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27 October 2015

To: Chairman – Councillor Lynda Harford
Vice-Chairman – Councillor David Bard
All Members of the Planning Committee - Councillors Brian Burling,
Anna Bradnam, Pippa Corney, Kevin Cuffley, Sebastian Kindersley, Des O'Brien,
Deborah Roberts, Tim Scott, Ben Shelton and Robert Turner

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 4 NOVEMBER 2015 at 10.00 a.m.**

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
JEAN HUNTER
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

PAGES

PUBLIC SEATING AND SPEAKING

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol (revised June 2015) attached to the electronic version of the agenda on the Council's website.

PROCEDURAL ITEMS

- 1. Apologies**
To receive apologies for absence from committee members.
- 2. Declarations of Interest** 5 - 6
- 3. Minutes of Previous Meeting** 7 - 12
To authorise the Chairman to sign the Minutes of the meeting held on 7 October 2015 as a correct record.

The Chairman has not yet signed the minutes of the meeting held on 2 September 2015 although given authority to do so. A significant drafting error has been identified, and corrected as follows:

S/1291/15/FL - Horseheath (The Stables, Haverhill Road)

Delete

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director, and an additional Condition removing Permitted Development Rights.

Replace with

The Committee gave officers **delegated powers to approve** the application subject to the satisfactory completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the immediate payment of financial contributions in respect of indoor community facilities and public open space, and the Conditions set out in the report from the Planning and New Communities Director, amended as follows

- (i) Within six months of the date of the decision, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include 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. 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.)

- (j) The soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within six months of the date of the decision 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree 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.)

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- | | | |
|------------|--|------------------|
| 4. | Proposed diversion of Public Footpath no. 1 (part) in Hauxton By virtue of a memorandum dated February 2007, Cambridgeshire County Council has prepared this report in its role as agent for South Cambridgeshire District Council in processing public path Orders under Section 157 of the Town and Country Planning Act 1990. | 13 - 40 |
| 5. | S/1515/15/OL - Sawston (Mill Lane) Residential Development of up to 48 Dwellings | 41 - 58 |
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| 8. | S/1497/15/OL - Dry Drayton (65 Pettitts Lane) Outline planning permission for the erection of up to six dwellings and associated works and infrastructure (all matters except access reserved) | 95 - 108 |
| 9. | S/1527/15/FL - Guilden Morden (Three Tuns, High Street) Change of use from A4 Drinking Establishment to C3 (single residential dwelling house) | 109 - 128 |
| 10. | S/1500/15/FL - Bourn (Gills Hill Farm, Gills Hill) Demolition of existing commercial buildings and erection of 16 dwellings (including seven affordable dwellings), public open space, creation of new access and landscaping | 129 - 148 |
| 11. | S/2088/15/FL - Swavesey (Ryders Farm, Middlewatch) Use of a residential annex as a dwelling house | 149 - 156 |
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| 13. | S106A - Whittlesford (Newton Road) Application to Vary Section 106 Agreement to Include a Mortgagee in Possession Clause – Newton Road, Whittlesford | 163 - 168 |
| 14. | Consultation on amendments to the current Scheme of Delegated Powers for planning decisions. | 169 - 178 |
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OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

Notes to help those people visiting the South Cambridgeshire District Council offices

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our 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. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

We are open and transparent about how we make decisions. We allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

Banners, Placards and similar items

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one is allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. You are not allowed to bring food or drink into the meeting room.

EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

Notes

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

Agenda Annex



Public Speaking at meetings of the Planning Committee

Approved 3 June 2015

What is the Planning Committee?

The Council's Planning Committee consists of [number] District Councillors and is responsible for the determination of the larger, more complex or sensitive planning applications submitted to the Council. It also deals with other matters such as some public rights of way, the protection of important hedgerows, tree preservation and the administration and enforcement of building regulation regimes for existing or proposed buildings. A complete list of matters decided by the Planning Committee can be found by looking at the Council's Constitution (insert link).

When and where do Planning Committee meetings take place?

The Planning Committee meets in the Council Chamber at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA at [time] on a Wednesday, which is usually the first Wednesday each month. Further details, including contacts, directions, and variations to dates are available on the Council's website (www.scambs.gov.uk and follow the links from 'Your Council') or by phoning Democratic Services on 03450 450 500.

Can anyone attend Planning Committee meetings?

Meetings of the Planning Committee are open to the public, so anyone is able to attend. A range of people with differing interests in specific applications observe these meetings, whether they are applicants or an applicant's agent, objectors, neighbours or other residents, local District Councillors or members of Parish Councils. Despite being a public meeting, in some very occasional cases the law does allow the committee to consider some matters in private. For example, an application may contain information of a personal or commercially sensitive nature that the Council would not be able to publicise. In every case, however, the public interest in excluding the press and public from the meeting room must outweigh the public interest in having the information disclosed.

Can anyone speak at Planning Committee meetings?

The Planning Committee welcomes public speaking and participation from outside of the Committee's membership. Other than Members of the Planning Committee and the Council's officers, there are four main categories of other people able to speak at meetings of the Committee: -

- (1) 1 x Objector or objector's agent
- (2) 1 x Supporter (usually the applicant or planning agent)
- (3) 1 x Parish Council representative (elected or co-opted Councillor, agent or Parish Clerk)
- (4) Local District Councillor(s) or another Councillor appointed by them

Parish Councils and local Members speak as part of the planning process, regardless of whether they support or oppose an application. Objectors and Supporters speak as part of the specific application and, except in exceptional circumstances identified by the Committee Chairman prior to the meeting, number one in favour and one against. Where more than one objector or supporter exists, they are encouraged to agree between themselves on a presentation that covers all their concerns.

In exceptional circumstances, the Committee Chairman may opt to make special arrangements such as where a neighbouring parish is perceived as being significantly affected by a proposal, or for a Portfolio Holder to speak.

It is impossible to say at what time each application on the agenda will be discussed. Public speakers should therefore be prepared to address the Committee at any time after the beginning of the meeting.

What can people say and for how long can they speak?

Each speech is limited to three minutes. Speakers are advised to restrict themselves to material planning considerations such as:

- Design, appearance, layout, scale and landscaping
- Environmental health issues such as noise, smells and general disturbance
- Highway safety and traffic issues
- Impact on trees, listed buildings, biodiversity, conservation areas and other designated sites.
- Loss of an important view from **public** land that compromises the local character
- Planning law and previous decisions including appeals
- National Planning Policy Framework and Planning Policy Guidance
- South Cambridgeshire Local Development Framework
- Visual and residential amenity

Committee members will **not** be able to take into account issues such as:

- boundary and area disputes
- perceived morals or motives of a developer
- the effect on the value of property
- loss of a **private** view over adjoining land (unless there is a parallel loss of an important view from public land)
- matters not covered by planning, highway or environmental health law
- covenants and private rights of access
- suspected future development,
- processing of the application,
- the retrospective nature of a planning application

Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action. After the objector and supporter have spoken, Committee members may ask speakers to clarify matters relating to their presentation. If those registered to speak are not present in the meeting room by the time the relevant item is considered, the Committee won't be able to wait, and will determine the application – officers will be able to say whether a particular item is at the beginning, middle or end of the agenda, but cannot give an accurate idea of when it will be considered.

Committee members will have read the written reports prepared for them, so speakers should try to avoid repeating points that are already explained in that material.

Can public speakers give Committee members written information or photographs relating to an application or objection?

Yes, but **not** at the meeting itself. Councillors will be given lots of information to read and digest before the meeting, so need to be given as much time as possible to read or view the information.

Please send such information, preferably by e-mail, to Democratic Services (ian.senior@scamb.gov.uk), who will circulate the information for you. In practical terms, such information will not be distributed earlier than seven days or later than two days before the meeting. Please do not supply information directly to members of the Planning Committee.

Projection equipment operated by Council officers is available in the Council Chamber.

How are applications considered?

The appropriate planning officer will introduce the item. Committee members will then hear any speakers' presentations. The order of speaking will be as stated above. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made and seconded by members of the Committee. Should the Committee propose to follow a course of action different to officer recommendation, Councillors must give sound planning reasons for doing so.

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Further information is available from Democratic Services, South Cambridgeshire District Council, South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA – Telephone 03450 450 500.
democratic.services@scambs.gov.uk

Updated: June 2015

Agenda Item 2

Planning Committee

Declarations of Interest

1. Disclosable pecuniary interests (“DPI”)

A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under consideration at the meeting.

2. Non-disclosable pecuniary interests

These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.

3. Non-pecuniary interests

Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

I have the following interest(s) (* delete where inapplicable) as follows:

| Agenda no. | Application Ref. | Village | Interest type | Nature of Interest |
|------------|------------------|---------|---------------|--------------------|
| | S/ | | 1* 2* 3* | |
| | S/ | | 1* 2* 3* | |
| | S/ | | 1* 2* 3* | |

Address/ Location of land where applicable

Signature:

Name Date

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Agenda Item 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 7 October 2015 at 10.00 a.m.

PRESENT: Councillor Lynda Harford – Chairman

Councillors: Val Barrett (substitute) Brian Burling
Anna Bradnam Pippa Corney
Sebastian Kindersley Charles Nightingale (substitute)
Des O'Brien Deborah Roberts
Tim Scott Ben Shelton
Robert Turner

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Katie Christodoulides (Planning Officer), Edward Durrant (Principal Planning Officer / Team Leader (Development Management)), Gary Duthie (Senior Lawyer), Andrew Fillmore (Principal Planning Officer), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Principal Planning Officer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer), David Thompson (Principal Planning Officer) and Rebecca Ward (Senior Planning Officer)

Councillors Nigel Cathcart and Cicely Murfitt were in attendance, by invitation.

1. APPOINTMENT OF VICE-CHAIRMAN OF THE MEETING

The Committee endorsed the Chairman's appointment of Councillor Brian Burling as Vice-Chairman of the meeting in Councillor David Bard's absence.

2. APOLOGIES

Councillors David Bard and Kevin Cuffley sent Apologies for Absence. Councillors Charles Nightingale and Val Barrett respectively attended the meeting as substitutes.

3. DECLARATIONS OF INTEREST

An interest was declared as follows:

| | |
|------------------------|---|
| Councillor Des O'Brien | Non-pecuniary interest in respect of Minute 17 (S/1888/15/FL) in Cambourne as having discussed the application with Cambourne Parish Council Councillor O'Brien was considering the matter afresh |
|------------------------|---|

4. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign the Minutes of the meeting held on 2 September 2015 as a correct record.

5. S/0495/14/FL - SHINGAY (CHURCH FARM BARN)

Members visited the site on 6 October 2015.

Carol Thornton-Swan (objector, supported by Ian Beard), Marcia Whitehead (applicant's agent), Jay Derrett (Chairman of Shingay-cum-Wendy Parish Meeting), Councillor Nigel Cathcart (a local Member) and Councillor Cicely Murfitt (Member for the neighbouring ward of the Mordens, which formerly included Shingay-cum-Wendy) addressed the meeting, Councillor Murfitt doing so at the Chairman's discretion. In addition, Councillor David McCraith (the other local Member) had voiced his concern about flood risk, and the proposal representing over-development of the site. Carol Thornton-Swan voiced concern about increased traffic movements in what she described as one of the least sustainable areas in South Cambridgeshire. She urged the Committee to manage the risk of further blight of the village by authorising enforcement action against the car park as well as Buildings 4, 5 and 6 as recommended in the report. Marcia Whitehead said the principle of the business being undertaken on the site had already been established, and that there was no evidence of intensification. In the event that enforcement was authorised, she asked for a compliance period of 12 months in order to give the business sufficient time to find a suitable alternative location from which to trade. Jay Derrett highlighted traffic intensification, and the fear of further expansion being considered by way of a retrospective planning application. Councillor Cathcart also drew attention to the scale of the development in relation to what he described as a sensitive village. Councillor Murfitt noted that the local electoral roll had expanded significantly during the last three years. She asked that restrictions be placed on the number of traffic movements and the hours between which they could take place.

In response to a question relating to the Lawful Development Certificate and, in particular, to traffic generation, the Senior Lawyer said that transport issues were a necessary consequence of the use considered lawful. In response to another question, Marcia Whitehead said that the primary purpose of Buildings 4, 5 and 6 was to enable the applicant to manage the business more effectively rather than to employ more staff. A Member observed that refusal of this application was unlikely to reduce the number of traffic movements.

Following further discussion,

The Committee **refused** the application for the reasons set out in the report from the Planning and New Communities Director.

6. **S/1474/15/FL- HISTON (RED LION PUBLIC HOUSE, HIGH STREET)**

Members visited the site on 6 October 2015.

The Case Officer read out some comments from Susie Mountney, who had been unable to attend the meeting to object to the proposal. In essence, Ms. Mountney asked whether the Committee would consider Conditions, should it approve the application

1. requiring a secure entry system for the residents using the accommodation block.
2. lowering the roof
3. moving the block away from the boundary with the Harding Way properties
4. replacing proposed black and white rendering with materials more in-keeping with the neighbouring properties
5. prohibiting vehicle parking on site outside the accommodation block as no new additional car parking spaces have been created.

Councillor Jo Teague (Histon & Impington Parish Council) addressed the meeting.

The Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Planning and New Communities Director, and additional

Conditions requiring attention to land levels, physical separation between the Red Lion Public House and proposed Guest Accommodation Block, and a fence along the eastern boundary.

7. S/1829/15/FL - HISTON (28 STATION ROAD)

Members visited the site on 6 October 2015.

Councillor Josephine Teague (Histon & Impington Parish Council) addressed the meeting. She expressed concerns about overdevelopment and car parking.

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director.

8. S/1160/15/OL - WEST WICKHAM (95 HIGH STREET)

Members visited the site on 6 October 2015.

Councillor Trevor Hall (West Wickham Parish Council) addressed the meeting. He pointed out that West Wickham was an Infill village only, and raised a concern about the proposal's adverse impact on the occupiers of 95 High Street.

The Committee **approved** the application subject to the Conditions referred to in the report from the Planning and New Communities Director, additional Conditions requiring suitable boundary treatment and the removal of out-buildings, and an Informative requesting that the building be relocated within the site so as to be completely within the village framework.

9. S/1431/15/OL - WATERBEACH (LAND TO THE NORTH OF BANNOLD ROAD)

Following the receipt of additional and material highway information, the Committee noted that this item had been **withdrawn from the agenda** in order that officers could consider the information in consultation with the Local Highways Authority.

10. S/1744/15/FL - WATERBEACH (LAND AT 9 BURGESS ROAD)

Sarah Wynn (applicant) addressed the meeting. By way of clarification, the Interim Development Control Manager confirmed that South Cambridgeshire District Council was not seeking a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

11. S/2009/15/FL - SHUDY CAMPS (MILL GREEN)

Members visited the site on 6 October 2015.

Louise Gregory (applicant's agent) and Councillor Roger Lemon (Shudy Camps Parish Council) addressed the meeting. Ms. Gregory said that a balance was being sought between the requirements of Policy HG/7 of the Local Development Framework 2007, and the practicalities of providing a minimum standard suitable for a modern-day lifestyle. Councillor Lemon said that the increase in volume far exceeded the 15% envisaged by adopted local policy, and therefore represented overdevelopment.

In reply to a question from the Chairman, the Principal Planner said it would not be possible to require the applicant to contribute towards restoration of the access road should it be damaged by construction traffic. The Principal Planner did add, however, that this point could be discussed with Cambridgeshire County Council as part of the requirement for a traffic management plan.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

12. S/1765/15/FL - GREAT CHISHILL (6 MALTINGS LANE)

Members visited the site on 6 October 2015.

Alan Price (objector) and Councillor Andrew Gardiner (Great and Little Chishill Parish Council) addressed the meeting. Councillor Jose Hales (a local Member) had indicated his support for the proposal. Mr. Price described the proposal as dominant, failing to improve the character of the area. Councillor Gardiner said that the proposal neither preserved nor enhanced the Conservation Area, and was neither innovative nor in harmony with adjacent buildings.

The Committee **refused** the application, contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reasons for refusal as being that the development was unacceptable in principle and would fail to preserve the setting of neighbouring listed buildings and neither preserve nor enhance the Conservation Area. Members further authorised officers to take enforcement action to ensure that the common boundary fence with 8 Maltings Lane is removed given its harm on the setting of the listed building with a compliance period of three months.

13. S/1437/15/FL - FULBOURN (24 SHELFORD ROAD)

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

14. S/1703/15/FL - HARSTON (LAND TO THE REAR OF 168 HIGH STREET)

Ken Jenks (objector), Justin Bainton (applicant's agent) and Councillor Amelie Grappe (Harston Parish Council) addressed the meeting. Mr Jenks said that the water control system had to be located carefully so as to be effective. The Senior Lawyer highlighted Condition (k), and the Interim Development Control Manager assured those present that Environmental Health and Building Control legislation would ensure that surface water drainage was appropriate. Councillor Grappe said that the Parish Council shared concern about drainage and, in addition, had concerns about traffic.

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director.

15. S/1660/15/FL - SWAVESEY (32 BOXWORTH END)

Members visited the site on 6 October 2015.

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director.

16. S/3035/14/FL - GREAT WILBRAHAM (LAND R/O 12-18 THE LANES)

The Committee **approved** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing

- A commuted sum for the provision of off-site affordable housing
- financial contributions towards exercise equipment designed to improve existing public open space, and an electronic scoreboard at the cricket ground

and the Conditions referred to in the report from the Planning and New Communities Director.

17. S/1888/15/FL - CAMBOURNE (UNIT 1, BACK LANE)

While there was some sympathy with the position adopted by Cambourne Parish Council, the Committee observed that the fence was mainly hidden from view.

The Senior Lawyer reminded Members that, if minded to refuse the application, they should first identify the planning harm that would ensue should the fence remain painted black.

The Committee **approved** the application subject to the Conditions referred to in the report from the Planning and New Communities Director.

18. ENFORCEMENT REPORT

The Committee **received and noted** an Update on enforcement action.

In respect of Hill Trees, Stapleford, Members noted that the case had next been listed for Hearing on 7 November 2015, and that the Appellant had instigated a separate action in an effort to substantiate his claim to the land in question. In addition, the Appellant's application for Judicial Review had yet to be determined.

Led by the Chairman, and by Councillors Charles Nightingale (local Member) and Robert Turner, the Committee thanked Legal and Enforcement officers for their continuing efforts to resolve this matter.

19. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

Members noted that Appeal PLAENF.1,634 8 Quy Wateres, Teversham) lodged on 11 September 2015 had already started.

The Meeting ended at 2.10 p.m.

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Agenda Item 4



Date: 4th November 2015

To: Legal and Democratic Services Manager, South Cambridgeshire District Council

From: Cathy Collins, Asset Information Definitive Map Officer, Cambridgeshire County Council

Report on the proposed diversion of part of Public Footpath No.1, Hauxton

1 Purpose

- 1.1 This report is prepared for South Cambridgeshire District Council by Cambridgeshire County Council in their role as agent for South Cambridgeshire District Council in processing public path orders under s157 of the Town and Country Planning Act 1990, under the memorandum dated February 2007.
- 1.2 The subject of this report is the proposed diversion of part of Public Footpath No.1 Hauxton, required to enable further development of the former Bayer Crop Science site in Hauxton.

2 Background

- 2.1 The land is owned by Redrow Homes. The applicant for this diversion is Redrow Homes.
- 2.2 This diversion of a small section of Footpath No.1 Hauxton is required to implement a planning permission in relation to planning application number S/1152/12RM to be constructed. The diversion will move a section of the path closer to the brook to ensure that a proposed dwelling can be constructed on the original line of the footpath.
- 2.3 The diversion of the footpath therefore falls to be determined by the relevant planning authority under section 257 of the Town and Country Planning Act 1990. Copies of the planning application decision notices can be found at Appendix C.
- 2.4 In February 2007, South Cambridgeshire District Council entered into an Agreement with Cambridgeshire County Council providing that all Public Path Order applications under section 257 of the Town and Country Planning Act 1990 should be processed by the County Council, acting as agents for the District Council.

3 Site Description

- 3.1 Site photos of the existing route and proposed route can be seen at Appendix D.

3.2 Current Footpath No.1 Hauxton (part)

The affected section of Footpath No.1 starts at Point A and travels in an approximately southwesterly direction for 11 metres to Point B, then travels in an approximately south-south-easterly direction for 4 metres to Point C. The path then travels in an approximately east-south-easterly direction for 32 metres to Point D, then 20 metres in

the same direction to Point E. Between Points A and D the path is obstructed by undergrowth and fences and the walked route of the path follows a different route.

- 3.3 The surface of the current path is natural surface (see photos 1 and 2)
- 3.4 This section of Footpath No.1 Hauxton was diverted in 1974 and there is no width recorded in the Order. However scaling off the order plan gives a width of 2m set 2m away from the hedge boundary. We have agreed with Redrow Homes that the unaffected section of the path immediately to the south will have a width of 2 metres, set 1.75 metres from the root of the hedge when the proposed development is complete. This will give a total width of 3.75 metres provided because it will be between hedge and fences.

3.5 **Proposed Footpath No.1 Hauxton (part)**

The proposed diverted route of Footpath No. 1 starts at Point A and then would proceed in an approximately south-south-easterly, then southeasterly direction for 22 metres to Point F (Photos 3 and 4). The path would then proceed in an approximately east-north-easterly direction for 23 metres to Point G (Photos 5 and 6). The path would then proceed in an approximately east-south-easterly, then southeasterly direction for 13 metres to Point H. The path would then proceed in an approximately south-south-westerly direction for 15 metres to Point E (Photos 7 and 8).

- 3.6 Between Points A and F the path would follow the current walked route (Redrow have formally agreed to revise their route to resolve the anomaly on the map). Between Points F and E the path is blocked by undergrowth and will need clearing if the diversion is successful.
- 3.7 The width of the new path would be 2.5 metres between Points A and E.
- 3.8 As part of the housing development the developer has confirmed that they were planning to create a hoggin footpath with a timber peg and board edging as part of the wider landscaping and ecological plan for the Riddy Brook corridor. This has been approved by the County Council's Rights of Way Officer.

4 Legal Framework

- 4.1 Section 257 of the Town and Country Planning Act 1990 allows that:

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath or bridleway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

- (a) in accordance with planning permission granted under Part III, or
- (b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

- (a) for the creation of an alternative highway for use as a replacement for the one

authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;

(b) for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;

(c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;

(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'

4.2 An Order shall come into effect once the new route has been certified by either the order-making authority or the highway authority as being of a satisfactory standard for public use. In this instance the County Council as highway authority will undertake the certification.

4.3 The Equality Act 2010 consolidated previous disability legislation. There is currently little formal guidance on how the Act interacts with existing rights of way legislation. However, it is generally understood to require order-making authorities to take into account the reasonable needs of disabled people (using the term in its broadest sense) in considering changes to the rights of way network. The Act requires authorities to be more proactive in recording their thought-processes in making their decisions. A recent Planning Inspectorate decision said that the Act only applies to the alternative route in a diversion. Section 7.5 below documents the position in relation to this case.

5 Cambridgeshire County Council Policy (including maintenance)

5.1 The County Council's own policy (approved by Cabinet in 2003 and revised on 25 May 2010) requires that certain criteria are met if a public path diversion order is to be made. The policy is set out with public path orders under the Highways Act 1980 in mind, but it is sensible to consider the criteria in relation to any proposal under the Town & Country Planning Act 1990, because any new path will be vested in Cambridgeshire County Council as the highway authority and as such responsible for managing them. The highway authority is also responsible for protecting and asserting the public's existing rights, and not allowing them to be removed unless the legal tests are met. The Policy criteria are as follows:

- i. Pre-application consultations have been carried out with the prescribed bodies.
- ii. The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Director Highways & Access as to whether or not that is appropriate.
- iii. A suitable alternative path is provided for every path that is to be diverted.
- iv. The proposed new route is substantially as convenient to the public as the original
- v. The proposed new route is not less convenient for maintenance than the original

- vi. No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal.
 - vii. The maintenance burden on the County Council is no greater than that of the original. If the maintenance burden is greater, the landowner may be required to enter into a maintenance agreement with the County Council.
 - viii. A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, it may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.
 - ix. That all the works required to bring the new route into operation are carried out at the expense of the landowner and to the County Council's specifications unless otherwise agreed.
- 5.2 Where there is a desire line on the ground that is not on the definitive route because that is obstructed we will consider that to be evidence of a desire to get from points A-B, and will require the definitive route to be opened up or diverted onto the desire line or another mutually agreed route.

6 Consultations

- 6.1 The local Ramblers' Association, South Cambridgeshire District Council, Hauxton Parish Council, Local County and District Council Members, the prescribed user groups and the utility companies were all consulted about the proposals. The following replies have been received (copies are attached as Appendix C):
- 6.2 National Grid, Atkins and Virgin have no objections to the proposals.
- 6.3 The Open Spaces Society have no comment to make on the proposals.
- 6.4 No other responses were received.

7 Grounds for stopping up and provision of alternative route: Town & Country Planning Act 1990 and Equality Act 2010

- 7.1 The re-routing of part of this public footpath from its existing route to the proposed new route is required in order to implement a planning permission granted under part III of the Town and Country Planning Act 1990. Section 1 (a) of the act is therefore satisfied (see section 4.1).
- 7.2 The new route will provide an alternative path. The new footpath will be provided in accordance with the Highway Authority's policy for public footpaths.
- 7.3 The applicant has agreed to undertake the necessary works required to implement the proposed new route at their own expense.
- 7.4 The rights of statutory undertakers will not be affected. Subsection 2 of the act is therefore satisfied.
- 7.5 In terms of the Equality Act 2010, the diversion would be neutral.

8 Grounds for diversion: Cambridgeshire County Council criteria as Highway Authority including Maintenance Liability

- 8.1 Pre-application consultations have been carried out by the applicant.
- 8.2 The new route would be 6 metres longer than the current route which will slightly increase the maintenance liability, despite the change to a hoggin surface. The improved surface is needed to cope with the anticipated increased wear and tear from the adjacent new housing estate to minimise liability on CCC. It has been agreed with the developer that an Estate Management company will be set up with S106 money to cut back the adjacent hedgerow four times a year. If they default then the County Council will do the work and charge the cost back to the estate management company. If the EMC did not pay the costs, then a Local Land Charge would be placed against all the properties on the estate.
- 8.3 Redrow Homes have agreed to ensure that the boundary treatments will be appropriate with a 1.5 metre high fence with a 0.3 metre trellis which will ensure that light can reach the path which will assist with keeping maintenance levels as low as possible.
- 8.4 No objections were received during the consultation period. The County Council's other requirements regarding width and works to bring the new route of the path into a suitable condition for public use have all been met. The proposed new route would have a width of 2.5 metres.
- 8.5 Where diversion Orders are made in order to make way for development to be undertaken a certification clause is included in the Order. This requires that the new route of the path will not come into effect until the County Council as Highway Authority has deemed it satisfactory.

9 Conclusions

- 9.1 It is considered that the application to divert part of Public Footpath No.1 Hauxton meets the requirements of s.257 of the Town and Country Planning Act 1990 and the policy of Cambridgeshire County Council.
- 9.2 On the 29th October the Cambridgeshire County Council Service Director Infrastructure Management and Operations gave his approval for the diversion. See Appendix E.

10 Recommendations

- 10.2 That the approval of Cambridgeshire County Council Service Director Infrastructure Management and Operations be reported to South Cambridgeshire District Council, as Planning Authority and that they indicate to Cambridgeshire County Council that an order should be made.

- 10.2 That an Order is made to divert part of the Public Footpath No.1 Hauxton, as requested by the applicant.
- 10.3 That the final route be inspected by the Cambridgeshire County Council as Highways Authority and certified as satisfactory before the Order comes into effect.

LIST OF DOCUMENTS

| | |
|----------|--|
| A | Copy of the application to divert part of the public footpath No.1 Hauxton |
| B | Map showing the proposed diversion |
| C | Consultation Responses |
| D | Site photographs |
| E | Memorandum from Cambridgeshire County Council Service Director Infrastructure Management and Operations giving approval for this diversion |

TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR AN ORDER TO PERMANENTLY DIVERT
A PUBLIC RIGHT OF WAY

Name of applicant: Philip Clark on behalf of Redrow Homes South Midlands
Address: Redrow House, 6 Waterside Way, The Lakes, Northampton, NN4 7XD

Tel. (work) 01604 601115 Tel. (home) N/A

I hereby apply for the diversion of the footpath known as Hauxton [*parish*] Public Footpath [*no.01*] under s.257 of the Town and Country Planning Act 1990 and undertake, if an order for the diversion of the path is made, to carry out such work on the diverted route of the path as may be required to bring the path into a fit condition for public use to the satisfaction of the County Council, prior to the confirmation of the order.

Signed.......... Date.....18-12-14.....

Consent of other landowner/s and other requirements

Written consent of any other landowner/s affected by your proposed diversion (for both the existing line and proposed new line) must be obtained prior to submission.

A copy of the County Council's requirements for making diversion orders can be found at the end of this application form. The County Council will require all of these to be met. Please note in particular:

The requirement for pre-application consultations: The applicant must consult with the relevant Parish Council and local user groups, and must append copies of any correspondence to this application

The path to be diverted

Parish: Hauxton No.01.
From: See plan 2375-22-04-01 OS grid ref: X = 543454.6646 Y = 252290.2783
To: see plan 2375-22-04-01 OS grid ref: X = 543434.9240 Y = 252384.6168

General description of path: Currently an unsurfaced footpath, passing between the former Bayer Crop science site and privately owned land and running through overgrown vegetation.

Landowner

Name: Harrow Estates Plc
Address: Bridgemere House, Chester Road, Preston Brook, Cheshire, WA7 3BD

Lessee/tenant

Name: N/A
Address: N/A

Occupier

Name: As above
Address: As above

Reasons for the diversion

Local Planning Authority: South Cambridge District Council

Planning application No: S/1911/14/

Date of Planning Permission: 13th November 2014

Description of proposed development: The council hereby grants permission for Application for approval of reserved matters comprising: layout, scale, appearance and landscaping in respect of phase 1 (201 dwellings) of the development approved under outline planning permission reference: S/2308/06/O

The proposed new route of the path

Please enclose a signed and dated plan, preferably at scale of not less than 1:2,500 and based on an Ordnance Survey map.

From: See plan 2375-22-04-01 OS grid ref. X = 543454.6646 Y = 252290.2783

To: See plan 2375-22-04-01 OS grid ref. X = 543434.9240 Y = 252384.6168

General description of new path: The proposed footpath diversion represents a very minor change which will result in the existing footpath being extended in length by circa 13m by following a marginally different line. The existing footpath will be upgraded by widening to 2.5m, resurfaced to ensure a smooth and even surface and form part of a wider landscaping and ecological plan to enhance the Riddy brook corridor.

Landowner

Name: As previous

Address: As previous

Lessee/tenant

Name: As previous

Address: As previous

Occupier

Name: As previous

Address: As previous

Other Legal Interests

Please give details of any other person(s) having a legal interest in the land over which the right of way is to be diverted, for example other landowners, mortgagees or other persons having an easement over the land:

Has the written consent of all such persons been obtained?

N/A (Delete as applicable.)

The consents must accompany this application.

Pre-application consultations

Please append copies of all correspondence with user groups and the relevant Parish Councils. Have any objections been raised? Please see attached.

Works

Following receipt of this application, the County Council's rights of way officer will contact you to arrange to meet you to inspect the proposed new route and to agree the works that will be needed to bring it into a fit condition for use as a public path.

These works will be confirmed in writing following the site inspection. Please note that the Council will require a minimum width of 2 m to be provided for the new route of a public footpath, and a minimum of 4 m for the new route of a public bridleway. The new path will be signposted and/or waymarked to the extent deemed necessary by the Council.

Coming into operation of an alternative route

Please note that the existing route of the path to be stopped up will **not** be extinguished until an officer of the Countryside Services Team acting on behalf of the highway authority has certified that the new route of the alternative path has been provided on the ground to a suitable standard for use by the public. It is the applicant's responsibility to ensure that works to provide the new route of the path are completed.

Recovery of fees and costs

Under the 'Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by SI 1996 No 1978, the County Council may recover from the applicant the reasonable administrative costs of processing applications for, and making, public path orders. The County Council will invoice you for:

- the administrative costs of processing your application up to the making of a public path order, a charge of £2050.
- staff travelling expenses @ 45p per mile.
- the cost of inserting one Public Notice in a local newspaper at the time of the making of the order, one Public Notice in a local newspaper at the time of the confirmation of the order and one Public Notice in a local newspaper at the time of the coming into operation of the order

The costs of taking an opposed order to a public inquiry will be met by the County Council, but the County Council will expect the applicant to provide their own legal representation at the inquiry. Please note that the Council reserves the right to decline to proceed to a public inquiry for an opposed order.

For further information see the County Council's *Public Rights of Way – A guide for planners and developers* available on our website at

<http://www.cambridgeshire.gov.uk/environment/countryside/definitive/>

and *A guide to definitive maps and public rights of way* published by Natural England:

<http://naturalengland.etraderstores.com/NaturalEnglandShop/Product.aspx?ProductID=8f4433c1-0c14-488e-96b6-b7d67bacbfd4>

Statement

I hereby agree to put the new route(s) into a fit condition, as approved by the County Council, for use by the public within 28 days of a request by the Council to do so.


I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order, and to pay in full the County Council's administrative costs of making the order and the costs of the public notices.

I also undertake with Cambridgeshire County Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the order can be confirmed by the council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. (The Council will consult with statutory undertakers on your behalf.)

Data Protection

Applicants' names and addresses will be held by the County Council and will be published in its decision report, which will remain as part of the legal record in the public domain. They may also be published on the County Council's website if regulations so require, but if exemptions are possible applicants will be contacted at that point for their consent.

I have read and understand this application and make my application acknowledging the conditions specified in it.

Signed  Date 18-12-14

Public Path Diversion Orders – Cambridgeshire County Council requirements for making an order

Diversions

- pre-application consultations have been carried out with the prescribed bodies
- where possible, a suitable alternative path is provided for every path that is to be stopped up under s257 Town & Country Planning Act 1990
- the proposed new routes of paths are reasonably convenient to the public when compared with the original routes
- the Parish Council does not object to the proposals
- no objections are received to the proposals during the statutory consultation period prior to making an order
- the proposed new route is not less convenient for maintenance than the original
- the maintenance burden on the County Council of the new route is no greater than that of the original
- if the maintenance burden is greater, the landowner may be required to enter into a maintenance agreement with the County Council
- a minimum width of 2 m is provided for the new route of a public footpath, and a minimum of 4 m for the new route of a public bridleway
- that all works needed to bring the new route of the path into a suitable condition for use by the public are carried out at the expense of the landowner to the Countryside Access Team's specifications

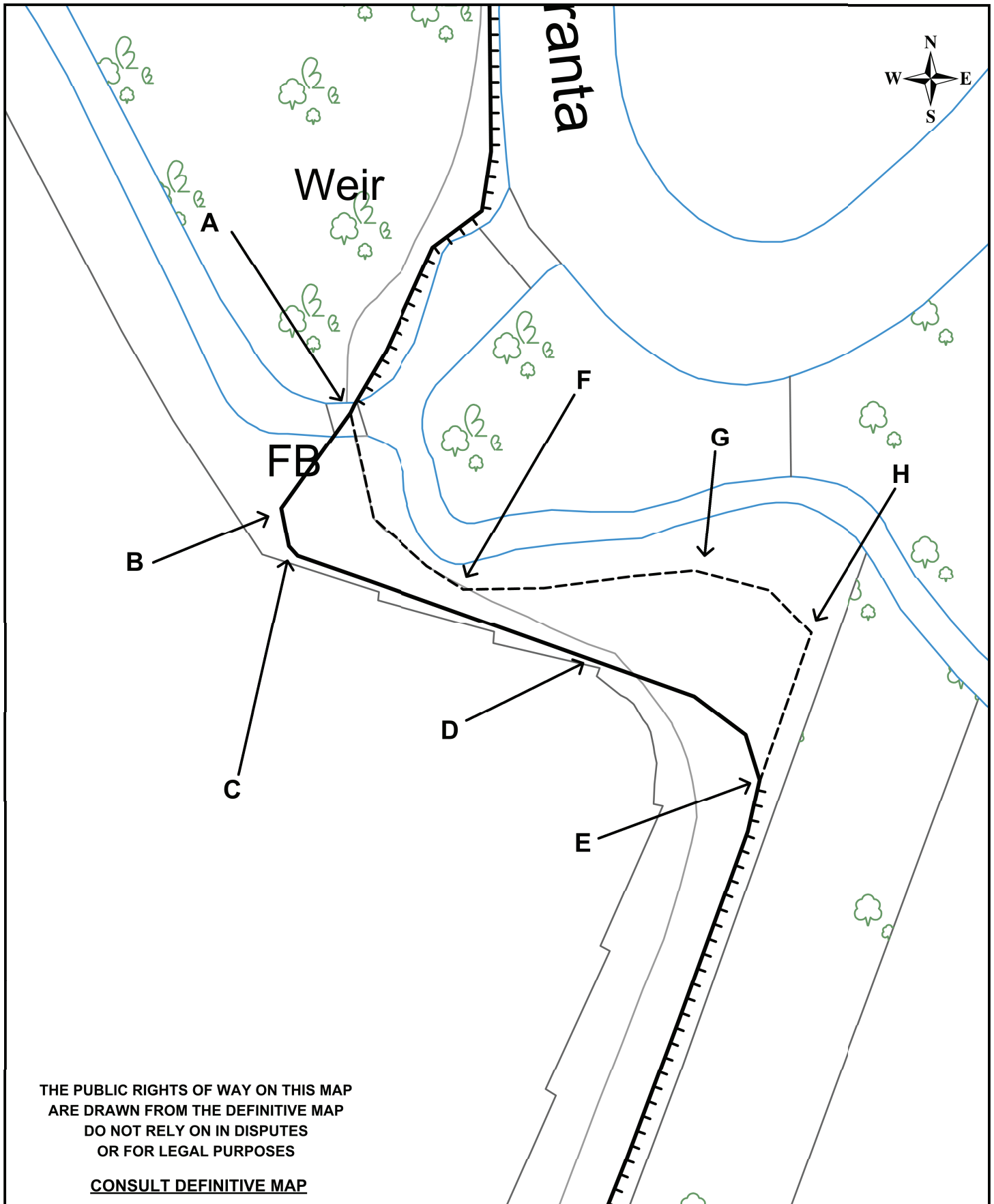
Pre-application consultations

Applicants are advised that prior to formally submitting their diversion or extinguishment application to the Countryside Access Team, they must complete informal consultations with the prescribed bodies (list attached). This will identify at an early stage whether the proposal is likely to be accepted by the public, and all responses received should be attached to the application form.

List of Statutory Consultees

NB Please select the relevant Ramblers Association Group for your area. Be aware that it may be appropriate to consult more than one group if your location is near one or more RA-represented areas.

| | |
|---|---|
| <p>The relevant Parish Council</p> | <p>Mr James Thompson East Cambridgeshire Ramblers Group 2A Maltings Lane Isleham Ely Cambs CB7 5RZ</p> <p><i>NB Except for the parishes listed under Newmarket Ramblers</i></p> |
| <p>Ramblers Association 2nd Floor Camelford House 87-97 Albert Bank London SE1 7TW</p> | <p>Dr Adrian Kempster Huntingdonshire Ramblers Group Hollow Head Farm Hollow Lane Ramsey Cambs PE26 2YQ</p> |
| <p>Auto-Cycle-Union Auto-Cycle-Union House Wood Street Rugby Warwickshire CV21 2YX</p> | <p>Dr R & Mrs J Moreton Joint Footpath Secretaries South Cambridgeshire Ramblers Association Group 23 Emery Street CAMBRIDGE CB1 2AX</p> |
| <p>Open Spaces Society 25 a Bell Street Henley-on-Thames Oxon RG9 2BA</p> | <p>Mr G Thomas Fenland Ramblers Association Coach House 6 Chapel Road Wisbech PE13 1RH</p> |
| <p>Byways and Bridleways Trust PO Box 117 Newcastle-Upon-Tyne NE3 5YJ</p> | <p>Paul Cutmore Cambridge City Ramblers Group ptcutmore@cix.co.uk 12 Topcliffe Way Cambridge CB1 8SH</p> |
| <p>British Horse Society Stoneleigh Deer Park Kenilworth Warwickshire CV8 2XZ</p> | <p>Phil Prigg Newmarket Ramblers Group 1 Edgeborough Close Kentford Newmarket</p> |
| <p>Avril Monmont BHS County Access & Bridleways Officer 343A St Neots Road Hardwick CAMBRIDGE CB23 7XL</p> | <p>Suffolk CB8 8QY</p> <p>Newmarket RG covers the following parishes in Cambs: Ashley, Brinkley, Burrough Green, Cheveley, Chippenham, Dullingham, Kennett, Kirtling, Snailwell, Stetchworth, Westley Waterless and Woodditton</p> |






THE PUBLIC RIGHTS OF WAY ON THIS MAP
ARE DRAWN FROM THE DEFINITIVE MAP
DO NOT RELY ON IN DISPUTES
OR FOR LEGAL PURPOSES

CONSULT DEFINITIVE MAP

Scale: 1:500

Date: 05/02/2015

By:

| Key - Drawn from the Definitive Map | |
|-------------------------------------|---|
| Unaffected footpath |  |
| New footpath |  |
| Footpath to be deleted |  |



Cambridgeshire County Council,
Shire Hall,
Castle Street,
Cambridge
CB3 0AP

Virgin Media
Field Services
Units 1-12
Broad Lane
Mayfair Business Park
Bradford
Yorkshire
BD4 8PW

Tel: 0870 888 3116 Opt 2
Fax: 01268 468557

Plant Enquiry Ref: VM.129266
Your Letter Date: 25.09.2015
Your Ref: NA
Date: 06.10.2015

Dear Sir/Madam

Enquiry Location:

Hauxton CB22 5HT

Thank you for your enquiry regarding work at the above location.

