Executive Summary

1. The Applicant seeks planning permission for a change of use from public amenity space to parking, including resurfacing.

   The proposed development would not have an adverse impact upon the character and appearance of the surrounding area and would not have an adverse impact on highway safety.

2. The proposed development complies with all relevant Local Plan policies and there are no material considerations which indicate that a decision should be made other than in accordance with those policies.

3. Planning permission should therefore be granted subject to planning conditions and informatives.

Relevant Planning History

**National Guidance**

Planning Practice Guidance
National Design Guide 2019

**South Cambridgeshire Local Plan 2018**

7. 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/2 Protecting and Enhancing Landscape Character
TI/3 Parking Provision

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

8. Open Space in New Developments SPD - Adopted January 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

**Consultations**


**Local Highway Authority** – No objection subject to a condition requiring that all deliveries to the site and all muck away movements are carried out between the hours 09.30 and 16.00 Monday to Friday.

**Tree Officer** – Unable to support the application to remove the tree from the streetscene and reduce the amount of available amenity space which could provide a potential tree planting location.

**Environmental Health Officer** – No response received (out of time)

**Definitive Maps Officer** – ‘There is no concern from a public right of way perspective’

**Representations**

10. 2 responses were received from one objector. The first states in full:

‘This application is the same as the withdrawn 2018 application except for a change of construction method and the addition of a replacement tree on the Robinson Court green which is not part of the of the Adopted Highway and is the replacement for
another tree cut down because of spit in the trunk therefore this is not a replacement for the tree in Grays Road as instructed by the Highways Department, the plan also shows only 1 tree on the verge in front of 12/13 Grays Road when there are 2, a third was cut down before any planning consent or knowledge of the Highways Department The details regarding parking bay numbers are incorrect as they were on the original planning application, in section 9 Vehicle Parking it states existing Spaces 7 when there are 9 clearly marked spaces all of which are used, these are in front of 10/11 Grays Road, therefore the section should read Existing number of spaces 9, Total proposed including retained spaces 14 Difference in spaces 5,unless existing bay width is to be increased the , not mentioned in this application the numbers are incorrect. there are also 2 spaces in front of 13 Grays Road’

The second states in full:

‘Sir.

With regard to the planning application ref S/0185/20/FL dealing with much needed extra parking spaces on Grays Road Gamlingay I would like to draw your attention to some incorrect detail in the application.

1. In section 9 Vehicle Parking the number of existing spaces is incorrect, it states 7 when in fact there are 9 clearly marked and used bays, this mistake was on the original 1918 withdrawn application and was never corrected or explained. There are also 2 parking spaces outside 13 Grays Road giving 11 existing spaces.

The declaration should read Existing number of spaces 9. Total proposed (including spaces retained) 14. Difference in spaces 5.

The above supposes no alteration in the width of the existing spaces as no mention of this appears on the application or plan.

2. With regard to the replacement tree shown on the Robinson Court green

As you will be aware a mature tree on the grass verge in front of 11 Grays Road was cut down on the instructions of the District Council to make way for some of the proposed parking spaces.

The felling of the tree was done before any planning permission was granted and without the knowledge or permission of the Highways Department who, as Grays Road, its footpaths and grass verges are part of the Adopted Public Highway, have all rights and responsibilities for and of it.

On finding out about the felling of the tree the Highways Dep't instructed the District Council to follow proper planning procedure and also to replace the tree, if planning was granted elsewhere on the verge in Grays Road but if planning was not granted a replacement was to be planted where the original tree stood. (I have this information via an FOI request to the County Council.)

The replacement tree shown on the current plan is shown on the Robinson Court Green in the position of a tree also felled in 2018 by the DC because of a split in the trunk and danger in high winds it is therefore not a replacement for the felled tree in Grays Road, also the Robinson Court Green is not part of the Adopted Public Highway so a replacement there would not satisfy the instruction of the Highway Dep't and in fact if the DC want's to advance it's green agenda both replacements should take place.
I wish to make it pain I fully endorse the providing of more parking in Grays Road but the plan as it stands is flawed, if the DC wishes to provide 14 parking spaces, one for each bungalow then there are cheaper and easier ways to do it as shown by plans already drawn up for the DC in 2015.

If the DC wishes to provide 16 parking spaces in Grays Road then they must plant a replacement tree on the remaining grass verge in Grays road.

Whatever the outcome any new parking spaces will revert to the control of the Highways Dep't as they will still be part of the Adopted Public Highway as the existing spaces are.

I would ask that the decision on this application if it is not amended is taken by the full planning committee so that I may attend and make a submission.'

Site and Surroundings

11. The Application Site comprises two plots of public amenity land either side of an existing row of car parking spaces opposite residential development at Grays Road, Gamlingay, SG19 3EL. The site is wholly located within the Development Framework of Gamlingay. The land is owned by the Local Highway Authority, Cambridgeshire County Council.

12. A tree has been removed in the location of the easternmost segment of land and a tree stump remains. There are no tree preservation order in the vicinity of the application site.

13. The site is not within a conservation area. The site is in Flood Zone 3 (low risk).

14. There is a Public Right of Way adjacent to the Application Site (footpath no. 96/1).

Proposal

15. The Applicant seeks planning permission for a change of use from public amenity space to parking including resurfacing. The proposal is to extend the existing row of parking to create additional parking spaces for local residents.

16. The proposed block plan shows that 5 additional car parking spaces are proposed. There are currently 9 car parking spaces and therefore, if approved, this development would bring the number of parking spaces up to 14. The parking spaces are currently marked as residents only but are not allocated. They therefore provide parking for residents on a first come first serve basis. There are no proposals to change the way in which these parking spaces are managed.

