

21 September 2021

To: Chair – Councillor Pippa Heylings  
Vice-Chair – Councillor Henry Batchelor  
All Members of the Planning Committee - Councillors Dr. Martin Cahn,  
Peter Fane, Geoff Harvey, Dr. Tumi Hawkins, Judith Rippeth,  
Deborah Roberts, Heather Williams, Dr. Richard Williams and  
Eileen Wilson

Quorum: 3

Substitutes Councillors Nick Wright, Sue Ellington, Grenville Chamberlain,  
if needed: Mark Howell, Dr. Shrobona Bhattacharya, Graham Cone,  
Dr. Claire Daunton, Anna Bradnam, Brian Milnes and Jose Hales

Dear Councillor

This is a supplement to the agenda for the next meeting of **Planning Committee**, which will be held in the **Council Chamber, First Floor** on **Wednesday, 29 September 2021** at **10.00 a.m.** **A weblink to enable members of the press and public to listen to the proceedings will be published on the relevant page of the Council's website , normally, at least 24 hours before the meeting.**

**This supplement includes printed versions of the supplements issued for the meeting on 8 September 2021 and additional supplements.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**Liz Watts**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

---

### Agenda supplement

5. 20/05101/FUL - Longstanton (Land at The Retreat, Fewes Lane)

**Pages**  
**1 - 30**

Erection of a chalet bungalow with garage and associated infrastructure

The section called 'Appendices' consists of appendices 1-6, 8 and 9. Appendix 7 is a separate document and large computer file (over 17 Mb).

**6. S/1963/15/CONDG - Linton (Land North and South of Bartlow Road) 31 - 32**

Submission of details required by condition 10 (Surface Water Drainage) of planning permission S/1963/15/OL

**7. 21/00629/S73 - Linton (Land to the North and South of Bartlow Road) 33 - 34**

S73 Variation of condition 11 (Foul water drainage) of outline planning permission S/1963/15/OL (Residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road) for revised wording to refer to the foul drainage design.

**8. S/2553/16/CONDH - Linton (Land off Horseheath Road) 35 - 40**

Submission of details required by condition 12 (Foul water Drainage) of planning permission S/2553/16/OL

# Agenda Item 5



**South  
Cambridgeshire**  
District Council

Reference: 20/05101/FUL

Site Address: The Retreat, Fews Lane, Longstanton CB24 3DP

29 Sep 2021

**Report to:** South Cambridgeshire District  
Council Planning Committee

**Lead Officer:** Joint Director of Planning and Economic Development

---

## **20/05101/FUL– Land at the Retreat, Fews Lane, Longstanton, CB24 3DP**

Proposal: Erection of a chalet bungalow with garage and associated infrastructure

Applicant: Mr Gerry Caddoo, Landbrook Homes Ltd

Key material considerations:

- Principle of development
- Impact on the character of the area
- Impact on residential amenity
- Highways matters
- Other matters

Date of Member site visit: None

Is it a Departure Application?: No

Decision due by: 05.02.2021

Application brought to Committee because: The proposal raises significant concerns locally and it is considered to be in the public interest for the application to be referred to the Planning Committee.

Presenting officer: Lewis Tomlinson

## UPDATE REPORT

### Longstanton Parish Council revised comments

1. Longstanton Parish Council submitted comments on the application on the 10<sup>th</sup> February this year stating concerns over highway safety but supporting the application. These comments are recorded in the committee report in paragraph 12.
2. The committee report was published last Tuesday, 31<sup>st</sup> August 2021. Longstanton Parish Council emailed the case officer late Tuesday stating that the Parish Council has agreed at a recent meeting to change its response from support to object. These comments were therefore received after the report had been published.
3. Longstanton Parish Council emailed members outlining the above on Friday 3<sup>rd</sup> September. They also included a complaint they had sent to Stephen Kelly, Joint Director of Planning and Economic Development in relation to a previous application on the neighbouring site under planning application reference 20/02453/S73. As this was not submitted under this current application, officers did not include the complaint in the committee report. Members should note that a response to that complaint has been provided to Longstanton Parish Council from Stephen Kelly.

### Additional representations received from Fews Lane Consortium

4. 4 further representations have been received from Fews Lane Consortium on 2<sup>nd</sup> September and one further representation received on the 5<sup>th</sup> September. Officers have responded to these. The emails and related responses are available on the website. The following concerns have been raised (as summarised):
  - Request the Council to provide reasoning why this application and 2 other relate applications (S/4471/19/DC & S/0277/19/COND9) were not determined within the statutory period and were not determined in the time frame before the non-determination appeal was lodged.
  - Request evidence of the agreement from PINS to an extension for the submission of the Statement of Case.
  - Clarification on several issues:
    - Has the District Council assessed the highway safety issues surrounding the current access? If so, could you please explain the scope of any such assessment, the findings of any such assessment, and explain how these findings have been applied in relation to the District Council's view on the safety of the proposed access arrangements for this application?
    - In answering the questions above, are your answers based upon your own professional judgment as a planning officer, or do your answers rely on the views and advice of others?
    - Has the District Council considered what is the extent of the adopted public highway in regards to this application? Has the District Council considered what part or parts of Fews Lane (if any) are part of a highway maintainable at public expense? If these issues have been considered, could the District Council please explain what evidence it has used as the basis of its assessment?
  - The Council has taken an opposite and contradictory approach to the interpretation of approved plans in the context of the retention and protection

of trees, vegetation, and hedges in regard to planning application 20/05101/FUL in comparison to S/3215/19/DC.

- Concerns that the Parish Council's comments on highway safety have not been reported accurately in the report and none of the Parish Council's safety concerns, recently submitted in writing to the District Council were summarised for the Committee in any substantive way.

### **Officer Response**

5. The non-determination of these applications relates primarily to the complexity and extent of legal planning challenges to development proposals along Fews Lane made by Fews Lane Consortium.
6. Agreement from PINS to an extension for the submission of the Statement of Case until the 10<sup>th</sup> September is available on the website.
7. Planning officers are not experts in highway safety matters and have exercised their judgement on this with reference to the planning history, advice received from the Local Highway Authority at Cambridgeshire County Council and officers' knowledge of the site, the access and its constraints (noting the concerns raised by third parties and the Parish Council). Officers are entitled to use their professional judgement in their consideration of planning applications, as well as weighing material planning considerations, representations made and consultee responses. This professional judgement is exercised in the officer report before members. Officers are aware and so is the Local Highway Authority of the extent of the adopted public highway. The scope of evidence informing a view on the merits of the application is set out in the committee report.
8. The Parish Council revised comments of 31<sup>st</sup> August have been dealt with in paragraphs 1 – 3 of this Update Report. Officers note the concerns raised by Fews Lane Consortium and have provided a response to this.
9. Officers have considered all other representations made by Fews Lane Consortium and third parties over the course of application. Officers do not consider that any of those representations alter the recommendation or the primary reasons for reaching this recommendation.
10. The remainder of the officer report is unedited from the report that was published on the Tuesday 31<sup>st</sup> August and the recommendation remains the same.
11. Members are reminded that the LPA no longer has the authority to determine this application, which has been appealed against its non-determination. The LPA is required, however, to prepare a Statement of Case (SoC), as part of the appeals process, setting out its evaluation of the planning merits of the proposal. Given the history of the site, the application would have been referred to the Planning Committee for its determination had the appeal against non-determination not been made. Officers are therefore bringing the application to Planning Committee in order that Members can express the Committee's '**minded-to**' decision that will form part of the SoC.

This page is left blank intentionally.



