

South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

t: 03450 450 500  
f: 01954 713149  
[www.scams.gov.uk](http://www.scams.gov.uk)



5 January 2016

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 David McCraith (substitute for  
Robert Turner)

Quorum: 3

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, 13 JANUARY 2016 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**

At the meeting on 13 January, public seating is **only** available in the Council Chamber (First 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 2 December 2015 as a correct record.

## PLANNING APPLICATIONS AND OTHER DECISION ITEMS

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |           |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 4.  | <b>S/1431/15/OL - Waterbeach, (Bannold Road)</b><br>Residential Development and Associated Works including Access.                                                                                                                                                                                                                                                                                                                               | 13 - 36   |
| 5.  | <b>S/2003/15/FL - Little Shelford (25 Church Street)</b><br>Erection of two detached houses following demolition of existing house, and new highway access                                                                                                                                                                                                                                                                                       | 37 - 52   |
| 6.  | <b>S/0957/15/OL - Girton (Girton College, Huntingdon Road)</b><br>Student residential accommodation together with ancillary meeting, office and social space (maximum 14,700 square metres), auditorium (maximum 1,300 square metres) replacement buildings and grounds maintenance workshops, one new and relocated sports pitch, additional 'ball-stop' fencing, relocated tennis courts, two new vehicular accesses and replacement car park. | 53 - 88   |
| 7.  | <b>S/2580/15/OL - Foxton (Land off Shepreth Road)</b><br>76 Dwellings                                                                                                                                                                                                                                                                                                                                                                            | 89 - 114  |
| 8.  | <b>S/1686/15/FL - Hardwick (11 Cambridge Road)</b><br>Dwelling                                                                                                                                                                                                                                                                                                                                                                                   | 115 - 124 |
| 9.  | <b>S/2109/15/OL - Linton (1 Horseheath Road)</b><br>Demolition of dwelling and erection of nine dwellings                                                                                                                                                                                                                                                                                                                                        | 125 - 138 |
| 10. | <b>S/2448/15/FL - Bourn (Rookery Farm, Broadway)</b><br>Installation of two Biomass Boilers and two Drying Kilns (Retrospective)                                                                                                                                                                                                                                                                                                                 | 139 - 148 |
| 11. | <b>S/2540/15/OL - Conington (3 School Lane)</b><br>Detached Dwelling                                                                                                                                                                                                                                                                                                                                                                             | 149 - 158 |

## INFORMATION ITEMS

- |     |                                                                  |           |
|-----|------------------------------------------------------------------|-----------|
| 12. | <b>Enforcement Report</b>                                        | 159 - 164 |
| 13. | <b>Appeals against Planning Decisions and Enforcement Action</b> | 165 - 168 |

### 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](mailto: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'.

This page is left blank intentionally.

# 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 .....

This page is left blank intentionally.



# Agenda Item 3

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on  
Wednesday, 2 December 2015 at 10.00 a.m.

PRESENT: Councillor Lynda Harford – Chairman  
Councillor David Bard – Vice-Chairman

Councillors: Brian Burling Anna Bradnam  
Pippa Corney Kevin Cuffley  
Des O'Brien Deborah Roberts  
Tim Scott Hazel Smith (substitute)  
Ben Shelton Robert Turner

Officers in attendance for all or part of the meeting:

Julie Baird (Head of Development Management), Katie Christodoulides (Planning Officer), Gary Duthie (Senior Lawyer), Andrew Fillmore (Principal Planning Officer), John Koch (Planning Team Leader (West)), Lydia Pravin (Planning Officer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer), Alison Twyford (Senior Planning Officer) and Andrew Winter (Senior Planning Officer)

Councillors Robin Page, Peter Topping and John Williams (in his capacity as applicant) were in attendance, by invitation.

### 1. APOLOGIES

Councillor Sebastian Kindersley sent Apologies for Absence. Councillor Hazel Smith attended as his substitute.

### 2. DECLARATIONS OF INTEREST

An interest was declared as follows:

Councillor Lynda Harford

Non-pecuniary interest in respect of Minute 13 (S/2462/15/PO) as the Cambridgeshire County Councillor whose Electoral Division of Bar Hill includes the parish of Girton.

Councillor Tim Scott

Non-pecuniary interest in respect of Minute 11 (S/0595/15/FL) as having been a Barton Parish Council member at the time that Parish Council discussed the application. Councillor Scott was no longer a member of Barton Parish Council and was considering the matter afresh.

### 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 4 November 2015.

### 4. S/1344/14/FL - GREAT EVERS DEN (OSP148, CHURCH STREET)

Councillor Paul Tebbit (Great and Little Eversden Parish Council), Councillor Robin Page (local Member) and County Councillor Sebastian Kindersley (whose Electoral Division of

Gamlingay covers the parish of the Eversdens) addressed the meeting. Councillor Tebbit said he expected the provision of public open space to be of benefit to the community. He welcomed the incorporation of a Mortgagee-in-Possession (MIP) clause into the Legal Agreement. Councillor Page said the application should be deferred pending further investigation into the availability of an alternative site. County Councillor Kindersley referred to the benefits flowing from this application, not least the affordable housing itself.

Expanding on Councillor Kindersley's comment about the MIP clause, the Senior Lawyer said that, in the event of mortgage default, and so long as no other Registered Provider (RP) acquired them from the defaulting RP, South Cambridgeshire District Council would be offered first option to purchase the properties on no less favourable terms and at no less favourable valuation than was sufficient to defray the funder's exposure.

Following further discussion by Committee members, and a resolution not to defer determining the application until February 2016, the Planning Committee **resolved to give officers delegated powers to approve** the application subject to;

- 1 The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 (detailed wording being delegated to officers)
  - i) securing
    - a. the houses as affordable subject to exemptions in favour of secured lenders
    - b. the sum of £10.17 per square metre of adoptable on-site public open space
    - c. £69.50 per dwelling for waste receptacles
    - d. £1,500 monitoring fee
  - ii) incorporating the Mortgagee-in-Possession exemptions, it being stated clearly that, in the event of mortgage default, and so long as no other Registered Provider (RP) acquired them from the defaulting RP, South Cambridgeshire District Council would be offered first option to purchase the properties on no less favourable terms and at no less favourable valuation than is sufficient to defray the funder's exposure;
2. the Condition requiring low level lighting agreed by Members at the Planning Committee meeting on 4 March 2015; and
3. other safeguarding Conditions.

#### **5. S/1396/15/FL - WHITTLESFORD (SPINNEY HILL FARM, NEWTON ROAD)**

Members visited the site on 1 December 2015.

Simon Patnick (applicant's agent), Councillor Arthur Greaves (Whittlesford Parish Council) and Councillor Peter Topping (local Member) addressed the meeting. Mr Patnick commended the sustainable aspects of the application, which extended beyond just transport issues. Councillor Greaves highlighted the proposal's location in the Green Belt and the lack of suitable public transport. Car parking was also limited. Councillor Topping said that there was an expectation that burials would be conducted locally rather than district-wide. He described the proposal as inappropriate and in an unsustainable location.

While there was some support for the principle of development, Members voiced concern based on sustainability, transport issues, and appropriateness given the site's proximity to

the M11.

'The Committee **endorsed** officers' reason for refusing the application as set out in the report from the Planning and New Communities Director **and as verbally updated by the planning officer at the meeting.**

**6. S/2277/15/FL – FULBOURN (73 STATION ROAD)**

Members visited the site on 1 December 2015.

Councillor John Williams (applicant) addressed the Committee.

