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South Cambridgeshire District Council

28 April 2023

To: Chair – Councillor Peter Fane Vice-Chair – Councillor Geoff Harvey All Members of the Planning Committee - Councillors Henry Batchelor, Ariel Cahn, Dr. Martin Cahn, Bill Handley, Dr. Tumi Hawkins, William Jackson-Wood, Peter Sandford, Heather Williams and Dr. Richard Williams

Quorum: 3

Substitutes Councillors Graham Cone, Sue Ellington, Mark Howell, Bunty Waters,

if needed: Dr. Shrobona Bhattacharya, Anna Bradnam, Brian Milnes, Richard Stobart, Dr Lisa Redrup and Helene Leeming

Dear Councillor

You are invited to attend the next meeting of **Planning Committee**, which will be held in the **Council Chamber - South Cambs Hall** on **Wednesday**, **10 May 2023** at **10.00** a.m.. A weblink to enable members of the press and public to listen to the proceedings will be published on the relevant page of the Council's website , normally, at least 24 hours before the meeting.

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 Liz Watts Chief Executive

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Agenda

Pages

1. Chair's announcements

2. Apologies

To receive apologies for absence from committee members.

Democratic Services Contact Officer: Laurence Damary-Homan 01954 713000 democratic.services@scambs.gov.uk

3. Declarations of Interest

4.	Minutes of Previous Meeting To authorise the Chairman to sign the Minutes of the meeting held on 12 April 2023 as a correct record.	9 - 12
5.	22/04280/OUT - Fen Drayton (Land Rear of 40A Middleton Way) Erection of 1no self-build dwelling as per self-build and custom housebuilding Act 2015	13 - 30
6.	23/00375/HFUL - Comberton (24 West Street) Replacement of existing outbuilding with 3 bay single storey garage with mono pitch low profile roof	31 - 38
7.	Appeals against Planning Decisions and Enforcement Action	39 - 58
8.	Compliance Report	59 - 62
9.	Exclusion of Press and Public By virtue of paragraph 7 of Part 1 of Schedule 12 A of the Local Government Act 1972 the following report is exempt from the press and public:	
	(7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
10.	Planning Compliance - Smithy Fen Traveller Site To provide a verbal update on phased compliance.	63 - 74
	As background, the report to Planning Committee in December 2022 is attached to this agenda.	

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Facilities are available for nursing mothers. Please ask a member of staff for more information.

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Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

Disturbance by Public

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

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Food and Drink

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

DECLARATIONS OF INTEREST

As a Councillor, you are reminded of the requirements under the Council's Code of Conduct to register interests and to disclose interests in a meeting. You should refer to the requirements set out in the Code of Conduct which are summarised in the notes at the end of this agenda frontsheet.

Disclosable pecuniary interests

A "disclosable pecuniary interest" is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) which falls within the categories in <u>Table 1 of the code of conduct</u>, which is set out in Part 5 of the Constitution.

Where a matter arises at a meeting which directly relates to one of your disclosable pecuniary interests you must:

disclose the interest;

not participate in any discussion or vote on the matter; and

must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

It is a criminal offence to:

fail to notify the monitoring officer of any disclosable pecuniary interest within 28 days of election fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the

fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting

participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Other registerable interests

These are categories of interest which apply to the Councillor only (not to their partner) and which should be registered. Categories are listed in <u>Table 2 of the code of conduct, which is set out in Part 5 of the Constitution.</u> Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of non-registerable interests

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects – a. your own financial interest or well-being; b. a financial interest or well-being of a relative or close associate; or c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied. Where a matter (referred to in the paragraph above) affects the financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

[Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Exclusion of Press and Public

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

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

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

Notes

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Joint Director of Planning and Economic Development.
- (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'.

Agenda Item 4

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on Wednesday, 12 April 2023 at 10.00 a.m.

PRESENT:	Councillor Peter Fane – Chair
	Councillor Geoff Harvey – Vice-Chair

Councillors:	Henry Batchelor	Dr Martin Cahn
	Bill Handley	Dr Tumi Hawkins
	Peter Sandford	Dr Richard Williams
	Mark Howell	Richard Stobart

Officers in attendance for all or part of the meeting:

Vanessa Blane (Senior Planning Lawyer), Christopher Braybrooke (Principal Planning Compliance Manager), Dominic Bush (Planning Officer), Laurence Damary-Homan (Democratic Services Officer), John McAteer (Planning Officer) and Phil McIntosh (Interim Delivery Manager)

1. Chair's announcements

The Chair made several brief housekeeping announcements.

2. Apologies

Apologies for Absence were received from Councillors Ariel Cahn, William Jackson-Wood and Heather Williams. Councillors Mark Howell and Richard Stobart were present as substitutes.

3. Declarations of Interest

There were no Declarations of Interest.

4. Minutes of Previous Meeting

By affirmation, the Committee authorised the Chair to sign the Minutes of the meeting held on 08 March 2023 as a correct record.

5. 22/03729/FUL - Dry Drayton Methodist Church, Park Street, Dry Drayton

The Planning Officer, Dominic Bush, presented the application. The Planning Officer provided clarity on the ridge heights and the red line boundary in response to Member questions. Further clarity was provided over the design process and the status of the layby- it was confirmed that the layby was part of the public highway.

The Committee was addressed by the agent of the applicant, Chris Hill of DPA Architects. Members asked no questions of clarity of the agent. Councillor Sean Houlihane of Dry Drayton Parish Council addressed the Committee on behalf of the Parish Council and detailed the reasons for the Parish Council's objections. Members asked questions of clarity over the design based objection, with Councillor Hourihane informing the Committee that the Parish Council's view was that the application would be acceptable if it had a design that was more consistent with the existing structure and, despite the comments of the Conservation Officer, the modern design would not enhance the street scene of the area. In response to a question the highways issues and mitigation of these concerns through the proposed conditions, Councillor Hourihane stated that the visibility splays could provide some mitigation, but that the Parish Council still had concerns over how the splays would work with the layby being maintained, as well as concerns over the long term use of the school for parking provision and the safety of the access.

The Planning Officer clarified that the 2 metre visibility splays both sides of the access were deemed acceptable to mitigate road safety concerns and provided clarity over the acceptability of the design.

Councillor Richard Stobart gave his view as local Member and echoed the Parish Council's concerns around road safety, parking provision and design. Councillor Stobart expressed a desire to see further strengthening of conditions to mitigate these concerns.

In the debate, the Committee discussed the responses from consultees, including those from the Conservation Officer and Highways Development Management. Some Members agreed with the Conservation Officer's assertions that the proposal would not affect the character the adjacent listed building, whilst others felt that the proposal would give rise to harm to heritage assets. The Committee was satisfied with the conditions on highway safety that were implemented in response to the comments from the Highways Development Management. Concerns were raised about parking provision given that the church relied on the nearby school to provide parking, but the Committee noted that the arrangement between the church and the school was not a material consideration; Members also noted that the proposal would increase the parking provision directly provided by the church. Debate was held over the potential for the extension to increase the size of the congregation at the church and the impact this would have on parking provision. Opinion on design was split amongst the Committee, with some Members stating that they felt the design was appropriate and of high quality, whilst others felt it was not in keeping with the street scene surrounding the site, that it would harm the character of the area and that a design that was more sympathetic to the existing building would be more appropriate.

Councillor Henry Batchelor, seconded by Councillor Dr Tumi Hawkins, proposed that the Committee move to a vote. Prior to the vote, the Committee agreed that, if it were minded to refuse the application, the reasons for refusal would be contradiction of paragraph 1 a) and d) of policy HQ/1 of the South Cambridgeshire Local Plan 2018.