Virgin Media and Viatel plant should not be affected by your proposed work and no strategic additions to our existing network are envisaged in the immediate future.

Should your request be in relation to a New Development and you require an estimate to be prepared for Virgin Media to service your proposed development, please submit this request for costs along with site drawings (scale 1:500) to:

Virgin Media
New Build
Virgin Media
1 Dove Wynd
Strathclyde Business Park
Bellshill
ML4 3AL

This information is only valid on the date of issue. If your start date is 3 months or more from the date of this letter, please re-apply for updated information.

Yours faithfully,

National Plant Enquiries Team
email: plant.enquiries.team@virginmedia.co.uk

Please note: National Plant Enquiries Team (Bradford) cover and respond to plant enquiries for all ex ntl:Telewest franchise areas.



Plant Protection
National Grid
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@nationalgrid.com
Telephone: +44 (0)800 688588

Cathy Collins
Cambridgeshire County Council
Rights of Way & Access Team
Box No CC1305
Castle Court
Shire Hall
Cambridge
CB3 0AP

National Grid Electricity Emergency Number:
0800 40 40 90*

National Gas Emergency Number:
0800 111 999*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.nationalgrid.com

Date: 30/09/2015
Our Ref: EA_TE_Z5_3FWP_026574
Your Ref: Footpath 1 (part) (JH)
RE: Formal Enquiry, CB22 5HT, Footpath 1 (part) Hauxton

Thank you for your enquiry which was received on 28/09/2015.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of National Grid's network areas please see the National Grid website (<http://www.nationalgrid.com/uk/Gas/Safety/work/>) or the enclosed documentation.

Are My Works Affected?

National Grid has identified that it has no record of apparatus in the immediate vicinity of your enquiry.

National Grid therefore has no objection to these proposed activities.

The contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) apparatus. This assessment does **NOT** include:

- National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact National Grid.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-DBD7E68882C7/51319/EssentialGuidance.pdf>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Grid's easements or wayleaves nor any planning or building regulations applications.

NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the National Grid Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

National Grid Plant Protection Team

GUIDANCE

Standard Guidance

Essential Guidance document:

<http://www.nationalgrid.com/NR/rdonlyres/6D6525F9-59EB-4825-BA89-DBD7E68882C7/51319/EssentialGuidance.pdf>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>

ENQUIRY SUMMARY

Received Date

28/09/2015

Your Reference

Footpath 1 (part) (JH)

Location

Centre Point: 543452, 252344

X Extent: 42

Y Extent: 84

Postcode: CB22 5HT

Location Description: CB22 5HT, Footpath 1 (part) Hauxton

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 1250

Actual Scale: N/A

Real World Extents: N/A

Recipients

pprsteam@nationalgrid.com

Enquirer Details

Organisation Name: Cambridgeshire County Council

Contact Name: Cathy Collins

Email Address: Catherine.Collins@cambridgeshire.gov.uk

Telephone: 01223 715629

Address: Rights of Way & Access Team, Box No CC1305, Castle Court, Shire Hall, Cambridge, CB3 0AP

Description of Works

s/u Town & Country Planning Act, Section 257 (DB)

Enquiry Type

Formal Enquiry

Activity Type

Highways

Notice Types

Notice Type: Section Notice (Town & Country Planning Act, Section 257)

Collins Catherine

From: Kumar, Krishnaraj <Krishnaraj.Kumar@atkinsglobal.com>
Sent: 30 September 2015 05:48
To: Collins Catherine
Subject: No Objection: Proposed diversion of Footpath 1 (part) Hauxton
Attachments: 2015-09-28 Consult map.pdf

Dear Sirs,

New Roads and Street Works Act 1991
Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order

No Objection

We refer to the below or attached order and confirm that we have no objections

Please email Stopping Ups to osm.enquiries@atkinsglobal.com

To enable us to process your application as quickly as possible, please ensure you include Grid References.

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

IMPORTANT - PLEASE READ = Your Next Step?

Where apparatus is affected and requires diversion, please send all the scheme related proposals that affects the Vodafone Network to c3requests@vodafone.com with a request for a 'C3 Budget Estimate'. Please ensure you include a plan showing proposed works. (A location plan is insufficient for Vodafone to provide a costing). These estimates will be provided by Vodafone directly, normally within 20 working days from receipt of your request. Please include proof of this C2 response when requesting a C3 (using the 'forward' option). Diversionary works may be necessary if the existing line of the highway/railway or its levels are altered.

Kind regards,

Plant Enquiries Team
T: 01454 662881
E: osm.enquiries@atkinsglobal.com

ATKINS working on behalf of Vodafone: Fixed



This response is made only in respect to electronic communications apparatus forming part of the Vodafone: Fixed electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited.

PLEASE NOTE: The information given is indicative only. No warranty is made as to its accuracy. This information must not be solely relied upon in the event of excavation or other works carried out in the vicinity of Vodafone plant. No liability of any kind whatsoever is accepted by Vodafone, its servants, or agents, for any error or omission in respect of information contained on this information. The actual position of underground services must be verified and established on site before any mechanical plant is used. Authorities and contractors will be held liable for the full cost of repairs to Vodafone's apparatus and all claims made against them by Third parties as a result of any interference or damage.



Please consider the environment before printing this e-mail

From: Collins Catherine [mailto:Catherine.Collins@cambridgeshire.gov.uk]

Sent: 28 September 2015 17:59

To: 'networkalts.eastern@openreach.co.uk'; 'asknetworks@ukpowernetworks.co.uk'; 'support@digdat.co.uk'; 'plantprotection@nationalgrid.com'; 'plant.enquiries.team@virginmedia.co.uk'; 'nrswa@envoyonline.co.uk'; National Plant Enquiry's; 'BSGServiceDesk@cambsfire.gov.uk'

Subject: Proposed diversion of Footpath 1 (part) Hauxton

Dear Sirs

Town & Country Planning Act 1990 Section 257

Proposed diversion of Footpath 1 (part) Hauxton – Postcode CB22 5HT

Cambridgeshire County Council is considering making an order, under section 257 of the Town & Country Planning Act 1990, to divert part of Footpath 1 Hauxton as shown on the enclosed plan.

The consent of statutory undertakers is required if those undertakers have apparatus under or along the line of the right of way to be diverted.

- If you have any apparatus along that line I would be grateful if you would contact me, providing a plan indicating the location of the apparatus and indicating clearly whether or not you consent to the diversion.
- If you do not have any apparatus along the line of the right of way to be diverted you do not need to respond to this letter.

If you intend to respond I would be grateful if you would do so by 26th October 2015 . If I do not hear from you by then I will assume that you do not have any apparatus that will be affected.

Please contact me if you would like any more information.

Cathy Collins

Asset Information Definitive Map Officer

Direct Line: 01223 715629

Contact Centre 0345 045 5212

Assets & Commissioning, Box No SH1313, Cambridgeshire County Council, Shire Hall, Castle Street, Cambridge CB3 0AP

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* For public rights of way please click here

http://www.cambridgeshire.gov.uk/info/20012/arts_green_spaces_and_activities/199/definitive_map_and_statement

* For all other highways please click here

http://www.cambridgeshire.gov.uk/info/20081/roads_and_pathways/116/highways_records

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Collins Catherine

From: Kate Ashbrook <hq@oss.org.uk>
Sent: 28 September 2015 14:38
To: Collins Catherine
Subject: RE: For the attention of Christine Hunter - Proposed diversion of Footpath 1 Hauxton, Cambridgeshire

No comment thanks.

*Kate Ashbrook
General Secretary
The Open Spaces Society
25a Bell Street
Henley-on-Thames RG9 2BA
tel 01491 573535, mob 07771 655694
email: hq@oss.org.uk
website www.oss.org.uk
The Open Spaces Society is a registered charity (no 1144840) and a company limited by guarantee, registered in England & Wales (no 7846516).*

Remember a charity in your will
Help us to continue our work for future generations by leaving
a legacy to the Open Spaces Society



Read my blog at <http://campaignerkate.wordpress.com/>

From: Collins Catherine [<mailto:Catherine.Collins@cambridgeshire.gov.uk>]
Sent: 28 September 2015 14:28
To: Kate Ashbrook
Subject: For the attention of Christine Hunter - Proposed diversion of Footpath 1 Hauxton, Cambridgeshire

Dear Ms Hunter

Cambridgeshire County Council has received an application to divert part of Hauxton Footpath No.1. The diversion is proposed is under section 257 of the Town and Country Planning Act 1990 in order to enable development to be carried out on the current route.

The attached map shows the current alignment (A-B-C-D-E) and the proposed diversion (A-F-G-H- E). The new section of the route will be 2.5 metres between A and E.

I would be grateful if I could receive any representations you wish to make by Monday 28th October 2015. If this timescale would cause you difficulty, or you have any other queries, please contact me at the above address.

If you have any questions on this proposal please do not hesitate to contact me.

Kind Regards
Cathy Collins

Cathy Collins
Asset Information Definitive Map Officer

Direct Line: 01223 715629

Contact Centre 0345 045 5212

Assets & Commissioning, Box No SH1313, Cambridgeshire County Council, Shire Hall, Castle Street, Cambridge CB3
OAP

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* For public rights of way please click here

http://www.cambridgeshire.gov.uk/info/20012/arts_green_spaces_and_activities/199/definitive_map_and_statement

* For all other highways please click here

http://www.cambridgeshire.gov.uk/info/20081/roads_and_pathways/116/highways_records

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Diversion of Part of Footpath No.1 Hauxton

Current Route

Photo 1 – Looking west from Point D



Photo 2 – Looking east from Point D



Proposed Route

Photo 3 – Looking southeast from Point A



Photo 4 – Looking east from Point F



Photo 5 – Looking northeast from Point F, path passes through undergrowth.



Photo 6 – Detail of undergrowth that needs to be cleared.



Photo 7 – Looking south from Point H, there is a mature tree on the boundary of the proposed route



Photo 8 – Looking south from between Points H and E



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Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

| | |
|--|---|
| Application Number: | S/1515/15/OL |
| Parish(es): | Sawston |
| Proposal: | Residential Development and Associated Works including Access |
| Site address: | Land Off Mill Lane |
| Applicant(s): | Manor Oak Homes |
| Recommendation: | Delegated Approval |
| Key material considerations: | Housing Land Supply Principle of Development Housing Land Supply Proposed Green Belt Character and Appearance of the Area Density Housing Mix Affordable Housing Developer Contributions Design Considerations Trees and Landscaping Biodiversity Highway Safety Flood Risk Neighbour Amenity |
| Committee Site Visit: | Yes |
| Departure Application: | Yes - outside village framework |
| Presenting Officer: | Karen Pell-Coggins |
| Application brought to Committee because: | The application is a departure to the development plan. |
| Date by which decision due: | 22 September 2015 |

Executive Summary

1. This proposal, as amended, seeks permission for a residential development outside the Sawston village framework and in the countryside. This development would not normally be considered acceptable in principle as a result of its location. However,

two recent appeal decisions on sites in Waterbeach have shown that the district does not currently have a 5 year housing land supply and therefore the adopted LDF policies in relation to the supply of housing are not up to date. The NPPF states that there is a presumption in favour of sustainable development and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this case the adverse impacts of the development in terms of limited visual harm are not considered to demonstrably outweigh the benefits that consist of a contribution of 48 dwellings towards the required housing land supply including 19 affordable dwellings, a location with good transport links and a range of services, and creation of jobs during the construction period that would benefit the local economy. Given the above balance, the application is recommended for approval.

Planning History

2. S/2832/88/F - 44 Houses and 6 Bungalows - Refused
(outside village framework, area of restraint south of Cambridge, scale of development for village, impact upon foul drainage)

National Guidance

3. National Planning Policy Framework 2012
National Planning Practice Guidance 2014

Development Plan Policies

4. **South Cambridgeshire Local Development Framework Core Strategy 2007**
ST/2 Housing Provision
ST/4 Rural Centres
5. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
CH/2 Archaeological Sites
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact

6. **South Cambridgeshire Local Development Framework Supplementary Planning Documents**

Open Space in New Developments SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Affordable Housing SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

7. **South Cambridgeshire Local Plan Submission 2014**

S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/7 Development Frameworks
S/8 Rural Centres
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/2 Protecting and Enhancing Landscape Character
NH/4 Biodiversity
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Sustainable Design and Construction
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
SC/10 Lighting Proposals
SC/11 Noise Pollution
SC/12 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

Amended Plans

8. **Trees and Landscapes Officer** - Comments that the aboricultural report as amended is a viable solution and has no objections subject to a condition to ensure that the report is strictly followed.
9. **Ecology Officer** - Comments that an objection was previously raised as further work is required. However, given that the application is at outline stage, there would still be an opportunity to accommodate any badger setts should they be found on site in the layout at the reserved matters stage. Although there are mammal tracks, neither ecologists suspects that a main sett is present. Requires a condition for a repeat badger survey to be carried prior to the commencement of any development with mitigation measures if necessary. The site was visited in mid-July and there was a limited amount of bat activity. Although the sheds provide range of roost opportunities, neither ecologists suspect that it is likely that the sheds are being used as a maternity roost site. Requires a condition for bat emergence surveys prior to any works on site

and mitigation measures if necessary.

10. **Cambridgeshire County Council Flood and Water Team** - Comments that it has now been demonstrated that surface water can be managed on the site. Requires conditions for a detailed surface water drainage scheme in accordance with the revised Flood Risk Assessment to include a restriction of 2.5l/s run-off and details of the implementation, management and maintenance of the surface water scheme.
11. **Cambridgeshire County Council Transport Assessment Team** – Comments that no objections are raised to the revised transport statement subject to the travel plan being secured through condition or section 106.
12. **Cambridgeshire County Council Rights of Way Team** - Comments that public footpath number 7, Sawston runs along the eastern boundary of the site. The proposal has the public footpath included in the design that is welcomed. However, advises that the proposed upgrading of the public footpath as set out in the transport and planning statements needs a separate consent. Also requests informatives in relation to points of law with regards to the footpath.
13. **Section 106 Officer** - Comments that Sawston Parish Council considers that the scheme requires the provision of a replacement multifunctional pavilion at Mill Lane recreation ground which in addition to providing changing facilities will include a hireable community space for wider functions and events. Quotes have been obtained for the cost of the new pavilion which is expected to be up to £360,000.

Prior to 6th April 2010, the Council would have sought offsite sports and indoor community space contributions in accordance with a standard formula which, due to its nature, would at times result in contributions that were not sufficient to finance a new item of infrastructure. This meant that Parish Councils would often rely on several schemes coming forward (or identify other funding opportunities) in order to achieve their ambitions. Were those contributions to apply today the offsite contribution secured would be considerably less than that being sought (in the region of £100,000).

The community infrastructure levy regulations 6th April 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development

It has been said that the existing pavilion is not DDA compliant and is of a poor state. At the same time the changing rooms do not meet necessary standards to allow the football team (Sawston Rovers) to compete at a higher league than they currently play. The District Council has not undertaken any sort of structural review of the pavilion.

Officers are not aware of any other development being proposed in Sawston which would directly relate to Mill Lane recreation ground and therefore there is a view that this development should provide for the full cost of associated infrastructure. At the same time Sawston Parish Council have not said that they have access to other funding sources in order to match fund the pavilion.

On the other hand a view could be taken that as 50 dwellings does not, in itself, give rise to a sport pavilion that the contribution should only reflect a proportion of the cost.

As the decision maker, Members need to determine whether a financial contribution of £360,000 (i.e. funding the total cost of a replacement pavilion) satisfies the 3 tests as set out above and that, in the absence of the full contribution being secured, planning permission would be refused.

Original Plans

14. **Sawston Parish Council** - Recommends refusal and makes the following comments:
-
“Object due to flood risk. From local knowledge (from the residents living there), it suggests this is a high risk area. If this is approved, we want this looked into again. Also we need to highlight close proximity from No. 43 Mill Lane to the new proposed access road”.
15. **Planning Policy Officer** - Comments that the Council cannot currently demonstrate a 5 year housing land supply. Therefore the adopted LDF policies in relation to the supply of housing are not up-to-date and the presumption in favour of development set out in paragraphs 14 and 49 of NPPF apply. An assessment should be made of whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the NPPf as a whole. The site was assessed in the SHLAA and was found to be a site with limited development potential meaning that it is capable of sustainable development but there are a number of constraints and impacts. The site was included in Issues and Options 1 but was not allocated due to flood risk.
16. **Urban Design Officer** - Comments that the access point is the only available and that it is disappointing that there is no link to the south to better integrate the development / increase permeability but the pedestrian link to the existing footpath is positive and should be retained. The suggested number of dwellings and density appears appropriate although at the top end of what could be achieved without compromising design quality given the constrained nature of the site. A maximum height of two and a half storeys is appropriate but careful attention needs to be paid to the proximity to neighbouring properties. The organic curvilinear figure ground response is not typical of Sawston which follows a more grid like pattern of development fronting roads. The entrance to the development is long and narrow with little surveillance. A focal building should be provided at the end of the entrance road. All open space should be well overlooked.
17. **Trees and Landscapes Officer** - Has concerns that the access would affect the adjacent Beech trees numbers T1 to T5 subject to a Tree Preservation Order and the dwellings are located too close to the adjacent Ash trees numbers T19 and T20 that are of low value.
18. **Landscape Design Officer** - Comments that the site is located within the East Anglian Chalk Landscape Character Area. The landscape characteristics of the site and surrounding area include low lying, gently rolling topography, a productive intensively farmed agricultural landscape, medium/large scale regular field pattern defined by hedgerows. Has no objections in principle as longer distance views are contained within the residential properties to the north, east and south and long distance open views would not be affected. To reduce the landscape and visual effects, it is essential that existing boundary planting is retained and enhanced with no loss to key landscape features. There are a number of mature trees with Tree Preservation Orders within the site that should be protected and retained. Suggest conditions in relation to hard and soft landscape works, surface water drainage, no dig

construction within the root protection area, boundary treatments, external lighting, waste provision, cycle storage, bat and bird boxes, log piles and hedgehog/insect houses, swale pond and a landscape visual impact assessment.

19. **Ecology Officer** - Comments that the site has been visited and it is apparent that badgers move across the site and it is possible that they have a sett on site (which may be currently obscured by tall vegetation). Requires a full assessment of the site for badgers prior to the commencement of development. The site is largely grassland with a number of former shed-like buildings upon it. The buildings have many features that could be used by roosting bats. As such a bat survey including evening emergence surveys should be undertaken prior to the determination of the application and further surveys prior to the commencement of development. The grassland is of low ecological value.
20. **Affordable Housing Officer** - Supports the proposal and comments that there are 1700 residents on the register and the proposal would meet the 40% affordable housing requirement set out under Policy HG/3. The proposed mix of 5 x 1 bedroom flats, 6 x 2 bedroom flats, 4 x 2 bedroom houses and 4 x 3 bedroom houses would be reflective of the higher demand for smaller units in this specific location and across the district as a whole. The tenure split should be 70/30 in favour of social rented.
21. **Section 106 Officer** - Has met with Sawston Parish Council and has been advised that the necessary mitigation for the development would be the redevelopment of the pavilion to ensure provision of community space and sports space. The current pavilion fails DDA compliance and also becoming unfit for purpose. This would contribute towards a sustainable and integrated community. In addition, the Parish Council would find alternative funds to further improve the existing nearby recreation area so that the development would not need to contribute towards open space.
22. **Environmental Health Officer** - Comments that it is inevitable that there will be vehicle movements along the access road next to the neighbour at No. 43 Mill Lane. However, Mill Lane already generates degree of traffic noise. Due to the size of the proposals any vehicle movements along the proposed access road will only result in a negligible increase in traffic noise levels in the area and at existing residential premises. There will be intermittent vehicle noise associated with individual vehicles manoeuvring along the access road but these will be relatively infrequent, highest a peak times and will not be constant. Such noise could be considered a negligible to low observed adverse effect. An upgraded absorptive noise barrier / fence could be considered along these adjacent neighbouring gardens to provide some additional protection at ground level only (no protection to upper floors) and minimise any negligible to low adverse effects. Has no objections in principle to the proposals subject to conditions in relation to hours of construction works and construction related deliveries, dust suppression measures, piling method statement, a construction programme, noise impact assessment for renewable energy measures such as wind turbines or air source heat pumps, external lighting, and a waste management and minimisation strategy. Also requests informatives.
23. **Contaminated Land Officer** - Recommends a condition for the investigation of contaminated land.
24. **Environment Agency** - Has no objections in principle subject to conditions in relation to surface water disposal and pollution control. Also requests informatives.
25. **Cambridgeshire County Council Flood and Water Team** - Objects to the application on the grounds of an unacceptable surface water drainage strategy within

the Flood Risk Assessment. It has not been demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event with an appropriate allowance for climate change, can be provided on site and that it has not been demonstrated that the peak discharge rate for all storm events up to an including the 1 in 100 chance in any year storm event with an appropriate allowance for climate change, will not exceed that of the existing site.

26. **Anglian Water** - Comments that the sewerage system and waste water treatment centre at present has available capacity the flows from the development. However, comments that the surface water management strategy is unacceptable and requires a condition to a new surface water management strategy.
27. **Local Highways Authority** - Comments that it will not be adopting any part of the development as the proposed construction of the access due to the protection of the trees falls outside the highway authority's construction specification and carries too much risk. Request that the applicant provides a letter to state that the site will not be presented for adoption now or in the future. Requires conditions in relation to the provision of vehicular visibility splays in accordance with the submitted plan, the provision of a footpath to the fronts of plots 1 to 17 to link to the public footpath, the access falls, the access is constructed from bound materials, the junction has a 6 metre radius kerbs and a traffic management plan during construction. Also requests an informative with regards to works to the public highway.
28. **Cambridgeshire County Council Transport Assessment Team** - Comments that the level of car parking should be included within the assessment and it is recommended that provision is based upon the standards set out in the merging local plan but that an needs assessment is undertaken to investigate existing car ownership levels nearby to better establish an appropriate level of parking provision. Identification of walk and cycle catchments based upon real available routes and key origins within the catchments together with details of the quality of the routes is required. An analysis of bus stop locations, facilities at bus stops and distance to the bus stops measured from the centre and furthest point within the site are needed along with journey times to key employment destinations. States that person trip rates proposed are reasonable and that the application of the 2011 census mode share is acceptable. Requires that the trips on the network are distributed to provide an east/west divide to demonstrate the level of traffic travel through key junctions in the area. Requests a condition to secure a travel plan.
29. **Cambridgeshire County Council Historic Environment Team** - Has no objections and comments that the site has been subject to an archaeological evaluation that has not identified any significant archaeological remains in the area. No further investigation is required by condition.
30. **Cambridgeshire County Council Rights of Way Team** - Comments that public footpath number 7, Sawston runs along the eastern boundary of the site and the plan shows that the proposal would add a new access point on to the footpath for pedestrians only. It is noted that the proposal is to include the upgrading of the surface of the footpath and any changes need to be agreed with the Council to determine whether they are appropriate. Request informatives in relation to points of law with regards to the footpath.
31. **Cambridgeshire Fire and Rescue Service** - Requests a condition to ensure that adequate provision is made for fire hydrants.

Representations

32. The **Local Member** has concerns regarding the lack of adoption of the new access road by the Local Highways Authority and the mechanism by which long term maintenance would be funded. Due to the cellular construction of the first 50 metres of the road in order to preserve the TPO trees on the adjacent site, the Local Highways Authority would not adopt the road as it would not meet its specifications. Lack of adoption of the road also implies that other services such as street lighting and possible foul and surface water drainage systems would also be unadoptable. The developer has suggested that future liability would be dealt with by establishing a management company of which all residents would be members and jointly fund repairs and maintenance through an annual charge on each property. Whilst this may be acceptable for the market housing, the development also includes affordable housing. The charge for these would fall on the RSL and it may be difficult to find an RSL that would take on this commitment. It would seem reasonable to ask the developer whether they have obtained any expressions of interest from any RSL that would enter into this arrangement. If not, this would imply an inability to comply with LDF policy Hg/3 and therefore constitute grounds for refusal.
33. 14 letters have been received from **nearby residents** together with two petitions with approximately 100 signatures. These raise the following concerns: -
- a) Traffic generation from development underestimated.
 - b) Additional traffic would raise safety concerns along Mill Lane.
 - c) Dangerous junction on to Mill Lane.
 - d) Narrow access to the site.
 - e) Assumed soil characteristics for the access.
 - f) Potential impact upon protected trees.
 - g) Height of dwellings visually overbearing
 - h) Scale of dwellings out of keeping with small dwellings in area.
 - i) Access runs along length of adjacent driveway.
 - j) Flood risk.
 - k) Impact upon sewerage works.
 - l) Loss of amenity to neighbours in terms of privacy, light and rural environment and an increase in noise and disturbance and proximity of access noise and disturbance, light and rural environment.
 - m) Health risk from SUDs system.
 - n) Poor ground conditions due to high water table and subsidence.
 - o) Site rejected in the Local Plan.
 - p) Errors in application.

Site and Surroundings

34. The site is located outside the Sawston village framework and in the countryside. It measures 1.5 hectares in area and currently comprises an access off Mill Lane leading to an area of grassland with redundant agricultural buildings. A Tree Preservation Order covers a group of trees adjacent to the access to the site, a group of trees along the western boundary, two individual trees in the south east corner and a group of trees along the eastern boundary. A public footpath runs along the eastern boundary of the site. A drainage ditch runs along the southern boundary of the site. The site is situated within Flood Zone 1 (low risk).
35. Residential developments lie to the north, east and south of the site. Allotment land lies to the west.

Proposal

36. The proposal seeks outline permission for the erection of up to 48 dwellings including the access. The layout, design and external appearance of site, and landscaping are matters reserved for later approval.
37. 19 dwellings would be affordable to meet local needs. The mix would be 8 houses and 11 flats. The tenure would be 100% social rented. 29 dwellings would be available on the open market. The mix is not known at this stage but would consist of a range of sizes and types of properties.
38. The dwellings would be arranged in a cul-de-sac with an area of public open space to the eastern side and a balancing pond in the south western corner. The dwellings would range from two storeys to two and half storeys in height. Materials would be characteristic of the surrounding area. Car and cycle parking would be in accordance with the Council's standards.
39. The access would be located between No. 43 Mill Lane to the east and the access to Nos. 47 and 49 Mill Lane to the west. It would replace the existing agricultural access. The access would be a single priority junction. The main carriageway would measure 5 metres in width. Vehicular visibility splays measuring 2.4 metres from Mill Lane x 43 metres along Mill Lane in both directions would be provided. There would be a 1.8 metres wide footpath from Mill Lane through part of the development. The public footpath link to Mill Lane from the north east corner would be upgraded and connect into the development.
40. The group of trees protected by a Tree Preservation Order along the access would be retained and protected by above soil surfacing within the root protection areas. The development would result in the removal of one category B tree (moderate quality and/or value), 5 category C trees (low quality and/or value) including the one of the individual trees protected by a Tree Preservation Order in the south east corner of the site and 3 category C group of trees (low quality and/or value).

Planning Appraisal

41. The key issues to consider in the determination of this application are whether the principle of development is acceptable in the countryside taking into account the 5 year housing land supply, housing density, housing mix, affordable housing, developer contributions and and impact of the development upon the character and appearance of the area, design considerations, trees and landscaping, biodiversity, highway safety, flood risk and neighbour amenity.

Principle of Development

42. The site is located outside the Sawston village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the emerging Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will permitted. The erection of a residential development of up to 48 dwellings is not therefore considered acceptable in principle. However, this is policy is considered out of date due to the current lack of a 5 year housing land supply.
43. Sawston is identified as a Rural Centre under Policy ST/4 of the LDF and Policy S/7 of the emerging Local Plan where there is a good range of services and facilities and residential developments with no limit on size are supported in policy terms in village frameworks. The erection of up to 48 dwellings in this location would not support the strategy for the location of housing across the district. However, this is

policy is considered out of date due to the current lack of a 5 year housing land supply.

Housing Land Supply

44. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
45. On the 25 June 2014 in two appeal decisions for sites in Waterbeach, the Inspector concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. This is against the Strategic Housing Market Assessment figure for objectively assessed needs of 19,000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF which states that adopted policies which are "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Those policies were listed in the decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policies ST/4, ST/6 and ST/7 but as a logical consequence of the decision these should also be policies "for the supply of housing".
46. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.

Character and Appearance of the Area

47. The site is currently a piece of grassland that is situated outside the Sawston village framework and in the countryside. It is well contained being surrounded by residential properties to the north, east and south. The biggest visual impacts would be Mill Lane along the access and filtered views from the Fire Station, and the public footpath along the eastern boundary of the site.
48. The development is considered to result in a loss of openness and rural character that would change the appearance of the site when viewed from these public viewpoints. However, it would result in limited harm to the setting of the village given the visible backdrop of existing housing and lack of long distance views within the wider context of the site. The development is not therefore considered to harm the character and appearance of the area.

Housing Density

49. The site measures approximately 1.5 hectares in area. The erection of 48 dwellings would equate to a density of approximately 32 dwellings per hectare (including the public open space). The net density would equate to 38 dwellings per hectare (excluding the public open space). This would be below the limit set out under Policy HG/1 of the LDF that seeks a density of at least 40 dwellings per hectare in the more sustainable villages across the district such as Sawston. However, it is considered to be acceptable with the character and appearance of the area and constraints on the site.

Affordable Housing

50. 19 of the 48 dwellings would be affordable dwellings. This would comply with the requirement for 40% of the development to be affordable housing as set out in Policy HG/3 of the LDF and Policy H/8 of the emerging Local Plan to assist with the identified local housing need across the district. The mix is unknown at this stage but would address local needs. Confirmation is awaited from Registered Providers to ensure that the units would be taken on given that there may be higher service charges due to contributions towards the unadopted road.

Housing Mix

51. The remaining 29 of the 48 dwellings would be market dwellings. The mix is not known at this stage but this would need to comply with Policy HG/2 of the LDF or Policy H/9 of the emerging Local Plan. This policy can be given some weight given that although a large number of objections were received, these are seeking additional flexibility above that set out in the policy.

Developer Contributions

52. Developer contributions are likely to be required towards education, open space and community facilities to make the development acceptable in planning terms. The exact requirements would be subject to the needs of the village and a section 106 legal agreement as part of any consent. Affordable housing and an upgrade to the existing footpath from the north eastern corner of the site to Mill Lane would also be included.

Design Considerations

53. The application is currently at outline stage only with access to be considered as part of any approval. All other matters in terms of the layout of the site, scale, external appearance and landscaping are reserved for later approval.
54. The comments of the Urban Design Team in relation to the form of the layout and focal buildings are noted and will be considered at the reserved matters stage. A condition would be attached to any consent to exclude the indicative layout submitted from the consent. The scale and heights of dwellings is not considered to be out of keeping with the character and appearance of the area.
55. The provision of of public open space on the site is satisfactory. This would need to include a Local Area of Play (LAP). The exact size is dependent upon the housing mix and will be determined at the reserved matters stage.
56. The indicative landscaping of the site is considered appropriate and a condition would be attached to any consent to agree the final details of the scheme.

Trees/Landscaping

57. The proposal would not result in the loss of any important trees and hedges that significantly contribute towards the visual amenity of the area. The existing significant trees subject to Tree Preservation Orders would be retained and protected through conditions including details of no-dig construction and above soil surfacing construction within the root protection areas of the trees to reduce soil compaction and protect the roots together with tree protection fencing to protect the tree itself. The majority of the trees and hedges along the boundaries of the site that are in a good

condition would be retained and protected and new landscaping would be provided particularly along the western boundary and across the site to mitigate the impact of the development upon the surrounding area. The layout of the development is a matter reserved for later approval and the siting of dwellings could be revised to address the concerns raised in relation to the impact upon trees T19 and T20.

Biodiversity

58. The site has ecological value as the existing buildings on the site have the potential for bat roosts and there is evidence of badgers crossing the site. The development is not considered to harm these wildlife habitats providing further surveys are carried out to determine the extent of the habitats and mitigation measures to ensure the habitats are protected or ecological enhancements provide suitable replacement habitats.

Highway Safety

59. Mill Lane is a long straight road that leads from the A1301 Sawston bypass to the High Street. It is a fairly busy road that has a speed limit of 30 miles per hour.
60. The development would result in a significance increase in the level of traffic in the area. Cambridgeshire County Council Transport Assessment Team has confirmed that the roads have adequate capacity to accept this volume of traffic to ensure that the proposal would not be detrimental to highway safety.
61. The access width of the main road into the site at 5.5 metres would accommodate two-way traffic into the site and would be acceptable. The 2.0 metres footpath on the western side is adequate and would provide safe pedestrian movements. The proposed vehicular visibility splays of 2.4 metres x 43 metres in both directions are considered appropriate. The access would therefore accord with Local Highways Authority standards. The footpath required within the site would be considered at the reserved matters stage.
62. There are bus stops on the High Street approximately 700 metres to the east of the site. They give direct public transport access to Cambridge and Saffron Walden by a 20 minute service Monday to Saturdays. This is accessible by walking via a public footpath along Mill Lane.
63. The site is considered fairly sustainable given that it has access to a good public transport service within close proximity to the site by walking and cycling. This would ensure that there is not over reliance upon modes of transport such as the private car to travel outside the village. However, a contribution is required towards upgrading the public footpath to the village to encourage its use by the occupiers of the development. This is shown on the proposed plans and would be subject to a separate consent from the County Council to ensure that the surface meets the required standards.
64. The Transport Statement commits to the provision of a framework travel plan to encourage the use of alternative modes of transport other than the private motor vehicle for occupiers of the new dwellings prior to occupation. However, further details are required and a full travel plan would need to be submitted following first occupation of the dwellings. These would be conditions of any consent.

Flood Risk

65. The site is located within Flood Zone 1 (low risk). The River Cam is the most

significant watercourse in the area that is located approximately 500 metres to the west and south west of the site. The southern boundary of the site comprises a ditch.

66. Mill Lane in Sawston suffered from flooding from the river in the past in 1918 and 1968. This was, however, before the bypass was built and a flap valve was installed downstream. Since that time, it has not flooded from the river. The development is therefore considered to be at low risk of flooding from the river.
67. However, the site is subject to flooding from surface water. Therefore, a robust surface water system needs to ensure that the development would not be at the risk of groundwater flooding. The surface water drainage system would comprise water storage tanks on the site in the form of a detention basin in the south west corner of the site with a flow control device to ensure that surface water discharging from the development would not exceed 2.5l/s run-off rates. The size of these storage tanks would ensure that they could accommodate surface water from a 1 in 100 year storm event plus climate change. The water would discharge to the existing ditch along the southern boundary of the site. The details would be agreed through a condition attached to any consent along with maintenance of the system.

Neighbour Amenity

68. The increase in the use of existing field access to serve 48 dwellings is not considered to result in an unacceptable level of noise and disturbance that would harm the amenities of neighbours. Whilst it is acknowledged that the access would run in very close proximity to the boundary of the dwelling at No. 43 Mill Lane that has a bedroom window in its side elevation, a lounge and bedroom window in its rear elevation adjacent to the boundary and a rear garden, it is, on balance, considered satisfactory given that traffic already travels along Mill Lane in close proximity to the dwelling and a condition would be attached to any consent to secure boundary treatment in the form of a wall to provide a greater screen.
69. Whilst it is acknowledged that there would be a change in the use of the land from an open field to residential dwellings, the development is not considered to result in a significant level of noise and disturbance that would adversely affect the amenities of neighbours. A condition would be attached to any consent in relation to the hours of use of power operated machinery during construction and construction related deliveries to minimise the noise impact upon neighbours.
70. The impact of the development itself on neighbours in terms of mass, light and overlooking will be considered at the reserved matters stage.

Other Matters

71. Anglian Water has confirmed that the Sawston Water Recycling Centre and the local sewerage system have available capacity for foul drainage from the development.
72. The development is not considered to result in a risk of contamination providing a condition is attached to any consent for an investigation into contamination.
73. An archaeological evaluation has been carried out on site. The proposal would not result in the loss of any important features of archaeological interest and no further works are necessary.
74. The SUDS system is not considered to cause a health hazard as the water discharged would be clean.

Conclusion

75. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply:
ST/5: Minor Rural Centres – indicative maximum scheme size of 30 dwellings
DP/7: Village Frameworks
This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
76. This report sets out how a number of potential adverse impacts can be addressed. However, an adverse impact that cannot be fully mitigated is the limited visual harm arising from the development of the site and the impact upon the neighbour at No. 43 Mill Lane from noise and disturbance.
77. These adverse impacts must be weighed against the following benefits of the development:
- i) The provision of 48 dwellings towards the 1400 dwellings to achieve a 5 year housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
 - ii) The provision of 19 affordable dwellings towards the need of 1,700 applicants across the district.
 - iii) Developer contributions towards public open space and community facilities in the village.
 - iv) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
 - v) Improvement of footpath to Mill Lane.
 - vi) Employment during construction to benefit the local economy.
 - viii) Greater use of local services and facilities to contribute to the local economy.
78. The adverse impacts of this development are not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. Planning permission should therefore be granted because material considerations clearly outweigh the limited harm identified, and conflict with out of date policies of the LDF.

Recommendation

79. It is recommended that the Planning Committee grants officers delegated powers to approve the application (as amended) subject to the confirmation that a Registered provider would take on the affordable housing units.

