

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

5<sup>th</sup> November 2008

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/1394/08/F – GREAT SHELFORD**

**Hotel and Associated Car Parking and Landscaping – Whitefields/Uplands, Hinton Way for Quinlan & Francis Terry LLP Architects**

**Recommendation: Delegated Approval**

**Date for Determination: 12<sup>th</sup> November 2008 (Major Application)**

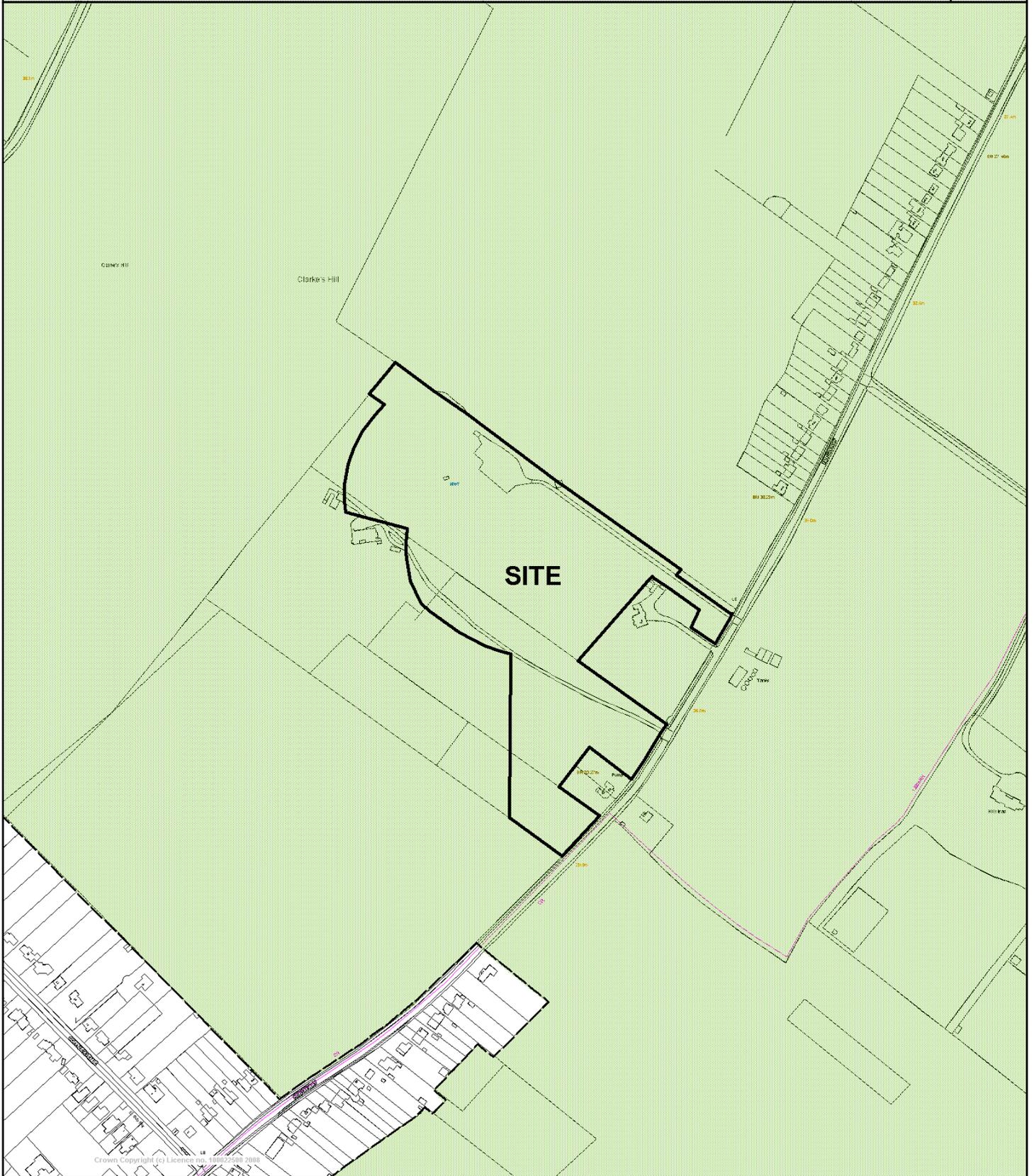
#### **Notes:**

**This Application has been reported to the Planning Committee for determination because the application is a Departure from the Development Plan.**

