

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 May 2011

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

S/0152/11 - ELSWORTH

**Erection of 2 dwellings and garage following demolition of the existing
bungallow and garage. - 7, The Drift
for Mr & Mrs A Hutchinson**

Recommendation: Approve Conditionally

Date for Determination: 28 March 2011

**This application has been reported to the Planning Committee for
determination on the request by the Local Member**

Members will visit the site on 11th May 2011

Site and Proposal

1. The site is located within the Elsworth village framework, and is surrounded on three sides by the Elsworth Conservation Area, although the site is not directly in this designation. The Drift slopes up significantly from Boxworth Road. Opposite the site is the Rectory, with the Church located further south. Nos. 1 and 3 The Drift are a pair of semi-detached properties set on lower land. To the south is no. 11 The Drift, a bungalow with first floor living accommodation, set on higher land. A public footpath runs along the side and rear of the site, linking Cowdell End with Boxworth Road. The adjacent properties of nos. 38 and 40 Boxworth Road are grade II listed buildings.
2. The full application, validated on the 31st January 2011, seeks the removal of the existing bungalow and garage on the site, and the replacement with a pair of detached two-storey dwellings. This would create a three bed and a four bed dwelling on the site. Plot 2 would also have a detached garage located to the southeastern side of the dwelling. The application is accompanied by a Planning Statement, which includes the Design and Access Statement. The application was amended by a plan received on 21st March 2011. This showed plot 2 moved forward on the plot by 1.5m.

Planning History

3. A planning application for the removal of the existing bungalow and garage and replacement with a two dwellings and garage with studio above was refused through application S/0697/10/F. The reasons for refusal were the impact upon the setting of the adjacent Elsworth Conservation Area, impact upon the setting of the adjacent listed buildings, and provision of a three bed and a five bed property providing an inappropriate mix of dwellings.

4. A planning application for an extension and garage at 7 The Drift, and a new dwelling on adjacent land was refused through application S/1605/09/F. The reasons for refusal were the impact upon the street scene of The Drift, impact upon the adjacent Elsworth Conservation Area, impact upon the occupiers of 3 The Drift by being overbearing, impact upon the occupiers of 40 Boxworth Road by virtue of overlooking of private areas, impact upon the occupiers of 11 The Drift due to overlooking, highway safety at the junction between The Drift and Boxworth Road, and potential overlooking from a loft window.

Policies

5. Local Development Framework Core Strategy Development Plan Document 2007: ST/6 Group Villages
6. Local Development Framework Development Control Policies (LDF DCP) 2007: DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/7 Development Frameworks, HG/1 Housing Density, HG/2 Housing Mix, SF/10 Outdoor Playspace, Informal Open Space, and New Developments, SF/11 Open Space Standards, NE/1 Energy Efficiency, NE/6 Biodiversity, NE/11 Flood Risk, NE/15 Noise Pollution, CH/4 Development Within the Curtilage or Setting of a Listed Building, CH/5 Conservation Areas & TR/2 Car and Cycle Parking Standards.
7. Open Space in New Developments SPD, Trees and Development Sites SPD, Development Affecting Conservation Areas, Biodiversity SPD, Listed Buildings SPD & District Design Guide SPD.
8. Circular 11/95 – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
9. Circular 05/2005 - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

10. Elsworth Parish Council recommends refusal of the original plans, due to the buildings' overbearing mass, height and bulk, the adverse impact upon the adjacent Listed Buildings, and the adverse impact on the adjacent Conservation Area. In reply to the amended plans, the Parish Council make no recommendation. The amendments are considered to overcome the original objection, although there remains some concern about the impact of plot 1 of the adjacent Listed Buildings.
11. The Conservation Officer notes the two-storey rear section of plot 2 extends beyond the rear line of the existing bungalow, causing harm to the setting of the adjacent Listed Buildings. There is also concern regarding the lack of space between plot 2 and 11 The Drift. With regard to the amendment, the concern regarding impact upon the Listed Buildings has been resolved.