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

**7. S/2109/15/OL- LINTON (1 HORSEHEATH ROAD)**

Kate Kell (objector) addressed the meeting. She questioned the accuracy of the plans in assessing the distance between the nearest of the proposed dwellings and the most affected window in her own property.

Upon a vote being taken, the Committee **deferred** the application for a site visit.

**8. S/2003/15/FL- LITTLE SHELFORD (25 CHURCH STREET)**

Members visited the site on 1 December 2015.

The Committee **deferred** the application for more information and another site visit.

**9. S/2334/15/FL- GREAT ABINGTON (6 CHALKY ROAD)**

Members visited the site on 1 December 2015.

The Committee noted that this application had been **withdrawn** from the agenda.

**10. S/1691/15/FL- GREAT ABINGTON (8 CHALKY ROAD)**

Members visited the site on 1 December 2015.

The Committee noted that this application had been **withdrawn** from the agenda.

**11. S/0595/15/FL - BARTON (46 HIGH STREET)**

Members visited the site on 1 December 2015.

James Lusher (applicant's agent) and Councillor Margaret Penston (Barton Parish Council) addressed the Committee. Councillor Penston described the site as too small for the development, which was deemed therefore to be inappropriate and out-of-keeping.

Members expressed contrary comments about the appropriateness of the proposal's design. There was also a query about the development's impact on the Conservation Area.

The Committee gave officers **delegated powers to approve** the application subject to

1. the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 requiring  
£666.6666 towards the refurbishment of the skate ramp  
£3333.3333 towards the improvement of play facilities  
£69.50 towards waste receptacles;
2. the Conditions and Informative referred to in the report from the Planning and New Communities Director; and
3. an additional Condition requiring details of the solar panels to be fitted to the roof of the new dwelling.

**12. S/2383/15/FL- ELSWORTH (10 SMITH STREET)**

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

**13. S/2462/15/PO - GIRTON (6-8 GIFFORDS CLOSE)**

The Committee **approved** the application subject to the prior completion of a revised Legal Agreement under Section 106 of the Town and Country Planning Act 1990 discharging the **terms of the** existing Section 106 Agreement.

**14. S/2341/14/FL - WILLINGHAM (LAND TO THE NORTH OF DANIELS CLOSE,) \*LATE ITEM\***

This report had not been included in the agenda published on 24 November 2015. Therefore, it had not been in the public domain for a length of time sufficient to comply with Access to Information requirements. The Chairman admitted this report to the agenda as a late item due to its urgency. The Authority believed that consideration of the matter could not be deferred until the next scheduled meeting of the Planning Committee due to the risk of the selected Registered Provider not progressing the scheme.

Planning application S/2341/14/FL had been referred to Planning Committee on 1 April 2015, and the Committee gave officers delegated powers to approve the application subject to a Section 106 legal agreement securing affordable housing amongst other obligations. Members were now being asked to consider the inclusion of a 'Mortgagee in Possession' (MiP) clause into the proposed Section 106 agreement to enable the Registered Provider to borrow against the development and so fund future schemes in its programme. This planning decision was brought to Members' attention, as it was 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. As the development has now commenced, members are also being asked to consider an updated list of conditions further to those agreed by Planning Committee on 1 April 2015.

The Committee

1. **approved** the request to insert the Mortgagee-in-Possession clause into the Legal Agreement made under Section 106 of the Town and Country Planning Act 1990 for application S/2341/14/FL at Daniels Close, Willingham;
2. gave officers **delegated powers to agree** the detailed wording, subject to no significant objections from Willingham Parish Council or the local Members;

3. **resolved** that, in the event of mortgage default, and so long as no other Registered Provider (RP) acquired them from the defaulting RP, South Cambridgeshire District Council would be offered first option to purchase the properties on no less favourable terms and at no less favourable valuation than is sufficient to defray the funder's exposure.

**15. ENFORCEMENT REPORT**

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

**16. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

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

---

**The Meeting ended at 1.40 p.m.**

---

This page is left blank intentionally.

# Agenda Item 4

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2015

**AUTHOR/S:** Planning and New Communities Director

---

**Application Number:** S/1431/15/OL

**Parish:** Waterbeach

**Proposal:** Residential Development (144 Dwellings) and Associated Works including Access

**Site address:** Land North of Bannold Road

**Applicant(s):** Persimmon Homes East Midlands

**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:** No

**Departure Application:** Yes

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** Departure Application

**Date by which decision due:** 4 September 2015 (Extension of Time agreed)

### Executive Summary

1. This proposal, as amended, seeks permission for a residential development outside the Waterbeach 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 the site and an adjoining site 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 144 dwellings towards the required housing land supply including 58 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. **Site**  
S/1359/13/OL- Residential Development (90 Dwellings) and Access - Appeal Allowed
3. **Adjacent Sites**  
S/1907/14/OL - Residential Development (36 Dwellings) and Access - Approved  
S/0558/14/OL - Residential Development (57 Dwellings) and Access - Approved  
S/0645/13/FL - Residential Development (60 Dwellings) - Appeal Allowed

### **National Guidance**

4. National Planning Policy Framework (NPPF)  
National Planning Practice Guidance 2014 (NPPG)

### **Development Plan Policies**

5. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centres
6. **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  
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 Pollution  
NE/17 Protecting High Quality Agricultural Land



CH/2 Archaeological Sites  
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

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

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

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

S/3 Presumption in Favour of Sustainable Development  
S/4 Cambridge Green Belt  
S/5 Provision of New Jobs and Homes  
S/6 The Development Strategy to 2031  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
SS/5 Waterbeach New Town  
HQ/1 Design Principles  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
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/6 Construction Methods  
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  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

**Consultation**

9. **Waterbeach Parish Council** - Recommends refusal and makes the following comments:-

**Original Plans**

- i) This is Greenfield land and outside the village envelope in order to protect the rural character of the village from this type of development. This ought not to be changed without consultation with the people of Waterbeach. There are also doubts about whether the way the site meets policies DP/1, DP/2, and DP/4.
- ii) The site is susceptible to flooding and building on it will endanger nearby properties.

We note that the Flood Risk Assessment (2.10) states *"logically however any frontage units should have floor levels set slightly higher above the channel of the existing road to ensure that water conveyed in this way does not pose any risk of inundation"*; unfortunately for the existing residents in this area their floor areas cannot be raised!! In the last 2 years Bannold Road has been severely flooded with both rain water and sewerage at least 6 times which has infiltrated residents properties. Anglian Water cannot cope with the current levels of surface water and sewerage in bad weather conditions.

iii) 144 dwellings is over development of the site. Whilst the existing street scene in the locality of Bannold Road comprises of large front gardens leading to detached housing and the ex-army quarters to the north enjoy spacious public areas. The Inspector's agreement to 90 houses was much more in keeping with the area. The conditions he proposed in his judgement should also be applied with rigour including a footpath from the site to the Doctor's surgery which does not appear on the plans. 144 dwellings may increase the number of vehicles by 300. This will further reduce road safety in the already congested streets of Waterbeach in particular around the area since the sale and occupation of the ex MOD homes to the north of the site. This is in addition to the ever increasing level of HGV and large farm vehicles using Bannold Road.

iv) There are 2 existing junctions directly opposite the proposed access to the site creating road safety issues for motorists and pedestrians. The main access could be positioned at the proposed emergency access which appears surplus to requirements.

v) The sensible conditions included by the Inspector who approved 90 houses for this site should be applied. In particular 40% affordable housing should be included in any proposal.

vi) Loss of green highway used by wildlife including foxes, hedgehogs, deer, owl and bats.

vii) Inadequate bus service

viii) The road infrastructure around Waterbeach is at breaking point and needs improvement in capacity and traffic calming before any more building is allowed if our village is to be sustainable.

ix) Primary School also creaking at the seams needs expansion to cope with the population increase which will result from this unplanned development.