Reference: 20/05101/FUL

Site Address: The Retreat, Fews Lane, Longstanton CB24 3DP

29 Sep 2021

**Report to:** South Cambridgeshire District  
Council Planning Committee

**Lead Officer:** Joint Director of Planning and Economic Development

---

## **20/05101/FUL– Land at the Retreat, Fews Lane, Longstanton, CB24 3DP**

Proposal: Erection of a chalet bungalow with garage and associated infrastructure

Applicant: Mr Gerry Caddoo, Landbrook Homes Ltd

Key material considerations:

- Principle of development
- Impact on the character of the area
- Impact on residential amenity
- Highways matters
- Other matters

Date of Member site visit: None

Is it a Departure Application?: No

Decision due by: 05.02.2021

Application brought to Committee because: The proposal raises significant concerns locally and it is considered to be in the public interest for the application to be referred to the Planning Committee.

Presenting officer: Lewis Tomlinson

## **UPDATE REPORT**

### **Background**

1. As previously outlined, the applicant has submitted an appeal to the Planning Inspectorate on the grounds of non-determination. As a result, the Local Planning Authority (LPA) no longer has the authority to determine the application. The LPA is required, however, to prepare a Statement of Case (SoC), as part of the appeals process, setting out its evaluation of the planning merits of the proposal. Given the history of the site, the application would have been referred to the Planning Committee for its determination had the appeal against non-determination not been made. Officers therefore brought the application to Planning Committee on the 8<sup>th</sup> September in order that Members could express the Committee's 'minded-to' decision that would form part of the SoC. The Council had been granted an extension by the Planning Inspectorate until the 10<sup>th</sup> September to submit its SoC.
2. The application was on the 8<sup>th</sup> September planning committee agenda. However, due to technical issues with the audio on the livestream, the committee had to be abandoned. Officers emailed the Planning Inspectorate on the 8<sup>th</sup> and 9<sup>th</sup> September requesting a further extension given the situation and the fact that the circumstances were beyond the Council's control. No response to the requested extension was received prior to the 10<sup>th</sup> September. Officers therefore submitted the committee reports and associated appendices/third party representations while making it clear that as committee was abandoned, no view of the Council was able to be reached.
3. Since the 10<sup>th</sup> September, Officers have continued to contact the Planning Inspectorate to seek a further extension to accommodate the rearranged planning committee. The Planning Inspectorate responded on the 17<sup>th</sup> September granting an extension for the SoC until the 1<sup>st</sup> October.

### **Additional representations received**

4. On the afternoon on the 7<sup>th</sup> September, the day before the last planning committee, Few's Lane Consortium sent the Council a Highways Engineer's report by Create Consulting Engineering dated 2<sup>nd</sup> September 2021 (Appendix A) to the Council. This report concludes that 'any further development off Few's Lane should not be permitted due to significant concerns relating to the visibility and geometry of the Site's existing access arrangements'. The Local Highway Authority (LHA) provided a response late on the 7<sup>th</sup> September to Create's assessment. This response was amended on the 8<sup>th</sup> September to include the correct reference to a section of the Highways Act 1980 (Appendices B1, B2, B3, B4 and B5 ). The response from the LHA concludes that '...there are no substantive highway reasons to recommend that the development be refused'. The LHA also outlined that under S.154 of the Highway Act the LHA has powers to trim back vegetation which has encroached onto the adopted public highway to ensure adequate inter vehicle visibility splays can be achieved.



5. The Council received over 20 representations via email on the morning of the last planning committee on the 8<sup>th</sup> September, before and during planning committee. These representations raised concern about the potential for the removal and cutting back off hedges to enable inter vehicle visibility splays and the lack of consultation about this. These representations are available online.
6. Members are also reminded that further late representations were reported on the previous update report, including an additional representation from Longstanton Parish Council confirming they had changed their response from support to object. The Parish's comments were received after the main report had been published.
7. Officers have considered all representations made over the course of application. Officers do not consider that any of those representations alter the recommendation or the primary reasons for reaching this.
8. The remainder of the officer report is unedited from the report that was published on the Tuesday 31<sup>st</sup> August and the recommendation remains the same.
9. Officers recommend that the Planning Committee determines it would be **Minded to Approve** the application if it had the authority to do so subject to the conditions and informative as set out on page 24 of the 8 Sept 2021 officer report.

Appendix A: Create Consulting Engineering dated 2<sup>nd</sup> September 2021  
Appendix B1: LHA response to Create's assessment 8<sup>th</sup> September 2021  
Appendix B2: Inter Vehicle Visibility Splays  
Appendix B3: Extent of public highway  
Appendix B4: Pedestrian splays at Fews Lane  
Appendix B5: Pedestrian splays fig 3.3

This page is left blank intentionally.

## TECHNICAL NOTE

**Date:** 2 September 2021

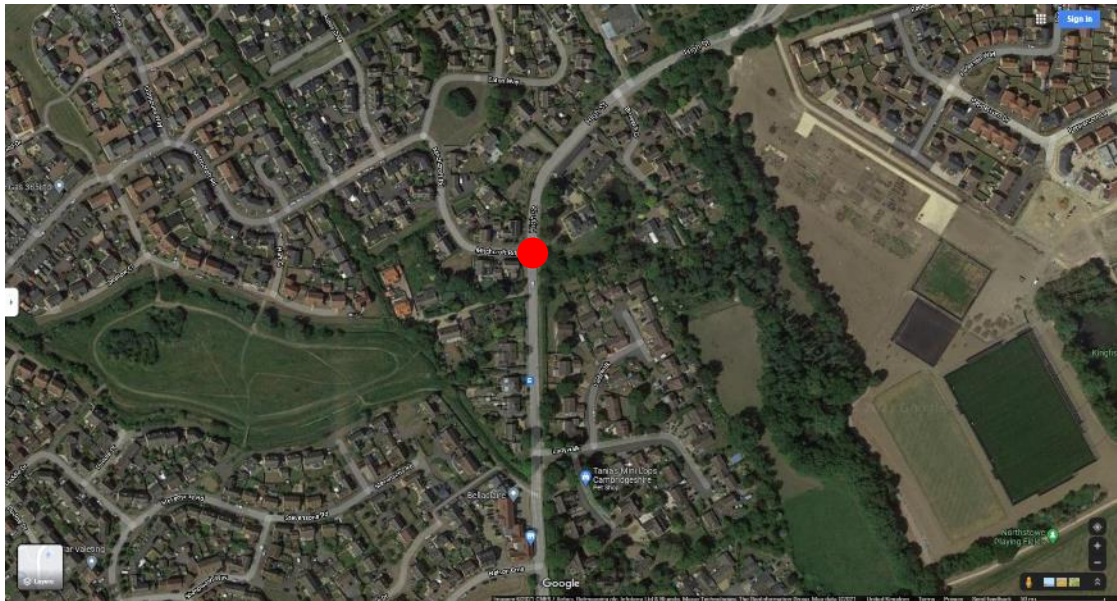
**File Ref:** PZ/CS/P21-2041/01TN

**Subject:** Fews Lane, Longstanton – Access Review

---

### 1.0 INTRODUCTION

- 1.1 Create Consulting Engineers Ltd (Create) has been commissioned by our Client, the Fews Lane Consortium, to consider the suitability of Fews Lane to accommodate any additional development, in the light of salient highways and access issues.
- 1.2 Fews Lane (which connects with High Street) at the north-western end of Longstanton, Cambridgeshire, already serves a very limited amount of residential development and functions as a Public Right of Way.
- 1.3 Create visited the Site on Tuesday 24 August 2021 and completed a series of “snap-shot” speed measurements using radar gun equipment to ascertain current vehicle speeds along the local section of High Street (major arms) at the junction with Fews Lane (minor arm). Various geometric measurements were also undertaken.
- 1.4 The purpose of this Technical Note is to advise the Fews Lane Consortium on specific matters regarding Fews Lane and its T-junction connection with High Street given the planning history associated with the Site.
- 1.5 The Site’s location is highlighted in Figure 1 below, while Figures 2 & 3 (also below) highlight Fews Lane when viewed from High Street to the North and South of the T-junction also viewing into Fews Lane itself.