#### **Departure Application**

#### **Site and Proposal**

1. The application site, an area of approximately 6.2 hectares/17 acres, is located in the countryside and Green Belt on the outskirts of Great Shelford. The land generally rises to the north and east and is well screened by trees and hedgerow planting within the site and around its perimeter. The site comprises the extensive gardens of Whitefields, formerly a substantial two-storey house that has been demolished, and Uplands, a fire damaged shell of what was once a country house and hotel. On the north-west side of Hinton Way, outside the application site, are a pair of semi-detached cottages and a detached house. Opposite the former is a detached cottage. Other than this, the site is surrounded by agricultural land which separates the site from a ribbon of houses on Hinton Way to the north-east. Some belts of trees within the site are protected by a Tree Preservation Order. Planning permission for a golf course has been granted on land to the north-east, north-west and south-west of the site.
2. The full application, submitted on 13<sup>th</sup> August 2008, proposes the erection of a 99-bedroom luxury 5 star hotel with associated car parking and landscaping. The proposed hotel would be sited on land to the south-east of where Whitefields once stood. Its principal orientation would be north-south with cross wings at either end. The application states that the gross floor area of the building would be 17,867 square metres. The hotel would be of a classical design, with a parapet wall height of 13.6 metres and ridge height of 18.2 metres. The accommodation would be spread over four floors, plus two basement levels, with the lower basement providing space for underground parking for 119 cars. The lower ground floor level or upper basement would include a health club/spa, ballroom and kitchen facilities. At its nearest point, the building would be approximately 65 metres from the boundary with No.197 Hinton Way to the south-east. Access to the hotel would be via the existing access to Whitefields, which would be widened to 5.5 metres (6 metres for the first 15 metres back from Hinton Way), whilst the existing access to Uplands would be stopped up.



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Scale 1/5000 Date 22/10/2008

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3. The application has been accompanied by the following additional information: Design and access statement; planning statement; transport statement; landscape and arboricultural method statement; biodiversity report; sustainability statement and health impact assessment; and a sustainable design issues report.

### **Planning History**

4. In the 1970's, various permissions were given in respect of the use of, and extensions to, Uplands for hotel-related purposes.
5. In 1989, an appeal against refusal of an outline application for a 31 bedroom hotel extension to Uplands with associated car parking, squash courts, enclosed swimming pool and a third tennis court was allowed (**S/0036/88/O**).
6. In 1990, a full application for extensions to Uplands as hotel (33 suites/66 rooms) and leisure accommodation with parking for 100 cars was approved (**S/0754/90/F**). Consent was renewed in 1995 (**S/1936/94/F**).
7. In 1997, outline planning permission was granted for the erection of a hotel with associated parking on the larger site of Uplands and Whitefields (**S/1633/96/O**). It was accompanied by a Section 106 Agreement which required the hotel and grounds to be occupied and managed as a single planning unit, precluded implementation of earlier consents, prevented the use of the site by helicopters and limited use of the grounds to informal recreation by guests or visitors only.
8. A reserved matters application was subsequently approved under reference **S/0778/97/RM** for a hotel with pool, fitness room, bar, lounge, restaurant and function, meeting and administration rooms. It comprised 7,440 square metres (80,000 square feet) total floorspace, including three floors of accommodation, with a part basement and part fourth floor, 115 bedrooms and parking for 217 vehicles.
9. The 1997 outline permission was renewed in 2000 under application reference **S/1883/99/O**.
10. A full application for a 99 bedroom hotel, with 91 car parking spaces in the basement and a further 38 car parking spaces on land south-west of Whitefields, was approved in February 2004, following the completion of a Section 106 Agreement (**S/1229/00/F**). The proposal comprised a 4 storey building, including basement, with attic accommodation above. The application stated that the gross floor area would be 12,722 square metres (136,940 square feet). The hotel was to be positioned on the lawn to the south and south-east of Whitefields, which was to be demolished. Its principal orientation was north-south with cross-wings at either end. It was of a classical design with a height to parapet wall above ground floor level of 13.8 metres and to roof/ridge level of 18.5 metres. On the roof was a domed cupola 8.5 metres high. Basement and ground floor finished levels were 40m and 44m respectively, and approximate ground levels on the north and south sides of the building were 44m and 41m respectively. The approved hotel was to be accessed via the existing access to Whitefields, which was shown widened to 5.5m for the first 15 metres back from Hinton Way. This consented scheme remains extant. The Section 106 agreement required a contribution towards traffic calming, construction of a foot/cycle path, revocation of the earlier planning approval, requirement for the hotel and golf course to remain as a single planning unit, and lorry routing restrictions.

11. In 2006, a revised application for a hotel (amended design) sought consent for a 100 bed hotel (**S/0835/06/F**). The building was again of a classical design and was submitted to address the specific design and construction requirements of Mandarin Oriental Hotel Group that were not adequately satisfied by the approved hotel design. The proposed hotel took the form of a U shaped building, sited to the south-east of Whitefields in a very similar location to the previously approved hotel. The hotel extended over four floors and had a gross floor area of approximately 19,799 square metres. The ridge height of the hotel extended from between 15.9 metres – 18.1 metres (rising to 21 metres and 23 metres on the southern elevation as the natural level of the land falls). The application was refused at Planning Committee in July 2006, in accordance with Officer recommendation, for the following reasons:
- a) The proposal was considered to constitute inappropriate development in the Green Belt and, whilst there is an extant permission for a hotel on the site, there were considered to be no very special circumstances to justify the enlarged hotel proposed;
  - b) Due to the formal architectural design of the building and its larger footprint and massing compared to the approved scheme, the development was not considered to sit comfortably into the context of the site and to have a greater and unacceptable impact on the openness and rural character of the countryside and Green Belt;
  - c) The application failed to demonstrate that protected trees close to the end of the proposed rear wings could be retained;
  - d) The site was known to contain habitat for great crested newts. No detail or investigation in respect of this was submitted as part of the application;
  - e) No information was submitted to demonstrate investigations had been made with respect to badgers or bats;
  - f) The site contains an interesting mix of habitats, notably woodland, scrub and chalk grassland, and the application failed to clarify how these habitats would be treated within the future operation of the site.
12. In 2001, an application for the construction of a golf course was submitted alongside the accompanying application for the revised hotel design (**S/2257/01/F**). Consent was granted for an 18 hole golf course, a 1,963 square metre clubhouse, landscaping, maintenance facilities and related surface car parking (36 spaces).
13. In 2006, a revised application for an amended clubhouse design was approved (**S/0836/06/F**).