### **Revised Plans**

i) Point 2.8 of the Flood Risk Assessment states that "Bannold Road and Bannold Drove are not known to have generated any flooding issues". The Drainage Board disagrees with this statement which also contradicts local knowledge of flooding.

ii) Point 4.7 of the Traffic Assessment comments on the bus stops on Bannold Road and Cody Road, however, the village is not well served by public transport.

iii) Point 4.20 of the Traffic Assessment stating information from the 2011 UK Census - this information is out of date as this data includes the former barracks which no longer employs personnel that could walk to work.

iv) There appear to be little or no provision of front gardens for the properties.

v) The central green area would benefit from the inclusion of trees.

10. **Policy Team** - Comments that this application seeks to increase indicative dwelling numbers to 144 from the existing permission for 90. The principle of residential development on this site has been determined and is no longer at issue. A density of 41 dph would be acceptable with reference to DC policy HG/1 which refers to densities of at least 40 dph in more sustainable locations. Planning Committee made a decision recently that accepts that this location is a more sustainable location. Little weight can be attached to the density policy in the submission Local Plan H/7 because it is subject to objections.

11. **Affordable Housing Officer** - Comments that there are currently 1,700 applicants on homelink in South Cambs and this proposal will meet some of the housing need in in the district. The number of affordable properties being provided is in accordance with policy H/9 of the Proposed Local Plan, which states that for a development of 3 or more dwellings, there is a requirement to provide 40% affordable housing. A good mix of properties should be provided in order to ensure the development remains sustainable. Generally in South Cambs there is a large demand for 1 and 2 bedroom properties, predominantly due to the Welfare Reform legislation. So, the mix should consist of a higher proportion of 1 and 2 bedroom dwellings. The tenure split should be 70% rented and 30% intermediate housing as stated in the Affordable Housing SPD. The affordable dwellings should be distributed through a residential development in small groups or clusters, typically 6-8 units, and integrated with the market housing to ensure sustainable communities.
12. **Urban Design Officer** - Comments that the indicative masterplan has now been amended to address previous comments and concerns and is now a much improved layout. The location of the open space in the centre would provide a central focus to the housing and allows a stronger frontage to be formed along Bannold Road. The open space is well overlooked. It may be that primary and secondary routes be swapped so that the road surrounding the open space is more like mews with higher pedestrian priority. Bespoke individual housing designs may be required along the entrance road to create a legible route. Careful consideration needs to be given to parking to ensure that hard standing and cars do not dominate the development.
13. **Landscape Design Officer** - Comments that the site is located to the north of Bannold Road on the north eastern edge of Waterbeach. The site is agricultural land, partly fronting Bannold Road, but mostly to the rear of linear residential development. Situated in an area of relatively open land between the edge of the village and the Barracks to the north. A public right of way is situated to the east of the site which runs north to south along Bannold Drove. The site is situated within the national character area of 46 The Fens as assessed by Natural England. The biggest changes in views will be from the immediate periphery of the application site from Bannold Road and Cody Road. There will also be major / moderate changes in views to the east of the site (dwellings visible above existing hedge line) particularly from the Public Right of Way. Has no objections subject to landscape recommendations in the form of hedges on the boundaries to mitigate the potential adverse impacts of the development and conditions in relation to hard and soft landscaping, details of trees to be retained and the method of protection, no-dig construction within the Root Protection Areas of trees to be retained, boundary treatments, surface water drainage, external lighting, waste/recycling bins, cycle bat brick/boxes and bird nest boxes, log piles, hedgehog and insect houses and swale pond.
14. **Ecology Officer** - Has no objections. The site has been assessed by an ecologist and no particular biodiversity constraints were identified except for a possible water vole burrow in the boundary ditch. This has been re-evaluated in the appropriate season and dismissed as water vole. No trees are to be removed that are considered to offer bat roost potential. There is no particular vegetation on site as it is an arable field, as such I do not require a condition to control vegetation removal during the bird breeding season in this instance. A condition should be used to secure a season of ecological enhancement along the lines of bird and bat box provision.
15. **Local Highways Authority** - Comments that the revised drawings are acceptable.
16. **Cambridgeshire County Council Transport Assessment Team** - Comments that the impacts of the development are not considered to be significant and no objections

are raised subject to a footpath along the northern side of Bannold Road from just north of Cody Road (to connect to the existing footpath), the installation of a bus shelter and raised kerb, a contribution to the Parish Council for maintenance costs for the bus shelter and a contribution to the County Council for installation and maintenance of real time information, a traffic signals engineer to revalidate the MOVA at the Denny End Road/ Bannold Road junction, a full travel plan and residential welcome pack being secured via a Section 106 or condition attached the any consent.

17. **Cambridgeshire County Council Flood and Water Team** – Comments that the previous concerns have been addressed and no objections are raised subject to a condition to agree a detailed surface water drainage scheme including information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters and a management and maintenance plan for the lifetime of the development.
18. **Waterbeach Level Internal Drainage Board** - Comments that the watercourse does not have the residual capacity to accept increased storm flows from new developments and any new development would therefore have to provide attenuation works to limit the capacity to 1.1 l/s/ha to prevent any increase in flood risk. The submitted flood risk assessment has addressed this restriction and the surface water scheme is acceptable in principle. However, further details on the design including the detailed design of the sustainable drainage system, the design of the discharge pipework and headwall to the watercourse and the adoption of the on-site drainage system are required at the detailed planning stage.
19. **Environment Agency** - Has no objections subject to conditions in relation to any contamination found on site during works and a scheme of pollution control of the water environment to include foul and surface water drainage. Also requests informatives.
20. **Anglian Water** - Comments that the foul drainage from this development is in the catchment of Waterbeach Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows via a gravity connection to manhole 0801 in Bannold Road.
21. **Environmental Health Officer** - 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.
22. **Contaminated Land Officer** - Comments that a 'Phase I Desk Study' and a 'Phase II Site Appraisal' has been submitted to support the application. This information fulfils the necessary requirements for the assessment of contaminated land and no further investigation, risk assessment or remedial measures are necessary. However, a condition should be attached to any consent in case any contamination is found during works.
23. **Cambridgeshire County Council Historic Environment Team** - Has no objections but recommends a condition for an archaeological investigation to ensure that no unrecorded loss of potential archaeological remains occurs through construction.

24. **Section 106 Officer** - Comments that contributions are required towards off-site open space, community facilities, burials and monitoring to ensure that the development is acceptable in planning terms. A meeting has been held with Waterbeach Parish Council to identify projects and details and costings have been submitted.
25. **Cambridgeshire County Council Education Team** – Comments that there is insufficient capacity in the area for early years and primary places to accommodate the need generated by the development. The development would result in the need for additional accommodation in the form of an early years room and two classrooms and ancillary works at Waterbeach Primary School. No contribution towards secondary education is required as Cottenham Village College has sufficient capacity. Requests a contribution towards an additional route stop and resources for the mobile library in the village. No contribution towards strategic waste is required as five contributions have been pooled already towards a replacement Household Waste Recycling Centre at Milton. Requests a monitoring contribution.
26. **NHS England** – Comments that the development is likely to have an impact on the services of 1 GP Practice within the locality, Waterbeach surgery. This GP practice does not have capacity for the additional growth as a result of this development. The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practice(s).