**Figure 1 – Site Location (Source: Google Maps)**



**Figure 2 – Fews Lane Access from High Street**

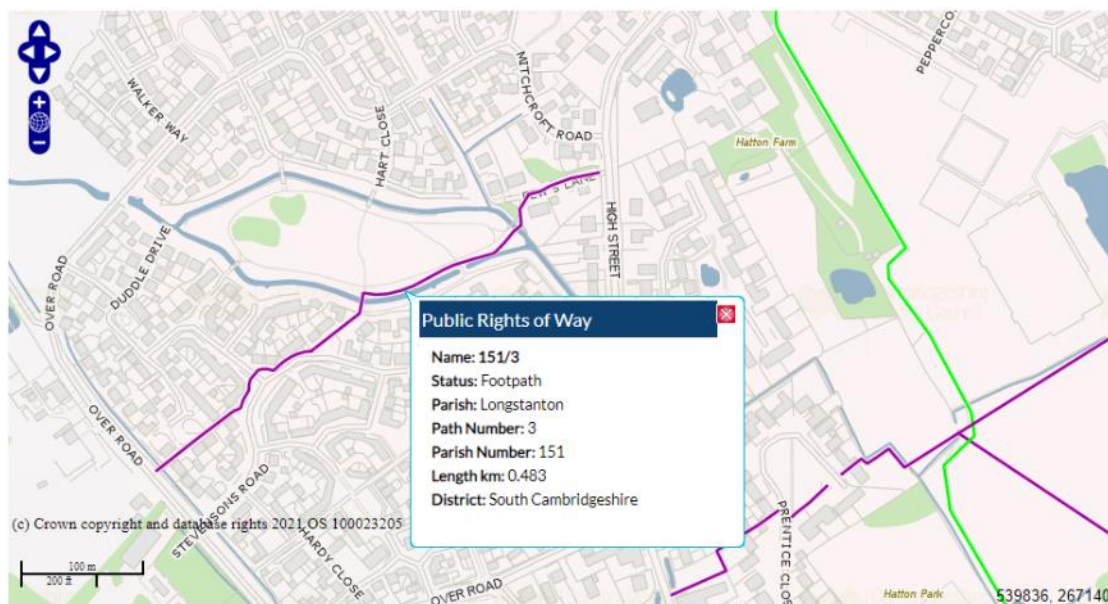


**Figure 3 – Fews Lane Access**

## **2.0 SITE DETAILS & PLANNING HISTORY**

- 2.1 Fews Lane currently provides direct access for four dwellings. Access is also available to the rear garden and garage of 135 High Street. As a result, a total of five dwellings currently access Fews Lane via an unmade track approximately 2.9m wide. The total width of the corridor accounting for current vegetation and verges is approximately 3.9m.
- 2.2 As shown in Figure 3, forward visibility along Fews Lane is constrained and there no opportunity for vehicles to pass within the Applicants ownership.
- 2.3 Fews Lane is also a route of an established Public Right of Way as a designated footpath indicated on Figure 4 below, and well used.





**Figure 4 – Public Rights of Way (Source: Cambridgeshire County Council)**

- 2.4 Two dwellings along Fews Lane were built in 2017 and are now occupied. Planning permissions for additional dwellings have been granted, although it should be noted that those permissions have been challenged through Judicial Review. A second Judicial Review is also pending concerning the discharge of a pre-commencement surface water drainage condition.
- 2.5 In 1988, an application for an additional dwelling within the garden of The Retreat was refused by the Local Planning Authority because of insufficient visibility at the junction of Fews Lane and High Street.
- 2.6 This decision was appealed; however, the Inspector dismissed the appeal due to the lack of adequate visibility at the junction, stating:

*My concern is not because Fews Lane is unadopted, but because of the considerable restrictions on visibility at the junction. Although the B1050 is straight to the south of the junction the visibility in that direction is considerably impeded by the vegetation include a substantial tree. The effect of this vegetation is that vehicles would have to nose out into the road in order to achieve adequate visibility in a southern direction, this being the direction from which traffic approaching the junction on the near side of the road would be travelling. This I regard as being unsafe because, although the junction is in a restricted area, the road is straight and I anticipate that vehicles would be travelling close to the maximum permitted speed. Accordingly I am of the opinion that the effect on traffic safety affords a sound and clear-cut objection to this proposal."*

- 2.7 In 2012, an application was submitted for planning permission for two dwellings within the garden of The Retreat. The Local Highway Authority requested that the following two planning conditions be attached to any permission granted.

*“Please forward the amended drawing showing the below requirements to the Highway Authority for approval prior to determination of the application. The access will need to be widened to a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.*

*Reason: in the interests of highway safety.”*

*“Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that two 2.0 x 2.0 metre pedestrian visibility splays be provided and shown on the drawings. The splays are to be included within the curtilage of the existing access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.*

*Reason: in the interests of highway safety.”*

- 2.8 When planning permission for that application was granted by the Local Planning Authority in 2013, the following two conditions were attached.

*“Prior to the occupation of the dwellings hereby permitted 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 DPI3 of the adopted Local Development Framework 2007).”*

*“No development shall take place until a scheme for the widening of the existing access has been submitted to and approved in writing by the Local Planning Authority. The access shall be a minimum width of 5 metres for a minimum distance of 5m from the junction of the carriage- way of High Street. The works shall be carried out on accordance with the approved details prior to occupation of the dwellings hereby permitted.*

*(Reason - In the interests of highway safety).”*

- 2.9 In 2016, an application was made for planning permission for the erection of an additional single dwelling, refused by the Local Planning Authority. That decision was the subject of an appeal, which was determined in 2018 and the appeal was allowed.
- 2.10 While planning appeal above was being decided in 2018, the Appellant also submitted a second application for the same development to the Local Planning Authority.
- 2.11 In that application, the Local Highway Authority again requested conditions for 2m x 2m pedestrian visibility splays and the widening of the carriageway to 5m for at least the first 5m from the boundary of the adopted public highway.

- 2.12 During the Local Planning Authority’s consideration of this application, the Applicant stated that they did not own the land necessary for the improvements to Fews Lane sought by the Local Highway Authority.
- 2.13 In response, the Local Highway Authority removed its requests for conditions.
- 2.14 In a letter dated 12 December 2018, the Local Highway Authority explained the reasoning for the decision, stating that:

*“The Local Highway Authority can only request works within land that is within the ownership of the applicant or within the public highway.  
 ..... as confirmed previously the applicant does not own the access and the public right of way is only approximately 2m in width in this location therefore the access cannot be widened to 5m in width, however it could be constructed in a bound material for 5m from the rear of the footway and the Local Highway Authority will seek a condition to reflect this.”*

- 2.15 Whilst the Local Highway Authority have provided a reason for changing their position from the previous Inspector-determined decision, it is not clear why an objection on the application was not raised given the lack of ownership, or the imposing of the same condition for the Applicant to resolve.
- 2.16 The current application seeks a further dwelling off Fews Lane. If accepted, Fews Lane would provide direct access to five dwellings with a rear access to 135 High Street bringing the total to six dwellings without improvement works to Fews Lane.