By 6 votes (Councillors Peter Fane, Geoff Harvey, Henry Batchelor, Dr Tumi Hawkins, Mark Howell and Peter Sandford) to 3 (Councillors Dr Martin Cahn, Bill Handley and Dr Richard Williams), with one abstention (Councillor Richard Stobart), the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions, laid out in the report from the Joint Director of Planning and Economic Development.

6. 23/00352/HFUL - 27 Silverdale Avenue, Coton

The Planning Officer, John McAteer, presented the report. Clarity was provided on paragraph 8.5 of the report and the view from the street scene as shown in the Planning Officer's presentation. In the debate, a generalised comment was made on the design approach to residential extensions, but it was not directly linked to the application and it

was not suggested as a potential reason for refusal. Councillor Dr Tumi Hawkins, seconded by Councillor Henry Batchelor, proposed that the Committee move to a vote.

By unanimous vote, the Committee **approved** the application in accordance with the officer's recommendation, and subject to the conditions, laid out in the report from the Joint Director of Planning and Economic Development.

7. Enforcement Report

The Principal Planning Compliance Manager presented the report and informed the Committee that, due to the date of publication of the report, the full guarter 4 data was not available. An update on the use of the e-form for referrals to the Enforcement team was provided. The Committee discussed the e-form and commended the Enforcement team on the success of its implementation. Members discussed the requirement to submit contact details with any complaint on the e-form and raised concern that this might discourage some for registering complaints. The Principal Planning Compliance Manager informed the Committee that details were collected in order to reduce vexatious complaints being logged and to provide updates to complainants. The Committee was informed that these details were confidential unless exceptional circumstances applied; these circumstances were if a complaint led to prosecution and the details provided were required to be given to the legal representation of the defendant in discovery- Members were assured that this was very rare. The Chair suggested that the Enforcement team include wording on the website clarifying the confidentiality status of contact details of complainants. An update was provided on notice EN/00004/23 and related notices in response to a question. Clarity was provided on the relationship between ongoing appeals and the 4 or 10 year rules for a Certificate of Lawful Existing Use or Development (CLEUD); the Committee was informed that once an enforcement notice was served the "clock" on the gualifying time for a CLEUD was paused until the matter had been resolved.

The Committee **noted** the report.

8. Appeals against Planning Decisions and Enforcement Action

The Interim Delivery Manager informed the Committee that he would respond to any queries regarding cases listed in the report. Members thanked officers for taking on board comments from the previous meeting and including information on if applications had been decided by the Committee or through delegated authority.

The Committee **noted** the report.

The Meeting ended at 11.20 a.m.

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Agenda Item 5



Planning Committee Date	10 May 2023
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/04280/OUT
Site	Land Rear of 40A Middleton Way, Fen Drayton
Ward / Parish	Fen Drayton
Proposal	Erection of 1no self-build dwelling as per self- build and custom housebuilding Act 2015
Applicant	Mr N Ingle
Presenting Officer	Tom Chenery
Reason Reported to Committee	Application raises special planning policy or other considerations
Member Site Visit Date	N/A
Key Issues	 Development outside village framework boundary Development within Special Policy Area (Former Land Settlement Association Area of Fen Drayton) Self Build Dwelling
Recommendation	APPROVE subject to conditions and completion of legal agreement under s106 of the Town and Country Planning Act 1990 (As amended)

1.0 Executive Summary

- 1.1 The application seeks outline permission to demolish the existing outbuildings on site erect a self build dwelling to the rear of 40A Middleton Way, Fen Drayton. All matters are reserved.
- 1.2 Officers consider that although the proposal is outside of the development framework as it surrounded by other residential properties therefore, it would not result in encroachment into the open countryside.
- 1.3 Officers consider that the proposal would be located within the Former Land Settlement Associate Area of Fen Drayton and is a special policy area (Policy H/5) and would be contrary to this policy, however, as the proposal would provide for a self build plot, of which the Council has an under provision this, on balance, would outweigh any in principle objection.
- 1.4 As all matters are reserved for the application including access, layout appearance, landscaping and scale, these will not be considered within the application.
- 1.5 Should a reserved matters application come forward with an appropriately designed scheme it may be acceptable in terms of its impact on the character and appearance of the area, the amenity of neighbouring properties and any other relevant material considerations.
- 1.6 Officers recommend that the Planning Committee **APPROVE** the application subject to conditions.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	X
Self Build Dwelling	Х	Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and		Article 4 Direction	
District Centre			
Former Land Settlement	Х	Outside Development	Х
Association Area		Framework	
*X indicatos rolovanco			

*X indicates relevance

2.1 The application site comprises a parcel of land to the rear/south east of No.40A Middleton Way, Fen Drayton. The site is located outside of the development framework boundary of Fen Drayton and is located within the Former Land Settlement Association Area of Fen Drayton. The

development site would not be located within any defined Conservation Area, within the Green Belt or located in an area at risk of flooding.

- 2.2 To the south east of the site is a residential dwelling known as 40B Middleton Way, with No.40a Middleton Way to the north west and No. 41A Middleton Way to the south.
- 2.3 To the north of the site is the open countryside and the village of Fen Drayton. Beyond No.40B to the east/southeast of the site is agricultural fields and the open countryside.

3.0 The Proposal

- 3.1 Creation of a self build plot to enable the erection of 1no self-build dwelling as per self-build and custom housebuilding Act 2015.
- 3.2 The proposal seeks outline planning permission (all matters reserved) for the demolition of two buildings and the erection of a single residential selfbuild dwelling with associated garden amenity space and car parking.

4.0	Relevant Site Hist Reference S/1062/06/F	Description Change of use from Farm Shop to dwelling in association with dog training and erection of addition kennels and retention	Outcome Approved
	S/0580/08/F	of existing kennels Removal of Condition 2 of Planning Permission S/1062/06/F	Approved
	S/2128/17/FL	Proposed New Dwelling and Garage	Approved

- 4.1 The neighbouring dwelling to the west of the site (No.40 Middleton Way) gained permission to be converted from a farm shop to a residential dwelling.
- 4.2 Planning permission has also been granted for the erection of a residential dwelling to the south east of the site (40B Middleton Way) which was allowed as it complied with Policy H/5 of the Local Plan.
- 4.3 A new dwelling to the south west of the site 41B Middleton Way was also granted planning permission due to its compliance with Policy H/5 of the Local Plan.
- 5.0 Policy
- 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

S/1 Vision S/2 Objectives of the Local Plan S/3 Presumption in Favour of Sustainable Development S/7 Development Frameworks S/10 Group Villages CC/1 Mitigation and Adaptation to Climate Change CC/3 Renewable and Low Carbon Energy in New Developments CC/4 Water Efficiency CC/6 Construction Methods CC/7 Water Quality CC/9 Managing Flood Risk HQ/1 Design Principles NH/2 Protecting and Enhancing Landscape Character NH/4 Biodiversity H/5 Fen Drayton Former Land Settlement Association Estate H/8 Housing Density H/9 Housing Mix H/12 Residential Space Standards H/17 Re-use of Buildings in the Countryside for Residential Use E/14 Loss of Employment Land to Non Employment Uses SC/9 Lighting Proposals SC/10 Noise Pollution SC/11 Contaminated Land TI/2 Planning for Sustainable Travel TI/3 Parking Provision TI/8 Infrastructure and New Developments TI/10 Broadband

5.3 Supplementary Planning Documents

Sustainable Design and Construction (Adopted January 2020) Greater Cambridge Biodiversity (Adopted February 2022 Cambridge Water and Flood SPD (Adopted November 2018 Fen Drayton and Former Land Settlement Association Estate SPD (Adopted May 2011)

5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a caseby-case basis:

District Design Guide SPD – Adopted March 2010 Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

Fen Drayton Parish Council:

- 6.1 Objection On the grounds that:
 - Application is in breach of the Fen Drayton Land Settlement SPD as it covers buildings that do not qualify or are applicable under the policy.
 - Proposal would set a precedent that will be exploited.