### **Representations**

27. Approximately 50 letters of representation have been received from local residents surrounding the site. They raise the following concerns: -
- i) Increased traffic.
  - ii) Road infrastructure.
  - iii) Highway safety issues at access point as opposite two junctions.
  - iv) High density urban development out of keeping with area.
  - v) Loss of rural character of the village.
  - vi) Loss of high grade agricultural land.
  - vii) Brownfield land should be developed first.
  - viii) Green Belt land.
  - ix) No lack of housing land supply.
  - x) Cumulative impact with adjacent developments.
  - xi) Flood risk.
  - xii) Impact upon amenities of neighbours through noise, disturbance, overlooking, overbearing, loss of privacy and loss of outlook.
  - xiii) Impact upon views from the public right of way.
  - xiv) Sewage and surface water drainage issues in area.
  - xv) Lack of school spaces.
  - xvi) Capacity of doctors.
  - xvii) Affordable housing should be limited to people in Waterbeach.
  - xviii) Impact upon wildlife.
  - xix) Inadequate bus service.
  - xx) Lack of capacity for rail service.
  - xxi) Loss of train station.
  - xxii) Housing quality and reputation of developer.

### **Planning Appraisal**

28. The key issues to consider in the determination of this application are whether the principle of development is acceptable in the countryside and proposed Green Belt land 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.

### **Site and Surroundings**

29. The site is located outside the Waterbeach village framework and in the countryside. It is situated on the north eastern edge of the village between Bannold Road and the former barracks. The site measures approximately 4 hectares in area and currently comprises an arable field. There is high fencing and landscaping along the northern boundary of the site, a hedge along the eastern boundary of the site and a drainage ditch, fence and row of small trees along the southern boundary of the site. The western boundary of the site is open. Residential properties are located on Kirby Road to the north of the site and Bannold Road to the south of the site. Open agricultural land lies to the east and west of the site.

### **Proposal**

30. The proposal seeks outline permission for a residential development on the site of up to 144 dwellings along with vehicular access from Bannold Road. The layout, design and external appearance of site, and landscaping are matters reserved for later approval. 58 dwellings would be affordable in nature. The mix is not known at this stage but would meet local needs. The tenure would be 70% social rented and 30% intermediate. The remaining 86 dwellings would be available for sale on the open market. The mix is not known at this stage but would consist of a range of sizes and types of properties. The development would be predominantly two-storeys in height and a range of detached, semi-detached and terraced properties arranged in blocks to reflect the characteristics of the surrounding area. The materials would replicate those found within the vicinity of the site. A public open space has been provided within the development. Parking spaces would be in accordance with the Council's parking standards.

### **Principle of Development**

31. The site is located outside the Waterbeach 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 144 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.
32. Waterbeach is identified as a Minor Rural Centre under Policy ST/5 of the LDF and Policy S/8 of the emerging Local Plan where there is a reasonable range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms. The erection of up to 144 dwellings would significantly exceed the amount of residential dwellings allowed in such locations and 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**

33. 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.

34. On the 25 June 2014 in two appeal decisions for sites in Waterbeach, on the site and an adjoining site, 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/6 and ST/7 but as a logical consequence of the decision these should also be policies "for the supply of housing".
35. 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 (which includes land designated as Green Belt in adopted plans.

#### **Proposed Green Belt**

36. The site is proposed to be designated as Green Belt under Policy S/4 of the emerging Local Plan in order to ensure separation from Waterbeach New Town that is allocated for new residential, commercial and mixed use development under Policy SS/5 of the emerging Local Plan. The Inspector in a recent appeal decision on the site considered that little weight can be attached to the designation of the land as Green Belt in the emerging plan given the objections which have been made to the designation. He considered that the function of spatial separation could be achieved on the land allocated as the Waterbeach New Town to ensure that the existing village would not merge with the new town and that the dismissal of the appeal on the grounds of prematurity would not be justified.

#### **Character and Appearance of the Area**

37. The site is currently a piece of arable land that is situated outside the Waterbeach village framework and in the countryside. The Council considered in a recent appeal on the site and an adjoining site that it performed two significant functions: first to provide an important visual break between the two settlements that comprise the village of Waterbeach and the former Barracks and second to provide a pleasant visual setting for both settlements. However, the Inspector considered that both physically and functionally the former Barracks now forms part of Waterbeach village as does not have a distinct identity given that recent residential development has already resulted in some coalescence and that the barracks have recently been sold off as private housing and has a similar character to the main part of the village. It is also important to note that the former barracks is physically linked to the existing village via Cody Road which has public footpaths on both sides and that residents would be likely to consider themselves part of the village and use the facilities within the village.

38. The development is considered to result in a loss of openness and rural character that would significantly change the appearance of the site when viewed from Bannold Road and the setting of the village. However, the Inspector considered that these views would only 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 and that the development would continue the pattern of coalescence that has already taken place within the vicinity of the site. The development is not therefore considered to harm the character and appearance of the area.

### **Housing Density**

39. The site measures approximately 4 hectares in area. The erection of 144 dwellings would equate to a density of approximately 36 dwellings per hectare (including the public open space). The net density would equate to 41 dwellings per hectare (excluding the public open space). This would comply with 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 Waterbeach. It is also not considered to be out of keeping with the character and appearance of the area.

### **Affordable Housing**

40. 58 of the 144 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. The tenure split of 70% social rented and 30% intermediate is satisfactory.

### **Housing Mix**

41. The remaining 86 of the 144 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**

42. Development Control Policy SF/10 adopted July 2007 states that 'All residential developments will be required to contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities) and informal open space to meet the additional need generated by the development in accordance with the standards in Policy SF/11'.
43. The recreation study of 2013 highlighted that Waterbeach experienced a deficit of 1.29 ha of sports space, a deficit of 3.46 ha of children's play space and a deficit of 0.13 ha of informal open space against policy SF/11.
44. This assessment was undertaken based on the population at 2011, however as there have been a number of large developments approved in Waterbeach over the previous 2 years the deficit of open space (in particular sports space) will be increased.
45. In accordance with Development Control Policy DP/4 infrastructure and new



developments, all residential developments generate a need for the provision of, or improvement to, indoor community facilities. Where this impact is not mitigated through onsite provision a financial contribution towards offsite improvement works will be required.