### **3.0 FEWS LANE/HIGH STREET JUNCTION**

- 3.1 During our visit to the Site, a series of vehicle speed measurements were recorded to inform the technical team of the current vehicle speeds along the local section of High Street in the vicinity of the Fews Lane junction. The findings are below:

High Street from B1050 (southbound)	Average speed 18mph
High Street towards B1050 (northbound)	Average speed 32mph

- 3.2 The current available junction visibility at the Fews Lane junction based on a 2.4m set back from High Street is shown in Figure 5 and confirmed below:

Fews Lane looking to right	12.4m
Fews Lane looking to left	34.3m

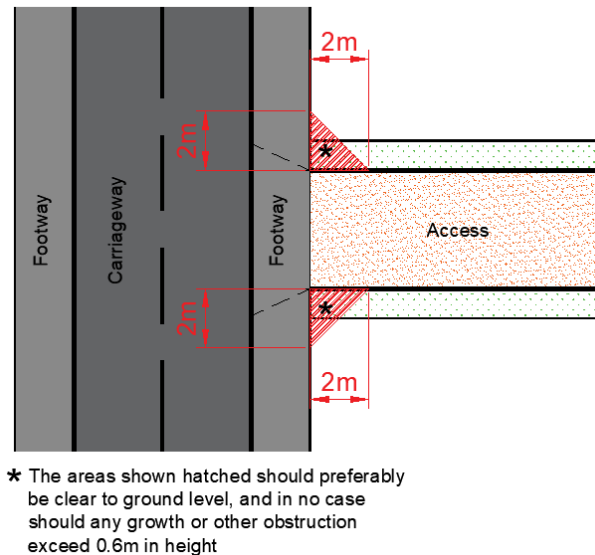




**Figure 5 – Fews Lane Junction Visibility 2.4m Set Back Right and Left**

- 3.3 Clearly the extents of visibility in the “critical” direction to the right are extremely limited and well below the standard prescribed by the Manual for Streets (2007). Against the recorded average northbound speed of 32mph (not even allowing for an 85<sup>th</sup> percentile design speed) the requisite level of visibility would be in the order of 47m at a set back of 2.4m.
- 3.4 Actual levels of visibility would achieve only approximately 25% of standard in the critical direction to the right in anticipation of northbound traffic. It should also be noted that historic imagery on Google Maps suggests that vehicles park on the West side of High Street in the vicinity of the junction with Fews Lane, and this would hinder visibility further.
- 3.5 This is coupled with negligible emerging visibility of pedestrians using the footway on this side of High Street, meaning that drivers pulling out of Fews Lane would not have adequate visibility of vulnerable road users, particularly young children given they would be obscured by existing vegetation and boundary treatments.
- 3.6 The Cambridgeshire Design Guide for Streets & Public Realm dated 2007 states there should be some inter-visibility between pedestrians using a footway and drivers emerging from private driveways and that a 2m x 2m splay will help oncoming pedestrians to negotiate the route more comfortably.
- 3.7 The Council’s Highway Development Management General Principles for Development (2021) states that vehicle to pedestrian inter-visibility splays of 2m x 2m will be sought on all new private drive and shared private accesses measured from the back of the footway or the highway verge, as may be appropriate.

- 3.8 It is noted that there are various methods for measuring pedestrian visibility and junctions and private driveways. However, the a robust method (as adopted by a number of Councils) is that which details the required extents of pedestrian visibility as follows:



**Figure 6 – Pedestrian Visibility Splay Measurement**

- 3.9 The Local Highway Authority and Local Planning Authority appear to have accepted that it is not possible to provide 2m x 2m pedestrian visibility splays at the junction. We see no reason why the standards presented in the aforementioned guidance should be relaxed in this case, as to do so potentially puts pedestrians at undue risk.

### Trip Generation

- 3.10 An estimation of average vehicular demand associated with the existing quantum of development served via Fews Lane derived from trip rates obtained from the TRICS database is presented in Table 3.1 below:

Land Use	AM Peak		PM Peak		12 Hour	
	Arr.	Dep.	Arr.	Dep.	Arr.	Dep.
<b>Trip Rate</b>	0.131	0.395	0.358	0.175	2.265	2.397
<b>Trips</b>	0.786	2.370	2.148	1.050	13.590	14.382
<b>Total Trips</b>	1	2	2	1	14	14

**Table 3.1: Trip Generation Estimation (Six “dwellings” in total)**

- 3.11 Over the course of a day, average levels of trip generation could be expected to be in the order of 28 movements (two-way). This is significant amount of traffic particularly given the substandard levels of visibility at the junction with High Street. Clearly any increases in the use of Fews Lane could potentially trigger an increase in the risk of road traffic accidents occurring at this location and without significant improvement to the existing access arrangements, further development off Fews Lane should be resisted.

- 3.12 Additionally, given the narrowness of Fews Lane and absence of formal footways any increases in traffic demand arising from any further development are likely to put existing users of Fews Lane (and the associated Public Right of Way) at increased risk. This would particularly be the case when larger vehicles such as delivery and servicing HGVs may need to access the Site as these would effectively squeeze more vulnerable road users up against the lane's existing boundary treatment to enable such vehicles to pass.
- 3.13 The narrowness of Fews Lane also means that a vehicle turning in from High Street would need to hang back to enable a vehicle from the minor arm to turn out prior to being able to turn into Fews Lane itself. This increases the chances of rear end shunt accidents occurring on the major arm and clearly this risk would be exacerbated by any increase in development being served off Fews Lane. This would be particularly so on the southbound approach given the existing bend High Street obscures and upstream drivers view towards Fews Lane and therefore, a vehicle waiting to turn right into Fews Lane.

#### **4.0 CONCLUSIONS**

- 4.1 It is, therefore, concluded that any further development off Fews Lane should not be permitted due to significant concerns relating to the visibility and geometry of the Site's existing access arrangements. Increased traffic demand associated with any increased development off Fews Lane could in turn lead to an increased likelihood of road traffic accidents occurring at this location and put more vulnerable road users (i.e. pedestrians) along Fews Lane and at the junction with High Street at undue risk.

#### **5.0 DISCLAIMER**

- 5.1 Create Consulting Engineers Ltd disclaims any responsibility to the Client and others in respect of any matters outside the scope of this report.
- 5.2 The copyright of this report is vested in Create Consulting Engineers Ltd and the Client. The Client, or his appointed representatives, may copy the report for purposes in connection with the development described herein. It shall not be copied by any other party or used for any other purposes without the written consent of Create Consulting Engineers Ltd or the Fews Lane Consortium.
- 5.3 Create Consulting Engineers Ltd accepts no responsibility whatsoever to other parties to whom this report, or any part thereof, is made known. Any such other parties rely upon the report at their own risk.

**Note By:** Mark Allen, BSc (Hons), MRTPI, MCIHT

**Approved By:** Paul Zanna, BSc (Hons)

This page is left blank intentionally.

## **Highway Authority's response to Create Consulting Engineers Ltd, Fews Lane, Longstanton Access Review**

From the perspective of the Highway Authority the Access Review as produced by Create Consulting Engineers Ltd, has identified three elements in the view of the authors that when taken in aggregate render the use of Fews Lane unacceptably hazardous for additional development these are:

1. The inter vehicle visibility splays that can be achieved from Fews Lane to the High Street.
2. The pedestrian visibility splays that can be achieved from Fews Lane to the High Street.
3. The increased level of motor vehicle traffic that the proposed unit will engender along Fews Lane.

Dealing with each in turn:

### **The inter vehicle visibility splays from Fews Lane to the High Street.**

The Highway Authority does not dispute the measurements made by Create Consulting Engineers Ltd., in relationship to the inter vehicle visibility splays that are at present available when exiting Fews Lane. However, Create Consulting Engineers Ltd., did not gain a plan showing the extent of the adopted public highway along High Street at the junction of Fews Lane. It is clear that there has been substantial encroachment of adjacent vegetation over the adopted public highway from neighbouring properties.

The Highway Authority has powers under Section 154 of the Highways Act 1980 to remove this vegetation to allow the full extent of the adopted public highway to be used as inter vehicle visibility splays. As can be seen from the attached plan the extent of the adopted public highway extends to the back of the grass verge along High Street and not just to the back of the footway as it appears Create Consulting Engineers Ltd. has assumed.

Inter vehicle visibility splays of 2.4m x 43m can be achieved wholly within the existing adopted public highway in both directions along High Street from Fews Lane, see attached plan. These splays are suitable for a 30mph speed limit, which the High Street is subject to, not only by virtue of street lighting, but as a signed limit.

The fact that Create Consulting Engineers Ltd snap shot of speeds shows that those north bound are in excess of the signed speed limit is not a justification for increasing

the Y distance (that measured along the kerb edge) from 43m to 47m, as it would be unreasonable to require a developer to accommodate third parties who are in breach of the law.