### **Planning Policy**

#### **East of England Plan, Regional Spatial Strategy 2008**

14. **Policy E6** requires proposals for tourism development to be fully sustainable in terms of their impacts on host communities, local distinctiveness and the natural and built environments.
15. **Policy ENV7** states that new development should be of a high quality which complements the distinctiveness, character and best qualities of the local area and promotes urban renaissance and regeneration.

## South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

16. **Policy DP/1** states that development will only be permitted where it can be demonstrated that it is consistent with the principles of sustainable development, including, where practicable: use of sustainable building methods and locally sourced materials; minimisation of use of energy and resources; maximisation of use of renewable energy sources; use of water conservation measures and sustainable urban drainage systems; conservation/enhancement of biodiversity of wildlife and natural environment and local landscape character.
17. **Policy DP/2** requires all new development to be of high quality design and to: preserve or enhance the character of the local area; conserve or enhance important environmental assets; include variety and interest within a coherent design; and include high quality landscaping compatible with the scale and character of the development and its surroundings.
18. **Policy DP/3** states that permission will not be granted for proposals that would have an unacceptable adverse impact on (amongst other issues): residential amenity; from traffic generated; on village character; on the countryside and landscape character; from undue environmental disturbance; on ecological, wildlife and archaeological interests; and on flooding and flood risk.
19. **Policy DP/7** states that outside village frameworks, only development for agriculture and other uses that need to be located in the countryside will be permitted.
20. **Policy GB/1** states that there is a presumption against inappropriate development in the Green Belt. The supporting text to the policy states that the main purpose of a Green Belt is to keep land open by placing a permanent and severe restriction on inappropriate development. As a result, most types of development can only be permitted in exceptional circumstances. Such exceptional circumstances will be regarded as Departures from the Development Plan and will only be permitted where other considerations outweigh the harm to the Green Belt. It is not sufficient justification to override Green Belt policies because a development would be inconspicuous or would not harm the site or locality.
21. **Policy GB/2** states that any development considered to be appropriate in the Green Belt must be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt.
22. **Policy ET/10** states that, outside development frameworks overnight visitor accommodation, holiday accommodation, public houses and restaurants will only be permitted by change of use/conversion, or through the appropriate replacement of buildings not requiring large extensions, or by appropriate modest extensions to existing facilities. The supporting text to this policy states that there is a significant demand for tourist accommodation in the area and that developments may be more suited to Rural Centres. Focusing new tourist accommodation into the larger villages allows access for visitors to the public transport network and local services, thus promoting sustainable development goals.
23. **Policy NE/1** requires development to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new and converted buildings, and encourages developers to reduce carbon dioxide emissions by 10% compared to the minimum requirement.

24. **Policy NE/3** requires all new development proposals greater than 1000 square metres to include technology for renewable energy to provide at least 10% of their predicted energy requirements.
25. **Policy NE/4** states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the Landscape Character Area in which it is located.
26. **Policy NE/6** requires new development to maintain, enhance, restore or add to biodiversity.
27. **Policy NE/11** states that, in relation to flood risk, applications will be judged against national policy.
28. **Policy NE/12** requires development to incorporate all practicable water conservation measures.
29. **Policy NE/14** requires developments that include external lighting to give due consideration to a detailed lighting scheme.
30. **Policy TR/1** advises that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless a sufficient standard of accessibility to an appropriate choice of transport modes, other than private car, is available.
31. **Policy TR/2** requires applications to adhere to the Council's car and cycle parking standards.

