Housing Density
SF/1 Protection of Village Services and Facilities
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD)

4. District Design Guide SPD – adopted March 2010
Open Space in New Developments SPD – adopted January 2009
Landscape in New Developments - adopted March 2010

Draft Local Plan

5. CC/4 Sustainable Design and Construction
H/7 Housing Density
H/8 Housing Mix
H/11 Residential Space Standards
HQ/1 Design Principles
NH/14 Heritage Assets
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/10 Group Villages
SC/3 Protection of Village Services and Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel

Consultation

6. **Guilden Morden Parish Council** – Recommends Refusal for the following reasons :
 - There has not been concerted effort to market the pub for 12 months
 - The application doesn't appear to fully appreciate and accept the situation
 - Loss of amenity
 - Green area to disappear
 - Historic pub – Grade 2 Listed
 - Lack of viable alternative

Following the Council commissioning and publishing a viability report the parish council were invited to make additional comments. A copy of this letter is attached in Appendix 1 to this report. However, in summary the following points were raised:

- Perception to the PC that the report is not truly independent
- The report is too narrow and only considered a local wet trade business model
- Food-led-model should be considered
- Report does not focus on pubs in the area which are being re-furbished.

- The Three Tuns is protected as a 'Asset of Community Value'

7. **Conservation Officer (SCDC)** – The building has suffered a period of lack of maintenance and it is important that the building is used, which not only occupies it but provides the incentive to carry out regular maintenance to help preserve and enhance the building.

The existing layout of the building could be converted to a residential use. As the first floor has already been used as a flat, the required services for a bathroom are already in place. The removal of the bar will not impact on the character or fabric of the building.

It is noted that a listed building application was not submitted in relation to this application. Repairs to the fabric can be carried out to the building. It is recommended that the owner/agent should contact the consultancy team prior to carrying out any works to the building and advice can be given on if certain work requires Listed Building Consent and the appropriateness of the work.

8. **Expert Witness - Tony Wheeler (Fleurets - Chartered Surveyor)** – An expert witness report has been undertaken by Tony Wheeler who was instructed on behalf of South Cambridgeshire District Council to provide an opinion as to whether the Three Tuns would be considered by operators in the market to represent a viable business proposition for the use as a Public House. A full copy of this report can be found on the Council's website.

The report concludes that there are a number of factors why, in Mr Wheeler's experience, that lead him to conclude that the Three Tuns would not be considered by operators in the market to represent a viable business proposition as a public house. These are summarised as follows:

- Volume throughput data information provided for the Three Tuns demonstrates a history of low business performance since 2008.
- After allowance for finance costs the business is not capable of returning a profit.
- The availability of finance in the market for a business of this nature is extremely thin. It would be viewed as a high risk and highly unlikely a purchaser could raise funding without offering alternative security.
- The property is not capable of sustaining a level of net profit sufficient to provide an owner with an adequate return to reflect efforts, labour, risk and capital investment required to purchase the property, restore it to a proper state of repair and to re-open and re-establish the business.
- Competition in neighbouring area is strong and in relation local custom from Guilden Morden, direct competition is provided by another village pub.

9. **CAMRA (Campaign For Real Ale)** – No specific representations received. However, details of the CAMRA viability model were passed to officers to consider.

Representations

10. Roughly five representations were received from residents of Guilden Morden **in favour** of the application. In summary the following comments were made:

- Pubs are not considered to be an asset to the village community
- Village of this size cannot sustain two pubs and both be viable
- High quality gastro pubs can be found in neighbouring villages

- Support the re-generation of the property
- The Three Tuns was not supported well enough by the local community
- The village needs to continue to support the existing facilities of the Edward VII and the village shop
- Speculations from other residents that there is local interest to buy the pub are no sustained as no one has come forward

11. Roughly 80 representations were received from residents of Guilden Morden, The Three Tuns Action Group and surrounding villages, **objecting** to the application. In summary the following comments were made:

- Loss of valuable social amenity
- Lack of service within village
- Local interest in buying the pub to better advantage the community
- Loss of Asset of Community Value
- Cliental of the Edward VI is different (TV, Pool and Darts facilities)
- Caters for a different customer
- Traditional pub character
- Family orientated pub
- Attracted people to the village
- Mismanaged by previous brewer
- No attempts to retain facility through community emprise
- Provided a place to eat in the village
- New housing likely to come to the village
- No attempts have been made to re-open the pub since it was sold
- Residents having drive to alternative villages to use facilities
- Licenced as a beer house since 1855
- Economy is stronger than it was before
- Objections raised by Edward VI landlord are not valid
- No 12month marketing exercise has been undertaken
- Pubs with the facilities of the Three Tuns are thriving in other villages
- No pubs are up for sale within 30 miles
- Public transport finishes at 4pm and only runs Monday to Friday.
- No work had been undertaken to the property since 1990s. As a result it started to look very shabby and uninviting towards its closure.
- Three Tuns is 0.4 miles from the Edward VII
- Roads are no lit between other villages. Walking at night or in the winter to other venues is not an option.
- Reasonable walking distance from Steeple Morden
- Re-opening of the pub would encourage visitors back into the village
- Hub for many sports, church and hobby clubs

12. **Heidi Allen (MP for South Cambridgeshire)** – As a member of Parliament for South Cambridgeshire, I strongly object to the application before you. This planning application has galvanised residents of Guilden Morden to join together to oppose The Three Tuns being lost forever demonstrating overwhelming support for this property to remain a community facility.

Ms Allen proceeds to make comments that the change of use is contrary to the NPPF and local policy SF/1. Furthermore, without having actively marketed the business for a full 12 months in line with planning guidance for the change of use, the local authority and local residents will never know if a suitable buyer may come forward, renovate the property and be able to successfully run it as a village pub with a food offering. As such members are urged to refuse the application.

13. A letter has also been received by Sally Birrell who has expressed a personal interest in the property. Her letter can be summarised as follows:
- She has a continued business interest in acquiring the Three Tuns Public House
 - An offer of the full asking price (£285,000) was made (subject to structural survey) when the property was marketed in 2013
 - She was informed of considerable interest in the property, but no offer was provided to review her bid following a successful bid
 - She made another offer made to the current purchaser in April 2013.
 - The purchaser replied that they would accept £325,000 with 50% of the land.
 - Her intention would be to re-open the Three Tuns as a Public House as well as offering an enhanced community meeting place to all sectors
 - Given the location of the property our business reputation and knowledge of the industry and local knowledge the site offers long term viable business opportunity retaining its current business status.
 - Believes offer was rejected due to potential competition
14. In response, a letter has been received the applicant's agent. The letter can be summarised as follows:
- Previous agreements had been made with Ms Birrell and Ms England to transfer part of the site as extended garden for Ms Birrell
 - No impression was given to Ms England that there was any further interest in the site
 - Is there any evidence of the results of investigations into the viability of the premises? If Ms Birrell did commission a professional viability report of the premises then the results would have been the same as three professional viability reviews that have been offered.
 - The full asking price was not £285,000. Submission of sales particulars when the property was marketed in 2013 confirming it was placed on the market for £295,000 plus VAT and SAV
 - No evidence has been submitted to prove that Ms Birrell is financially capable of implementing her stated intentions.
 - It is not considered that Ms Birrell's statement has any credibility
 - No direct offer was made, rather the offer was made through a development company on behalf of a 'restaurant client'
 - Ms Birrell did not want to take the premises with only 50% of the land suggests that in fact it is her interests that are speculative and for rapid financial gain
 - Submission of 48 local signatures (supported by addresses) in support of the application have been provided to the Council

Site and Proposal

15. The proposal is primarily to convert The Three Tuns Pub, which is a Grade II Listed building that lies within the village of Guilden Morden to form a self contained residential dwelling. The site also lies within the Guilden Morden Conservation Area.
16. Prior to the applicants purchasing the site, the Public House continuously traded for at least 40 years as evidenced in the representations received from local residents. For some 26 years up to March 2003, the Three Tuns was operated by the same tenant and was a Greene King Pub. A new tenant starting trading in 2006 that continued to operate the business until its closure in 2013.
17. The public house was re-designated as an Asset of Community Value (ACV) on 28

January 2015 and it still retains this status. For the avoidance of doubt, this was a re-nomination of the asset after it was first removed from the list on 16 September 2013.

18. Following the purchase of the property by the applicant (Ms England) the doors have remained closed as a Public House. The Licensing Department at South Cambridgeshire District Council confirmed that the premises licence was surrendered on the 13 August 2013.
19. The applicant has renovated one of the down stairs rooms for use as an office space to run the applicants business 'Florin Interiors Ltd'. At the time of the officer site visit the front door of the building was locked and the business was not trading from the building.
20. Given the extensive period of time a Public House has not been trading from this site and its comparative recent closure, notwithstanding the intervening 'use' as an office space, it is consider the change of use of the site to a residential dwelling would result in a permanent loss of a village service (Public House).
21. The application seeks planning permission solely for the change of use to a single residential dwelling. Any internal works to the building following a decision might require a Listed Building Consent.

Planning Appraisal

22. The government's Policy Statement on Assets of Community Value (September 2011) and Non-Statutory Guidance Note on the Community Right to Bid (October 2012) advise that the fact that a site is listed as an ACV may affect planning decisions but that it is open to the decision maker to decide whether listing is a material consideration if an application for a change of use is submitted, considering all the circumstances of the case.
23. Nationally the NPPF set outs the Governments planning policies of England and how these are expected to be applied. Section 8 relations to 'Promoting healthy communities, where paragraph 70 advises planning decisions should 'Plan positively for the provision of community facilities such as public houses' and 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the communities abilities to meet its day-to-day needs.
24. Local Policy SF/1 of the adopted Development Control Policies DPD seeks to protect village services, including Public Houses, where this would cause an unacceptable reduction in the level of community or service provision in the locality, and advises the following matters will be considered in determining the significance of the loss;
 - a) Established use of the premises and its existing and potential contribution to the social amenity of the local population;
 - b) The presence of other village services and facilities which provide an alternative with convenient access by good local public transport services or by cycling or walking and
 - c) The future economic viability of the use including, in appropriate cases, financial information and the results of any efforts to market the premises or a minimum of 12 months at a realistic price

Emerging Local policy SC/3 Protection of Village Services and Facilities proposes to

retain this policy position.

25. Officers consider the importance attached by the government to assets of community value is such that the ACV listing of the property is a material consideration to this decision. However, it is necessary to consider what information has been submitted to explain and substantiate the reasons for the proposed change of use and what the likely impact on the local community of Guilden Morden would be if the application was to be allowed.

Established Use of the Premises and Potential contribution

26. As previously stated the Public House has provided for the village of Guilden Morden for a number of years. Representations from local community identify the Three Tuns as being a 'social hub', 'place of historic ambience and atmosphere', 'family friendly', 'appealing to different social needs'. However, to the contrary other representations earmarked the pub as 'lacking atmosphere', 'acoustically noisy dining area', 'dull' and for the majority of the time there were 'limited people dining'.
27. Notwithstanding the above and subject to appropriate financial investment, the potential for it to be returned to give the population of Guilden Morden an additional place to socialise could, in theory, be achievable. Thus its retention would comply with policy SF/1 2(a). However, there are a number of constraints which could realistically hinder this from happening and which officers have assessed below.

Presence of other village services and facilities

28. There are a number of public houses within a three mile radius of the Three Tuns of which any future operator would be in competition with. These pubs include:
- a) Edward VII (2 Foxhill Road), Guilden Morden (0.5 miles)
 - b) Waggon and Horses, Steeple Morden (1.7 miles)
 - c) Pig and Abbot, Abington Pigotts (4.3miles)
 - d) Crown, Litlington (3.2miles)
 - e) Chequers, Wrestlinworth (3.2miles)
 - f) March Hare, Dunton (5.1miles)
29. The residents of Guilden Morden would continue to have direct access to another Public House in the village. The Edward VII Public House lies to the east side of Fox Hill, opposite the junction to Church Street. It comprises the two storey public house (with residential accommodation at first floor) and an attached is the single storey village shop (which is under the same ownership as the pub). To the north is the Village Hall, parking area and the entrance to the recreation land which is at the rear of the site.
30. The Edward VII provides two small bar areas and a games room for darts and pool. It has a small trade garden and they currently only trade wet sales. The pub is open Monday to Thursday 18:00 to 23:00, Friday 14:00 to 23:30, Saturday 12:00 to 23:30 and Sunday 12:00 to 22:30. Residents of the village can access the Edward VII pub safely (lit public footways) by means of walking or cycling.
31. A letter, which was included in the application from Mr K Saban (owner/occupier of the Edward VII), states that they have recently revamped the pub inside and fully decorated the outside, introduced new beers and is getting a listing in the good beer guide. The 'Wheels for Martins Friends' village charity held an annual event at the pub and made a record profit. Reference has also been made to the local darts team

meeting at the pub on a weekly basis and live entertainment. From the evidence submitted it is reasonable to say that many of the events/groups that once were held in the Three Tuns are now held at the Edward VII. This has led to the premises now having a greater viability to continue trading as a public house.

32. Notwithstanding this, officers are mindful that the Edward VII does not currently have a restaurant serving food to customers. Due to the constrained nature of the site it is not reasonable to say there would be potential to serve food from the premises unless the footprint of the village store is reduced and/or land is acquired for a potential extension. As such, local residents would need to go to neighbouring villages for access to this particular facility. The reports submitted by Pinders and local representations identify a number of gastro pubs/restaurants in the locality which offer this service.
33. It is clear from the number of representations received that having a restaurant in the village is desirable to some members of the community. However, in planning terms a restaurant does not solely represent a facility that will further the social-well-being of the village or which would be considered as a basic day-to-day facility as stated by local and national planning policy.
34. It is clear that local residents would not reasonably be able to access other pubs by bike or walking as the roads between the villages offer no separate footway or lighting, especially after dark and in bad weather. However, with those that have access to a car, most of these destinations would be within a convenient reach.
35. Whilst public transport on this side of the district is limited, officers consider the proximity to the existing services is reasonable given the areas rural locality. As such officers consider there would still be a choice of services and facilities available to local residents if the proposed development was to be approved. As such officers consider there would not be any significant conflict with policy SF/1 2(b).

Future economic viability of the use (financial and marketing)

36. Local planning policy asks for the future economic viability of the use including, in appropriate cases, financial information and results of any efforts to market the premises.
37. The planning statement submitted by the applicant/agents indicates the business is not viable due to: its current state of repair and costs of bring back into a viable use, completion with other facilities in the locality and size of Guilden Morden population. This conclusion has been reached by viability assessments that have been undertaken by relevant professional companies, which include Pinders and Croyland Building Surveyors. These documents can be found on the public file/website. The conclusion was then underpinned by a report from Savills clarifying that a future pub use would be deemed unviable to current market forces.
38. Officers instructed Fleurets to provide an independent opinion as to whether the Three Tuns would be considered by operators in the market to represent a viable business proposition for use as a public house. Mr Wheeler (for Fleurets) has previously given advice to the Council on the viability of public houses. The most recent being The Plough at Shepreth and as such has a reasonable knowledge of the market forces in this particular district. The estimations and calculations by Mr Wheeler have been made in an assumption the future operations run on a free-tie basis.

Marketing

39. The Greene King placed the property on the open market in January 2013 following its closure. In March 2013 the property was listed as an Asset of Community Value. This led to the application of an interim period, which postponed active marketing of the property to provide community groups with an opportunity to put forward an offer to purchase the property for use as a public house. During the 6-month period no such offer was received from a community group.
40. Following this interim period interest was received from other parties interested for various other uses. This then led to the purchase by the applicant of this application in 2013. The sales particular at the time confirms the property was on the market for £295,000 plus VAT and it was clearly marketed for its intended legal use as a public house. Ms Birrell's offer of £285,000 was therefore not the full asking price. Since this time no other marketing efforts have been undertaken.
41. Officers are mindful that several factors might subdue demand for future operators including the following; Grade II listed Building, extensive restoration costs, cost of up-keep to an older property, limited ability to alter internal layout and competition with other services in the area. Whilst it has not been demonstrated, officers consider that other prospective business including shops/office based companies are also likely to have been deterred by these factors.
42. Previous attempts at marketing the unit have been made in accordance with its ACV status. This demonstrates that for a period of time efforts have been made to identify interest in the premises. However, officers accept that the future potential of the existing property has not been fully tested through a continuous 12-month marketing exercise.

Financial

43. In terms of the trading history, Mr Wheeler found that between 2008/2009 and 2011/12 the operating profit of the Three Tuns significant plummeted. Reasons for this are widely understood to be effects of the smoking ban impacting the turnover of wet led public houses. Normally under these circumstances, Mr Wheeler explains that food led custom is looked upon to generate more income to counter balance loss. However due to the restricted kitchen and dining facilities at the Three Tuns the food potential is said to be limited.
44. In preparing the report Mr Wheeler has had special regard to considering its viability in terms of the existing layout of the building and the potential with an extended kitchen. However, it is important to note that any alterations or extension to a listed building would require planning permission and/or listed building consent and as such there is a need to pay special regard to the desirability of preserving the listed building, its setting or special features it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
45. Officers have had regard to the following factors in terms of viability which is broadly in accordance with the CAMRA viability model.
46. *Future Potential* - A technical account of future viability of the property has been undertaken by Mr Wheeler on pages 16-17 of the report. The report comments on two different formats the pub in its existing layout and the pub with an extension to the

kitchen. Paragraph 6.1.2 states that an owner/operator of a public house must be able to expect reasonable return on the effort labour and risk that they invest in operating a business.

47. For the reasons demonstrated in the report Mr Wheeler, based on his technical opinion, believes that it is highly unlikely that the premises could revert to a public house and be a viable business to a future occupier.
48. However, in contrast the Three Tuns Action Group and Parish Council raise the possibility that the Three Tuns may be capable of operation as a lifestyle choice by a special purchaser with access to alternative sources of income or able to gain benefits from operating the pub with other business interests. Additionally local residents have highlighted the fact that there continues to be interest from local buyers to re-establish its use as a public house.
49. An interested buyer has come forward during the course of the application with a vested interest in regenerating the property and opening the unit up as a Public House. A summary of this letter is detailed in paragraph 13. No business plan has been submitted with these comments to evidence how this might be done, nor has there been any cross reference to the viability reports that have been produced by Pinders or Fleurets to demonstrate how this alternative model might be different.
50. Whilst a potential purchaser might be interested, officers are still of the opinion that the financial return should be adequate to provide an owner or operator with appropriate remuneration, with funding to cover loan interest and capital repayments for site purchase and essential investment.
51. The report set out by Pinders and the independent study by Mr Wheeler have looked into the costs that and essential investment that would be involved for the pub to re-open in its existing format. The reports demonstrate that the sensitive analysis of the market coupled with the investment into the property would equate to a net annual loss to any future operator. The same conclusion has also been reached in the event an operator was to accept a zero return on capital.
52. Mr Wheeler has also considered the viability based on an extension to the kitchen to expand the business. The efforts of the viability assessment conclude that the projected profit coupled with the restoration costs would still produce a net annual loss to an operator despite the pub expanding.
53. *Repair and refurbishment* - The building in question has suffered from neglect in the past and as such a considerable level of expenditure is required to restore the property to a proper state of repair and decoration to meet commercial requirements. Future purchasers will also be mindful that the property is a Grade II Listed Building and as such all works will need to be undertaken with due care and attention to no harm the historic fabric of the building.
54. The report undertaken by Croydons Building Surveyors and Fleurets identifies that a total estimated cost of £110,500 (without any major work to the kitchen facility or extension) as being the amount a contemplating purchaser of the property would need to budget for these works. Officers have no reason to dispute the recommendations of these technical reports.
55. Whist officers are minded that the responsibility should be with the owner/occupier of the premises to undertake general maintenance and upkeep of the property. It is not the reasonable for the owner to upgrade/extend the building if market forces are not

generating enough profit/custom to enable them to do so at the time. Notwithstanding this, Mr Wheeler has had regard to the circumstance that an operator would consider modifying the facilities and expanding the kitchen for a food-led public house.