### **The pedestrian visibility splays from Fews Lane to the High Street.**

As Create Consulting Engineers Ltd., state there are various ways of laying out pedestrian visibility splays and in Cambridgeshire the Highway Authority does seek that for new developments splays of 2m x 2m be provided from private access points on to the adopted public highway. However, the National Guidance contained with Manual for Streets (Vol. 1 & Vol. 2) make no specific recommendations as to what visibility from a car to a pedestrian should be and the 2m x 2m splays are reliant on Design Bulletin 32 which was published in 1977.

The most recent National publication is CD123 of the Design Manual for Roads and Bridges (Published August 2020). This also shows 2m x 2m splays, measured from the centre line of the minor access and not from the side as per Design Bulletin 32. Using this procedure suitable pedestrian visibility splays can be achieved from Fews Lane to High Street wholly within the existing adopted public highway (see attached extract from CD123 and a plan showing this arrangement from Fews Lane).

### **The increased level of motor vehicle traffic that the proposed unit will engender along Fews Lane.**

Clearly the proposed new residential unit will increase the level of motor vehicle traffic along Fews Lane, though given the 'Cambridge effect' and the higher level of cycle use that the region experiences, this may not be as high as predicted by using nationally derived data from TRICS.

The existing units will, using the TRICS assumptions provided, generate approximately 4.6 motor vehicles movements each in a twelve-hour period, or approximately a total 2.3 movements per hour or one every 20 minutes. The additional dwelling will be a small proportion of the overall number, generating around only 0.5 additional trips in the AM/ PM peak hour, according to the data provided.

It is unlikely that the traffic movements will be so regular, but the TRICS data suggests 3 movements from an overall development of 6 dwellings in the peak hour, which gives some indication of the low level of motor vehicle traffic the site may generate. The additional dwelling will add 4.6 additional movements over the twelve hour period which increase the number of movements on average to 2.7, still only one vehicle every 20 minutes or so.

Given the relatively low level of pedestrian use of Fews Lane (as detailed in the Case Officers Report Paragraph 38 pages 22 – 23) of an average of 10 pedestrians an hour, while the increased level of motor vehicular traffic will inherently increase the risk of conflict it is difficult to see this is unacceptable as required under the National Planning Policy Framework Para 111 for the Highway Authority to request that the application be refused.

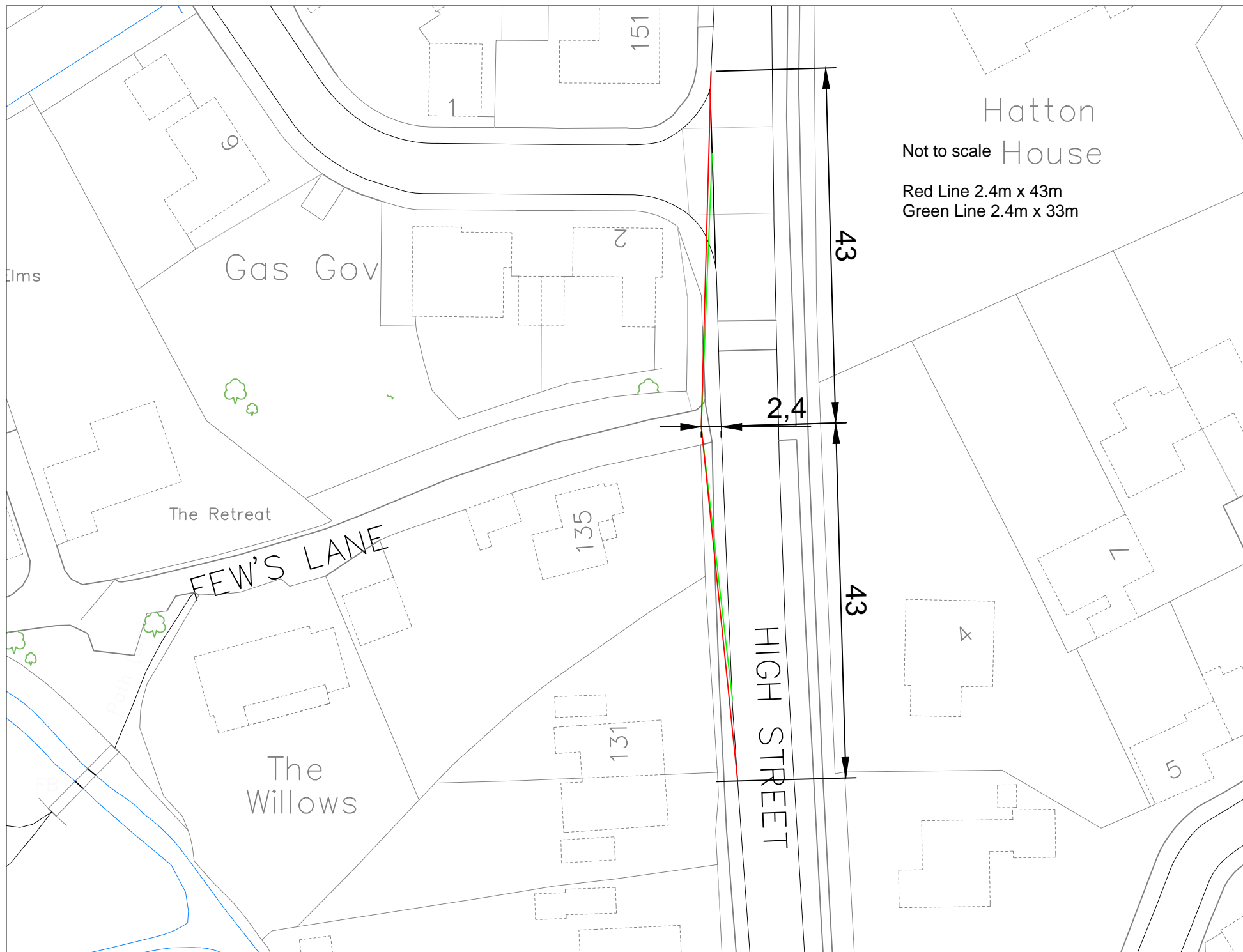
### **Conclusion.**

While the proposed development will increase the level traffic (all modes) using Fews Lane and exiting the same on to the High Street, which in and of itself increases the risk of conflict.