46. Whilst not formally adopted as an SPD, an informal approach was considered and approved at the Planning and New Communities portfolio holder's meeting on 5th December 2009 and is therefore considered Council policy. The policy, which requires the provision of 111 square metres of indoor community space per 1,000 people, is based on the recommendations of an external audit and needs assessment undertaken in 2009 in respect of all primary community facilities in each village. The audit also established a tariff for securing indoor community space provision/improvements.
47. The external audit highlighted that there was a deficiency of indoor community space in Waterbeach.
48. In conjunction with Cambridgeshire local authorities, the RECAP waste management design guide was adopted by South Cambridgeshire District Council on 13th March 2008. The guide contains a toolkit outlining the basis for planning conditions and obligations, and applicants should demonstrate that they have considered this in their application submission. It became a supplementary planning document under Cambridgeshire County Council's new Minerals and Waste Plan when adopted by the County Council on 22nd February 2012. In accordance with the guide and development control policies DP/4 Infrastructure and new developments, developers are required to provide for the household waste receptacles as part of a scheme. The local cost of providing and delivering each household waste receptacle has been calculated at £72.50 per house and £150 per flat.
49. In addition to the above a development of this scale would generate the requirement for a financial contribution in respect of the monitoring and administrative activities undertaken for each planning obligation. A policy was approved at the Planning and New Communities portfolio holder's meeting on 5th December 2009 and was implemented on 1st January 2010. The level of financial contribution varies between different scales of development, and therefore is in direct relation to the work involved. Financial contributions are necessary to fully fund a dedicated resource for the purpose of the monitoring and delivery of District and Parish Council planning obligations. Here the Council is seeking the sum of £4,500.
50. The Council is aware of the Judicial Review for Oxfordshire County Council dated 3rd February 2015 where the Honourable Mrs Justice Lang determined that on straight forward matters, securing a section 106 monitoring fee would not meet the CIL tests. Due to the nature of this application where onsite provision of services and facilities (including public open space, play equipment and affordable housing) are being secured officers consider that securing a monitoring contribution does accord with the CIL tests.
51. Furthermore the request for a District Council monitoring contribution was considered by the planning inspector when approving the previous application for 90 dwellings (APP/W0530/A/13/2209166) and in reaching his decision the planning inspector determined that 'In these circumstances I am satisfied that provisions set out in the Agreement are compliant with paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy [CIL] Regulations 2010'.

*The restriction on the use of section 106 agreements*

52. The effect of CIL Regulation 123(3) is such that if there are agreements in place for more than five S106 contributions after 6 April 2010 for a project or type of infrastructure, from 6 April 2015 a Local Planning Authority will not be able to collect any more contributions for that purpose.
53. As Waterbeach has exceeded 5 general offsite open space and community facility contributions what this means in practice is that a qualifying project must be identified before the Council can lawfully give weight to the planning obligation.
54. The Planning Practice Guidance (PPG) confirms that tariff style charges may still be used (i.e. the formula set out in the open space in new developments SPD) but that the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The District Council has been successful in defending the continued use of its tariff style policies during planning appeals.
55. The PPG goes on to say that planning obligations must be fully justified and evidenced and District Council officers have been working with Waterbeach Parish Council in order to determine how monies arising from the developments along Bannold Road will be appropriated such that the necessary mitigation may be safeguarded. The details of some of these projects are still being worked up therefore officers request delegated approval allowing some flexibility in the final wording in consultation with Waterbeach Parish Council.
56. As this is an outline planning application, with the housing mix to be approved at reserved matters stage, the Council must establish a framework in order to (a) provide the requisite amount of public open space to accord with development control policies SF/11 (b) a mechanism for calculating the offsite contributions.

#### **On-Site Public Open Space Provision**

57. In terms of informal open space the requisite quantum in accordance with SF/11 would be:

1 bed - 5.4m<sup>2</sup>  
 2 bed - 7m<sup>2</sup>  
 3 bed - 9.7m<sup>2</sup>  
 4+ bed - 13.3m<sup>2</sup>

In terms of children's play space (both formal and informal) the requisite quantum in accordance with SF/11 would be:

2 bed - 14m<sup>2</sup>  
 3 bed - 19.4m<sup>2</sup>  
 4+ bed - 26.6m<sup>2</sup>

58. Furthermore the public open space will need to be offered to Waterbeach Parish Council for adoption along with a commuted sum for maintenance equivalent to £10.17 per square metre of adopted public open space.
59. In the event that the reserved matters application is approved with a quantum of public open space less than that set out above a further contribution will be required equivalent to £67.09 of each square metre not provided onsite.

## **Off-Site Contributions**

### *Formal Sports Space*

60. The open space in new developments SPD would require the following offsite sports contributions to be paid:  
1 bed - £625.73  
2 bed - £817.17  
3 bed - £1,130.04  
4+ bed - £1,550.31
61. Waterbeach Parish Council wishes to use this money to provide and maintain additional tennis court(s) on the recreation ground.

### *Children's Play Space*

62. The open space in new developments SPD would require the following children's play space contributions to be paid:  
2 bed - £1,202.78  
3 bed - £1,663.27  
4+ bed - £2,281.84
63. This money will be used by Waterbeach Parish Council to (a) provide and maintain children's play space within the development and (b) provide play equipment for older children on the village recreation ground. The section 106 agreement will be worded such that, in the event that Waterbeach Parish Council elects not to adopt the onsite open space that the developer will be required to provide onsite play equipment.

### *Indoor Community Space*

64. The community facilities contribution external audit approved by the Council would require the following contributions to be paid:  
1 bed - £284.08  
2 bed - £371  
3 bed - £513.04  
4+ bed - £703.84
65. Waterbeach Parish Council wishes to finance refurbishments to Waterbeach Tillage Hall including installation of acoustic works.

### *Cemetery*

66. Although the Development Control Policies DPD does not contain a policy for the provision of cemetery space, policy 'SC/4: Meeting Community Needs' of the proposed submission South Cambridgeshire Local Plan says that 'All housing developments will include or contribute to the provision of the services and facilities necessary to meet the needs of the development'. Included in the list of 'Range of services and facilities to be provided' is the 'provision for burials'.
67. The proposed Local Plan is currently in state of suspension with the Council consulting on a number of changes before the hearings will reconvene in the New Year.
68. Despite there being a recognised shortfall in burial places in Waterbeach (i.e. there

are no plots remaining that are either unsold or unreserved), the District Council has not previously been able to support securing financial contributions as the land for providing burial space had not been secured. However, there is now agreement in place between Waterbeach Parish Council and Urban and Civic to release some land adjacent the existing burial ground.

69. The total cost of providing the new cemetery exceeds £105,000 and Waterbeach Parish Council has requested a contribution towards these works (including the provision of new pathways, boundary treatment and upgrade of access driveway to serve the new cemetery).
70. Officers consider that although limited weight may be given to this new policy there is a case for securing a contribution. The proposed local plan does not establish the mechanism for how a contribution might be calculated.
71. Officers have therefore simply assessed the likely population of the proposed development against the existing population of Waterbeach in order to understand the percentage increase. In applying this methodology to the cost of £105,000, a contribution of £7,500 would be payable.

#### *Early Years and Primary Education*

72. The development is expected to generate a net increase of 44 early years aged children, of which S106 contributions would be sought for 22 children. In terms of early years capacity, County education officers have confirmed that there is insufficient capacity in the area in the next 3 years to accommodate the places being generated by this development. The early years project that has been identified is an additional early years room at Waterbeach Primary School. The estimated cost of this provision is £500,000 and it will accommodate 52 early years aged children at 15 hours per week. As the County Council is not aware of any other planning applications coming forward in the village, and which could be required to provide funding for the difference, this development is required to pay the full costs of the project. Therefore a contribution of £500,000 is sought for early years. There have not been 5 or more contributions currently pooled towards this project.
73. The development is expected to generate a net increase of 51 primary education aged children. This development lies within the catchment area of Waterbeach Community Primary School. County Education Officers have confirmed that there is insufficient capacity in the school in the next 5 years to accommodate the places generated by this development. Therefore a contribution will be required towards primary education provision. The identified project is the second phase of the 1FE expansion to Waterbeach Community Primary School to accommodate the additional children arising from the new developments in the area. This is an additional two classrooms (accommodating 60 pupils) and ancillary work, which is estimated to cost £1m. As the County Council is not aware of any other planning applications coming forward in the area, and which could be required to provide funding for the difference, we require this development to pay the full costs of the project. Therefore a contribution of £1,000,000 for primary education is sought.
74. The development mix is currently not confirmed therefore County Council General multipliers have been applied. These are as follows:  
**Early Years** = 30 children per 100 dwellings  
**Primary** = 35 children per 100 dwellings  
**Secondary** = 25 children per 100 dwellings  
Once a more detailed housing mix is known (size of dwellings and tenure), for both

the market and affordable elements of the scheme, then more precise pupil generation figures can be calculated. This may change the County Council requirements

*Libraries and Life Long Learning*

75. The County Council provide a statutory library provision service in Waterbeach via 5 mobile library stops. This new development would result in an increase in population of 360 residents (144 x 2.5). This would place demand on the Libraries and Lifelong Learning facilities in Waterbeach which requires a contribution of £28.92 per head of increase of population to mitigate. Therefore a contribution of £10,411.20 for libraries and lifelong learning is sought (£28.92 x 360 new residents). The libraries and lifelong learning contribution would be used to contribute towards the provision of an additional route stop and to purchase additional resources required to meet the library and lifelong learning needs of this new population. There have not been 5 or more contributions currently pooled towards this project.