56. *Management* - Mr Wheeler summaries that poor management can lead to the deterioration of a business to the point it becomes unviable. As mentioned above, Greene King operated the pub for roughly 26 years with the most recent tenant being in the pub from 2006 to 2013. The tenant during this period has not made any comments on the current application. Nor have any representations been submitted by members of the public that give officers any reason to doubt that the business was not properly managed during this time.
57. By virtue of the lack of evidence to suggest that the business failed due to poor management and not market forces, officers can give limited weight to this argument.
58. *Competition and Visitor Potential* - Officers are minded that there are a number of other public houses trading in the locality. The closest being the Edward VII. Comments from local residents, the Pinders report and Mr Wheeler identifies the location of these pubs and their proximity to The Three Tuns.
59. In accordance with 2011 census data the total population of 9 parishes (in a three miles radius of the site) is 6,730 people. Including the subject property, this equates to one pub every 673 members of the population. Guilden Morden has a population of roughly 1,200 people and with two pubs in the village this would equate to one pub for every 593 members of the population. Mr Wheeler explains in paragraph 4.3.8 that this is almost twice the national average of one pub for every 1,316 members of the population.
60. Any future operator of the market considering taking on the Three Tuns Public House would be mindful of the relatively remote location and the proximity to existing facilities that already serve the community. Furthermore, there are limited businesses/offices in the local surrounding area, where the public house could pick up local trade during the day when the majority of the village are at there place of work.
61. Furthermore, whilst Guilden Morden is allocated as a 'Group Village' in the Local Development Framework, there is currently little scope to see any significant expansion to the village through the Local Plan. Reference has been made by members of the public to the provision of 30 dwellings on the edge of the village but this in itself is not considered to be a significant amount in which would see the public house thrive.
62. When taken together with the finding in relation to marketing, officers do not consider it appropriate in this case, for the applicant to demonstrate any further attempts to marketing the premises for a further 12 month period. As such, officers consider the scheme would generally accord with policy SF/1 2(c) of the Local Development Framework.

Impact to Listed Building and Conservation Area

63. The Council's Listed Building Officer has made comments on the proposed scheme. These are detailed earlier in the report. In principle no objections are received however, the applicant is encouraged to discuss any future internal alterations with the Council before undertaking works to establish if Listed Building Consent is required.

64. As there are no internal and external alterations proposed at these stage officers consider the proposal would comply with the statutory tests in respect of the impact on the Listed Building and Conservation Area.

Contributions

65. In August 2015, the 28 November 2014 amendment to the PPG in relation to seeking 'tariff based' and affordable housing on schemes of less than 10 dwellings or below 1000 square metres floor area was quashed in the High Court. This ruling ensuring a return to a position where contributions can be sought where they are necessary to make the development acceptable in planning terms (in line with the Community Infrastructure Levy regulations).
66. The application seeks permission to change the use of the Public House into a single residential property. As the first floor of the public house is currently used as a residential flat, the proposed change of use to a single property would not put any significant pressure on the existing services and facilities in the village. As such, a S106 agreement is not considered to be necessary to meet the tests of sustainable development as set out in the NPPF and in accordance with the CIL.

Other Matters

67. The Three Tuns Action Group and the Parish Council have questioned the validity of the viability report undertaken by Tony Wheeler of Fleurets. For clarification Mr Wheeler has submitted a letter to the council clarifying the points raised. A copy of this letter is attached as appendix 2 to the committee report. Officers do not believe there is any conflict of interest.
68. The proposal would make an efficient use of the property by adding to the local stock of housing and contribute to the local economy as future occupiers would be likely to use local services and facilities. These matters weigh in support of the applicant's case. However, officers have not given significant weight to these matters by virtue of the building being a Community Asset.
69. The recent appeal decision at The Pear Tree Inn (Hildersham) refused planning permission to convert a pub/shop to a residential dwelling. Officers have had regard to this decision when making a recommendation; however circumstances in Hildersham are somewhat different from Guilden Morden, in that Hildersham only has a single public house in the village. As such the inspector concluded that the loss of the Pear Tree Inn as a potential contributor to the social amenity of the village was unacceptable. Notwithstanding this, the building did not require substantial repair works, nor was there a competing business in the village.

Conclusion

70. It is abundantly clear from the bulk of the representations received and the pub's status as an Asset of Community Value that there is strength of local feeling that its current status should be retained. While there has been a stated interest from a third party, Policy SF/1 does not say that all proposals for a change of use of an existing facility should be refused simply because of that interest.
71. In accordance with the wording of Policy SF/1, the determining issue is whether the proposed conversion to a self-contained dwelling would cause an unacceptable reduction in the level of community provision in the locality. This is not the same as saying that all public houses should be retained, whatever their current status or a

potential interest in them as a public house. Alternative services can be found in and around the locality some which are assessable via foot/bike. These include the Edward VII, village store and the village hall. There are other facilities further afield albeit this are likely to require the use of a private motor vehicle. In addition, it appears that the Edward VII has become more of a viable enterprise now that any direct completion with the Three Tuns has ceased.

72. Given this level of provision, and their ability to serve the daily needs of the village, officers find that the closure of the public house, should that be the outcome of a grant of planning permission, would not result in a situation where the needs of the village, in terms of community meetings, activities and other forms of interaction, cannot be met.
- 73 Realistically the viability studies seem to demonstrate that the Three Tuns, as it stands, would not be considered by operators in the market to represent a viable business proposition. For this reason, officers do not consider it an appropriate case for the applicant to demonstrate a further 12 month marketing exercise following the previous efforts in 2013.
- 74 Taking all of the considerations into account, officers have to conclude – albeit with great reluctance given the history behind the application – that the application does not materially conflict with the objective of Policy SF/1 and should be approved.

Recommendation

75. Officers recommend that the Committee approve the application, subject to:

Conditions

- (a) Time Limit (3 years) (SC1)
- (b) Drawing Numbers (SC95)

Informative

- (a) Any internal or external works that affect the historic fabric of the building might require listed building consent.

Background Papers:

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)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File : S/1527/15/FL
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

Rebecca Ward
Telephone Number:

Senior Planning Officer
01954 713236

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GUILDEN MORDEN PARISH COUNCIL

(South Cambridgeshire District)

CHAIRMAN: Mr Barry Holme

CLERK: Mrs LG Stoehr
30 West Drive
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Tel: 01954 210241
Fax: 0870 7052759E-mail: guildenmordenpc@lgs-services.co.ukRebecca Ward
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambs
CB23 6EA

23 September 2015

Dear Ms Ward

Re: S/1527/15/FL – 30 High Street, Guilden Morden

The Parish Council notes that the above application is for info only however, the Council would like to offer the following comments.

At point 1.2.5 Mr Wheeler states that he has met with Beverley England and he refers to subsequent emails given to him by her. The perception of the Parish Council is that the report is not truly independent. Mr Wheeler claims that he gives his evidence impartially and objectively however, has not consulted known parties who are interested in operating a hospitality business on the site - including those who bid, for the property. These can be expected to be a commercially viable model which should have been considered in the assessment.

The focus of the report is too narrow in considering only a locals wet trade business model. A country food-led model is one that is proven locally and has a completely different scale of opportunity, customer based and competitor landscape

The report does not seem to adequately consider the contribution of the accommodation to the revenue or benefits package for a pub manager.

Point 3.10 The Three Tuns is no more remote than the 'John O-Gaunt' at Sutton, 'The Pig and Abbot' Abington Pigotts and 'The Fox and Duck' at Therfield, which are thriving.

In point 4.3.3 Mr Wheeler refers to local competition but does not refer to pubs locally that have recently been, or are currently being, refurbished – which points to optimism in the market – for example 'The Queen Adelaide' at Croydon, 'Jollie Postie' at Royston 'The Jester' at Odsey and the 'John O'Gaunt' at Sutton; all of which lie outside of the very tight, arbitrary, 3 mile radius.

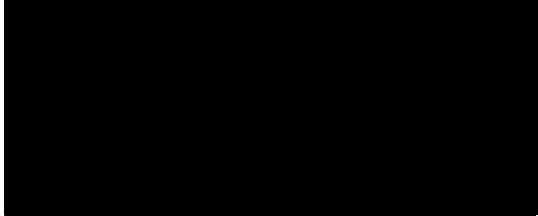
The report should include Tables in section 6.1.1 to account for circumstances where a purchaser does not need a mortgage, or only requires a small amount of mortgage (e.g. 10% and 25%), to purchase the premises.

Point 7.1 refers to the lack of investment by the brewery over the past 25 years. This should be taken as a positive statement that the Pub was able continue trading in spite of this and not a criticism of low business performance.

The Parish Council wishes to remind the District Council that the Three Tuns is protected as an assets of community value

The Parish Council strongly recommends that this planning application is refused.

Yours sincerely



Mrs Gail Stoehr
Clerk

TJW/rw
E-Mail: tony.wheeler@fleurets.com

21st October 2015

Rebecca Ward
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Regulated by RICS

Dear Rebecca

Three Tuns, Guilden Morden, Royston, SG8 0JP

I refer to your email of 5th October and in response to the issues raised by the Three Tuns Action Group (TTAG), I confirm as follows.

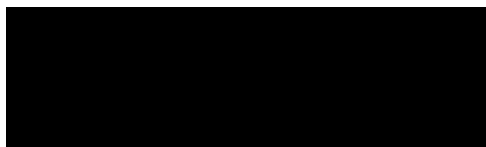
1. There is no connection between myself and those acting on behalf of the applicant.
2. I have had no communication with Matthew Hare of Carter Jonas in relation to this matter, nor have I had communication with him since he was engaged by SCDC as a Planning Officer.
3. I met with Mrs England of Florin Interiors on 13th August 2015 for the sole purpose of gaining access to the Three Tuns for inspection. I did not engage in discussion with her about her company's application or Pinders' Report, save to request that she provide me with copies of the same documentation as had been made available to Pinders for the preparation of their report. I have made clear in my Report the extent of the information available to me.
4. Your email to me of 7th July 2015 stated that the applicants/agent had submitted a number of accompanying documents along with a viability assessment and requested that I provide the Council with comments/recommendations based upon the information that had been submitted. In my response I commented that when providing similar advice to the Council previously, I had done so on the basis of conducting my own assessment of viability and providing the Council with a considered expert report of my own, which incorporated comment where appropriate upon documents submitted by the applicant. This is the basis upon which I proceeded with your instructions and prepared my report.
5. TTAG raise the possibility that the Three Tuns may be capable of operation as a lifestyle choice by a special purchaser with access to alternative sources of income or able to gain benefits from operating the pub with other business interests. This is a possibility, but my report addresses the question as to whether the Three Tuns, as it stands, would be considered by operators in the market to represent a viable



proposition as a public house. I was not asked to consider viability on the basis that the business of a public house may be subsidised by operators' special financial circumstances, be it income derived from alternative sources or other business interests.

I trust the above is of assistance.

Yours sincerely



Tony Wheeler MRICS



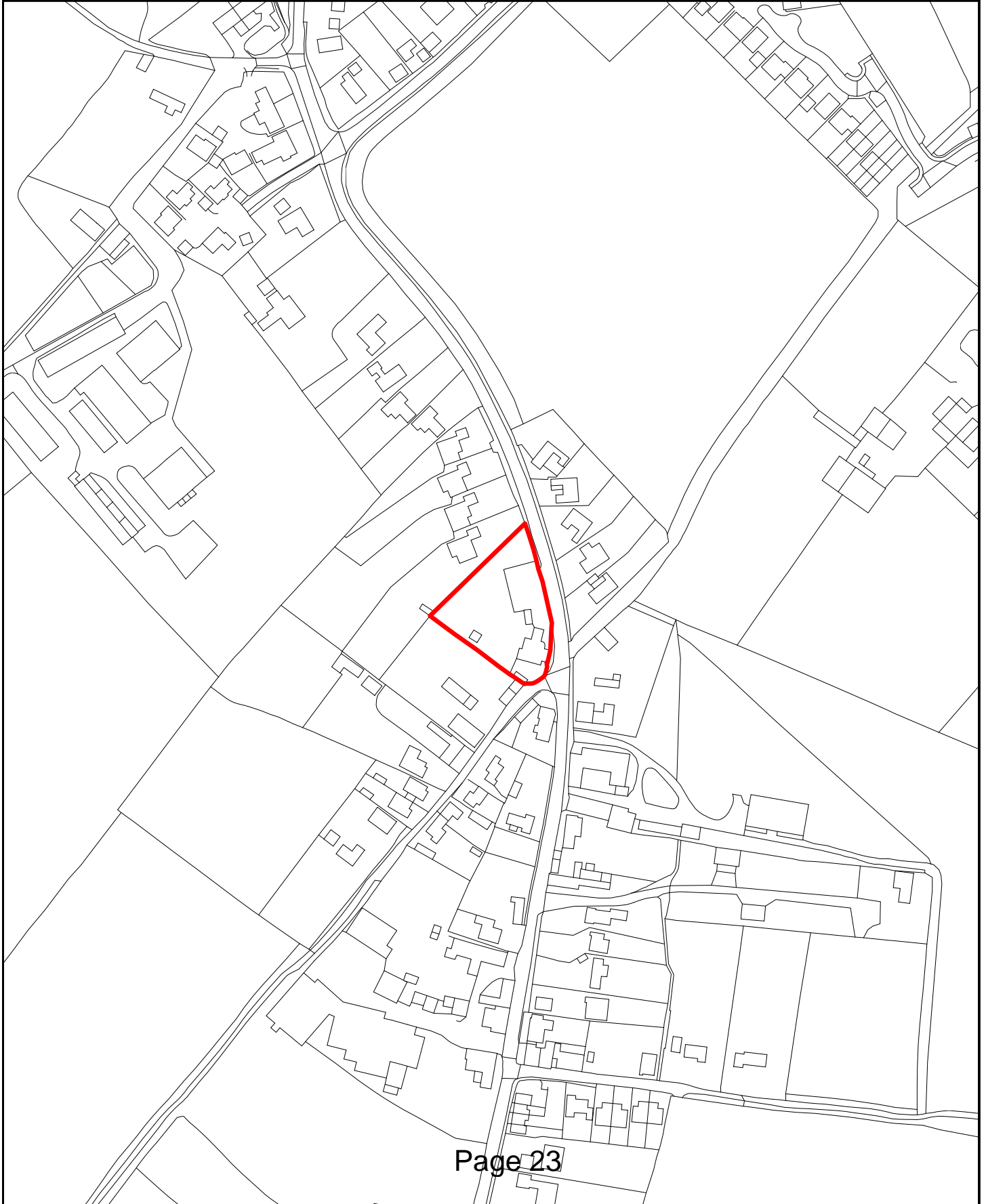
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Date of plot: 22/01/2016



**South
Cambridgeshire
District Council**

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Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 February 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/1714/15/FL

Parish(es): Dry Drayton

Proposal: Solar Farm and Associated Development

Site address: Land East and West of Battlegate Road, Childerley Farm

Applicant(s): Big60Million Ltd.

Recommendation: Delegated Approval

Key material considerations: Countryside
Agricultural Land Classification
Renewable Energy
Landscape Character
Heritage Assets
Archaeology
Ecology
Biodiversity
Trees and Landscaping
Flood Risk
Public Footpaths
Highway Safety
Neighbour Amenity

Committee Site Visit: 2 February 2016

Departure Application: No

Presenting Officer: Karen Pell-Coggins, Principal Planning Officer

Application brought to Committee because: Major Application of Local Interest

Date by which decision due: 2 October 2015 (Extension of Time Agreed)

Executive Summary

1. This proposal, as amended, is for a 50 MW solar farm with associated equipment covering an area of approximately 106 hectares of grades 2, 3a and 3b agricultural land located to the east of Battlegate Road and north of Childerley Hall, between the villages of Boxworth, Lolworth, Bar Hill, Dry Drayton and Knapewell. 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.

2. The proposal would have an impact on the countryside but this is not considered to be unacceptable adverse visual impact that would significantly 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 result in the permanent loss of the best and most versatile agricultural land, harm landscape character, damage the setting of heritage assets, destroy important archaeological evidence, result in the loss of important trees and hedges, harm biodiversity interest, increase flood risk, be detrimental to highway safety, adversely affect the amenities of neighbours or seriously harm the amenity of public footpaths.
3. Therefore, on balance, the public benefits of the scheme in respect of renewable energy production are considered to outweigh any identified modest harm arising from the development such as the limited visual harm and temporary loss of agricultural productivity.

Planning History

4. S/0146/14/E1 - Request for Screening Opinion for Solar Farm - EIA not required

National Guidance

5. National Planning Policy Framework
Planning Practice Guidance

Development Plan Policies

6. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, 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/17 Protecting High Quality Agricultural Land
 - CH/1 Historic Landscapes
 - CH/2 Archaeological Sites
 - CH/4 Development Within the Setting of a Listed Building
 - TR/1 Planning For More Sustainable Travel
 - TR/2 Car and Cycle Parking Standards
7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
 - 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
8. **South Cambridgeshire Local Plan Submission - 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/14 Heritage Assets
CC/2 Renewable and Low Carbon Energy Generation
CC/9 Managing Flood Risk
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultation

9. **Dry Drayton Parish Council** - Recommends approval and makes the following comments: -
“During a wide ranging discussion there was recognition of an ongoing need for clean power generation as opposed to use of fossil fuels and nuclear power. It was also felt that wind turbines would be more obtrusive on the landscape whereas the siting of this solar farm appeared to have been well thought out.
Concerns:
i) The sheer size of the farm (larger than Bar Hill); and significantly bigger than first planned was an issue. Worries were expressed about how the latest planned site might intrude on the homes of Childerly residents. Reducing the northern boundary might alleviate this.
ii) It was not clear how the needs of horse riders, and walkers were to be accommodated, and bridleways and footpaths retained and maintained. This area is quiet and beautiful.
iii) Reassurance is needed that the construction traffic for this huge site will not come through Dry Drayton.
iv) Rainwater run-off from the panels will fall on a smaller area of ground (50% less) which may in time create run off channels significantly increasing flow to local watercourses. Has this been considered, and alleviating measures such as balancing ponds planned to prevent flooding downstream?”
10. **Boxworth Parish Council** – Recommends refusal and makes the following comments: -
“Government Policy
i) Government policy with regard to solar energy was clearly set out in March 2015 in a written statement to Parliament by the Secretary of State for the Department for Communities and Local Government and we set this out in full below:
Solar energy: protecting the local and global environment
Last year, the coalition government published a comprehensive solar photovoltaic strategy setting out our ambitions for the technology as an important part of the United Kingdom’s energy mix. In doing so, the strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land.
My department supported this by consulting on reforms to permitted development rights which will encourage the take up of much larger scale solar power generation (solar photovoltaic) on non-domestic buildings and complement the existing

flexibilities for home owners. These reforms allow for a 20-fold increase in the amount of solar that can go onto the roofs of non-domestic buildings such as warehouses and offices without having to submit a full planning application, subject to strict safeguards to protect local amenity. The proposals have been widely welcomed by the solar industry, and the measure will come into force from 15 April 2015.

The National Planning Policy Framework includes strong protections for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.

Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in the light of the relevant material considerations.

ii) The new planning guidance mentioned above reinforces this strategy. In detailing the particular factors a local planning authority will need to consider the first two bullet points are:

** encouraging the effective use of land by focussing large scale solar farms on previously developed and non agricultural land, provided that it is not of high environmental value;*

** where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*

iii) The planning guidance also refers specifically to a speech made by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2015. This included these passages:

Solar is a genuinely exciting energy of the future, it is coming of age and we want to see a lot, lot more. But not at any cost.. not in any place.. not if it rides roughshod over the views of local communities.

So our message is very clear. And it is consistent. We have revised our subsidy structure, offering higher levels of support to building-mounted solar PV. And we will

do our best to spread examples of best practice, focusing deployment on buildings and brown-field land – not green-field.

Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation..

.. incorporating well thought out visual screening..

.. involving communities in developing projects and bringing them with you..

iv) Thus Government policy is very clear in stressing that large scale solar PV should be located on buildings and brownfield land as a priority and good quality agricultural land should only be used where it can be justified by the most compelling evidence.

Scheme Fit with Government Policy

v) The proposed solar farm is a very large scheme with a 50MW installed capacity covering 91 hectares. To put this into context in the speech by Greg Barker highlighted above he makes reference to:

.. the 30MW Wymeswold Solar Farm in Leicestershire, the UK's largest, built on a disused World War 2 airfield.