Cambridgeshire County Council (Highways Development Control)

6.2 No adverse effect upon the Public Highway should result from this proposal.

Environmental Health (Contamination)

6.3 No objection subject to recommended planning conditions

Environmental Health (Waste and Environment)

6.4 No Objection subject to recommended planning conditions

Trees

6.5 No Objection

Sustainable Drainage Officer

6.6 No Objection subject to recommended planning conditions

6.7 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 Third Party Representations

- 7.1 No representations have been received
- 7.2 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 Assessment

Principle of Development

8.1 The application seeks outline planning permission for the erection of a dwelling following the demolition of several outbuildings on the site.

8.2 <u>Development outside of the framework boundary</u>

- 8.3 Policy S/7 of the Local Plan states that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.
- 8.4 The supporting text to policy S/7 sets out the development frameworks define where policies for the built-up areas of settlements give way to policies for the countryside. This is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations. It also states that the plan includes some flexibility for reusing existing buildings.
- 8.5 The application site is bound by a number of residential dwellings and there are also several buildings on site. Although the site is outside the village development framework and therefore, in the countryside, the site itself is not open and of an undeveloped rural character.
- 8.6 As highlighted the supporting text within Policy S/7 states that development framework boundaries help ensure the countryside is protected from gradual encroachment and guard against incremental growth in unsustainable locations.
- 8.7 Due to the prevalence of residential dwellings that surround the site and the relative short distance (800m) from the application site to the village of Fen Drayton that could be carried out by foot or by cycle, the site would not encroach into the open countryside and would form part of an existing

cluster of residential dwellings in relatively close proximity to the village of Fen Drayton.

8.8 The proposal for a dwelling in this location is therefore, considered to be acceptable in principle having regard to the character of the area and would not conflict with the aims of the adopted development plan when considered as a whole.

Fen Drayton Former Land Settlement Association Estate

- 8.9 Policy H/5 states; planning permission for the redevelopment of existing buildings (excluding glasshouses) will be permitted provided that the development complies with several criteria including being ground breaking form of sustainable development, the buildings are no longer needed for agricultural purposes and the development would not occupy a larger footprint than the existing buildings that are being replaced.
- 8.10 The Fen Drayton Former Land Settlement Association SPD provides further detail on which buildings are eligible under section 4. This section defines a building as a structure that: has a physical attachment to the ground; has a roof and three or more walls; and cannot be easily removed from the site or around the site. The SPD and Policy H/5 specifically excludes glasshouses as the redevelopment of glasshouses would result in significant changes to the character of the area and would not be consistent with the LSA being considered part of the countryside.
- 8.11 Appendix 2 and 3 of the SPD specifically identifies one of the existing buildings to be removed as an ineligible building. The other building is also considered to be ineligible for the purposes of Policy H/5 and the SPD in this regard.
- 8.12 The application is therefore, reliant on other material considerations that would weigh in favour of the development.
- 8.13 The application site consists of 2 outbuildings which the applicant confirms used to be a workshop/garage for cars. The applicant has stated that the outbuildings were erected prior to 2012 and were purposely built for a car service/ repair business. There is no evidence planning permission was obtained for this use of the land which subsequently ceased in 2020.
- 8.14 Evidence available to the Council in the form of Google maps imagery indicate that the outbuildings were built prior to September 2012. The applicant has confirmed that the outbuildings are used for the storage of residential paraphernalia. As the buildings are located within the residential curtilage of 40A Middleton Way it appears that the lawful use of the land and buildings falls within residential use.

- 8.15 The NPPF identifies that residential gardens are not considered previously developed land. Policy H/16 of the Local Plan refers to the development of residential gardens. This states that development of land last used as residential gardens for new dwellings will only be permitted where the development is a one for one replacement of a dwelling in the countryside under Policy H/14 and/or there would be no significant harm to the local area having regard to a number of specific criteria such as; the character of the area; siting, scale and design of the built form; residential amenity; safe vehicle access; on site parking provision and any impact on heritage assets and biodiversity.
- 8.16 Although the proposal is not a replacement dwelling, officers are satisfied that the development of a dwelling in this location would not cause significant harm to the local area having regard to the criteria set out in Policy H/16(b).

<u>Self-Build</u>

- 8.17 Paragraph 62 of the 'National Planning Policy Framework' (2021) highlights the need for different groups in the community to be assessed and reflected in planning policies, including "people wishing to commission or build their own homes".
- 8.18 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.
- 8.19 South Cambridgeshire District Council has a statutory duty under section 2A of The Self-Build and Custom Housebuilding Act 2015 which requires the Council gives suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the Authority's area. Therefore, weight needs to be given to the delivery of self-build dwellings should the Council have a shortfall in delivery.
- 8.20 The table below shows the number of people added to the register for each base period and the number of planning permissions granted within 3 years from the end of each base period. This shows that there is currently a shortfall in the number of permissions granted compared to the number of people added to the register.

Assessment Period	Number of people added to register (within base period)	Permissions Granted (3 years following base period)
Base Period 1: 01/04/16 to 30/10/16	69	69
Base Period 2: 31/10/16 to 30/10/17	89	89
Base Period 3: 31/10/17 to 30/10/18	135	14
Base Period 4: 31/10/18 to 30/10/19	204	64
Base Period 5: 31/10/19 to 30/10/20	157	-
Base Period 6: 31/10/20 to 30/10/21	189	-
Base Period 7: 31/10/21 to 30/10/22	130	

- 8.21 Strategic sites coming forward, on Northstowe and Waterbeach (including Urban Splash on Northstowe) are likely to significantly help meet the identified demand.
- 8.22 The demand for self-build dwellings is measured by the number of new applicants entered on the self-build register in each base period; and that number must be match by new suitable permissions granted within 3 years of the end of each relevant base period. The above table shows that the number of applicants on the register from base periods 3 and 4 have not been met and that there has been a significant shortfall in both periods.
- 8.23 There have been two relatively recent appeal decisions within the district in relation to self build applications (outside village development frameworks) which have been allowed with Inspectors giving material weight to the substantial shortfall in self build plot provision when weighing the planning balance. However, there has also been an appeal dismissed noting that the proposal was outside the village development framework and would cause harm to the character and appearance of the area. As such, each case is

treated on its merits having regard to the Development Plan and other material planning considerations such as the provision of self build plots.

8.24 The significant shortfall in self-build plots from the 2 preceding base periods is acknowledged and although this proposal would only provide the opportunity for 1 additional self build dwelling, it nevertheless weighs in favour of the development.

Conclusion

- 8.25 The proposal is not considered to comply with Policy S/7 or H/5 of the Local Plan, policies which specifically relate to the application site.
- 8.26 However, it is considered to satisfy the requirements of Policy H/16, with the application site located amongst a cluster of existing dwellings. As such, it is not considered a dwelling in this location would result in the encroachment of development into the open countryside. The proposal would also make provision for a self-build dwelling which adds weight to supporting the principle, on balance, when considering the NPPF and adopted development plan as a whole.