Conditions

- (a) Submission of reserved matters details
- (b) Implementation of reserved matter consent
- (c) Approved plans
- (d) Layout excluded from consent
- (e) Access layout drawing number

- (f) Traffic management plan
- (g) Framework travel plan
- (h) Full travel plan
- (i) Boundary treatment
- (j) Hard and soft landscaping
- (k) Landscaping implementation
- (l) Tree protection in accordance with report
- (m) Badger Survey
- (n) Bat Survey
- (o) Ecological enhancement
- (p) Surface water drainage
- (q) Pollution control
- (r) Contamination investigation
- (s) Hours of use of power operated machinery and construction related deliveries
- (t) Dust suppression
- (u) Piling method statement
- (v) Construction programme
- (w) Waste management strategy
- (x) External lighting
- (y) Renewable energy statement
- (z) Water conservation strategy
- (zi) Fire hydrants
- (zii) Drainage during construction

Informatives

- (a) Public footpath

Requirements under Section 106 of the Town and Country Planning Act 1990

- (a) Affordable housing
- (b) Upgrade of Public Footpath
- (c) Education
- (d) Open space
- (e) Community facilities

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/1515/15/OL

Report Author:

Karen Pell-Coggins
Telephone Number:

Principal Planning Officer
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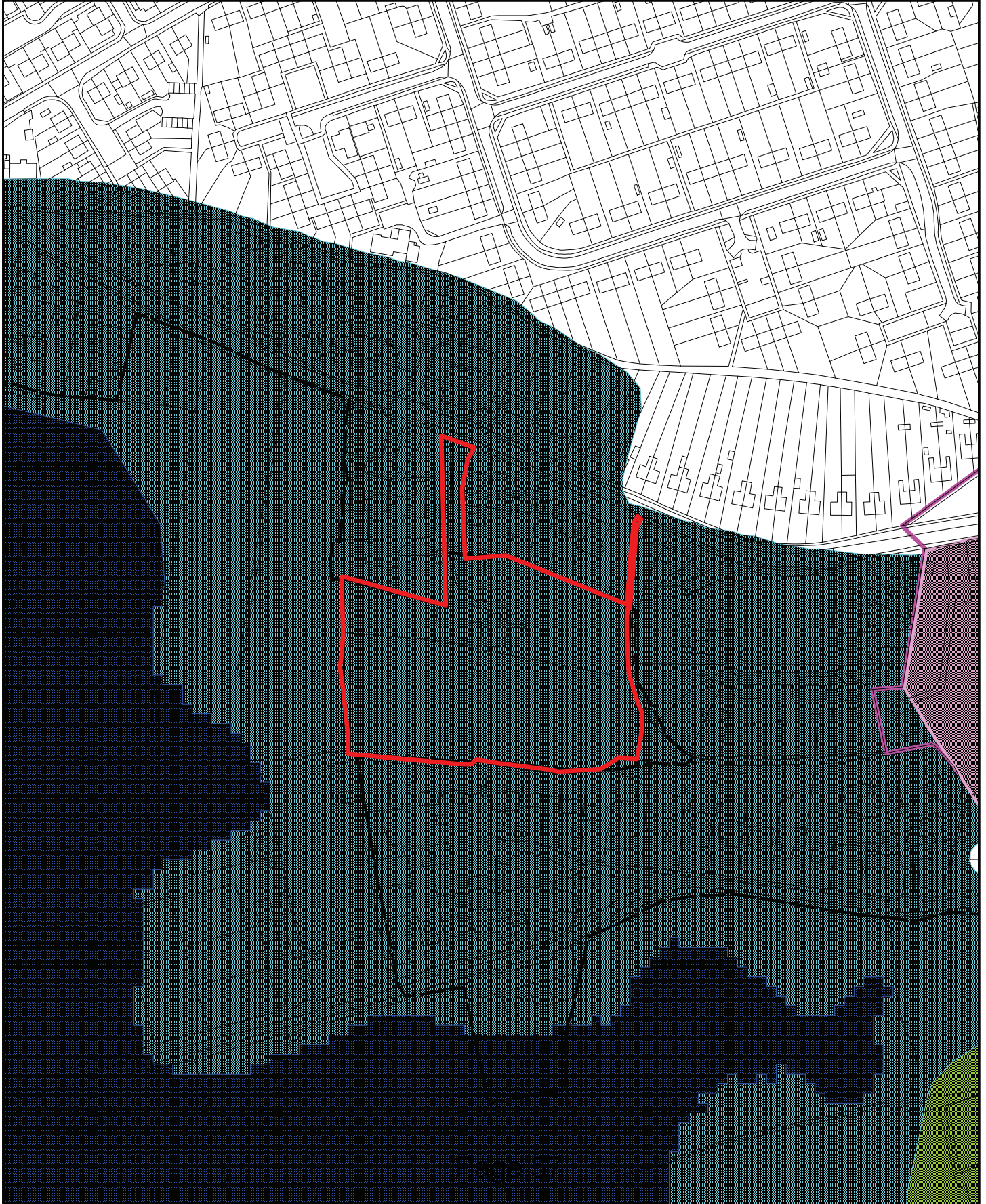
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Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/1795/15/FL

Parish(es): Linton

Proposal: External Alterations and Subdivision of Single Dwelling to Two Dwellings

Site address: 3 Wheatsheaf Way

Applicant(s): Jason Frost

Recommendation: Approval

Key material considerations: Principle of Development
Highway Safety and Parking
Neighbour Amenity

Committee Site Visit: No

Departure Application: No

Presenting Officer: Karen Pell-Coggins, Principal Planning Officer

Application brought to Committee because: The recommendation of officers conflicts with the view of Linton Parish Council

Date by which decision due: 11 September 2015 (Extension of Time Agreed)

Planning History

1. S/1030/87/F - Extension and Wall - Approved

National Guidance

2. National Planning Policy Framework

Development Plan Policies

3. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**

ST/2 Housing Provision
ST/5 Minor Rural Centres

4. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards

5. **South Cambridgeshire Local Plan Submission 2014**

S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/7 Development Frameworks
S/9 Minor Rural Centres
HQ/1 Design Principles
H/7 Housing Density
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

District Design Guide SPD - Adopted March 2010
Open Space in New Developments SPD - Adopted January 2009

Consultation

Amended Plans

7. **Linton Parish Council** - Comments that drawing number P-01 Revision C is acceptable.
8. **Local Highways Authority** - Comments are awaited.

Original Plans

9. **Linton Parish Council** - Recommends refusal and makes the following comments: -
"Whilst LPC approves of the provision of smaller houses, it has the following concerns: -
i) Should a car park at the front of Plot 2 on the corner of Dolphin Close/Wheatsheaf Way the visibility splay would be severely impaired making the junction more dangerous.
ii) Cars belonging to or visiting the properties should never be allowed to park on the road in Wheatsheaf Way. Parking in this area is already congested.
iii) The school's 'walking bus' uses this route. Traffic is increasing in this area and it is also a through route for agricultural vehicles."
10. **Local Highways Authority** - Requests that the application be refused on the grounds

that the applicant has the ability to provide off street parking to the rear of the properties. This could be achieved by changing the proposed car parking for Plot 1 to Plot 2 and providing a space in the rear garden of Plot 1 for the use of Plot 1 both accessing on to Dolphin Close which would significantly reduce the risk and hazards associated with the proposed car parking.

11. **Environmental Health Officer** - Suggests conditions in relation to the hours of use of construction related deliveries, plant/machinery and noisy works. Also requests informatives with regards to the burning of waste, pile driven foundations and disturbance during construction.

Representations

12. The occupier of **No.2 Dolphin Close** has concerns in relation to a lack of on-site parking and an increase in on-street parking.

Site and Surroundings

13. The site is located within the Linton village framework. No. 3 Wheatsheaf Way is a semi-detached, two-storey brick and tile dwelling that is situated on the corner of Wheatsheaf Way and Dolphin Close. It has an existing two-storey side extension and a single garage and parking space to the rear.

Proposal

14. The application (as amended) seeks conversion of the existing five bedroom dwelling to two x three bedroom dwellings. The existing garage and parking space to the rear would be retained for Plot 1. A front door would be inserted in the front elevation, two new first floor bathroom windows would be inserted in the first floor side elevation and patio doors would be inserted in the rear elevation of Plot 2. A new single parking space would be created within the rear garden of that dwelling.

Planning Appraisal

15. The key issues to consider in the determination of this application relate to the principle of the development, housing density, developer contributions and the impacts of the development upon the character and appearance of the area, highway safety, parking and neighbour amenity.

Principle of Development

16. The site is located within the village framework of a Minor Rural Centre where there is a reasonable range of services and facilities and developments of up to 30 dwellings are considered acceptable in principle. The conversion of a single dwelling to two dwellings is therefore supported in policy terms.

Housing Density

17. The site measures approximately 0.03 of a hectare in area. The density would equate to 67 dwellings per hectare. This would comply with the density requirements set out under Policy HG/1 of the LDF of at least 40 dwellings per hectare for sustainable villages such as Linton. It is also considered to be in keeping with the character and appearance of the area.

Developer Contributions

18. The new development would put extra demand on open space and community facilities in Linton.
19. Recent Government advice (issued through the National Planning Practice Guidance) has led to confusion over the ability of local planning authorities to seek financial contributions. That advice has now been largely cancelled as a result of the recent judicial review decision, which allows the payment of contributions to continue in appropriate cases. However, Linton is one of the villages that has pooled five or more offsite public open space contributions and as such any further request would not be Community Infrastructure Levy (CIL) compliant unless there is a specific need for contributions to make the development acceptable in planning terms. The more informal policy on indoor community facilities is also lacking when considering the CIL.
20. In this case, there is not considered to be a specific need in order to mitigate the impact of the development and contributions are not therefore sought.

Character and Appearance of Area

21. The external alterations to the building would have a negligible impact upon its visual appearance and are considered satisfactory.
22. The provision of a hard surfaced vehicle parking space to the rear of Plot 1 would be in keeping with the character and appearance of the area.

Highway Safety and Parking

23. The provision of a new parking space to the rear of Plot 2 is not considered to be detrimental to highway safety subject to the provision of pedestrian visibility splays on the eastern side of the new access to Dolphin Close.
24. Three vehicle parking spaces would be provided for two dwellings. This level of on-site parking is considered acceptable given that the maximum amount of parking spaces required is two per dwelling in poorly accessible areas. Linton is considered a fairly sustainable location and the site is within walking and cycling distance of the centre of the village. Notwithstanding the above, there is unrestricted on-street parking immediately adjacent the site on Wheatsheaf Way and Dolphin Close.
25. The Council cannot restrict parking on Wheatsheaf Way but it is considered that visitors are more likely to park alongside Plot 2 on Dolphin Close as this is safer due to it not being a through route for vehicles (including agricultural) and close to the junction with Horseheath Road.
26. The provision of a pedestrian visibility splay on the eastern side of the new access would ensure that the school walking bus is seen.

Neighbour Amenity

27. The development is not considered to adversely affect the amenities of neighbours. The new windows would overlook the road and not result in a loss of privacy to nearby properties.

Conclusion

28. Having regard to applicable national and local planning policies, and having taken all

relevant material considerations into account, it is considered that planning permission should be granted in this instance.

Recommendation

29. Officers recommend that the Committee approves the application (as amended)

Conditions

- (a) 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.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: - 1:1250 location plan and drawing numbers P-01 Revision C and P-02 Revision A.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) The three parking spaces shown on drawing number P-01 Revision C shall be provided prior to the occupation of the development and thereafter retained.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (d) The visibility splay to the east of the access shall be provided before the occupation of the development and thereafter retained. The splay shall remain clear from obstruction over a height of 600mm.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (e) 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 development within Classes A and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the character and appearance of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (f) No site or plant machinery shall be operated, no noisy works shall be carried out and no construction related deliveries taken or dispatched from the site except between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Informatives

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

Background Papers:

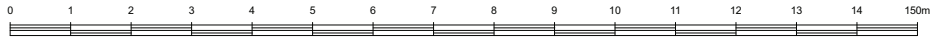
The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridgeshire Local Plan Submission 2014

Report Author:

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Telephone Number:

Principal Planning Officer
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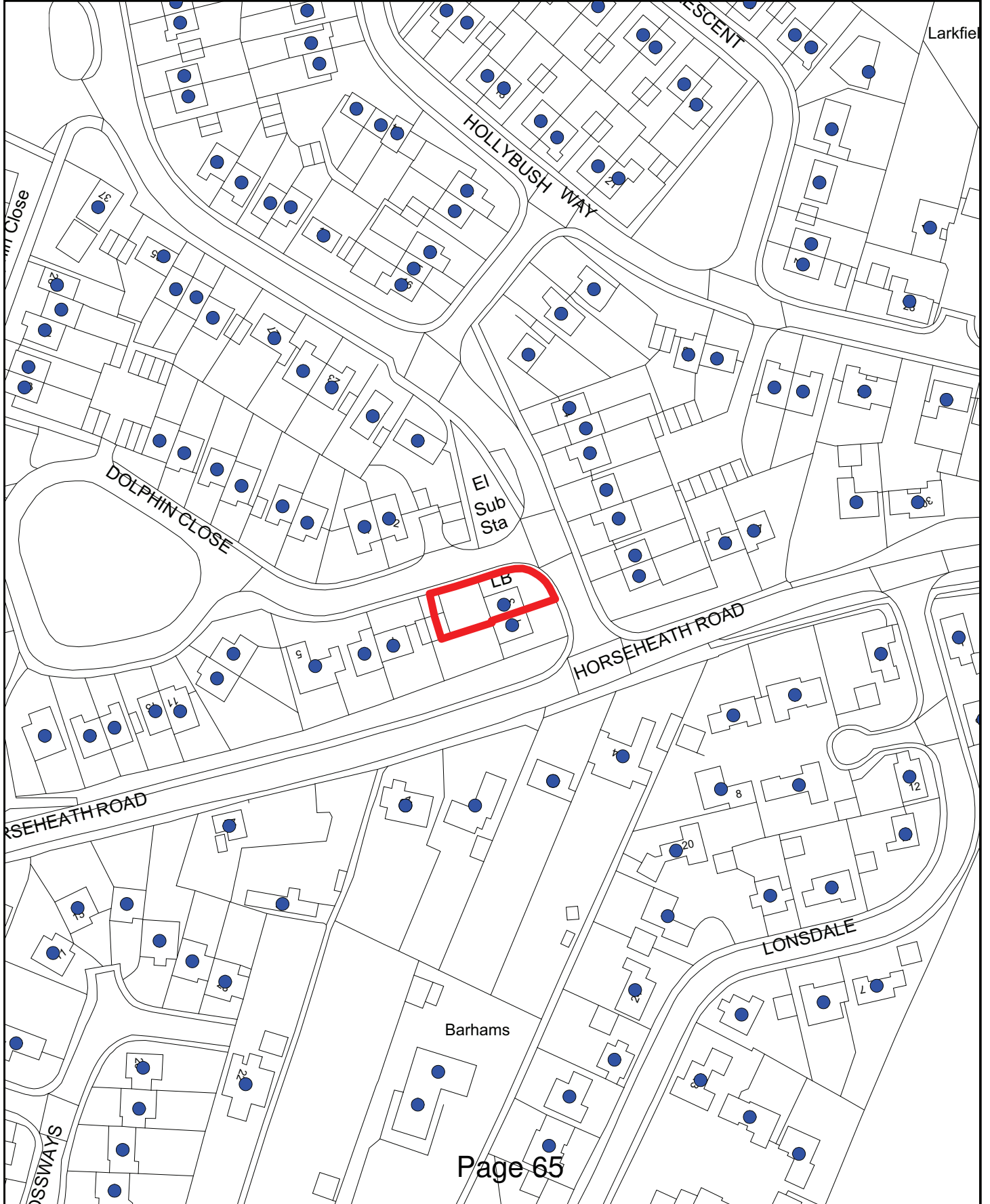
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Agenda Item 7

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

| | |
|--|--|
| Application Number: | S/1338/15/OL |
| Parish: | Gamlingay |
| Proposal: | Outline application for the redevelopment of up to 29 dwellings, including open space with access applied for in detail |
| Site address: | Land south of West Road, Gamlingay |
| Applicant(s): | Mr Tim Holmes (of Endurance Estates Strategic Land Ltd) |
| Recommendation: | Delegated Approval subject to the completion of a section 106 agreement regrading infrastructure contributions, affordable housing and ecological enhancement, management and monitoring. |
| Key material considerations: | Principle of development, housing mix, local character, heritage impact, travel and access, services and facilities, ecology, noise and other environmental impacts, residential amenity and S106 contributions. |
| Committee Site Visit: | 3 November 2015 |
| Departure Application: | No |
| Presenting Officer: | Andrew Winter, Senior Planning Officer |
| Application brought to Committee because: | The recommendation of officers conflicts with that of the Parish Council. |
| Date by which decision due: | 6 November 2015 |

Relevant Planning History

1. No relevant history

Planning Policies

2. *National Planning Policy Framework (NPPF) 2012*
National Planning Practice Guidance
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted*

January 2007

ST/5 Minor Rural Centres

4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure in New Developments
DP/7 Development Frameworks
C/2 Archaeological Sites
CH/4 Development Within the Curtilage or Setting of a Listed Building
CH/5 Conservation Areas
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage – Alternative Drainage Systems
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/16 Emissions
SF/6 Public Art and New Development
SF/10 Outdoor Playspace, Informal Open Space and New Developments SF/11 Open Space Standards TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact
TR/4 Travel by Non-Motorised Modes

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide SPD – Adopted 2010
Public Art SPD- Adopted 2009
Development Affecting Conservation Areas SPD – Adopted 2009
Health Impact Assessment SPD – Adopted March 2011
Affordable Housing SPD – Adopted March 2010
Open Space in new Developments SPD – Adopted 2009
Listed Buildings SPD – Adopted July 2009
Trees and Development Sites SPD – Adopted January 2009
Landscape and new development SPD – Adopted March 2010
Biodiversity SPD – Adopted July 2009

6 *Draft Local Plan*

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
S/5 Provision of new jobs and homes

S/7 Development Frameworks
 S/9 Minor Rural Centres
 S/12 Phasing, Delivering and Monitoring
 CC/1 Mitigation and adoption to climate change
 CC/3 Renewable and low carbon energy in new developments CC/4 Sustainable design and construction
 CC/6 Construction methods
 CC/7 Water quality
 CC/8 Sustainable drainage systems
 CC/9 Managing flood risk
 HG/1 Design principles
 HG/2 Public art in new development
 NH/2 Protecting and enhancing landscape character
 NH/4 Biodiversity
 NH/6 Green infrastructure
 NH/11 Protected Village Amenity Areas
 NH/14 Heritage assets
 H/7 Housing density
 H/8 Housing mix
 H/9 Affordable housing
 SC/8 Open space standards
 SC/11 Noise pollution
 SC/13 Air quality
 T/I Parking provision

Consultation

7. **Gamlingay Parish Council** – Recommends refusal for the following reasons:
8. “a) Planning Policy – Site is outside the current village boundary in the existing local plan. It was rejected for possible development at a preliminary assessment stage for the new local plan (currently suspended) in favour of other sites in the village for housing. District Councillors advised that the existing local plan and policies are the relevant documents to be used to assess applications.
9. b) Visual impact – Many of the 19 objections from local people received by the parish council have raised this as an objection. The appearance of the proposed development on entering the village from the South is very dominant and urban and has a negative impact on the conservation area. The heritage assessment seems misguided – a proposal to build 2.5 storey houses close to the road frontage on Mill St, although only indicative, would create an overbearing dominance in this area and change the profile of the village approach completely. Most of the properties in this area are bungalows or low profile houses.
10. c) Privacy and overbearing – The bungalows previously mentioned will be severely impacted in terms of privacy and overbearing because of the height of the proposed adjacent properties, which will overlook their properties and gardens and the new footpath which will run close to their boundary.
11. d) Noise and Smell – The construction itself will cause impact on existing properties in West Rd and Wooton Field and the addition of 29 households will cause ongoing issues with traffic noise and pollution.
12. e) Access/Traffic – Many objectors had grave concerns that 29 additional properties

would cause severe problems in the area. The village is poorly served with public transport therefore most new residents will need private transport to get about.

13. There are already 10 additional houses currently being built at 22A West Road which may not have been accounted for in the traffic surveys recently done. West Road is a small residential road leading to Wooton Field – an affordable housing site which is a cul de sac and which houses a large number of families with small children. This application proposes access to the 29 properties through this cul de sac which will of course experience a severe increase in traffic movements. At the end of West Road is a small country lane – known as Cow Lane – which is single width access with a blind bend. This will undoubtedly be used more if this proposal goes ahead and is totally unsuitable to cope with any increase in traffic movements.
14. f) Health and safety – Concerns about road safety – children in the Wooton Field cul de sac are accustomed to playing safely in the street, this proposal will take this away.
15. g) Crime and fear of crime – The overbearing nature of parts of the proposed development and the proximity of the connecting footpath to boundary fences raises concerns about security of property and potential crime/fear of crime.
16. h) Economic impact – The mix of houses indicated in the supporting documents seems unsuitable to the needs of the local community to expand and be sustainable. Young families should be encouraged to stay in the village, the majority of the proposed properties appear to be large and therefore potentially unaffordable.
17. i) Ecology/trees and hedges – The proposed ecology area is outside the site boundary. Gamlingay is already well supplied with ecology areas – recently the Millbrook Meadows has been developed for this purpose and it provides a valuable asset for the whole community. The additional ongoing maintenance requirements on the proposed ecology area could become a drain on parish resources but would have little community benefit. There is a 300 year old hedge at 2.5m above ground level on Mill St which is proposed for removal. It is understood that this was the recommendation of the SCDC design enabling panel but this would not be the wish of the local community.
18. j) Cumulative impact and community benefits – the proposal allows for access on to adjacent farmland which has caused concern about possible future development. There are no details in the application about community benefits. The parish council cannot assess the sustainability of the proposal in the absence of detail of what the scheme will deliver to the community.
19. Other issues were also raised as follows;
 - k) The parish council does not consider that an outline application is an appropriate process in order for it to be able to determine if this is a sustainable development for its parish. There are no proposed designs for the houses, there is no firm mix of the size of the houses, and there is only an indicative site layout that has already raised many concerns. We cannot consider a site as a sustainable development if it does not come with evidence of the local need for more housing, if it does not come with any commitment to a good overall design that would be able to make a positive benefit to the locality community and it does not come with any package of community benefits to mitigate the development impacts.
20. l) A public meeting was held at which the developer indicated that they could address some of the concerns raised, but despite being requested to do so, nothing has been

submitted in writing to be considered with this application. The parish council considers that there has been poor engagement by the developer with itself and the local community. It appears that too much reliance has been placed on the advice of experts at SCDC – the design enabling panel for example. This has led to some misguided decisions which have caused concern locally – such as the 2.5 storey houses fronting Mill St and the removal of the ancient hedge. Local consultation and site visits would have been a better approach.

21. m) Gamlingay has been very closely engaged in the local plan process and has been proactive in identifying suitable sites for new housing. It has accepted that housing growth will take place and has already accepted suitable sites – such as the Green End site. Other sites have also very recently been developed – the large development at Station Road, and the smaller developments at Merton Barns, Stubbs Oak and West Road. The cumulative impact of more development, such as outlined in this proposal, has not been accounted for – the impact on local infrastructure, schools and healthcare has not been taken into account. Gamlingay Parish Council that it carefully assesses the cumulative impact of all proposed development and is determined to ensure that development is sustainable.”
22. **Local Highway Authority (LHA)** – Requests a plan showing 2.4m x 70m visibility splays at the junction of Mill Street and West Road. The LHA can confirm that it will not be adopting any part of the development in its present format. The developer will need to confirm their understanding of this point and that the development’s road will be privately owned/operated. Following provision of the above, the LHA is satisfied that the proposal will have no significant adverse effect upon the public highway subject to conditions governing: falls and levels of driveways (to prevent run-off); bound material next to access with public highway; a traffic management plan to be agreed; the provision of a footway/cycleway link of 3.5m in width to the village of Gamlingay from the development and uncontrolled pedestrian crossing points on Mill Street.
23. **Cambridgeshire County Council Archaeology** – Raises no objection in principle but considered that a condition should be added requiring a programme of archaeological investigation to be secured prior to the commencement of development.
24. **Historic England** – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
25. **Gamlingay Surgery** - “There are several developments in Potton and Gamlingay which will have a major impact on the provision of primary medical services. In Potton 240 new buildings are being erected and a possible new traveller site of unknown size is proposed. In Gamlingay 231 new dwellings are being developed, many have already been finished. We understand that this figure includes the redevelopment of the Greenend Site with a request for 90 dwellings and the West Road Site with 29 new dwellings. With an estimated occupancy of 2.6 per dwelling the rise in practice population is at least 1225.
26. Workload in General Practice has been rising strongly over the past years and will continue to do so. Our current waiting time for routine appointments is 2 weeks, a situation that is extremely unsatisfactory for our patients and ourselves alike, let alone potentially dangerous. We will have to provide an additional 7488 consultations a year in order to stand still, this is the equivalent of a whole new full time GP partner.
27. As a starting point we are already above the Bedfordshire average ratio for number

of patients registered per GP whole time equivalent, with the additional patients as a results of the new developments we will be well above average as demonstrated in the following figures:

The current Bedfordshire average GP to Patient ratio = 1732

Our current Practice average GP to Patient ratio = 1945

Our practice average GP to Patient ratio with the proposed new developments = 2149

28. We receive continuous feedback and enquires from our patients who are very concerned about our already stretched waiting times and they are also very concerned about the increase in the local population and the impact this will have in the future. Practices who found themselves in a similar situation where forced to closed their lists. We have made an application to access funds for the development of Greensands Medical Practice through the only currently existing process, the Prime Minister's Challenge Fund, but our bid was rejected.
29. Our practice in its current state has no means to either take on or accommodate a new partner, be it whole or full time. We have 3 consulting rooms for three GP partners, one nurse treatment room, one phlebotomy/midwifery room, one waiting room, one reception room, 2 admin rooms and one kitchen/meeting room in Gamlingay. The Potton premises is landlocked and cannot be extended. In order to accommodate additional staff and to be able to attract any potential newcomers we need to make alterations to the building and look at extending the current building. In no way will we be able to cater for an increase in population and consultations with our current facilities.
30. The plans for an extension to the surgery are for 1 consulting room and 1 multi purpose room with an estimated project cost of £152,500. With the £66,000 already applied for we would be looking additional funding of £86,500. We would therefore propose a figure of £727 per new dwelling.
31. We have been granted section 106 contributions from an existing development in Station Rd, Gamlingay which will help to work towards this goal, but a substantial contribution by the developers of the proposed new housing will be required to contribute to this end."
32. **Landscape Officer** – "At national level the site is situated within the national character area of 90 Bedfordshire Greensand Ridge as assessed by Natural England. At Regional Level the Landscape Character Area of the site has been assessed as Wooded Village Farmlands by Landscape East and supported by Natural England. Landscape Characteristics of the site and the immediate surrounding area include:
 - Gentle rolling and elevated arable landscape
 - Open landscape with extensive panoramic views
 - Mixed field and roadside boundaries range from mature shelterbelts to gappy, short flailed boundaries to intact evergreen hedgerows.
 - Varied field patterns
33. I agree with the findings made by Bidwells that the sensitivity of potential landscape receptors to change in and around the site are medium – very high. Areas which are particularly effected by change include the following:
 - Listed building to the east of the site on Mill Road
 - Conservation area which abutts the site boundary
 - Regional landscape character – removal of existing village edge and small

pastoral field

34. I agree with the applicant the landscape impact is the application itself. It is the change of a pastoral field to residential development. The visual impact would be severe - major in the immediate locality of the application due to viewers with proprietary interest and prolonged viewing opportunities. Whilst the surrounding views would be moderate – minor due to the landform or obscured views.
35. The applicant has indicated a number of mitigation and enhancement measures which are welcomed. These include the following:
- The creation of a buffer strip to the southern boundary. This will reduce the effect of the development, filter views and enhance the external views of the village.
 - Developing and improving access to the site and areas of interest.
 - Developing a new green infrastructure and ecological area within the settlement
 - Reinstating and restoring the existing hedgerow acting as a green corridor for wildlife as well as providing new habitats
 - Respect the setting of the adjacent Conservation Area and Listed buildings
36. In principle, I have no objection with the proposed residential development of up to 29 dwellings, including open space with access upon the site. With careful landscape mitigation and enhancement measures the landscape and visual effect would be reduced.
37. Planning Conditions are recommend for the following:
- Full details of both hard and soft landscape works.
- Soft landscape works to include details of proposed trees, shrubs, turf and seeding works, including details of species, size, number and density with specification of planting.
 - Scheme for the provision and implementation of surface water drainage
 - A scheme of no-dig construction within the Root Protection Area
 - Boundary treatments to dwellings
 - External lighting scheme
 - Evidence of vehicle tracking particularly at turning heads
 - Hard landscape works to include details of proposed kerbs, paving materials, edging and street furniture, including details of size, number, finished colour with specification.
 - 5 year maintenance and management landscape scheme for the ecological area
 - Provision for waste/recycling bins - location, design, and access to be considered
 - Provision of cycle storage - location, design, and access to be considered
 - Provision of bat brick/boxes and nest boxes
 - Provision of log piles, hedgehog and insect houses
 - Provision of swale pond
 - Details of the
 - contractors' access arrangements for vehicles, plant and personnel;
 - contractors' site storage area(s) and compounds(s);
 - parking for contractors' vehicles and contactors' personnel vehicles
 - Details and measures to be made to protect existing trees and their roots during works and trafficking to and from the site."

38. **Urban Design Officer** – “Though the design has been improved since the initial layouts were shared, there are still some concerns with this application, most of which have been voiced previously, but appear not to have been addressed in the final submission.
39. The overall density appears acceptable, though it is at the upper limit. The inclusion of the pedestrian link to Mill Street is welcomed, and needs to be retained. The houses adjacent to the link need to address the route to ensure there is natural surveillance.
40. The appropriateness/impact of this development is much harder to assess as an outline application. In particular I have concern with the siting/scale/massing/design of the units facing onto Mill Street, their impact on the setting of the listed buildings and conservation area, and appropriateness as a new gateway to the village from the south. There is no comfort/guarantee in this application that these units will be acceptable, and it would have been better if at least these units were included in a hybrid application as a full plans submission. The ridge height of these properties should not be higher/dominate the Listed Buildings opposite. The relationship between these opposing buildings needs to be carefully considered to ensure any new development in this location is appropriate and a positive contribution to the character of Gamlingay.
42. The road layout is not appropriate, the sharp 90degree bends will make for an awkward movement pattern, and there appears to be a lot of road/hard surfacing for a development of this size. The roads layout should be softened, and turning heads for larger vehicles such as refuse vehicles considered.
43. Units 24/25 and 19/20 do not back onto the backs of other properties, and instead are surrounded (on three sides in the case of units 7 and 12) by roads and this should be designed out and is largely the result of the cranked road layout.
44. The park is centrally located which is positive, but some houses back on to it, and it is surrounded by hard surfacing and roads on three sides which isolates it, rather than integrating it well as it should be. The visitor parking should be relocated so that it does not encroach into the pedestrian space.
45. The garden sizes for units 1-3 do not appear large enough to meet SCDC standards.
46. Though roofs and properties should be orientated south where possible, a varied roof line should be presented, especially along the southern boundary so that the village edge does not appear regimented and repetitive. Hipped roofs are not appropriate for Gamlingay.
47. Although indicative it is disappointing the layout has not been further refined to show a more acceptable design to make a more robust case for this number of units on this site, as it stands it is not entirely convincing.”
48. **Historic Buildings** – “The site runs adjacent to the conservation area and Mill Street is an important gateway to the village and conservation area. There are a few listed buildings on the east side of Mill Street that add to the important character of the conservation area.
49. The large proportion of the site will not be visible within the conservation area or within the setting of the listed buildings, with the exception of plots 15 and 16.

50. Discussions leading up to this application encouraged the layout of 15 and 16 to either be set back or front Mill Street. From the layout submitted, it appears that the scheme hopes to follow the principle of fronting Mill Street. Although there appears to be landscaping between the plots and Mill Street. With this approach, it will be important to see elevations on how this will be viewed in street scene. Without elevations of these plots, impacts to the conservation and listed building cannot be assessed. Therefore the application cannot be supported. I recommend that a full application is submitted, in particular to these two plots. These plots should not have a ridge height greater than those dwellings along Mill Street.”
51. **Cambridge County Council Flood and Water Management Team** – The surface water drainage scheme is considered acceptable in principle. A condition is recommended to secure a detailed surface water drainage scheme prior to the commencement of the development.
52. **Environment Agency** – No objection, subject to conditions governing: groundwater and contamination issues; no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority; piling foundations; and a scheme for the provision and implementation of pollution control of the water environment.
53. **Acting Environmental Health Manager** – “We have no objection in principle to this application providing the environmental health issues/health determinants detailed below are effectively controlled by condition or similar, in order to minimise potential adverse impacts on existing and future residents, the wider community/living environment and to protect quality of life/amenity and health. They are also necessary in delivering and facilitating a sustainable quality development and to ensure there is adequate service provision.”

Construction noise, vibration and dust conditions:

54. (a) No construction work and or construction related dispatches from or deliveries to the site shall take place, other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or collection / deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
55. (b) No development shall commence until a construction noise impact assessment and a report / method statement detailing predicted construction noise and vibration levels at noise sensitive premises and consideration of mitigation measures to be taken to protect local residents from construction noise and or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential construction noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS5228:2009+A1:2014: ‘Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration. Development shall be carried out in accordance with the approved details.
56. (c) No development shall commence until a dust management plan / programme to include details of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved dust management

plan / programme unless otherwise agreed in writing by the Local Planning Authority.

Artificial lighting recommended condition:

57. (d) Prior to the commencement of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans / elevations with luminaire locations annotated, full isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the site and on the boundary of the site and at future adjacent properties, including consideration of Glare (direct source luminance / luminous intensity in the direction and height of any sensitive residential receiver) as appropriate, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type / profiles, mounting height, aiming angles / orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" including resultant sky glow, light intrusion / trespass, source glare / luminaire intensity and building luminance. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures unless the Local Planning Authority gives its written consent to any variation.

Waste recommended condition:

58. (e) Unless otherwise agreed in writing by the local planning authority, any reserved matters application pursuant to this outline approval shall be accompanied by a Waste Management & Minimisation Strategy (WMMS), including the completed RECAP Waste Management Design Guide Toolkit and supporting reference material, addressing the management of municipal waste generation during the occupation stage of the development. No development shall take place until the strategy has been approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority and thereafter.
59. The Waste Management & Minimisation Strategy (WMMS) must demonstrate how waste will be managed in accordance with the requirements of the RECAP Waste Management Design Guide Supplementary Planning Document 2012 (or as superseded) and the principles of the waste hierarchy, thereby maximising waste prevention, re-use and recycling from domestic households and contributing to sustainable development. The WMMS should include as a minimum:
- A completed RECAP Waste Management Design Guide Toolkit and supporting reference material
 - A detailed Waste Audit to include anticipated waste type, source, volume, weight etc. of municipal waste generation during the occupation stage of the development
 - Proposals for the management of municipal waste generated during the occupation stage of the development, to include the design and provision of permanent facilities
e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable materials; access to storage and collection points by users and waste collection vehicles
 - Highway vehicle tracking assessment and street widths / dimensions
 - Arrangements for the provision, on-site storage, delivery and installation of

- waste containers prior to occupation of any dwelling
- Arrangements for the efficient and effective integration of proposals into waste and recycling collection services provided by the Waste Collection Authority
- A timetable for implementing all proposals
- Provision for monitoring the implementation of all proposals

60. A Local Equipped Area of Play (LEAP) / Children's Play Public Open Space appears to be proposed in the middle of the development site. In this location there is the potential for noise and disturbance to be caused to proposed residential premises. However the degree of any impact cannot be fully determined until further detailed design including the activities proposed, is submitted for consideration.

Cambridge County Council (CCC) Education and Waste –

61. a) Early Years - No contributions are required towards early years need as there is sufficient capacity in the area in the next 5 years to accommodate the places being generated by this development.
62. b) Primary School - The development would generate a net increase of 7.25 children aged 4 to 8 years old. Currently there is insufficient capacity at Gamlingay First School to accommodate this extra demand. Therefore, financial contributions are sought from this development towards primary education facilities and specifically a new classroom, as part of Phase 1 of CCC's County's Milestone 2 project. Cost estimates for the classroom are still to be produced.
63. c) Secondary School - The development would generate a net increase of 7.25 children aged 9 to 13. There is sufficient capacity at Gamlingay Village College to meet the needs of the development over the next five years. Therefore no contribution is sought on this basis.
64. d) Libraries and Lifelong – There is a statutory library provision service in Gamlingay delivered through two mobile library stops. The development would result in an increase in population of 69.6 residents. The demand placed on this existing service requires a contribution of £4.08 per head of increase of population. This amounts to a total contribution of £283.97.
65. e) Strategic Waste – The application falls within the St Neots HRC catchment area for which there is insufficient capacity to meet the demands of the proposed development. New dwellings in this are required to contribute £181 per dwelling, which totals £5,249.00 in this application.
66. f) Monitoring Fees – S106 Monitoring fees of £650 are sought in this application. This is calculated on the basis of hourly officer rates of £50 to monitor various triggers within the S106 agreement.
67. **Central Bedfordshire Council** – Stratton Upper School is to be expanded by 3 forms of entry from September 2016. The need for expansion is being driven by housing development within Biggleswade and elsewhere in the catchment area for the school. A development of 29 dwellings would be expected to create around 5 upper school pupils, and should contribute to the project at Stratton Upper. No contributions are sought from the 1-bed units; contributions of £1421.72 are sought from 2-bed flats and £2843.44 from 2+bed dwellings.
68. **Cambridgeshire Fire and Rescue Service** – Recommends adequate provision be made for fire hydrants via planning condition or S106 agreement

69. **Ecology** - “The application is supported by an ecological assessment which does not identify any significant biodiversity constraints to development at this site without the provision of appropriate mitigation and advance compensatory habitat creation. The site has been visited and it is agreed that the grassland meadow habitat does not represent an important botanical site.
70. The site is bounded on 2 of its sides by relatively low value hedges. One of the hedges contains a number of dead and dying elms, the other appeared to be dominated by hawthorn but that hedge is to be integrated into a buffer planting screen which is acceptable.
71. At the western end of the site two medium sized oak trees appear to be relatively close to house/gardens/roads, we must seek the view of the tree officer that this is acceptable otherwise the number of dwellings may need to be reduced if these trees are being compromised.
72. The ecology report states that reptiles are present on the site and states that a scheme of mitigation will be finalised that would involve their capture and collection, and then be released in a prepared area of new habitat designed to provide for all of their life stages. That is one of the reasons why a relatively large parcel of land has been allocated for ecological gain. That approach is acceptable.
73. Nesting birds in the hedgerows are of at least local value given that nesting bullfinch was confirmed. However, this application will not result in a net loss of hedgerow habitat. Again, that is one of the reasons why the area for ecological gain contains some areas of dense scrub planting.
74. I welcome the proposed area of ecological gain, but its final design should be subject to further scrutiny. It will provide the chance to design in more than might be found in the field alone at present (such as meadows and orchards).
75. A condition must be used to secure habitat creation in advance of any site demolition, archaeological investigation, ground works or infrastructure works – otherwise the reptiles are a threat and an offence may be committed.
76. The new habitats are to be monitored and managed in the future, so a plan will need to be produced to tie that all together. This must be secured by condition and be linked to the S106 agreement so that it is in place for the duration of the development.
77. Pond restoration is also proposed and that is welcomed. Measures are also to be proposed to deliver ecological gain to the house in the form of specialist nesting boxes for swifts and for bats.”
78. **Affordable Housing Officer** – There are approximately 1700 applicants on the housing register and the greatest demand is for 1 and 2 bedroom dwellings. Therefore 12 dwellings out of the 29 proposed would be expected as affordable housing with a mixture of 1 and 2 bedroom properties. The policy on tenure split is 70/30 in favour of rented. Properties should be built to the HCA design and quality standards.

Representations

79. **Cllr Bridget Smith** – has voiced concerns through the ‘West Road Action Group’, as summarised in paragraph 80 below.

80. **Owners/Occupiers of**– 14 Cinqes Road; 26 Wootton Field; 1, 10, 13, 15, 17, 18 West Road; 18, 36, 48, 51, 57, 59 & 61 Mill Street; 49, 70 & 94 Church Street; West Road Action Group; Gamlingay Environmental Action Group; 59 & 65 Green Acres; CHS Group (Social Landlord for houses in West Road and Wootton Field):
- a) Traffic generation and impact on local area
 - b) Poor access and highway safety
 - c) Lack of parking
 - d) Urbanising effect of development on village
 - e) Increased pressure on local services & facilities
 - f) Development is outside village area and contrary to the local plan
 - g) The development is not sustainable
 - h) Lack of S106 contributions
 - i) Light, noise and air pollution
 - j) Impact on ecology/biodiversity and trees/hedgerows
 - k) Harm to historic environment, countryside and residential character
 - l) Layout, design and materials
 - m) Harm to residential amenity
 - n) Inappropriateness of proposed play area and ecology area
 - o) The application is premature in light of the proposed Neighbourhood Plan
 - p) The housing mix is inappropriate
 - q) Noise and disturbance
 - r) Disabled access not considered
 - s) Drainage problems and flood risk
 - t) Limited utility services in the area
 - u) The application is inappropriate in outline format
 - v) Limited garden spaces
 - w) Other sites (particularly brownfield sites) should be considered first

Site and Proposal

81. The site is located west of Mill Street and comprises land used mainly for the grazing of animals. The site is outside but adjacent to the boundaries of the village framework and conservation area of Gamlingay.
82. The outline application is for development of the land for residential development with up to 29 dwellings. Access is applied for in detail.

Planning Appraisal

83. The main issues to consider in this instance are the principle of the development and its sustainability in terms of economic, social and environmental objectives.