So this scheme is 66% bigger than the largest solar scheme in the UK as at March 2015. There is no explanation in the application as to why the scheme needs to be so big and presumably it is to maximise commercial profitability. Obviously the larger the scheme the greater the harmful impact it will have on the countryside and local people both during construction and operation.

vi) As we have shown Government policy is very clear that large solar farms should not be built on good quality agricultural land unless there is the most compelling evidence to justify the selection of the site.

vii) The site proposed is 85% comprised of high quality Grade 2 and 3a agricultural land. This is not poorer quality or previously developed land that is the Government's priority and there is no attempt in the application to provide any evidence, let alone compelling evidence, as to why this site should be chosen. The reason for its selection is purely that a willing landowner wishes to make profits from his available landholding not from any serious search of suitable sites. It is interesting to note that there is a spurious attempt to argue that because the land is farmed similarly across the site then, on average, it should be assessed as merely Grade 3. This is clearly ludicrous as a land assessment is a land assessment and you cannot 'fix' the categories to try and aid your arguments. The site is high quality agricultural land and there is no way of avoiding that fact.

viii) The report on alternative sites shows just how desperate the applicant is to try and justify what is clearly an inappropriate site. The search is restricted to a very small area either side of the overhead power line that will be used for connection to the national grid. This is patently ludicrous as a solar farm can be connected to the grid from any location and any search should have been, at the minimum, on a district wide basis. Concentrating on a small area undermines the credibility of any results and conclusions.

ix) The search criteria is then based on a requirement for an area of 100 hectares. Again with no justification of why such a large scheme is needed, such a large area will naturally reduce the apparent availability of alternative sites.

x) Then it appears that the way of identifying potential sites is by using the local development plan to find areas already earmarked for development, such as Northstowe, however these are then discarded due to lack of likely availability as they have been 'earmarked'. The whole lack of an alternative site justification is deeply flawed and can be given no weight in this determination.

xi) Finally the argument is used that because all of South Cambridgeshire has a high proportion of high quality land then the fact that this site is on high quality land does not rule it out. Another completely fallacious argument, an unsuitable site is an unsuitable site, and with solar power available anywhere in the country if South Cambs. has a lower share because of inherent constraints then so be it.

xii) We are aware of another proposed large scale solar farm (37MW) in Rutland (RCC ref: 2014/1004/MAJ) which is on another disused airfield. So there is clearly such previously developed brownfield land available for large solar farms, indeed Bourn Airfield springs to mind.

xiii) It has been claimed that the land beneath the solar panels can be used for agriculture in the form of grazing sheep. This is a fallacious argument as good quality land should be used to its best advantage and in this area that is growing good quality crops not grazing sheep. Sheep farming is normally restricted to poor quality land that is little use for any other form of farming. Where in South Cambs. does one see sheep farming?

xiv) There is no question that this application flies directly in the face of Government policy on the development of large scale solar farms. It is in conflict with the National Planning Policy Framework and planning guidance and must be refused irrespective of the planning balance of harm versus benefit.

Access

xv) The application identifies two potential routes for construction traffic:

- From the A14 via Boxworth High Street and Battle Gate Road

- From the A428 via St Neots Road and through Childerley Hall

There would be over 4,100 HGV movements as well as the daily travel of some 50 workers. This is a major increase in the level of traffic on the minor roads leading to the site.

xvi) The Transport Statement indicates¹ that the preferred route is via Battle Gate Road although there is an element of confusion in that the Heritage Statement² states that the preferred route will result in construction traffic transiting Childerley Park and on to the solar farm site via the existing metalled track running through the agricultural buildings associated with Childerley Hall.

xvii) If SCDC are minded to approve this application, to which we have strong objections, then we would ask that all construction traffic should be conditioned to use the access route through Childerley Hall and no construction traffic should be allowed to access the site through Boxworth. The very clear reasons for such a condition are:

- the access through Childerley is on land owned and controlled by the applicant. It appears that the reason for preferring the Boxworth alternative is because of potential disruption to the function business at Childerley Hall. This is an untenable stance. It is the applicant's decision to put in this planning application and he will stand to make millions of pounds over the lifetime of the scheme, if approved. To try to justify causing harm to a neighbouring village merely to retain even more profit must carry no weight. In addition a lot of the function business will be weddings at the weekend

which will minimise the disruption caused by the construction traffic. Also, given that the construction will be planned years in advance it will be perfectly possible to organise both elements to minimise any harm.

- the access through Childerley will be entirely on private land, owned by the applicant, and will pass through no villages and impact a minimal number of people. Whereas the access through Boxworth will pass through virtually the whole of the village as well as causing considerable problems to the residents of Battle Gate Road and the business at ADAS.

- Battle Gate Road is a single track road, in poor condition, with passing places only just suitable for cars. There is no way that HGVs moving in opposite directions would be able to pass without significant works to the verges and possibly hedges. In contrast the road to Childerley will require minimal work being already in good condition and used by HGV traffic travelling to and from the agricultural and commercial operations at Childerley Hall.

- the road through Boxworth is subject to a 7.5tonne vehicle restriction put in place specifically to protect the village from HGVs using it as a 'ratrun' to and from the A14. The parish is in the process of applying for Conservation Area status and the assessment has identified the level of through traffic as the main detractor to the special characteristics of the village that we wish to preserve. The significant increase in heavy traffic resulting from using this access route will cause major harm both to the character of the village and the ability of the residents to go about their day to day lives in safety.

- the right angle bends at the entrance to the village from the A14 are a major hazard particularly for HGVs which take up the whole roadway whilst turning the corners, a very dangerous manoeuvre. There have been accidents and many near misses at these bends and an additional 4,100 HGV movements will increase the risk significantly.

- the turn into Battle Gate Road by the Golden Ball pub is equally on a very sharp bend which will increase the level of risk of road traffic accidents.

xviii) Access through Boxworth and Battle Gate Road is totally unsuitable for such a high level of construction traffic. Access through Childerley using land controlled by the applicant is a much preferred option, causing significantly less harm. Any approval must condition the Childerley access as the only access route for all construction and maintenance traffic.

Public Rights of Way

xix) The site is right in the middle of an extensive network of public rights of way with footpaths and bridleways passing through the solar panels themselves. The area between Boxworth and the A428 is particularly attractive to many people enjoying the countryside largely because of the lack of any through roads giving the area its particular sense of tranquillity. If you travel up Battle Gate Road you will often find walkers, horse riders, including the local hunt, cyclists, dog walkers and joggers using the road and the surrounding PRowWs to relax and enjoy their particular reason for being in the countryside.

xx) The circular route from Boxworth to Loworth, Childerley and then back via Battle Gate Road is particularly popular and the massive solar farm will sit right in the middle of this walk.

xxi) The enjoyment of the countryside is a key amenity for local people particularly in a densely populated part of the country as this. This key area of green space is a benefit not just to local residents but also for Cambridge and the rapidly growing village of Cambourne.

Conclusion

xxii) This proposed solar farm runs directly counter to all current Government policy. It is located on prime agricultural land and there is no credible explanation as to why the site has been selected. It is not as though it is a small scheme. This will be the biggest solar farm in the country taking 91 hectares of high quality agricultural land out of production. There can be no doubt that within the district there will be alternative sites on brownfield or low quality land if a proper search was made. This site has been put forward purely because there is a willing landowner.

xxiii) As the scheme is conflict with national planning policy it must be refused.

xxiv) If SCDC are minded to approve the application then we ask that any permission is conditioned to ban any construction or maintenance traffic from using Boxworth as an access route.”

11. **Bar Hill Parish Council** – No objections.

12. **Lolworth Parish Council** - Recommends refusal and makes the following comments:

“i) It fails to comply with Government Policy

Government policy regarding large scale ground mounted solar photovoltaic farms demands effective use of previously developed land. Where a proposal involves agricultural land, poorer quality land should be used in preference to land of a higher quality. Further, brownfield sites should be used as a priority and large solar farms should not be built on good quality agricultural land unless there is the most compelling evidence to justify the selection of the site.

- It would appear that 85% of this exceptionally large scheme involves the use of high quality Grade 2 and 3a agricultural land. There is no explanation as to why the scheme needs to be so big, nor why high grade agricultural land should be used.
- The search for alternative sites is very limited suggesting a bias to the proposed location.
- Further, the suggestion that the land beneath the solar panels can be used for the grazing of sheep is frankly nonsensical. This type of land is best used for growing crops not grazing sheep. Sheep farming in East Anglia is not practised since the soil type is inappropriate.

ii) Public Rights of Way

The site encompasses an extensive network of footpaths and bridleways passing through the proposed solar panels themselves. In particular, the solar farm will straddle the green lane from Lolworth to Childerley. This is part of the popular circular walk which includes Battle Gate Road and Boxworth. It is also popular with cyclists since the only road into and out of Lolworth is the A14.

iii) Access

Should this application be approved, a major consideration is vehicular access for heavy goods lorries (HGVs). We firmly believe all construction traffic should use the access route through Childerley Hall and no HGVs should be allowed to access the site through Boxworth since:-

a) the access through Childerley is on land owned by the applicant. The potential disruption to the business at Childerley Hall should carry no weight since it is the applicant's decision to apply for this planning permission.

b) the alternative access through Boxworth will disrupt traffic movement through the village as well as creating significant problems to the residents of Battle Gate Road and the business at ADAS.

c) Battle Gate Road is totally unsuitable for HGVs, being a single track road with passing places. In contrast the road to Childerley is in good condition and regularly used by HGV traffic travelling to and from Childerley Hall."

iv) Conclusion

We believe this application should be refused on the grounds the scheme is in conflict with national planning policy and will have an adverse effect on the general public's enjoyment of the public rights of way.

If SCDC decide to approve the application, we firmly believe HGVs should only use the road to Childerley Hall."

13. **Landscape Design Officer** - Comments that the site is situated to the west of Dry Drayton and east of Knapwell. The site is used for agricultural purposes consisting of 3 large fields which are bounded by trees and hedgerows. It is surrounded by arable fields to the north, east and west. To the south of the site is Childerley Farm which is a Grade II Listed Park and Garden. There are a number of Public Right of Ways running through and around the boundaries with a section of a Pathfinder Long Distance Walk to the south.

At national level the site is situated within the national character area of 88 Bedfordshire and Cambridgeshire Claylands as assessed by Natural England. Landscape Characteristics of the site and the surrounding area include:

- Predominantly an arable and commercially farmed landscape.
- A wide diversity of seminatural habitats.
- A rural landscape.
- A gentle undulating topography that is divided by broad, shallow river valleys that gradually widen as they approach The Fens NCA in the east.
- Views of large-scale arable farmland across the lowland plateau in most directions and particularly from the elevated ground of the Yardley Whittlewood Ridge, Bedfordshire Greensand Ridge, East Anglian Chalk and Chilterns NCAs. Equally, the lower-lying claylands provide reciprocating views.
- Predominantly open, arable landscape of planned and regular fields bounded by open ditches and trimmed, often species-poor hedgerows which contrast with those fields that are irregular and piecemeal.
- Smaller towns, villages and linear settlements widely dispersed throughout, giving a more rural feel. Small villages are usually nucleated around a church or village green.

- Woodland cover is generally scattered and sparse.

At regional level the site is situated within the Wooded Village Farmland as assessed by Landscape East and supported by Natural England.

- A gently rolling, elevated arable landscape with ancient woodland blocks and small, nuclear villages. Often an open landscape with long distance views, although woodland contains views particularly around settlements.
- Elevated, gently rolling landscape typically associated with broad glacial plateaux.
- Tranquility: Peaceful and rural character.
- Views: Elevation and openness means this landscape offers some long ranging views across lower lying areas. Woodland screens views in places creating more intimate feel particularly around settlements.

The site is visible from the following receptors:

Footpath 27/7 on the southern boundary from Knapwell to Childerley Farm

Bridleway 48/1 and ByWay 150/2 running north to south and through the site

Footpath 150/3 running along the northern boundary

Footpath 150/4 a continuation of 150/3 to the east of the site

Bridleway 48/4, 27/14 and Pathfinder Long Distance Walk running east – west to the south of the site

Further to a site visit with the applicant and the subsequent revised drawings, the landscape changes are welcomed and no objections are raised to the development. A number of the original landscape concerns have been addressed as follows:

- The applicant has included a mixed native woodland belt between two adjoining fields. This will strengthen a wildlife corridor from an existing copse and will reduce views of the panels particularly on the tops of slopes. The woodland belt will also filter views along the pedestrian footpath 27/7
- The solar panels are to be set back from the line of the PROW by approx.. 14m min. and screened by a new unmanaged hedge line.
- Additional tree planting and unmanaged hedgerow works are to be incorporated on the northern boundary filtering views from the Byway 150/2 (Lolworth)
- The introduction of deer fencing – a rural approach than steel security fencing

Long distance views will still be obscured by the panels particularly in the northern field. However, due to the landscape concessions made by the applicant this will be limited.

14. **Ecology Officer** - Comments that the application is supported by an ecological appraisal of the site which has assessed the farmland habitat for its value to badgers, breeding birds, reptile, amphibians and other key species associated with open farmland. No biodiversity constraints have been identified to this development commencing.

The applicant has now provided full details of the lengths of hedgerow that require removal, no objection is raised on this issue now.

The commitment to extend the copse in a southerly direction through the solar farm is very much welcomed and will make an important contribution in terms of enhancing wildlife corridors across the site.

The Biodiversity Assessment states that repeat surveys would be required for badgers prior to construction. There is no need to use a condition as the applicant has already proposed their means of monitoring for the presence of badgers.

The provision of the pollen seed mixes and specialist wild bird seed mixes is welcomed. The use of some non-native species in the pollen mix is acceptable in this context given that an objective of the site is to maximise nectar production for the bees it is supported. The use the bird seed mix is similarly welcomed.

Details of a number of animal access points beneath the fence have now been provided.

Greater consideration has now been given to the establishment phase of the site's different seed mixes which is welcomed. The cutting regimes are not exactly as suggested. However, willing to see how the establishment phase works out and adjustments to future cutting regimes can then be considered.

The site's ecological monitoring should last for the duration of the development (ie up to 25 years) the current ecology documents only commit to monitoring for the first 5 years, with the need for future monitoring "to be reviewed". *This statement is rather vague and does not commit to monitoring in the long term.* Previously requested, "The development of the biodiversity interest of the site will be monitored over time by a suitably competent ecologist; in Years 1, 2, 3, 6, 10, 15, 20 and 25 of operation. This will involve an inspection of the planted hedgerows, trees, grassland and any other ecological enhancement features to ensure that they are being managed in a manner suitable for the enhancement of wildlife interest. Bird and bat boxes will also be checked." Wishes to know what greater level of commitment can be given to monitoring the site and its evolving habitats.

The provision of a greater number of bird and bat boxes has been secured and is welcomed.

Commitment has now been given to the monitoring of farmland birds (both summer and winter) to establish baseline data on the site's current value, and that is welcomed.

Greater provision is now provided with regard to reptile and amphibian shelter across the site.

The following enhancement measures are being provided across the site:

- Conversion of arable to species-rich grasslands;
- Creation of flower seed mixes in strips to provide food resource for invertebrates;
- Enhancement of existing poor semi-improved grassland set-aside areas to increase botanically diversity to provide increased value for invertebrate and mammals;
- Installation of bird (including owl) boxes;
- Installation of hedgehog homes;
- Manage sections of hedgerow that have become tall and of poor structure;
- Planting up any gaps within hedgerows and tree planting is also recommended; and,
- Creation of woodpiles at woodland edges and in wide grassland set-aside strips for reptiles and invertebrates.

With the construction mitigation incorporated into the development all significant effects during the construction phase would be reduced to an insignificant level or removed completely.

Subject to implementation of the mitigation measures and enhancement proposals discussed in Section 7, the proposed development is capable of being accommodated without significant negative impacts on ecologically sensitive receptors within the survey area, and go further to provide biodiversity gain to the local landscape.

15. **Local Highways Authority** - Comments that the revised transport statement is acceptable subject to conditions to agree a final construction traffic management plan and a road condition survey prior to the commencement of any development.
16. **Cambridgeshire County Council Historic Environment Team** – Comments that The area has significant heritage assets. Within the proposal area are ridge and furrow remains of the medieval open fields, and a dam and fishponds at Fishponds Plantation or The Osiers. The parish boundary with Lolworth borders the site to the north) and a relict part of the northwestern Childerley parish boundary, noted as an "Intrenchment" on first edition OS mapping further south, is also within the proposal area.

Outside the application area lies Childerley Hall, a mid-16th century grand house built adjacent to an earlier moated site and between the two deserted villages of Little Childerley) and Great Childerley, at the site of the former St Mary's Church and Childerley Hall chapel. These and groups of fishponds (some infilled) are set in a Registered Park and Garden largely outlining the Deer Parks of the 16th century hall. Closer to the proposed substation lies the scheduled moated site of Overhall Grove and non-designated earthworks believed to be associated with the medieval manor.

Iron Age remains and Roman settlement evidence of previously unknown sites were found in the evaluation preceding the construction of the recent A428 widening and new road scheme. The evidence from the subsequent excavations has been published.

Comments that all pre-determination archaeological matters have now been addressed. There will be a lot of work to be covered by the recommended archaeological condition for which the mitigation statement and WSI is now in place.

17. **Natural England** - Comments that the development would not damage or destroy the interest features for which Madingley Wood Site of Special Scientific Interest has been notified.

The development would be unlikely to lead to a significant and irreversible loss of best and most versatile agricultural land as a resource for future generations. The solar panels would be secured to the ground with steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur provided the development is undertaken to high standards. Although some components of the development, such as the construction of a substation, may permanently affect the agricultural land quality, this would be limited to small areas. In the short term, it is recognised that it is likely there will be a loss of potential agricultural production over the whole development area. States that the District Council needs to consider whether the proposals would result

in a small scale or temporary loss of the best and most versatile land with reference to paragraph 112 of the NPPF and the NPPG.

Suggests conditions to secure appropriate agricultural land management and/or biodiversity enhancement.

Solar farms provide opportunities for the creation of new habitats such as grassland, hedges, ponds together with the incorporation of features into the design that are beneficial to wildlife such as bird nest and bat boxes. These measures would enhance biodiversity on the site. The application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community in terms of access to nature.

18. **Conservation Officer** - Comments that Childerley Hall, Upper Farm, Lower Farm and the Chapel are all listed located in a registered park and garden, with the exception of Lower Farm. The proposed solar farm site is located to the north of these buildings and the boundary of the registered park and garden. Between the proposed site and the listed buildings, there are some large grain stores/sheds of modern construction. The main impact on the designated heritage assets is to the registered park and garden. Historically this field has been agricultural land that adjoins 'Black Park'. However the character of this part of the registered park and garden has changed due to the use of the area for large modern agricultural buildings. Due to these modern agricultural buildings and small woodland, the heritage assets are not visible from the proposed site. Therefore the impact on these heritage assets is limited.
19. **Historic England** - Comments that although there are a no highly graded historic buildings or monuments on the development site there are a number within two kilometres of it. Childerley Hall is the remnant of a large 16th century house remodelled in the 19th century; associated with it is a 17th century chapel. The churches of Boxworth, Dry Drayton, Knapwell and Lolworth are medieval buildings remodelled in various degrees, largely in the 19th century. All these buildings are listed at grade II*. Childerley Hall sits within its gardens and park which are now registered at grade II on account of their special historic interest. At Boxworth the Overhall Grove Moated Site, in origin thought to be a castle dating from the 12th century Anarchy, is protected as a scheduled monument.

Having considered the supporting information submitted with the current application, Historic England are satisfied that whilst there are a number of highly grade historic assets within a 2km radius of the site, their significance would not be harmed as a result of the level of impact of the solar farm on their setting. The proposals are therefore in accordance with guidance in the National Planning Policy Framework and we would have no objections should your Council be minded to approve the application for a time-limited planning permission.

20. **Cambridgeshire County Council Rights of Way Team** - Comments that there are a number of public Rights of Way adjoining or crossing the site as detailed below:
- Public footpath No.7 Boxworth adjoining Battle Gate Road (width of 20ft)
 - Public footpath No.2 Childerley (width of 5ft)
 - Public Bridleway No.1 Childerley crossing the site
 - Public footpath No.4 Lolworth
 - Public footpath No.3 Lolworth

Requests that only the access to the site is from St Neots Road (formally A428)

lowering the impact on the rights of way in the area.

Welcomes the shielding landscaping and requests that all fencing is planted at the very least 2 metres away from the edge of all Public Rights of Way to reduce any “boxed in” feelings for any users of these routes. Requests that temporary screening is included in the proposals to reduce glare and lower the sight impact.

Advises that appropriate controlled crossing points are used to ensure the safety of all users over rights of way, whilst still retaining access to the public. Where there is dual usage between members of the public and plant machinery, requests that traffic regulation orders are put in place, with a forewarning to drivers to give way to members of the public, and on site signs specifying the same.

Has concerns in particular with the management of vegetation growing either side of the public rights of way and how this will be managed to keep the surface clear and safe for public use.

Requests informatives in relation to permits for the temporary closure of a public right of way, consent for changes to the surfacing of a public right of way as proposed in the application and points of law with regards to rights of way.

