

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 April 2011

AUTHOR/S: Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as at 18 March 2011. Summaries of recent decisions of importance are also reported, for information.

- **Decisions Notified By The Secretary of State**

Ref. no.	Details	Decision	Decision Date
S/1178/09/F	Mr P McCarthy Plot 12 Victoria View Smithy Fen Cottenham Chalet, touring caravan and wooden day room (retrospective)	Allowed	04/02/11
S/0177/03/F	Biddalls Boulevard Kneesworth Road Meldreth Increase in the number of travelling showpeoples plots from 11 to 17	Invalid	04/02/11
S/0177/03/F	Biddalls Boulevard Kneesworth Road Meldreth Variation of condition 9 to increase the number of travelling showpeoples plots from 11 to 13	Invalid	04/02/11
S/1051/10/F	Mr & Mrs N Belbin Orchard Cottage 20 Town Green Road Orwell Demolish existing lean-to extension and construction of replacement to provide additional and improved accommodation.	Dismissed	11/02/11
S/1052/10/LB	Mr & Mrs N Belbin Orchard Cottage 20 Town Green Road Orwell Demolish existing lean-to extension and construction	Dismissed	11/02/11

	of replacement to provide additional and improved accommodation.		
S/0980/10/F	Mr L Blake Lilac Cottage 69 High Street Orwell Demolition of existing lean-to extension; refurbishment of existing cottage including installation of new services and sanitary facilities; erection of new extension to existing cottage and replacement outbuildings.	Part Allowed Part Dismissed	11/02/11
S/0981/10/LB	Mr L Blake Lilac Cottage 69 High Street Orwell Demolition of existing lean-to extension; refurbishment of existing cottage including installation of new services and sanitary facilities; erection of new extension to existing cottage and replacement outbuildings.	Part Allowed Part Dismissed	11/02/11
S/0014/10/F	Mr A Greed Land south of Brickhills Willingham The development is 19 proposed dwellings.	Dismissed	15/02/11
S/0794/10/F	Mr & Mrs Andrews Station Cottage Oakington Road Side and Rear Extension	Dismissed	22/02/11
S/1499/10/F	Mr & Mrs Bradford 2 Pampisford Road Great Abington Two storey side extension	Dismissed	22/02/11
S/1397/09/O	Banner Homes Ltd Rear 18-28 Highfields Road, Highfields Caldecote. 97 Houses, with vehicular access from Blythe Way & pedestrian link to Highfields	Dismissed	23/02/11
S/1048/10/F	Cambridge University Hospital NHS Foundation Trust, Magog Court Hinton Way	Dismissed	02/03/11

	Great Shelford		
S/0665/10/F	Falck Renewables plc Land west to A1198 Arrington	Dismissed	04/03/11
S/0653/10/F	Mr R Pleasants 18 The Knapp Haslingfield Erection of New Dwelling	Dismissed	07/03/11
S/0191/10/F	Mr R Wotherspoon Pightle Park Lane Castle Camp Change of Use from Agricultural Land to Garden Lane	Allowed	10/03/11
S0147/10/LDC	Mr J Calladine Land west side of Oakington Road Girton	No award of costs is being made against the Council	07/03/11

- **Appeals received**

3.

Ref. no.	Details	Decision	Decision Date
S/1477/10/F	Mr & Mrs B Morgan 19 Corbett Street Cottenham Extension	Delegated Refusal	01/02/11
S/0920/10/F	Mr & Mrs G Jennings Land to the west of Grove Farm, Harlton Road Haslingfield Agricultural Store Building	Committee Refusal	09/02/11
S/0784/10/LB	Mr L Duke Abbey Farm Duxford Road Ickleton Alter, extend and convert 2 out buildings to offices with attached wall and gates(revised design)	Delegated Refusal	15/02/11
S/1154/10/F	Amber Homes Ltd Plot 7 Land North of Mortimers Lane Foxton Variation of House Type	Delegated	22/02/11
S/2078/10/F	Mr O Kuwaidar 144 Cambridge Road Great Shelford Extension to Residential Home	Committee Refusal	22/02/11
S/1935/10/F	Mr P Jackson	Delegated	04/03/11

	21 The Sycamores Milton Single Storey Side Conservatory	Refusal	
S/1859/10/F	Mr J J Tilley 45 North Road Abington Replacement Dwelling	Refused	14/03/11