Design, Layout, Scale and Landscaping

- 8.27 Policy HQ/1 sets out detailed criteria to ensure high quality design is delivered as part of new development, seeking to ensure development is appropriate to its context in terms of scale, mass, form, design, siting, landscaping and materials.
- 8.28 The scale, appearance, layout, and landscaping of the site are matters reserved for later approval.
- 8.29 Middleton Way is characterised as a long track with sporadic residential dwellings on the southern side of the road. Some dwellings benefit from large agricultural parcels of land with associated agricultural outbuildings and glasshouses. Others benefit from large plots but are wholly residential.
- 8.30 The immediate area of Middleton Way is characterised by a number of dwellings in a cluster that surrounds the application site. Dwellings are two storey in scale with a mixture of architectural stylings. The original residential dwellings have a notable absence in architectural styling, however, newer dwellings benefit from a more modern styling with dormer windows and outriggers at ground and first floor level. They are also typically rendered.
- 8.31 The Fen Drayton Former Land Settlement Association Estate SPD has specific design guidance relating to the development of new dwellings. It is expected that any development, irrespective of whether they are acceptable in principle under Policy H/5, should follow the design guidance set out in this document and the South Cambridgeshire District Design SPD. Policy

HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.

- 8.32 The SPD states that dwellings are generally two storeys and that development does not have a greater impact on its surroundings than the existing development. New dwellings should be no higher than two residential storeys plus a roof (9 meters maximum). It goes on to state that any new buildings should be located having regard to their impact on the surrounding landscape and character as well as the need for them to be groundbreaking and experimental in sustainability terms. Any rural character of the policy area should be protected in the siting of any new buildings.
- 8.33 Section 5 of the SPD states that all development proposed must be able to be incorporated within a footprint no larger than the existing footprint. It would therefore be expected that any dwelling should be of a scale no less than the combined footprint of the buildings to be demolished.
- 8.34 Given the application is for Outline planning permission with all matters reserved, the aspects of scale and appearance will be determined at the reserved matters stage should planning permission be granted.

Residential Amenity

- 8.35 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 8.36 The proposal is for Outline planning permission with all matters reserved and as such no proposed elevations or siting of the dwelling have been put forward.
- 8.37 As a result, it is not possible to assess whether the proposal would cause harm to neighbouring properties in terms of protecting residential amenity.
- 8.38 As identified above, there are a number of residential properties that bound the site, No. 40a to the north west which is located some 23m away, No. 40B Middleton Way some 30m to the east and a residential dwelling to the south approx. 8m away. Due to the separation distances from No.40a and 40b any proposal is unlikely to negatively impact upon their amenity or living conditions however, a full assessment would be required at the reserved matters stage.

Carbon Reduction and Sustainable Design

- 8.39 The Councils' Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change as required by policy CC/1.
- 8.40 Policy CC/3 'Renewable and Low Carbon Energy', requires that Proposals for new dwellings and new non-residential buildings of 1,000m2 or more will be required to reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy and low carbon technologies.
- 8.41 Policy CC/4 'Water Efficiency' requires that all new residential developments must achieve as a minimum water efficiency to 110 litres pp per day and for non-residential buildings to achieve a BREEAM efficiency standard equivalence of 2 credits. Paras 152 158 of the NPPF are relevant.
- 8.42 As all matters are reserved, the design of the dwelling and how sustainability has been incorporated has not been submitted and is not part of the consideration of the application.
- 8.43 Nonetheless, the applicant has stated that the proposal would incorporate several sustainable design features such as: Passive solar design features; Building envelope to Passivhaus standards; Energy efficient electrical appliances; Efficient lighting and fittings; Mechanical ventilation with heat recovery and Air Source Heat Pumps.
- 8.44 In order to ensure the proposal complies with the sustainability requirements of dwellings within the Former Land Settlement Association Estate as highlighted in Policy H/5 and the SPD, it is necessary to add a condition that requires the scheme to comply with such requirements.
- 8.45 Subject to conditions the proposal is compliant with Local Plan policies CC/1, CC/3 and CC/4 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

Highways/Car Parking

- 8.46 The application would gain access from Middleton Way to the north. All matters are reserved including access and as such no details have been provided.
- 8.47 Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

- 8.48 The Local Highway Authority has been consulted on the scheme and has raised no objection to the proposal.
- 8.49 Policy TI/3 of the Local Plan requires a dwelling of 3 bedrooms or more to provide at least two off street allocated parking spaces. The plot is of an ample size that it would be possible to provide at least two off street parking spaces within any scheme and as such would comply with the guidance set out in this policy.
- 8.50 The proposal is not considered to cause any highways safety implications. Subject to conditions, the proposal is compliant with Local Plan policies HQ/1 and TI/3 and highway safety impacts are acceptable. The proposal accords with NPPF paras. 110 – 111

Planning Obligations

- 8.51 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 8.52 The proposal will require a legal agreement under s106 of the Town and Country Planning Act 1990 (As amended) to be signed to ensure the dwelling is built and occupied as a self-build dwelling.

Planning Balance

8.53 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

Summary of harm

8.54 The proposal would not be located within a defined development framework boundary and would not comply with Policy S/7. Furthermore, the proposal would seek to erect a dwelling within the Fen Drayton Former Land Settlement Association Estate but would not utilise existing eligible buildings and would not comply with Policy H/5 of the Local Plan.

Summary of benefits

8.55 The proposed dwelling would be located within a cluster of existing dwellings and therefore, would not result in encroachment into the open

countryside and would not harm the established character of the area. Furthermore, it is considered to comply with Policy H/16 of the Local Plan.

- 8.56 The proposal would provide a self-build dwelling to which the Council has identified a significant shortfall within the last 2 base periods which weighs in favour of the development.
- 8.57 The proposal would be capable of providing a dwelling which would meet the sustainability requirements set out in the Local Plan policies and relevant SPDs.
- 8.58 Having taken into account the provisions of the development plan as a whole, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for Approval.

9.0 Recommendation

9.1 **Approve** subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

Satisfactory completion of a legal agreement under Section 106 of the Town and Country Planning Act (1990) (As amended) which includes the Heads of Terms (HoT's) as set out in the report with minor amendments to the Heads of Terms as set out delegated to officers.

10.0 Planning Conditions

1 Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3 The proposed dwelling shall not be of a greater footprint than the combined footprint of the existing outbuildings to be demolished.

Reason: To ensure the proposal does not have a negative impact on the character and appearance of the area and does not harm the established countryside character of the site in accordance with Policy HQ/1 of the South Cambridgeshire District Local Plan (2018)

4 The outbuildings on site shall be demolished prior to the commencement of the above ground work of the proposed dwelling.

Reason: To protect the character and appearance of the area in accordance with Policy HQ/1 Condition securing demolition of buildings and cessation of any car / mot garage use from the site (once demonstrated to be the lawful use)

5 No development above slab level shall take place until a scheme has been submitted that demonstrates carbon neutrality (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) through the use of on-site renewable energy and low carbon technologies. The approved renewable/low carbon energy technologies used to achieve carbon neutrality shall be fully installed and operational prior to the occupation of the development. Full detailed design stage SAPs demonstrating carbon neutrality for both regulated and unregulated carbon emissions, and details of a maintenance program, shall have previously been submitted to and approved in writing by the local planning authority. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised Energy Statement shall be implemented development and thereafter maintained in accordance with the approved details.