21. **Cambridge Ramblers** - Has concerns regarding the scale of the proposal and comments that the bridleway would be fenced from the surrounding land. Requests that there is a safe width between the fences as horses and walkers do not mix well and walkers need a good escape route if horses get out of control. Also comments that the construction traffic is to use tracks on the line of two public footpaths and this would be potentially dangerous to footpath users. Requests temporary deviations for the footpaths during construction.
22. **British Horse Society** - Comments are awaited.
23. **Cambridgeshire County Council Flood & Water Team** - Comments that the development is acceptable subject to conditions to agree a detailed surface water drainage scheme in accordance with the submitted Flood Risk Assessment and details of the implementation, management and maintenance of the approved detailed surface water drainage scheme.
24. **Environment Agency** - Comments that the submitted Flood Risk Assessment has been reviewed with reference to designated main river and tidal flood risk. The site is located within Flood Zone 1 and the main risk of flooding is from surface water which falls under the jurisdiction of the Lead Flood Authority. Has no objections on flood risk grounds. Recommends that adequate space is left between panels to ensure access to the drainage ditches for maintenance and that the panels are securely fitted to their standings.

Requires a condition for the submission of a scheme for the provision and implementation of pollution control to water environment that includes surface water and foul drainage and any contamination found during development. Also requests informatives.
25. **Environmental Health Officer** - Comments are awaited.
26. **Contaminated Land Officer** - Comments that the site is being redeveloped into a low-sensitivity commercial end use (in terms of contamination) with no obvious potentially contaminative former land uses and it is not considered necessary to

require any further assessment or remediation of contamination. However, suggests a condition if any contamination is found on site during the development.

Representations

27. The **MP for South Cambridgeshire** objects to the application on the following grounds: -

“The proposal is contrary to paragraphs 98 and 109 of the National Planning Policy Framework. The effect on the visual amenity of the area will in my opinion cause significant harm which cannot be made acceptable during the substantial period that landscaping proposals will require to mature. Indeed the landscaping mitigation may take up to 10 years to fully mature which is a third of the lifetime of the development. Even after this period the array will still be visible from a variety of points but most importantly it will destroy the rural landscape on the approach and at the point that a national long distance walk and other recreation trails directly meet the installation. An alien, overtly utilitarian and industrial landscape will be created by the imposition of the solar array within this tranquil rural environment. The impact on visual amenity travelling adjacent to and through the array cannot be mitigated and will have a lasting negative effect for the lifetime of the development.

The NPPF paragraph 17 sets out 12 core planning principles which should underpin both plan-making and decision-taking. The sixth core planning principle supports *‘the transition to a low carbon future...and encouraging the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources..’* The fifth principle, however, also requires that decision-takers should *‘take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside..’*

In respect of renewable energy the NPPF states at paragraph 98 that local planning authorities should *‘approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.’* It is my view that the proposal cannot be made acceptable in terms of Paragraph 109 of the NPPF which affirms that the planning system *‘should contribute to and enhance the natural and local environment by:*

‘Protecting and enhancing valued landscapes, geological conservation interests and soils;’

The Government’s policy on solar energy is set out in its published strategy; UK Solar PV Strategy Part 2: Delivering a Brighter Future (April 2014). This acknowledges the significant contribution that solar energy can make in meeting the UK’s target of 15% renewable energy of gross final consumption by 2020 and in supporting the decarbonisation of the economy in the longer term. However, it also recognises in the third of four guiding principles that *‘Support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact ... local amenity, and provide opportunities for local communities to influence decisions that affect them’.*

Government policy is clearly focused on directing large scale solar renewable energy installations towards brownfield or non-agricultural land. This is in accordance with NPPF paragraph 111 which requires that planning decisions should encourage the effective use of land by re-using land which has previously been developed. The solar farm proposal at land East of Battle Gate Road, Childerley, self-evidently constitutes a large scale solar installation which is proposed to be located predominantly on high grade agricultural land creating a loss of approximately 100 ha of land for production

of arable crops

The harm generated by the development to the landscape character of the area, caused by the alien and utilitarian design and structure of the array, will be significant especially as this location is in the open countryside but in close proximity to three rural villages. Although significant benefits in the generation of renewable energy are delivered by the proposal, adverse impacts to both landscape character and visual amenity cannot be made acceptable within a reasonable timeframe and therefore outweighs the benefits the scheme provides and so I urge members to refuse this application.”

28. The **Local Member** objects to the application on the same grounds as Boxworth Parish Council.
29. Approximately 30 letters of representations have been received from **local residents** in relation to the application. They raise the following concerns: -
- i) Solar energy should be focussed upon roofs of existing buildings or previously developed land and if on greenfield land, avoiding the best and most versatile agricultural land and using poorer quality land. The majority of the site is the best and most versatile agricultural land.
 - ii) Search for alternative sites limited to those of similar size.
 - iii) Limited community involvement.
 - iv) Adverse effect on the landscape and on the visual impact to walkers, cyclists, joggers, dog walkers and horse riders because of the high number of footpaths and bridleways surrounding and bisecting the site including loss of long distance panoramic views across the fens towards Ely.
 - v) Loss of amenity of countryside.
 - vi) Limited consideration of views from properties on Battlegate Road.
 - vii) Impact upon highway safety as a result of access through Boxworth due to bendy roads and Battlegate Road due to narrow width and poor state of repair.
 - viii) Impact of traffic upon listed buildings in Boxworth and the safety of school children due to narrow pavements.
 - ix) Proximity of substation to Site of Special Scientific Interest.
 - x) Scale of development.
 - xi) Impact upon byway used by horses in terms of noise, access materials and traffic may affect business.
 - xii) Noise from panels.
 - xiii) Ground heat generation.
 - xiv) Overdevelopment in area due to Cambourne, Northstowe, Bourn Airfield proposal and changes to the A14.
 - xv) Loss of value to residential properties.

Site and Surroundings

30. The site is located outside of any village framework and in the countryside. It measures approximately 106 hectares in area and consists of three fields of arable land and a track. The majority of the fields are separated and surrounded by hedges. There are two small woodlands immediately to the east and south of the site. The nearest settlements are Boxworth 1.1 to the north west, Lolworth 1.3km to the north east, Bar Hill 0.8km to the north east, Dry Drayton 1.3km to the east and Knapwell 1.5km to the west.
31. The site is situated within the Bedfordshire and Cambridgeshire Claylands Landscape Character Area on grade 2 (very good), grade 3a (very good to moderate) and grade

3b (moderate) agricultural land belonging to Childerley Farm, Dry Drayton.

32. It lies to the north of Childerley Hall Registered Grade II* Historic Park and Garden that comprises a number of listed buildings including the grade II* Childerley Hall, grade II* chapel, grade II Upper Farm and grade II Lower Farm. It is also situated 1km to the south east of the Overhall Grove Moated Site Scheduled Ancient Monument.
33. The site is situated 900 metres to the east of the Overhaul Grove Site of Special Scientific Interest, 1.7 km to the east of the Knapwell Road Side Verges County Wildlife Site and 2.2 km to the north east of the Knapwell Wood County Wildlife Site.
34. A number of public rights of way cross and run along the boundaries of the site. It lies within Flood Zone 1 (low risk). Electricity pylons run across the site east to west. It is situated within close proximity to Bourn Airfield.

Proposal

35. This full planning application, received on 3 July 2015 as amended, proposes the installation of 50MW of solar photovoltaic farm for a temporary period of 30 years. The development would include the erection of the arrays of photovoltaic panels along with 26 power conditioning units, 5 collecting stations, 6 energy storage containers, 2 general storage containers, wind and irradiation sensors, monitoring system, access tracks, underground cabling, security fencing and pole mounted CCTV cameras. A new substation would be located adjacent to the grid connection point. Three construction compounds would be provided for a period of approximately 24 weeks during the installation of the farm. Access would be from the A428 via Childerley Hall.
36. The photovoltaic panels would be mounted on steel frames that are angled at 15 degrees to face south. There would be arrays of panels running east to west across the site. They would have a maximum height of approximately 2.7 metres and be set 3.7 to 6 metres apart. The wind and irradiation sensors would be mounted on the arrays.
37. The power conditioning units would be located within the arrays and measure 11.23 metres in length, 1.98 metres in width and 3 metres in height (double x 25) and 6.4 metres in length, 1.98 metres in width and 3 metres in height (single x 1).
38. The collecting stations would be sited close to the overhead power line and measure 8.3 metres in length, 3.1 metres in width and 2.9 metres in height. The buildings would also have a basement 0.8 metres below ground level.
39. Communication boxes that house the monitoring system and antennae would be located with each collecting station. A 3 metre high monitoring camera would be located within the solar arrays.
40. The energy storage containers and general storage containers would measure 12.2 metres in length, 2.4 metres in width and 2.6 metres in height. The energy storage containers would each have a capacity of 1MW.
41. The operations and maintenance access track within the site that would lead from Battlegate Road to the A428 would measure 6 metres in width.
42. The underground cables would be encased in a trench to a depth of 1.2 metres.
43. A security fence that measures 2 metres in height and consists of timber posts with

steel deer fencing would surround each field. A number of CCTV poles at a height of 3.5 metres would be erected around the perimeter of the site.

44. The substation would be located 800 metres to the west of the solar farm. It would comprise a switchroom (6.8 metres in length, 4.5 metres in width and 3.5 metres in height), outbuilding (2.4 metres in length, 3 metres in width and 2.4 metres in height), power plants (5.7 metres in height) and a gantry (9.1 metres in height). It would be surrounded by a 2.4 metre high steel palisade fence. An access track measuring 4 metres in width would lead to the substation from Battlegate Road.
45. Two temporary construction compounds would be provided to the south and one would be provided at the substation to the west. Each would accommodate storage for equipment and staff facilities.

Planning Assessment

46. 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 best and most versatile agricultural land, character and appearance of the area, the setting of heritage assets, biodiversity, ecology, archaeology, flood risk, highway safety, neighbour amenity and public footpaths

Principle of Development in the Countryside

47. The proposal represents a major development for the generation of renewable energy and as such receives considerable support from national and local planning policy.
48. 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.
49. 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.
50. 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.
51. The installation of a solar farm is considered to represent appropriate development within the countryside providing that there are no suitable sites available on previously developed land or lower grade agricultural land in the area of the scale required and the proposal would not result in the permanent loss of high quality agricultural land

Best and Most Versatile Agricultural Land

52. The site covers approximately 106 hectares of arable land. An Agricultural Land Classification Report has been submitted following soil sampling that states the site has an agricultural land classification of grades 2 (very good), 3a (good to moderate) and 3b (moderate).
53. The has site has 37% grade 2 (very good), 48% grade 3a (good to moderate), 13% grade 3b (moderate) and 2% grade 4 (poor) agricultural land classification. Whilst the use of brownfield or previously developed land is considered more appropriate and the preference for the development of solar farms rather than greenfield land as per the application site, it is difficult to find such land available. The whole of the district comprises predominantly grade 2 and 3a agricultural land so it would be difficult to contribute to renewable energy in the area without the use of some of this land. Brownfield and previously developed land sites of the scale required within the distance required from the grid connection to ensure that the development is commercially viable have been ruled out for reasons such as allocations for new development, existing mineral uses, proximity to residential properties, unknown availability and greater distance from the point of connection. These sites have covered the district and the adjoining districts.
54. Furthermore, 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 and/or biodiversity gain to retain the agricultural use throughout the life of the development.

Character and Appearance of the Area

55. The site currently consists of open arable land. Whilst it is noted that the introduction of a significant scale arrays of solar panels and buildings would substantially change the character and appearance of the landscape from being open and rural in character to being industrialised in character, it is unlikely to have adverse visual impact from the main public viewpoints surrounding the site. This is as a result of the low height of the development and new planting that is proposed to screen the development and mitigate its impact upon the landscape from long distance views and close views from the public rights of way that cross and surround the site.
56. The site is located within the Bedfordshire and Cambridgeshire Claylands Landscape Character Area. The distinctive features of this area are a predominantly arable and commercially farmed landscape, a wide diversity of semi-natural habitats, a rural landscape, a gently undulating topography with broad, shallow river valleys, views of large scale arable farmland across the lowland plateau, an open arable landscape of planned and regular fields bounded by open ditches and trimmed open species poor hedgerows that contrast with fields that are irregular and piecemeal, and woodland cover is scattered and sparse. 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.
57. The nearest solar farm to the site where the cumulative impact of the development needs to be taken into consideration is at Bourn at a distance of 4.5 km away. The

existing solar farm at Bourn and the proposed solar farm would not be visible from the same viewpoints or sequentially along the same public rights of way or roads within close proximity of each other.

Heritage Assets

58. The site is located adjacent to the Childerley Hall Registered Grade II* Historic Park and Garden that comprises a number of listed buildings including the grade II* Childerley Hall, grade II* chapel, grade II Upper Farm and grade II Lower Farm. It is also situated 1km to the south east of the Overhall Grove Moated Site Scheduled Ancient Monument.
59. Although the development would cause some degree of harm to the setting of the nearby heritage assets, the harm would not affect their significance given that they would be separated by woodland and their settings are already compromised by modern farm buildings.
60. The site is located within an area of high archaeological potential due to the number of heritage assets in the area and the development may destroy important archaeological features. A written scheme of investigation and mitigation statement has been submitted and agreed by the Historic Environment Team. A condition would be attached to any consent to ensure that the proposal would be carried out in accordance with these documents to ensure that the development would not damage or destroy any important features of archaeological interest.

Biodiversity

61. The habitats on the site and immediately adjacent the site comprise a mixture of arable land, trees, hedgerows, grassland, a pond and dry ditches. It is located 900 metres to the east of the Overhaul Grove Site of Special Scientific Interest, 1.7 km to the east of the Knapwell Road Side Verges County Wildlife Site and 2.2 km to the north east of the Knapwell Wood County Wildlife Site.
62. The habitats on the site are considered of low ecological value. The development would result in the loss of two small gaps of hedgerow. The woodlands and hedgerows have the potential to support dormice although there are limited local records of such species. These would be retained and protected as part of the development.
63. The trees within and adjacent to the site may provide suitable cavities to support roosting bats. These would be retained and protected within the development.
64. The hedgerows, semi-improved grassland and woodlands within an adjoining the site provide a suitable habitat for reptiles, hedgehogs and birds such as woodpeckers. No reptiles were seen during the survey but birds were found nesting in the trees and hedgehogs are likely to be present. These habitats would be retained and protected within the development. Grass strips for reptiles and hedgehog houses would be provided to mitigate the impact.
65. The small pond and dry ditches adjacent to the site would provide a suitable Great Crested Newt and water vole habitat. The nearest recorded Great Crested Newts were 1.8km from the site. The nearest water voles recorded were 1.5km from the site. These habitats would be retained.
66. An outlier badger sett was identified on the site and the woodland and hedgerows

adjacent and within the site provide opportunities for badger setts and foraging. A condition would be attached to any consent to secure a further survey to be carried out prior to the commencement of development to assess the site for setts and determine whether any mitigation measures are necessary.

67. Breeding birds such as skylark were found nesting in the arable fields. These would be lost as part of the development. However, mitigation measures such as the provision of bird boxes would be a condition of any consent.
68. The development would also result in habitat enhancement through the conversion of arable land to species rich grassland, the enhancement of the semi-improved grassland, creation of flower seed mixes in strips, gapping up existing hedges, management of hedges and new tree planting.
69. The development would not adversely affect the interest features of the nearby Site of Special Scientific Interest or County Wildlife Sites due to the distance from the site.

Landscaping/Trees

70. The development would be unlikely to 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.

Highway Safety

71. Access to the site during construction and decommissioning (as amended) would be via the existing access to the south of Childerly Hall off St Neots Road (former A428). This is a through road leading from Hardwick to Bourn and Cambourne and has a speed limit of 60 miles per hour.
72. The Construction Traffic Management Plan (as amended) shows the access route to the site during construction and demonstrates that vehicles would access the site via St Neots Road (former A428) and not need to travel through nearby villages to access the wider highway network. During the 24 week construction period, the traffic generation is estimated at a maximum of 35 HGV/LGV deliveries per day. There would also be movements from site personnel that would be a maximum of 50 trips per day.
73. Decommissioning would have a lesser scale of movements than construction. 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 visibility, the route taken, the space for the vehicles to access junctions along the route and the management of the traffic to the site. Conditions would be attached to any consent to agree a final construction traffic management plan to agree details such as warning signs and condition survey of Battlegate Road to ensure that it is reinstated to the condition prior to the development.
74. Access to the site for the maintenance of the site after construction and prior to decommissioning (as amended) would be via Battlegate Road in Boxworth. This is a long narrow no through road with a speed limit of 60 miles per hour.

75. Although this access route would be through the village of Boxworth, it would result in a maximum of 20 trips per year and consist of a transit van or 4 x4 vehicle. This is considered acceptable for these purposes.

Flood Risk

76. The site is located approximately 200 metres to the west of the nearest main watercourse and there are drains running through the site. It lies within Flood Zone 1 (low risk).
77. The Flood Risk Assessment submitted with the application sets out the surface water drainage strategy for the site that includes panels with gaps at regular intervals to allow a more even distribution to the ground beneath the panels and surface water run-off follow the natural topography of the land and collect in existing drainage ditches on the site. The buildings would be surrounded by gravel drains and the accesses would be constructed from permeable materials. The development is therefore unlikely to increase the risk of flooding to the site and surrounding area.

Residential Amenity

78. The nearest residential properties to the site are located approximately 200 metres away at Childerley Hall Cottages. The development would not result in a significant increase in noise and disturbance from the development as the inverters would consist of a low level hum at a level of 37.82 decibels at a distance of 100 metres. This is clearly below the BS standard of 65 decibels that is the maximum ambient threshold level normally experienced by residents. It would also not lead to an unduly overbearing mass to these properties given the distance and that woodland would screen the development from view.
79. The construction and decommissioning access would run past Childerley Hall and Mill Yard. The development would not result in an unacceptable increase in the level of noise and disturbance to these properties given that the construction period would be for a limited time only and delivery times would be between 07.00 hours and 19.00 on weekdays and 07.00 hours and 14.00 hours on Saturdays.
80. The only emissions from the development would be from vehicles that would be for a temporary period during construction and decommissioning and limited during the operation of the installation.

Other Matters

81. The development is not considered to have an unacceptable impact upon the public rights of way through the site as the fence appears to be sited at least 2 metres from the edge of the public rights of way surrounding and crossing the site. This would be attached as an informative to any consent. Temporary screening is not considered reasonable as the solar panels would cause limited glare and would not have an unacceptable impact upon the users of the public rights of way for significant periods of time given the existing screening on the site. An informative would be attached to any consent to ensure that pedestrians are given priority where an access crosses the public rights of way.
82. The applicants have carried out community engagement in the form of 2300 information leaflets to local residents in the area and key stakeholders, a public exhibition at Dry Drayton Village Hall that was advertised on the information leaflets and in the local newspaper and meetings with Parish Councils and key stakeholders.

This level of engagement is considered satisfactory.

83. The loss of views from residential properties and the potential effect upon the value of the property are not planning considerations that can be taken into account in the determination of the application.
84. The panels would generate the electricity from the solar panels to the grid via underground cables. The heat would not be generated
85. The development would be located a significant distance away from the developments of Bourn Airfield, Northstowe and the A14 and would not have an unacceptable cumulative impact upon the area.

Recommendation

86. Officers recommend that the Committee approves the application subject to the following conditions:-

Conditions

- (a) 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.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan numbers to be confirmed.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) 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 the first operational use of the development 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.)
- (d) 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.)
- (e) 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.)

- (f) 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.)
- (g) 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.)
- (h) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with the approved written scheme of investigation (to be confirmed) which has been submitted by the applicant and approved in writing by the local planning authority.

The programme of archaeological works will commence with a field evaluation of the application area. The significance of the archaeological evidence will be determined by the Local Authority's Archaeological Advisor using field observations made during a monitoring visit(s) and the reports of results of

any non-intrusive surveys.

With regard to photovoltaic panels: PV panels will be either surface mounted (eg use of concrete shoes) in any area in which significant archaeological remains are present, or removed from the grid to enable a total avoidance strategy in sensitive archaeological areas. In areas found not to contain archaeological remains, or where they are of low significance, the PV panels may be mounted on standard piles (eg H-shaped, round or screw).

With regard to cable trenches and substations/associated groundworks: These areas will be subject to excavation in areas where archaeological remains of moderate significant are established through the trench-based evaluation. Cable trenches will not be permitted to be cut through areas of archaeological remains of high significance: re-routing will be required.

Note: In the event of archaeological evidence of national importance being found, or where human cemetery evidence is present, construction impacts of any kind (including temporary works) will not be permitted.

(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.)