12. The Local Highways Authority recommends conditions regarding drainage of water away from the public highway, the material for the accesses, and the provision of pedestrian visibility splays. An informative regarding works to the public highway is also requested.
13. The Council's Ecology Officer repeats his previous comments relating to S/0697/10/F. Elsworth has a Great Crested Newt population, but the nearest pond is 150m away. As the land constitutes garden land, no further survey work or mitigation work is required at this stage, unless further evidence is provided that demonstrates the property provides a Great Crested Newt habitat.
14. The Council's Trees Officer has no objections subject to a condition regarding tree protection to be installed prior to demolition works.
15. The Council's Environmental Health Officer recommends a condition regarding the time that power operated machinery be used during demolition and construction, informatics regarding bonfires and burning of waste, and the requirement of a demolition notice are also requested.
16. The County Definitive Maps Officer notes there is no objection to the proposal despite the proximity of Public Footpath No. 12 Elsworth. Informatics are requested ensuring it is kept clear.
17. The Council's Landscape Officer requests conditions regarding landscaping and boundary conditions.
18. Cllr Wright requested the application be heard at Planning Committee given concerns on material planning grounds from local residents and the Parish Council.

Representations

19. The occupiers of 1 The Drift object on grounds of impact upon the character of the area, loss of light and outlook from the rear garden at 1 The Drift, highway safety, loss of habitat and the setting of a precedent for further development. The amended plan is not considered to overcome this view.
20. The occupiers of 3 The Drift object on grounds of loss of light, overbearing impact from the garden and landing window, impact upon the adjacent Conservation Area, and the cramped form of development. The amended plan is not considered to overcome this view.
21. The occupiers of 11 The Drift object on grounds of the plans not showing the conservatory and summer house at 11 The Drift, overbearing impact of the garage when viewed from the conservatory, and the impact of the two storey element to the rear of plot 2.
22. The occupiers of 1 Cowdell End object on grounds of the overbearing impact of both dwellings, impact upon highway safety and the impact upon the adjacent Conservation Area. The amended plan is not considered to overcome this view.

23. The occupiers of 4 Cowdell End object to the scheme on grounds of the two-storey height of plot 2 eroding the character of the village, and loss of countryside views from the two-storey rear element. They also highlight some discrepancies in the plans submitted.
24. The occupiers of 5 Cowdell End object to the scheme on grounds of overbearing impact by virtue of the scale and massing of development, loss of privacy to 11 the Drift and properties on Cowdell End, impact upon the adjacent Conservation Area, and impact on highway safety. Some inaccuracies regarding the scheme have also been highlighted.
25. The occupiers of The Old Chapel, Boxworth Road object on grounds of the impact upon the adjacent Conservation Area.
26. The occupiers of 38 Boxworth Road object on grounds of impact upon the adjacent Conservation Area and Listed Buildings, the overbearing impact and resulting loss of amenity, overlooking from plot 1, removal of trees prior to submission, and surface water drainage. The amended plan is not considered to overcome this view.
27. The occupiers of 42 Boxworth Road object on grounds of the size and bulk of the dwellings, density of development, overlooking from rear windows, the character of the dwellings, the state of the highway along The Drift, safety of the junction between The Drift and Boxworth Road, and impact upon the adjacent Conservation Area. The amended plan is not considered to overcome this view.
28. The Elsworth Drift Conservation Residents Association objects on grounds of impact upon the amenity of occupiers of neighbouring properties, and the impact upon the adjacent Conservation Area. Some inaccuracies regarding the scheme have also been highlighted.

Planning Comments

29. The key issues to consider in this instance are the principle of development, the setting of the Conservation Area and Listed Buildings, impact upon the amenity of the occupiers of adjacent properties, highway safety, infrastructure contributions, and drainage of the site.

The Principle of Development

30. The site lies within the designated Elsworth village framework. Elsworth is classified as a Group Village, where residential development and redevelopment of up to a maximum size of 8 dwellings will be permitted within village frameworks. The size of the development is considered appropriate to the village.
31. The site has an area of approximately 0.224 hectares. Policy HG/1 seeks residential development to make the best use of the site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. A scheme of two dwellings would represent development of 9 dwellings per hectare. This is below that sought by the policy. However, given concerns regarding the

impact upon the adjacent Conservation Area, the character of the area in general, and highway safety, in this instance, such a low density is again considered acceptable (low density was not a reason for refusal of the previous proposal). The recent alteration to Planning Policy Statement 3 also supports a lower density. Subject to site-specific issues and other policy criteria, there is no in-principle objection to the removal of the existing dwelling and replacing it with two dwellings on the plot.