Reason: To ensure an energy efficient and sustainable development in accordance with Policy CC/3 of the adopted South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

6 The dwelling hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in accordance with Policy CC/4 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

7 No development shall commence until details of the appearance, landscaping, layout, access and scale (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: This is an Outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

8 Prior to construction of the dwelling above slab level, a Biodiversity Net Gain (BNG) Plan shall be submitted to and approved in writing by the local planning authority. The BNG Plan must include details as to how a measurable net gain in biodiversity will be accomplished. The approved BNG Plan shall be fully implemented prior to first occupation of the dwelling.

Reason: To enhance ecological interests in accordance with Policy NH/4 of the South Cambridgeshire Local Plan 2018 and Biodiversity SPD 2022.

9 No laying of services, creation of hard surfaces or construction of the dwelling shall commence until a scheme for the disposals of surface water and foul water that can be maintained for the lifetime of the development shall be submitted to and agreed in writing with the local planning authority. The works shall be implemented in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development, in accordance with Policies CC/7, CC/8 and CC/9 of the South Cambridgeshire District Council Local Plan (2018) and Section 14 of the National Planning Policy Framework (2021).

10 Prior to commencement of development, other than demolition, an assessment of the risks of contamination associated with the site shall be submitted to and agreed in writing by the local planning authority. This assessment shall include the following components as required:

a) A detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.

b) Subject to the findings of (a), a scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority

c) Subject to the findings of (b), detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SC/11 of the adopted South Cambridgeshire Local Plan 2018.

11 Prior to the first occupation of the dwelling hereby permitted, the works specified in any remediation method statement detailed in Condition 10 must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority.

If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the dwellings hereby approved.

Reason - To ensure that risks from land contamination to the future users of the land neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SC/11 of the adopted South Cambridgeshire Local Plan 2018.

12 No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy HQ/1 of the Local Plan

13 Prior to the commencement of any piling, a Construction Environmental Management Plan shall be submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

a) full details of any piling technique to be employed,

b) contact details for site manager, including how these details will be displayed on site.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy HQ/1 of the Local Plan 2018

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Agenda Item 6



Planning Committee Date	10 May 2023
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/00375/HFUL
Site	24 West Street, Comberton CB23 7DS
Ward / Parish	Comberton
Proposal	Replacement of existing outbuilding with 3 bay single storey garage with mono pitch low profile roof
Applicant	Mr Alistair Funge
Presenting Officer	Charlotte Spencer
Reason Reported to Committee	Application submitted by an officer of the Council
Member Site Visit Date	N/A
Key Issues	 Character and Appearance and Impact on Heritage Assets Neighbour Amenity
Recommendation	REFUSE

1.0 Executive Summary

- 1.1 The application seeks planning permission for the demolition of an existing outbuilding and erection of a 3 bay single storey garage with mono pitch low profile roof.
- 1.2 The proposal would have a detrimental impact on the setting of the Grade II Listed Buildings and in turn would fail to preserve or enhance the character of the Conservation Area.
- 1.3 Due to the siting of the garage in close proximity to windows within Nos.14 and 18 West Street, the garage would result in an unreasonable sense of enclosure and therefore, constitute an unneighbourly form of development.
- 1.4 Officers recommend that the Planning Committee refuse the application.

2.0 Site Description and Context

None relevant		Tree Preservation Order
Conservation Area	Х	Local Nature Reserve
Listed Building	Adj	Flood Zone
Building of Local Interest		Green Belt
Historic Park and Garden		Protected Open Space
Scheduled Ancient		Controlled Parking Zone
Monument		
Local Neighbourhood and		Article 4 Direction
District Centre		

- 2.1 The application relates to a two storey, detached dwelling house located to the North of West Street. The render and tile dwelling is set back from the road by over 17 metres of hardstanding and soft landscaping
- 2.2 The site lies within the Comberton Development Framework and Conservation Area. It is adjacent to Grade II Listed Buildings at Nos.14 and 18 West Street.

3.0 The Proposal

- 3.1 The application is seeking planning permission for the demolition of an existing outbuilding and erection of a 3 bay single storey garage with mono pitch low profile roof.
- 3.2 The proposed garage would be located in front of the existing dwelling, approximately 1.5 metres from the boundary with Nos.14 and 18 West Street and approximately 3.2 metres from the front boundary. It would

have a width of 10 metres and a depth of 6 metres. It would be characterised by a mono-pitched roof with a maximum height of 3 metres.

3.3 The site plan includes a new gate to the front however, this does not form part of the application as it is considered to be permitted development as confirmed under 21/01633/CL2PD.

4.0 Relevant Site History

Reference	Description	Outcome
21/01633/CL2PD	Certificate of lawfulness under	Certificate
	section 192 for the construction of a	Granted
	concrete base for the siting of a	05.08.2021
	caravan within an existing residential	
	planning unit, erection of 2 metre	
	high gates and boundary fence and	
	construction of a permeable gravel	
	parking area.	

4.1 A certificate of lawfulness for the construction of a concrete base for the siting of a caravan in a similar location to the proposed has been granted.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision
S/2 – Objectives of the Local Plan
S/3 – Presumption in Favour of Sustainable Development
S/7 – Development Frameworks
HQ/1 – Design Principles
NH/14 – Heritage Assets

6.0 Consultations

6.1 **Parish Council – Object**

- 6.2 Concern regarding the proximity to the listed building and light to ground floor of neighbour.
- 6.3 However, support the design of the outbuilding and feel it is fitting for the Conservation Area.

6.4 Conservation Officer - Object

- 6.5 The proposals are not supported as the site for the garage would affect the setting of the listed buildings and in turn would have a negative impact on the character and appearance of the conservation area.
- 6.6 The location of the garage should be reconsidered so that it is not directly adjacent to the neighbouring property. The description of the proposed garage looks to be acceptable for this location.

7.0 Third Party Representations

- 7.1 Two neighbour representations have been received.
- 7.2 Those in objection have raised the following issues:
 - Proximity to listed buildings;
 - Potential impact from drainage on the listed buildings;
 - Impact on light

Design, Layout, Scale and Landscaping and Impact on Heritage Assets

- 7.3 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 7.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72 provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification. Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets.

- 7.5 The application site is located within the Comberton Village Conservation Area and is characterised by a large open frontage which includes a small shed. There is a conifer hedge located on the eastern front boundary which provides some screening of the existing dwelling and its front garden. The dwellings along West Street have varying setbacks and it is noted that some are built to the back edge of pavement, making such dwellings prominent features within the streetscene. This is the case for no's 14 and 18 West Street (Grade II Listed Buildings) which lie adjacent to the site. They and other nearby listed buildings (9, 10, 13 and 17 West Street), form a cluster of dwellings which are sited up to the back edge of pavement. Their prominent siting mean they are prominent features which contribute positively to the character and appearance of this part of the Conservation Area. Outbuildings within front gardens are not a characteristic feature of the streetscene.
- 7.6 The proposed garage would have a maximum height of 3m and a footprint of 60m2, which is significantly larger than the existing shed. The garage would be sited in close proximity to the Grade II Listed Buildings at Nos.14 and 18 West Street, bringing the built form in close proximity to them and in a much more visually prominent location in the streetscene. This is considered to cause harm to the setting of no.14 and no.18 West Street (Listed Buildings). Furthermore, because of its siting, it would also harm the character of the Conservation Area. Whilst it is acknowledged the existing hedge provides some screening, this is not considered sufficient mitigation to outweigh the harm identified. The harm identified is considered to be less than substantial harm to the setting of the listed buildings and character and appearance of the conservation area.
- 7.7 Paragraph 202 of the NPPF states that where less than harm is identified this must be weighed against the public benefits of the proposal. The proposal relates to a private garage for use by the applicant. Whilst there may be some employment generated through the construction of the garage, this would be limited and a temporary benefit. As such, it is not considered there are public benefits associated with the proposal which outweigh the harm identified.
- 7.8 The applicant has obtained a certificate of lawfulness (21/01633/CL2PD) for a proposed development which includes the provision of a concrete slab within the front garden. At the time of the application, the applicant indicated that the purpose of this concrete slab was to allow the positioning of a caravan within the front garden. The applicant indicated that the caravan would be 16.3m long, 6.8m wide, 3m high to the ceiling (with a further 3m high pitched roof); 6m overall in height. Although this certificate was obtained in August 2021, no caravan has been placed on the site. However, the applicant considers this to be a fallback position which carries material weight in considering the proposal for the garage.
- 7.9 However, this certificate of lawful development only confirms that a concrete base can be constructed, not the caravan itself. The siting of a caravan on the land is not operational development and therefore, does