### **Consultations**

32. **Great Shelford Parish Council** makes no overall recommendation, stating:

“The proposed hotel has almost the same footprint as that previously approved so as long as the tree officer and ecology officer are satisfied that the issues relating to the impact of the development on trees and the biodiversity of the site have been resolved the parish council has no objections to the proposed development.”
33. The comments of **Stapleford Parish Council** will be reported verbally at the meeting.
34. **The Trees Officer** states that many of the trees on the site are protected by preservation orders. Objections are raised to the following:
  - a) The proposal to crown lift the beech trees alongside the proposed access road is not acceptable. The access road should be moved to avoid any requirement or works to these trees to facilitate the new development. Whilst a no-dig driveway is proposed, this is a significant row of mature trees and any root disturbance within the root protection area will compromise these trees;
  - b) The proposed construction access route needs to be submitted to ensure no trees are compromised along the north-eastern boundary;
  - c) The design of the turning area impacts heavily on two very significant and protected trees;
  - d) Objections are also raised to the impact of the development on the following trees – T10, T9, T8, G302A and B, G376B, and G1-384 and 386;
  - e) Any TPO'd tree removed from the site must be replaced with a specimen tree as part of a landscaping scheme.

Generally, all tree protection must be installed on site prior to any construction vehicles starting demolition etc, with interim site inspections to be undertaken by an arboricultural consultant during development. A full arboricultural implication study and method statement needs to be submitted.

35. **The Landscape Design Officer** raises no objections subject to being able to influence the design of the proposed woodland belt. Care should be taken not to shade or compete with the fine existing trees that form the current boundary to the site. The trees nearest to them should be small to medium size (eg – thorns and field maple) with additional large scale trees in the middle or northern edge of the belt. Given the exposed nature of the site, there should be a range of sizes (at maturity) within the belt to provide wind filtering close to the ground and at higher levels. A landscape plan should be submitted in due course.
36. **The Ecology Officer** states that the submitted biodiversity report is very detailed and shows an excellent understanding of various biodiversity issues concerned with the site. Great crested newts, bats, badgers and breeding birds have to be taken into account. The report includes a range of proposals to ensure no net loss of species occurs as a result of the development. It also proposes enhancement measures to increase the potential of the site for bats, to protect important areas of wildflower habitats, and provides a badger observation area. A condition requiring an Ecological Monitoring and Management Plan should be attached to any approval.
37. **The Environmental Health Officer** raises no objections subject to conditions 13 – 17 of the previous decision notice being reapplied.
38. **The Disability Forum** considers the parking spaces to be substandard in size. They should be a minimum of 2.4m x 4.8m. The disabled parking spaces should be provided in a single row adjacent to the entrance/lift. A number of other comments relating to the detailed internal layout were also made:
  - a) Basement - smaller lift too small;
  - b) Lower ground floor - are there any disabled shower facilities and toilets?;
  - c) Ground floor - door to disabled toilet should open outwards, dropped bar counter needed, no ramps to outside courtyards, restaurant tables not to be fixed;
  - d) First and second floors – there should be no stepped access to balconies from the executive suites;
  - e) Third floor – lifts need mirrors on rear walls and raised number plates.
39. **The Local Highways Authority** states that the highway network has significantly changed since the previous application was granted. The entire visibility splays should be shown on the drawings. These splays must be within the land owned by the applicant or public maintainable highway showing that the 2.4m x 120m can be achieved in both directions. The highway boundary position denoted on the proposed site access drawing needs to be clarified, as does whether the access would be 5.5m or 6m wide for the first 15m from the bellmouth. In addition, the applicant needs to justify why 10.5m junction radii are required. The proposed radii will enable vehicles to enter the site at speed which could be detrimental to the safety of other highway users, in particular pedestrians and cyclists. The dimensions for the proposed footway should be shown on the plans.

In addition to the above, it is requested that the speed and volume information that has been submitted be carried out during 3 neutral days (Tuesday, Wednesday and Thursday) over a three week period in the vicinity of the site and not within the vicinity

of Orchard Road. These surveys should be commissioned prior to the beginning of December to avoid the Christmas period.

An amendment to the existing Section 106 Agreement via a Deed of Variation will be sought due to the changes in the highway network.

40. **The Environment Agency** states that the application does not fully demonstrate the practicality of surface water drainage schemes. A considerable amount of work would be necessary before any development could commence on site to ensure that the risk of flooding to third parties, and the proposed development, were not increased. The application proposes to discharge foul drainage to the mains sewer. Confirmation needs to be sought from the statutory undertaker to demonstrate that sufficient residual capacity exists within the sewerage infrastructure to accept the proposed discharge without detriment to the water environment. Full details of grey water required. Conditions requiring details of: surface water drainage; foul water drainage; pollution control; and any associated intrusive ground works, should be added to any permission.
41. **Anglian Water** advises that the applicant will need to make a request under the Water Industry Act to provide water to the development.
42. **The Cambridgeshire Fire and Rescue Service** states that adequate provision should be made for fire hydrants by way of a Section 106 Agreement or planning condition.
43. Any comments received from the **Police Architectural Liaison Officer, Commission for Protection of the Rural Environment, Cambridge Preservation Society** and **Natural England** will be reported verbally at the Committee meeting.
44. **Gisby Harrison Solicitors** – the solicitors acting for Great Shelford Parish Council – state that the proposal involves the provision of land being gifted to the Parish Council for the provision of open space. The question of a commuted sum for the maintenance of open space was not pursued by the Parish Council at the time – would this now be required? Also, how will traffic calming sums be dealt with? It is argued that a new agreement would be required rather than a Deed of Variation to the original Section 106 Agreement, as the earlier agreement was time limited and will expire before the period for implementation of any new planning consent.