Principle of Development

84. The NPPF requires councils to boost significantly the supply of housing to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
85. On the 25 June 2014 two appeal decisions in Waterbeach found that the Council only had either a 3.51 or 3.9 year housing supply (each appeal was judged on its own evidence with slightly different conclusions reached). The council's housing supply policies in adopted and emerging plans are therefore out-of-date and do not demonstrate a five-year housing land supply.
86. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to advice in the NPPF, which states that adopted policies that are "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Where this is the case, paragraph 14 of the NPPF states there is a presumption in favour of sustainable development. It goes on to say that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.
87. The NPPF states there are three dimensions to sustainable development: economic, social and environmental, which are mutually dependent. These are assessed below in relation to the proposed development.

Economic

88. The proposed development would give rise to a number of economic benefits. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term the provision of housing would help meet the needs of businesses in Cambridge. Therefore the scheme would bring positive economic benefits thus complying with this dimension of sustainable development.

Social

(a) Provision of new housing including affordable housing

89. Chapter 6 of the NPPF relates to 'delivering a wide choice of high quality homes' and seeks to '*boost significantly the supply of housing*' placing importance on widening the choice of high quality homes and ensuring sufficient housing (including affordable housing) is provided to meet the needs of present and future generations.
90. There remains a shortage of deliverable housing sites in the district. The development would provide a clear public benefit in helping to meet the current housing shortfall in South Cambridgeshire. The applicant has confirmed in section 3 of the Planning Statement that the site would deliver up to 29 residential dwellings within 5 years from the date of granting outline. Officers are of the view significant weight should be afforded to this benefit in the decision making process.

(b) Mix

91. Adopted Policy HG/2 states that developments of more than 10 dwellings should provide a range of accommodation, including one and two bed dwellings, having regard to economic viability, the local context of the site and the need to secure a balanced community. The applicant proposes the following mix in line with draft Policy HG/8:
- 30% 1 and 2 bed units
 - 40% 3 bed units
 - 30% 4-5 bed units

92. This mix is considered to accord with the aims of adopted Policy HG/2 and draft Policy HG/8. Although Policy HG/8 is not yet adopted it has been consulted on through the local plan process and so far has only received objections seeking additional flexibility in terms of housing mix. Consequently, officers are of the view that weight can be attached to this policy and that the housing mix presented in this application would meet a range of local needs. A condition is recommended to secure this housing mix.

(c) Affordable Units

93. Adopted Policy HG/3 requires 40% affordable housing on new residential schemes above a certain threshold. The proposed development is above this threshold and the applicant has confirmed the development can provide 40% affordable housing (i.e. up to 12 affordable dwellings) without comprising the financial viability of the scheme.
94. The Housing Officer has noted that there are approximately 1700 applicants on the South Cambs housing register and the greatest demand is for 1 and 2 bedroom dwellings. Housing figures for Gamlingay in 2014 reflect this position but also highlight the need for 3 bedroom properties. Therefore the range of affordable housing sizes and tenure will need to meet local need and not simply be polarised towards 1 and 2 beds. The final details of the affordable housing, together with their long term management will need to be agreed in a S106 agreement.

(d) Services and Facilities

95. The South Cambs 2014 Services and Facilities Study for Gamlingay details a range of services and facilities in the village. These include a: bakery, butchers, post office, convenience store, local superstore, pharmacy, restaurant, chinese take-away, petrol station, butchers, allotments, community centre (eco-hub), church hall, women's institute hall, sports centre (Gamlingay Village College), scout hut, recreation ground, primary school, village college, fire station, library and GP surgery.
96. The site is located less than 500m from the village centre and is within walking and cycling distance of many of these facilities as shown in Appendix 3 of the submitted Planning Statement. Residents of the development would therefore benefit from many of the walking distances to services and facilities set out in Chapter 6 of the District Design Guide. The indicative masterplan also shows generous space allocation for children's play space on the site in the form of a Local Area of Play to comply with Policy SF/10.
97. Access to employment opportunities exist in the towns of St Neots and Biggleswade (circa 7-8 miles distance), and further afield in areas such as Royston (circa 12.6 miles distance).
98. From 6 April 2015, the Community Infrastructure Levy (CIL) regulations 6th April 2010 prevent local planning authorities from pooling S106 monies from more than 5

projects towards a specific infrastructure project. Members were updated on this issue at planning committee on 13 May 2015. As the council has already sought S106 monies from more than 5 projects towards open space and indoor community facilities in Gamlingay, officers are unable to seek further generic contributions of this sought under the CIL regulations. Therefore any further contributions can only relate to a specific project and must meet the following tests under the CIL regulations:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development

99. In terms of local community and sports provision, the applicant proposes contributions towards the following specific projects:
- £35,000 for repairs and improvements to the Old Methodist Church
 - £35,000 for repairs and improvements to the Women's Institute Hall
 - £30,000 towards relocation of the tennis courts and bowling green
 - £35,000 towards new play equipment at Butts Playground
100. The above contributions have been specified in consultation with the parish council but insufficient evidence has been presented so far to the local planning authority to demonstrate that these projects meet the aforementioned three tests set out in the CIL regulations. As the decision maker, it is for Planning Committee to determine whether these financial contributions totalling £135,000 towards the specified indoor community and sports provisions satisfy the 3 tests as set out above and that, in the absence of these contributions, planning permission would be refused.
101. The development of this site has been assessed in terms of its cumulative impact alongside previous approved development in the village. It would generate a need for extra primary school provision given the lack of capacity at Gamlingay First School. Contributions of £104,261.59 have been put forward by the applicant towards the Milestone 2 Project for this school, which include two new classrooms and a hall extension. However, this project is not part of CCC's capital funding stream and there is a significant funding gap when considering the total cost of the project of £1,097,122.75. Funding from the Green End development is unlikely to meet this funding gap.
102. To address this issue, SCDC and CCC have considered splitting the Milestone 2 Project into smaller phases. The anticipated numbers of pupils generated from the proposal in conjunction with the Green End development (which is an allocated site) would at the very least require an additional classroom at Gamlingay First School to provide sufficient capacity. The provision of a single classroom therefore represents Phase 1 of the Milestone 2 Project and would require contributions from this development and the Green End development on a pro-rata basis. The funding required for this new classroom is currently being estimated by CCC. Consequently, the applicant has agreed to the principle of this approach and to making the necessary financial contributions towards it subject to any financial viability considerations. These contributions would be secured by way of S106 agreement.
103. CCC education officers have confirmed that there is sufficient capacity at Gamlingay Village College to cope with the extra 7.25 places generated from the development.
104. Central Bedfordshire Council has however requested financial contributions towards the perceived extra demand at Stratton Upper School from this development. Upon assessment of this request, it appears that there is no certainty that the children

arising from the development will go to Stratton school when they could go to Comberton Village College as part of Cambridgeshire's two tier education system.

105. Although Central Bedfordshire has explained how the contribution would be used (i.e. a 3 FE extension to include expanding the capacity of the 6th form) and how much this costs there is no information that would suggest the scheme would not go ahead in the absence of this request. Furthermore Central Bedfordshire estimate that only 4.64 secondary aged pupils will be generated from this development; therefore there is a question as to whether these pupils could simply be accommodated. Accordingly, officers do not consider that the contributions put forward are necessary to make the development acceptable in planning terms with regard to the tests set out in paragraph 204 of the NPPF.
106. In terms of health provision the applicant has confirmed a financial contribution of £21,083.00 towards the Gamlingay surgery extension, as requested by the surgery based on a contribution of £727 per dwelling. This together with other contributions will help to create an additional consulting room and 1 multi purpose room to meet forecasted demand at the surgery.
107. The applicant has confirmed contributions of £283.97 towards libraries and lifelong learning and £5249.00 towards strategic waste as required by CCC to meet the demands of the development.
108. Members should note Cambridgeshire County Council have requested a financial contribution to cover their own S106 monitoring activities but, having regard to a decision determined by the Planning Court on 3 February 2015, officers do not consider that such a request satisfies the tests as set out in CIL Regulation 122. Therefore this contribution is not proposed to be secured. For further information on this issue please refer to Oxfordshire CC v Secretary of State for Communities and Local Government [2015] EWHC 186 [Admin].

Environmental

(a) Travel, Access and Parking

109. One of the core principles of the NPPF is to “actively manage patterns of growth to make the fullest possible use of public transport.” Chapter 4 advises “the transport system needs to be balanced in favour of sustainable transport modes.” However “different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.” In summary, the NPPF seeks to promote sustainable transport solutions, whilst recognising the difficulty of achieving this in rural areas.
110. Adopted Policy TR/1 states that planning permission will not be granted to developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non car modes.
111. Gamlingay does not have a train station and the nearest train stations are located in Biggleswade (6.6 miles away) and St Neots (7.5 miles away). However, Gamlingay is served by bus routes to Cambridge, Cambourne, Comberton, Biggleswade, Sandy, Hitchin, Royston and St Neots. Several bus stops are located within walking distance of the site as illustrated in Appendix 3 of the submitted Planning Statement. The frequency of these services ranges but officers are of the view the site is relatively

well served by public transport.

112. Footpath access is provided from the site to the centre of the village. A footpath/cycle link is proposed to the east boundary of the site connecting it to Mill Street. The Local Highway Authority (LHA) has asked for an uncontrolled crossing at this point (i.e. a dropped kerb), which will enable users to cross over to the public bridleway on the opposite side of the road. This is achievable and can be detailed at reserved matters stage. The width of this footpath/cycle path link is shown indicatively on the masterplan and will need to be extended in width to 3.5m to accommodate the recommendations of the LHA and allay crime concerns. This can be addressed at reserved matters stage.
113. Traffic generation has been raised as a concern in this application by local residents. The submitted updated Transport Statement (dated August 2015) has identified that there is sufficient capacity to support the development without compromising highway safety taking into account the recent development of 10 dwellings along West Road. The Local Highway Authority has assessed this report and raises no objection to the principle of 29 dwellings in this location.
114. The applicant has submitted drawing SK04 to demonstrate that 2.4m x 70m visibility splays can be achieved at the junction of Mill Street and West Road. This overcomes the concern of the LHA.
115. The LHA is satisfied that the proposal will have no significant adverse effect upon the public highway subject to conditions governing: falls and levels of driveways (to prevent run-off); bound material next to access with public highway; a traffic management plan to be agreed; the provision of a footway/cycleway link of 3.5m in width to the village of Gamlingay from the development and uncontrolled pedestrian crossing points on Mill Street. All of these details can be assessed and secured at reserved matters stage except for the suggested provision of a 3.5m wide footway/cycleway from the site to the village of Gamlingay. This would involve the agreement of third party landowners, as would any footway/cycleway connection to the south along Potton Road towards the brook. As third party land is not within the control of the applicant it would be unreasonable to ask for footway/cycleway infrastructure of this kind and scale. Furthermore, no indication has been given by CCC that such infrastructure is deliverable and fairly related to the development.
116. The indicative masterplan shows that there is sufficient space to achieve 1.5 parking spaces per dwelling and 1 secure cycle space per dwelling in accordance with Policy TR/2. Visitor parking can also be achieved in addition to this.

(b) Landscape, Village and Historic Character

117. The South Cambridgeshire Village Capacity Study (1998) describes Gamlingay as set on the Greensand Ridge in an undulating landscape. Gamlingay Wood is prominent to the north across open arable fields. To the east, south and west the landscape is more enclosed with small fields and hedgerows. To the south the land falls down to Millbrook and then rises again towards Potton. There are wide views north to the village from Potton Road over the large field to the south of the site which extends all the way to Millbridge Brook, with new housing visible in the distance above hedgerows. The open field to the south of the site provides the most visible element of the immediate setting for Gamlingay when approaching from the south. Arrival in the village being marked by the distinctive Listed Building at the corner of Mill Lane and Honey Hill (61 Mill Street aka 6 Honey Hill).

118. The development would continue this edge-of village character with houses set behind trees and hedges. The topography of the site is a challenge but with careful design and scaling the development can be mitigated. One of the main forms of mitigation is evident in the proposed 7m landscape buffer to the southern boundary of the site. This includes hedge and tree planting to create a strong verdant edge and glimpsed views of houses behind.
119. The development would be viewed alongside existing residential development on the opposite side of Mill Street/Potton Road, which extends further south of the village. The extent of existing development along this road presents a lopsided approach to the village in terms of built development. The development would provide more of a gateway entrance to the village and one that would not significantly encroach upon the open countryside character beyond.
120. The indicative masterplan submitted with the application shows two dwellings (Plots 15 and 16) adjacent to Mill Street. Although the location of these plots is indicative only, the approach in this case would create a greater sense of enclosure to the street and village entrance. This approach has the potential create a more distinct and defined entrance to the village whilst also reflecting the more enclosed feel of Mill Street further north into the village. In this respect, the development has the potential to conserve or enhance the character and appearance of the conservation area.
121. The applicant has provided a section drawing showing the indicative heights of plots 15 and 16 at 2.5 storeys next to the historic buildings on the opposite side of Mill Street. This section drawing confirms that the proposed 2.5 storey height of these dwellings will be dominant and unacceptable in this location relative to the heights of the surrounding historic buildings and the raised land levels on the west side of Mill Street. For this reason, a condition is recommended to ensure that dwellings within this area do not exceed 1.5 storey height. The applicant has submitted an amended parameters plan to confirm this change.
122. Final issues regarding layout, scale and design cannot be considered in this outline application and will be subject to assessment at reserved matters stage. Officers are of the view that the indicative masterplan and housing density demonstrates that the site can accommodate up to 29 dwellings and provide sufficient space for private garden areas, informal open space, children's playspace, parking, landscaping and access.
123. Officers also consider that the need to pay special attention to the desirability of preserving or enhancing the character of the conservation area and for special regard to be paid to the desirability of preserving the listed buildings at 53, 55, 57 and 61 Mill Street and the Baptist Church and School (Honey Hill) or their settings or any features of special architectural or historic interest which they possess can be achieved.

(c) Ecology, Trees and Hedges

124. The application is supported by an ecological assessment, which does not identify any significant biodiversity constraints to development of this site. The ecology report states that reptiles are present on the site and a scheme of mitigation will be finalised. This would involve the relatively large parcel of land to the south of the site (that is within the applicant's ownership), being allocated for ecological gain only. This approach is accepted by the council's ecology officer.
125. The ecology officer has agreed that the grassland meadow habitat does not represent an important botanical site. The site is bounded on two of its sides by relatively low value hedges. One of the hedges contains a number of dead and dying elms, the

other appears to be dominated by hawthorn that would be integrated into a buffer planting screen.

126. Local residents have objected (amongst other things) to the loss of the hedge along the eastern boundary of the site with Mill Street. The main reason for this objection is because of the age of the hedge and its contribution to the biodiversity of the area and the character of the village entrance.
127. The Hedgerows Regulations 1997 protect most countryside hedgerows from being removed. Such hedges can be removed where planning permission has been granted. Both the council's ecologist and landscape officer have assessed the hedge and confirmed it is of low value. The absence of more mature elm trees also reduces the likelihood of the White-spotted Pinion Moth being present in this hedge. Consequently the proposed removal or replacement of this hedge should not warrant the withholding of planning permission in this instance.
128. The submitted arboricultural report and tree survey (dated April 2015) confirms the location of two medium sized oak trees at the western end of the site. Their position is sufficiently distanced from the indicative dwellings and roadways to ensure their long term retention, which can be secured in the landscaping scheme to be submitted at reserved matters stage.
129. Nesting birds in the hedgerows are of at least local value given that nesting bullfinch was confirmed. However, this application will not result in a net loss of hedgerow habitat. That is one of the reasons why the proposed area for ecological gain contains some areas of dense scrub planting.
130. The final design of the ecological enhancement scheme, management and monitoring will need to be agreed as part of the S106 agreement. A clause is recommended to secure habitat creation in advance of any site demolition, archaeological investigation, ground works or infrastructure works. This is to protect any reptiles present on the site.
131. Pond restoration is also proposed and welcomed by the council's ecology officer. Public access to the pond will be created as part of this scheme. The measures to deliver ecological gain in the form of specialist nesting boxes for swifts and for bats are also welcomed.
132. Consequently, the creation of the ecological mitigation habitat and enhancements to the existing pond promote an ecologically sustainable approach to the development.

(d) Noise, Light and Air Pollution

133. The Council's acting environmental health manager raises no objection to the principle of the development subject to conditions to control:
- construction noise, vibration, dust etc;
 - artificial lighting;
 - an air quality assessment for any biomass boiler;
 - operational waste and recycling/waste management strategy in accordance with the RECAP Waste Management Design Guide Toolkit
 - details of LAP and noise impact
134. These details can be controlled by way of condition or in any subsequent reserved

matters application to address the concerns of neighbours. Subject to these conditions, the development would accord with adopted Policies DP/3, NE/14 and NE/15.

(e) Residential Amenity

135. The site is surrounded by residential properties to the north, east and west. The application is only in outline form but the indicative masterplan shows sufficient back-to-back distances are achievable between the development and the neighbouring properties at West Road and Wooten Field. Most of the West Road properties to the north of the site benefit from generous rear gardens (over 25m in length) allowing rear-to-rear distances in excess of the minimum 25m distance set out in paragraph 6.68 of the council's District Design Guide.
136. Careful design will need to be applied to any dwellings near to the bungalow at 48 Mill Street, which has received planning permission for extensions (S/0598/13/FL). There is opportunity to reduce the height of dwellings in this location to single storey height to mitigate the impact on this neighbour.
137. The illustrative masterplan shows that on the whole sufficient garden spaces can be achieved for the 29 dwellings, although further negotiation on this issue will be required at detailed design stage. The comments of the urban design officer are noted in relation to the amenity of units 1-3, 24/25 and 19/20 and these points can be addressed at reserved matters stage.

(f) Archaeology

138. The comments of CCC archaeology are acknowledged. A condition requiring a programme of archaeological investigation to be secured prior to the commencement of development is recommended.

(g) Flood Risk and Surface Water Drainage

139. The Cambridge County Council Flood and Water Management Team has confirmed that the surface water drainage scheme is considered acceptable in principle. A condition is recommended to secure a detailed surface water drainage scheme prior to the commencement of the development.
140. The Environment Agency raises no objection, subject to conditions and informatives governing: groundwater and contamination issues; no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority; piling foundations; and a scheme for the provision and implementation of pollution control of the water environment. These conditions are agreed except for contamination, which is addressed below.

(h) Contamination

141. The comments of the Council's acting environmental health manager are noted and the site has been found suitable for residential use. No further conditions are necessary in this respect to make the development acceptable in planning terms and the recommended informative is agreed.

(i) Energy

142. The applicant has proposed a 25% reduction in carbon emissions through the use of renewable energy. This exceeds the 10% reduction required under adopted Policy NE/3. The final scheme of renewable energy is subject to further detailed design and is therefore recommended to be secured by condition.

(j) Water Conservation

143. A condition is recommended to ensure the development incorporates all practicable water conservation measures at detailed design stage in accordance with adopted Policy NE/12.

(k) Waste

144. Very little information is provided in the application on the development's compliance with the RECAP design guide. It is agreed that this is often a detailed design matter and adequate information would need to be provided on operational waste and recycling provision. This can be secured by planning condition.

(j) Environmental Impact Assessment (EIA) Screening

145. The local planning authority previously considered a request for a screening opinion of this site in 2014 and confirmed that the proposed development is not EIA development. This view is maintained in this application.

Other considerations

Crime, fire and rescue, utility services, public art and local consultation

146. Crime and security will need to be considered as part of any reserved matters application. Specific concern has been raised in relation to the proposed location and width of the footpath connection through the site towards Mill Street. These issues can be resolved at detailed design stage with adjustments to the layout and boundary treatment.
147. The comments of Cambridge Fire and Rescue Services are noted and a condition is agreed to secure a scheme of fire hydrant provision to serve the site.
148. Anglian Water has confirmed that the existing foul sewerage network has capacity to serve the site. Agreement has been reached to allow a gravity connection to Manhole 5905 (situated at the southern end of Wooton Field).
149. The submitted utilities assessment confirms that National Grid is able to extend gas supply to the site and an estimated £33,500 would be required to connect electricity to the site. Based on the existing connection point along Mill Street, a substation will not be required on site. This estimate includes around 100m of offsite underground cable laying along Mill Street to the junction with West Road.
150. Cambridge Water has confirmed that there is insufficient capacity in the 90mm mains in Mill Street and Wooton Field to supply the 29 dwellings. It will therefore be necessary to lay a new 90mm HPPE water main from the junction of Honey Hill with Mill Street to the site to supply the development at an estimated cost of £16,000. In addition, on-site water mains will be needed to serve the development and this is budgeted at approximately £700 per dwelling.

151. The applicant has been encouraged to provide public art on the site and has agreed to this in principle. A condition is recommended to secure a scheme of public art in accordance with the aims of adopted Policy SF/6.
152. Objections have been raised in relation to the lack of consultation from the developer with the local community. The submitted 'Statement of Public Consultation' states that a drop-in consultation event was held on 9 December 2014 (from 1pm – 7.30pm) - at Gamlingay Ecohub. Invitation letters were sent to local members, parish councillors and properties immediately adjacent to the site, including West Road, Wooten Field, Mill Street and Honey Hill. There were also 1500 flyers distributed to advertise the event and a press release. A number of key themes were analysed from the 24 consultation responses, which are outlined in the Statement of Public Consultation document. During the application the developer has also attended meetings and engaged with the parish council and local members to discuss the application. On this basis, officers are satisfied that a reasonable level of public engagement and consultation has been carried out.

Conclusions

153. In determining planning applications for new housing development where the Council does not have an up-to-date 5 year housing land supply, the balancing exercise set out in the NPPF is in favour of granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. In this case the applicant has demonstrated it is likely all of the units will be delivered within 5 years from the date of the outline consent and as such the proposal will make a contribution towards delivery of the Councils housing targets.
154. The NPPF states there are three dimensions to sustainable development - economic, social and environmental - and that these roles should not be undertaken in isolation. There are economic benefits associated with the scheme. Likewise there are clear social benefits through the delivery of up to 29 much needed houses, including 40% affordable housing. These considerations weigh in favour of the development.
155. The environmental implications are more ambiguous but, on balance, the impact of the development upon issues such as traffic, highway safety, biodiversity, local character, heritage assets and residential amenity are either acceptable, or can be satisfactorily mitigated. Members are reminded that the application is in outline form with consent only sought for access. Therefore details of the site layout, scale, landscaping and appearance are not subject to detailed consideration at this stage.
156. Overall, the proposal is considered to represent sustainable development and the application is recommended for approval subject to the requirements set out below.

Recommendation

157. Officers recommend that the Committee approve the application, subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

158. (a) Completion of an agreement confirming payment of the following:
- Primary Education Provision (figure to be confirmed by CCC and agreed with applicant)
 - £21,083.00 towards the Gamlingay doctors surgery extension

- £283.97 towards libraries and lifelong learning
- £5249.00 towards strategic waste
- Scheme of 40% affordable housing provision to be agreed
- Scheme of on-site public open space and management to be agreed
- Scheme of ecological enhancement, management and monitoring

Conditions

- (a) Approval of the details of the layout of the site, the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. (SC2)
- (b) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. (SC3)
- (c) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved. (SC4)
- (d) Drawing numbers (SC95)
- (e) Landscaping (SC5)
- (f) Landscape implementation (SC6)
- (g) Housing Mix to be secured as 30% x 1 and 2 bed units; 40% x 3 bed units and 30% x 4-5 bed units unless an alternative mix would better meet local circumstances.
- (h) Water conservation statement to be agreed
- (i) Renewable energy scheme to be agreed along with an air quality impact assessment in conjunction with any biomass boiler
- (j) Detailed surface water drainage scheme (and management thereof) be agreed
- (l) Detailed foul water drainage scheme (and management thereof) to be agreed
- (m) A scheme for the provision and implementation of pollution control of the water environment to be agreed
- (n) No infiltration of surface water drainage into the ground to take place other than with the express written consent of the local planning authority
- (o) Public art scheme to be agreed
- Archaeological investigation to be agreed
- (p) Fire hydrants to be agreed
- (q) Waste Management and Minimisation Strategy to be agreed
- (r) Construction traffic management plan
- (s) Construction times (SC38)
- (t) Dust management scheme to be agreed
- (u) Artificial lighting scheme to be agreed

Informatives

- 160. (a) Consent of the LHA to carry out highway works
- (b) Contamination not otherwise identified
- (c) Construction / Demolition Informative
- (d) Pilling Foundations
- (e) Surface water and foul water informatives

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/0598/13/FL

Report Author:

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Senior Planning Officer

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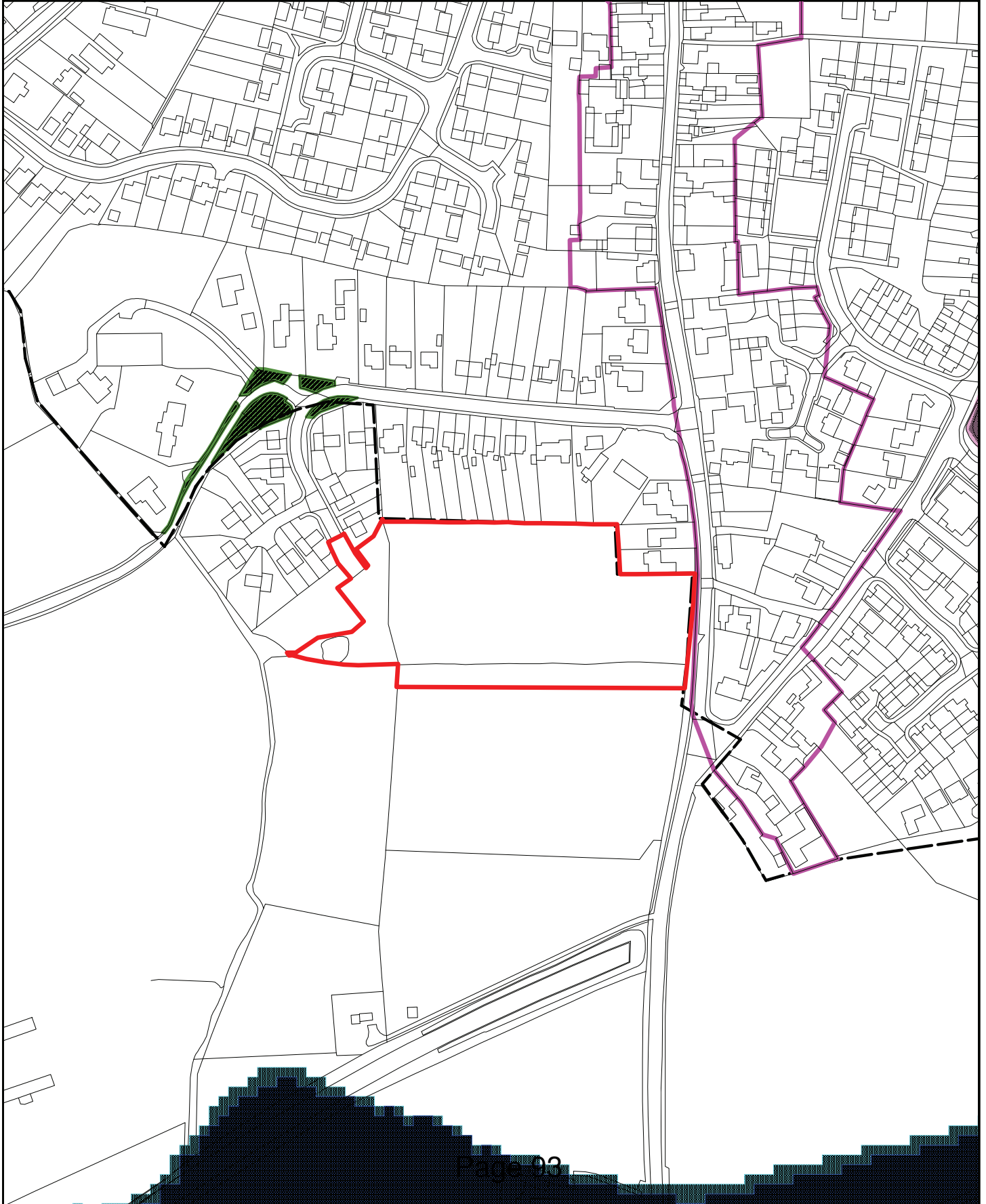
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Agenda Item 8

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

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| Application Number: | S/1497/15/OL |
| Parish(es): | Dry Drayton |
| Proposal: | Outline planning permission for the erection of up to 6 dwellings and associated works and infrastructure (all matters except access reserved) |
| Site address: | Land rear of 65 Pettitt's Close, Dry Drayton |
| Applicant(s): | Mr and Mrs Anthony and Rosemary Scambler |
| Recommendation: | Delegated Approval to complete section 106 agreement to secure affordable housing provision |
| Key material considerations: | Principle of development Availability of services and facilities Density of development and housing mix Affordable housing Character of site and surroundings Residential amenity Highway safety Trees and landscaping Ecology |
| Committee Site Visit: | 3 November 2015 |
| Departure Application: | Yes (advertised as such) |
| Presenting Officer: | David Thompson, Principal Planning Officer |
| Application brought to Committee because: | Approval of the application would be a departure from the Local Development Framework and a local Member has requested that the application be brought before Members in light of the officer recommendation to approve. |
| Date by which decision due: | 30 November 2015 (extension of time agreed) |

Executive Summary

1. The proposal is considered to be of a physical siting and scale that meets the definition of sustainable development in the National Planning Policy Framework and would not result in demonstrable harm in relation to the social, environmental or economic elements of sustainability. The proposed development is considered to be

of a density that would respect the location of the site, on the edge of the built environment of the village and adjacent to the Green Belt. The indicative design is considered to demonstrate that the site could be developed for up to 6 residential units without having an adverse impact on the residential amenity of neighbouring properties. The proposal would result in a logical extension of the existing highway on Pettitt's Close and would provide turning space within the highway, as well as having the space to achieve the number of on-site parking spaces required by local policy. The site is considered to be at a low risk of flooding and details of surface water and foul sewage drainage can be secured by condition at the full application stage. Additional landscape planting has been agreed in principle to enhance the tree coverage and soften the impact of development on the edge of the village and adjacent to the open Green Belt. This element can also be secured by condition at the reserved matters stage.

Planning History

2. S/0993/91/O – residential development –refused
S/0108/88/O - residential development (0.84 acres) – refused and appeal dismissed
S/0173/87/O – 8 houses and garages – refused
S/2020/83/O – residential development of 7 houses – refused and appeal dismissed
S/0148/79/O – erection of dwelling and garage – refused

Planning Policies

3. *National Planning Policy Framework (NPPF)*
Planning Policy Guidance (PPG)
4. *South Cambridgeshire Local Development Framework Core Strategy DPD, 2007:*
ST/6 Group Villages
5. *South Cambridgeshire Local Development Framework, Development Control Policies DPD:*
DP/1: Sustainable Development
DP/2: Design of New Development
DP/3: Development Criteria
DP/4: Infrastructure and New Developments
DP/7 Development Frameworks
CH/2 Archaeological sites
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
NE/1 Energy Efficiency
GB/3 Mitigating the impact of development adjoining the Green Belt
NE/6 Biodiversity
NE/9 Water and drainage infrastructure
NE/10 Foul Drainage
NE/17 Protecting High Quality Agricultural Land
SF/10 Outdoor Playspace, informal open space and new development
SF/11 Open Space standards
TR/1 Planning for more sustainable travel
TR/2 Parking Standards
6. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*
District Design Guide - Adopted March 2010
Open Space in New Developments - Adopted January 2009

Trees and Development Sites-Adopted January 2009
Landscape in New Developments-Adopted March 2010
Affordable Housing – Adopted March 2010

7. *Proposed South Cambridgeshire Local Plan*
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
S/10 Group Villages
HQ/1 Design Principles
NH/4 Biodiversity
NH/8 Mitigating the Impact of development in and adjoining the Green Belt
NH/14 Heritage Assets (in relation to archaeological sites)
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
H/11 Residential space standards for market housing
NH/3 Protecting Agricultural Land
TI/2 Planning for sustainable travel
TI/3 Parking provision
SC/7 Outdoor play space, informal open space and new development
SC/8 Open space standards

Consultation

8. **Dry Drayton Parish Council** - 'The Parish Council resolved neither to approve nor refuse the application.' No recommendation was made to South Cambs DC.' The Council would like to highlight no. 13 on the list of material considerations listed on the Planning Portal website (previous planning decisions (including appeal decisions)).
9. **Environment Agency** – no objections subject to a condition relating to the drainage of surface water on the site.
10. **Local Highways Authority**- Raises no objections subject to the imposition of a standard condition regarding the management of traffic and the storage of materials during the construction process. Confirm that the Highway Authority would not adopt the layout proposed and require a 1.8 metre wide footway to be installed on either side of the entrance to the site. The applicant has submitted an amended plan addressing the latter point.
11. **County Council Archaeologist** – no objections but require the site to be subject to a scheme of archaeological investigation, which can be secured by condition.
12. **District Council Landscape Design Officer** – comments that the rural character of the site ensures that the existing boundary planting should be retained and enhanced and landscaping treatments within the site need to respect the rural character. Boundary treatments need to respect the fact that the site adjoins the open Green Belt.
13. **District Council Ecology** – initially objected to the application on the basis that a reptile survey had not been completed. Great Crested Newts are known to present in the locality. Following submission of the reptile survey, this objection has been removed.
14. **District Council Environmental Health Officer (EHO)**- Raises no objections subject

to imposition of standard conditions including control of noise during construction

Representations

15. 17 letters of objections have been received from residents in the surrounding residential area which raise the following concerns (summarised):
- The site is located outside of the village envelope
 - Approval of this application would set a precedent for further development outside of the framework of the village
 - The proposal is contrary to the planned approach of focussing new housing development in the larger population centres and new settlements within the district
 - Approval of this development could lead to pressure for the development of more of the greenfield land around the site
 - The development of the site will result in a loss of biodiversity, through the loss of trees and significant natural habitat
 - The proposal does not represent sustainable development due to the relatively limited nature of the services and facilities that are provided in Dry Drayton. The village does not have a GP surgery, secondary school or grocery store and has limited bus service
 - The level of traffic generated by the development would have an adverse effect on highway safety
 - The proposed access to the site is restricted in width and this will result in a highway safety hazard, with vehicles turning within the highway in front of this access
 - The existing street is congested with traffic, the proposal will make this situation worse
 - Noise and disturbance associated with the construction of the development would have an adverse impact on the amenity of neighbouring properties
 - The proposal would harm the rural character of the village edge (i.e. transition from built development to open countryside/farmland) and reduce the separation distance to Bar Hill
 - Previous applications for residential development on the site have been refused and appeals dismissed
 - Concerns relating to the gathering of surface water on the site and the implications this has in terms of the risk of flooding to neighbouring sites and the capacity of existing drainage infrastructure (flooding incidents recorded in 2014)
 - If planning permission is granted, the hours of construction, size of delivery vehicles and the noise generated during the construction process should be controlled by condition
 - The proposed dwellings will result in a loss of privacy to the properties that abut the application site through loss of privacy
 - The existing orchard forms part of the Green Belt

Planning Assessment

16. The key issues to be assessed in the determination of this planning application are the principle of development (including impact on services and facilities within the village), the impact of the proposals on the openness of the adjacent Green Belt, the character of the site and the surrounding area, the residential amenity of neighbouring properties, highway safety, ecology, trees and landscape impact.

Principle of development

17. The site is located outside of but immediately north east of the Dry Drayton development framework boundary. Policy DP/7 of the LDF states that only development for agriculture, horticulture, forestry or other outdoor uses which need to be located in the countryside will be permitted. As residential development, the proposal is clearly contrary to this policy. Whilst emerging Local Plan policy S/7 stipulates the same restrictions, the existing policy is considered to be out of date due to the Council's lack of a five year housing land supply and therefore the proposal has to be considered against the principle of sustainable development, as set out in the NPPF.
18. The NPPF requires Councils to boost significantly the supply of housing and to identify and maintain a five year housing land supply with an additional buffer as set out in paragraph 47.
19. In determining two appeals in Waterbeach on 25 June 2014, an Inspector concluded that the Council cannot demonstrate a five year supply of deliverable housing sites. This judgement was made against the Strategic Housing Market Assessment for objectively assessed needs of 19,000 new houses to be delivered between 2011 and 2031, which was concluded to have more weight than the figure in the Core Strategy. It is appropriate for these appeal decisions to be considered in the determination of planning applications relating to housing development, given that paragraph 49 of the NPPF states that adopted policies relating to housing land supply cannot be considered up to date where a Council cannot demonstrate a five year supply of housing land. Those policies were listed in the decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policy ST/6 and but as a logical consequence of the decision these should also be policies "for the supply of housing".
20. The Council still cannot demonstrate a five year supply of deliverable housing sites. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. Where relevant policies are out of date, the NPPF states that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted. The applicant has provided a timetable for delivery which indicates that development could commence on site by June 2017, indicating that completion within a timeframe to contribute to the five year housing land supply deficit is realistic.
21. The NPPF defines sustainable development as having three elements: environmental, economic and social. The environmental considerations run through the issues assessed in this report.
22. The applicant has agreed to the provision of affordable housing on the site (should the site be developed for 3 or more houses - in line with the requirements of emerging policy H/9.) This is considered to be a social benefit that weighs in favour of the proposal.
23. The land is currently classified as higher grade agricultural land, although the site is more pasture land and has clearly not been cultivated in recent years (the land to the north is clearly still in use for agricultural purposes, but this is not part of the application site or affected by the proposal.) Nevertheless, policy NE17 of the LDF and NH/3 of the emerging Local Plan state that the loss of such land should be avoided unless 'sustainability considerations and the need for the development are

sufficient to override the need to protect the agricultural value of the land' (quoting from both the existing and the emerging policy). There are sustainability benefits in principle to developing this site, given its location on the edge of the village framework and the contribution (albeit relatively small) towards increasing the provision of housing in the District. The fact that the land has not been in use for agricultural purposes for a substantial period also ensures that the 'agricultural value' of the land is questionable. Given these factors, officers consider that the loss of the agricultural land in this case is justified, in line with the provisions of the relevant existing and emerging policy.

Impact on services and facilities

24. The County Council has confirmed that Dry Drayton Primary School has capacity to accommodate the maximum increase in the number of children within the catchment area as a result of the proposed development. The facilities associated with early years services have recently been extended and so would be able to accommodate the additional demand and the increase in the catchment resulting from the proposal is considered not to trigger the need for an extensions or adaptations to the secondary school at Comberton.
25. The Services and Facilities Study (2014) indicates that bus services to Cambridge from Dry Drayton are relatively limited (3 to 4 services a day Monday to Friday, 3 on a Saturday) and facilities are limited to a public house and village hall. Allotments are provided for but there is a lack of open space.
26. The proposal would provide sufficient private space to ensure that a need for additional public open space would not be a direct requirement of the development (covered in detail later in this report). Occupants of the development would be essentially the same distance from public transport services as the existing residents of Pettitt's Close and the increase in population of the village as a result of the development is considered to be below a level that would result in harm to the capacity of those services, even though they are relatively infrequent. It is considered that the scale and location of the development, an extension to an existing residential street, ensures that the proposal would not result in a population increase that could be considered demonstrably harmful to the sustainability of the village.

Density and housing mix

27. The scheme would be of a lower density than required by policy HG/1 of the LDF and emerging Local Plan policy H/7 (approximately 15 dwellings per hectare as opposed to the policy requirement of 30). However, both policies include the caveat that a lower density may be acceptable if this can be justified in relation to the character of the surrounding locality. Given that the application site is located adjacent to the framework boundary, on the edge of the village and in an area characterised by low density development adjacent to the Green Belt, it is considered that this proposal meets the exception tests of the current and emerging policy with regard to the density of development.
28. In terms of housing mix, the current LDF policy (HG/2) suggests that at least 40% of the market properties in new development should be 1 or 2 bedrooms in size – equating to a minimum of 2 in this proposal. However, policy H/8 of the emerging Local Plan applies housing mix thresholds only to schemes of 10 or more dwellings, with schemes for 9 or less required. Given that the objections received to the emerging policy are seeking further flexibility as opposed to less, it is considered that significant weight can be applied to the emerging threshold. The applicant has agreed

to a condition requiring the mix of dwellings to meet emerging policy H/8 i.e. 30% 1 or 2 bed, 30% 3 bed and 30% 4 or more with 10% flexibility, unless a justification based on local circumstances can be provided at the reserved matters stage which suggests that a different mix would be more appropriate.