- **Summaries of important decisions**

Banner Homes Ltd – Outline application of erection of 97 dwellings – Land rear of 18 – 28 Highfields, Highfields Road, Caldecote – Appeal dismissed

4. This application was refused on the grounds that the development would be unsustainable in this group village. This was in spite of the fact that the developer had offered a package of financial contributions to facilitate various improvements to local services and facilities. The appeal was considered by way of a hearing at which County Councillor Fiona Whelan, District Councillor Tumi Hawkins and four Parish Councillors spoke, primarily against the proposal.
5. As part of the appeal, the appellant submitted a completed Section 106 legal agreement. This included provision for financial contributions towards such matters as education, transport, the provision of 39 units of affordable housing, public open space and an equipped play area. The Council had entered into the agreement on a without prejudice basis.
6. The site was previously allocated for housing. In January 2010, the Site Specific Policies DPD was adopted, superseding the remaining relevant policies of the 2004 Local Plan. The allocation of the appeal site for development was not carried forward, and the site thus became simply land without notation.
7. The inspector noted that the appeal proposal is in conflict with the aims of Policy ST/6, and those of the Core Strategy as a whole, in that it would result in a development of excessive size, in a relatively minor and unsustainable settlement, which has not been selected for growth on the scale now proposed. In terms of development plan policy therefore, the previous allocation is now nothing more than a matter of historical record. The appellant was naturally frustrated regarding the timing of this change as the application had been submitted before the change in development plan policy. However, a decision must follow current policies and other material considerations that apply now.
8. The existing facilities at Highfields, were considered to be “not insignificant”. Most of the facilities that were planned for earlier expansion of the village have now been provided. There was no evidence that the completion of the original plans is now necessary to support those facilities. In some respects the development now proposed would enhance Highfields’ sustainability and would increase the population base. It would also provide contributions towards some additional new facilities, including temporary support for a new bus service. But similar arguments could be made in support of other large developments in group villages. Both cumulatively and individually, the effect would be to undermine the wider housing strategy.

Development of the size now proposed would conflict with the aims of Policy ST/6 relating to housing development in 'group' villages, causing unacceptable harm to the development strategy for South Cambridgeshire District.

9. While the scheme is not an unusually high density, and would be acceptable in many locations, the inspector still concluded that the development would appear unusually intensive in this rural context. For the most part, the houses would be closely spaced in continuous rows; they would be set close up to the roads or shared surfaces; and any space in front would be largely taken up with car parking and hard surfacing. These aspects would give the development a hard and urban appearance that would be uncharacteristic of the locality. It would completely change East Drive's present open and spacious character. Similarly, the plots backing onto the existing development at Roman Drift would appear uncomfortably close to those properties, giving this part of the development a cramped appearance. In addition, the layout in the south-western part of the site would result in the total loss of the existing tree group in that area.
10. Thus, while the Council had not raised objections in this respect, the inspector was in agreement with those local residents who argued that the scale and density of the development would not sit well with the village surroundings. Whilst the Council has not yet had time to formally review HG/1, it was confirmed at the hearing that it has already informally changed its application of that policy, by giving more weight to local circumstances. The scale and intensity of the proposed development would be out of keeping with the village and unacceptably harmful to its character and appearance.
11. So far as the contributions were concerned, the inspector noted the concerns expressed by the District and Parish Councils, school governors and others, that Caldecote School has no room for expansion; and also that the contributions agreed by the County would not be enough to fund expansion there to 2-form entry, or to provide sufficient extra places at other schools. But it appears that the present capacity problems are at least partly related to the new settlement at Cambourne, where school provision has lagged in recent years, distorting the pattern of demand in surrounding areas. It now appears that additional provision for that development is planned in the reasonably near future, which is likely to relieve some of the pressure on existing schools. In any event, it would not be lawful for the appeal scheme to contribute financially beyond what is strictly necessary to mitigate its own impact. The County Council had entered freely into the Section 106 agreement, and is bound by its terms. In so doing, it has clearly signalled its acceptance that the contributions provided are sufficient to enable it to make adequate provision for the educational needs generated by the development.
12. Similar conditions applied to the public transport and drainage contribution. The other contributions towards recreation, community facilities, public art, and household waste facilities; plus on-site open space and play areas, with a commuted sum for maintenance, and 39 units of affordable housing were found to comply with the relevant legislation governing their provision.
13. Nonetheless, these did not outweigh the harm caused by the scale and intensity of the development both in terms of its effect on settlement strategy and the character and appearance of the village.