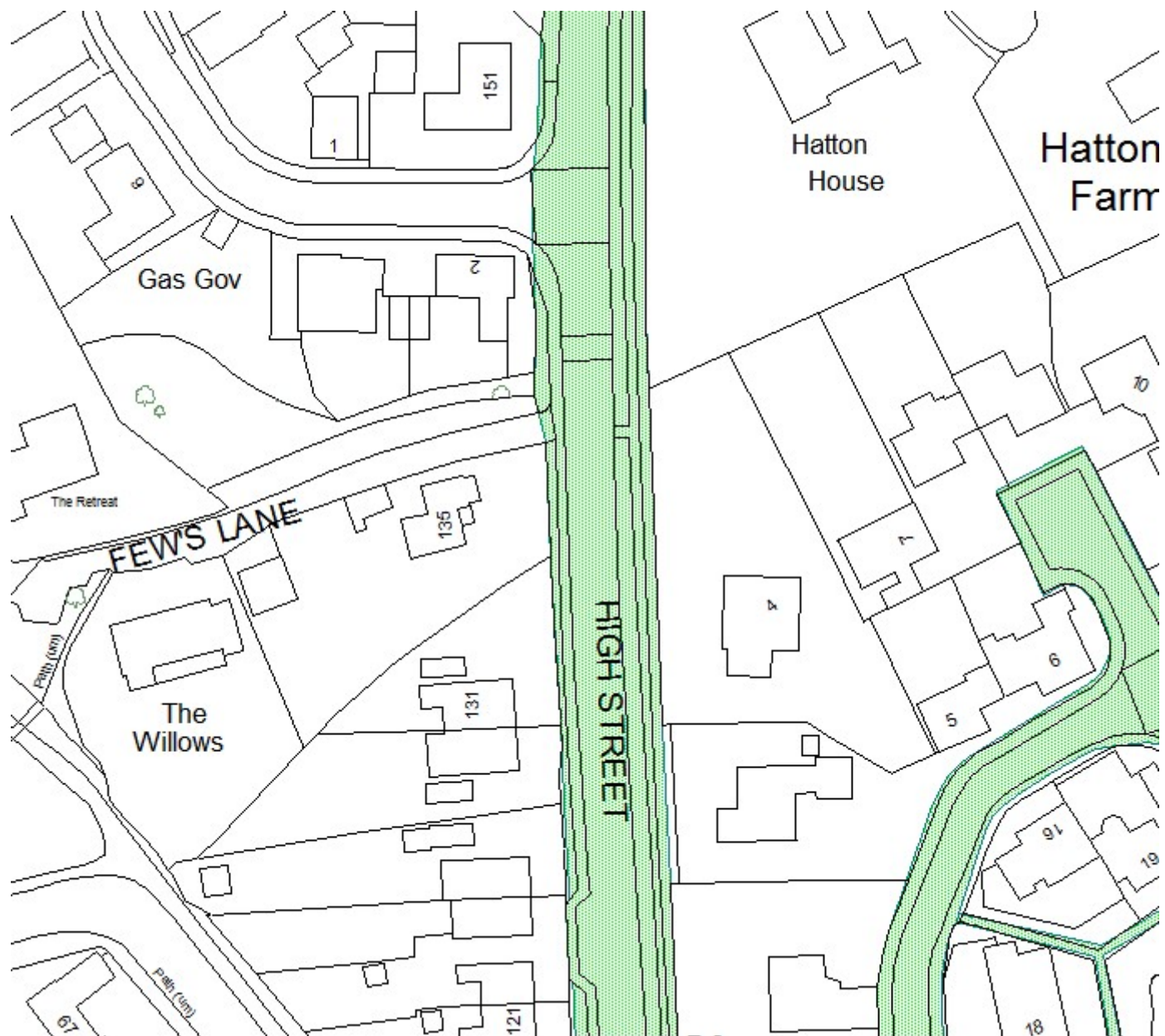
However, given the existence of appropriate inter vehicle visibility splays and pedestrian visibility splays within the existing adopted public highway in accordance with the most recent guidance, the relatively low levels of motor vehicular traffic that the overall development will generate, together with the relatively low numbers of pedestrians (and cyclists) that use Fews Lane, there are no substantive highway reasons to recommend that the development be refused.

This page is left blank intentionally.

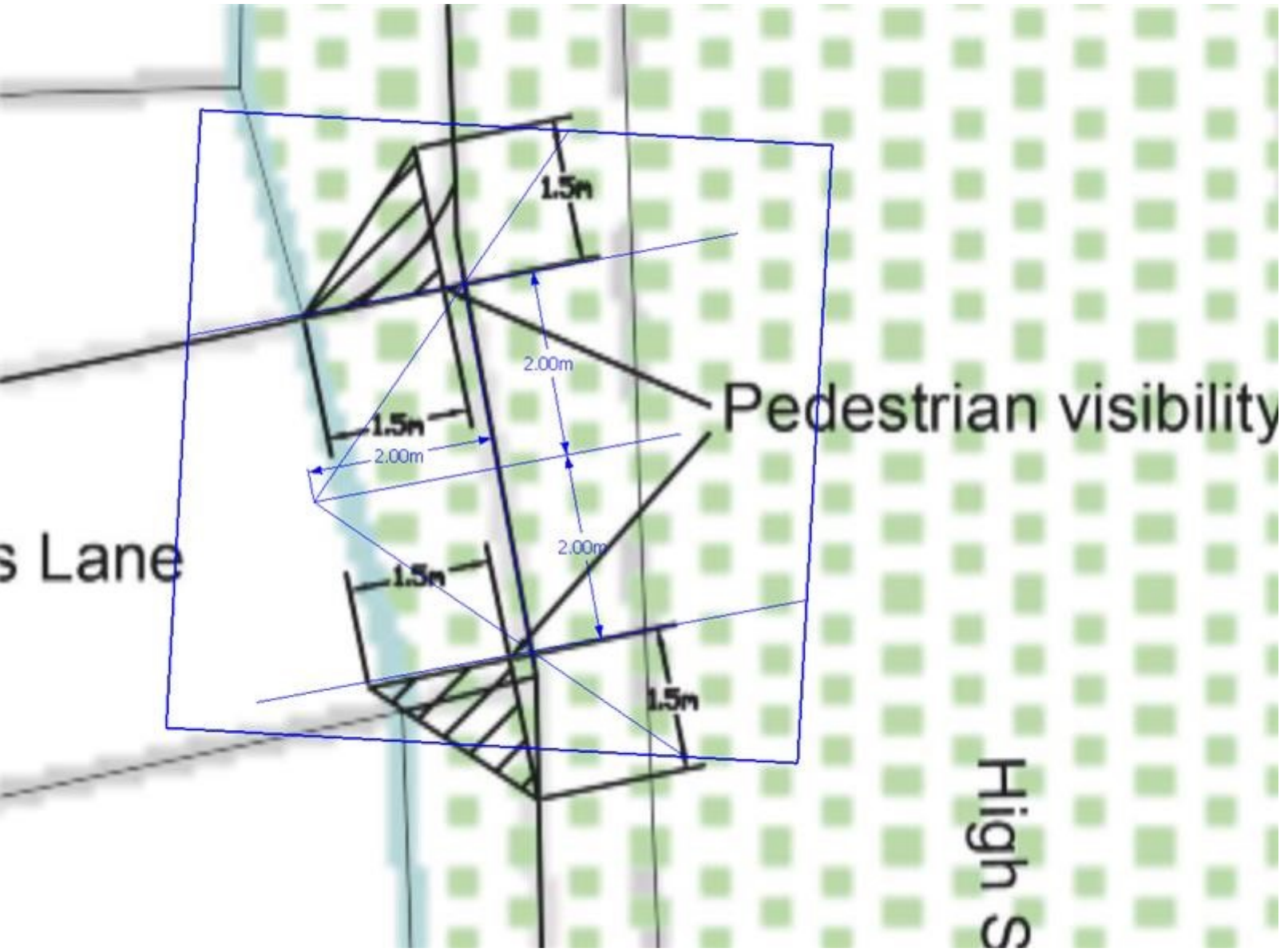




This page is left blank intentionally.