not require planning permission. A caravan, by definition, is moveable and this is materially different to the erection of a building. As such, the placing of a caravan on the land is not considered to provide a credible fallback position which carries material weight when assessing the proposal for a building.

7.10 Therefore, it is considered that due to siting of the proposed garage in close proximity of the Listed Buildings (no.14 and 18 West Street), the proposal will cause harm to their setting. This will also cause harm to their positive contribution and significance in the Conservation Area, to the detriment of its character and appearance. The harm identified is considered to be less than substantial and there are not sufficient public benefits which outweigh this harm. The proposal would therefore fail to preserve the setting of the Listed Buildings and fail to preserve or enhance the character or appearance of the Conservation Area. The proposal is therefore, contrary to the NPPF, Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) and the provisions of the Planning (LBCA) Act 1990.

Amenity

- 7.11 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 7.12 The proposed garage would be located 1.5 metres from the neighbouring properties at Nos.14 and 18 West Street. The plans demonstrate that these properties have windows facing the application property. These are positioned on the flank boundary. It is considered that due to the limited height, the garage would not have a detrimental impact on the light to the first floor side window. Due to the limited height, and the slope of the roof, it would not intersect the 25 degree line from the ground floor windows. However, the garage would be located in close proximity to these windows, and one of them is currently used as a study as confirmed by the neighbour and previously approved plans for No.14. This is the only window that serves this room and due to the proximity it is considered that it would cause an unreasonable sense of enclosure, limiting outlook. As such, it is considered that the proposal would result in an unneighbourly form of development which is contrary to Policy HQ/1 of the South Cambridgeshire Local Plan (2018).

Third Party Representations

7.13 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Impact on Listed Building	Discussed in paras 7.3 to 7.8
Impact on light	Discussed in paras 7.9 to 7.11
Drainage Issues	This is a civil matter between different landowners in which the local planning authority has no role. The Party Wall Act 1996 governs the process by which party walls and associated disputes are handled.

Planning Balance

- 7.14 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 7.15 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for refusal.

Recommendation

- 7.16 **Refuse** for the following reasons:
 - The proposed garage, by reason of its scale and siting in close proximity to Grade II Listed Buildings (No. 14 and 18 West Street) would result in harm to their setting and in turn, would harm the character and appearance of the Conservation Area. The harm is less than substantial however, there are not sufficient public benefits to outweigh this harm. Consequently, the proposal would fail to preserve the setting of the Listed Buildings and fail to preserve or enhance the character and appearance of the Comberton Village Conservation Area. The proposal is therefore, contrary to the National Planning Policy Framework (NPPF), Policies HQ/1 and NH/14 of the South Cambridgeshire Local Plan (2018) and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
 - 2. The proposed garage by reason of its scale and proximity to the neighbouring properties would have a detrimental impact on the outlook of the ground floor windows of Nos.14 and 18 West Street causing an unreasonable sense of enclosure and therefore, unneighbourly form of development. The proposal is therefore, contrary to the National Planning Policy Framework and Policy HQ/1 of the South Cambridgeshire Local Plan (2018).

Agenda Item 7



South Cambridgeshire District Council

Report to:

Planning Committee

10 May 2023

Lead Officer:

Joint Director of Planning and Economic Development

Appeals against Planning Decisions and Enforcement Action

Executive Summary

1. This report informs Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 24 April 2023. Summaries of recent decisions of importance are also reported, for information.

Appendices

Appendix 1: Decisions Notified by the Secretary of State

Appendix 2: Appeals received

Appendix 3: Local Inquiry and Informal Hearing dates scheduled

Appendix 4: Appeals Awaiting Decision from Inspectorate

Appendix 5: Appeals Pending Statement

Report Author:

Ian Papworth Telephone Number: Technical Support Officer (Appeals) 01954 713406

Reference	Address	Details	Decision	Date	Planning Decision
22/04541/HFUL	7 Princes Close Balsham	Two storey extension and pergola to side	Dismissed	4/4/2023	Refused (Delegated)
22/04182/HFUL	21 Royston Road Whittlesford	Two storey extension to the front and rear of the existing semi- detached house	Dismissed	4/4/2023	Refused (Delegated)
22/03956/HFUL	4 Mountford Close Hauxton	Roof extension including raising the ridge height and addition of rooflights	Dismissed	4/4/2023	Refused (Delegated)
22/01210/PRIOR	Flittons Farm 78-80 Station Road Steeple Morden	Notification for prior approval for the conversion of two agricultural buildings to 2 no. residential dwellings (Class C3)	Withdrawn	6/4/2023	Refused (Delegated)

Decisions Notified By The Secretary of State

04/00705/070		Verietier -f	D' ' '	40/4/0000	
21/02795/S73	Land East Of	Variation of condition 18	Dismissed	13/4/2023	Refused
	Highfields	(scheme for a			(Planning
	Road	shared use			Committee)
	Highfields	footway/cyclewa			
	Caldecote	y along the			
	Caldecote	western side of			
	Caluecole	Highfields Road)			
		and 20 (scheme			
		for the design			
		and materials to			
		be used for			
		access and			
		public rights of			
		way) of planning			
		permission			
		S/3777/19/VC			
		(Variation of			
		condition 23			
		(water drainage			
		scheme) of			
		planning			
		permission			
		S/2510/15/OL			
		for Outline			
		planning permission for			
		up to 140			
		residential			
		dwellings			
		(including up to			
		40% affordable			
		housing)			
		removal of			
		existing			
		temporary			
		agricultural			
		structures and			
		debris			
		introduction of			
		structural			
		planting and			
		landscaping			
		informal public open space and			
		children's play			
		area community			
		orchard and			
		allotments			
		surface water			
		flood mitigation			
		and attenuation			
		vehicular access			
		points from			
		Highfields Road			
		and associated			
		ancillary works.			
		All matters to be			
		reserved with			
		the exception of			
		the main site			
		access)			

21/04955/FUL	Land Adjacent To 55 Hillside Orwell	Erection of a detached dwelling house	Dismissed	17/4/2023	Refused (Delegated)
22/02960/FUL	16 Dowding Avenue Waterbeach	Erection of a 3 bedroom detached dwelling and parking on side garden of existing dwelling	Dismissed	19/4/2023	Refused (Delegated)
21/03829/FUL	Land Adjacent To 26 Church Street Little Shelford	Erection of 1 No. dwelling with associated highway access	Dismissed	20/4/2023	Non- Determination