32. Policy HG/2 of the LDF DCP 2007 seeks residential developments to contain a mix of units providing accommodation in a range of sizes to meet local needs. In developments of up to 10 dwellings, at least 40% should be one or two bed units to meet the demand for smaller dwellings. The application seeks the replacement of a two-bed unit with three and four bed dwellings. The previous application sought three and five bed units, and one of the reasons for refusal was the proposal being contrary to Policy HG/2. This scheme has differed in the five-bed plot is now a four-bed plot. Whilst the aims of the policy are not met, officers consider it would be very difficult to refuse the scheme on this policy alone, particularly as the policy basis for the mix is taken from the results of South Cambridgeshire Housing Needs Survey 2002. The applicant has also provided information from a local estate agent that there is a greater local demand for 3 plus bed units in the village. In this instance, the mix is an improvement on the previous scheme, and officers do not consider a reason for refusal could be sustained on this policy alone given the lack of available evidence.

Impact upon the Setting of the Conservation Area and the Listed Buildings

33. The Elsworth Conservation Area runs along the southwest, northeast and northwest boundaries of the site. The properties of 38 and 40 Boxworth Road to the north are both grade II listed buildings. The Drift slopes upwards away from Boxworth Road, giving the existing bungalow a higher location than the Listed Buildings and the Conservation Area. By increasing the bulk and the height of development on the land, the key issue in negotiating the scheme is the potential dominance that the development would have on these heritage assets.
34. The scheme has been changed since the refusal of application S/0697/10/F. With regard to plot 1, it has been relocated a further 0.5m from the boundary with 3 The Drift, and a further 0.5m from the front of the site. The projecting front gable has also been switched to the opposite side of the dwelling, moving this bulk away from the boundary with the Conservation Area. The rear garden room has been moved away from the boundary with 3 The Drift, and its design has been changed to a more simple gable end. The dwelling itself has slightly increased in width by 0.4m. The front door has been moved from the front elevation to the inward elevation of the forward gable, and there are other changes to the fenestration.
35. As per the amended plan, plot 2 has been moved significantly forward on the plot, from 16.6m to 12m from The Drift. The gap between plot 1 and 2 remains the same, although the front gable of plot 2 now sits an additional 2m from plot 1. Plot 2 is now located approximately 0.5m closer to 11 The Drift. There are a number of changes to the design. The front gable span has been reduced and is now symmetrical, with simpler fenestration. The rear element, whilst retaining first floor accommodation, has been reduced from 7m in

height to 5.8m. The height of the dwelling remains the same, although it would be set lower due to a lower ground level.

36. The double garage to plot 2 previously had a studio above. This has been altered to a single garage, 1m lower in height, set much further back on the plot. It would be located within 3.4m of the boundary of 11 The Drift at its closest.
37. The proposed changes reduce the bulk of development, and allow the scheme to sit well within the street scene. The relocating of plot 1 does shift the bulk from the boundary, but more importantly, it opens up the gap between it and 3 The Drift, retaining views from The Drift into the Conservation Area. It should be noted that whilst within the Conservation Area, the semi-detached dwellings of 1 and 3 The Drift are not of special architectural merit in themselves. I note the comments from the Conservation Officer on the impact with the adjacent Listed Buildings. Moving plot 2 forward reduces its impact on views between the Listed Buildings from Boxworth Road. Whilst they would still be visible, the setting of these buildings would not be harmed.
38. The Conservation Officer has concerns regarding the submitted street scene elevation. This does not show a “2-d” effect of the garage or dwelling at 11 The Drift, which are not perfectly parallel with the road. This is noted, and the location on this neighbouring property was noted during the officers site visit. It is not considered that the development would be too cramped in this area, and it is located at a suitable distance from the Conservation Area so as to not cause any harm to either its character or appearance. As a result of the changes, it is considered the proposal would not have a harmful impact upon the setting of the Listed Buildings and Conservation Area, and would be a significant improvement in the street scene of The Drift.