- i) No development shall commence until a final construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- j) No development shall be carried out until a Condition Survey of Battlegate Road has been submitted to and approved in writing by the Local Planning Authority. Within three months of the completion of the construction of the development and within three months of the decommissioning of the development, Battlegate Road shall be reinstated to its former condition as set out in the approved Condition Survey.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (k) The development shall be carried out in accordance with the Landscape and Biodiversity Management Plan reference (to be confirmed).
(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- (l) Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment Ref: REP/100/14 dated July 2015 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
(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.)
- (m) No development shall take place until details of the implementation;

maintenance and management of the surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

(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.)

- (n) 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.)
- (o) No site or plant machinery shall be operated, no noisy works shall be carried out and no construction related deliveries taken or dispatched from the site except between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Informative

- (a) Public rights of way

Background Papers:

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.

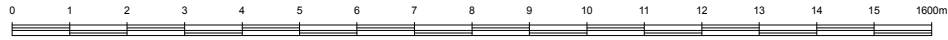
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/1714/15/FL

Report Author:

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Principal Planning Officer
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Planning Dept - South Cambridgeshire DC



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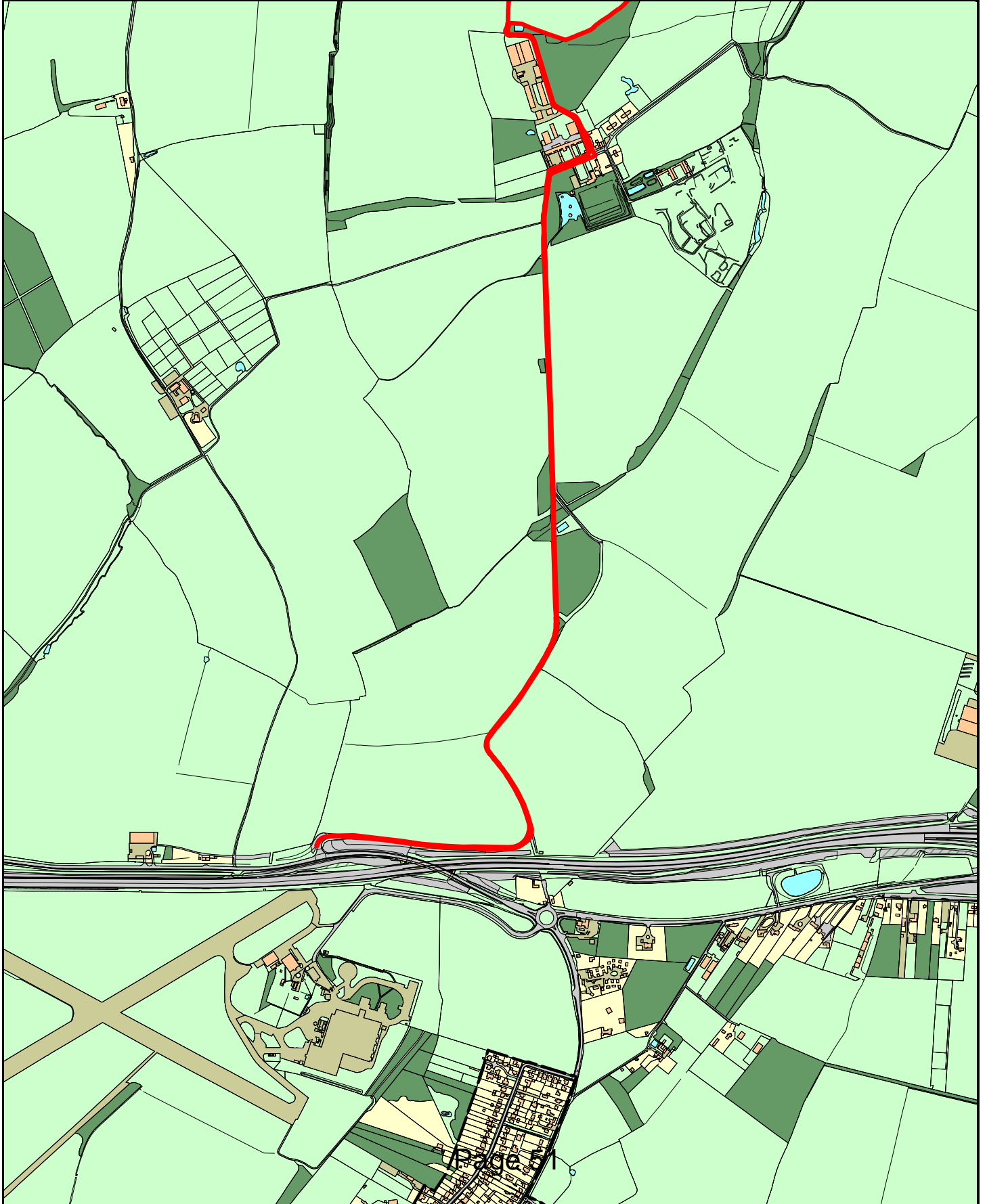
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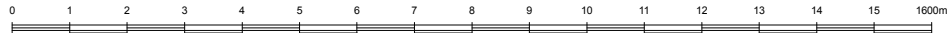


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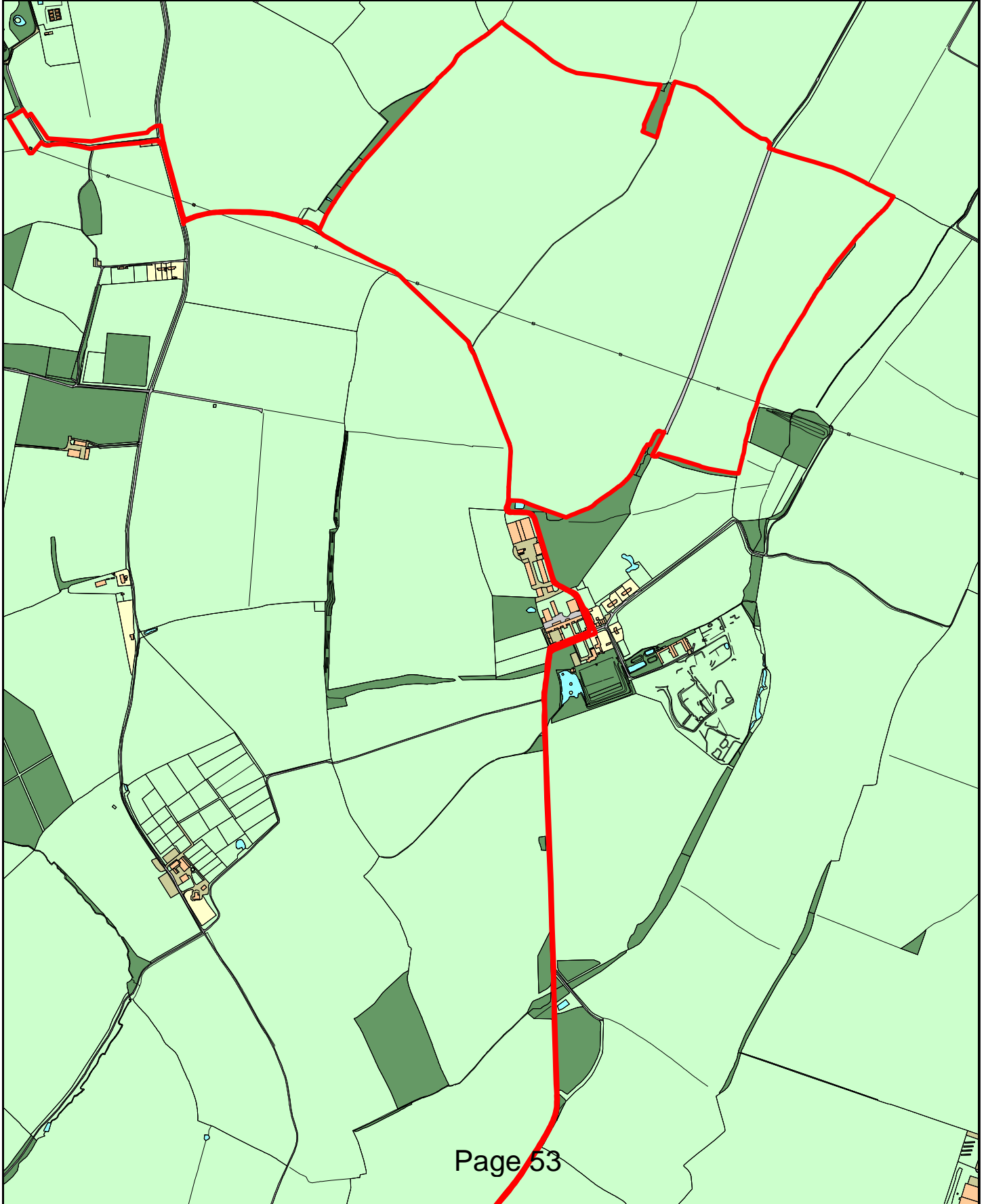
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Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 February 2016

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0499/15/FL
Parish:	Bourn
Proposal:	Part change of use of runway to external storage
Site address:	Former runway, Bourn Airfield
Applicant(s):	R Taylor and sons
Recommendation:	Delegated Approval
Key material considerations:	Principle of Development Impact on character of the surrounding landscape Residential Amenity Environmental Health Highway Safety
Committee Site Visit:	Yes
Departure Application:	No
Presenting Officer:	David Thompson, Principal Planning Officer
Application brought to Committee because:	Bourn and Caldecote Parish Council object to the application and officer recommendation is approval
Date by which decision due:	25 November 2015 (extension of time agreed)

Executive Summary

1. The proposed development would be located on a brownfield site which has approved uses for container storage on other parts of the wider site. Whilst it is acknowledged that the proposed use would be on a larger scale than those existing container storage uses, the section of the runway that is the subject of this application is significantly further into the site and less visible from public views than those existing storage locations.
2. The amended proposal has created significant areas at the northern and southern ends of the site where the storage would be restricted in height to 6 metres, reducing the visual impact of the development in the sensitive viewpoints from Broadway and ensuring a substantial separation distance between the higher storage areas and the northern boundary of the site.
3. The Local Highway Authority have raised no objections to the proposals following the

submission of a Transport Statement and it is considered that a condition limiting the number of vehicle movements associated with the use to the level suggested (i.e. 12 per hour) would limit the scale of the operation to an acceptable degree.

4. Subject to the mitigation measures contained within the noise assessment being attached as conditions of a permission, it is considered that an unreasonable impact on the amenity of neighbouring residents would be avoided, through the restriction on the hours of HGV movements and the installation of sound reducing measures at the entrance to the site.

Planning History

5. **Site**
No planning history relevant to the determination of this planning application
6. **Adjacent Sites**
S/1068/08/F – change of use of part of runway (to west of this application site) for parking of caravans and siting of self storage containers - approved
S/1201/07/F – part change of use of the runway for the siting of storage containers, HGV trailers and Associated equipment (section to the north and east of this application site)
S/0106/96/F – change of use of land and buildings (to the west of this application site) for vehicle storage and servicing – approved
S/0816/75/F – erection of storage building (to the west of this application site) – approved
S/0759/91/F outside storage of plastic pipes – approved

National Guidance

7. National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Development Plan Policies

8. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
ET/1 Limitations on the Occupancy of Firms
ET/5 Development for the Expansions of Firms
NE/14 Lighting Proposals
NE/15 Noise Pollution
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards
9. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide SPD - Adopted March 2010
10. **South Cambridgeshire Local Plan Submission 2014**
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development

S/7 Development Frameworks
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultation

11. **Bourn Parish Council** – Initially raised no objection subject to a 4 metre restriction on the height of the storage. On receipt of the additional information (noise assessment and transport statement), object to the proposals on the basis of the landscape impact of the proposed height of the storage and the impact of noise generated by activity on the site at anti social hours on the residential amenity of neighbouring properties. The Parish Council (PC) also raise an objection to the number of HGV movements to and from the site and the detrimental impact that this will have on highway safety (in terms of the safety of the junction onto Broadway and also the conflict with cycle traffic). The PC also consider that the public consultation on the application was inadequate. The PC submitted an independent noise report which has been assessed by the Councils Environmental Health Officer. An update to this report will be provided to Members once the consultation response has been received
12. **Cambourne Parish Council** - recommend refusal. Concerns raised regarding the impact of HGV movements and the impact on the already congested road network – particularly around the Caxton Gibbett roundabout.
13. **Caldecote Parish Council** – Initially raised no objection. On receipt of the additional information (noise assessment and transport statement), object to the proposals on the basis of the landscape impact of the proposed height of the storage and the impact of noise generated by activity on the site at anti social hours.
14. **Knapwell Parish Council** – object to the application on the basis that the junction to the site is considered unsuitable for HGV traffic as the slip lanes allowing traffic to turn from St. Neots Road are insufficient in length. HGV's travelling along St, Neots Road and onto the A428 will conflict with the traffic associated with Cambourne – both cars and bicycles. The proposed routing arrangements will be difficult to enforce and traffic and HGV's likely to be travel through Knapwell. The non-HGV traffic associated with the use will add additional pressure in terms of the capacity of the highway network. The proposal will result in unreasonable harm to the amenity of neighbouring residents through light pollution and noise and vibration. The PC also express concerns about the way that the application was advertised.
15. **Local Highways Authority** – No objection following the submission of the Transport Statement which outlines the routes of access and egress for delivery vehicles and details of the number of vehicular movements
16. **Environmental Health Officer** – No objection following the submission of a noise impact assessment which lists a number of mitigation measures, including the erection of a sound proof barrier adjacent to the property at Little Common Bungalow and restrictions on the hours of access and egress for vehicles.

Representations

17. 16 letters of objection have been received which raise the following concerns (summarised):

- The proposal has not been the subject of sufficient public consultation
- The proposed number of HGV movements and the additional volume of traffic generated by the proposed use would have a detrimental impact upon highway safety
- The proposal will be detrimental to the residential amenity of neighbouring properties through noise from HGV's, particularly in the early morning and the operation of the site and light pollution during night time operation
- Bicycle traffic enters Broadway from Cambourne opposite the entrance to the site and there will be conflict between this and HGV movements and the hours in which HGV's will be allowed to access the site conflict with peak times (between 0630 and 0930 and between 1630 and 1900)
- Cranes moving containers around at night will result in noise during anti-social hours at night
- The section of Broadway adjacent to the entrance of the site is not well lit and this presents a highway safety hazard outside of daylight hours
- The proposed sound barrier will not prevent noise travelling from the site to neighbouring properties as the existing situation allows noise from the A428 to be heard from nearby properties
- HGV's turning right out of the site will result in a highway safety hazard as the access is adjacent to a brow in the hill along Broadway
- The crane company that currently operate on the site use the exit on the eastern side of the airfield, not the access onto Broadway as would be the case in this proposal
- The noise assessment submitted with the application is flawed and inadequate – the noise impact statement should be analysed and questioned to its fullest and the claims that noise will be reduced to 3db on the site boundaries should be tested
- The application should state that the proposed use will be a 'distribution centre' rather than 'container storage' as the latter is misleading in terms of the scale of the proposal
- How will the routing arrangements proposed be policed?
- The containers will be visible along Broadway and this will be detrimental to the visual amenity of the surrounding landscape
- The property at Blackmore Farm is directly level with zone C where the container movement and storage is proposed to take place
- The Wincanton operation at the existing Alconbury site has resulted in a number of complaints over the years
- A 24 hour operation of this nature should not be approved so close to neighbouring residential properties.
- The proposal will result in traffic turning south and routing through Bourn village.
- The roads leading to the site are single carriageway roads with no cycle paths – HGV traffic will result in a dangerous situation for cyclists
- The proposed use will generate 12 HGV movements per hour which is excessive given the access constraints and the close proximity to neighbouring properties
- The entrance to the site has limited visibility in both directions from the junction

Planning Assessment

18. The key issues to be assessed in the determination of this planning application are the principle of development, the impact of the proposals on the character of the landscape, the residential amenity of neighbouring properties, environmental health and highway safety.

Principle of development

19. The application site is located in the open countryside, outside of the development framework boundaries of Bourn and Caldecote. Policy DP/7 of the current LDF and policy S/7 of the emerging Local Plan state that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
20. However, section 3 of the NPPF (entitled 'supporting a prosperous rural economy') states that LPA's should 'support the sustainable growth and expansion of all types of business and enterprise in rural areas.' The site of Bourn Airfield is currently used for a variety of storage uses, in different parts of the site, as demonstrated by the planning history. Whilst located in the open countryside, the site is not within the Green Belt and given the permitted uses on the site and the connectivity to the highway network, is considered to be a sustainable location for the type of storage use proposed. The existing uses on the site reflect the fact that the site has not operated for any of the purposes listed in policy DP/7 as being suitable in the countryside either when it operated as an airfield or since that time.
21. It is also considered that the proposed use would not be appropriate in a built up residential area. The proposed use, in common with the other permitted uses on the site, will involve HGV deliveries to the site and the noise impact associated with these vehicle movements and the movement of storage containers would not be acceptable in a residential area. Given the fact that this is a brownfield site and that there are existing storage uses on the wider site, it is considered that the more flexible advice provided by the more recently published NPPF in terms of economic development in the countryside should be afforded greater weight than local policy DP/7.
22. Whilst a personal planning permission would not be appropriate in this case, there is an intended end user, in the form of Wincanton Storage, which currently operates on Alconbury Airfield within the Huntingdonshire District. The operation at Bourn Airfield would be on a much reduced scale to the operation at Alconbury, as indicated by the assumptions made to support the Transport Statement and the restrictions to be placed on the height of the storage on this site, should planning permission be granted.
23. The applicant has also agreed to a time limit restriction should planning permission be granted. In accordance with the guidance contained within PPG, it is considered that the longer term regeneration aspirations for Bourn Airfield (proposed allocation site for residential development in the emerging Local Plan) is an appropriate reason to limit the planning permission for a two year period. It is considered that the use will provide an appropriate use for a currently vacant part of a wider site which currently contains storage uses, another aspect which meets the guidance on the issuing of temporary planning permissions.
24. Following the above assessment, the overall principle of development is considered to be acceptable, subject to all other material considerations being satisfied.

Impact on the character of the landscape

25. Bourn Parish Council stated in their initial comments that the height of the storage should be restricted to 4 metres in height. This was not considered to be a viable option for the prospective user of the site. An image based Visual Impact Assessment has been submitted which indicates how visible the storage containers would be with a maximum storage height of 6 metres at the northern and southern ends of the site

and 12 metres in the central section of the runway when viewed from the highway running parallel with the western boundary of the airfield (Broadway).

26. The images submitted indicated that the northern element of the 12 metre section as originally proposed would be directly visible in part of the view afforded from Broadway, through a gate adjacent to the western edge of the runway. The scheme has therefore been amended to extend the section where the storage would be restricted to a maximum of 6 metres in height at the northern end of the runway southwards, so that the 12 metre section would not be directly visible from this viewpoint.
 27. It is considered that this is sufficient to reduce the visual impact of the storage containers from this view point, given that the containers would sit well below the height of the trees which form the backdrop to the section of the runway to which this application relates. The distance from the site boundary to the western edge of the runway is in excess of 450 metres and from the northern edge of the storage area of the site to the northern boundary of the airfield is in excess of 600 metres. At these distances, it is considered that the fact that significant sections at either end of the runway would be limited to 6 metre high storage is sufficient to mitigate an overbearing impact on the character of the surrounding landscape, particularly within the context of the existing established uses on other parts of the site.
 28. The section of the site that would have a 12 metre limit on storage heights would be located to the east of the dense tree coverage which screens the adjacent buildings within the site from views from Broadway. Viewpoint 4 of the images submitted in the Visual Impact Assessment is taken from Broadway looking eastwards, along the line of the hedgerow which forms the southern boundary of the farm located to the west of the southern section of the runway. From this view, the height and density of the screening between the site and the highway are evident. At viewpoint 3, the 12 metre high storage is shown as visible between a gap in the hedgerow and in the revised submission, this section has been included within the 6 metre high limit. From the sections of hedgerow that can be seen through along the section where storage at 12 metres in height would occur, it is apparent that the planting further east completely screens the existing buildings and given the substantial separation distance to be retained, it is considered that the proposal would not have an overbearing impact on the character of the surrounding landscape from these views.
 29. In relation to the southern end of the runway, the last 110 metres of storage space would be restricted to 6 metres in height. The Visual Impact Assessment images demonstrate that, where visible from Broadway, the containers would remain well below the height of the tress on the eastern side of the airfield which form the backdrop and the trees located between Broadway and the western edge of the application site also assist in reducing the landscape impact of the containers.
 30. Whilst it is the case that the two existing permissions on the site for storage use are subject to a condition that the containers are stacked single storey in height, it is noted that both of those sites (one in the north eastern corner, the other the south western corner of the site) are significantly closer to the boundaries of the site and are therefore considered to be more visible in public views. The planning permissions relating to those uses are also permanent, whereas this permission would be granted on a temporary basis only.
-

Highway safety

31. The Highway Authority initially objected to the application on the basis that a lack of

information. Bourn Parish Council also made comment that vehicles should enter and leave the site from the northern boundary and not travel through Bourn village. A Transport Statement has subsequently been submitted based on the proposed use of the site by Wincanton. The Statement indicates that 8 office staff and 15 employees related to the distribution business would be based on site, split over 2 shifts, with 40 HGV drivers parking at the site but then transporting items to other destinations. It is acknowledged that the safety of the junction for use by HGV's, the potential conflict with cyclists and vehicle traffic on the site and the volume of HGV traffic are concerns that have been raised by the Parish Councils and neighbour representations received.