Affordable Housing

29. Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted development plan requires the provision of 40% affordable housing on sites where there is a net gain of two or more dwellings.
30. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
 - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
31. The current development plan is proposed to be replaced by the emerging Local Plan, where draft policy H/9 relates to affordable housing and seeks to raise the threshold of affordable housing provision to sites of three or more dwellings.
32. The draft Local Plan has been approved by the Council for submission to the Planning Inspectorate for 'Examination in Public' and is therefore at an advanced stage in its preparation. In respect of unresolved objections four representations have been received on draft policy H/9, with three of these opposing the policy and the fourth supporting and offering comment. Notably all the representations consider the proposed threshold of three dwellings too low (and seek to raise this). No representations seek to maintain (or lower) the current threshold of two dwellings and as such there are no unresolved objections to this draft policy as far as it relates to this application.
33. Turning to the consistency of the relevant plans with the NPPF. Although no detailed advice is provided on the threshold of affordable housing provision within the NPPF, it advises local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, and look for solutions and to approve applications for sustainable development where possible.
34. For these reasons officers are of the view that sufficient weight can be attributed to draft policy H/9 of the emerging Local Plan and as such 2 dwellings out of the 6 proposed would need to be affordable to meet the criteria of minimum 40% requirement of the policy. The applicant has provided Heads of Terms indicating a willingness to make this provision. Given that the application is for 'up to' 6 units, at this outline stage, only the maximum number of units that would be brought forward at the reserved matters stage is known. As such, should Members resolve to grant planning permission for this outline application, the section 106 legal agreement will list the on site and commuted sum requirements that would be required in the various scenarios in which affordable housing would be required (i.e. reserved matters for

between 3 and 6 units on the site).

Character & Appearance of Area

35. The Green Belt is located immediately north and west of the site but the site itself is located outside of the Cambridge Green Belt. Policy GB/3 of the LDF states that where development proposals are in the vicinity of the Green Belt, 'account should be taken of any adverse impact on the Green Belt' and that development on the edge of settlements (as is the case here) must 'include careful landscaping and design measures of a high quality to protect the purposes of the Green Belt.'
36. Given the outline nature of the application, the submitted layout is only indicative. The size of the site ensures that 6 dwellings can be accommodated at a low density and set within plots that are of a similar size to the existing properties on Pettitt's Close. The clustering of the dwellings around the central access road ensures that the large plots at the eastern and western ends of the site would retain a sense of space which would reduce the impact of the development on the openness of the adjacent Green Belt. The existing dwelling at 65 Pettitts Lane is located north of the majority of the properties in Pettitts Close and the proposed development would encroach further north of the boundary of the curtilage of that property. Given the low density of the proposal, it is considered that the scheme would not be of a scale or siting that would have an adverse impact on the character or openness of the adjacent Green Belt.
37. Part of the screening on the northern boundary would be removed, with the cherry, maple and hawthorn hedge thinned and two of the cherry trees removed. However, the hedgerow would still span the full width of the site and all of the trees on the boundary of the site itself would be retained. Given the fact that this application is in outline only and landscaping is one of the reserved matters, details of proposed landscaping are not being considered at this stage. However, the applicant has agreed in principle to propose additional landscaping on the southern and eastern boundaries of the site, should the indicative layout being considered follows through to the reserved matters stage. This additional landscaping would enhance the sense of containment of the site when viewed within the wider landscape, further reducing the impact of the development on the Green Belt beyond.
38. The proposed indicative layout is also considered to present a logical extension to Pettitt's Close. The semi-detached properties in the south western corner of the plot would be similar in depth to the detached properties on Pettitt's Close. The longer and narrower properties would be a departure from the uniformity of the properties on the existing streetscene but this design is considered to maximize the space within the individual plots and overall to aid the transition to the open Green Belt to the north of the site.

Neighbour Amenity

39. The indicative layout includes a property in the south eastern corner of the site, the southern most point of which would be 17 metres to the rear elevation of the ground floor extension at the rear of no. 12 Pettitt's Close, extending to 21 metres at first floor level. The 'L - shaped' design of that proposed property ensures that all primary habitable room windows could be located on the east and west facing elevations of the element of the dwelling that is closest to that neighbouring property.
40. Any openings on that end elevation could reasonably be obscurely glazed and fixed shut, if required at all. This would prevent any unreasonable overlooking into the neighbouring property. The separation distance to be retained and the orientation of

the dwelling (the main two storey east-west aligned element would be set further into the plot) are factors which are considered to mitigate unreasonable overshadowing to the properties at either 10 or 12 Pettitt's Close.

41. There are no windows at first floor level in the norther side elevation of no. 14 Pettitts Close, which faces into the application site and there is a garage at ground floor level. As such, it is considered that unreasonable overlooking into or overshadowing of that neighbouring property would be avoided.
42. In terms of the relationship between the plots within the proposed development, it is considered that there is sufficient space to design a scheme around the proposed access road, retain the open edges of the site and secure adequate separation distances between the dwellings. The front elevation of the dwelling in the north western corner would be 10 metres from the gable of the semi detached properties proposed in the south eastern corner. This separation distance could be increase to the recommended 12 metres (as stated in the District Design Guide) through a minor revision, which would not affect the overall acceptability of the scheme and this would be a matter to be addressed at the reserved matters stage.

Highway Safety & Parking Provision

43. The proposal would be accessed via an extension to the existing highway on Pettitt's Close, with the creation of a 'hammer head' which will allow turning space within the confines of the road, without infringing on the parking arrangements of any of the existing properties or the proposed dwellings.
44. The proposal would allow for two off street car parking spaces per property, with 4 spaces provided in front of the pair of semi detached dwellings, the other 4 units having a double garage, with three having further space for off road parking. This would therefore comply with Policy TR/2 of the LDF which requires 1.5 spaces per dwelling across the district.
45. Neighbouring residents have commented that the proposal would be a hazard to highway safety as a result of the access to the development being unsafe in width and increased congestion on Pettitt's Close. The Local Highway Authority has raised no objections to the proposal, following the inclusion of a 1.8 metre wide footway on either side of the access road, ensuring that the access is of sufficient width to accommodate pedestrian as well as vehicular traffic safely. It is considered that the design of the scheme makes provision for adequate on site parking and therefore there would be no reliance on parking within the highway.
46. It is therefore considered that there is no evidence to suggest that on street parking would increase to a level that would be hazard to highway safety and in any case, the Highway Authority does have powers under separate legislation to avoid this situation.

Trees & Landscaping

47. The proposal involves the removal of 8 trees, one section of hedge and the thinning of the hedging on the northern boundary of the site. None of the trees to be removed are considered to be of high landscape value in the Tree Survey by Haydens submitted in support of the planning application.
48. The Authority's Landscape Design Officer has highlighted the importance of retaining a comprehensive level of landscaping on the boundaries of the site. A concern about how the landscaping would be manged has been raised but it is considered that this

could be addressed via a condition requiring the retention of the existing planting on the boundaries of the site would address this issue. As the applicant has stated that they are willing to enhance the landscaping on the southern and western boundaries, it is considered that supplementary landscaping could be secured at the reserved matters stage. This additional planting would provide biodiversity enhancements on the site. Measures to protect the trees to be retained during the course of the development can be secured by condition, as can details of additional hard and soft landscaping.

Ecology

49. An ecological survey has been submitted with the application, assessing the impact of the development on protected habitats and species. The survey concluded that the site is of relatively low biodiversity value in terms of the habitats and plant species present, but that the site is of some value in terms of an environment for nesting birds and foraging bats. The initial survey recommended as essential the completion of a reptile survey given the grassland nature of the site. This survey has been provided, has concluded that no reptiles or amphibians were found to be present on site and as such, the Ecology Officer has withdrawn his objection to the proposal.
50. It is considered that the further survey work relating to bats and breeding birds should be undertaken, as recommended in the initial ecological survey. These details can be secured by condition on the outline planning permission decision notice.

Other Matters

51. In August 2015, the 28 November 2014 amendment to the PPG in relation to seeking 'tariff based' and affordable housing on schemes of less than 10 dwellings or below 1000 square metres floor area was quashed in the High Court. This ruling ensuring a return to a position where contributions can be sought where they are necessary to make the development acceptable in planning terms (in line with the CIL regulations).
52. The South Cambridgeshire District Council Recreation and Open Space Study (2013) identifies a shortfall in play space and informal open space in Dry Drayton against the recommended standards. However, the Parish Council have not been able to identify specific projects to which funding could be attributed, due to the lack of public open space within their control. In accordance with the CIL regulations, it falls for the Planning Authority to establish whether the provision of public open space is necessary to make the development acceptable in planning terms.
53. The smallest plot on the site in the indicative layout would have private open space of approximately 150 square metres (far in excess of the 80 square metres recommended in the District Design Guide for rural settings). As a result, it is considered that the development would provide sufficient private open space to ensure that the anticipated population increase (approximately 17 people in the mix currently proposed) in a development of such low density would not result in demonstrable harm without the provision of a contribution towards off site open space. As such, the section 106 agreement would not include a contribution towards open space provision as this is considered not to be necessary to meet the tests of sustainable development as set out in the NPPF.
54. Concerns have been raised with regard to surface water drainage of the site should the development be permitted. The site is considered not to be in an area at a high risk of flooding (falls within flood zone 1) and the Environment Agency has raised no objections to the proposal, subject to a condition requiring provision to be made for

soakaways on the site. Given the extent of open space available within the proposed development, it is considered that soakaways could be easily accommodated and as such this condition could be applied at the reserved matters stage.

55. Objectors have also referred to the planning history, which includes a number of refusals for residential development, two of which were the subject of appeals, both of which were dismissed. All of these decisions were made prior to the Waterbeach decisions which established that the Council cannot demonstrate a 5 year housing land supply. The lack of sufficient housing land represents a material change in circumstances since those decisions as this situation ensures that the housing policies in the LDF are out of date and therefore proposals must be considered against the NPPF definition of sustainable development. As such, the previous decisions, including appeals, are considered to carry minimal weight in the determination of this planning application.
56. A condition requiring control of noise during construction has been recommended by the EHO and would help to overcome objectors concerns in relation to disturbance during the construction process, as would a condition relating to the management of construction traffic and the storage of materials. No other concerns have been raised by Environmental Health and it is considered that the potential archaeological significance of the site can be fully assessed and any impact mitigated through the completion of a scheme of investigation, which can be secured by condition.
57. The temporary nature of the construction phase of the development ensures that this would not be a reasonable ground on which to refuse planning permission.
58. In relation to the concern about future development of the surrounding land and the setting of precedent, all planning applications have to be assessed on their own merits. As such, future development of the surrounding land or other sites within or outside the village framework would need to be assessed against the definition of sustainable development as set out in the NPPF, as this report has done in relation to this specific proposal. It should be noted that the land to the north and west is located within the Green Belt and so in any case, expansion into that land would represent a materially different set of policy circumstances to this scheme, which is a proposal on land that is not within the Green Belt.
59. Concerns have been raised regarding the number of facilities in the village, pointing to the limited provision of shops, bus services and the lack of a secondary school. As a Group Village, Dry Drayton is considered to be less sustainable than the main population centres within the District but policy ST/6 considers development of up to 8 dwellings to be a suitable scale of development in these locations. Whilst that policy is out of date due to the lack of housing land supply in the District and the site is not within the village framework, it is immediately adjacent to the boundary and would form a relatively small extension to a residential development that is within the framework. Therefore, both in physical relation to the existing built environment and the anticipated population increase, it is considered that the status of Dry Drayton within the settlement hierarchy ensures that the development does achieve the definition of sustainable development as set out in the NPPF.

Conclusion

60. Having taken all of the relevant material planning considerations into account, it is considered that the proposal accords with the NPPF and the policies within the LDF which are still considered to be up to date. Subject to conditions, the scheme would not have an adverse impact on ecology, highway safety, archaeology or environmental health. The revised proposal is therefore considered to accord with

local and national planning policy. Any adverse impact would not significantly or demonstrably outweigh the benefits of the proposal. Accordingly the development is recommended for approval.

Recommendation

61. Officers recommend that the Committee approves the proposal, subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

(a) Provision for affordable housing

Conditions

- (a) Application for reserved matters to be submitted
- (b) Time limit for submission of reserved matters
- (c) Time limit to implement following approval of all reserved matters
- (d) Outline permission granted in accordance with the approved plans
- (e) Ecology reports (bats and breeding birds) to be submitted and approved mitigation strategy implemented prior to commencement of development
- (f) Tree protection measures
- (g) Scheme of archaeological investigation to be submitted and approved and any mitigation to be carried out before development commences
- (h) Limit on the hours during which power operated machinery is used during construction process
- (i) Details of the management of traffic and materials during the construction process
- (i) Details of landscaping enhancement on the boundaries of the site (specifying retention of hedge and trees identified on the proposed site plan on the northern and western boundaries and enhancement of the landscaping on the southern and western boundaries)
- (j) Surface water drainage details
- (k) Foul water drainage
- (l) Specification of housing mix

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- S/1497/15/OL

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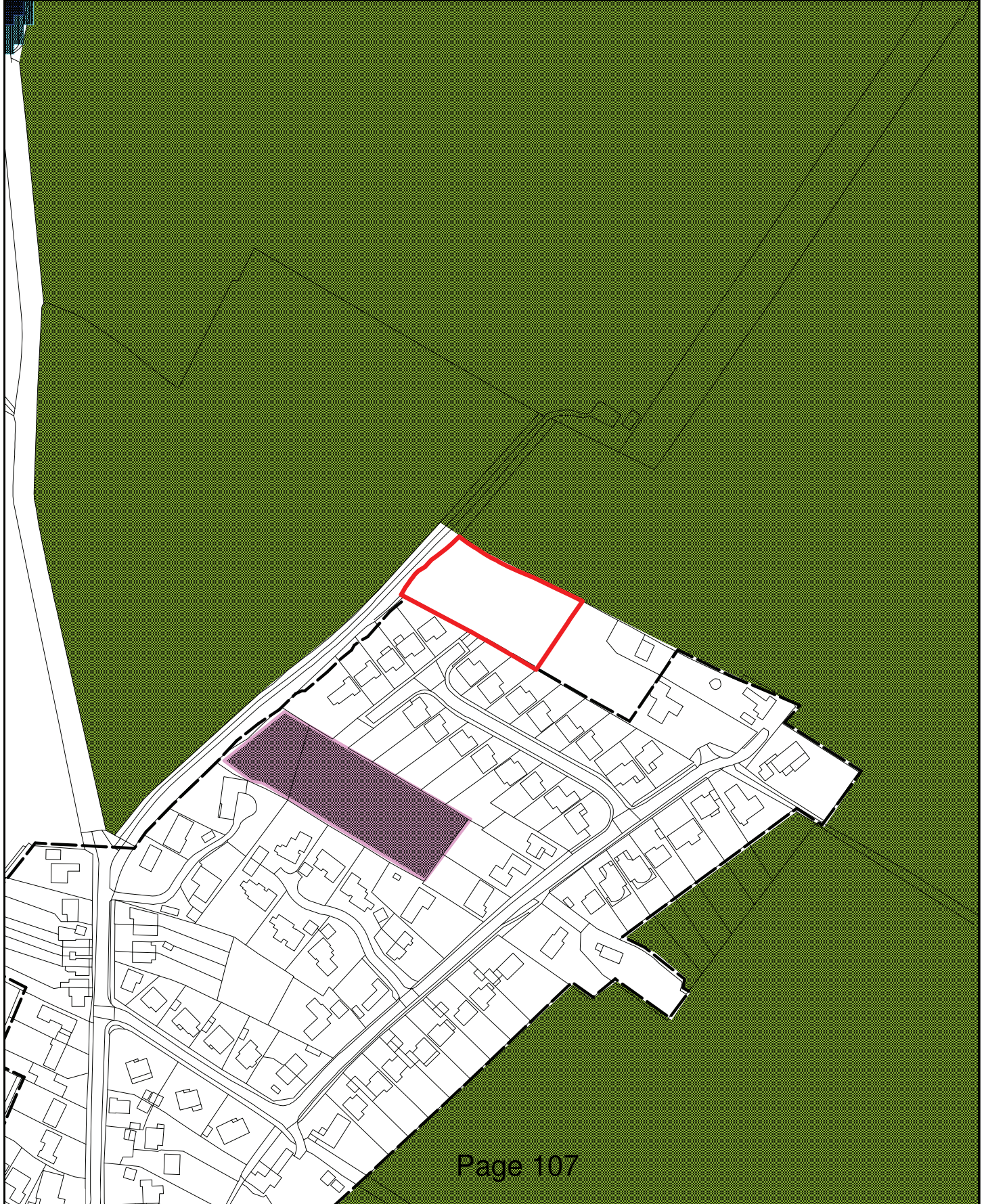
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Agenda Item 9

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/1527/15/FL

Parish(es): Guilden Morden

Proposal: Change of Use from A4 (Drinking Establishment) to C3 (Single Residential Dwelling House)

Site address: 30 High Street, Guilden Morden

Applicant(s): Ms Beverly England (Florin Interiors Ltd)

Recommendation: Approval

Key material considerations: Principle of development, Impact to Listed Building and Conservation Area, Parking, Contributions

Committee Site Visit: 3 November 2015

Departure Application: No

Presenting Officer: Rebecca Ward, Senior Planning Officer

Application brought to Committee because: The officer recommendation conflicts with that of the parish council and because the application has received significant local interest.

Date by which decision due: 6 November 2015

Relevant Planning History

1. S/2040/14/LB and S/2042/14/FL (2014) - Change of use from pub to residential dwelling (including replacement extension) – Withdrawn

S/0177/08/LB and S/0178/08/F (2008) – Smoking Shelter, Patio Area, Gate and Lanterns – Approved

S/0654/86/F (1986) – Extension – Approved

SC/0113/71/D (1971)– Dining Room and Toilet Facilities – Approved

SC/0465/65 (1965) – Siting for Three Caravans – Approved

Planning Policies

2. *National Planning Policy Framework
Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted
January 2007*

ST/6 Group Village

4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Village Frameworks
CH/3 Listed Buildings
CH/5 Conservation Areas
HG/1 Housing Density
SF/1 Protection of Village Services and Facilities
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide SPD – adopted March 2010
Open Space in New Developments SPD – adopted January 2009
Landscape in New Developments - adopted March 2010

- 6 *Draft Local Plan*

CC/4 Sustainable Design and Construction
H/7 Housing Density
H/8 Housing Mix
H/11 Residential Space Standards
HQ/1 Design Principles
NH/14 Heritage Assets
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/10 Group Villages
SC/3 Protection of Village Services and Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel

Consultation

7. **Guilden Morden Parish Council** – Recommends Refusal for the following reasons :
 - There has not been concerted effort to market the pub for 12 months
 - The application doesn't appear to fully appreciate and accept the situation
 - Loss of amenity
 - Green Area to disappear
 - Historic pub – Grade 2 Listed
 - Lack of viable alternative

8. Following the Council commissioning and publishing a viability report the parish council were invited to make additional comments. A copy of this letter is attached in Appendix 2. However, in summary the following points were raised:
- Perception to the PC that the report is not truly independent
 - The report is too narrow and only considered a local wet trade business model
 - Food-led-model should be considered
 - Report does not focus on pubs in the area which are being re-furnished.
 - The Three Tuns is protected as a 'Asset of Community Value'
9. **Conservation Officer (SCDC)** – The building has suffered a period of lack of maintenance and it is important that the building is used, which not only occupies it but provides the incentive to carry out regular maintenance to help preserve and enhance the building.
10. The existing layout of the building could be converted to a residential use. As the first floor has already been used as a flat, the required services for a bathroom are already in place. The removal of the bar will not impact the character or fabric of the building.
11. It is noted that a listed building application was not submitted in relation to this application. Repairs to the fabric can be carried out to the building. It is recommended that the owner/agent should contact the consultancy team prior to carrying out any works to the building and advice can be given on if certain work requires Listed Building Consent and the appropriateness of the work.
12. **Expert Witness - Tony Wheeler (Fleurets - Chartered Surveyor)** – An expert witness report has been undertaken by Tony Wheeler who was instructed on behalf of South Cambridgeshire District Council to provide an opinion as to whether the Three Tuns would be considered by operators in the market to represent a viable business proposition for the use as a Public House. A full copy of this report can be found on the Council's website.
13. The report concludes that there are a number of factors why, in Mr Wheeler's experience, that lead him to conclude that the Three Tuns would not be considered by operators in the market to represent a viable business proposition as a public house. These are summarised as follows:
- Volume throughput data information provided for the Three Tuns demonstrates a history of low business performance since 2008.
 - After allowance for finance costs the business is not capable of returning a profit.
 - The availability of finance in the market for a business of this nature is extremely thin. It would be viewed as a high risk and highly unlikely a purchaser could raise funding without offering alternative security.
 - The property is not capable of sustaining a level of net profit sufficient to provide an owner with an adequate return to reflect efforts, labour, risk and capital investment required to purchase the property, restore it to a proper state of repair and to re-open and re-establish the business.
 - Competition in the neighbouring area is strong and in relation to local custom from Guilden Morden, direct competition is provided by another village pub.
14. **CAMRA (Campaign For Real Ale)** – No specific representations received. However, officers have considered the matters advocated in the CAMRA Public House Viability Test.

Representations

15. Roughly 5 representations were received from residents of Guilden Morden **in favour** of the application. In summary the following comments were made:
- Pubs are not considered to be an asset to the village community
 - Village of this size cannot sustain two pubs and both be viable
 - High quality gastro pubs can be found in neighbouring villages
 - Support the re-generation of the property
 - The Three Tuns was not supported well enough by the local community
 - The village needs to continue to support the existing facilities of the Edward VII and the village shop
 - Speculations from other residents that there is local interest to buy the pub are not sustained as no one has come forward
16. Roughly 80 representations were received from residents of Guilden Morden, The Three Tuns Action Group and surrounding villages, **objecting** to the application. In summary the following comments were made:
- Loss of valuable social amenity
 - Lack of service within village
 - Local interest in buying the pub to better advantage the community
 - Loss of Asset of Community Value
 - Cliental of the Edward VI is different (TV, Pool and Darts facilities)
 - Caters for a different customer
 - Traditional pub character
 - Family orientated pub
 - Attracted people to the village
 - Mismanaged by previous brewer
 - No attempts to retain facility through community enterprise
 - Provided a place to eat in the village
 - New housing likely to come to the village
 - No attempts have been made to re-open the pub since it was sold
 - Residents having to drive to alternative villages to use facilities
 - Licenced as a beer house since 1855
 - Economy is stronger than it was before
 - Objections raised by Edward VI landlord are not valid
 - No 12 month marketing exercise has been undertaken
 - Pubs with the facilities of the Three Tuns are thriving in other villages
 - No pubs are up for sale within 30 miles
 - Public transport finishes at 4pm and only runs Monday to Friday.
 - No work had been undertaken to the property since 1990s. As a result it started to look very shabby and uninviting towards its closure.
 - Three Tuns is 0.4 miles from the Edward VII
 - Roads are not lit between other villages. Walking at night or in the winter to other venues is not an option.
 - Reasonable walking distance from Steeple Morden
 - Re-opening of the pub would encourage visitors back into the village
 - Hub for many sports, church and hobby clubs

Site and Proposal

17. The proposal is primarily to convert The Three Tuns Pub, which is a Grade II Listed

building that lies within the village of Guilden Morden to form a self contained residential dwelling. The site also lies within the Guilden Morden Conservation Area.

18. The Three Tuns was in use as a public house with ancillary residential accommodation at first floor for some considerable amount of time before its acquisition by the applicant. The public house was re-designated as an Asset of Community Value (ACV) on 28 January 2015 and it still retains this status.
19. The application seeks planning permission solely for the change of use. Any internal works to the building following a decision might require a Listed Building Consent.
20. Guilden Morden is designated as a 'Group Village' in the Core Strategy and has a population of roughly 1,010 people (taken from the South Cambridgeshire Services and Facilities study 2012). Services/Facilities in the village include the following: Edward VII (Public House), Village Store, Primary School and Village Hall.

Planning Appraisal

21. The Development Plan comprises the Core Strategy Development Plan Document (adopted January 2007) and Development Control Policies Development Plan (adopted January 2007). The Council is in the process of replacing both of these policy documents with the new Local Plan. The public consultation on the Proposed Submission Local Plan has ended and the Local Plan is currently subject to examination by the Secretary of State.
22. Policy SF/1 of the adopted Development Control Policies DPD seeks to protect village services, including Public Houses, where this would cause an unacceptable reduction in the level of community or service provision in the locality, and advises the following matters will be considered in determining the significance of the loss;
 - Established use of the premises and its existing and potential contribution to the social amenity of the local population;
 - The presence of other village services and facilities which provide an alternative with convenient access by good local public transport services or by cycling or walking and
 - The future economic viability of the use including, in appropriate cases, financial information and the results of any efforts to market the premises or a minimum of 12 months at a realistic price
23. Emerging Local policy SC/3 Protections of Village Services and facilities proposes to retain this policy position.
24. Nationally the NPPF set out the Government's planning policies and how these are expected to be applied. Section 8 relates to 'Promoting healthy communities, where paragraph 70 advises planning decisions should 'Plan positively for the provision of community facilities such as public houses' and 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
25. When considering if the principle of development is acceptable the following questions should be addressed;

1. Whether the change of use of this building to a dwelling would result in the loss of a village service
2. Whether this loss results in an unacceptable reduction in the level of community provision in the locality.

The established use of the premises and its potential contribution

26. Prior to the applicants purchasing the site, the Public House continuously traded for at least 40 years as evidenced in the representations received from local residents. For some 26 years up to March 2003, the Three Tuns was operated by the same tenant and was a Greene King Pub. A new tenant starting trading in 2006 and continued to operate the business until its closure in 2013 (in accordance with their tenancy agreement).
27. Following the purchase of the property by the applicant the doors have remained closed as a Public House. The Licensing Department at South Cambridgeshire District Council confirmed that the premises licence was surrendered on the 13 August 2013.
28. The applicant has renovated one of the down stairs rooms for use as an office space to run their business 'Florin Interiors Ltd'.
29. Given the period of time a Public House has not been trading from this site and its comparative recent closure, the intervening 'use' of one room as an office has not led to any material change of use and the change of use of the site to a residential dwelling would not result in a permanent loss of a village service (Public House).
30. As well as selling food and wet goods, representations received from the local community indicate that the Three Tuns previously held charity events and provided a meeting place for a number of local community groups. Some of which now gather in the Edward VII (another trading pub in the village).
31. Its status was supported by the designation (28 January 2015) of the site as an Asset of Community Value for the reason that 'The principal use of this asset will currently further the social wellbeing, or cultural, recreational or sporting interests of the local community and it is realistic to believe this will continue'. For the avoidance of doubt, this was a re-nomination of the asset after it was first removed from the list on 16 September 2013.
32. Representations from the local community identify the Three Tuns as being a 'social hub', 'place of historic ambience and atmosphere', 'family friendly', 'appealing to different social needs'. However, to the contrary other representations ear marked the pub as 'lacking atmosphere', 'acoustically noisy dining area', 'dull' and for the majority of the time there were 'limited people dining'.
33. Notwithstanding the above and subject to appropriate financial investment, it is considered it has the the potential for it to be returned to use as a public house and therefore an additional place for local residents to socialise. However, in determining the significance of this loss it is necessary to consider the matters identified in policy SF/1. These points are set out below.

Presence of other village services and facilities

34. There are a number of public houses within a three mile radius of the Three Tuns of which any future operator would be in competition with. These pubs include:
- Edward VII (2 Foxhill Road), Guilden Morden (0.5 miles)
 - Waggon and Horses, Steeple Morden (1.7 miles)
 - Pig and Abbot, Abington Pigotts (4.3miles)
 - Crown, Litlington (3.2miles)
 - Chequers, Wrestlinworth (3.2miles)
 - March Hare, Dunton (5.1miles)
35. The residents of Guilden Morden would continue to have direct access to another Public House in the village. The Edward VII Public House lies to the east side of Fox Hill, opposite the junction to Church Street. It comprises the two storey public house (with residential accommodation at first floor) and an attached is the single storey village shop (which is under the same ownership as the pub). To the north is the Village Hall, parking area and the entrance to the recreation land which is at the rear of the site.
36. The Edward VII provides two small bar areas and a games room for darts and pool. It has a small trade garden and currently only trade wet sales are provided. The pub is open Monday to Thursday 18:00 to 23:00, Friday 14:00 to 23:30, Saturday 12:00 to 23:30 and Sunday 12:00 to 22:30. By virtue of its central location residents of the village can access the Edward VII pub safely (lit public footways) by means of walking or cycling.
37. A letter, which was included in the application from Mr K Saban (owner/occupier of the Edward VII), states that they have recently revamped the pub inside and fully decorated the outside, introduced new beers and the pub is getting a listing in the good beer guide. The 'Wheels for Martins Friends' village charity held an annual event at the pub and made a record profit. Reference has also been made to the local darts team meeting at the pub on a weekly basis and live entertainment. From the evidence submitted it is reasonable to say that many of the events/groups that once were held in the Three Tuns are now held at the Edward VII.
38. Notwithstanding this, officers are mindful that the Edward VII does not currently have a restaurant serving food to customers. Due to the constrained nature of the site it is not reasonable to say there would be potential to serve food from the premises unless the footprint of the village store is reduce and/or land is acquired for a potential extension. As such, local residents would need to go to neighbouring villages for access to this particular facility. The reports submitted by Pinders, on behalf of the applicant, and local representations identify a number of gastro pubs/restaurants in the locality which offer this service.
39. It is clear from the number of representations received that having a restaurant in the village is desirable to some members of the community. However, in planning terms a restaurant does not solely represent a facility that will further the social well-being of the village. As such, officers cannot give substantial weight to this argument.
40. It is clear that local residents would not reasonably be able to access other pubs with a restaurant facility by bike or walking as the roads between the villages offer no separate footway or lighting, especially after dark and in bad weather. However, with those that have access to a car, most of these destinations would be within a convenient reach.
41. Whilst public transport on this side of the district is limited, officers consider the proximity to the existing services is reasonable given the areas rural locality. As such

officers consider there would still be a choice of services and facilities available to local residents if the proposed development is approved. As such officers consider there would not be any conflict with policy SF/1 2(b).

Future economic viability of the use

42.

The applicants planning statement makes it clear that they are of the view the business is not viable due to its current state of repair and costs of bring back into a suitable use; competition with other facilities in the locality; and the size of Guilden Morden's population. This conclusion has been reached by viability assessments that have been undertaken by relevant professional companies, which include Pinders and Croyland Building Surveyors. These documents can be found on the public file/website. The conclusion was then underpinned by a report from Savills clarifying that a future pub use would be deemed unviable to current market forces.

43.

Officers have instructed (Tony Wheeler of) Fleurets to provide an independent opinion as to whether the Three Tuns would be considered by operators in the market to represent a viable business proposition for use as a public house. Mr Wheeler has previously given advice to the Council on the viability of public houses, the most recent being The Plough at Shepreth and as such has a good knowledge of the market forces in this particular district. A full report of comments and recommendations by Mr Wheeler can be found on the Council's website, the conclusions of which have been detailed in paragraph 14 of this committee report. The estimations and calculations by Mr Wheeler have been made on an assumption future operators would run on a free-tie basis.

44.

Fleurets were previously involved in the sale and marketing of the Three Tuns when it was under the ownership of the Greene King. For the avoidance of doubt, Fleurets have confirmed that they have had no involvement with the current applicant and as such they assert there is no conflict of interest.

45.

In terms of the trading history, between 2008/2009 and 2011/12 the operating profit of the Three Tuns significant plummeted. Reasons for this are widely understood to be effects of the smoking ban impacting the turnover of wet led public houses. Normally under these circumstances, Mr Wheeler explains that food led custom is looked upon to generate more income to counter balance loss. However due to the restricted kitchen and dining facilities at the Three Tuns the food potential is limited.

46.

The report has had special regard to considering its viability in terms of the existing layout of the building and the potential with an extended kitchen. However, it is important to note that any extension to a listed building would require planning permission and as such officers would need to pay special attention to preserving the the Listed Building or its setting or any features of special architectural or historic interest which it possesses and also have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

47.

Officers have had regard to the following factors in term of viability which is broadly in accordance with the CAMRA viability model.

Repair and refurbishment

48.

The building in question has suffered from neglect in the past and as such considerable level of expenditure is required to restore the property to a proper state

of repair and decoration to meet commercial requirements. Future purchasers will also be mindful that the property is a Grade II Listed Building and as such all works will need to be undertaken with due care and attention to no harm the historic fabric of the building.

49. The report undertaken by Croydons Building Surveyors and Fleurets identifies that a total estimated cost of £110,500 (without any major work to the kitchen facility or extension) as being the amount a contemplating purchaser of the property would need to budget for these works. Officers have no reason to dispute the recommendations of these technical reports.
50. Whilst officers are minded that the responsibility should be with the owner/occupier of the premises to undertake general maintenance and upkeep of the property, it is not the reasonable for the owner to upgrade/extend the building if market forces are not generating enough profit/custom to enable them to do so at the time. Notwithstanding this, Mr Wheeler has had regard to the circumstance that an operator would consider modifying the facilities and expanding the kitchen for a food-led public house.

Management

51. Mr Wheeler summaries that poor management can lead to the deterioration of a business to the point it becomes unviable. As mentioned above, Greene King operated the pub for roughly 26 years with the most recent tenant being in the pub from 2006 to 2013. The tenant has not made any comments on this aspect as part of the consultation process for the current application. Nor have any representations been submitted by members of the public that give officers any reason to doubt that the business was not properly managed during this time.
52. Given the lack of evidence to suggest that the business failed due to poor management, officers can give limited weight to this argument.
53. In terms of the flexibility of the site, the property is a Grade II Listed Building and as such whilst extensions to the premises might be acceptable there will be a limitation to internal alterations that might affect the historic fabric of the building.

Competition

54. Officers are minded that there are a number of other public houses trading in the locality. The nearest being the Edward VII. Comments from local residents, the Pinders report and Mr Wheeler identifies the location of these pubs and their proximity to The Three Tuns.
55. In accordance with 2011 census data the total population of 9 parishes (in a three miles radius of the site) is 6,730 people. Including the subject property this equates to one pub every 673 members of the population. Mr Wheeler explains in paragraph 4.3.8 that this is almost twice the national average of one pub for every 1,316 members of the population. Including the subject property the village of Guilden Morden having one pub for every 493 members of the population.
56. Any future operator of the market considering taking on the Three Tuns Public House would be mindful of the relatively remote location and the proximity to existing facilities that already serve the community.

Finance

57. A technical account of future viability of the property has been undertaken by Mr Wheeler on pages 16-17 of the report. The report comments on two different formats the pub in its existing layout and the pub with an extension to the kitchen. Paragraph 6.1.2 states that an owner/operator of a public house must be able to expect a reasonable return on the effort labour and risk that they invest in operating a business.
58. For the reasons demonstrated in the report Mr Wheeler, based on his technical opinion believes that it is highly unlikely that the premises could revert to a public house and be a viable business to a future occupier.
59. However, in contrast the The Three Tuns Action Group and Parish Council raise the possibility that the Three Tuns may be capable of operation as a lifestyle choice by a special purchaser with access to alternative sources of income or able to gain benefits from operating the pub with other business interests.
60. Additionally local residents have highlighted the fact that there continues to be interest from local buyers to re-establish its use as a public house. Notwithstanding these comments, during the course of the application (from publicity on the 9 July 2015 to the date of writing this report) no potential buyer has come forward to back up these speculations. As such, officers can only give limited weight in this regard.
61. Officers are of the opinion that the financial return should be adequate to provide an owner or operator with appropriate remuneration, with funding to cover loan interest and capital repayments for site purchase and essential investment.
62. The report set out by Pinders and the study by Mr Wheeler have looked into the costs and essential investment that would be involved for the pub to re-open in its existing format. The reports demonstrate that the sensitive analysis of the market coupled with the investment into the property would equate to a net annual loss to any future operator. The same conclusion has also been reached in the event an operator was to accept a zero return on capital.
63. Notwithstanding this, Mr Wheeler has also considered the viability based on an extension to the kitchen to expand the business. The efforts of the viability assessment conclude that the projected profit coupled with the restoration costs would still produce a net annual loss to an operator despite the pub expanding.
64. While the pub is listed as an Asset of Community Value, the submitted technical reports demonstrate that the site does not have a realistic potential to be run as a Public House by virtue of its close competition to other facilities, the need to restore it back to meet a suitable standard and it being an unviable business opportunity.

Marketing

65. Policy SF/1 also requires that consideration be given to the results of any efforts to market the premises for a minimum of 12 months at a realistic price.
66. Greene King placed the property on the open market in January 2013 following its closure. In March 2013 the property was listed as an Asset of Community Value. This led to the application of an interim period, which postponed active marketing of the property to provide community groups with an opportunity to put forward an offer to purchase the property for use as a public house. During the 6-month period no such offer was received from a community group.

67. Following this interim period interest was received from other parties interested for various other uses. This then led to the purchase by the applicant of this application. Since this time no other marketing efforts have been undertaken.
68. Officers are mindful that several factors might subdue demand for future operators including the following; Grade II listed Building, extensive restoration costs, cost of up-keep to an older property, limited ability to alter internal layout and competition with other services in the area. Whilst it has not been demonstrated, officers consider that other prospective business including shops/office based companies are also likely to be deterred by these factors.
69. Previous attempts at marketing the unit have been made in accordance with its ACV status. This demonstrates that for a period of time, efforts have been made to identify interest in the premises. When taken together with the findings in relation to viability, officers do not consider it appropriate in this case, for the applicant to demonstrate any further attempts to market the premises for a further 12 month period. As such, officers consider the scheme would accord with policy SF/1 2(c) of the Local Development Framework.

Impact to Listed Building and Conservation Area

70. The Council's Listed Building Officer has made comments on the proposed scheme. These are detailed earlier in this report. In principle no objections are raised. However, the applicant is encouraged to discuss any future internal alterations with the Council before undertaking works to establish if Listed Building Consent is required. As there are no internal and external alterations proposed at this stage officers consider the proposal would preserve the character and appearance of the conservation area and the Listed Building in accordance with policies CH/3 and CH/5 of the Local Development Framework.

Contributions

71. Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.
72. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.
73. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance "When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy". The pooling is counted from 6 April 2010.

74. More than five planning obligations have been entered into for developments in the village of Guiden Morden since that date. As such, officers are minded that the Council cannot enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11.
75. No specific projects for indoor community facilities have been identified by the Parish Council that are directly related to the development; fairly and reasonably related in scale and kind to the development; or necessary to make the development acceptable in planning terms (as per the requirements on paragraph 204 of the NPPF). As such, no request for such contributions should be sought in the event the application was to be approved.

Other Matters

76. The Three Tuns Action Group and the Parish Council have questioned the validity of the viability report undertaken by Tony Wheeler of Fleurets. For clarification Mr Wheeler clarified the points raised. Officers have no reason to believe there is any conflict of interest.
77. The proposal would make an efficient use of the property by adding to the local stock of housing and contribute to the local economy as future occupiers would be likely to use local services and facilities. These matters weigh in support of the applicant's case.
78. All other aspects of the scheme including garden amenity area and proposed car parking provision are considered to be acceptable.
79. The recent appeal decision at The Pear Tree Inn (Hildersham) supported the Council's decision to refuse planning permission to convert a pub/shop to a residential dwelling. Officers have had due regard to this decision in the consideration of this case. The circumstances in Hildersham are somewhat different from Guilden Morden, in that Hildersham only has a single public house and no other provision for informal social facilities in the village. As such the inspector concluded that the loss of the Pear Tree Inn as a potential (the only?) contributor to the social amenity of the village was unacceptable. In addition, the building did not require substantial repair works or investment, nor was there a competing business in the village.
80. For these reasons, officers consider that the circumstances are materially different and that only limited weight can be given to that decision.