Appeals Received

Reference	Address	Details	Date Appeal lodged
22/03753/FUL	Land R/O 33 Church Street Gamlingay	Demolition of existing commercial buildings and erection of 5 new dwellings with associated parking, amenity space and landscaping	6/4/2023
22/04371/FUL	44 Broad Lane Haslingfield	Demolition of dwelling and erection of 5 No. dwellings with associated garaging, formation of private driveway, and landscaping	14/4/2023
22/04392/OUT	Land North West Of 49 West Croft Orwell	Outline planning application with all matters reserved (except for access) for 5 self build/custom build dwellings and garages, as well as public open space, landscaping, and all other associated infrastructure	17/4/2023

Local Inquiry and Informal Hearing dates scheduled

• Local Inquiries

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
22/02771/OUT	Brookgate Land Ltd on behalf of The Chesterton Partnership	Land North Of Cambridge North Station Milton Avenue Cambridge	Non Determination	6/6/2023 12 day Inquiry

• Informal Hearings

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
EN/00216/21	Nelson Charles Arthur James O'Conner	Land To The North Of The Old Coal Yard Chesterton Fen Road Milton	Enforcement Notice	ТВС
EN/00362/21	Mary Siobhan Howe	Cherry Trees Priest Lane Willingham	Enforcement Notice	ТВС
21/01618/FUL	Mr William Connors	Land At Moor Drove Histon	Planning Decision	20/6/2023

Reference	Address	Description	Reason for appeal
EN/00216/21	Land To The North Of The Old Coal Yard Chesterton Fen Road Milton	Mobile homes sited on land without planning permission.	Appeal against enforcement notice
ENF/0214/18	22 Cambridge Road Foxton	Without planning permission: 1. The material change of use of the land hatched in blue on the attached plan to a coach depot including the parking and storage of coaches, and 2. The creation of an area of hardstanding for use as a coach depot on the land hatched in blue on the attached plan.	Appeal against enforcement notice
21/00629/\$73	Land To The North And South Of Bartlow Road Linton	S73 Variation of condition 11 (Foul water drainage) of outline planning permission S/1963/15/OL (Residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road) for revised wording to refer to the foul drainage design.	Against Refusal of Permission (Committee Decision)
22/00455/CLUED	Blackberry Barn 4 Over Mereway Willingham	Certificate of lawfulness under S191 for the continued use of land as domestic garden.	Against Refusal of Permission (Delegated Decision)

Appeals Awaiting Decision from Inspectorate

21/00298/FUL	Green Fox Farm Fowlmere Road Melbourn	Farmland diversification, ecological enhancements and erection of 1no. residential dwelling with an associated change of use in land from agricultural to residential.	Non-determined within 8 weeks
EN/00362/21	Cherry Trees Priest Lane Willingham	Without planning permission, the change of use of the land from agricultural use to the use of the land for the running of a dog rescue organisation and the erection of associated kennels	Appeal against enforcement notice
EN/00063/22	The Land And Property Situated And Comprising Willow Grange Farm Ely Road Chittering	Without planning permission: a) The undertaking of works to facilitate a weddings and events venue business at Willow Grange Farm including the erection of a marquee, bell tents, shepherd huts, toilet facilities and safari tents together with hard standings, decking and pathways; b) A Material Change of Use of the land from Agriculture to a weddings and events venue.	Appeal against enforcement notice
EN/00208/22	10 Shirley Close Milton	Without planning permission, the creation of a new dwelling	Appeal against enforcement notice

EN/01566/20	Whines Lane Farm Track Over	Without planning permission, the change of use of the land from agricultural to a mixed use of open-air storage and residential use. To include the siting of a caravan used for residential purposes, the storage of motor vehicles and associated paraphernalia, storage of building materials and the construction of a wooden structure.	Appeal against enforcement notice
21/05101/HFUL	3 Ravensdale Landbeach	Erection of glazed porch	Against Refusal of Permission (Delegated Decision)
21/02117/FUL	The Jolly Millers 73 High Street Cottenham	Change of use of public house (SG) with flat to dwelling (C3), demolition of existing annex/outbuildings, erection of detached dwelling and creation of amenity space, bin storage and parking and manoeuvring for 2 dwellings	Against Refusal of Permission (Committee Decision)
21/04473/FUL	Warren Lodge Fowlmere Road Fowlmere	Erection of a machinery and store building.	Against Refusal of Permission (Delegated Decision)

21/04971/PRIOR	Mill Lane Histon	Installation of a 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works	Against Refusal of Permission (Delegated Decision)
EN/00394/21A	Land adjoining 16 Chalky Road Great Abington	Without planning permission, the erection of a building (edged in black on attached plan for identification purposes only).	Appeal against enforcement notice
20/01564/FUL	Land To The South East Of Burton End West Wickham	Mixed use of agricultural and solar farm	Against Refusal of Permission (Committee Decision)
21/00953/FUL	Former Hotel Felix Whitehouse Lane Cambridge	Demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works	Against Refusal of Permission (Committee Decision)
22/00664/FUL	25 Station Road Over	Subdivision of existing garden plot and the erection of a detached dwellinghouse including the stopping up of the existing driveway access and creation of new vehicular access to station road.	Against Refusal of Permission (Delegated Decision)
21/05641/OUT	Land To The South Of 86 Chrishall Road Fowlmere	Outline planning application for 15no self-build dwellings, with details pursuant to access and layout, and all other matters including appearance, scale and landscaping reserved for subsequent approval.	Against Refusal of Permission (Delegated Decision)
EN/00184/22	Land At Acre Orwell Road Barrington	Alleged change of use of the land from agricultural to living in a caravan without permission	Appeal against enforcement notice

21/03039/FUL	Bancroft Farm Church Lane Little Abington	Demolition of existing dilapidated agricultural buildings and hardstandings. Erection of five dwellings and the conversion of two redundant barns to form a detached dwelling and an office	Against Refusal of Permission (Committee Decision)
22/01027/FUL	Land To The Rear Of The Rose And Crown 2 Glebe Way Impington	Erection of a single dwelling	Against Refusal of Permission (Delegated Decision)
22/02870/OUT	Land To The South Of 86 Chrishall Road Fowlmere	Outline planning application for 15 No. self-build dwellings, with details pursuant to access and layout, and all other matters including appearance, scale and landscaping reserved for subsequent approval	Against Refusal of Permission (Delegated Decision)
21/03980/FUL	38 Station Road (West) Whittlesford	Demolition of garage and rear extension of existing dwelling, new single storey rear extension, new loft dormer windows to front and replacement windows and doors along with the erection of a new detached dwelling and vehicular access at 38 Station Road	Against Refusal of Permission (Delegated Decision)
22/01470/FUL	135 Hereward Close Impington	Erection of 1no 1bed single storey 1-bed dwelling	Against Refusal of Permission (Delegated Decision)
22/01331/FUL	Land To The South- west Of Grain Stores Valley Farm Road West Wratting	Change of use of an existing compound area into a self storage facility and the positioning of 90 shipping containers	Against Refusal of Permission (Delegated Decision)