32. The proposal would utilise an existing access onto Broadway, which is used by some of the existing operators on the site. The Statement assesses the number of trips that would be generated by the proposed use, with 250 two way trips anticipated over a 24 hour period – equating to approximately 12 per hour. Due to noise considerations (discussed later in this report) the hours of deliveries are to be restricted and so the total number each day would be less. Nevertheless, the Highway Authority is satisfied that the traffic generated by the proposed, when taken cumulatively with the other used on the site, would not result in a detrimental, impact upon highway safety.
33. The Statement indicates that visibility splays of 180 metres can be achieved when measured from 2.4 metres back from the edge of the highway. The assessment acknowledges that splays measuring 4.5 metres x 215 metres are required to meet the standards and the access in this case falls short of this requirement. However, as the report indicates, this access is used by 2 other operators on the site which involve HGV traffic, as well as other uses. The Highway Authority have raised no objection to the safety of the access, given that it is an existing arrangement and there has not been a history of incidents on this junction.
34. The Transport Statement indicates that cycle and vehicle parking will be provided on site and considered that there is sufficient space within the site to accommodate parking spaces for the traffic generated by employees. The details of the location of this and cycle storage can be secured by condition.

Residential amenity and Environmental Health

35. The Environmental Health Officer (EHO) originally raised concerns about the proposal and objected to the operation of the site, in terms of deliveries to and from the site, 24 hours a day. The Noise Impact Assessment subsequently submitted includes a number of mitigation measures, including restricting the hours during which HGV's can access and egress the site to within 06:15 and 19:15 and the erection of a 4 metre high acoustic sound barrier along the southern boundary of the access (adjacent to Little Common Bungalow). The report assesses the level of noise generated by 3 cranes on the site and that these would not result in an unacceptable impact on the closest property to the runway itself (The Grange). The potential impact on the closest property to the entrance to the site (Great Common Cottages) is assessed in the report and the proposed use is considered to be within acceptable noise levels, given that background noise levels during the daytime will be higher at that property as it is adjacent to Broadway.
36. On the basis that the mitigation measures within the report are secured by condition, it is considered that the proposal would not result in noise levels that would harm the residential amenity of any of the adjacent properties. Given the substantial separation distances to be retained between the dwellings and the location of the storage containers, it is considered that development within the height limit restrictions to be conditioned would ensure that noise levels associated with the movement of storage

units would not be harmful to the residential amenity of those properties. The EHO has not recommended there should be any restriction placed on those properties.

Other matters

37. Concern has been raised by a number of residents and the Parish Councils in regards to the description of the proposed development. The description of the proposal includes reference to external storage and the fact that the storage could include containers. It is acknowledged that there is no reference to the distribution element of the proposed use by Wincanton. However, the storage use would fall under Use Class B8 and that use class is entitled 'storage and distribution' within the Use Classes Order. It therefore would not require a separate planning application. It is also the case that the permission would not be personal to Wincanton and that they are only a potential end user. The temporary planning permission would be attached to the land, not a specific operator. Whilst the information in the noise report and transport statement are based on Wincanton's operations, the conditions recommended would apply to any end user.
38. A number of the representations received make comments on the extent of public consultation which was undertaken by the District Council. Notices were displayed on site, the neighbouring property adjacent to the site entrance was sent a written notification and in addition an advert was placed in the press. This meets the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's responsibilities. All of the neighbouring Parish Councils were consulted for the required 21 days, although it is acknowledged that these consultations were sent out later than should have been the case.

Conclusion

39. The proposed development would be located on a brownfield site which has approved uses for container storage on other parts of the wider site. Whilst it is acknowledged that the proposed use would be on a larger scale than those existing container storage uses, the section of the runway that is the subject of this application is significantly further into the site and less visible from public views than those existing storage locations. The amended proposal has created significant areas at the northern and southern ends of the site where the storage would be restricted in height to 6 metres, reducing the visual impact of the development in the sensitive viewpoints from Broadway and ensuring a substantial separation distance between the higher storage areas and the northern boundary of the site.
40. The Local Highway Authority have raised no objections to the proposals following the submission of the Transport Statement and it is considered that a condition limiting the number of vehicle movements associated with the use to the level suggested (i.e. 12 per hour) would limit the scale of the operation to an acceptable degree. Subject to the mitigation measures contained within the noise assessment being attached as conditions of a planning permission, it is considered that an unreasonable impact on the amenity of neighbouring residents would be avoided, through the restriction on the hours of HGV movements and the installation of sound reducing measures at the entrance to the site.
41. Following the above assessment, it is considered that the amended proposals accord with the relevant local and national planning policies and there are no material planning considerations that would justify a refusal.

Recommendation

42. Officers recommend that the Planning Committee approves the application subject to the following conditions:

Conditions

- (a) Time limit to implement
- (b) Approved plans
- (c) Temporary planning permission – 2 years
- (d) Limits on height of storage as indicated on approved site plan
- (e) Restriction on number of two way movements – 12 per hour
- (f) Restriction on hours of HGV access and egress – not outside the hours of 06:15 and 19:15
- (g) Noise mitigation measures as detailed in Noise Assessment
- (h) Details of location and design of the acoustic attenuation barrier
- (i) Details of lighting scheme to be agreed
- (j) Details of the location of the car parking area and cycle storage for employees within the site

Background Papers:

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.

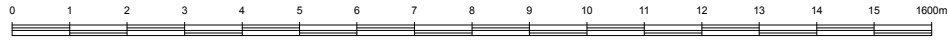
- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridge Local Plan Submission 2014
- Planning File Reference S/0499/15/FL

Report Author:

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Principal Planning Officer
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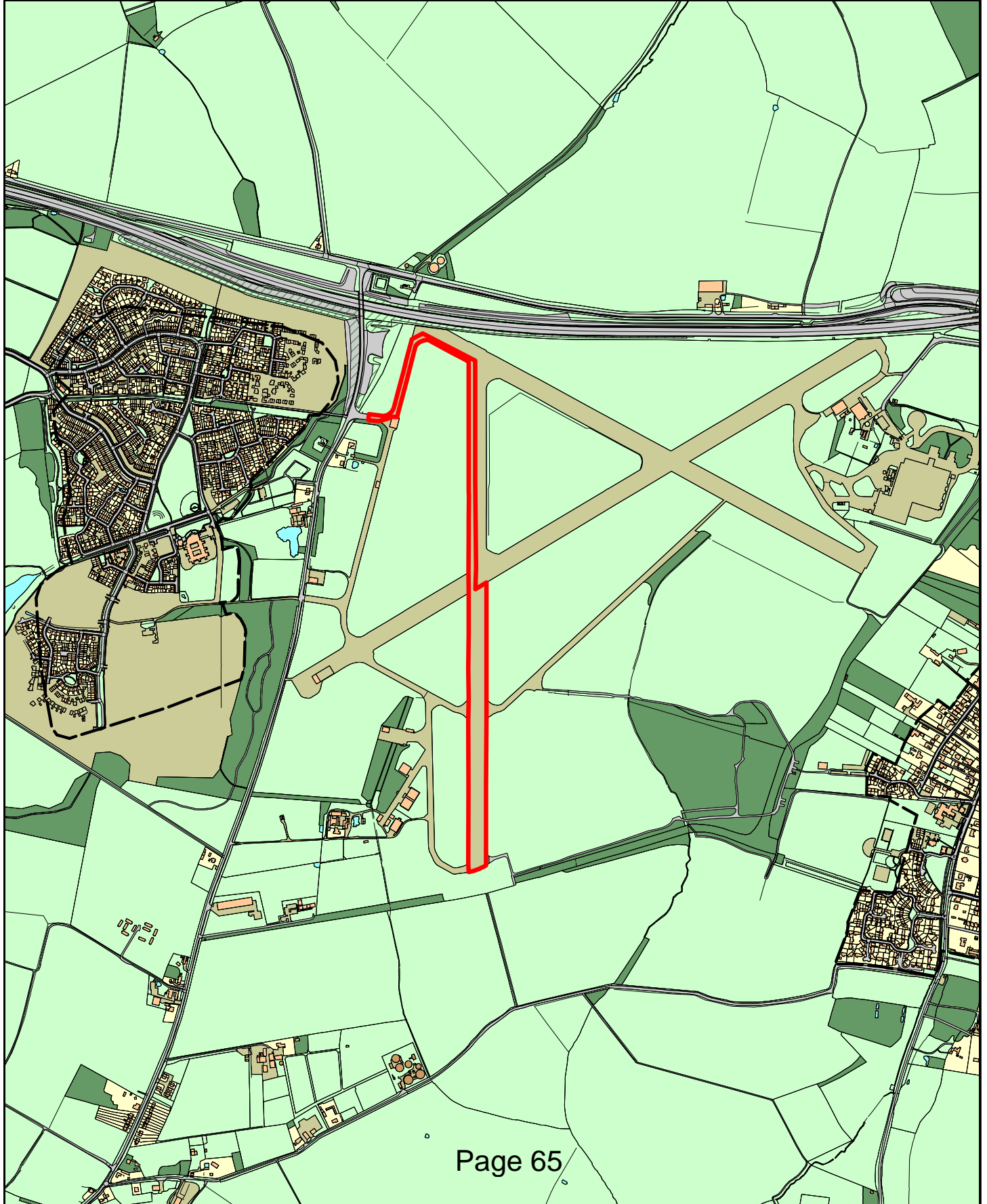
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Agenda Item 7

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 February 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/1883/15/FL

Parish(es): Madingley

Proposal: Two storey dwelling, associated works and access

Site address: Land adjacent 10 Church Lane

Applicant(s): Mr and Mrs Robinson

Recommendation: Refusal

Key material considerations: Principle of development. impact on character of the conservation area, and residential amenity

Committee Site Visit: 2 February 2016

Departure Application: No

Presenting Officer: Paul Sexton, Principal Planning Officer

Application brought to Committee because: At the request of the Councillor Burkitt

Date by which decision due: 7 October 2015

Planning History

1. S/1994/00/F – House – Refused – Appeal Dismissed

Planning Policies

2. *National Planning Policy Framework (NPPF)*
Planning Practice Guidance
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 Village Frameworks
HG/1 Housing Density
CH/5 Conservation Areas
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards

4. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*
District Design Guide SPD – adopted March 2010
Open Space in New Developments SPD – adopted January 2009
Development Affecting Conservation Areas – adopted January 2009
5. *Draft Local Plan*
CC/4 Sustainable Design and Construction
H/7 Housing Density
H/11 Residential Space Standards
HQ/1 Design Principles
NH/14 Heritage Assets
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
S/11 Infill Villages

Consultation

6. **Madingley Parish Council** - comments that 'The Parish Council agreed at its meeting of 10/9/15 to leave the final decision to the Planning Officer'.
7. **Local Highway Authority** – No objection, conditions should be included requiring provision of pedestrian visibility splays, and the falls, levels and construction of the driveway.

Representations

8. The owners of Nos. 8 and 9 Church Lane (one property) object:
 - i. Contrary to Development Control DPD Polies DP/1, DP/2, DP/7 and CH/5, and the NPPF. CH/5 states that 'to retain the semi-rural character of villages it is appropriate to retain some vacant plots.' This plot is one of those, and this situation has not changed since the previous appeal.
 - ii. Site has been proposed for development previously and both application and appeal refused, and the current proposal is not convincing as a building design within Church Lane. The proposal still results in the loss of an important gap, as referred to by the Inspector. The development would still appear cramped and out of keeping.
 - iii. Land was sold by the University of Cambridge in 1999 specifically as 'garden land' and not suitable for building, and without development potential.
 - iv. As it is in a conservation and preservation area, the aesthetic is critical – the proposed development is not in scale with the streetscape of Church Lane i.e. a detached house which is smaller than 50% of the adjacent houses.
 - v. 8 and 9 Church Lane, constructed in 1860 (and not in the 20th or 21st century as suggested by the architect) is probably the oldest in Church Lane is unreasonably close to the proposed development, which will detract from the character and importance of these buildings in the Conservation Area.
 - vi. The owners of 9 Church Lane are also concerned in respect of restriction of light, vision, overlooking and subsidence, given that the buildings will be only 4m

apart. The large window in the east elevation of the proposed dwelling will overlook the garden of No.9, and No.9 will overlook the new dwelling, which is not characteristic of this part of the Conservation Area.

- vii. This is a green belt area and the loss of further grass laid by the current owner would certainly not enhance the overall appearance of the street. Although the site is not in the Green Belt, the land to the rear is. Development would have a detrimental impact on the Green Belt by harming the open and rural character of the area.
 - viii. Parking is inadequate and does not offer visual splay lines for safe use.
9. The occupier of 11 Church Lane has no objection in principle and offers support to the development, as the design would appear to fit in well with the design of surrounding houses. The house is needed to house the applicant's mother who currently lives some miles away and is not in the best of health. It is noted that as part of the proposed works the applicant will replace the pipework of the conduit that runs below the front garden of No.11 and the applicant's property.
10. **Councillor Burkitt** has asked for the application to be referred to Planning Committee.
11. 'I appreciate that a former application was declined in 2000/2001 but:
(a) this is a re-modelled application which addresses all of the previous concerns
(b) since that date, SCDC has adopted a new Supplementary Planning Document (Development Affecting Conservation Areas, Jan 2009),
and I believe that the re-modelled application accords with PPG15 and our new SPD.
12. The application is for a small new house in a gap in a row of existing houses. I believe that:
(a) it is not in a particularly sensitive part of the village
(b) the gap is small and does not afford views through it, as the land rises very sharply behind it (this, to me, is a key point)
(c) the design of the new house is of high quality and respects the context of the other houses in the row.
13. I therefore believe that the application accords with PPG15 which, as you know, states at para 4.17 that "*Many conservation areas include gap sites...that make no positive contribution to...the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is... that new buildings should ... be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.*"
14. This is an infill site, so paras 2.1 to 2.7 of SCDC's SPD "Development Affecting Conservation Areas, Jan 2009" applies. I believe the application meets the criteria for approval in all seven of those paragraphs, because:
(a) the site is large enough to accommodate the small house proposed
(b) the site is not open ground and makes minimal contribution to the Conservation area and the wider setting
(c) the site is not important as regards the pattern and rhythm of the village
(d) there are no vistas through it
(e) the site is not located adjacent to a Listed Building
15. I believe that the application meets the relevant criteria, and, being within easy cycling

distance from Cambridge, it would be a sustainable development.

16. As an aside and away from planning law and policy:
 - (a) Madingley is a small village and I understand that the Parish Council has previously stated that it would benefit from a few extra houses and additional residents to slightly boost its population;
 - (b) the small size of the house would assist the demographic balance, as many other houses are large.'

Applicant's Representations

17. As part of the applicant's submission 7 letters are included from residents of Madingley stating that no objections are raised, or giving support, to the application.
18. The application is accompanied by a Planning Statement, Design and Access Statement, and Heritage Statement, which can be viewed as part of the background papers. In these documents the applicant's agent sets out the justification for the application and how the revised submission is felt to have addressed the previous reasons for refusal.

Planning Appraisal

19. No 10 Church Lane is a semi-detached house. The application site comprises a 0.03 ha of garden land to the south of the house. The site, which is currently laid to grass, slopes up away from the road by approximately 2m front to back. The front boundary is currently formed by a wooden picket style fence and 5-bar wooden gate. The rear boundary is formed by post and rail fencing allowing views through to the open land beyond.
20. To the south, the site abuts 8 and 9 Church Lane, formerly a pair of dwellings now occupied as one house. There is fencing and planting on the boundary with that property. To the north the site adjoins the applicant's existing dwelling, and currently that boundary is undefined.
21. To the rear is agricultural land and on the opposite side of Church Lane is part of the grounds to Madingley Hall.
22. The full application proposes the erection of a detached 2- bedroom dwelling, set back 6m from the front wall of the existing house, and 3.5m forward of the house to the south. The chalet style dwelling has a frontage width of 7.59m, with two dormer windows in the front elevation, and a ridge height of 6m. It is intended to lower existing ground levels within the site so that the dwelling sits on a level plateau, with a finished floor level that is 570mm above that of No.10, and 900m below that of No.9 to the south.
23. Tandem parking for 2 cars is provided in front of the proposed house.
24. Materials proposed are brick and clay plain tiles. The existing conifer trees on the boundary with No.9 will be removed.

Principle of development

25. 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 Core Strategy and Development Control Policies DPD's identify

Madingley, as an Infill Village' where the construction of a new residential dwelling within the framework is supported.

26. The proposed development would still have been acceptable in principle having regard to the settlement policies in the adopted LDF and emerging Local Plan policies, had policies ST/7 and DP/7 not become out of date as a consequence of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites. Notwithstanding this the development still has to be considered against policy that seeks to protect the character and appearance of Conservation Areas.
27. The density equates to 30dph and is acceptable with regard to Policy HG/1.

Impact on Conservation Area and Street Scene

28. For development within a conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
29. The Development Affecting Conservation Areas SPD (paras 2.1 – 2.2) states that where sites are physically large enough to accommodate infill development, consideration should be given to the value of the site as open land, and the contribution it makes to the Conservation Area and its wider setting. It states that it may also be desirable to retain a gap in order to preserve the pattern and rhythm of development in the village, and that on the edge of a village the pattern of development may be for buildings to be sited further apart, and set in larger plots.
30. The SPD (para 2.4) notes that many Conservation Areas include gap sites that make no positive contribution to, or detract from, the character or appearance of the area, in which case new development, of a high quality design, might be appropriate. However, at para 2.5 it states that applications for infill development on sites which make an important contribution to a Conservation Area, either by affording key views or ensuring the pattern and rhythm of development is retained, are likely to be refused.
31. The NPPF (which has superseded the advice formally in PPG15) requires Local Planning Authorities to identify and assess the particular level of significance of any heritage asset affected by a proposal, and the desirability of sustaining and enhancing its significance. At paragraph 134 it states that where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
32. In dismissing the appeal for the erection of a dwelling on this site in 2001, the Inspector commented that the character of this part of the Conservation Area derives from the relatively generous spacing between dwellings. He noted that the 3 pairs of older semi-detached properties are currently spaced at some 17m and 20m apart respectively. Although he noted that the more modern dwelling to the north was somewhat closer to No.11 at 9.5m, it still amounted to a sizeable gap when compared with the gap that would remain with the appeal proposal. This would have been 4.85m to the north and less than 4m to the south. The Inspector took the view that the dwelling proposed at that time would appear cramped and out of keeping with its surroundings.
33. The new application promotes a considerably improved design approach to the dwelling considered by the Inspector, and has reduced the amount of hard surfaced area at the front of the site. However, the building will be set 3m further forward on the

plot. The gap to the south would be 3.2m, less than the appeal proposal, whilst the gap to the north would be increased to 6.6m.

34. There has been no material change to the pattern of built development on the east side of Church Lane since the appeal decision. Officers are of the view that the value of this site in its undeveloped form to the character of this part of the Conservation Area has not diminished in any way since the appeal decision, and development should therefore be resisted in principle.
35. Officers recognise that the current application takes a different design approach, which has resulted in a dwelling far more appropriate for a Conservation Area site, than that previously refused. However, whilst the frontage width of the proposed dwelling is 1m less than that refused in 2000, officers remain of the view that the proposal will result in a visually cramped development, which would appear out of keeping with its surroundings.
36. Officers are of the view that the proposed development would result in less than substantial harm to the Conservation Area, but that this harm is not outweighed by any public benefit that would result from approving the application.

Impact on residential amenity

37. The proposed dwelling will result in some overshadowing and loss of light to the rear of the existing dwelling at No.10 Church Lane, however this impact is not considered significant.
38. In assessing the impact on the amenities of the occupiers of the property to the south, the Inspector concluded previously that whilst the erection of a new dwelling would make that property a less pleasant dwelling in which to live, the loss of amenity would not amount to sufficient harm of itself to justify refusal.
39. No.8 and 9 Church Lane has a main sitting room facing the application site, with a bedroom above. The siting of the proposed dwelling further forward on the plot than the scheme previously refused will further reduce the impact of the proposed dwelling from these windows. Although the new dwelling will now project forward of No.8 and 9 by 3.5m, and result in the removal of the existing line of conifers, it will not result in any unreasonable loss of light, or be unduly overbearing when viewed from that property. Officers therefore take a similar view to the Inspector in that any harm to the amenity of the occupiers of No.8 and 9 is not sufficient to justify a reason for refusal of the application.