Conclusion

81. The submitted representations and the status of the Three Tuns as an Asset of Community Value are a testimony to the strength of local feeling regarding its retention as a public house. Officers have not dismissed this lightly and recognise the value that public houses can provide to the social cohesiveness of a local community.
82. Nonetheless, it is the view of officers that the proposed conversion from a Public House to a self-contained dwelling would not cause an unacceptable reduction in the level of community provision in the locality. Alternative services can be found within the village centre, namely the Edward VII PH and associated village store and the village hall. All of these are easily and safely accessible to the community.
83. Whilst the Edward VII is a relatively small village pub at present it does have the

capacity to draw in new custom and expand its service base to suit market forces. This process was utilised when the village store was opened in a new extension to the side of the premises. While some villages do have public houses that provide alternatives in the type of custom they draw upon, this should not be seen as an essential pre-requisite. Ultimately it is for the local community to promote and support the services that are available. The operator of the Edward VII has already expanded his clientele base since the closure of the Three Tuns and there is no reason in principle why the pub should not continue to provide ample opportunity for local residents to socialise.

84. The viability studies demonstrate that the Three Tuns, as it stands, would not be considered by operators in the current market to represent a viable business proposition. For this reason, officers do not consider it an appropriate case for the applicant to demonstrate a 12 month marketing exercise following the previous efforts in 2013.
85. Taking all these considerations in account, officers advise, albeit somewhat reluctantly given the recognised importance of any pub to the local community, that the planning committee approves the application as it would accord with the objectives of adopted policy SF/1 of the Local Development Framework and the general objectives of the NPPF.

Recommendation

82. Officers recommend that the Committee approve the application, subject to:

Conditions

83. (a) Time Limit (3 years) (SC1)
(b) Drawing Numbers (SC95)

Informatives

84. (a) Any internal works that affect the historic fabric of the building might require listed building consent.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/1527/15/FL

Report Author:

Rebecca Ward
Telephone Number:

Senior Planning Officer
01954 713236

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GUILDEN MORDEN PARISH COUNCIL

(South Cambridgeshire District)

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CLERK: Mrs LG Stoehr
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Tel: 01954 210241
Fax: 0870 7052759E-mail: guildenmordenpc@lgs-services.co.ukRebecca Ward
South Cambridgeshire District Council
Cambourne Business Park
Cambourne
Cambs
CB23 6EA

23 September 2015

Dear Ms Ward

Re: S/1527/15/FL – 30 High Street, Guilden Morden

The Parish Council notes that the above application is for info only however, the Council would like to offer the following comments.

At point 1.2.5 Mr Wheeler states that he has met with Beverley England and he refers to subsequent emails given to him by her. The perception of the Parish Council is that the report is not truly independent. Mr Wheeler claims that he gives his evidence impartially and objectively however, has not consulted known parties who are interested in operating a hospitality business on the site - including those who bid, for the property. These can be expected to be a commercially viable model which should have been considered in the assessment.

The focus of the report is too narrow in considering only a locals wet trade business model. A country food-led model is one that is proven locally and has a completely different scale of opportunity, customer based and competitor landscape

The report does not seem to adequately consider the contribution of the accommodation to the revenue or benefits package for a pub manager.

Point 3.10 The Three Tuns is no more remote than the 'John O-Gaunt' at Sutton, 'The Pig and Abbot' Abington Pigotts and 'The Fox and Duck' at Therfield, which are thriving.

In point 4.3.3 Mr Wheeler refers to local competition but does not refer to pubs locally that have recently been, or are currently being, refurbished – which points to optimism in the market – for example 'The Queen Adelaide' at Croydon, 'Jollie Postie' at Royston 'The Jester' at Odsey and the 'John O'Gaunt' at Sutton; all of which lie outside of the very tight, arbitrary, 3 mile radius.

The report should include Tables in section 6.1.1 to account for circumstances where a purchaser does not need a mortgage, or only requires a small amount of mortgage (e.g. 10% and 25%), to purchase the premises.

Point 7.1 refers to the lack of investment by the brewery over the past 25 years. This should be taken as a positive statement that the Pub was able continue trading in spite of this and not a criticism of low business performance.

The Parish Council wishes to remind the District Council that the Three Tuns is protected as an assets of community value

The Parish Council strongly recommends that this planning application is refused.

Yours sincerely



Mrs Gail Stoehr
Clerk

TJW/rw
E-Mail: tony.wheeler@fleurets.com

21st October 2015

Rebecca Ward
Senior Planning Officer
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Regulated by RICS

Dear Rebecca

Three Tuns, Guilden Morden, Royston, SG8 0JP

I refer to your email of 5th October and in response to the issues raised by the Three Tuns Action Group (TTAG), I confirm as follows.

1. There is no connection between myself and those acting on behalf of the applicant.
2. I have had no communication with Matthew Hare of Carter Jonas in relation to this matter, nor have I had communication with him since he was engaged by SCDC as a Planning Officer.
3. I met with Mrs England of Florin Interiors on 13th August 2015 for the sole purpose of gaining access to the Three Tuns for inspection. I did not engage in discussion with her about her company's application or Pinders' Report, save to request that she provide me with copies of the same documentation as had been made available to Pinders for the preparation of their report. I have made clear in my Report the extent of the information available to me.
4. Your email to me of 7th July 2015 stated that the applicants/agent had submitted a number of accompanying documents along with a viability assessment and requested that I provide the Council with comments/recommendations based upon the information that had been submitted. In my response I commented that when providing similar advice to the Council previously, I had done so on the basis of conducting my own assessment of viability and providing the Council with a considered expert report of my own, which incorporated comment where appropriate upon documents submitted by the applicant. This is the basis upon which I proceeded with your instructions and prepared my report.
5. TTAG raise the possibility that the Three Tuns may be capable of operation as a lifestyle choice by a special purchaser with access to alternative sources of income or able to gain benefits from operating the pub with other business interests. This is a possibility, but my report addresses the question as to whether the Three Tuns, as it stands, would be considered by operators in the market to represent a viable



proposition as a public house. I was not asked to consider viability on the basis that the business of a public house may be subsidised by operators' special financial circumstances, be it income derived from alternative sources or other business interests.

I trust the above is of assistance.

Yours sincerely



Tony Wheeler MRICS



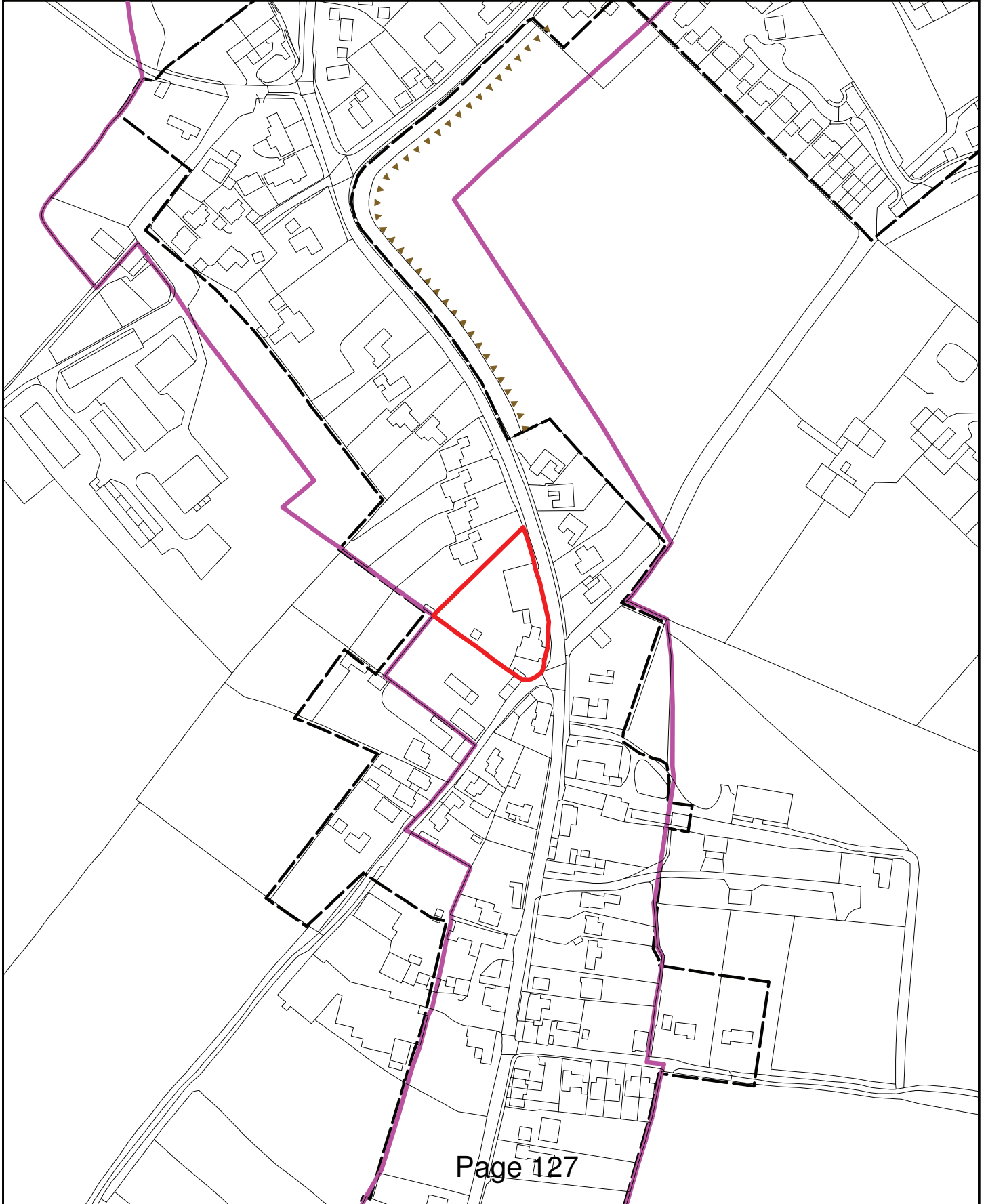
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Date of plot: 23/10/2015



**South
Cambridgeshire
District Council**

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Agenda Item 10

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

| | |
|--|---|
| Application Number: | S/1550/15/FL |
| Parish(es): | Bourn |
| Proposal: | Demolition of Existing Commercial Buildings and Erection of 16 dwellings (Including seven affordable housing dwellings) public open space, creation of new access and landscaping. |
| Site address: | Gills Hill Farm, Gills Hill, Bourn, Cambridgeshire, CB23 2TS |
| Applicant(s): | Hill Residential Limited |
| Recommendation: | Delegated Approval, subject to S106 agreement regarding footway/cycleway, onsite affordable housing, infrastructure contributions and provision and management of the Local Area for Play (LAP) |
| Key material considerations: | Principle of development, Loss of Employment Site, Impact to Character and Appearance of the Area, Impact to Listed Building, Affordable Housing Provision, Residential Amenity, Contributions |
| Committee Site Visit: | 3 November 2015 |
| Departure Application: | Yes |
| Presenting Officer: | Rebecca Ward, Senior Planning Officer |
| Application brought to Committee because: | The recommendation of officers conflicts with that of the Parish Council. |
| Date by which decision due: | 6 November 2015 |

Relevant Planning History

1. S/0581/08/F - Erection of building following demolition of existing building and change of use of site, including the new building and one existing building, to Industrial (Class B2) - Approved subject to conditions

S/2134/07/O - Ten Dwellings (including five affordable housing) – Refused for the following reasons; outside village framework, fails to provide a Local Area of Play, fails to demonstrate adequate visibility splays.

S/1257/89/F - Use as Shop - Approved

S/1759/89/O – Agricultural House - Refused

S/2409/88/0 – Agricultural House - Refused

Planning Policies

2. *National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted
January 2007*

ST/6 Group Village

4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure in New Developments

DP/7 Development Frameworks

C/2 Archaeological Sites

CH/4 Development Within the Curtilage or Setting of a Listed Building

CH/5 Conservation Areas

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

NE/1 Energy Efficiency

NE/3 Renewable Energy Technologies in New Development

NE/4 Landscape Character Areas

NE/6 Biodiversity

NE/9 Water and Drainage Infrastructure

NE/10 Foul Drainage – Alternative Drainage Systems

NE/11 Flood Risk

NE/12 Water Conservation

NE/14 Lighting Proposals

NE/15 Noise Pollution

NE/16 Emissions

SF/6 Public Art and New Development

SF/10 Outdoor Playspace, Informal Open Space and New Developments SF/11 Open

Space Standards TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

TR/3 Mitigating Travel Impact

TR/4 Travel by Non-Motorised Modes

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide SPD – Adopted 2010

Public Art SPD- Adopted 2009

Development Affecting Conservation Areas SPD – Adopted 2009

Health Impact Assessment SPD – Adopted March 2011
Affordable Housing SPD – Adopted March 2010
Open Space in new Developments SPD – Adopted 2009
Listed Buildings SPD – Adopted July 2009
Trees and Development Sites SPD – Adopted January 2009
Landscape and new development SPD – Adopted March 2010
Biodiversity SPD – Adopted July 2009

6 *Draft Local Plan*

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
S/5 Provision of new jobs and homes
S/7 Development Frameworks
S/10 Group Village
S/12 Phasing, Delivering and Monitoring
CC/1 Mitigation and adoption to climate change
CC/3 Renewable and low carbon energy in new developments CC/4 Sustainable design and construction
CC/6 Construction methods
CC/7 Water quality
CC/8 Sustainable drainage systems
CC/9 Managing flood risk
HG/1 Design principles
HG/2 Public art in new development
NH/2 Protecting and enhancing landscape character
NH/4 Biodiversity
NH/6 Green infrastructure
NH/14 Heritage assets
H/7 Housing density
H/8 Housing mix
H/9 Affordable housing
SC/8 Open space standards
SC/11 Noise pollution
SC/13 Air quality
T/1 Parking provision

Consultation

7. **Bourn Parish Council** – Bourn Parish Council wishes to lodge a formal objection to the granting of planning permission for the above-mentioned application. The Council's objections are made on the following grounds:

- The proposal is for 16 dwellings in the countryside outside of Bourn Village Framework as defined in the current Local Plan (2007) and also in the proposed Local Plan (2013). This is contrary to DP/7.
- The proposed development would remove a general industrial (B2) site from the village, resulting in loss of employment.
- The design of the proposed site appears to segregate the affordable houses away from the market dwellings.
- There is insufficient justification for residential development in the countryside to supply rural base enterprise. In fact, the development would result in the loss of rural based enterprise.

The Parish Council therefore earnestly hopes South Cambridgeshire Council will reject this application.

8. Without prejudice to our objection, we might be prepared to entertain a development which increased the number of affordable houses and decreased the number of market value houses and did not segregate the affordable dwellings from the market value dwellings.
9. Following amendments to the application on the 29 September the Parish Council unanimously recommended refusal. The Parish Council (PC) recognises the work that the developers have done in improving the plan from the previous version. However, our previous objections remain:
 - All the affordable houses are clustered closely together. The PC believes policy is to pepperpot affordable houses around the site.
 - In line with our previous objection comments on the development the PC still believe that there could be more affordable homes on the site.
 - Additionally the PC are concerned that 8 parking places for the affordable houses are insufficient – 8 bays for 7 dwellings?
10. **Local Highway Authority (LHA)** – No objections raised. The LHA confirm they will not be adopting any part of this development in its present format although the Highway Authority would generally seek to adopt this number of dwellings.
11. The LHA will seek the provision of a 1.8m-footway link to the village of Bourn from the development under a S106 agreement.
All visitors parking should be removed, as this will generally be used as over flow car parking for residents of the development.
12. The following conditions are recommended:
 - Bound materials
 - Falls and levels are such that there is no surface water run-off onto the public highway
 - Construction Management Plan
 - Informative to control debris and muck
13. **Cambridgeshire County Council Archaeology** – Raises no objection in principle but considered that a condition should be added requiring a programme of archaeological investigation to be secured prior to the commencement of development.
14. **Environment Agency** – Raises no objection subject to conditions regarding: Ground Contamination, Foul Water Drainage, Pollution Control, Surface Water Drainage
15. **Anglia Water** – No objections raised. Wastewater treatment and Foul Sewerage Network have available capacity.
16. **Cambridge County Council Flood and Water Management Team** – Awaiting comments. Update to member of the committee to be provided.
17. **Contaminated Land Officer** - The submitted Ground Investigation Report dated

March 2015 is accepted and recommends some further site investigation in accordance with the following:

1. Detailed scheme of investigation and recording of contamination and remediation objectives
2. Details of Removal, containment or otherwise rendering harmless any contamination have been submitted.
3. The works specified in the remediation method statement have been completed.
4. If during construction any contamination is found that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed.

Additional details have been submitted by the agent/applicant to prevent the need for a condition requiring the recording of contamination. Officers will update members of the committee on this aspect.

18. **Environmental Health Officer** – Following email correspondence dated 13 October 2015 between the EHO and Klargester in regards to the pumping station no objections were received. The following conditions are recommended:
 - construction noise, vibration, dust etc;
 - artificial lighting;
19. **Sustainability Officer (Huntingdon District Council)** – In accordance with information contained within the technical note and on submitted PV arrangement plan, in support of the Renewable and Low Carbon Strategy, the information provided suggests the development now meets the requirements of Local Policy.
20. **Cambridge County Council (CCC) Education and Waste** –
 - a) Early Years and Primary School– The development proposal is situated in the catchment area of Bourn and is likely to require 3.4 early years places to meet the demand arising from the proposed development. The Local Education Authority (LEA) has stated that although the local provision fills out, this includes out-of-catchment fill and therefore the demand from this development can be met locally. No contribution required.
 - b) Secondary School – This development proposal is situated in the catchment area of Comberton and is likely to require 2.2 secondary school places to meet the demands of residents. The LEA has stated that Comberton VC has sufficient space to expand capacity with existing provisions, should it need to do so as a result of this development. No contribution required.
 - c) Libraries and Lifelong – This development is likely to accommodate around 37 new residents, who will be provided for locally through access to one of three mobile library stops. This is considered sufficient provision, and can be accommodated within existing arrangements. No contribution is therefore required.
 - d) Strategic Waste – The application falls within the Cambridge and Milton HRC catchment area, however, the Council is currently reviewing how strategic waste will come forward in the Cambridge area and therefore, there is no justification at present to seek a contribution. The development will be mitigated through existing provisions. No contributions required.
 - e) Monitoring Fees – Not applicable
21. **Affordable Housing Officer** – The proposed site is outside of the village development framework and should therefore be considered as an exception site for the provision of 100% affordable housing only as set out in Policy H/10 of the new Local Plan.

22. However, should this application not be determined as an exception site, then the council will seek to secure 40% affordable housing. The developer is proposing a total of 16 dwellings, 9 market and 7 affordable. The mix proposed is a reflection of the housing needs in South Cambs, which are a greater demand for 1 and 2 bedroom dwellings. Tenure split should be 70% rented and 30% intermediate (shared ownership). Therefore, 5 of the properties should be rented and 2 shared ownership.
23. Properties should be built to HCA design and quality standards.
24. **Design Enabling Panel (DEP)** – The Panel considers this to be a low-key residential scheme, the success of which will depend upon the quality of the detailing, materials and landscaping. The Panel recommended a number that the following elements be amended or given further consideration:
- Density/layout and suggested changes
 - Amenity space provision
 - Landscaping, Materials
 - Renewable energy
25. **Urban Design Officer (comments following amendments)** – Minor alterations have been made to the site plan and individual house types to address some of the concerns raised in the previous consultation response. This includes:
- Plot 1 and 2: Active frontage with the street and new pedestrian footpath
 - Relocation of visitor parking spaces is welcomed
 - Improved brick detail
 - Private amenity space for all units
 - Information on the inclusion of renewable energy
26. Points still outstanding:
- Disparity between garden/plot sizes
 - Steep roof pitches and deep buildings
 - Materials
 - Boundary treatments
 - Hard and soft landscaping
27. **Historic Buildings Officer (comments following amendments)** – Stringcourse detail is an improvement to the terrace properties. However, hipped roof is not considered to be an improvement. A gable end would relate better to the street scene. Plots 1-7 are well set within the site with gardens running along the shared boundary with Gills Hill Farm House, therefore reducing any impact on the setting of the building.
- Concerns still lie with the following:
- The general concept of a house and farmyard buildings
 - Proximity of plot 16 to the listed building
28. **Ecology Officer (comments following amendments)** – Following the submission of additional details previous reasons for raising and holding objection have now been addressed, namely bat and great crested newt survey work.
29. Bat surveys have now been completed to an appropriate standard, surveys have been conducted throughout a range of seasons and close inspections have been undertaken of potential tree roosts. Only a low level of common pipistrelle bat activity was noted. No roosts upon the site have been identified. Further work has now been completed in order to understand the distribution of great crested newts within the

local pond network. No licences would be required.

30. The following condition should be used 'Development shall only take place in accordance with the recommendations contained in part 4.6 of the report Gills Hill Farm Protected Species Survey Report' by Applied Ecology Limited August 2015. Any variation to the implementation of recommendations shall be first agreed in writing.
31. Further details of the attenuation pond on the site shall be submitted so it can be assessed for its impact upon amphibians and in particular the GCN.
32. **Landscape Officer (comments following amendments)** – No objections with the revised layout upon the site and welcome the landscape changes undertaken by the applicant in the amended drawings. However, the attenuation pond needs to be appropriately designed and suitable for wildlife. At the base of the hill are a number of TPOs and no earth works are to be undertaken within their RPAs.
33. **Tree Officer (comments following amendments)** – No objections. The details and proposed works are acceptable subject to a landscaping condition to include boundary treatments.

Representations

34. **Owners/Occupiers of – No.31 Gills Hill**
raise objections to the application on the following planning grounds:
 - Principle objection to the change of use
 - Planning history has rejected housing on the site
 - Lack of affordable homes
 - No requirement for more homes following Cambourne and Bourn airfield development
 - Loss of employment within the village
 - Validity of viability assessment
 - Outside the Village Development Framework
 - Increased Traffic Movements
 - Incongruously in the rural setting.
 - Plot 16 overlooking – windows to remain obscured
 - Balcony to Plot 16 overlooking
 - Damage/injury from golf balls entering the new development
 - Concerns regarding damage to brick-wall on shared boundary and garage

Site and Proposal

35. The site is located to the east of Gills Hill and comprises a group of old farmyard buildings, which are currently used as general industrial units. The site is outside but adjacent to the boundaries of the village framework and conservation area of Bourn. No.31 Gills Hill Farm House is a grade II Listed Building and lies to the north of the site.
36. The application seeks planning permission for the demolition of the existing farmyard buildings and the erection of 16 residential dwellings, seven of which will be affordable units.

37. **Planning Appraisal**

The main issues to consider in this instance are the principle of the development, housing supply, countryside impact, impact to listed building, parking and highway safety and open space and indoor community infrastructure.

Principle of Development

38. The NPPF requires councils to boost significantly the supply of housing to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
39. On the 25 June 2014 two appeal decisions in Waterbeach found that the Council only had either a 3.51 or 3.9 year housing supply (each appeal was judged on its own evidence and slightly different conclusions reached). The Council's housing supply policies in adopted and emerging plans upon writing this report still remain out-of-date.
40. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to advice in the NPPF, which states that adopted policies which are "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Where this is the case, paragraph 14 of the NPPF states there is a presumption in favour of sustainable development. It goes on to say that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.
41. Officers are minded that in 2007 there was a refusal for a scheme of 10 residential units on this particular site. The main reason for refusal was that the site was outside the village framework. Since this time circumstances in regards our housing land supply have changed and for the above reasons, the Council are required to consider development on the edge of frameworks.

Location of the Site and Access to Services/Facilities

42. Bourn is classified as a Group Village in the Council's Core Strategy DPD, 2007. In terms of the hierarchy of settlements in the district Group Villages are one level below Minor Rural Centres and provide services and facilities to meet basic day-to-day needs. Exceptionally, residential schemes within the village framework of Group Villages would be permitted of up to about 15 dwellings where this would make the best use of a single brownfield site under Policy ST/6 of the Core Strategy DPD, 2007.
43. The South Cambs 2014 Services and Facilities Study for Bourn details a range of services and facilities in the village. Those still in existence include a: Primary School, GP Surgery, Village Hall, Recreation Ground, Allotments, Skate Park Mobile Library Service, Butchers, Village Store, Post Office, Dentist, Café, Car Garage, Public House and Indian Restaurant.
44. The site is located less than 500m from the village centre and is within walking or cycling distance of many of these facilities that have been detailed above. Access to employment opportunities exists in the towns of Cambridge, Comberton and Cambourne (3-9 miles distance).
45. The layout plan shows generous space allocation for Local Area of Play (LAP) on the

site.

46. Bourn does not have a train station and the nearest train stations are located in Cambridge (9 miles away) and St Neots (11 miles away). However, Bourn is served by bus services to Cambridge, Cambourne and Comberton. The bus stop is located within walking distance of the site and can be found on Short Street (0.3miles). The frequency of the service ranges but during a weekday there are regular hourly services. Officers are of the view the site is relatively well served by public transport. Footpath access is provided from the site to the centre of the village.
47. The site comprises a brownfield site and while it lies just outside the defined village framework boundary a development for 15 houses is considered to be sustainable in regards to access to services and facilities. Officers consider an additional dwelling to this provision is not unacceptable give the size of the site and its potential.

Loss of Employment Site

48. The existing site holds a range of previous agricultural units, which were converted to commercial premises under a previous planning application. The existing floor area of these buildings is roughly 17,000 sq ft. The majority of the units are empty and in depleted state of disrepair. One of the units is still in use by a locally run business, however, officers are told they will be retiring in the coming months.
49. Policy ET/6 of the Local Development Framework DPD seeks to resist the re-development of existing employment sites to non-employment uses within village frameworks unless one of the following criteria is met;
 - a. Inappropriate for any employment uses to continue having regard to market demand along with any evidence that it has been marketed for a period of not less than 12 months
 - b. The overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities and the range of available employment land and premises or
 - c. The existing use is generating environmental problems such as noise, pollution or unacceptable levels of traffic and any alternative employment use would continue to generate similar environmental problems.
50. Policy E/14 of the Emerging Local Plan seeks to retain employment sites within the village framework and on the edge of the village. The criteria is very much the same as the adopted plan but adds the following:
51. ' Redevelopment proposals which propose the loss of all employment uses will need to be accompanied by clear viability or other evidence as to why it is not possible to deliver an element of employment development as part of the scheme'.
52. The applicants/agent have stated in their Planning Statement that demand for the premises is extremely limited by virtue of their dilapidated state of repair, significant capital to bring them to a suitable standard and location of the site away from commercial centres and major roads.
53. Notwithstanding this statement, no evidence of marketing the premises for a period of 12 months has been submitted with the application; however, the applicants have commissioned Cheffins to undertake a commercial viability appraisal on the site. A copy of this report is available on the Councils website.

54. Cheffins conclude in their report (paragraph 6.4) that the buildings are not suitable to offer to the market for the re-occupation in their current condition. Whilst no further details have been submitted to demonstrate this stance, members will see when they visit the site it is clear the buildings are in a bad state of disrepair.
55. Cheffins have gone on to consider the capital investment that would be required to bring the buildings back into a suitable use for a range of industrial, warehouse and office and retail uses. A break down of the viability can be found in appendix 3 of their report. In each of the three viability appraisals proposed by Cheffins any future developer would generate a significant loss in the region of -£900,00 to - £1,200,00. These sums have taken into account building costs, site costs, construction costs, fees, contingency and sales.
56. Evidence of existing commercial premises up for let/sale within a 10 miles radius has also been submitted to demonstrate there is limited need in there are for these types of units in more remote locations. Examples of units include Bar Hill (Trafalgar Way), Elsworth, Great Gransden and St Ives.
57. Based on the conclusions of the reports and by virtue of there despair (something which is clearly evidenced on site officers consider their refurbishment would not be a viable option. As such this proposal would accord with policy ET/6 part 1g of the Local Development Framework.
58. Notwithstanding the above, the site is located away from any major road, is a considerable distance from good quality public transport modes (stations, guided bus way etc), close to existing residential properties and the adjacent golf course. The redevelopment of the site for its current authorised use i.e. general industrial purposes, when at full capacity, is likely to give rise to a significant number of traffic movements (including lorries), potential noise and odours. As such, officers consider a residential development would be more suitable to this edge of village rural setting.
59. The overall benefit to the community in providing additional homes (including affordable housing) and the redevelopment of brownfield site is considered outweigh any adverse impact on employment opportunities in the area. As such officers consider the scheme would accord with part 1b and c of the above policy.

Housing Mix

60. Adopted Policy HG/2 states that developments of less than 10 dwellings should provide a range of accommodation, including one and two bed dwellings, having regard to economic viability, the local context of the site and the need to secure a balanced community.
61. Emerging Policy H/8 states that the mix of market homes to be provided on sites of 9 or fewer homes should take into account local circumstances. Officers can give some weight to the submission of the policy as the only representations received made asked for a more flexible approach to be considered.
62. There are seven market dwellings on the site and as such the mix of market homes should take into account local circumstances. In this regard the developer has provided the following: 3x 2 bedroom units (with study room), 2x 3 bedroom units, 3x5 bedroom units. The applicants/agents have provided the following reasons for the proposed mix:
 - Chapter 14 of The Strategic Housing Market Assessment (2013) describes a range of house types that are required within the district, with limited need for one bed dwellings but then a notable requirement rising up from two bedroom

units.

- Hill Residential has developed over 35 schemes in the district and has considerable knowledge in the market trends.
- The two bedroom units with the bedrooms will provide future occupiers with the ability to work from home

63. Officers consider the market mix of dwellings is largely acceptable in accordance with our adopted and emerging local policy. This would go some way in meeting the wider housing need in the district as informed by the Strategic Housing Market Assessment.

Affordable Units

64. Adopted Policy HG/3 requires at least 40% affordable housing on new residential schemes above a certain threshold. Emerging Local Plan policy also requires 40% affordable housing on schemes of more than three dwellings.

65. As proposed seven out of the sixteen dwellings will be affordable units. These will range from 1-2 bedroom units. The proposed development is above policy threshold and the plans demonstrate the development will provide 45% affordable housing without comprising the financial viability of the scheme.

66. The Councils Affordable Housing Officer and the Parish Council have commented on whether the affordable to market dwelling ratio is increased to better meet local need and to better comply with the “exception” rule which applies outside of village frameworks. Officers agree that a greater provision of affordable units would be a more favourable and arguably a more sustainable development given that greater priority would be given to meeting local housing need.

67. Whilst no specific evidence has been submitted to demonstrate why the provision of more affordable units would not be viable, the lack of a five year land housing supply now requires the Council to consider mixed-development schemes outside of village frameworks. Thus the provision of 45% affordable housing is considered acceptable and is not inconsistent with the general approach already adopted on other outside village framework sites.

Impact on Landscape Character

68. The South Cambridgeshire Village Capacity Study (1998) and South Cambridgeshire District Design Guide (2010) describes Bourn as one of the Western Clayland villages in the district which generally consist of gently undulating land consisting of large hedge lined fields with occasional woodlands. Bourn surroundings are typically smaller pastures of land, mature groups of trees/woodlands, established hedgerows.

69. The site adjoins residential development to the northwest and further isolated properties set in larger grounds lie to the southwest. A golf course adjoins the site to the east.

70. The northern part of the site contains a number of large grain stores, agricultural buildings and associated hard standing whilst the southern part is rough grassland. A large conifer hedgerow to the road frontage encloses the site. The site is in prominent positions near the brow of Gills Hill overlooking the open countryside to the south and east.

71. The large conifer hedge to the front of the site will be removed as part of the development. However, a replacement with a more native species would continue this edge-of village character with houses set behind. The Council's Landscape Officer has welcomed this change provided it is replaced with a native species.
72. The development would be viewed alongside existing residential development on the opposite side of Gills Hill. The development would provide more of a gateway entrance to the village, keeping within the current perimeters of the existing built up form of the site. As such officers consider the proposed development would not significantly encroach upon the open countryside character beyond.
73. The applicant has provided a section drawing showing the heights of plots 1-4 and plots 8, 9 and 10 and the backdrop of buildings behind. The section drawing confirms that the proposed dwellings will respect the changes in land levels along this part of the road.
74. In accordance with the comments from the Council's Landscape Officer, it is considered the proposed development has an acceptable impact on the landscape character of the area and as such would accord with policy

Design, Scale and Siting

75. Adopted policy DP/2 states that all new development should be compatible with their location and appropriate in terms of scale, mass, form, design, siting, proportion, materials, texture and colour in relation to the surrounding area.
76. Initially the design proposal presented to officers at pre-application stage opted towards the development being centred on a new 'farmhouse' surrounded by barn style conversions. However, following comments from the Council's Listed Building Officer, the development now has a residential feel as to not detract from the setting of the adjacent Farm House.
77. On the 29 August 2015 the current scheme was presented to the Council's Design Enabling Panel. The Panel considered the scheme to be a low-key residential development, the success of which will depend upon the quality of the detailing, materials and landscaping. There were no in principle objections to the scheme, however, the panel did recommend a number of amendments to the proposal, all of which were actioned by the developer. In summary this included:
1. Plots 1 and 2 having a more active frontage with additional fenestration and brick detailing. Include separate private amenity space.
 2. Architect should consider the relationship between plot 16 and the listed building. Section drawing submitted 069-130revE with details of boundary treatment.
 3. Close proximity of the rear eastern gable end to plot 13 was a concern. Architect was asked the potential to utilise an alternative layout/footprint within the large plot. As a result of the comments the dwelling was moved a further 2-3m from the boundary and a single storey extension added to project into the garden space.
 4. Consideration of central landscaping in order to create a more cohesive space and less potential of visual separation with the affordable units (a matter of concern the Parish Council). A revised landscaping plan was submitted to incorporate the Local Area of Play with the affordable housing and market dwellings. Further details of this would be submitted via conditions in the event

the application is approved.

5. Detailing in regards to proportion of window openings, head and sill details and associated brick detailing. Consideration should also be given to the inclusion of chimneys within the affordable housing units. Plots 1-7 have been amended to include the brick detailing, which can be found elsewhere in Bourn. The dwellings have been given chimneys despite these being dummies. The roof structure has also been hipped. Whilst comments from Urban Design and Listed Building Officers do not welcome this change, it is more in keeping with the style the architects are trying to copy on a similar line of terrace properties in Bourn.
 6. Dominant gable ends can be enhanced by detailing and verge treatments. The Panel considers that there is no advantage in reducing roof pitches to simply achieve a small reduction in height.
 7. Include further details on renewable energy strategy. Additional details have been submitted in regards to the location of PV panels.
78. Whilst the Council's Urban Design Officer still has some concerns with the scheme, officers generally consider all reasonable attempts have been made following comments from the Design Enabling Panel to ensure the development is in keeping with its surroundings. To ensure the quality of the build continues officers recommend conditions are needed to ensure adequate materials and landscaping details are agreed.

Impact to the Setting of the Listed Building

79. When considering an application that is in the setting of the listed building officers are required to pay special attention to preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.
80. To the north of the development site is No.31 Gills Hill, which is a Grade II Listed Building. The dwelling now serves as a residential property, however prior to its separation many years ago; officers believed it once served the wider farmyard of Gills Hill Farm. The building is relatively tall and constructed of the Bourn brick. From the road the property is screened by trees and hedgerows and as such limited views are obtained. The most prominent public views are from the golf course to the rear of the site where its complex roof form can be appreciated.
81. Plots 1-7 sit parallel to the boundary with No.31 with garden amenity spaces separating the plots, this reduces any the visual impact to the setting of the Listed Building from Gills Hill. Plot 16 is situated roughly 16m from the main house and 3-4m off the shared boundary. The plans were amended on the 29 September to reduce the height of the garage roof so it has more graduating appearance. The rear of the dwelling, when view from the golf course, will be simple in form and officers consider it would not compete with the complex roof form of the listed building.
82. Following representations from the occupiers of No.31 the applicants/agents demonstrated their intentions to retain and preserve the historic boundary wall that separates the two sites.
83. As such, officers consider the development would preserve the setting of the Listed Building in accordance with CH/4 of the Local Development Framework.

Parking and Highway Safety

84. Adopted Policy TR/1 states that planning permission will not be granted to developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non car modes.
85. A local resident has risen traffic generation as a concern. The submitted updated Transport Statement (dated August 2015) has identified that there is sufficient capacity to support the development without compromising highway safety taking into account the site capability of being used for General Industrial Purposes. The Local Highway Authority has assessed this document and raised no objection to the principle of 16 dwellings in this location and has not requested the need for visibility splays.
86. The LHA is satisfied that the proposal will have no significant adverse effect upon the public highway subject to conditions governing: falls and levels of driveways (to prevent run-off); bound material next to access with public highway; a traffic management plan to be agreed; the provision of a footway/cycleway link of 1.8m in width to the village of Bourn from the development. All of these details can be secured by condition except for a 1.8m wide footway/cycleway from the site to the village of Bourn. This provision will be secured within the S106 agreement for the site given this involves land outside of the applicant's control.
87. Each market dwelling will have access to two or more on-site car parking spaces. The smaller units on the site will have access to the car parking area to the front of the properties. There are eight allocated spaces for the seven 1-2 bedroom units. In accordance with the Councils policy TR/2 there would be two less space in comparison to the maximum standard of the policy at 1.5 spaces per dwelling. However, by virtue of the sites location on the edge of the village, close to public transport, officers consider the maximum requirements of this policy do not need to be met in this instance. Furthermore, an additional two visitor spaces have been located on the site to cater for any overspill.

Ecology, Trees and Hedges

88. The application is supported by an ecological assessment, which does not identify any significant biodiversity constraints to development of this site. Please refer to comments from the Councils Ecology Officer.
89. Recommendations are made in the Ecology Report (dated August 2015) with respect to the proposed development to minimise short and long term adverse biodiversity impacts and to enhance the biodiversity value of the development. This includes incorporating bat boxes into external walls on the south facing elevations of the roof eave level as a biodiversity enhancement measure. This can be secured by the way of a condition.
90. The Councils Ecology Officer requires additional information on the attenuation basin to the south of the site. Officers have asked the applicant/agent to submit these details and an update will be provided to the Planning Committee at the meeting.
91. The site is bounded on two of its sides by a high conifer hedgerow. Both the Council's ecologist and landscape officer have assessed the hedge and confirmed it is of low value. Therefore the proposed removal or replacement of this hedge should not warrant the withholding of planning permission in this instance. The hedgerow to the east boundary of the site will be retained and the Councils Landscape Officer

welcomes this, as it is an established native species.

92. The submitted arboricultural report and tree survey (dated April 2015) confirms the location of existing trees on the site. The large willow tree on the northern boundary of the site will be removed; however, the Council's Tree Officer raises no objections in principle to this.

Noise

93. The council's acting environmental health manager raises no objection to the principle of the development subject to conditions to control:
- construction noise, vibration, dust etc;
 - artificial lighting;
 - an air quality assessment for any biomass boiler;
- These details can be controlled by way of condition. Subject to these conditions, the development would accord with adopted Policies DP/3, NE/14 and NE/15.

Residential Amenity

94. The proposal is located with proximity of existing residential properties to the north and west. Occupants of No.31 have raised concerns to the scheme in regards to the potential from overlooking from the dwelling on plot 16.
95. At first floor there will be one window on the northern side elevation of the dwelling, which will serve a bathroom. The plans details the window being obscure glazed. For these reasons officer consider there will be no overlooking to the amenity of No.31. To ensure there privacy is retained a condition will be placed on the decision notice to restrict any further windows on the north facing elevation and roof slopes unless previously agreed with the Local Planning Authority.
96. A balcony is located on the rear of the dwelling on plot 16. To ensure there is no overlooking, the agent/applicants have included a screen to protect amenity. This screen can be retained in perpetuity via a planning condition.
97. By virtue of the dwellings distance from the shared boundary officers consider the plots are relatively well divorced and as such the proposal would not present significant overbearing/overshadowing impacts. For the above reasons officers consider the proposed development would have an acceptable impact to residential amenity and would accord with policy DP/3 of the Local Development Framework.

Archaeology

98. The comments of CCC archaeology are acknowledged. A condition requiring a programme of archaeological investigation to be secured prior to the commencement of development is recommended.

Flood Risk and Surface Water Drainage

99. The agent/applicant has submitted details in regards to the surface water drainage scheme. A technical note was provided to the Cambridge County Council Flood and Water Management Team to consider whether in principle the strategy is acceptable. At the time of writing this report there has been no response to this aspect, however, officers will provide the Planning Committee with an update at the meeting.

100. The Environment Agency raises no objection, subject to conditions governing: groundwater and contamination issues; no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority; piling foundations; and a scheme for the provision and implementation of pollution control of the water environment. These conditions are agreed as being necessary.