## **Representations**

### ***Letters of Objection***

45. Letters of objection have been received from Nos. 231, 235 and 245 Hinton Way. The main points raised are:
  - a) The proposed hotel will be about 50% bigger in floor area and have about 50% more parking spaces. These are not immaterial changes. It would mean more users with greater impact on the environment and greater congestion on the access roads;
  - b) In each revision to the scheme on this site, the applicants have sought to massively increase the scale of the development by successive incremental additions. The scale of the development has grown way beyond that originally envisaged. The development is now too large for a small rural Green Belt location and will not improve the character and appearance of the area;

- c) The current application proposes a 39% increase in floor area and an 11% increase in the external width of the building. In the previous application, the applicants argued that the needs of the hotel had been underestimated. The same argument is continued in the current application. Are the current estimates realistic?
- d) The proposal to remove surface parking is welcome, but it is unrealistic that a 99 room hotel with restaurant and conference facilities and employing 200+ staff will have its parking needs satisfied by 119 spaces (this is fewer spaces than the 128 proposed in the previous application). Where will non residents park? Are the estimates of number of employees realistic?
- e) There will be funding for a 2 metre wide footpath and cycleway along Hinton Way, but where would this be situated?
- f) There is presently poor visibility from No.235 Hinton Way to the right and this could cause safety problems for future users of the cycleway;
- g) What form of traffic calming is being funded along Hinton Way? Obstacles enforcing one lane of traffic to give way to oncoming vehicles would result in noise disturbance to nearby residents and could obstruct access to nearby driveways. Rumble strips would also result in noise disturbance;
- h) Proposals relating to energy efficiency are vague;
- l) A realistic assessment of noise impacts is required;
- j) Details of lighting are required.

***Letter of Support***

46. No.103 Hinton Way considers the hotel to be an enhancement to the area.

**Supporting information submitted by the applicant's agent**

47. As stated in paragraph 3, a number of supporting documents have been submitted with the application. The planning statement explains that the proposal represents an amendment to the extant planning permission S/1229/00/F. The consented scheme has a number of deficiencies that it is argued would inhibit the objective of providing a luxury 5 star hotel. These are: insufficient back of house space; inadequate circulation space; insufficient plant; inadequate car parking (129 spaces were shown but detailed modelling showed that the basement was only able to accommodate 70 spaces rather than the 91 shown, bringing the total number of spaces that could be provided on site down to 108); inadequate spa, restaurant and bar sizes; and limited meeting/banqueting facilities.
48. The statement goes on to say that, since the previous refusal, a detailed review of the approved hotel design has been undertaken to identify how the overall footprint and use of internal floor space could be adapted to enable essential additional floor space to be provided. The main differences between the current and approved schemes are:
- a) Provision of a sub-basement with 119 underground parking spaces;
  - b) Floor area increased from 12,810 square metres to 17,867 square metres. The overall height, scale and mass of the hotel remain unchanged;
  - c) The previously approved basement would now be a lower ground floor – including a delivery yard, storage, kitchen, foyer, ballroom, health centre, spa and business centre;
  - d) The main central wing of the hotel has been increased in depth by 2.2m, from 20.5m to 22.7m, due to revised internal staircase and lift access requirements and the need to increase width of corridors and bedrooms along the main corridor;
  - e) The terrace on the ground floor level has been extended

- f) The porte-cochere design has been revised from stone to cast iron;
  - g) The provision of a sunken/sculptured lawn to the rear of the hotel beyond the terrace.
49. The planning statement acknowledges that a new hotel is inappropriate development in the Green Belt by definition and that permission should not be granted unless very special circumstances can be demonstrated. The following very special circumstances are put forward:
- a) An extant consent for a 99 bedroom hotel exists on the site;
  - b) There would be a 39% increase in floor area but 89% of this (4,424 square metres) would be located underground. The additional above ground space amounts to 632 square metres. This is argued to cause no greater harm to the openness and rural character of the site and Green Belt;
  - c) Moving the previously approved 38 surface parking spaces (amounting to 924 square metres of hardstanding) underground would have a beneficial impact on the openness and rural character of the Green Belt;
  - d) The extant planning consent includes no requirement to provide sustainable forms of development or to incorporate renewable energy technologies. The current proposal includes sustainability measures to ensure the provision of a highly efficient building that would not otherwise be delivered. Energy efficient measures to reduce the energy demands of the building would seek to improve heat loss and air tightness, to maximise solar gain and use of natural light, and to increase water efficiency (mainly through rainwater harvesting and re-use of grey water). Renewable energy technologies to generate at least 10% of energy used, to include solar heating and ground source heating and cooling systems, would be used;
  - e) Ecology – PPS9 was published in 2005 after the previous permission was issued. This placed more stringent requirements on developers to consider ecology issues. Protected species surveys have been undertaken and the application includes a package of mitigation measures and enhancement strategies that were not provided in the original scheme (eg – the cupola has been specifically designed to support bat roosts);
  - f) Environmental and community benefits: It is argued that the building is of an extremely high architectural quality that can be enjoyed by the local and wider community and will provide additional employment opportunities. It would employ 200-220 staff, with up to 100 on site at any one time. It would also ensure the delivery of the adjacent golf course (the S106 requires them to remain as one planning unit), and would deliver the funding of traffic calming measures, a footpath/cycleway, a public bridleway and cycle path.