*Health*

76. This development is likely to have an impact on the services of 1 GP Practice within the locality, Waterbeach surgery. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a HIA has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
77. The table below provides a summary of the capacity position for the GP Catchment Practice once the additional floorspace requirements arising from the development proposal are factored in, including an estimate of the costs for providing new floorspace and/or related facilities. The costs for additional car parking capacity are not addressed in the table as NHS England has yet to undertake a detailed audit of the transportation position.

<b>Premises</b>	<b>Weighted List Size 1</b>	<b>NI A (m<sup>2</sup>)<sup>2</sup></b>	<b>Capacity<sup>3</sup></b>	<b>Spare Capacity (NIA m<sup>2</sup>)<sup>4</sup></b>	<b>Additional Population Growth (144 Dwellings)<sup>5</sup></b>	<b>Additional floorspace required to meet growth (m<sup>2</sup>)<sup>6</sup></b>	<b>Capital required to create additional floor space (£)<sup>7</sup></b>
Waterbeach Surgery	5272	223.10	3254	-138.41	346	23.73	£47,460.

**Notes:**

1. The weighted list size of the Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice
3. Patient Capacity based on the Existing NIA of the Practice
4. Based on existing weighted list size
5. Calculated using the South Cambridgeshire DC Average household size of 2.4

78.

taken from the 2011 Census:

Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

6. Based on 120m<sup>2</sup> per GP (with an optimal list size of 1750 patients) as set out in the NHSE approved business case incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"

7. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Q1 2014 price Index, adjusted for professional fees, fit out and contingencies budget (£2,000/m<sup>2</sup>), rounded to nearest £.

As shown in the table above, there is a capacity deficit in the catchment practice and a developer contribution of £47,460 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.

79. The open space, community facilities, waste receptacles, cemetery and District Council monitoring contributions are considered to meet the CIL tests. A contribution towards early years and primary education is agreed but no details of calculations have been provided to date to justify that the development would meet the CIL tests. These details have been requested. Therefore, at present, officers only consider that the standard tariff based contributions towards educational needs can be sought. The contribution towards libraries and life long learning is considered to meet the CIL tests. County Council monitoring is not considered to meet the CIL tests. The health contribution is considered to meet the CIL tests. Confirmation is awaited from the applicant's agent to agreement of the contributions. The contributions should be secured through a section 106 legal agreement along with on-site affordable housing, on-site open space (informal) and the requirements of the County Transport Assessment Team.

### **Design Considerations**

80. 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.
81. The original concerns of the Urban Design Officer have been addressed. The comments in relation to primary and secondary routes, vehicle parking layouts and house designs are noted and will be considered at the reserved matters stage. A condition would be attached to any consent to exclude the submitted indicative layout.
82. 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.
83. The landscaping along the boundaries 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**

84. 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 majority of the trees and hedges along the eastern and southern boundaries of the site that are in a good condition would be retained and protected and new landscaping would be provided along the northern and western boundaries to mitigate the impact of the development upon the surrounding area.

### **Biodiversity**

85. The site is dominated by arable land and is surrounded by species poor hedgerows and some trees along with a ditch. It is considered to have a low ecological value as the trees do not offer bat roost potential, the burrow in the ditch is not that of a water vole and the hedge will be retained. A condition should be attached to any consent to agree ecological enhancements such as the provision of bird and bat boxes.

### **Highway Safety**

86. Bannold Road is a long straight road that bends as its western point where it meets the High Street. It is a fairly quiet road that has a speed limit of 30 miles per hour.
87. The development would result in a significance increase in the level of traffic in the area. However, no objections have been raised by Cambridgeshire County Council Transport Assessment Team in relation to the impact of the development upon the capacity and functioning of the public highway. The proposal would not therefore be detrimental to highway safety. A Section 106 legal agreement would be required to secure a traffic signals engineer to revalidate the MOVA at the Denny End Road/Bannold Road junction.
88. 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 footpaths on each side are 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.
89. There are bus stops on Bannold Road and Cody Road approximately 400 metres to the west of the site. They gives direct public transport access to Cambridge and Ely by an hourly service Monday to Saturdays. This is accessible by walking via a public footpath along the southern side of Bannold Road.
90. Waterbeach railway station is located approximately 1.5km from the site on the southern side of Waterbeach. It gives direct public transport access to Cambridge and London beyond and Ely and Kings Lynn beyond by an hourly service. It is accessible by walking via footpaths and cycling along local roads.
91. The site is considered fairly sustainable given that it has access to two different modes of public transport 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. A Section 106 legal agreement would be required to secure the provision of a footpath along the northern side of Bannold Road to connect to the existing footpath, the installation of a bus shelter and kerb, a contribution to the Parish Council for maintenance of the bus shelter and a contribution to the County Council for the installation and maintenance of real time information.
92. 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. Measures include the appointment of a travel plan co-ordinator and the provision of information packs to new residents. 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**

93. The site is located within Flood Zone 1 (low risk). The River Cam is the most significant watercourse in the area that is located 500 metres to the east of the site. The other notable watercourse within the immediate vicinity of the site is the IDB drain that runs along the eastern side of Bannold Drove. The southern boundary of the site comprises a ditch.
94. The surface water drainage system would comprise water storage tanks on the site in the form of roadside swales and shallow detention basin with a flow control device to ensure that surface water discharging from the development would not exceed existing greenfield run-off rates and the limit of 1.1 l/s/ha as identified by the Waterbeach Level Internal Drainage Board for discharge into the IDB watercourse. The storage tanks could accommodate surface water from a 1 in 100 year storm event plus climate change. It would not be appropriate to discharge water to the existing ditch along the southern boundary of the site so it is proposed that there is a direct connection to the IDB watercourse through a pipe. The design of the surface water drainage system would be agreed through a condition attached to any consent along with the management and maintenance of the system.

### **Neighbour Amenity**

95. 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.
96. 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**

97. The development is not considered to result in a risk of contamination providing a condition is attached to any consent to control any contamination identified during the development.
98. The proposal would not result in the loss of any important features of archaeological interest providing a condition is attached to any consent to secure an archaeological investigation on the site.
99. The affordable housing provision on the site cannot be limited to people from the village as it is not an exceptions site.
100. Although it is noted that the development would result in the loss of high grade agricultural land, the need for housing in the district is considered to outweigh the loss of a very small proportion of agricultural land in the district.



101. The proposal would not lead to the loss of the train station in the village. No evidence has been submitted to demonstrate that the bus and trains services in the village are inadequate.