Contamination

101. The comments of the Council's acting environmental health manager are noted and the site has been found suitable for residential use. Further details are to be secured by the way of a condition, which the agent has agreed.

Contributions and S106 agreement

102. The County Council Education department has confirmed there is no requirement for S106 contributions towards educational facilities in the area.
103. Officers are currently considering contributions in regards to indoor community facilities and public open space. Officers have asked Bourn Parish Council to identify any projects and discussions are currently on going. As such officers recommend any decision to approve the application is delegated back to officers until an agreement has been reached. Contributions will only be forthcoming if these are necessary to make the development acceptable in planning terms having due regard to CIL Regulations.

Other considerations

104. The submitted utilities assessment confirms that the National Grid are able to extend gas supply and electricity to the site.

Conclusions

105. In determining planning applications for new housing development where the Council does not have an up-to-date 5 year housing land supply, the balancing exercise set out in the NPPF is in favour of granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. In this case the applicant has demonstrated it is likely all of the units will be delivered within 5 years from the date of the outline consent and as such the proposal will make a contribution towards delivery of the Councils housing targets.
106. The NPPF states there are three dimensions to sustainable development: economic, social and environmental and that these roles should not be undertaken in isolation because they are mutually dependant, and to achieve sustainable development gains should be achieved jointly and simultaneously.
107. Whilst the scheme involves the loss of an employment site in Bourn, there does not appear to be a case for the economic re-use of the existing buildings. There are also economic benefits associated with the scheme, which include future residents contributing to the services/facilities of the village and potential contributions to community facilities/services.
108. Likewise there are clear social benefits through the delivery of up to 16 much needed houses, including 45% affordable housing, These considerations weigh in favour of the development.

109. The environmental implications are more ambiguous but, on balance, the impact of the development upon issues such as traffic, highway safety, biodiversity, local character, heritage assets and residential amenity is either mitigated or acceptable.
110. On this basis, the proposal is considered to represent sustainable development and the application is recommended for approval.

Recommendation

111. Officers recommend that the Committee approve the application, subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

112. (a) Completion of an agreement confirming the following:
Footway/Cycle Way
Securing onsite affordable housing
Contributions towards community facilities (To be Confirmed)
Provision and Management of the LAP

Conditions

113. (a) Time Limit (3 years)
(b) Drawing Numbers
(c) Materials
(d) Landscaping
(e) Landscape Implementation
(f) Boundary Treatment
(g) Tree and Hedge Protection
(h) Construction Traffic Management Plan
(i) Falls and Levels of Access and Bound Material of Access Road
(j) Hours of Power Operated Machinery
(k) Finished Floor Levels
(l) Removal of Permitted Development Rights for windows on the Northern Side Elevation of Plot 16 at and above first floor level.
(m) Removal of Permitted Development Rights for windows on the Western Side Elevation of Plot 12 at and above first floor level.
(n) Removal of Permitted Development Rights for windows on the Eastern Side Elevation of Plot 11 at and above first floor level.
(o) Retention of screen on the norther side elevation of the balcony on plot 16
(p) Contamination Condition – Detailed Scheme of Investigation (subject to agreement)
(q) Archeological Investigation
(r) Surface Water and Foul Water details
(s) Parking and Access to be provided prior to occupation
(t) Renewable Energy compliance
(u) Ecology report compliance

Informatives

44. (a) Consent of the LHA to carry out highway works
(b) Contamination not otherwise identified

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref:

Report Author:

Rebecca Ward
Telephone Number:

Senior Planning Officer
01954 713236



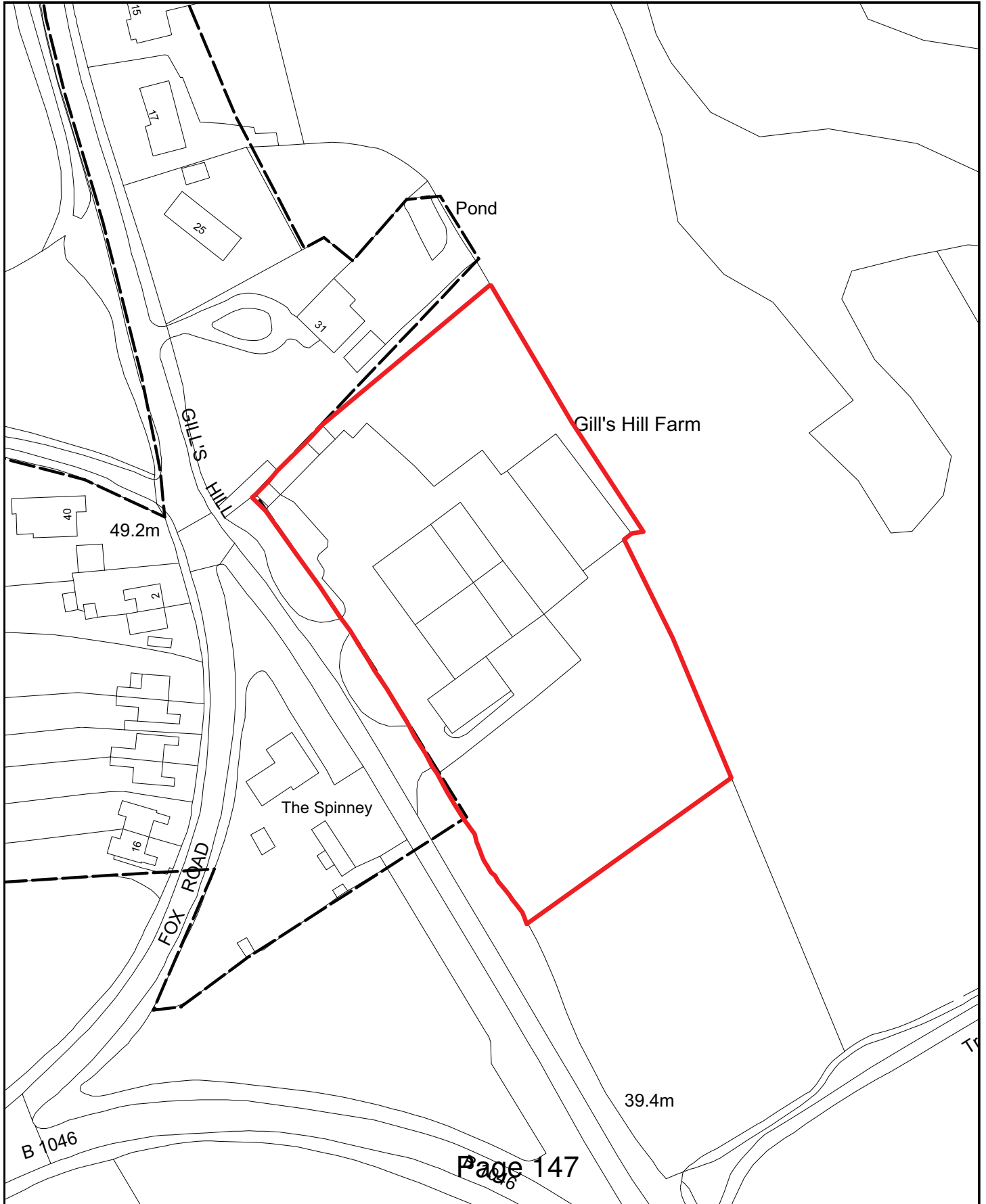
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Agenda Item 11

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2088/15/FL

Parish(es): Swavesey

Proposal: Use of residential annexe as dwelling house

Site address: Ryders Farm, 35 Middlewatch, Swavesey

Applicant(s): Andrew Hartwig

Recommendation: Delegated Approval

Key material considerations: Principle of development, setting of listed building, residential amenity, affordable housing

Committee Site Visit: No

Departure Application: No

Presenting Officer: Paul Sexton – Principal Planning Officer

Application brought to Committee because: Officer recommendation is contrary to the recommendation of refusal from Swavesey Parish Council

Date by which decision due: 14 October 2015

Planning History

1. S/0846/15/FL – Erection of 2 car ports – Approved

S/2704/14/LD – Lawful development certificate for an existing use of land as residential curtilage – Approved

S/0067/14/FL – Conversion of existing storage barn into 2 dwellings with associated residential curtilages – Approved

S/0251/04/F – Use of outbuilding as residential annexe (retrospective application)- Approved

Planning Policies

2. *National Planning Policy Framework*

3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*

ST/6 – Group Villages

4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/4 – Infrastructure and New Developments

DP/7 – Development Framework

HG/3 – Affordable Housing

SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11- Open Space Standards

NE/1 – Renewable Energy

NE/6 – Biodiversity

NE/15 – Noise Pollution

CH/4 – Development Within the Curtilage or Setting of a Listed Building

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

Affordable Housing SPD – adopted March 2010

District Design guide SPD – adopted March 2010

Listed Buildings SPD – adopted January 2009

Open Space in New Development SPD – adopted January 2009

6. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development

CC/3 – Renewable and Low Carbon Energy in New Developments

CC/6 – Construction Methods

HQ/1 – Design Principles

NH/4 – Biodiversity

NH/14 – Heritage Assets

H/9 – Affordable Housing

SC/7 – Outdoor Play Space, Informal Open Space and New Developments

SC/8 – Open Space Standards

SC/11 – Noise Pollution

Consultation

7. **Swavesey Parish Council** - recommends refusal. 'Swavesey Parish Council retains its view that the conversion of the stable block and more recently permission to convert the adjoining barn into two dwellings, should be restricted by a Section 106 agreement to short-term holiday or family residence. Therefore the Council does not agree to the removal of the S106 from the stable block.
- 8 Council acknowledges that the recent permission to convert the barn has not included a S106 agreement.
- 9 Council wishes to see the S106 retained on the stable block.
- 10 Council also reiterated its concern that the dwellings in the stable block and the barn

will be immediately adjacent to a working farm yard and therefore subject to potential noise etc as associated with such premises.'

11. **Local Highway Authority** – recommend refusal as insufficient information has been submitted in respect to visibility splays and access information. Visibility splays of 2.4m x 43m are required, and gates should be set back a minimum of 5m from the highway boundary, and should open inwards.
12. **Environmental Health** – No objection in respect of noise or environmental pollution.

Representations

13. None received

Planning Appraisal

14. Ryders Farm, 35 Middle Watch, Swavesey is located on the east side of the road, and comprises a Grade II listed house, dovecote and outbuildings. The grounds of the main house extend for 450m to the east. The site is accessed by a driveway from Middle Watch, which runs to the north of the main house.
15. Immediately to the north of the appeal site is Trinity Farm, a working farm, which includes livestock pens immediately to the north of the appeal building.
16. The application site comprises a single storey former stable building, converted to a 2-bedroom residential annexe under planning consent S/0251/04/F. The consent is subject to a Section 106 Agreement which restricts occupation of the annexe to holiday accommodation, family annexe, or short term tenancies. Officers recommended to Members at the time that it would be appropriate to restrict occupation to an annexe as it was felt that use as a separation could have an impact on the appearance of the site by way of enclosures and pressure for additional structures.
17. The annexe building is linked to a 2-storey height storage barn, which was granted consent for conversion to 2 dwellings under planning consent S/0067/14/FL (June 2014 Planning Committee). The occupation of the two dwellings approved was not restricted. That consent has not currently been implemented.
18. The full application seeks consent for use of the annexe as a separate dwelling. No alterations are proposed to the building. Garden land is provided immediately to the rear of the building, adjacent to Trinity Farm.
19. The building is within the village framework.

Principle of development

20. The principle of the use of the building for residential purposes has been accepted by the 2004 consent. The impacts of the proposed use as an independent dwelling are discussed below.

Impact on character of the site and setting of the listed building

21. There are no physical alterations proposed to the building. By virtue of the location of the building within the curtilage of a listed building there are no permitted development rights for walls, fences or curtilage buildings. Adequate car parking area exists to

serve a separate dwelling, and consent has recently been granted for 2 car port buildings. Private amenity space is to the rear of the building, and any additional residential paraphernalia in that area would not impact on the setting of the listed building.

22. Although use as a separate dwelling may give rise to future pressure for additional works and structures, officers are of the view that adequate control exists to ensure that the setting of the listed building is maintained.

Residential amenity

23. In discussing the 2014 application for use of the attached barn as 2 dwellings, the relationship of the building to Trinity Farm to the north, and the potential impact on the residential amenity of any future occupiers from noise and odour from the legitimate agricultural activities carried out at the Farm, were carefully considered by Environmental Health Officers. Members visited the site at the time and viewed the relationship of the building to the adjoining agricultural activities.
24. Having considered the report submitted by the applicant at that time, along with assessments undertaken by Environmental Health Officer, it was concluded that there were not sufficient grounds to refuse the application on environmental health grounds. The building the subject of this application has a similar relationship to Trinity Farm, and therefore the same conclusion has been reached by the Environmental Health Officer.
25. The proposed use of the building as a separate dwelling will result in additional movements across the north elevation of Ryders Farm, unrelated to the dwelling itself. The distance between the north face of the building from the road way, and the fact that the more private area for the dwelling is on the south side, means that the level of disturbance from the additional dwelling will not be unreasonable for occupiers of Ryders Farm.

Highway Safety

26. The comments of the Local Highway Authority are noted, however site inspection confirms the existing access accords with its requirements in respect of visibility and gates. No further information in this respect is therefore required.

Affordable Housing

27. Policy HG/3 of the adopted Local Development Framework requires developments resulting in a net gain of two or more dwellings to provide 40% affordable housing. In the draft Local Plan Submission Policy H/9 proposes to raise the threshold for requiring affordable dwellings to apply to developments where there is a net gain of 3 or more dwellings. There have been no objections to the raising of the threshold and members have accepted that the emerging policy can now take precedent over the adopted policy in respect of the appropriate minimum threshold for requiring affordable housing.
28. In respect of this particular site planning permission already exists for the conversion of the storage building to two dwellings. That consent was granted in July 2014, but is yet to be implemented. That building is attached to the application building, which, although currently in use as an annexe, the conversion to a separate dwelling will result in extant permission existing for three dwellings on the site. The applicant is the same, and the buildings are served by the same access. Officers are of the therefore

of the view that an affordable housing contribution is required, which in this case would take the form of a commuted sum. This matter has been raised with the applicant.

Other matters

29. Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.
30. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.
31. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance "When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy". The pooling is counted from 6 April 2010.
32. 5 or more planning obligations have been entered into for developments in the village of Swavesey since that date. As such, officers are satisfied that the Council cannot lawfully enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11 should the application be approved.

Recommendation

33. Officers recommend that the Committee grants delegated powers to approves the application subject to the prior signing of a Section 106 Agreement (Affordable Housing) and,:

Conditions

1. Parking

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/2088/15/FL, S/0067/14/FL and S/0251/04/F

Report Author:

Paul Sexton

Principal Planning Officer

Telephone Number:

01954 713255

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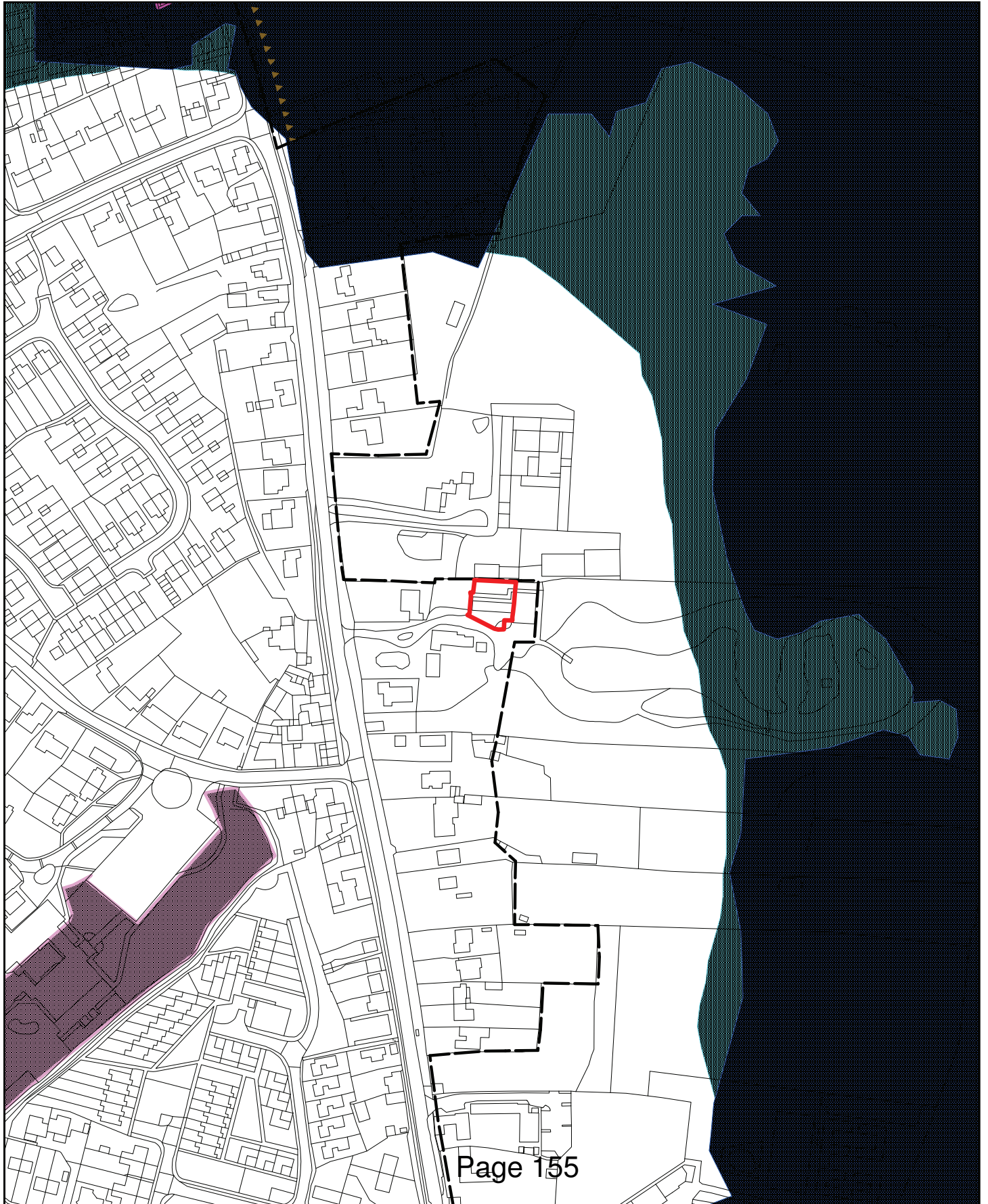
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Agenda Item 12

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/1601/15/VC

Parish(es): Girton

Proposal: Dwelling (Variation of Condition 2 of planning consent S/0149/09/FL – Revised Design)

Site address: 20 Girton Road

Applicant(s): Miss Emily Cerado

Recommendation: Approval

Key material considerations: Principle of development, impact on character of the area, and residential amenity

Committee Site Visit: No

Departure Application: No

Presenting Officer: Paul Sexton, Principal Planning Officer

Application brought to Committee because: Officer recommendation is contrary to the recommendation of refusal from Girton Parish Council

Date by which decision due: 14 September 2015

Planning History

1. S/0922/15/DC – Discharge of Conditions 5, 7, 13 and 14 of planning consent
S/0149/09/F – Approved
S/0149/09/F – Dwelling – Approved
S/0148/09/F – New Dwelling and New Access for 20 Girton Road - Approved

Planning Policies

2. *National Planning Policy Framework*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*
ST/6 – Group Villages
4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 – Sustainable Development
DP/2 – Design of New Development
DP/3 – Development Criteria
DP/4 – Infrastructure and New Developments
DP/7 – Development Framework
HG/3 – Affordable Housing
SF/10 – Outdoor Play Space, Informal Open Space and New Developments
SF/11- Open Space Standards
NE/1 – Renewable Energy

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

Affordable Housing SPD – adopted March 2010
District Design guide SPD – adopted March 2010
Listed Buildings SPD – adopted January 2009
Open Space in New Development SPD – adopted January 2009

6. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development
CC/3 – Renewable and Low Carbon Energy in New Developments
CC/6 – Construction Methods
HQ/1 – Design Principles
H/9 – Affordable Housing
SC/7 – Outdoor Play Space, Informal Open Space and New Developments
SC/8 – Open Space Standards

Consultation

7. Girton Parish Council – recommends refusal in respect of the amended drawings. 'The Council's comments on their belief that there is an overdevelopment of the site, made in August 2015, still hold true. The objection being that the property is too large for the site.
8. Local Highway Authority – No objection subject to conditions.

Representations

9. None received

Planning Appraisal

10. The 0.053ha site comprising former garden land is located to the rear of Nos.20 and 22 Girton Road, and fronts St Margaret's Road. To the east is a detached house. To the west is the rear garden on 22 Girton Road, a bungalow on the corner of Girton Road and St Margaret's Road, and the rear garden on No.20 Girton Road.
11. Planning consent was granted for a detached house between Nos.20 and 22 Girton Road in 2009, in a related application to the current site. A section 106 relates to both the 2009 applications in respect of payments in lieu of provision of affordable housing and public open space. The Section 106 payments were made in November 2012.
12. The application, as amended by drawings received 24 September 2015, proposes the erection of detached 5-bedroom house with integral garage, accessed from St Margaret's Road.

13. Planning consent has been granted for the erection of a dwelling on this plot by virtue of the 2009 consent, and that permission has been implemented. The proposed dwelling, as amended, has the same siting, footprint and height as the approved scheme.
14. The revised scheme introduces a dormer into the front facing elevation of the roof to serve a bedroom at second floor level, with a small rooflight in the main rear roof slope. The front projection has a flat roof as opposed to a pitch roof on the approved scheme. There are other minor changes to fenestration details.

Principle of development

15. The principle of development has been accepted by the 2009 consent, which has been implemented. It is therefore not necessary to consider matters such as the five year housing land supply in this case.

Impact on the character of the area.

16. The revised design does not materially change the impact of the dwelling on the street scene. Although the second floor dormer window in the front elevation of the proposed dwelling is not typical of existing dwellings in the street, the existing property to the east has first floor dormer windows.
17. The parish council's objection is that the house is too large for the site. However, this amended proposal has no bigger footprint or massing than the dwelling already approved.

Impact on residential amenity

18. The revised design does not materially change the impact of the proposed dwelling on adjacent properties. The mass of building when viewed from adjacent properties has not increased, and the arrangement of first floor openings is fundamentally unchanged.
19. The proposed building is located close to the rear boundary of the approved and existing dwellings in Girton Road, and conditions of the 2009 required obscured glazing of first floor windows in the west elevation, and prohibited further first floor openings in both the east and west side elevations. These should be repeated in any new consent.

Other matters

20. Section 106 contributions have been paid in respect of the 2009 applications and there is therefore no need for Members to consider that matter further in respect of the current application.

Recommendation

21. Officers recommend that the Committee approves the application, as amended, subject to:

Conditions

- (a) Approved drawings

- (b) External materials
- (c) Hours of working
- (d) Obscure glazing – first floor west elevation
- (e) No further openings first floor east and west elevations
- (f) Highway conditions

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/1601/15/VC, S/0149/09/F and S/0148/09/F

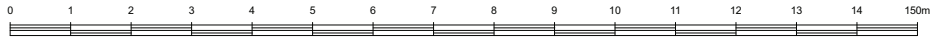
Report Author:

Paul Sexton

Principal Planning Officer

Telephone Number:

01954 713255



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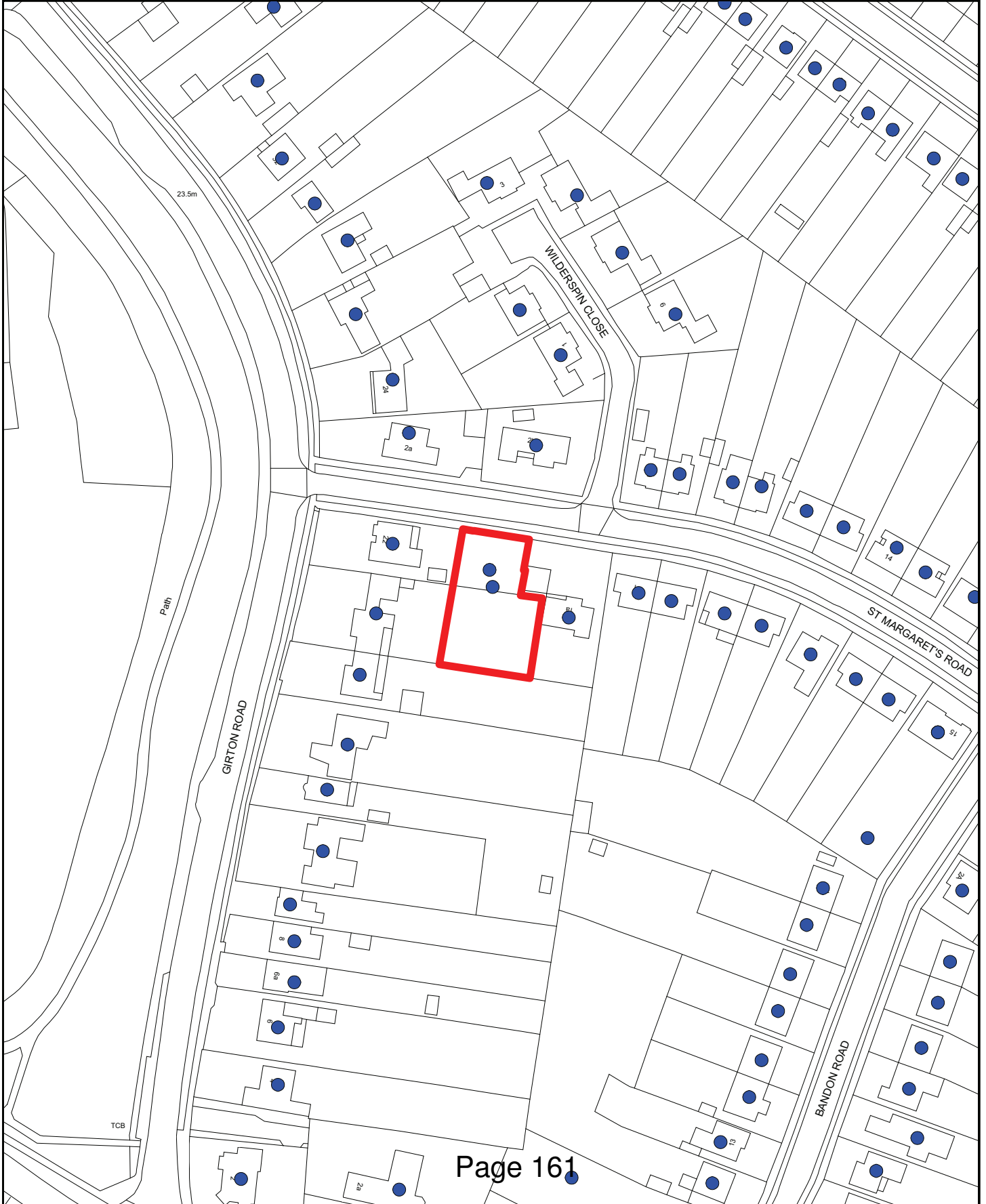
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Agenda Item 13



South
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Report To: Planning Committee

4 November 2015

Lead Officer: Director - New Communities & Planning

Application to Vary Section 106 Agreement to Include a Mortgagee in Possession Clause – Newton Road, Whittlesford

Purpose

1. Members are asked to consider the modification of a planning obligation linked to planning permission S/0761/14/FL for development at Newton Road, Whittlesford to include a 'Mortgagee in Possession' (MiP) clause into the current S106 agreement, to enable the Registered Provider to borrow against the development and so fund future schemes in its programme. This planning decision is brought to Members' attention, as it is a departure from national and local policy that affordable housing should be provided on rural exception sites in perpetuity, and so must be made as an exception to policy, with details only being delegated to officers to resolve.

Recommendation

2. It is recommended that Planning Committee approves the request to vary the S106 agreement for application S/0761/14/FL at 22 Newton Road for the inclusion of a Mortgagee in Possession clause and delegates to officers agreement on the detailed wording, subject to no significant objections from the parish or local members and, in the event of mortgage default, the Council is offered first option to purchase at no less favourable terms and valuation than is sufficient to defray the funder's exposure.
3. The reason for the recommendation is to enable the benefits of the MiP clause to the Registered Provide (RP) to fund its social housing programme, but also to allow the Council to intervene to support its policy of affordable housing in perpetuity, should the RP default on its mortgage.

Considerations

4. Planning permission with a planning obligation was granted under delegated approval in March 2015 for the 'Erection of 8 Affordable Dwellings including Associated External Works and Roadways' at land adjacent to 22 Newton Road, Whittlesford. The planning obligation contained a requirement that the affordable housing will be provided in perpetuity. Details of the proposal, consultations and its impacts are available on the Council's planning web pages under reference S/0761/14/FL and are set out in the officer's report.
5. The planning application was made under the name of the builder, Cocksedge Ltd., for the Cambridge Housing Society, which is the Registered Provider (RP) that has taken control of the land Work has started on site and so the permission has been implemented. The RP, however, has requested agreement of the Council to vary the existing S106 agreement to include a MiP. A supporting letter is attached as Appendix A, setting out the financial reasons for the RP to require a MiP clause to ensure funding viability.

6. Under S106A of the Town & Country Planning Act 1990, formal applications to vary an agreement can only be made after 5 years from exchange, but a Local Planning Authority may vary by agreement at any time, but following the same approach as is set out in S106A.
7. Should the Council accord to this request, then it would be as an exception to planning policy, which currently requires the provision of affordable housing 'in perpetuity', whereas a MiP clause allows for a third-party funder to take possession and sell a property, should the RP default or fail to meet its obligations on its mortgage loan facility. The reason given for the requested modification is that it enables the loan facility against a development to assist in forward funding future schemes by the RP and indeed to bring forward viable development on the current site.
8. The site was promoted as a rural exception site, where the NPPF states that there is a presumption in favour of sustainable development including the delivery of affordable housing. As an exception to the normal policy of restraint to development in the countryside, by policy HG/5, schemes of 100% affordable housing designed to meet identified local housing needs on small sites within or adjoining villages may be supported as an exception to policy providing it meets a series of criteria, including that 'the development proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in housing need'. The Council agreed that the requirements of HG/5 were met and, having regard to all other material considerations, planning permission should be granted for the development as a rural exception site accompanied by a planning obligation by which the affordable housing would be retained in perpetuity.
9. If the Council now agrees to a MiP clause, it can only do so as exception to policy, as it would conflict with policy HG/5 (and indeed a departure from the NPPF and the Council's emerging policy concerning rural exception sites). The requirements of the development plan policy HG/5 (and any departure from it) should be given considerable weight. Planning permission without provision for affordable homes to be retained in perpetuity should only be granted on a rural exception site if there are material considerations which justify a departure from policy.

Balance of Material Considerations

10. Refusal of the request to vary the S106 agreement would ensure that the affordable housing provided will be retained in perpetuity. However, the financial circumstances of the RP developer, in the context of a rural exception site being part of funding a wider programme social housing, is a material consideration, as it affects the viability and the delivery of the scheme. The present planning obligation affecting the site, without an MiP clause, is inhibiting the borrowing capacity of the RP and therefore affects the ability of the RP to deliver a wider programme of affordable housing in the District and elsewhere to the detriment of the Council's strategy and expectations to deliver more affordable homes to meet a substantial need. Grant funding for registered providers has significantly reduced over the last few years and there is an expectation by Government that registered providers should maximise their borrowing power by using their housing assets as security for additional borrowing through private finance to deliver new affordable homes. An MiP clause allows registered providers to secure funding in this way. Moreover, the RP has indicated that without the MiP clause the development on the present site will be rendered unviable and may not proceed to completion despite the fact it has commenced. Other RPs have

made similar comments to the Council in respect of other rural exception sites. Officers are satisfied that these are valid and weighty material considerations which justify modification of the planning obligation here to include an MiP clause. Members may wish to note that in law personal and individual financial circumstances are capable of being material planning considerations and therefore also relevant to the merits of a modification to a planning obligation.

11. It should be recognised that, in practical terms, the risk of mortgage default by an RP is small, as the regulatory regime under which an RP operates contains many checks and balances, with the sanction of merger of an RP in financial difficulties with a larger, more financially sound one, most commonly used in the past. As a result, there are no occasions known to officers whereby an RP has been forced to cede possession of properties to a finance company, following default on its mortgage. Even so, the Council could insist on its own power to intervene with provision within the MiP clause for it to have first refusal to purchase on no less favourable terms than that of the funder. This would ensure that the funder's terms may be met, but that the Council's policy of affordable housing in perpetuity may also be supported, in the unlikely event of a mortgage default. Officers consider that a provision to give the Council first refusal in the event of default is proportionate and reasonable and officers advise that any amendment to the planning obligation to include an MiP clause should include provision to this effect.
12. Given the scope of the extant planning permission, as described in paragraph 4 of this report, members should be aware that any invocation of the MiP clause, that ultimately results in an open market disposal of the affected units free of affordable housing restrictions, will take those properties outside the authorisation of the existing permission. The breach of planning control that would then ensue would need to be addressed by securing an alternative approval for use as unfettered market housing; this decision would then be a material condition in the assessment of such future application. Accordingly, to agree the course recommended by this report, members should be satisfied that varying the planning obligations as now sought is an appropriate exercise of discretion in the circumstances.
13. Members may also be aware of the changing national policy situation, with the Government's expressed intentions to extend definitions of affordable housing to include starter homes, at discounted market value for five years only. While the policy context is more fluid, this should be set aside as a consideration, as it can be given no weight until it becomes enacted as regulation or policy.

Conclusion

14. On the balance of the above considerations, Members are recommended to approve the request for modification of the existing planning obligation through inclusion of an MiP clause in the Section 106 agreement, as an individual exception to planning policy, but with the proviso that the Council has first option to purchase on terms no less favourable than the funder, in the event of default on a mortgage, or loan facility.

Background Papers

APPENDIX A: - Letter from CHS to Julie Fletcher, 6 August 2015

Report Author: Tony Pierce – Development Control Manager (interim)
Telephone: (01954) 713165

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Julie Fletcher
Head of Housing Strategy
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

6 August 2015

Dear Julie,

Viability of development at Whittlesford Mortgagee in Possession clause in Section 106 Agreement

Like other housing associations, CHS heavily rely on borrowing from the private finance market in order to finance the delivery of new affordable housing. In order to raise that money it is important that CHS is able to provide the lenders adequate security, by way of the housing stock, to support the borrowing. In assessing the security the lenders would want to be able to repossess homes built for affordable housing and sell them on, without any restriction on valuation/occupancy in order to recoup unpaid debt. The lender may accept the need to allow the Local Authority a short time to nominate a buyer (an alternative housing association), thus maintaining the housing in the affordable sector, but this would not be more than a couple of months and some lenders may reject this completely.

Having a Mortgagee in Possession (MIP) clause in the Section 106 Agreement will address the lenders security concerns and is necessary if CHS is to continue with our affordable housing development programme. This will apply to all developments whether in existing towns and villages or in rural sites adjacent to existing towns and villages.

Another associated issue is the security cover covenant that CHS, like other housing associations, is required to have. The security covenants are based on Existing Use Value – Social Housing (EUV – SH) or Market Value – Subject to Tenancy (MV-ST) of housing properties used as security. The value of security for EUV-SH is generally c. £25k less than MV-ST value. Therefore, CHS's ability to borrow is significantly reduced if MV-ST value cannot be applied due to the restrictive conditions on tenure or if MIP clause is too restrictive. The result of this would be that either the number of affordable homes that CHS can develop would significantly reduce, and the same would apply for other housing associations, or that we develop in other Local Authority areas where the inclusion of an appropriate MIP clause makes the programme viable.

In addition to the loan issue for CHS, we rely on the sale of shared ownership homes to cross subsidise the development of rented homes, thus making a project including this one at Whittlesford viable. The mortgage providers lending to shared owners who are buying housing from us also require a MIP clause and without this the homes cannot easily be sold and the project is not viable.

In view of the above, it is important that South Cambridgeshire District Council include appropriate MIP clauses in your Section 106 Agreements and note that whilst

Appendix A

a standard clause should probably be included to start each S106 negotiation off, different lenders adopt different views regarding the exact wording and some flexibility will be needed for Officers to agree specific clauses with us to satisfy our lenders.

For the avoidance of doubt, the absence of an appropriate Mortgagee in Possession Clause in the Section 106 for our development at Whittlesford will render it unviable and will cause CHS Group to cease developing affordable housing in South Cambs.

I am happy to discuss further any of the points above.

Yours sincerely,

Surjit Dhande

CHS Group Finance Director

Agenda Item 14

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015.

LEAD OFFICER: Director of Planning and New Communities.

Consultation on amendments to the current scheme of delegated powers for planning decisions.

Purpose

1. To consult Planning Committee on draft amendments to the current scheme of delegation, which forms part of the Council's Constitution.

Recommendations

2. To consider the proposed changes to the Scheme of Delegated Powers for Planning Decisions, and, as part of the consultation on these changes, make comment to the Civic Affairs Committee on the proposal and alternative option set out below.

Reasons for Recommendations

3. To increase efficiency, to help provide greater clarity over the role of district councillors and parish councillors and provide a simple process that is robust from challenge. It will allow Planning Committee to focus on the most significant and/or contentious planning applications.

Background

4. All Councils are encouraged to keep their policies and procedures under review. It is sometime since this Council has done this, save for changes in November 2014 which were of a technical change in response to government additions to the planning system and did not materially affect the level of delegation.
5. At present approximately 90% of the Council's planning decisions are delegated to officers. Even so its Planning Committee still has lengthy agendas, regularly including matters of a minor nature.
6. To address this, the Portfolio Holder at his meeting on 8th September agreed to review the current scheme of delegation, and consult on a revised scheme. The full background and changes proposed are included in the appendix to this report.

Considerations and Options

7. There are two key changes proposed to the scheme of delegation.
8. The first relates to how the scheme is set out. At present it lists all the matters to be delegated. The consequence of this is that it can soon become outdated by changes in national regulation and policy, for example the introduction of new application types such as notification of prior approvals.

9. To avoid the need repeatedly bring back reports to update the scheme of delegation, the proposal scheme allows for all decisions to be delegated other than those set out in appendix A of the background report.
10. The second change relates to the automatic referral of both minor and major applications where an officer is recommending approval and this would conflict with the representations of a Parish Council where that representation would not substantially be satisfied through the use of planning conditions.
11. This current approach is an anomaly in that parish councils have an automatic referral, whereas local members, who form part of the Council, can only refer through designated officers and The Chairman of The Planning Committee.
12. One consequence of the referral arrangement is that Planning Committee agendas become lengthy and burdensome on both Member and officer time. As a result Planning Committee currently considers a wide range of applications rather than focussing on those which are most complex and/or controversial. For example the October SCDC main Planning Committee considered 13 applications ranging from a significant housing proposal for 144 homes to a number of applications for single dwellings and one for a security fence. Furthermore there is also a risk, in incorporating parish councils into the planning decision making process, of challenge to the integrity of decision making of the local planning authority.
13. The proposed scheme therefore seeks to remove this automatic referral. In doing so, it important to ensure an appropriate balance is maintain between implementing national and local planning policy and the need to take proper account of local views.
14. All District Council members would retain the ability to call in at the end of the consultation period any application to the Planning Committee, subject to the Chairman's agreement upon the planning reason for doing so. The period for doing this proposed to be being extended from 21 days to 28 days to allow the district councillor to talk with and take account of the parish council formal responses. This should enable local district and parish council members to work more closely together in representing local community views and would still allow a referral to committee if a particular scheme was felt to be particularly controversial locally.
15. The background report included in the appendix sets out other options that have to date been considered.

Consultations

16. At the time of report writing, consultation is still underway. The consultation period runs until 28th October.
17. All Parish Councils have been consulted on the proposed changes.
18. Workshops were held for SCDC Members and Parish Councils on 14th October 2015; and the changes were discussed with Planning Agents at the Agents Forum on 5th October 2015.

Alternative Option

19. An alternative proposal emerged from the Member Workshop and was also discussed at the Parish Forum. The alternative suggestion would replace the 'automatic referral' to Planning Committee (where a parish council recommends

refusal which is at variance with the officer recommendation), with a request by Parish Councils. So when Parish Councils are consulted on a planning application it would be asked at that stage not only to comment on the merits of the proposal, but to also consider whether this was an application that it felt should be referred to Planning Committee and the reasons for doing this, for example, because of the strength of local feeling. The request would be considered by the Chairman of Planning Committee, as advised by designated officers, who would either accept the request, or explain reasons why it is cannot be accepted.