### **Planning Comments – Key Issues**

50. The key issues to consider in the determination of this application are:
- a) Whether there are any very special circumstances to set aside the presumption against inappropriate development in the Green Belt;
  - b) The design and impact of the development upon the openness and rural character of the countryside and Green Belt;
  - c) Impact on trees;
  - d) Highways issues;
  - e) Neighbour amenity
51. The proposal constitutes inappropriate development in the Green Belt by definition, is contrary to LDF Policy ET/10 and has been advertised as a departure from the

development plan. However, there is an extant consent for an approximately 12,800 square metre hotel on the site, so the principle of erecting a hotel on the land has previously been established. As was the case with the previously refused application, the current revised scheme has been submitted to address deficiencies (identified by the applicants) with the existing permission. The current consent would only allow for the construction of a four star facility, and the extra floor space is required to enable the hotel group to carry out the improvements and modifications necessary to provide a luxury five star hotel. The reasoning behind the need for additional floorspace, namely the desire to construct a five star rather than four star facility, does not constitute the justification required to support inappropriate development in the Green Belt. It is therefore necessary to consider whether there are any other very special circumstances in this instance to set aside the in-principle objection to the erection of a larger hotel building on the site.

### ***Design and visual impact***

52. The previously refused scheme, in seeking to comply with Mandarin Oriental's requirements for improved facilities, resulted in a building that was over 7,000 square metres (55%) larger than the approved hotel, including a 19% increase in the above ground floor area. The design of the building was altered to a more formal classical structure that, to succeed, was considered to require a substantial landscaped parkland setting. Due to the relatively modest size of the site, the proposed building was not considered to sit comfortably into its context and, due to its larger footprint and massing, was considered to have a greater and unacceptable impact upon the character and openness of the Green Belt.
53. The current application has sought to address the shortcomings of the previously refused scheme. The hotel group has re-employed the architects who designed the approved scheme, with the result that the current proposal is very similar in appearance to the extant scheme. The proposal still involves the provision of just over 5,000 square metres of additional floorspace (a 39% increase). However, the vast majority of this floorspace (over 4,400 square metres or 88%) is to be provided underground so would not materially alter the scale or appearance of the building. The above ground increase in floor space amounts to less than 5% of the size of the approved scheme and has been achieved by increasing the depth of the connecting wing by around 2 metres. The parapet and ridge heights of the building remain identical to the previous permission. As the building is an H-shaped structure with two end wings, the increase in depth of the connecting element would have no material effect on the scale and mass of the building and would not increase its impact upon its surroundings. There would also be an increase in the size of the terrace garden but this change would only be discernible from within the hotel's grounds on the south side of the building.
54. In the extant consent, 38 car parking spaces were to be provided above ground approximately 110 metres to the north-west of the hotel building itself. The current application seeks to site all parking underground within the sub-basement level of the building. When compared to the approved scheme, this would result in the removal of almost 1,000 square metres of hardstanding, thereby providing a visual enhancement of the site.
55. The supporting text to Policy GB/1 states that a development appearing inconspicuous is not sufficient justification to override Green Belt policies. However, the applicant's agent has provided a number of examples of appeal decisions where Inspectors have taken the view that basement accommodation can be acceptable in Green Belt locations where it is not considered to compromise the aims of the Green Belt, namely,

in this case, to maintain openness. In one case, the lack of any perceptible difference between what had already been approved and the current proposal was deemed to constitute the very special circumstances required to support the proposal. I consider the current proposal to be very similar to the quoted appeal examples in this respect, in that the proposed scheme would not have a materially greater impact on its surroundings than the fall-back position of the extant consent.