Mr A Greed – Erection Of 19 dwellings – Land to the south of Brickhills, Willingham – Appeal dismissed

14. This application was originally recommended for approval by officers, but this recommendation was changed at the Committee meeting following objections from the conservation officer. The application was subsequently refused on the grounds of its impact on the character and appearance of the conservation area and the setting of nearby listed buildings; harm to the outlook of residents in Brickhills; and the failure to provide a sufficient number of affordable houses. The application also required suitable contributions to education and open space provision. The appeal was conducted by way of a hearing, attended by four local residents.
15. 45 and 47 Church street are listed buildings and the Council was concerned that their existing curtilages would be reduced in such a way as to undermine their historic context. In response, the inspector concluded that a substantial distance would still remain between the southern boundary of the site and these 2 listed buildings, thereby ensuring the concept of long thin rear plots was maintained to a sufficient degree. In the circumstances, reducing the length of these curtilages by building on their northern halves would not harm the historic pattern of development in the village or the historic context of these 2 listed buildings.
16. The site is not in the conservation area, and it does not abut the conservation area when crossing the gardens of the listed buildings. The only point where it touches the conservation area boundary is at the south-west corner of the curtilage to 15 Rockmill End. Although the proposed houses are of a modern design with a distinctive profile, the roof formation was found to limit their height and their scale to generally accord with that of the surrounding properties. When looking from Church Street views of the new houses on this portion would be extremely limited because of their height, the distances involved, and the existing buildings and landscaping in between. When seen from the back gardens of properties in the conservation area the development here would still be separated and significantly screened by 15 and 17 Rockmill End. In the light of these factors, the inspector concluded that the housing at the east end of the site would not have a harmful effect on the conservation area. While trees would be lost, none are subject to tree preservation orders and their removal would not be a basis to resist the scheme.
17. The properties on Brickhills along the site's northern boundary have short back gardens. However, there would only be an interface distance of about 17m between the front of Plots 12-15 and the Brickhills houses. The proposed dwellings would have relatively tall front elevations due to their style of roofing. At this distance the inspector agreed that the dwellings would be overwhelming due to their height and scale. They would therefore unreasonably harm the living conditions of these neighbours and erode their enjoyment of their rear rooms and gardens. Given their distance from the Brickhills dwellings the first floor bedroom windows on the north-facing elevations of Plots 12-15 would allow for an unacceptable level of overlooking. While these windows could be fitted with obscured glazing to a height of 1.8m, this would result in these 2 bedrooms providing an unreasonably poor outlook for their occupiers, and so they would not create the high quality housing sought by PPG3.
18. The Council sought eight affordable units as 40% of the total amount of housing. The scheme proposed 6. The appellant said the reason for this lower figure was because of the development's abnormal costs, which included drainage and water storage. In the light of these, he contended that providing more than 6 affordable units would mean the scheme would not be viable. The Council's Housing Manager had previously recommended that 6 units was appropriate and the Council was unable to

provide any substantive evidence at the hearing to challenge the appellant's case. Consequently there was no basis to disagree with the Appellant's view that the provision of only 6 affordable homes is viable on this site.

19. While the inspector queried the basis on which the financial contributions for education and open space provision had been calculated, he accepted there was a need for a fair and reasonable contribution. However, not all of the landowners had signed the undertaking. As such, it had not been properly secured and the inspector could only give it limited weight in resolving the planning objections concerning these matters. The appeal therefore failed in this respect.

20. In conclusion, given its effect on living conditions and its failure to provide a satisfactory legal agreement, the appeal was dismissed.

- **Local Inquiry and Informal Hearing dates scheduled before the next meeting on 6 April 2011.**

21.

Ref. no.	Name	Address	Hearing
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None

- **Appeals withdrawn or postponed:**

22.

Ref. no.	Name	Address	Hearing
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None

- **Advance notification of future Local Inquiry and Informal Hearing Dates**
(subject to postponement or cancellation)

23.

Ref. no.	Name	Address	Date
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None

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

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