Highway safety

40. The scheme provides adequate off-street parking for the proposed and existing dwelling. The required pedestrian visibility splays can be achieved.
41. The Highway Authority has raised no objection in principle.

Other Matters

42. Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.

43. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.
44. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance “When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy”. The pooling is counted from 6 April 2010.
45. Less than five planning obligations have been entered into for developments in the village of Madingely since that date. As such, officers are satisfied that the Council can lawfully enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11 should the application be approved.
46. However, no specific projects for either outdoor or indoor community facilities have been identified by the Parish Council that are directly related to the development; fairly and reasonably related in scale and kind to the development; or necessary to make the development acceptable in planning terms (as per the requirements on paragraph 204 of the NPPF). As such, no request for such contributions should be sought in the event the application was to be approved.

Recommendation

47. Officers recommend that the Committee **refuses** the application for the following reason:
 - (a) The site is located within a part of the Madingley Conservation Area which derives its character from the relatively generous spacing between dwellings. The site in its current open form plays an important role in providing this characteristic space between dwellings. As result the proposed development of this plot is unacceptable in principle as it would appear cramped and out of keeping with its surroundings, and would have a detrimental impact on the character and appearance of this part of Madingley Conservation Area. As a result the proposal is contrary to the aims of Policy CH/5 of the adopted Local Development Framework 2007 and the Development Affecting Conservation Areas SPD 2009, particularly paragraphs 2.2 and 2.5. Whilst the proposed development would result in less than substantial harm to the designated heritage asset, the harm identified above is not outweighed by any public benefits of the proposal.

Background Papers:

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)
- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/1883/15/FL and S/1994/00/F

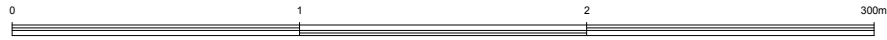
Report Author:

Paul Sexton

Principal Planning Officer

Telephone Number:

01954 713255



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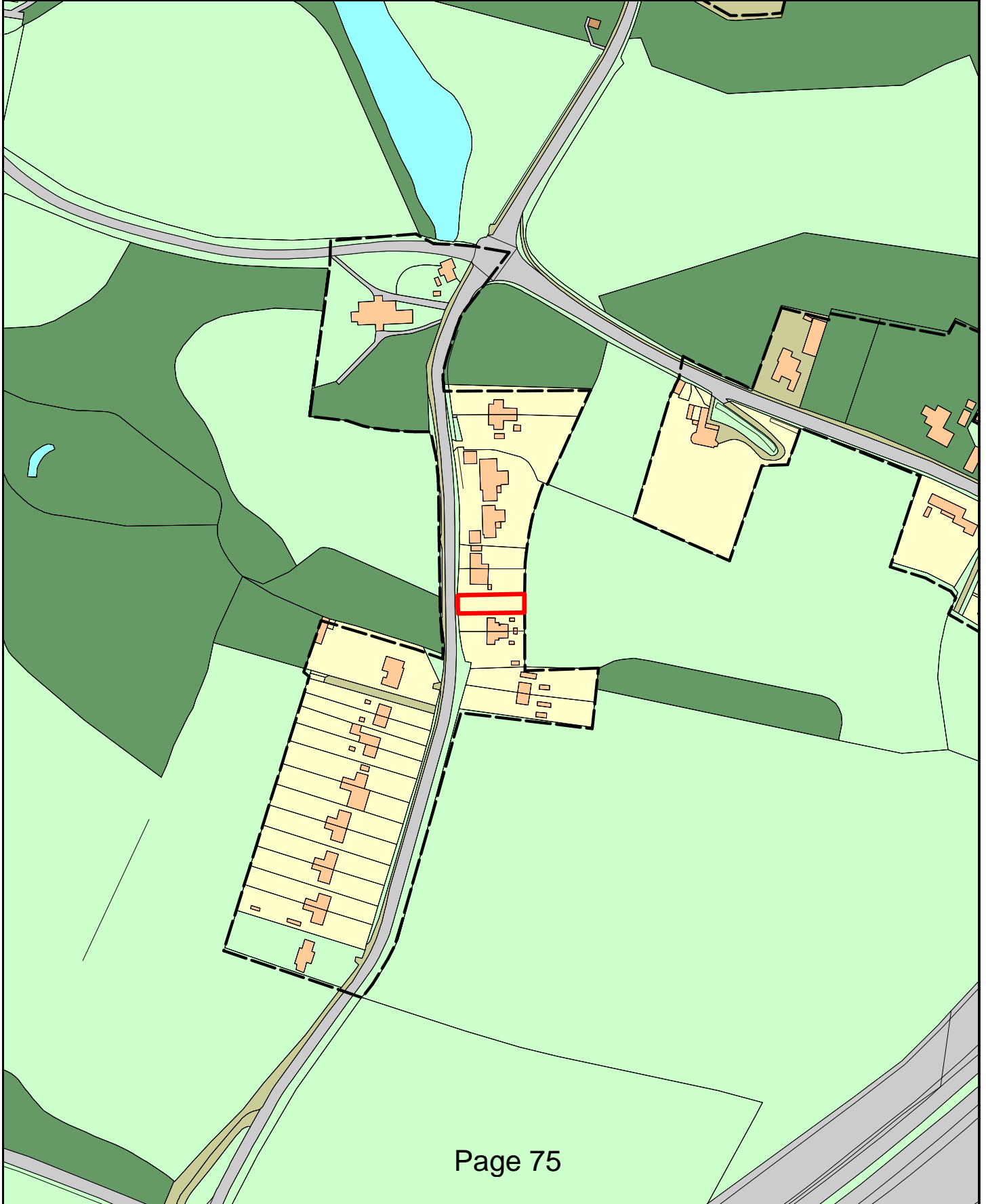
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Date of plot: 26/01/2016



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Agenda Item 8

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 February 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/2770/15/FL

Parish: Sawston

Proposal: Change of use from a restaurant/takeaway (sui generis) to a hot food takeaway (class A5) including the installation of ventilation/ extraction equipment and external alterations to shopfront

Site address: 76-78 High Street, Sawston

Applicants: DPSK Ltd

Recommendation: Approval

Key material considerations: Design of the Shop Front
Character and Appearance of the Conservation Area
Setting of a Grade II Listed Building
Highway Safety
Residential Amenity (Noise and Smells)

Committee Site Visit: None

Departure Application: No

Presenting Officer: Chris Morgan, Senior Planning Officer

Application brought to Committee because: The recommendation of officers conflicts with the view of Sawston Parish Council

Date by which decision due: 21 December 2015

Planning History

1. S/2856/15/AD – Advertisement – Approved
2. S/0793/01/F – Alterations, Extension and change of use from shop to restaurant and takeaway – Approved
3. S/0115/94/F – Change of use from Class A1 (Shop) to Class A3 (Food and Drink) – Approved *but not implemented*

Planning Policies

4. **National Planning Policy**
National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

5. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - CH/4 Setting of a Listed Building
 - CH/5 Conservation Area
 - CH/9 Shop Fronts
 - NE/16 Emissions
 - TR/9 Car and Cycle Parking Standards
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
 - District Design Guide SPD – Adopted March 2010
7. **South Cambridgeshire Local Plan Submission 2014**
 - S/3 Presumption in Favour of Sustainable Development
 - HQ/1 Design Principles
 - NH/14 Heritage Assets
 - TI/3 Parking Provisions

Consultation

8. **Sawston Parish Council** - Recommends refusal. Commenting 'Do not support. No parking spaces allocated. There would be an increase in parking being a takeaway. There are parking restrictions outside due to the crossing. Also lack of information regarding external alteration.
9. **Local Highways Authority** - No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.
10. **Environmental Health** – No objections and no conditions proposed.

Representations from members of the public

11. **Owner of Sawston Pizza (56 High Street)** – Objects on the basis that the proposal will adversely impact upon the family business from direct local competition.

Planning Appraisal

Design of Shop Front

12. The building itself was originally formed from two shops (a greengrocers and butchers) and the appearance and design of the frontage has been altered several times as the use and ownership has changed. This proposal involves the alteration of the existing frontage which has central recessed entrance within a painted rendered wall flanked by three sash windows on either side. The proposed alterations would retain a central entrance but bring it flush with a predominantly glazed façade. Four overhanging spotlights are proposed to be removed. These alterations would change the appearance of the fascia however, the modern utilitarian character of the building will be largely unaltered and the frontage is considered to be in character with the building itself. It lies adjacent to a large modern building at number 80 High Street which houses publishers with a fully glazed frontage and a large number of predominantly glazed shop fronts, cafes and takeaways on Sawston High Street. The proposal will not result in the loss of any architectural features and the style and

materials proposed would not appear alien within its surroundings. For these reasons the proposal is considered to accord with policy CH/9 for shop front alterations.

Character and Appearance of the Conservation Area

13. The established character and appearance of this part of the Sawston Conservation Area is of a mixture of historic and modern buildings and a series of predominantly modern glazed shopfronts along the approach to the central retail area of Sawston High Street to the north. The proposed change of use and alterations to the frontage would reflect and preserve the predominant and established appearance of the street scene and would preserve the character of this part of the Conservation Area.

Setting of Grade II Listed Building

14. The site lies close to a number of listed buildings along the High Street but relates closest to the setting of the former Woolpack public house which is grade II listed and now used as an estate agents office. The Woolpack is an early 16th century timber framed building which has been significantly altered and extended with a painted brick façade dating from the 1930s. The Woolpack and number 76 are both set back from the High Street and the listed building is separated from the application site by an access drive which leads to a parking area and offices to the rear of the site. The existing building at number 76 is a modern utilitarian brick building with an existing expanse of bare brickwork visible on its side elevation from the High Street. This elevation would not be altered and the changes to the frontage are not considered to appear discordant with, nor detract from, the setting of the listed building as viewed from both directions on the High Street.

Highway Safety and Parking

15. It is not considered that the change of use from an Indian restaurant and takeaway to a Pizza takeaway would lead to any significant increase in customer traffic since much of the business would rely upon home delivery and a significant number of customers visiting the premises would do so on foot or via public transport. For these reasons the proposal is not considered to cause any additional hazard to highway safety and Highway Officers raise no objection to the proposal.
16. 5 parking spaces will be provided for staff member and delivery drivers in the car park at the rear of the premises. This is considered acceptable to serve the needs of the business given the suitable amount of parking available in the vicinity at peak times.

Residential amenity

17. The proposal includes the installation of an air vent, extraction equipment and a cold room compressor to the building. These are all considered to be adequate by environmental health officers and have been located to the rear of the premises. There are no residential dwellings within close proximity of the site and it is therefore not considered that this proposal would lead to any loss of residential amenity from noise or smells from the premises.
18. To ensure that the operational use of the takeaway use would not lead to any impact upon neighbouring residents at unsociable hours, the permitted times of operation of the existing restaurant and takeaway, as approved in 2001, restricted the use to hours no earlier than 8:30am and no later than midnight. This application seeks a use no later than midnight and therefore an identically worded condition is proposed to ensure this in perpetuity.

Other Issues

19. The issue of adverse competition to an existing takeaway business is not a material planning consideration.

Recommendation

20. Officers recommend that the Committee approves the application subject to:

Conditions

- (a) 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.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: C5037-A5-03, C5037-A5-04, C5037-A5-05 and C5037-A5-06 (All as received and date stamped 23rd October 2015).
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) The use hereby permitted shall not be open to customers before 08:30am nor after midnight for the lifetime of the use.
(To protect the amenity of neighbouring residents in accordance with policy DP/3 of the Local Development Framework 2007)

Background Papers:

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)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

Chris Morgan

Senior Planning Officer

Telephone Number:

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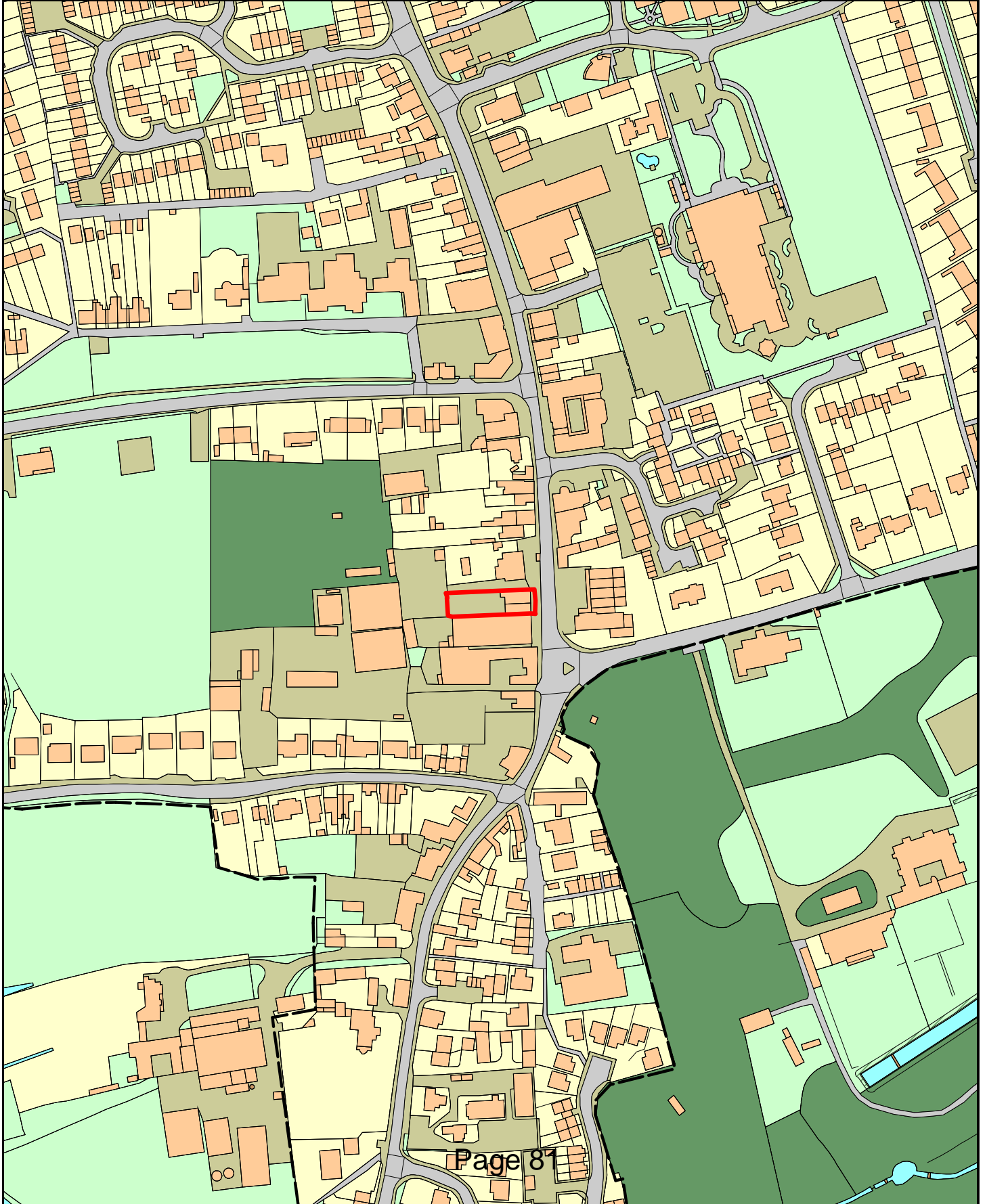
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Date of plot: 26/01/2016



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Agenda Item 9

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 February 2016

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2890/15/RM
Parish(es):	Over
Proposal:	Reserved Matters Application following approved Outline Application S/1827/14/OL (Erection of One Dwelling with access) for the layout, appearance, landscaping and scale of development
Site address:	38 Mill Road, Over
Applicant(s):	Mr I Corney
Recommendation:	Approval
Key material considerations:	Character and Appearance Trees and Landscaping Residential Amenity
Committee Site Visit:	30 September 2014 (Outline application)
Departure Application:	No
Presenting Officer:	Rebecca Ward, Senior Planning Officer
Application brought to Committee because:	The recommendation of the Parish Council conflicts with that of Planning Officers and the applicant's partner is a District Councillor
Date by which decision due:	9 February 2016

Planning History

1. S/1827/14/OL – Erection of Dwelling with Access included – Allowed at appeal

Planning Policies

National Planning Policy Framework

2. National Planning Policy Framework (2012)
Planning Policy Guidance

Local Development Framework

3. S/T6 Group Villages

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Development
DP/5 Cumulative Development
DP/7 Development Frameworks
HG/1 Housing Density
TR/2 Car and Cycle Parking Standards

4. District Design Guide SPD – adopted March 2010
Landscape in New Developments SPD – adopted March 2010
Open Space in New Developments SPD – adopted January 2009

Draft Local Plan

5. S/10 Group Villages
CC/4 Sustainable Design and Construction
H/7 Housing Density
H/11 Residential Space Standards
HQ/1 Design Principles
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
SC/7 Outdoor Play space, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultation

6. **Over Parish Council** - The Parish Council reviewed this application this evening and would like to propose 'refusal'. Our grounds are:

Highway Safety – The visibility splays onto the road are inadequate, it looks like the plan shows the removal of two trees which we assume is to allow for visibility onto the road however these trees are situated on the neighbours land and therefore are not within the control of the applicant and therefore cannot be removed.

Screening – We note that the trees which the applicant proposes to plant to provide screening on the southern boundary of number 18 are sited very close to the boundary and would adversely overshadow the garden and dwelling at number 18, we would ask that consideration be given to siting these trees further from the boundary of number 18.

7. **Landscape Officer** – No objection with the proposed appearance, landscaping, layout and scale subject to details of the proposed paving, extended native hedge along the eastern boundary and indication of the spacing between the shrubs.
8. **Trees Officer** – No objections subject to the provision of a tree protection plan/strategy to cover the trees next to the south and west boundaries near the proposed dwelling footprint.

Representations

9. Received from nos.18, 20 and 22 Mill Road3a Whines Lane. The points raised are:

- Rights of way and access
- Discrepancy on the red-line plan
- Dwelling is not in keeping with the character and appearance of the area
- Materials not in keeping with the area
- Increase in traffic movements
- Location of some trees would overshadow amenity of No.18 Mill Road.
- Boundary fencing along No.3a Whines Lane

Planning comments

10. The principle of the development has already been accepted following the appeal decision dated 27 July 2015 under outline planning permission reference S/1827/15/OL. As such the only matters to be considered are in respect of the layout, appearance, landscaping and scale of development.

Siting, Character and Appearance

11. The proposed dwelling is located on the southern boundary of the site adjacent to the boundaries of No.3a and No.4 Whines Lane. The proposed garage is located north of the dwelling and sits in close proximity to the eastern boundary. The dwelling is located in roughly the same position as shown on the indicative plan accompanying the outline application, albeit with alterations to its footprint. Officers consider the scheme adheres to the conclusions in paragraph 15 of the Planning Inspector's appeal decision which states that:
12. 'If the building was sited generally within the area shown on the indicative plan, it would readily assimilate into the area. In that regard, I see no reason why the Council could not control the positioning and size of the new dwelling and ancillary structures, as part of its consideration of the reserved matters, in order to ensure that the buildings would be closely related to the existing built development'.
13. The dwelling will be part two storey and part one and a half storey and will be more linear in character with a length of roughly 23m and a depth of roughly 11m (ground floor) and 7m at the first floor. To the ridge, the dwelling will be roughly 7.5m high and the eaves height will vary from 2.5m to 5m. The gable ends of the building will be finished in facing brickwork and the front and rear elevations in a pre-painted zinc cladding with the roof in a natural slate.
14. There are a range of style properties in the immediate area. No 4 Whines Lane is a one and a half storey dwelling with a pitched roof and gable-ends finished in a dark brick, while no 3a is a two storey dwelling with a hipped roof, finished in a lighter brick. Nos.18-22 are of a more uniform two storey design in a grey brick and Nos.10 and 12 are single storey bungalows finished in a yellow/orange mix brick. For these reasons, officers do not consider there to be a predominant design in the local area which needs to be replicated for the proposed dwelling. Furthermore, the fact the site has limited public views from the east also gives some flexibility to the design approach.
15. Paragraph 60 of the National Planning Policy Framework states that planning decisions should not attempt to stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, it does recognise that decisions should seek to promote or reinforce local distinctiveness.
16. The main elevations which will be seen from public views are the southern gable end (seen from Mill Road) and the northern gable (seen from Whines Lane). The

elevations will be finished in a facing brick and as such will be in keeping with the general finish in the surrounding area. The colour/type of brick can be agreed by the way of a condition.