### ***Trees***

56. The Council's Trees Officer has raised a strong objection to the application principally due to the impact of the proposed access works and turning area upon protected trees. These elements of the proposal, however, are identical to the extant scheme and, as argued by the applicant's agent, can be implemented at any stage. In the scheme refused in 2006, the proposal sought to significantly increase the length of the main wings, thereby extending the building further to the south towards a group of protected trees. Part of the reason behind the refusal of this scheme related to the fact that the application failed to demonstrate that these additional protected trees would not be compromised by the development.
57. The current proposal has sought to address this problem by adding the extra floorspace to the connecting element rather than by extending the length of the end wings. The basement and terrace garden does encroach further to the south and involves additional excavation closer to protected trees than proposed in the approved scheme. I have sought the specific comments of the Trees Officer on this aspect of the proposal but, to the best of my knowledge, no specific concerns have been directed towards this element of the scheme.
58. Notwithstanding the fall-back position, there is scope in the application to address some of the concerns raised by the Trees Officer and, hence, to improve the impact of the development upon trees when compared to the approved scheme. The applicant's agent has proposed to alter the main access. After the first 15 metres, it is proposed to narrow the width of the access drive to 4.1 metres, and this would allow the access to be moved 1.4 metres further away from the tree belt. In addition, the possibility of reducing the size of the turning/circulation area is being explored, with a view to securing the retention of protected trees. These issues are still presently under discussion and will require liaison with the Local Highways Authority to ensure that any amendments achieved will not compromise highways requirements. Members will be updated verbally at the Committee meeting. As the situation stands, at present, if improvements can be made to secure the retention of trees that might otherwise be lost or, at the very least, to minimise the impact of the development upon trees when compared to the approved scheme, this would constitute an additional very special reason for supporting the current proposal.

### ***Highway safety/parking issues***

59. The proposed access arrangements remain identical to the previously approved scheme (namely an increase in width to 6 metres for the first 15 metres back from Hinton Way then reducing to 5.5 metres thereafter), albeit this could now be subject to alteration to minimise the impact upon significant trees (see preceding paragraph). The supporting planning and transport statements argue that the current proposal, although some 5,000 square metres larger than the approved hotel, would not result in significantly different traffic impacts than the extant scheme. The application indicates that the increase in facilities now proposed (enlarged restaurant and bar, banqueting areas, conference facilities and health club and spa) are primarily for hotel guests but will also be available for non-residents (mostly during off-peak

periods). The current permission is subject to a Section 106 legal agreement which, in respect of highways issues, requires the following:

- a) A £50,000 contribution for traffic calming measures along Hinton Way, to include a pedestrian crossing in the vicinity of the shops in Hinton Way, interactive signs along Hinton Way and other speed reduction measures;
- b) A £24,000 contribution for the provision of a cycleway along Hinton Way to the Babraham Road junction;
- c) Provision of a new 2m wide foot/cycleway; and
- d) Lorry routing restrictions.

60. However, the Local Highways Authority has commented that the highway network has changed significantly since the previous permission. In addition to requiring further information to be shown on the plans (namely visibility splays, position of the highway boundary and dimensions of the footpath), the LHA has requested justification of the need for 10.5m kerb radii as well as the carrying out of further traffic surveys before December.

61. I have sought further clarification from the Local Highways Authority on the following points:

- a) Whether it is generally satisfied that, as argued within the submitted transport statement, the proposal would not significantly increase traffic levels when compared to the approved scheme;
- b) The reasoning behind the requirement for further traffic surveys to be carried out during neutral days; and
- c) What amendments are likely to be required to the existing Section 106 legal agreement? Would this take the form of an increase in the financial contribution required, or are the fundamental requirements likely to differ?

62. The car parking standards, as set out within the Local Development Framework, require a maximum of 13 spaces for every 10 guest rooms, which equates to a maximum of 129 spaces for the proposed 99 room hotel. For the sake of clarification, these standards are designed to account for the dual use of hotels by residents and visitors. The applicants state that the previous scheme only realistically resulted in the provision of 108 spaces, and that 119 have been proposed in the current application. Although this figure is 10 spaces below the standard stipulated within the Local Development Framework, the standard is a maximum rather than minimum requirement and I am satisfied that there are alternative means of accessing the site. There is a bus stop 200 metres to the north, the Babraham Road park and ride site is around 1 kilometre away, and the railway station in Great Shelford is approximately 1.6 kilometres to the south-west. In addition, a total of 60 cycle spaces have been provided and, as a requirement of any consent for the hotel and golf course, improvements will be made to the cycle network in the vicinity of the site. As such, I consider the number of spaces provided to be acceptable. The applicants have advised that the basement can accommodate 119 spaces at the required minimum dimensions of 2.4m x 4.8m and the basement plan will be amended accordingly. The amended plan will also reposition the disabled parking spaces so that they are as close as possible to the lift/entrance. With regards to the other points raised by the Disability Forum, these relate to the detailed internal layout of the building and are matters that would need to be resolved at the building regulations rather than planning stage.

### ***Residential amenity***

63. The proposal would extend the garden closer to the boundary with No.197 Hinton Way than the approved scheme. However, the garden would be some 55 metres away from No.197's rear garden boundary and there is a substantial intervening area of woodland that would be retained and strengthened. As such, I am satisfied that the occupiers of No.197 would not suffer serious additional harm as a result of the increased size of the building.

### ***Sustainability Issues***

64. The applicants have argued that the current scheme would bring forward advances in relation to the sustainability of the proposal that would not otherwise happen if the extant permission were to be implemented. This is certainly the case. Since February 2004, when consent was granted for the previous scheme, there has been a change in planning policies relating to sustainability issues. In particular, Policy NE/3 requires all new development proposals greater than 1000 square metres to include technology for renewable energy to provide at least 10% of their predicted energy requirements. This is not a requirement of the current planning permission but would need to be conditioned as part of any subsequent consent. The building also includes a number of energy efficient measures to reduce the energy demands of the building.
65. The provision of an energy efficient building incorporating sustainable construction methods and renewable energy technologies, that would not otherwise be delivered, is considered to constitute an additional very special circumstance that further outweighs any harm caused by reason of inappropriateness.