22/03406/OUT EN/00492/21	Land North Of Field Side Thriplow Road Fowlmere Moat Farmhouse	Outline application for the development of up to 9 self and custom build dwellings, with all matters reserved except access, along with all ancillary works Without planning	Against Refusal of Permission (Delegated Decision) Appeal against
	Moat Farm Park Lane Castle Camps	permission, an engineering operation comprising the excavation and formation of two lakes and the creation of earth bunds associated with the excavation of a lakes	enforcement notice
22/01574/CL2PD	Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham	Certificate of lawfulness under S192 for the stationing of 2 mobile homes for residential purposes	Against Refusal of Permission (Delegated Decision)
22/01703/FUL	Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham	Change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use	Against Refusal of Permission (Delegated Decision)

	Land North Of	A hybrid plansing	
22/02771/OUT	Land North Of	A hybrid planning	Non-determined
	Cambridge North	application for:	within 8 weeks
	Station	a) An outline	
	Milton Avenue	application (all	
	Cambridge	matters reserved	
		apart from access	
		and landscaping) for	
		the construction of:	
		three new residential	
		blocks providing for	
		up to 425 residential	
		units and providing	
		flexible Class E and	
		Class F uses on the	
		ground floor	
		(excluding Class E	
		(g) (iii)), and two	
		commercial buildings	
		for Use Classes E(g)	
		i(offices), ii (research	
		and development)	
		providing flexible Class E and Class F	
		uses on the ground	
		floor (excluding Class	
		E (g) (iii)),together	
		with the construction	
		of basements for	
		parking and building	
		services, car and	
		cycle parking and	
		infrastructure works.	
		b) A full application	
		for the construction of	
		three commercial	
		buildings for Use	
		Classes E(g) i	
		(offices) ii (research	
		and development),	
		providing flexible	
		Class E and Class F	
		uses on the ground	
		floor (excluding Class	
		E (g) (iii)) with	
		associated car and	
		cycle parking, the	
		construction of a	
		multi storey car and	
		cycle park building,	
		together with the construction of	
		basements for	
		parking and building	
		services, car and	
		cycle parking and	
		associated	
		landscaping,	
		infrastructure works	
		and demolition of	
		existing structures.	
L		chiating and chies.	

22/01507/HFUL	215 Wimpole Road Barton	Demolition of conservatory and shed. Erection of two storey side extension, single storey rear extension, first floor rear extension, freestanding private gym and interconnecting undercover areas	Non-determined within 8 weeks
22/01126/HFUL	Byeways Station Road Harston	part single, part two storey rear extensions including erection of a front boundary wall and gated entrance (part retrospective) - variation to planning permission 21/02100/HFUL	Against Refusal of Permission (Delegated Decision)
EN/00004/23	Byeways Station Road Harston	Unauthorised operational development following refusal of retrospective planning application ref 22/01126/HFUL	Appeal against enforcement notice
21/01066/FUL	Land East Of Unit 2 Caxton Gibbet Services Site Ermine Street Cambourne	Erection of 4 industrial units (Use Classes B2 (general industrial) and/or E(g) (office)) with associated access and parking	Against Refusal of Permission (Delegated Decision)

Reference	Address	Details	Date Statement due
21/01618/FUL	Land At Moor Drove Histon	Change of use of land to create 4 No. pitches comprising the siting of 4 mobile homes, 4 touring caravans, and installation of 4 cesspits	3/5/2023
21/03616/FUL	Land Rear Of 90 High Street Melbourn	Construction of a new dwelling & associated alterations to the existing site entrance	23/5/2023

Appeals Pending Statement

Agenda Item 8

REPORT TO:

Planning Committee May 2023

LEAD OFFICER:

Joint Director of Planning and Economic Development

Compliance Report

Executive Summary

1. On 1st April 2023 there were 139 open cases in South Cambridgeshire, compared with 143 cases compared to the month beforehand.

2. Details of all compliance 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.

3. Statistical data is contained in Appendices 1 and 2 attached to this report.

4. Data relates to the end of March statistical information as April information was not available in full at the time of the report. April information will be available in the next Committee Report. Q4 2022 (January to March 2023) statistical data is now available and included in the report.

Updates to Service Delivery

The Planning Compliance Team is part of the Development Management service of the Greater Cambridge Shared Planning Service.

The service has interviewed for the post of Planning Compliance Officer or Senior Planning Compliance Officer and an offer has been made to a candidate following those interviews. A further update on recruitment and staffing will be available in the next Committee report.

Alleged breaches of planning control continue to be reported online using the e-form, in conjunction the dedicated Planning Compliance webpage. The team continues to work towards the provision of a point of communication online using another webform for contact with the compliance service when the communication does not relate to a new compliance complaint.

Work has commenced on automatic acknowledgement to be sent to complainants when a new case is raised on the system, the acknowledgement will include the case officer name, reference number of the case and the direct email address of the case officer. It is anticipated this will be set up and working within the next week (from the date of the Committee meeting). An update will be provided in the next Committee report.

Following a question on reporting compliance complaints using the webform at the April 2023 committee, I have raised the matter of including advice on the compliance pages of the website to include information about persons who wish to remain anonymous, how they can contact their elected Ward Member or Parish Council to raise a compliant on their behalf, along with information as to how they find the contact details of ward Members. An update will be provided in the next Committee report.

Since 1 January 2023 the compliance team have received 225 enforcement referrals (South Cambridgeshire and Cambridge City), 153 of those were made by e-form.

Since 1 January 2023 the Compliance team have closed 217 cases (South Cambridgeshire and Cambridge City).

Updates on significant cases

Should Members wish for specific updates to be added to the Compliance Report then please request these from the Principal Planning Compliance Manager and they will be added to the next available Planning Committee. Alternatively, if you wish to speak about a specific case or specific cases, please feel free to contact the Principal Planning Compliance Manager.

Background Papers

Planning Enforcement Register. Statistical Analysis of Uniform Planning Enforcement Software Program.

Appendices

Appendix 1: Compliance Cases Received and Closed. Appendix 2: Notices Served.

Report Author:

Chris Braybrooke – Principal Planning Compliance Manager Date: 27/04/23

Enforcement Cases Received and Closed.

	South Cambridgeshire							
Month	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	LPA Total	
March 2023	22	6	0	1	2	4	13	
February 2023	24	29	0	5	1	24	59	
January 2023	44	6	0	1	0	8	15	

Quarterly Totals for Past 2 Years

	South Cam	bridgeshir	e				
Quarter	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	LPA Total
Qtr 1 2022	85	26	0	19	1	21	67
Qtr 2 2022	42	33	0	12	3	18	66
Qtr 3 2022	59	22	0	9	7	6	44
Qtr 4 2022	94	41	0	7	3	36	87
Qtr 2 2021	132	24	25	12	16	40	117
Qtr 3 2021	91	46	47	14	13	32	152
Qtr 4 2021	113	59	20	15	9	29	132

Public Enforcement Notices served

March 2023

Reference	Ward	Parish	Address	Notice Issued
EN/00326/22	Foxton	Great And Little Chishill CP	Bridgefoot Farm Kennels Barley Road Flint Cross Great And Little Chishill Royston Cambridgeshire SG8 7PU	Change of Use and Operational Development Notice. Temporary Stop Notice Stop Notice.

February 2023

Reference War	d Parish	Address	Notice Issued
*** No Notices Iss	ued ***		

January 2023

Reference	Ward	Parish	Address	Notice Issued
EN/00004/23	Harston & Comberton	Harston CP	Byeways Station Road Harston Cambridgeshire CB22 7NY	Operational Development Notice

December 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00492/21	Linton	Castle Camps CP	Moat Farmhouse Moat Farm Park Lane Castle Camps Cambridge Cambridgeshire CB21 4SR	Operational Development Notice

Agenda Item 10

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