102. The quality of housing and reputation of the developers is not a planning consideration that can be taken into account in the determination of this application.

### **Conclusion**

103. 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.

104. 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 itself and a cumulative impact when considered in relation to the adjoining developments at Bannold Road and Cody Road.

105. This adverse impact must be weighed against the following benefits of the development:

- i) The provision of 144 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 58 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 along northern side of Bannold Road
- vi) Upgrade of bus stop on Cody Road.
- vii) Employment during construction to benefit the local economy.
- viii) Greater use of local services and facilities to contribute to the local economy.

106. 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**

107. It is recommended that the Planning Committee grants officers delegated powers to approve the application (as amended) subject to the following conditions and section

106 agreement.

### **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
- (m) Ecological enhancement
- (n) Surface water drainage
- (o) Pollution control
- (p) Contamination investigation
- (q) Archaeological investigation
- (r) Hours of use of power operated machinery and construction related deliveries
- (s) Dust suppression
- (t) Piling method statement
- (u) Construction programme
- (v) Waste management strategy
- (w) External lighting
- (x) Renewable energy statement
- (y) Water conservation strategy
- (z) Fire hydrants
- (zi) Drainage during construction

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

- (a) Affordable housing
- (b) Footpath along northern side of Bannold Road to connect to existing footpath
- (c) Bus stop upgrades
- (d) Education
- (e) Open space
- (f) 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 Cambridge Local Plan Submission 2014
- Planning File References S/1431/15/OL, S/1359/13/OL, S/0645/13/FL, S/0296//15/FL, S/1907/14/OL and S/0558/14/OL

**Report Author:**

Karen Pell-Coggins  
Telephone Number:

Principal Planning Officer  
01954 713230

This page is left blank intentionally.



**FOR INTERNAL USE ONLY**

Scale - 1:2500

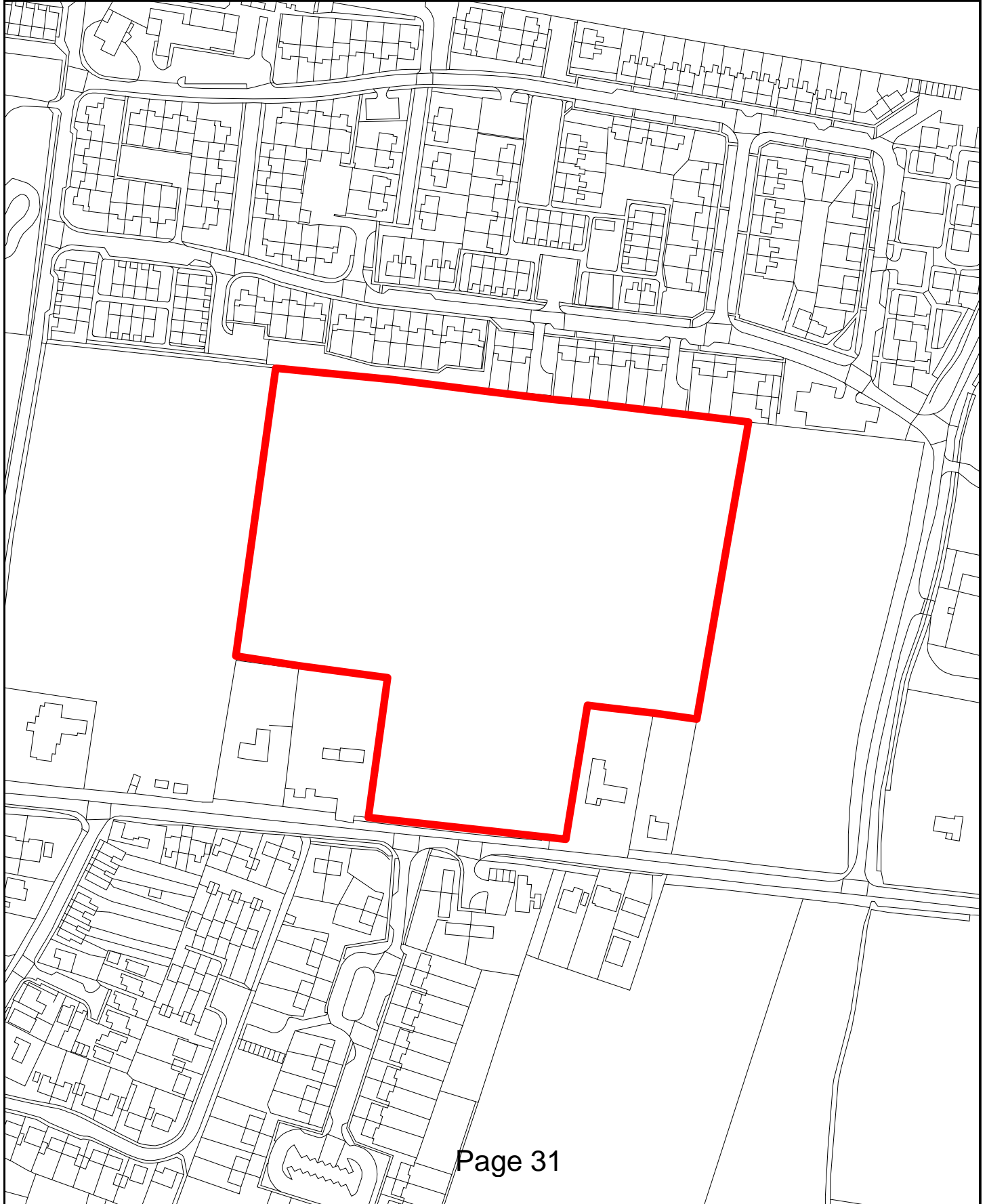
Time of plot: 09:05

Date of plot: 20/11/2015



**South  
Cambridgeshire  
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 5

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2016

**AUTHOR/S:** Planning and New Communities Director

---

**Application Number:** S/2003/15/FL

**Parish(es):** Little Shelford

**Proposal:** Erection of Two Dwellings following Demolition of Existing Dwelling and New Highway Access

**Site address:** 25 Church Street

**Applicant(s):** Crickmore Developments Ltd.

**Recommendation:** Approval

**Key material considerations:** Principle of Development  
Housing Density  
Housing Mix  
Developer Contributions  
Conservation Area  
Trees and Landscaping  
Highway Safety  
Neighbour Amenity

**Committee Site Visit:** Yes

**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 Little Shelford Parish Council

**Date by which decision due:** 28 September 2015

### Planning History

1. S/0163/15/FL - Erection of Two Dwellings following Demolition of Existing Dwelling and New Highway Access - Refused
  - i) The proposals by virtue of their design, form and massing seriously impact on the residential amenities of the adjacent property no. 21 Church Street, contrary to policies DP/2, DP/3 and CH/5 of the adopted Local Development Framework 2007.
  - ii) The proposals involve the removal of a Birch tree immediately adjacent to the highway. This tree makes a significant contribution to the visual amenity of the area

and the street scene and is in good health. Its removal would be contrary to DP/1 and CH/5 of the adopted Local Development Framework 2007.