Impact upon the Amenities of the Occupiers of Adjacent Properties

39. The previous application was not considered to harm the amenity of the occupiers of 3 The Drift, and the relationship between the two has been further improved. Officers note the comments from the occupiers of this property. The dwelling would be visible from the rear garden and facing first floor landing window, but no harm would result. The main side elevation is blank, and a condition can ensure no openings are added in the future that may cause overlooking. The two rooflights serving the landing are 10m from the shared boundary and would only overlook the driveway area of 3 The Drift.
40. Concerns regarding overlooking towards the rear gardens of 38 and 40 Boxworth Road are noted. There is a rear facing dormer window located approximately 13.5m from the boundary with 38 Boxworth Road (which has a very narrow garden at this point). This dormer window serves a bathroom, and a condition can ensure it is obscure glazed. The dormer window serving bedroom 3 is further from the boundary, at a satisfactory distance of 14.6m. Officers consider plot 1 would not cause any serious harm to the amenity of the occupiers of the adjacent properties.
41. Concerns regarding the impact of plot 2 on 11 The Drift are noted. This neighbouring property is a chalet bungalow, with a rear conservatory not shown on the site plan. This was however noted on the site visit. Plot 2 would

be located 8m from 11 the Drift, although this increases to 11m behind the existing garage. Plot 2 is also set on lower ground. There is a first floor window facing 11 The Drift that serves a bathroom, and this will need to be obscure glazed. There are also two rooflights serving bedroom 4 that would face 11 The Drift at a distance of 12.8m. A condition should ensure these are also obscure glazed or located with their cills above 1.7m from the finished floor level. A further condition preventing other openings at first floor level in this elevation would be required. Subject to these conditions, no harm would be caused to the occupiers of 11 The Drift.

42. The garage would be set slightly closer to 11 The Drift, but is set back in the street scene. Its eaves height is low at 2.5m. Whilst it would be visible from the bathroom and conservatory openings and the rear garden of 11 The Drift, no serious harm would result. The garage would also be set on lower ground reducing the impact.
43. The numerous amenity concerns from the occupiers of the properties along Cowdell End to the southeast are noted. Plot 2 would be located approximately 22m from the road at its closest, with the dwellings set back a further 10m. Given this distance, plot 2 would not appear overbearing from these properties, and it would not cause any significant loss of privacy to occupiers of these properties. It is appreciated that given the change in levels, the development will be visible from the Cowdell End dwellings and some views of the countryside to the west may be lost, however, no serious harm would result. The loss of a private view is not a material planning consideration.
44. Occupiers of the neighbouring dwellings have highlighted some inaccuracies in the plans submitted. There does appear to be a discrepancy of 0.2m between the ridge height of plot 2 when comparing the datum level and the proposed ridge height. The application is being determined on the information submitted as part of this application. The proposed datum levels heights are considered acceptable in their own right. A condition ensuring site levels and heights of the proposed dwelling can ensure they are built as shown on the amended street scene plan. It is noted the spot height figure of the rear two-storey element has been omitted. However, the plan is drawn to scale and therefore accurate measurements can still be taken.

Highway Safety

45. In determining application S/1193/05/F for an extension to the mobile home park, a previous Planning Inspector had dismissed an appeal on grounds of highway safety given the site lines of the junction between The Drift and Boxworth Road. He concluded that the additional vehicle movements would be detrimental to highway safety. Previous application S/1605/09/F sought an additional dwelling, and was refused on the safety of this junction. For application S/0697/10/F, the applicant provided speed data and the available visibility splays at this junction. The Local Highways Authority has confirmed that Manual for Streets would apply and the revised visibility splays at the junction would be acceptable. It is considered the previous reason for refusal has been overcome, and remains so for this application. It should be noted that the previous Inspector comments were based on Places, Streets and Movement, and was pre-adoption of Manual for Streets.

46. The Local Highways Authority also request conditions regarding drainage of water away from the public highway, the material for the accesses, and the provision of pedestrian visibility splays, as well as an informative regarding works to the public highway. These can be added to any consent. Comments were also received questioning whether The Drift is capable of supporting further dwellings. Given the number of dwellings is currently supports, I do not consider a further dwelling would seriously deteriorate the surface of the road sufficiently to warrant objection.

Infrastructure Contributions

47. As noted within the Audit and Needs Assessment of Open Space June 2005, there is a shortfall of play space within the village. In line with Policies SF/10 and SF/11 of the LDF DCP 2007 and the Open Space in New Developments SPD, the proposal would require a contribution of £5,118.37 towards open space, £845.88 towards community facilities, £69.50 towards provision of waste receptacles and £250 towards the Section 106 monitoring fee. The applicant is aware of the policy, and confirmation of their willingness to contribute is awaited.