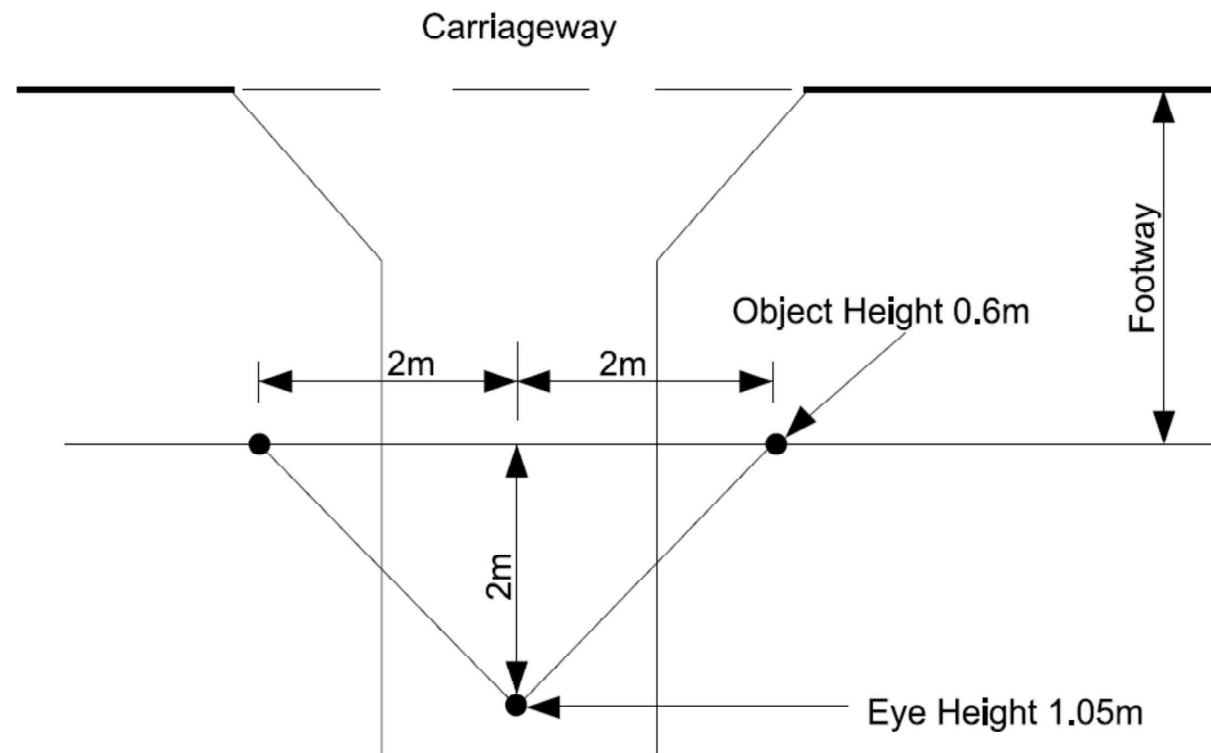


This page is left blank intentionally.



This page is left blank intentionally.

**Figure 3.3 Visibility at the back of footway crossing**



## Junction visibility

Measurement of visibility at minor roads and direct accesses

This page is left blank intentionally.





**Report to:**

South Cambridgeshire District  
Council Planning Committee

29 September 2021

**Lead Officer:**

Joint Director of Planning and Economic Development

---

## **S/1963/15/CONDG – Land To North And South Of And Immediate Linton**

Proposal: Submission of details required by condition 10 (Surface Water Drainage) of planning permission S/1963/15/OL

Applicant: Abbey Developments Limited

Key material considerations: Surface Water Drainage and Flood Risk

Date of Member site visit: None

Departure Application: No

Decision due by: 18 June 2021

Application brought to Committee because: Referral from the Council's Director of Planning and Economic Development, Parish Council objection and the wider public interest.

Presenting officer: Michael Sexton

### **Update Report**

#### **Pre-Action Protocol Letter for Judicial Review Claim**

1. A Pre-Action Protocol Letter for Judicial Review Claim was submitted by Ashtons Legal on behalf of Linton Parish Council to South Cambridgeshire District Council on 07 September 2021. The letter set out proposed action in relation to applications S/1963/15/CONDG and application 21/00629/73, both of which relate to the Bartlow Road, Linton site.
2. The Council's 3C Legal Team, in consultation with Planning Officers, responded to the Pre-Action Protocol Letter on 07 September 2021.

3. A copy of the Pre-Action Protocol Letter and the response issued by the Council's 3C Legal Team, which included advice from Matthew Reed QC obtained on behalf of Abbey Developments Ltd, was circulated to Planning Committee Members on 07 September 2021 for their reference ahead of the scheduled Planning Committee Meeting on 08 September 2021.
4. As set out in the email to Planning Committee Members, the Pre-Action Protocol Letter does not raise new issues that have not already been considered previously and are addressed in the officer report to application 21/00629/S73 in response to representations made to that application (please refer paragraphs 67 to 72 of the Officer Report to application 21/00629/S73).
5. The Pre-Action Protocol Letter has been reviewed by 3C Legal. Officers have noted the content and considered the points raised and are content that the applications can still be heard and determined by the Planning Committee.

### **Representations**

6. The Council received a copy of a letter sent to Gillian Beasley, CEO of Cambridgeshire County Council, from Linton Parish Council setting out that, following correspondence from Astons Legal, Linton Parish Council request that the issued relating to Linton due to be discussed by the Planning Committee be deferred.
7. The justification presented in the letter is that: 1) The Planning Committee must be made aware of the legal issues and have time to consider these and any responses; 2) the Parish Council are not confident the submitted information for foul and surface water drainage is reliable; and 3) the strategic water system is fragile and the submissions lack clarity and fail to engender confidence the schemes will work in practice.
8. A further third party representation was received by the Council's Democratic Services Team, cc'd to the Case Officer, from The Limetrees, All Saints Rd, Ipswich. The email restated the objection to the discharge of conditions application relating to surface water drainage and attached the original objection made formally to application S/1963/15/CONDG. The original representation is summarised in paragraph 24 of the officer report to application S/1963/15/CONDG.
9. Officers are satisfied that the issues raised in the additional or related representations raise no new issues that have not already been considered in the main report to the Council's Planning Committee, as so far as they are relevant to the application.

### **Report Author:**

Michael Sexton – Principal Planner  
Telephone: 07704 018467



**Report to:**

South Cambridgeshire District  
Council Planning Committee

29 September 2021

**Lead Officer:**

Joint Director of Planning and Economic Development

---

## **21/00629/S73 – Land To The North And South Of Bartlow Road Linton**

Proposal: S73 Variation of condition 11 (Foul water drainage) of outline planning permission S/1963/15/OL (Residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road) for revised wording to refer to the foul drainage design.

Applicant: Abbey Developments Limited

Key material considerations: Foul Water Drainage

Date of Member site visit: None

Is it a Departure Application?: Yes (advertised 17 March 2021)

Decision due by: 02 July 2021

Application brought to Committee because: Departure from the development plan, referral from the Council's Shared Planning Service Delegation meeting and Parish Council objection.

Presenting officer: Michael Sexton

### **Update Report**

#### **Pre-Action Protocol Letter for Judicial Review Claim**

1. A Pre-Action Protocol Letter for Judicial Review Claim was submitted by Ashtons Legal on behalf of Linton Parish Council to South Cambridgeshire District Council on 07 September 2021. The letter set out proposed action in relation to applications S/1963/15/CONDG and application 21/00629/73, both of which relate to the Bartlow Road, Linton site.
2. The Council's 3C Legal Team, in consultation with Planning Officers, responded to the Pre-Action Protocol Letter on 07 September 2021.

3. A copy of the Pre-Action Protocol Letter and the response issued by the Council's 3C Legal Team, which included advice from Matthew Reed QC obtained on behalf of Abbey Developments Ltd, was circulated to Planning Committee Members on 07 September 2021 for their reference ahead of the scheduled Planning Committee Meeting on 08 September 2021.
4. As set out in the email to Planning Committee Members, the Pre-Action Protocol Letter does not raise new issues that have not already been considered previously and are addressed in the officer report to application 21/00629/S73 in response to representations made to that application (please refer paragraphs 67 to 72 of the Officer Report to application 21/00629/S73).
5. The Pre-Action Protocol Letter has been reviewed by 3C Legal. Officers have noted the content and considered the points raised and are content that the applications can still be heard and determined by the Planning Committee.

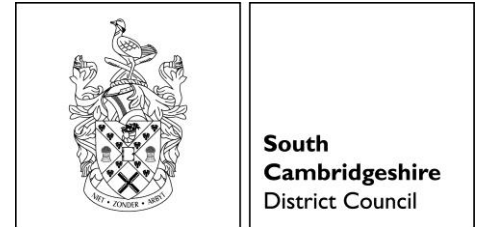
### **Representations**

6. The Council received a copy of a letter sent to Gillian Beasley, CEO of Cambridgeshire County Council, from Linton Parish Council setting out that, following correspondence from Astons Legal, Linton Parish Council request that the issued relating to Linton due to be discussed by the Planning Committee be deferred.
7. The justification presented in the letter is that: 1) The Planning Committee must be made aware of the legal issues and have time to consider these and any responses; 2) the Parish Council are not confident the submitted information for foul and surface water drainage is reliable; and 3) the strategic water system is fragile and the submissions lack clarity and fail to engender confidence the schemes will work in practice.
8. Officers are satisfied that the issues raised in the additional or related correspondence raise no new issues that have not already been considered in the main report to the Council's Planning Committee, as so far as they are relevant to the application.