17. Whilst the zinc cladding is a more unique and modern material, it is broken up by brick, glazing panels and the extensive roof. As such, there would be limited impact. A sample of the zinc material will be required by the way of a condition to ensure the colour is appropriate.
18. The overall height of the dwelling will match surrounding houses; however, the stepped approach to the eaves height and rooms within the pitch of the roof will present an alternative design form. As there is not particular design form to take reference from and by virtue of the limited public views, officers consider the dwelling would not be completely out of character with the area. Furthermore, its stepped approach helps in reducing the overall bulk of the building.
19. The large glazing panels are on the eastern elevation will be screened from public views and as such are not considered to cause any harm to the character and appearance of the area.
20. For the above reasons, officers consider the proposal would be compatible within its location and appropriate in terms of its scale, mass, form and design in relation to the surrounding area and would accord with policy DP/2 of the Local Development Framework and paragraph 60 of the National Planning Policy Framework.

Landscaping and Trees

21. Amended plans were submitted on the 19 January 2016 to alter the landscaping scheme following comments from the Trees Officer, Landscape Officer, Parish Council and neighbours.
22. This included relocating the trees on the northern shared boundary with No.18, additional planting between No.3a, the proposed dwelling and additional tree protection for the trees on the southern and western boundaries of the site. Officers consider the tree and landscaping details to be acceptable.

Impact on Residential Amenity

23. Impact on No.3a Whines Lane – No.3a Wines Lane is a two storey dwelling. On the eastern elevation of the dwelling that faces into the application site there are no first floor windows. As such no direct overlooking impact will be afforded from this property to the application site.
24. There are three roof lights on the western elevation of the proposed dwelling at first floor. The elevational plans indicate these windows will be high-level to mitigate any direct overlooking impacts to garden amenity of No.3a Whines Lane. A section drawing has also been submitted by the agent (dated 19 January 2016) to demonstrate the sills of these windows will be above 1.7m of the finish floor level.
25. In accordance with Councils District Design Guide SPD (paragraph 6.69) officers consider there will be no direct overlooking impacts to the garden amenity of No.3a Whines from these windows. To ensure the relationship remains, officers consider it reasonable to impose a condition restricting any further openings in this elevation.
26. The proposed dwelling will be sited 7m from the boundary of the site and 10m from

the conservatory and side elevation of No.3a. The proposed building will not protrude beyond the 45 degree line when drawn horizontally from the nearest window on the rear elevation of No.3a. By virtue of the siting of the dwelling from the boundary and its stepped ridge officers consider there would not be any significant overshadowing or overbearing impact to the neighbouring properties windows or garden areas.

27. Impact on No.4 Whines Lane – No.4 Whines Lane is a two storey dwelling, with rooms in the roof and dormer windows. Beyond the shared boundary are a garage and parking area. The main garden amenity area for this property sits beyond the southern elevation.
28. The side elevations of the proposed unit will sit 2m from the shared boundary and 20m from the front elevation of No.4. Whilst the new dwelling will present a new outlook to the windows in the front elevation of No.4, the side elevation is not considered to be visually obtrusive given the distance, orientation and limited bulk (height and depth) of the proposed unit.
29. There is a single window on the southern side elevation which will serve a hall way. As such, officer consider there to be no significant overlooking impacts to windows or gardens of No.4.
30. As such the scheme would accord with policy DP/3 of the Local Development Framework which seeks amongst other things, to protect residential amenity.

Other Matters

31. The red-line boundary has been amended on the site location plan due to an anomaly as pointed out in the representations received.
32. Details of the access drive were agreed by the Planning Inspector in the outline consent and relevant conditions were added to the decision letter. The Council is not required to consider this aspect as part of the reserved matters application.
33. Comments from third parties regarding rights of way over the access are a civil matter and should be resolved by the occupiers involved. This is not a material planning consideration.

Conclusion

34. For the reasons detailed above, officers do not consider there to be any material harm from the development in relation to the impacts on the character and appearance of the area trees and landscaping and residential amenity.

Recommendation

35. Officers recommend that the Committee approves the application subject to:

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans: P-01C, P-02B, P-03B, TIP16_261.A
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

- (b) 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.)
- (c) Apart from any top hung vent, the proposed first floor roof lights in the western side elevation of the building, hereby permitted, shall have a cill height no lower than 1.7m from the finished floor level. The development shall be retained as such thereafter. (Reason – To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (d) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 western side elevation of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informative

The applicant is reminded of the other outstanding conditions attached to the outline planning permission relating to the layout of the access, surface water drainage and construction hours that still need to be discharged or adhered to.

Background Papers:

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)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning ref : S/2890/15
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

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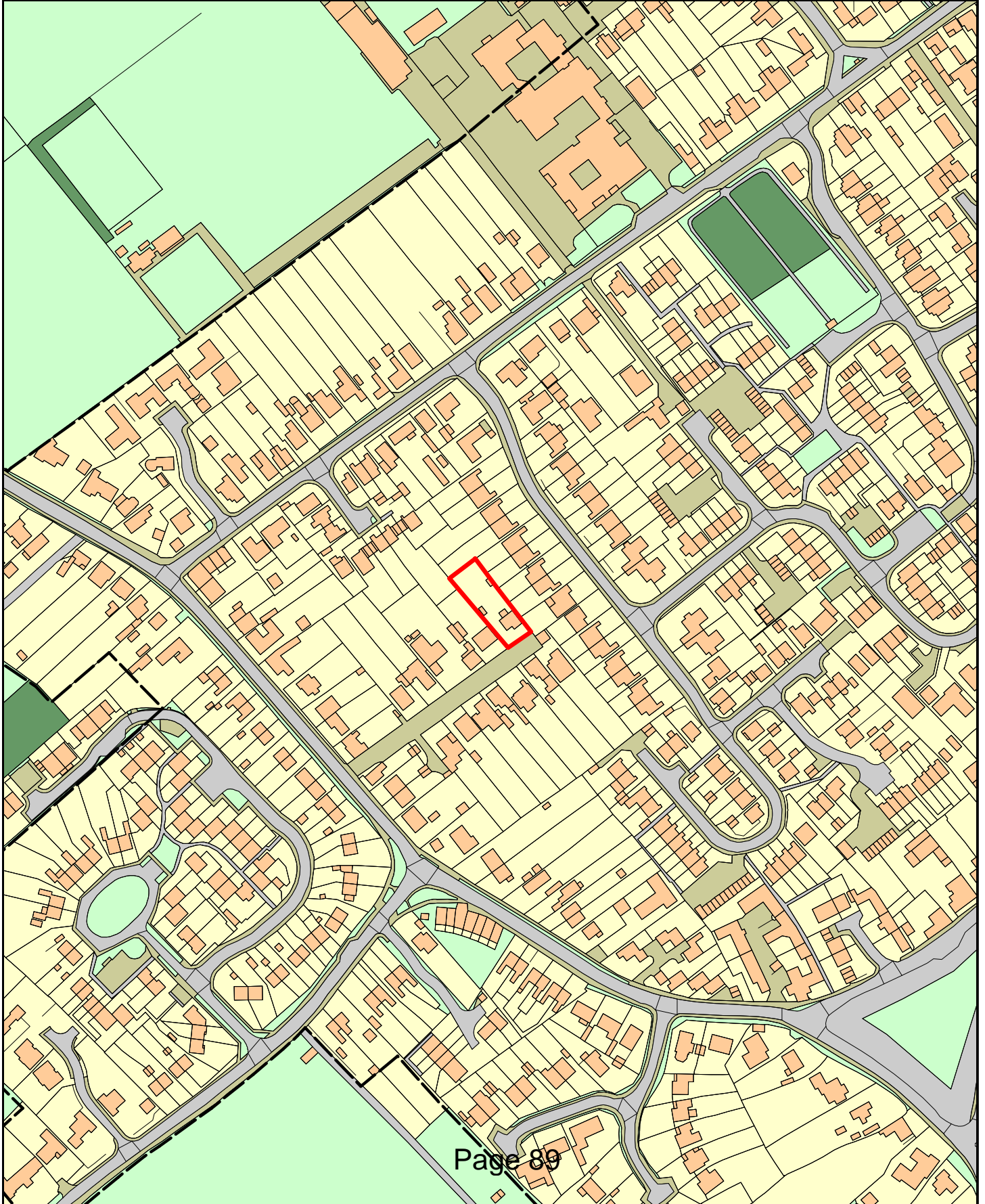
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Agenda Item 10



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

3 February 2016

Enforcement Report

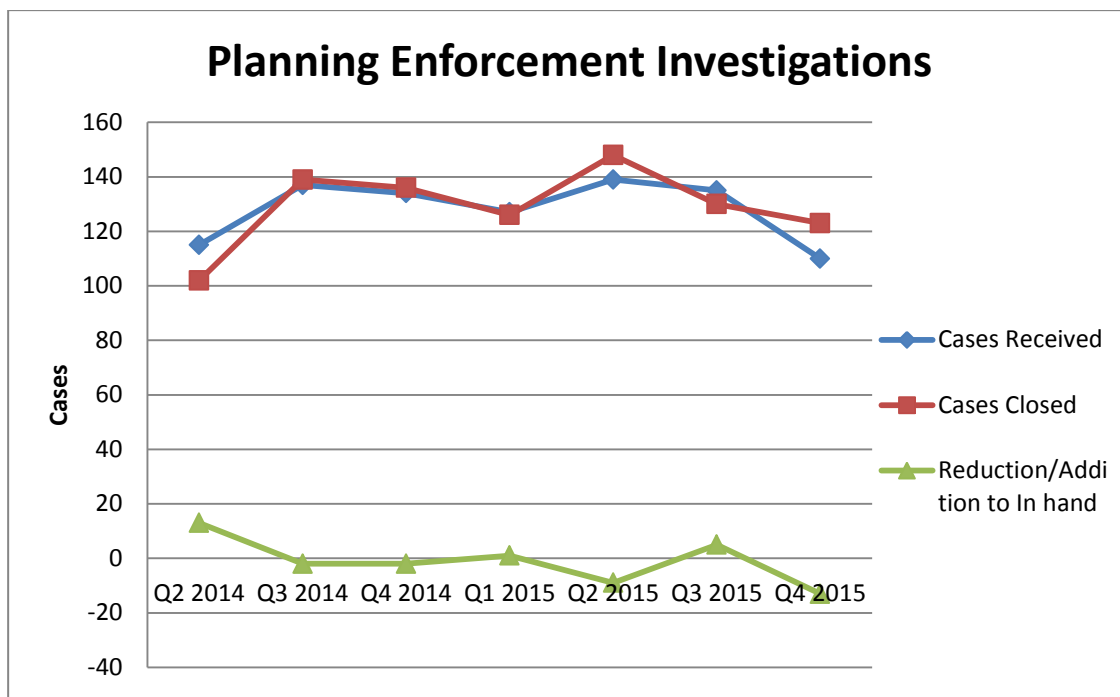
Purpose

1. To inform Members about planning enforcement cases, as at 22 January 2016. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

2.

Period	Cases Received	Cases Closed
1 st Qtr. 2015	127	126
2 nd Qtr. 2015	139	148
3 rd Qtr. 2015	135	130
October 2015	43	37
November 2015	35	49
December 2015	32	37
2015 YTD	511	527
2014	504	476



Enforcement Cases on hand:

- 3. Target 150
- 4. Actual 83

Notices Served

5.

Type of Notice	Period	Year to date
	December 2015	2015
Enforcement	0	12
Stop Notice	0	0
Temporary Stop Notice	0	4
Breach of Condition	0	18
S215 – Amenity Notice	0	4
Planning Contravention Notice	0	6
Injunctions	0	2
High Hedge Remedial Notice	0	1

Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
None			

- 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. Updates on items that are of particular note

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 10th May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. 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 draft statements supporting the proposed proceedings have now been considered by Counsel with further information and authorisations being requested in order that the Injunction application can be submitted.

In May 2014, Committee resolved to give officers the authority sought and further work on compiling supportive evidence undertaken since. Periodic inspections of the land have been carried out, most lately in April 2015 (confirming occupation has not ceased, and that breaches of control are continuing and consolidating). Statements accordingly being revised and finalised to reflect; injunction proceedings still appropriate and proportionate to pursue
A claim against the occupier of the land in which the Council is seeking a planning injunction has now been issued in the High Court. A Defence has since been lodged to the Council's proceedings, and an attempt is being made to issue Judicial Review proceedings challenging the resolution to seek an injunction.

Following consideration of the documents lodged by the Claimant and Acknowledgement of service filed by the defendant, permission was refused; the application was considered to be totally without merit. Order by Rhodri Price Lewis QC, sitting as a Deputy High Court Judge - Injunction application, has been listed for an initial hearing at the High Court on 24 September; Hearing postponed due to the health of the defendant, hearing re-listed for 17 November 2015.

The Judicial Review application was rejected by Mr Justice Lindblom at the Court of Appeal. His Honour Mr Justice Park QC further dismissed an adjournment application made by the occupier of the land, and proceeded with the Injunction hearing. The Order being sought was granted in full with an Order for the Council's costs to be paid. An Injunction now exists that restrains the occupier of the land in respect of the unauthorised development at Hill trees represented by the commercial storage, car sales, and non-consented operational works that have occurred there. The injunction requires the defendant to i) cease by no later than 26th January 2016, the use of the land for any trade, business, commercial, industrial, storage or sales use (Including any use in connection with motor vehicles, their storage, sale or repair); ii) removes from the land, by no later than

26th January 2016, all vehicles, vehicle parts, plant machinery, equipment, materials, containers, mobile homes, caravans or trailers connected with uses described in (i); removes from the land, by no later than 26th January 2016, the material forming the roadway on the land. The time for filing an appellants notice to seek permission to appeal to the Court of Appeal is the 4th January 2016.

The site will now be monitored for compliance.

An Appellant's Notice seeking to make an appeal against the injunction ordered on 17 November 2015 has been lodged with the Court of Appeal

b. Plot 11, Orchard Drive – Smithy Fen

Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018.

The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.

Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. The Judicial review which was set for 29th October 2015 has taken place at the High Court of Justice, Queens Bench division, Planning Courts before The Honourable Mr Justice Lewis. The judgement was handed down on the 22nd January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant has lodged an application for permission to appeal?

c. Land at Arbury Camp/Kings Hedges Road

Failure to comply with planning conditions at land known as Parcel H1, B1 and G Under planning references S/0710/11, S/2370/01/O, S/2101/07/RM, 2379/01/O and S/1923/11

Notices part complied, remaining items under review

Further six breach of conditions notices issued relating to landscaping
A Site inspection with local parish, landscaping, planning and representatives from persimmon homes has now taken place, and that appropriate steps are being taken to remedy the identified breaches of Conditions – Works now underway to comply with the planning conditions previously identified.

Further meeting with Officers and Persimmon Homes to take place in January 2016 to review progress

d. 113b High Street Linton – Winners Chinese Take-Away

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19th February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3rd September 2015 Cambridge Magistrates Court – The defendant was found guilty and fined £1000.00p + costs. Works to be carried out to ensure compliance with approved drawings – Further Non-material application received relating to other works on site. The changes were considered to be material and therefore a variation of condition application is required - Monitoring continues

e. Sawston Football Club

Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received - Site monitoring continues

f. 176 – 178 Cambridge Road Great Shelford

Erection of 70 bedroom Residential Care home with ancillary accommodation – Planning reference S/0600/13/FL. Condition 14 contained within the planning permission requires the developer to park contractor vehicles within the curtilage of the site and not on street.

Currently neighbours are complaining that as many as 25 contractor vehicles are parking in the streets adjacent to the site. Warnings have been issued to the site management but despite these there is still a breach of condition that needs to be addressed. A Breach of condition notice has now been issued in order to remedy this breach. Arrangements have since been made for staff to park at two different sites locally and are to submit a further planning application to vary the current traffic plan condition. No further complaints have been received since the new parking arrangements were introduced.

Summary

9. As previously reported Year to date 2014 revealed that the overall number of cases investigated by the team totalled 504 cases which was a 1.37% decrease when compared to the same period in 2013. The total number of cases YTD 2015 totals 511 cases investigated which when compared to the same period in 2014 is a 1.4% increase in the number of cases investigated.
10. 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. Strategic Officer Group, dealing with traveller related matters

Effect on Strategic Aims

11. 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

Report Author: Charles Swain – Principal Planning Enforcement Officer
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Agenda Item 11



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

3 February 2016

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 of 21st February 2016. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State:

2.

Ref.no	Address	Detail	Decision & Date
S/1115/12/PM	Mr T Deans Deans Farm Shepreth Road Fowlmere	Change of use existing agricultural building to tea shop/cafe	Dismissed 29/12/15
S/2457/14/FL	Mr & Mrs C O'Malley Land Adj East View Castle Camps	Erection od Dwelling and garage & change of use from agri land to garden	Dismissed 06/01/16
S/2457/14/FL	Mr & Mrs C O'Malley Land Adj East View Castle Camps	Appeal Costs	Dismissed 06/01/16
S/0291/15/FL	Great Shelford (Cambridge) & Manhattan Corporation Ltd The Railway Tavern Station Road Great Shelford	Demolition of existing building & erection of 12 dwellings	Allowed 08/01/16
S/1532/15/FL	Mr C Ambrose 59 High Street Over	Erection of two storey rear extension & front facing dormer windows	Dismissed 08/01/16
S/0232/15/FL	Mr D Starr 53 Station Road Harston	Erection of dwelling	Dismissed 19/01/16

Appeals received:

3.

Ref. no.	Address	Details	Appeal Lodged
S/1663/15/FL	Mr A Webb A & M Tarways Ltd 9 Lyndhurst Close Milton	Erection of detached dwelling & garage	29/12/15
S/2400/15/FL	Mr G Bishop	Change of use of	03/01/16

	15 Kirby Road Waterbeach	land to residential garden	
S/0410/15/RM	Redrow Homes Land East of A10 Former Bayer Crop Science Site Hauxton	Reserved Matters for part of phase 3 (14 dwellings)	07/01/16
S/0956/15/FL	Mr Andy Griffiths 2 Church Walk Little Gransden	Erection of two storey outbuilding to provide garaging and storage	11/01/16
S/1765/15/FL	M Mander 6 Maltings Lane Great & Little Chishill	Erection of a three bedroom barn- style dwelling with an integral garage and associated new access and driveway	11/01/16
S/2282/15/FL	Mr B Vincent 35 Everton Road The Heath Gamlingay	Removal of Condition 3 of S/2170/12/FL	12/01/16
S/1103/15/FL	Mr J Tilley 45 North Road Abington	Removal of extension & replace with two storey side extension	18/01/16
S/1748/15/FL	Mr D I Bowyer 22 Fen End Willingham	Erection of Two Storey House	08/12/15
S/0677/15/OL	C H Neal and Sons Land south of Kettles Close Oakington	Residential Development (8 dwellings)	20/01/16
S/0409/15/RM	Redrow Homes Land East of A10 Former Bayer Crop Science Site Hauxton	Reserved Matters for parts of phase 1 & 3 (132 dwellings)	19/01/16

Local Inquiry and Informal Hearing dates scheduled:

4.

Ref. no.	Name	Address	Hearing/Inquiry
S/1451/14/FL S/1476/13/LD S/2097/14/VC	Mr T Buckley	The Oaks Willingham	Inquiry 12/01/16-14/01/16 Postponed

S/2822/14/OL	Gladman Dev Ltd	Land off Shepreth Road Foxton	Inquiry 09/02/16– 16/02/16 Confirmed
S S/2248/14/OL S/2975/14/OL	Kings Hedges Investments Ltd	Land Parcel Comm4 Neal Drive Orchard Park	Hearing 08/03/16 Confirmed
S/2409/14/FL	Sawston Solar Farm Limited	Land North of Dales Manor Business Park, Sawston	Hearing 22/03/16–23/03/16 Confirmed
PLAENF.1663	Mr B Arliss Riverview Farm Overcote Road Over	Riverview Farm Overcote Road Over	Inquiry 26/04/16 Confirmed
S/0892/15/LD	Mr M Dwyer	Managers Accommodation Enterprise Nurseries Waterbeach	Inquiry 05/07/16–06/07/16 Proposed
S/2791/14/OL	Endurance Estates Strategic Land Ltd	East of New Road Melbourn	Inquiry 12/07/16–14/07/16 Confirmed

Summaries of Appeals

5. None

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

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