Planning Assessment

Principle of Development

The site lies within the village framework of Gamlingay. The principle of development is therefore acceptable and accords with Local Plan Policy S/7 (Development Framework).

17. The proposed development would result in the conversion of two small areas of grass
verge (public amenity space) into parking spaces. There are no Local Plan policies which relate specifically to the principle of this change of use.

**Character and Appearance**

It is not considered that there would be any detrimental impact upon the character of the surrounding area as a result of the proposed development. The proposed development would result in the loss of two small areas of grass verge (public amenity land) either side of an existing row of parking spaces. Amenity land would be retained either side of the proposed development and there is a large area of public amenity land located opposite adjacent to Robinson’s Court. This site is not located within a conservation area and there is no special character which would be adversely affected by the proposed development.

The proposed block plan shows a tree to be removed in order to facilitate the proposed development. The Planning Officer’s site visit revealed that this tree has already been removed and this is consistent with representations received from a neighbour as referred to earlier in this report. This tree was not covered by a Tree Preservation Order and neither are adjacent trees. The trees are not within a conservation area and therefore they do not have any statutory protection. Therefore, there is no requirement for any form of consent in order to remove the tree. The Tree Officer was consulted on this application and outlined that she could not support the removal of the tree. Given that the tree has already been removed it is not considered to be a material consideration in the determination of this planning application. Furthermore, the planting of a tree elsewhere in order to ‘replace’ this tree is not considered necessary in order to make this development acceptable. Therefore, it would not be reasonable or necessary to impose a planning condition to require such a replacement.

The land is adopted highway and Planning Officers understand that the Local Highway Authority, Cambridgeshire County Council, have asked that the Council replace the tree. This is a matter which falls beyond the scope of this planning application although it is understood that the Council will replant the tree on Council owned land, as indicated on the proposed block plan. The Local Highway Authority has confirmed that there is no objection to this planning application, even in the absence of a replacement tree.

In summary Planning Officers consider that the proposed development would not have an adverse impact upon the character and appearance of the surrounding area and it would therefore accord with Local Plan Policies HQ/1 (Design Principles) and NH/2 (Protecting Landscape Character).

**Highway Safety and Parking**

The previous application (S/2931/18/FL) was withdrawn partly on the basis of an objection from the Local Highway Authority. That objection related to the construction of the proposed surface treatment of the parking spaces which was unacceptable to the Local Highway Authority. This current application includes details of the proposed surface treatment which will be in line with the Cambridgeshire County Council Housing Estate Road Specification 2018. The Local Highway Authority are satisfied with the construction method and materials as shown on plan reference 111101/C/111/P2.

The Local Highway Authority support the proposed development and it is not considered that the proposed development would have any adverse impact upon highway safety. The Local Highway Authority have requested a planning condition
requiring that all construction works are carried out and all deliveries are received between the hours of 09.00 and 16.00 on Monday to Friday. Planning Officers consider that this condition is reasonable and necessary to protect the amenity of neighbouring residents.

Local Plan Policy TI/3 (on Parking Provision) relates to parking provision and states that parking should be provided in a manner that accords with Local Plan Policy HQ/1 (Design Principles). As outlined previously, the proposed development is considered to accord with Local Plan Policy HQ/1. The parking standards included at Figure 11 are not considered to be applicable as these relate to parking proposed as part of a development whereas the current application relates only to the provision of parking spaces. The spaces all measure 2.5 metres x 5.0 metres. The spaces are therefore considered to be of a sufficient size to accommodate motor vehicles. For these reasons it is considered that the proposed parking arrangements are acceptable and accord with Local Plan Policy TI/3 and would not have an adverse impact on highway safety.

**Neighbour Amenity**

It is not considered that the proposed development would have any adverse impact upon the amenity of occupiers of any of the adjacent neighbouring properties on Grays Road or Robinsons Court. The proposed development would therefore be inkeeping with Local Plan Policy HQ/1 in relation to neighbouring amenity.

**Other matters**

Grays Road is a public right of way (footpath no. 96/1). It is not considered that the proposed development would have any adverse impact upon the public right of way and it would not obstruct the public right of way in any way. The Definitive Map Officer has no objections to this planning application.

The application site is adopted highway and therefore the Local Highway Authority has recommended an informative outlining that any planning permission granted does not constitute permission to carry out works within the public highway. Therefore if planning permission is granted, the Applicant will need to enter into an agreement with the Local Highway Authority under Section 278 of the Highways Act (1980).

**Planning Balance and Conclusion**

Planning Officers consider that the proposed development complies with all relevant Local Plan Policies and that there are no material considerations that indicate that a decision should be made other than in accordance with those policies.

Planning Officers therefore recommend that planning permission is granted subject to conditions and informative.

**Recommendation**

31. **APPROVE** – subject to the following conditions and informatives:

**Conditions**

1) The development hereby permitted shall be begun before the expiration of 3
years from the date of this permission.
(Reason – To ensure the consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon).

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Drawing No. 111101/C/111/P2.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3) During the construction period, all deliveries to the site and all muck away movements are to be carried out only during the following hours 09.30hrs – 16.00hrs Monday to Friday.

(Reason – To protect the amenity of the occupiers of neighbouring properties and in the interests of highway safety in accordance with adopted South Cambridgeshire Local Plan Policy HQ/1.)

Informatives

The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority for such works.

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 District Council Local Plan (2018)
- Planning File Reference: S/4302/19/FL
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPDs)

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