20. The Cambridge Fringes JDCC was informed of these proposed changes when it considered the proposals for City Deal schemes. It was broadly supportive of the proposed approach.
21. This is one alternative proposal, other suggestions mayl emerge during the consultation period, which will be reported to the meeting of Civic Affairs Committee on 12 November 2015. The responses received will be considered at that before a recommendation is made to SCDC Full Council on 26th November 2015.

Conclusions

22. The proposed changes are being aimed at increasing efficiency, to help provide greater clarity over the role of district councillors and parish councils and provide a simple process that is robust from challenge. It will allow Planning Committee to focus on the more significant and/or contentious cases. For these reasons it is recommended that proposed amendments to the scheme of delegation are supported.

Implications

23. **Financial**
There are no direct financial implications arising from the proposals
24. **Staffing**
There will be benefits arising from the proposals, in terms of reducing the amount of time that officers spend on preparation of Committee reports.
25. **Equality and Diversity.**
It is not considered that an Equality Impact Assessment is required in relation to the proposals in this report as it relates to amendments to existing procedures. The amended Scheme of Delegation still allows for individual planning applications that would normally be delegated to officers for a decision, but that may raise sensitive issues/ have equal opportunities implications, to be referred to Committee by Members or at the discretion of officers.
26. **Environmental Implications**
There are no environmental implications arising from the proposals.

Appendices

Report to SCDC Planning Portfolio Holder Dated 8th September 2015 and its appendix.

Report Author: Jane Green – Head of New Communities
Telephone: (01954) 713164.

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Report To: Planning Portfolio Holder
Lead Officer: Director - New Communities & Planning

8 September 2015

Consultation on Draft Amendments to the Delegated Powers and Functions for Planning Decisions

Purpose

1. To consider draft amendments to the current scheme of delegation, which forms part of the Council's Constitution, so that officers have the powers to determine a range of applications and Planning Committee reaches robust decisions on schemes of an appropriate scale and nature.
2. This is not a key decision because it is presenting proposals for consultation, the results of which will inform a review of the existing scheme of delegation, which forms part of the Council's Constitution.

Recommendation

3. It is recommended that the Portfolio Holder considers the report and approves Appendix A as the basis for consultation with parish councils, local members, the Planning Committee and members of the public.

Reasons for Recommendation

4. This is to enable full consultation on proposed improvements to the scheme of delegation and management of the Planning Committee agenda. It is timely to review such delegation arrangements.

Background

5. The vast majority, approximately 90%, of all planning decisions under the current scheme are delegated to officers. Even so, Planning Committee still has lengthy agendas, often including some matters of a minor nature. Raising the level of delegated cases to 95% would increase efficiency and allow Planning Committee to focus on the most significant cases.
6. Any changes, however, should be in the context of achieving the appropriate balance between implementing national and local planning policy and the need to take proper account of local views.
7. Current arrangements set out particular planning matters to be delegated. This means the scheme is readily outdated by changes in national regulation and policy. For example, on 5 November 2014, minor amendments to the scheme were approved to enable new planning application types, such as notifications of prior approval, to be delegated to officers. This was a technical change in response to government additions to the planning system, and did not materially affect the level of delegation.

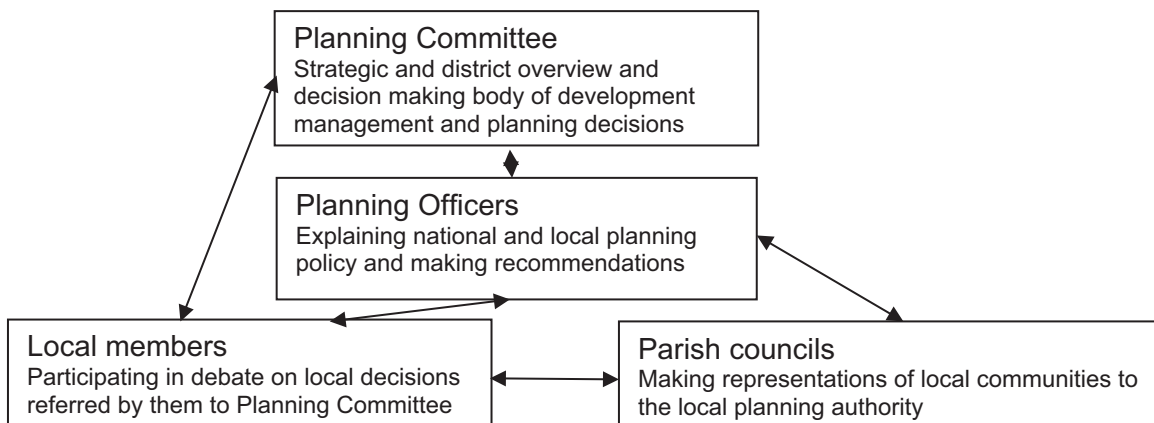
8. To avoid this repeatedly occurring, a scheme is proposed that delegates all planning decisions to officers, with a list of exceptions reserved to Planning Committee.
9. The current procedure for referral of a case to Planning Committee includes:
 - (a) *For Major or Minor Developments a recommendation of approval would conflict with written representations on material planning ground received from a Parish Council within the specified consultation period where such representations would not substantially be satisfied through the imposition of conditions and*
 - (b) *An elected member of the District Council has, within 21 days of the date of registration of an application, requested in writing and the Planning and New Communities Director, Head of New Communities or Development Control Manager has agreed that Committee determine the application...in consultation with the Chairman of Planning Committee...*
10. Operation of these referral mechanisms has in practice not been clear. There is an anomaly in that parish councils have an automatic referral, whereas local members may refer only through designated officers and the Chairman. The roles of local members and parish councils would benefit from review, and this should bring greater clarity.
11. At the 10 August 2015 Portfolio Holder meeting, the need to review planning decision delegations was noted. This report is brought forward to address the following issues:
 - (a) To clarify the role of local members and parish councils
 - (b) Retain a simple process that is robust from challenge and
 - (c) Increase efficiency and working with local communities and partners.

Considerations

12. The consequence of the current referral arrangement is that Planning Committee agendas can be lengthy and burdensome on members' and officers' time. Furthermore, there is a risk, in incorporating parish councils into the planning decision making process, of challenge to the integrity of decision making of the local planning authority.
13. The principle of the revised delegation scheme should be that all planning decisions are delegated by members to officers **except** for a range of applications of scale and nature more appropriate for members to determine. A draft for consultation is set out in Appendix A. It is based on schemes adopted by other rural local planning authorities that are regarded as best practice, but adapted to include matters in the Council's current scheme.
14. All District Council members would retain the ability to call in at the end of the consultation period any application to the Planning Committee, subject to the Chairman's agreement upon the planning reason for doing so. This should enable local district and parish council members to work more closely together in representing local community views.
15. Changes to the Joint Development Committees are under consideration, principally that planning decisions for City Deal transport schemes are delegated to the Cambridge Fringes JDCC from the County Council and also considering the Northstowe JDCC. These matters are not considered in this report.

Options

16. The preferred option is that parish councils, local members and planning officers continue to work together to ensure that local views are properly expressed to the Council, and balanced against national and local planning policies. The recommended proposal is demonstrated in the chart below:



17. Alternative options could be:
- Extend the current referral arrangement of parish councils to one of full delegation for decision upon certain types of application. This option has been explored in the past by a few councils, notably Cornwall and Chelmsford, but has been rejected, in order for the district council to retain its integrity and responsibility as the Local Planning Authority. The desire to make planning decisions at the more local level has resulted in area planning committees in various authorities. These are, however, expensive to run and can be complex in operation or
 - Enable parish councils and local members to both refer cases in an exactly similar way, but through discussion with designated officers and the Chairman of Planning Committee.
18. For information, Huntingdonshire District Council is currently reviewing corporately its scheme of officer delegations and Cambridge City Council has adopted full delegation to its Director of Environment, with a list of exceptions.

Consultation Questions

19. In a future scheme of delegation of planning decisions:
- Should there be a stronger role for local members?
 - Should the Chairman of the Planning Committee have more control over which cases are considered by Committee?
 - Are there more efficient ways that planning decisions can be delegated?

Programme of Consultation

20. Having set out the issues and options and what other authorities follow, it is proposed to consult with parish councils and partner authorities.

| Meeting | Date | Decision |
|-----------------------------|--------------|---------------------------------|
| Planning Portfolio Holder | 8 September | Approve draft for consultations |
| Joint Committees & parishes | Sept/October | Make comment |
| Planning Committee | 4 November | Make comment |
| Planning Portfolio Holder | 10 November | Recommend to Council |
| Council | 26 November | Approve |

Background Papers

Report to 9 July 2015 portfolio holder meeting - 'South Cambridgeshire Local Plan – Response to Inspector's Letter'

Report Author: Tony Pierce – Development Control Manager (interim)
Telephone: (01954) 713165

Consultation on a proposed delegation of planning decisions in South Cambridgeshire

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers can make on behalf of the Council. In terms of planning proposals and associated applications, the majority are delegated to designated officers without the need for referral to Planning Committee, where the decision is voted upon by elected Members.

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning Committees can concentrate on the most contentious and significant proposals.

What applications are dealt with by an officer under delegated powers?

Most planning related applications are dealt with under delegated powers and it is the intention of the Council, in the interests of efficiency and effectiveness, that at least 95% of applications received are determined under this process.

Authorised officers do not always use their delegated powers; consideration is given to issues raised by local members and parish councils, in order that decisions of wider public interest are taken at the Planning Committee.

Applications will be dealt with under delegated powers unless:

- A Local Member writes, or emails a request for a particular application to be considered by Planning Committee and sound planning reasons have been provided setting out why committee consideration is necessary and the request is accepted by the Chairman of Planning Committee in consultation with designated officers. The request should be made within 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal.
- An application is made by an elected Member or an officer of the Council, or a household member of either of such persons, and representations objecting to the application have been received (delegation is still permitted if the application is refused);
- If approved, the matter would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the

Appendix A

(as revised by SCDC PFH 08.09.15)

departure from policy would not conflict substantially with the aims and objectives of the policy or the application is to be refused). For these purposes significant departures are defined as a development which requires referral to the Secretary of State;

- Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;
- The application is for the demolition of a listed building or a Building of Local Interest or
- The application is one that in the opinion of officers, in consultation with the Chairman and Vice-Chairman, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and/or strategic importance to an area beyond both specific site and parish.

Agenda Item 15

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 November 2015.

LEAD OFFICER: Director of Planning and New Communities.

Consultation on review of Cambridge Fringes Joint Development Control Committee Terms of Reference to determine City Deal infrastructure schemes

Purpose

1. To consult Planning Committee on the proposal that the Terms of Reference of the Cambridge Fringes Joint Development Control Committee (JDCC) are amended to include the determination of City Deal Infrastructure Schemes.

Recommendations

2. To support the principle of the proposed changes to the JDCC Terms of Reference, subject to :
 - a) Consultation with Cambridge City Planning Committee;
 - b) Endorsement by Cambridgeshire County Council Constitution and Ethics Committee;
 - c) Formal approval through the three Councils.

Reasons for Recommendations

3. To achieve an effective and streamlined planning decision making process for the City Deal infrastructure schemes, given that the proposals will cross administrative boundaries

Background and Introduction:

4. In late 2014, as part of the setting up of the Greater Cambridge City Deal Executive Board and agreeing its Terms of Reference, Cambridgeshire County Council (CCC), Cambridge City Council and South Cambridgeshire District Council (SCDC) agreed to delegate exercise of their functions to the Board where these functions relate to achieving the City Deal objectives. This entails the three Councils making any necessary changes to their schemes of delegation across a number of functions, one of which relates to the planning process and the granting of planning consent.
5. City Deal infrastructure schemes that are not located within the highway will require planning consent in order to be delivered. Legal advice obtained indicates that, where possible, planning decisions should be made across relevant geographical areas, in this case the Cambridge City and the District of South Cambridgeshire.
6. It is considered that the most appropriate way to implement this principle is to modify the remit of the Cambridge Fringes Joint Development Committee (JDCC), which includes members from all three partner authorities, to include planning permission for City Deal infrastructure schemes. This will require changes to the existing Terms of Reference for the Committee. Consultation is therefore being carried out with the regulatory committees affected by the proposed changes as the first steps in

this process.

7. In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements and particularly the delivery of the City Deal infrastructure investment programme to a very tight timescale, clarification of delegations from the City Council, CCC and SCDC to the City Deal Executive Board is required. This affects a number of functions, of which the planning process/ the granting of planning consent is one.
8. City Deal infrastructure schemes that have works that extend beyond the highway boundary or are not within the highway will require planning consent in order to be delivered. For this purpose a City Deal infrastructure scheme is defined as “one arising from the Greater Cambridge City Deal which has all of the following characteristics:
 - i) Has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme.
 - ii) is or has been funded in whole or in part by the County Council under the auspices of the Greater Cambridge City Deal or allocated from the Greater Cambridge City Deal Executive Board by participating Authorities.”
9. Planning consent for transport schemes promoted by the County Council is considered by its own Planning Committee. However, the County Council has already delegated decisions on County Council applications to the Cambridge Fringes and Northstowe Joint Development Control Committees where applications fall within their respective remits.
10. Accommodating the decision-making process on planning applications for City Deal infrastructure schemes within the remit of the Cambridge Fringes JDCC will ensure that the decisions are made jointly across the relevant geographical areas, namely Cambridge City Council and SCDC, reflecting local circumstances, ambitions and constraints. The Committee also includes Members from all three partner authorities. This would mean that the schemes would be considered strategically, subject to a single planning process rather than potentially up to three.
11. To achieve this, modifications to the existing JDCC Terms of Reference are required (these are indicated as changes in bold type to the existing document in Appendix 2). The Committee would retain its geographical remit, except in the case of City Deal infrastructure schemes when its geographical remit would extend to the whole of Cambridge City and SCDC.
12. The Fringes JDCC considered a report on the proposed changes on 18 September and the City Planning Committee was consulted on 7th October, both agreed to support the proposals in principle. South Cambridgeshire’s Planning Committee is now being consulted on the basis that some of the City Deal Infrastructure Schemes would otherwise fall within the remit of this Council’s Planning Committee where elements are located wholly or partly the District boundary. This process will then be followed by consultation with the County Council’s Constitution and Ethics Committee. Formal approval of the amended JDCC Terms of Reference would then take place through the three Councils. The current timetable for completion of the procedural process is set out below:

13. 22nd October – Cambridge City Full Council.
17 November –County Council Constitution and Ethics Committee
26 November –SCDC Full Council
15 December –County Full Council

Consultations

14. Consultation has been carried out with the Leaders, relevant portfolio holders, Planning Committee Chairs and chief officers within each of the three Councils, as well as the JDCC on 18 September and City Planning Committee on 7th October.
15. Further consultation is scheduled to take place with the County Council Constitution and Ethics Committee later this month as set out in Section 3 of this report.
16. Any further legal advice required will be sought as part of this ongoing process.
17. Each individual City Deal infrastructure scheme will be subject to the appropriate level of stakeholder and public consultation, both in the lead up to and as part of the planning process.

Options

18. Careful consideration has been given to the optimum way to have an effective planning process for the City Deal infrastructure schemes, as well as ensuring that the associated planning decisions are made across relevant geographical areas. From both a procedural and legal perspective, this approach is considered to present the best option. It provides a single planning process, using an existing established Committee that contains member representation from all three authorities.
19. The alternative option would be make decisions through individual planning committees within each of the three authorities but this would result in increased administration implications and potential delays through having to take decisions on individual City Deal infrastructure schemes through more than one Committee in many instances.

Conclusions

20. For the reasons set out in this report, it is recommended that the principle of modifying the JDCC Terms of Reference to accommodate City Deal infrastructure projects, be supported; subject to endorsement of the County Council's Constitution and Ethics Committee; and formal approvals through the three Councils in due course.

Implications

21. **Financial**
Under Annex 3 of the Standing Orders for the JDCC, any associated costs arising from decisions made by the Committee, including associated appeals, are borne jointly by the Councils with voting rights on the specific items that give rise to the costs. For City Deal Infrastructure projects it is proposed that all three Councils would have voting rights on all of these, so any costs arising from Committee decisions and associated appeals would be shared by all three authorities.

22. **Staffing**

There are no additional staffing implications arising from these proposed changes. The administration arrangements for the JDCC would continue as existing.

23. **Equality and Diversity**

An Equality Impact Assessment (EQIA) has not been carried out in respect of these proposed changes. However, where relevant and at the appropriate time, EQIAs would be carried out in respect of individual City Deal infrastructure schemes.

24. **Climate Change**

There are no direct environmental implications arising from the proposed changes to the Terms of Reference. However, there will be direct and indirect environmental implications arising from each City Deal infrastructure scheme that will be assessed individually and cumulatively as appropriate.

Background papers:

Report to Cambridge Fringes Joint Development Control Committee dated 18th September 2015.

Report to Cambridge City Planning Committee dated 7th October 2015.

Appendices

1. Officer briefing note dated September 2015 –Greater Cambridge City Deal – Executive Board Delegations
2. Proposed draft amended JDCC Terms of Reference (Bold changes)

Report Author: Jane Green – Head of New Communities
Telephone: (01954) 713164.

GREATER CAMBRIDGE CITY DEAL

EXECUTIVE BOARD DELEGATIONS – BRIEFING NOTE

Why are we proposing to clarify delegations?

The Executive Board Terms of Reference, which were agreed by all three Councils in late 2014, includes the following wording in paragraph 4.3, which sets out the scope of the responsibilities delegated to the Greater Cambridge City Deal Executive Board:

“The three Councils agree to delegate exercise of their functions to the Executive Board to the extent necessary to enable the Board to pursue and achieve the objectives of the Greater Cambridge City Deal and to undertake any actions necessary, incidental or ancillary to achieving those objectives, and, accordingly, the three Councils shall make the necessary changes to their respective schemes of delegation. The Executive Board may further delegate to officers of the three Councils.”

In order to ensure the smooth functioning of the Greater Cambridge City Deal governance arrangements, and particularly the delivery of the infrastructure investment programme on a very tight timescale, it is considered necessary to clarify the delegations that have been made. It is envisaged that this clarification will avoid confusion around the scope and extent of the delegated authority.

Officers have considered the functions that are intended to be covered in this wording, and have made recommendations in each case for how clarification can best be provided. These functions are:

- Compulsory Purchase Orders (CPOs)
- Grant of Planning Consent
- Side Roads Orders (SROs)
- Traffic Regulation Orders (TROs)
- Transport and Works Act Orders (TWAOs)

Definition of ‘City Deal infrastructure schemes’

In order to delineate the boundaries of the City Deal Board delegated authority it is necessary to define what is considered to constitute a ‘City Deal infrastructure scheme’. This definition will then be used to determine which body holds the

responsibility for making the decision(s) concerned. The following is suggested to be the most appropriate definition to use:

“A City Deal infrastructure scheme is one arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- i. Has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme.*
- ii. Is, or has been funded in whole or in part by funds received by the County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating Authorities.”*

Compulsory Purchase Orders

A CPO is a legal instrument that allows certain bodies (including the partner Councils) to purchase land without the owner’s consent. It can be enforced if it is considered necessary in order to deliver public benefit, and can be particularly pertinent for transport infrastructure schemes. It is normal practice to seek CPOs on a contingency basis in parallel with negotiations with landowners to avoid delays to projects. Some City Deal infrastructure schemes will require the use of CPO powers in order to deliver the wider benefits that are expected to be associated with those schemes.

For the purposes of the City Deal, it is the County Council’s CPO powers that are most important. Outside of the City Deal arrangements, the County Council’s CPO powers are vested in the Economy & Environment Committee, which takes responsibility for promoting and exercising CPOs. The final decision to grant a CPO rests with the Secretary of State.

The decision made by the County Council to delegate responsibilities to the Executive Board is considered to include the power to promote and exercise CPO powers for City Deal infrastructure schemes in Cambridge City and South Cambridgeshire. To ensure that there is clarity around the processes involved in delivering the City Deal infrastructure programme, it is recommended that the County Council’s CPO powers are confirmed as being delegated to the Executive Board.

Planning consent

City Deal infrastructure schemes that are not within the highway will require planning consent in order to be delivered. Planning consent for transport schemes promoted by the County Council is considered by the County Council’s Planning Committee, however the County Council has already delegated decisions on County Council

applications to the Cambridge Fringes and Northstowe Joint Development Control Committees where applications fall within their respective remits.

Legal advice suggests that planning decisions should where possible be made across the relevant geography – in this case Cambridge City and South Cambridgeshire. By doing so, it is possible to ensure that planning decisions most accurately reflect local circumstances, ambitions and constraints. It is therefore recommended that the most appropriate way to implement this principle would be to modify the remit of the Cambridge Fringes Joint Development Control Committee, which includes Members from all three partner Councils, to include planning permission for City Deal infrastructure schemes. This would mean that these schemes can be subject to one single planning process, rather than potentially up to three. This would mean that this Committee retains its geographical coverage, except in the case of City Deal infrastructure schemes when its geographical coverage extends to the whole area of Cambridge City and South Cambridgeshire. Short of creating a new Committee, this is considered to be the most appropriate available option.

Side Roads Orders

An SRO is an instrument established under the Highways Act 1980 that allows a Highway Authority (in the local context this refers to the County Council) to alter roads or other highways affected by a major transport infrastructure scheme. This deals with roads that are not specifically along the alignment of the scheme, but are impacted by and/or impact upon the scheme. It is likely to be the case that SROs are required for several City Deal infrastructure schemes. As with CPOs, the County Council acts as the promoter for SROs but the decision to grant these rests with the Secretary of State.

Outside of the City Deal arrangements, the responsibility for promoting SROs rests with the County Council's Economy & Environment Committee. The delegation made to the Executive Board though means that this responsibility, where it relates to a City Deal infrastructure scheme, has been delegated to the Executive Board. It is recommended that this is explicitly confirmed by the County Council.

Traffic Regulation Orders

TROs, established under the Road Traffic Regulation Act 1984, are legal instruments relating to the use of highways. They are designed to regulate, restrict or prohibit the use of roads by vehicles or pedestrians (as appropriate). There is a statutory requirement to undertake a public consultation where a TRO is needed, with the outcome of that consultation being considered by Members when the decision is made on whether or not to grant a TRO.

General speaking, any major transport infrastructure scheme that includes the public highway will require at least one TRO. This is expected to be the case for most, if not all, City Deal infrastructure schemes.

Outside of the City Deal arrangements, decisions relating to TROs are made by either the County Council's Highways & Community Infrastructure Committee or the Cambridge Joint Area Committee. These Committees decide upon objections to TROs following public consultations. The Cambridge Joint Area Committee considers these when they are referred by the relevant Member or officer under the County Council's Scheme of Delegation – otherwise the Highways & Community Infrastructure Committee is the decision maker.

The delegations made to the Executive Board are considered to include the power to make decisions regarding TROs when they relate to City Deal infrastructure schemes, including considering the outcomes of public consultations. However, to ensure that the processes around the delivery of the City Deal infrastructure programme are clear, it is recommended that the County Council confirms explicitly that this delegation has been made.

Transport and Works Act Orders

The Transport and Works Act 1992 established TWAOs as the default means of authorising the creation of a new railway, tramway or guided busway scheme, except for "nationally significant rail schemes in England". TWAOs can include within them TROs, CPOs and deemed planning consent. The County Council has the power to promote a TWAO, whilst the decision to grant a TWAO rests with the Secretary of State. As the prioritised City Deal infrastructure schemes are being developed at the moment, it is unclear if the final proposals for those schemes would require the granting of a TWAO.

The delegation made to the Executive Board is considered to include the responsibility for promoting TWAOs for City Deal infrastructure schemes. It is recommended that the County Council explicitly confirms that this delegation has been made.

**TERMS OF REFERENCE FOR
JOINT DEVELOPMENT CONTROL COMMITTEE
CAMBRIDGE FRINGES**

1. Parties:

Cambridge City Council
Cambridgeshire County Council]
South Cambridgeshire District Council
(‘the Councils’)

2. Status:

This Committee is a joint committee to be formed by resolutions of the Councils pursuant to section 101(5), Local Government Act, 1972.

3. Membership:

6 Members appointed by Cambridge City Council

4 Members appointed by Cambridgeshire County Council
6 Members appointed by South Cambridgeshire District Council

4. Terms of reference:

4.1 The Committee’s remit is to discharge the functions (‘the functions’) set out in Appendix 1, the exercise of which have been delegated to the Committee by the parties, subject to the limitation in paragraph 4.2. The functions delegated include the power of the Councils to determine planning applications by virtue of Regulation 3 of the Town and Country Planning General Regulations 1992.

4.2 The Committee shall only discharge the functions:

- a) in respect of major developments¹ falling wholly or substantially within the areas shown edged in blue on the plans forming Appendix 2 and ancillary applications relating to such Major Developments¹ referred to it by the relevant Head of Planning of

¹ “Major development means development including any one or more of the following:

- (a) waste development;
- (b) the provision of dwelling-houses where
 - (i) the number of dwelling-houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
- (c) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; [clarify for article 3s in relation to things like libraries which may be smaller size] or
- (d) development carried out on a site having an area of 1 hectare or more.

the Council issuing the consent for the Major Development in question. 'Major development' is defined by reference to Article 1 of the Town and Country Planning (General Development Procedure) Order 1995 as in force on 1 May 2007 or as subsequently amended or replaced; **and**

b) In respect of "City Deal infrastructure schemes" referred to it by the relevant Head of Planning of the Council issuing the consent for the City Deal infrastructure scheme in question. A "City Deal infrastructure scheme" is defined as a project arising from the Greater Cambridge City Deal which has all of the following characteristics:-

- **has been and remains designated by the Greater Cambridge City Deal Executive Board as a City Deal infrastructure scheme; and**
- **is, or has been funded in whole or in part by funds received by Cambridgeshire County Council under the auspices of the Greater Cambridge City Deal or allocated to the Greater Cambridge City Deal Executive Board by participating authorities.**

4.3 The Committee may exercise the subsidiary powers authorised pursuant to section 111, Local Government Act 1972 in connection with the discharge of the functions.

4.4 The Committee may exercise the powers of delegation contained in section 101(2), Local Government Act 1972

4.5 All members shall be entitled to vote on the following applications: Trumpington Meadows; Cambridge Northern Fringe East; Cambridge East; Northwest Cambridge including NIAB; Glebe Farm; **City Deal infrastructure schemes**. Only the City and County members shall be entitled to vote on Clay Farm-Showground and Bell School.

5. Standing Orders

(e) Regulation 3 developments for all new facilities

5.1 The Committee shall be governed by the Standing Orders set out in Appendix 3.

6. Administration

6.1 The Council which is the local planning authority shall receive applications relating to the functions in the usual way and shall be responsible for all administrative stages leading to and flowing from the exercise of the functions.

6.2 Cambridge City Council's staff shall be responsible for all matters connected with the administration of the committee, including the preparation and dispatch of agendas and securing premises at which the committee may meet.

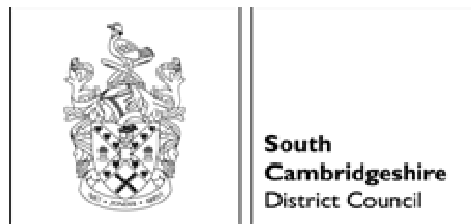
DRAFT

Functions delegated to the Committee

To exercise each of the Councils' powers and duties in relation to development control on Major Developments, ancillary developments **and City Deal infrastructure schemes**, including for the avoidance of doubt the power to approve authorise and direct the respective Councils to enter in to agreements regulating the development or use of land pursuant to S106 of the Town and Country Planning Act 1990 and related powers and to prepare for approval by each Council a scheme of delegation to Officers insofar as this has not been agreed prior to commencement of the Committee and thereafter to keep such scheme of delegation under review.

DRAFT

Agenda Item 16



REPORT TO: Planning Committee
LEAD OFFICER: Planning and New Communities Director

4 November 2015

Enforcement Report

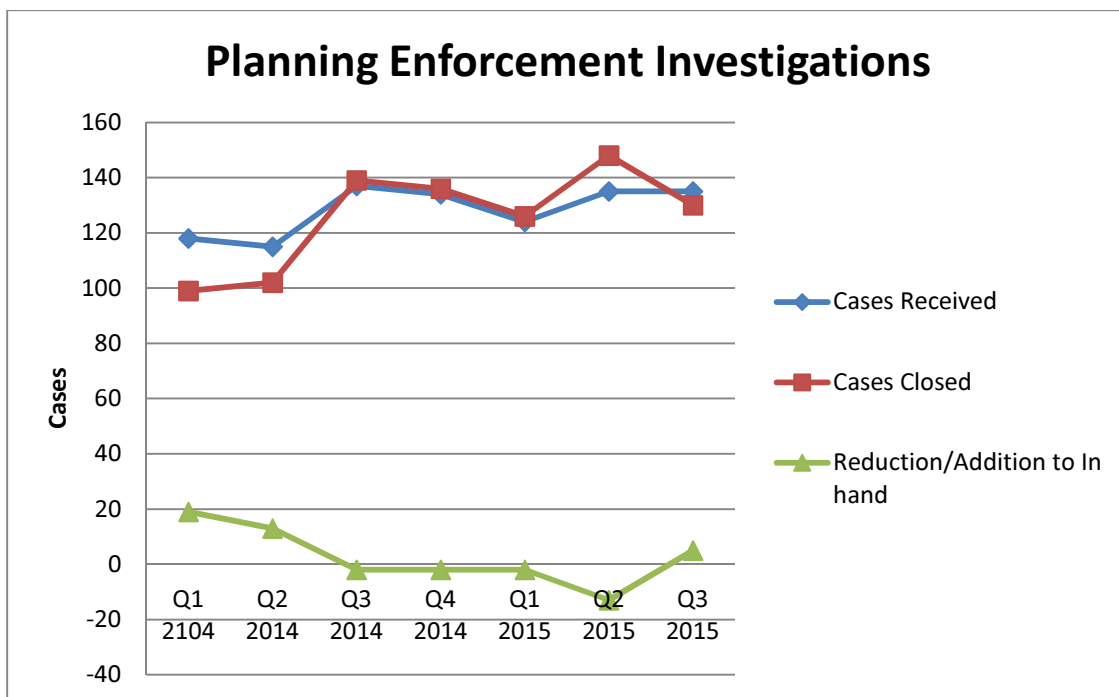
Purpose

1. To inform Members about planning enforcement cases, as at 21 October 2015. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

2.

| Period | Cases Received | Cases Closed |
|---------------------------|----------------|--------------|
| 1 st Qtr. 2015 | 124 | 126 |
| 2 nd Qtr. 2015 | 135 | 148 |
| July 2015 | 40 | 41 |
| August 2015 | 45 | 38 |
| September 2015 | 50 | 51 |
| 3 rd Qtr. 2015 | 135 | 130 |
| 2015 YTD | 394 | 404 |
| 2014 | 504 | 476 |



Enforcement Cases on hand:

- 3. Target 150
- 4. Actual 95

Notices Served

5.

| Type of Notice | Period | Year to date |
|-------------------------------|----------------|--------------|
| | September 2015 | 2015 |
| Enforcement | 0 | 12 |
| Stop Notice | 0 | 0 |
| Temporary Stop Notice | 0 | 3 |
| Breach of Condition | 3 | 16 |
| S215 – Amenity Notice | 2 | 4 |
| Planning Contravention Notice | 1 | 4 |
| Injunctions | 0 | 1 |
| High Hedge Remedial Notice | 0 | 1 |

Notices issued since the last Committee Report

6.

| Ref. no. | Village | Address | Notice issued |
|--------------|-----------|----------------------|-------------------------------|
| PCN/0004/15 | Cambourne | 14 Willow Lane | Planning Contravention Notice |
| PLABOC. 1688 | Swavesey | Casa Mia School Lane | Breach of Condition Notice |

| | | | |
|--------------|-----------|--------------------------------|-------------------------------|
| PLABOC. 1667 | Fulbourn | Barnsbury House Cox's Drove | Breach of Condition Notice |
| PLABOC. 1710 | Cottenham | 14 Ivatt Street | Breach of Condition Notice |
| PLAENF. 1713 | Histon | 28 Orchard Road | S215 Amenity Notice |
| PLAENF. 1711 | Impington | 13 Lone Tree Avenue | S215 Amenity Notice |

7. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.

8. **Updates on items that are of particular note**

a. Stapleford: Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road.

Work still in progress regarding legal action relating to the current breach of enforcement. Additional concern noted since the March report regarding the stationing of a mobile home on the nursery land section and the importation of brick rubble to form a track to link the upper field to the main residence. Assessment to the Planning Contravention response and the site inspection 10th May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. A report to the planning committee was prepared and submitted. The Committee authorised officers to apply to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307

The draft statements supporting the proposed proceedings have now been considered by Counsel with further information and authorisations being requested in order that the Injunction application can be submitted.

In May 2014, Committee resolved to give officers the authority sought and further work on compiling supportive evidence undertaken since. Periodic inspections of the land have been carried out, most lately in April 2015 (confirming occupation has not ceased, and that breaches of control are continuing and consolidating). Statements accordingly being revised and finalised to reflect; injunction proceedings still appropriate and proportionate to pursue
A claim against the occupier of the land in which the Council is seeking a planning injunction has now been issued in the High Court. A Defence has since been lodged to the Council's proceedings, and an attempt is being made to issue Judicial Review proceedings challenging the resolution to seek an injunction.

Following consideration of the documents lodged by the Claimant and Acknowledgement of service filed by the defendant, permission was refused; the application was considered to be totally without merit. Order by Rhodri Price Lewis QC, sitting as a Deputy High Court Judge - Injunction application, has been listed for an initial hearing at the High Court on 24 September; Hearing postponed

due to the health of the defendant, hearing re-listed for 17 November 2015.

b. Plot 11, Orchard Drive – Smithy Fen

Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018.

The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.

Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. Judicial review date set for 29th October 2015

c. Land at Arbury Camp/Kings Hedges Road

Failure to comply with planning conditions at land known as Parcel H1, B1 and G Under planning references S/0710/11, S/2370/01/O, S/2101/07/RM, 2379/01/O and S/1923/11

Notices part complied, remaining items under review

Further six breach of conditions notices issued relating to landscaping A Site inspection with local parish, landscaping, planning and representatives from persimmon homes has now taken place, and that appropriate steps are being taken to remedy the identified breaches of Conditions

d. 113b High Street Linton – Winners Chinese Take-Away

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19th February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3rd September 2015 Cambridge Magistrates Court – The defendant was found guilty and fined £1000.00p + costs. Works to be carried out to ensure compliance with approved drawings - Monitoring continues

e. Sawston Football Club

Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received - Site monitoring continues

f. 176 – 178 Cambridge Road Great Shelford

Erection of 70 bedroom Residential Care home with ancillary accommodation – Planning reference S/0600/13/FL. Condition 14 contained within the planning permission requires the developer to park contractor vehicles within the curtilage of the site and not on street.

Currently neighbours are complaining that as many as 25 contractor vehicles are parking in the streets adjacent to the site. Warnings have been issued to the site management but despite these there is still a breach of condition that needs to be addressed. A Breach of condition notice will be shortly issued in order to remedy this breach.

Summary

9. As previously reported Year to date 2014 revealed that the overall number of cases investigated by the team totalled 504 cases which was a 1.37% decrease when compared to the same period in 2013. The total number of cases YTD 2015 totals 394 cases investigated which when compared to the same period in 2014 is a 6.45% increase in the number of cases investigated.
10. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation, including Environment Health, Planning, Housing, Anti-Social behaviour Officers, Vulnerable Adults and Safeguarding Children Teams. Strategic Officer Group, dealing with traveller related matters

Effect on Strategic Aims

11. This report is helping the Council to deliver an effective enforcement service by

Engaging with residents, parishes and businesses to ensure it delivers first class services and value for money

Ensuring that it continues to offer an outstanding quality of life for its residents

Background Papers:

The following background papers were used in the preparation of this report: None

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Agenda Item 17



REPORT TO: Planning Committee
LEAD OFFICER: Planning and new Communities Director

4 November 2015

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 23 October 2015. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

| 2. | Ref.no | Address | Detail | Decision & Date |
|----|--------------|--|--|-----------------------|
| | S/1827/14/OL | Mr & Mrs Corney Rear of 18 Mill Road Over Dwelling | Allowed | 27/07/15 |
| | S/0462/14/FL | Wallington Farm Land at Morden Grange Farm Odsey | Erection of agricultural fertilizer storage tank | Allowed 01/10/15 |
| | S/3019/14/FL | Mr A Moran Tiptofts House Station Road Harston | Two single storey dwellings | Dismissed 01/10/15 |
| | S/0305/15/FL | Mr & Mrs Dockerill Common Lane Farm Common Lane Sawston | Erection of worker's dwelling | Allowed 02/10/15 |
| | S/0407/15/PB | Enterprise Nuseries Ely Road Landbeach | Prior Approval for change of use from agricultural to two dwelling houses | Dismissed 08/10/15 |
| | S/0960/13/FL | 66 Abbey Street, Ickleton | Change of use of annex to form separate dwelling | Dismissed 09/10/15 |
| | S/0734/15/FL | Mr & Mrs Elliott Stewart 56 North Road Great Abington | Demolish existing building and construct living accommodation for dependent relatives | Allowed 16.10.15 |

Appeals received

| 3. | Ref. no. | Address | Details | Appeal Lodged |
|----|--------------|-------------------------------------|----------|---------------|
| | S/0462/15/FL | Mrs D Clark Rear 11 Station Road | Bungalow | 07/09/15 |

| | | | |
|---------------|---|--|----------|
| | Oakington | | |
| PLAENF.1,1671 | Mr A Kyprianou 34 Mingle Lane Stapleford | | 07/09/15 |
| S/0533/15/FL | Mr S Fordham 211 Wimpole Road Barton | Extensions | 09/09/15 |
| PLAENF.1,634 | Mr T Gray 8 Quy Wateres Teversham | | 11/09/15 |
| S/1248/15/FL | Mr O Lines Land NW of 14 Ivatt Street Cottenham | Erection of 4 dwellings | 11/09/15 |
| S/1227/15/FL | Mrs Hardisty 2 Bury Farm Cottage Newmarket Road Stow cum Quy | Extension and Garage | 22/09/15 |
| S/0277/15/FL | Mr N Murkitt 47 London Road Stapleford | Proposed valeting Bay | 25/09/15 |
| S/1279/15/OL | Mr & Mrs Cihan 14 Brook Street Elsworth | Dwellings | 29/09/15 |
| S/1098/15/OL | Mr Rahman 1 High Street Teversham | 2 Dwellings | 30/09/15 |
| S/0920/15/FL | Mr T Jack Rear of 11 Finchs Field Little Everdsen | Dwelling | 07/10/15 |
| S/0642/15/FL | Mr C Wren 23 The Doles Over | Change of Use of land and enclosed with wooden fence | 08/10/15 |
| S/1396/15/FL | Mr A Knight Spinney Hill Farm Newton Road Whittlesford | Change of Use Agricultural holding to burial ground, demolition of associated buildings | 09/10/15 |
| S/1441/15/FL | Mrs K Imran 4 Caribou Way Teversham | Dwelling | 12/10/15 |
| | | | |

Local Inquiry and Informal Hearing dates scheduled before the next meeting.

4.

| Ref. no. | Name | Address | Hearing/Inquiry |
|--|--------------|------------------------|----------------------------------|
| S/1451/14/FL S/1476/13/LD S/2097/14/VC | Mr T Buckley | The Oaks Willingham | Inquiry 12/01/16 Confirmed |

| | | | |
|--------------|--|--|----------------------------------|
| S/1888/14/OL | Hackers Fruit Farm & Garden Centre | Huntingdon Road Dry Drayton | Hearing 19/01/16 Confirmed |
| S/1248/15/FL | Aspire Residential Ltd | Land North West of 14 Ivatt Street Cottenham | Hearing 20/01/16 Offered |
| S/2822/14/OL | Gladman Dev Ltd | Land off Shepreth Road Foxton | Inquiry 09/02/16 Confirmed |
| PLAENF. | Mr B Arliss Riverview Farm Overcote Road Over | Riverview Farm Overcote Road Over | Inquiry 26/04/16 Confirmed |

Summaries of Appeals

5. None

Background Papers: the following background papers were used in the preparation of this report: None

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