Drainage of the Site

48. The applicant has stated that the site would be provided with rainwater harvesting and overflow soakaways to drain surface water. There is a concern that given the change in levels on the site, there could be potential for water to drain down to 3 The Drift. A condition ensuring appropriate drainage will be provided in this instance given the change in levels.

Decision/Recommendation

49. Approval, (as amended by Proposed Block Plan and Site Plan Rev F date stamped 21st March 2011) subject to confirmation of the willingness to contribute to of site open space and the following conditions.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Block Plan and Street Scene rev F date stamped 21st March 2011, Location Plan date stamped 26th January 2011, 10-022 rev E and 10-023 rev G date stamped 31st January 2011.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in

accordance with Policies DP/2, CH/4 and CH/5 of the adopted Local Development Framework 2007.)

4. No development shall commence until precise site levels are provided showing the exact floor levels and ridge heights of the proposed development in relation to the adjacent properties along The Drift have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in the street scene in accordance with Policies DP/2, DP/3, CH/4 and CH/5 of the adopted Local Development Framework 2007.)
5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the materials to be used for the construction of the driveways, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development (this may require foundation detailing). The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
8. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

9. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. It should also provide details ensuring water does not drain onto the adjacent public highway. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
10. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
11. Apart from any top hung vent, the following windows hereby permitted, shall be fitted and permanently glazed with obscure glass.

Plot 1 – The rear facing (northeast elevation) dormer window serving the en-suite
Plot 2 – The side window (southeast elevation) serving the bathroom, and the rooflights in the side (southeast) elevation serving bedroom 4, unless the sill height of these rooflights are 1.7m or above from the finished first floor level.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed at first floor level or above in the following elevations unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

Plot 1 – the side (northwest) and rear (northeast) elevations.
Plot 2 – the side (southeast) elevation.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. No development shall begin until details of a scheme for the provision of open space and community infrastructure, Section 106 monitoring and provision of waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies DP/4 and SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.
(Reason - To ensure that the development contributes towards open space, community facilities, Section 106 monitoring and the supply of waste receptacles in accordance with the above-mentioned Policy DP/4 and Policy SF/10 of the adopted Local Development Framework 2007.)

Informatives

The development results in a number of infrastructure requirements to meet the needs of the development in accordance with Policies DP/4 and SF/10 of the adopted South Cambridgeshire Local Development Framework 2007. Should financial contributions be provided, this amount to £5,118.37 towards the off-site provision and maintenance of open space, £845.88 towards the provision of indoor community facilities and £69.50 towards the provision of household waste receptacles. These figures are as calculated on the date of the decision and are index linked so may be subject to change when any payment is made. These contributions would be secured through a scheme (Section 106 Agreement). There would also be additional charges of £250 towards a S106 monitoring fee.

During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

Before the existing property is demolished, a Demolition Notice will be required from the Council's Building Control section establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This is required to ensure protection of the residential environment of the area.

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

The Highway Authority (Cambridgeshire County Council) maintains the surface of Public Footpath No. 12 Elsworth, to a standard sufficient for members of the public on foot; damage to the surface caused by non-public footpath use is repairable by those private users.

No alteration to the surface of Public Footpath No. 12 Elsworth is permitted without our consent (it is an offence to damage the surface of a footpath under s 1 of the Criminal Damage Act 1971).

Public Footpath No. 12 Elsworth must remain open and unobstructed at all times. Building materials must not be stored on the footpath and contractor's vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public byway).

Landowners are reminded that it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s 154 Highways Act 1980).

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

- **South Cambridgeshire Local Development Framework (LDF) Core Strategy.**
- **Local Development Framework Development Control Policies 2007.**
- **Open Space in New Developments SPD, Trees and Development Sites SPD, Development Affecting Conservation Areas,**

**Biodiversity SPD, Listed Buildings SPD & District Design Guide
SPD.**

- **Circular 11/95 – The Use of Conditions in Planning Permissions.**
- **Circular 05/2005 - Planning Obligations.**
- **Planning File ref: S/0152/11, S/0697/10, and S/1605/09/F.**

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