### **Report Author:**

Michael Sexton – Principal Planner  
Telephone: 07704 018467

# Agenda Item 8



8 September 2021

**Report to:** South Cambridgeshire District  
Council Planning Committee

**Lead Officer:** Joint Director of Planning and Economic Development

---

## **S/2553/16/CONDH – Ward Linton / Parish Linton (Land Off Horseheath Road)**

Proposal: Submission of details required by condition 12 (foul water drainage) of planning permission S/2553/16/OL for outline planning application with all matters reserved for up to 42 dwellings and allotments (not less than 0.45 hectares)

Applicant: Croudace Homes

Key material considerations: Foul Water Drainage and Neighbour Amenity

Date of Member site visit: N/A

Is it a Departure Application?: No

Decision due by: 9 September 2021

Application brought to Committee because: The application is one that in the opinion of officers, in consultation with the Chair and Vice-Chair, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and / or of strategic importance to an area beyond both specific site and parish

Presenting officer: Karen Pell-Coggins

### **Update to report**

### **Representations from members of the public- paragraph 17**

1. One additional representation has been received from the occupier of No. 36 Lonsdale. The following concerns are raised: -

- i) The location of the sewers on the plan is incorrect. There are 2 manhole covers on the property, there is a link from manhole 0700 to 0703, and the route marked to the south east of 0700 does not exist with the sewer instead running under the property and onwards to Bakers Lane.
- ii) All records of sewers relevant to the Foul Water and Surface Water schemes and running from Lonsdale to the sewage treatment works at Cow Gallery Woods to the west of Linton should be checked and confirmed.
- iii) The inter-relationship between the foul water scheme and the surface water scheme is not known

## **Planning Assessment – Paragraph**

- 2. Anglian Water's drainage plan shows the public foul sewer running southwards along Lonsdale and then between Nos. 33 and 35 Lonsdale and Nos. 47 and 49 Bartlow Road before meeting Bartlow Road. Anglian Water have been contacted for further advice in relation to this matter.
- 3. The flood event on 20 July 2021 resulted in a number of properties in Lonsdale being flooded. It is understood that this was partly as a result of surface water from the basin being pumped out and discharged into the foul water system. It is noted that this was carried out without consent from Anglian Water.
- 4. The foul water from the development would be limited to a specific rate in terms of its discharge to the public foul drainage sewer agreed with Anglian Water. The surface water drainage would be via infiltration and not via the public surface water or foul water sewers.

## **Report Author:**

Karen Pell-Coggins – Senior Planning Officer  
Telephone: 07704 018456

29 September 2021

**Report to:** South Cambridgeshire District  
Council Planning Committee

**Lead Officer:** Joint Director of Planning and Economic Development

---

## **S/2553/16/CONDH – Ward Linton / Parish Linton (Land Off Horseheath Road)**

Proposal: Submission of details required by condition 12 (foul water drainage) of planning permission S/2553/16/OL for outline planning application with all matters reserved for up to 42 dwellings and allotments (not less than 0.45 hectares)

Applicant: Croudace Homes

Key material considerations: Foul Water Drainage and Neighbour Amenity

Date of Member site visit: N/A

Is it a Departure Application?: No

Decision due by: 29 September 2021

Application brought to Committee because: The application is one that in the opinion of officers, in consultation with the Chair and Vice-Chair, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and / or of strategic importance to an area beyond both specific site and parish

Presenting officer: Karen Pell-Coggins

### **Addendum report**

### **Consultation- paragraph 10 of original report**

#### **1. Anglian Water**

Foul Water Comments:

We can confirm that after visiting the area we discovered our asset map was incorrect, as the resident correctly states. We have carried out an investigation of this part of the foul network and have now corrected our asset records. We have also re-assessed the application based on the submitted documents and our updated records, our capacity assessment concludes that the foul only network has capacity to receive the additional foul flows from the development proposal.

#### Surface Water Comments:

We have been involved in discussions with residents, Linton Parish Council and the LLFA regarding the recent flooding. The flooding was caused by surface water. Surface water enters our foul only network which causes surcharging. This surface water should not be in the foul system, and on new major development sites we work with and rely on the expertise of the LLFA as they are the statutory body for surface water management. This development site is not proposing to connect the surface water into Anglian Water assets, we therefore cannot comment on the suitability of the surface water proposals, this is the responsibility of the LLFA.

### **Representations from members of the public- paragraph 1 of update report**

2. A further representation has been received from the occupier of No. 36 Lonsdale which was copied to members and is summarised as follows: -
  - i) The representation should read 'The location of the sewers on the plan is incorrect. There are 2 manhole covers on the property, there is a link from manhole 0700 to 9703, and the route marked to the south east of 0700 does not exist with the sewer instead running under the property and onwards to Bakers Lane.'
  - ii) The response from Anglian Water is based on the currently proposed surface water drainage scheme which does not require use of Anglian Water assets and is only valid if approved.
  - iii) Infiltration has only ever been the "preferred" option and may not be feasible.
  - iv) Lonsdale flooded on 20 July. The facts of the event need to be determined before a decision is made.

### **Planning Assessment – paragraphs 27 and 30 of original report**

3. The strip of land to the west of the site is owned by South Cambs and permission was been granted in March 2020 for an easement across this land for the foul drainage system to link to the manhole in Lonsdale.



4. A new plan has been drawn by Anglian Water showing the accurate route of the public foul water drain from the manhole in Lonsdale to Bartlow Road. This will be shown in the committee presentation.
5. Surface water is currently proposed via infiltration into a basin on site and permeable paving. Anglian Water will be reconsulted if this method of surface water drainage changes.
6. Policy CC/9 of the Local Plan sets out a drainage hierarchy for surface water drainage as follows: -
  - i. Firstly, to the ground via infiltration;
  - ii. Then, to a water body;
  - iii. Then, to a surface water sewer;
  - iv. Discharge to a foul water or combined sewer is unacceptable.This policy seeks to ensure that the development would not be at risk of flooding and would not increase the risk of flooding to the site and surrounding area.
7. Evidence was submitted by the Parish Council and residents with regards to the flood event on 20 July 2021 that showed that the development site may have contributed to the flooding of Lonsdale through the basin being overwhelmed and water being pumped into the public sewer network.
8. The Lead Local Flood Authority has advised that the basin appeared to have been overwhelmed by silt and debris from the site that impeded the ability of the water in the basin to infiltrate into the ground. Measures have been taken as follows to avoid a repeat event:-
  - i) Construction of a temporary drainage channel along the edge of the temporary site entrance.
  - ii) Construction of a temporary trench to create a soakaway at the end of the drainage channel.
  - iii) Materials moved away from water channels to mitigate risk of silt and sand being washed into the basin.
  - iv) Clearance of on-site gullies from site debris on ongoing monitoring throughout construction.
  - v) Emergency sand bags filled and stored on site.
  - vi) Planned installation of French drains around site compound.
  - vii) Concrete blocks installed along road boundary of infiltration basin to catch any residual silts that may be flowing in surface water.The site should be monitored by the Local Planning Authority.
9. It has further advised on the basis of the current surface water drainage scheme and the submission of additional information, that once adequate construction management practices are implemented and the basin has been fully and properly constructed, it should function as designed and contain all surface water up to the design event (1 in 100 year plus 40% climate change). An additional 300 mm freeboard has been allowed for around the final basin to contain additional flows in the event of a more extreme event. The basin would be vegetated. A bund would be constructed to ensure that any overflow is

contained within the site. The sediment forebay would contain any silts and debris.

10. Whilst it is acknowledged that the scheme has not been approved to date, it demonstrates that infiltration is likely to be a suitable method of surface water drainage for the site.
11. Anglian Water have investigated the impact water being pumped into the public sewer network and have concluded that no further action is to be taken.

**Report Author:**

Karen Pell-Coggins – Senior Planning Officer  
Telephone: 07704 018456