### ***Ecology Issues***

66. The applicants argue that policy requirements relating to ecology issues have changed since the previous permission and that the proposal contains a range of enhancements that would not otherwise be provided, thereby providing further very special circumstances. Whilst the Ecology Officer is extremely supportive of the measures put forward in the application, the previous permission was subject to pre-commencement ecological conditions requiring:
- a) A habitat survey and appropriate mitigation measures to be carried out; and
  - b) The implementation of a great crested newt mitigation scheme.
67. As the ecological enhancements proposed in the application were likely to have been required anyway in seeking to discharge the requirements of the previous permission, I do not consider the current proposal brings forward benefits that would not otherwise have been provided.

### ***Environmental/Community Benefits***

68. None of the environmental and community benefits set out in the accompanying planning statement (ie – the design quality of the building, provision of a luxury hotel, provision of extra employment opportunities in the area, ensuring the delivery of the adjacent golf course, traffic calming measures) result in benefits over and above the approved scheme. As such, I do not consider any of these factors constitute the very special circumstances required to support the proposal.
69. If planning permission is granted for this revised scheme, the consent would need to be subject to a new legal agreement or deed of variation to the existing agreement. I am

awaiting clarification from the Local Highways Authority as to whether any new S106 requirements arise as a result of the latest application prior to issuing an instruction to the Council's legal department. The Parish Council's solicitors have argued that a new agreement should be required and has queried whether there would be a need for open space maintenance payments. However, the provision of open space for the Parish Council is not encompassed within the existing Section 106 Agreement and relates to a separate agreement between the applicants and Parish Council. As such, new policies relating to open space provision and commuted sums are not of relevance to this particular application.

### **Summary**

70. There is an extant planning permission for a 99 bedroom hotel on the site and, whilst the proposed hotel constitutes inappropriate development in the Green Belt, so does the approved smaller scheme. Inappropriate development is, by definition, harmful to the Green Belt and the applicant has therefore sought to demonstrate the very special circumstances to justify this larger scheme. Providing the access and turning/circulation arrangements can be revised to overcome objections raised by the Trees Officer, I consider the current proposal encompasses the following benefits, when compared to the approved extant scheme, and that these benefits, taken together with the lack of visual harm caused by the proposal, constitute the very special circumstances necessary to outweigh the harm caused by reason of inappropriateness:
- a) Moving 38 car parking spaces underground, resulting in the removal of 924m<sup>2</sup> of hardstanding, thereby improving the visual appearance of the development;
  - b) The provision of a more energy efficient building, encompassing sustainable construction techniques and renewable energy technologies;
  - c) The provision of a vehicular access and turning area that would have a less harmful impact upon significant trees than the approved scheme.
71. If Members are minded to approve the application, it will need to be referred to the Secretary of State as an application for planning permission involving inappropriate development on Green Belt land and involving the construction of a building of more than 1,000 square metres.

### **Recommendation**

72. Subject to: (a) the submission of amended plans to address concerns raised by the Trees Officer and to revise the basement parking plan; (b) resolving concerns raised by the Local Highways Authority (including the carrying out of additional survey work if required), and (c) the Secretary of State not call the application in for her determination, delegated powers are sought to approve the application subject to a Section 106 agreement or Deed of Variation to echo the requirements of the previous agreement.
73. Any consent would need to be subject to the following conditions:
1. Sample materials;
  2. Sample panel of brick/stonework;
  3. Hard and soft landscaping details, and implementation;
  4. Details of earthworks;
  5. Landscape management plan;
  6. Tree protection details;
  7. Replacement trees;
  8. Lighting details;

9. Fume filtration/extraction equipment details;
10. Noise insulation scheme;
11. Construction hours;
12. Details of contractors operations;
13. Renewable energy;
14. Green travel plan;
15. Provision of car and cycle parking prior to occupation;
16. No land to be used for parking unless agreed in writing;
17. Ecological monitoring and management plan;
18. Details of foul and surface water drainage;
19. Pollution control details;
20. Details of associated intrusive ground works;
21. Boundary treatment details;
22. Noise attenuation scheme for the boundary with No.197;
23. Security measures to control entrance and exit points of basement car park;
24. Building to be used as a hotel only and for no other purpose;
25. Details of fire hydrants.

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

- East of England Plan, Regional Spatial Strategy 2008;
- South Cambridgeshire Local Development Framework (LDF) 2007;
- Planning application references: S/0036/88/O, S/0754/90/F, S/1936/94/F, S/1633/96/O, S/0778/97/RM, S/1883/99/O, S/1229/00/F, S/0835/06/F, S/2257/01/F, S/0836/06/F and S/1394/08/F.

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