2. S/2210/14/FL - Erection of Two Dwellings following Demolition of Existing Dwelling and New Highway Access - Withdrawn

#### **National Guidance**

3. National Planning Policy Framework

#### **Development Plan Policies**

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

ST/2 Housing Provision  
ST/7 Infill Villages

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/5 Conservation Area  
NE/6 Biodiversity  
NE/1 Energy Efficiency  
NE/11 Flood Risk  
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

6. **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/11 Infill Villages  
HQ/1 Design Principles  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/4 Biodiversity  
NH/14 Heritage Assets  
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/9 Managing Flood Risk  
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

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

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

**Consultation**

***Amended Plans***

8. **Little Shelford Parish Council** - Comments are awaited.
9. **Local Highways Authority** - Comments are awaited.
10. **Conservation Officer** - Comments are awaited.
11. **Trees and Landscapes Officer** - Comments are awaited.
12. **Landscape Design Officer** - Comments are awaited.

***Original Plans***

13. **Little Shelford Parish Council** - Recommends refusal and makes the following comments: -

"Our main concerns regard the removal and recessing of part of the wall outside number 25 and the height and mass of the proposed properties, as all these factors will detrimentally impact the street scene. The Parish Council holds a very strong opinion that the wall along the front of 25 is a key feature of the street scene as well as being fundamental in assisting with the difficult parking situation often found on Church Street. The impact on the street of a 14 metre opening will be to remove key parking for a village with a very active village hall and church, both situated on Church Street. In the previous application (S/063/15/FL) the Parish Council requested that a single entrance for both properties was maintained but this change was refused by dpa architects and by extension Crickmore Developments because of concerns in creating a 5 metre opening.

"With regard to the site access, we understand that the Parish have a preference for serving both new dwellings from the existing access. However, in order to do so this access would have to be widened to 5m (to comply with Highway standards) which would reduce on-street parking in any case, and due to potential increased noise and disturbance this is not the preferred approach for the owners of No. 21. Therefore we have left our design unchanged in this respect."

As a Parish Council we agree with the assessment of Mr Philips and therefore increasing this opening to 14metres would even further reduce the on-street parking to a point of impacting the whole street for the worse.

We have also expressed our concerns regarding the height and mass of the properties. As a non-professional I can see the changes requested by the District Council for the previous application (S/0163/15/FL) but not any further changes therefore I have attached the document with our original concerns regarding the detrimental impact of these houses on the street scene (see Appendix). Especially the fact that the height of plot 2 will only be in keeping with the height of number 27 from one aspect.

When considering this planning application we would also like you to take into account that our village design statement is very near to completion, the Parish council will be discussing the formal document on Monday 14th September with the hope of confirming it in our next meeting on Monday 21st September.”

14. **Local Highways Authority** – Requires conditions in relation to a traffic management plan during demolition and construction, the provision of pedestrian visibility splays, the driveway constructed from bound materials, the driveway constructed so that it falls and the provision and retention of parking and turning on site. Also requests informatives with regards to works to the public highway.
15. **Conservation Officer** – Objects to the application on the grounds of the impact of the widened access upon the character and appearance of the historic wall along Church Street that would neither preserve nor enhance the character and appearance of the conservation area.
16. **Trees and Landscapes Officer** – Has no objection providing details are provided of how materials would be moved on and off site without damage to the key frontage trees.
17. **Landscape Design Officer** - Has no objections subject to conditions in relation to full details of hard and soft landscaping, details of all existing trees, hedgerows and scrub on site to be retained or removed, tree and hedgerow protection measures, replacement planting, boundary treatment, surface water drainage, provision for waste/recycling and provision for cycle storage.
18. **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.
19. **Cambridgeshire County Council Historic Environment Team** - Comments that the site is in an area of high archaeological potential and a condition is required for an archaeological investigation of the site.

### **Representations**

20. The **Local Member** objects to the application on the grounds of overdevelopment, impact upon the street scene, impact upon neighbours amenity, substandard visibility splays, removal of trees for access and inaccurate drawings in relation to the spacing of the dwellings.
21. Five **letters of representation** have been received from the immediate neighbours and local residents. They raise the following concerns: -
  - i) The dwellings would be out of keeping with conservation area due to scale, mass, height especially to the rear, spacing between dwellings, incoherent

- modern and traditional elements of design that do not reflect current building, dominant gable design features out of keeping and materials not local.
- ii) The widening of the access would lead to the loss of part of a historic wall, interrupt the feature of the wall along the street, lead to a new set back section of wall would result in a poor design, lead to new splays that may affect the roots of the protected birch tree and lead to a reduction in on-street parking.
  - iii) Impact upon neighbours through mass and depth of buildings, loss of light and overshadowing to dwellings and gardens, loss of view from windows, overlooking windows to side and noise and disturbance.
  - iv) Trees removed from site possibility illegally and no replacement planting proposals. Beech hedge along the boundary should be retained and maintained.
  - v) The dwellings would not have renewable energy technologies, hard surfaced driveways would increase surface water run-off, cramped design with small windows and poor orientation
  - vi) Poor consultation with neighbours and inaccuracies in application.
22. A letter has been received from **Right of Light Consulting Chartered Surveyors** on behalf of the neighbour at No. 27 Church Street that has concerns that the development would infringe upon the daylight and sunlight enjoyed by her property with particular reference to the impact upon the side lounge window. Comments that it would infringe upon the legal rights of light. Requests a sunlight and daylight assessment in accordance with BRE guidelines to be undertaken by the applicant.
23. The **applicant's planning consultant** has raised the following points: -
- i) The potential impact of the development upon No. 27 Church Street has already been assessed.
  - ii) The submitted drawings are accurate.
  - iii) The application has been assessed within the policy context with regards to the conservation area.
  - iv) The architecture and design is appropriate and the details and materials are of a high standard.
  - v) The applicant, architect and myself have been in discussions with the Local Planning Authority for a period in excess of a year.
  - vi) The proposals have been assessed in the context of the development plan and changes made to address concerns.
  - vii) The site is within the built-up area of the village and is surrounded by residential properties.
  - viii) The proposals make the best use of the site.
  - ix) The requested amendments by neighbours are subjective.

### **Site and Surroundings**

24. The site is located within the Little Shelford village framework and conservation area. No. 25 Church Street is a two-storey, detached, 1950s, brick house that is situated in a large plot. It has an access driveway adjacent to No. 21 and a historic wall along the front boundary of the site with trees and landscaping behind including a Birch tree that is protected by a Tree Preservation Order. No. 21 Church Street is a gable fronted traditional dwelling that is situated on the back edge of the footpath to the south west. There is a 1.8 metre high fence along the boundary to the rear of the dwelling. No. 27 Church Street is 1950s dwelling that is set in line with the dwelling on the site to the north east. The historic wall continues along the frontage of this property and beyond along the High Street. There is 3 metre high beech hedge along the boundary.

### **Proposal**

25. This full planning application, as amended, seeks the erection of two, detached dwellings following demolition of the existing dwelling. The dwellings would be set back 13 and 16 metres from the road and have similar designs with the main ridges running parallel to the road with gable features projecting forward. Plot 1 would comprise four bedrooms and have a two-storey width of 7.3 metres, a depth of 19.1 metres and a height of 4.9 metres to the eaves and 7.4 metres to the ridge. A single storey element would be incorporated to the side. Plot 2 would comprise five bedrooms and have a two-storey width of 10.4 metres, a depth of 22.6 metres and a height of 4.9 metres to the eaves and 7.4 metres to the ridge. The rear section of both dwellings would be slightly higher (7.7 metres) to provide accommodation in the roof space. The materials of construction for the dwellings would be buff bricks for the walls and plain tiles for the roofs. Plot 1 would be served by the existing access and a new access point would be provided to the east for Plot 2. The existing protected birch tree on the frontage would be retained and one fruit tree removed.

### **Planning Assessment**

26. The key issues to consider in the determination of this application relate to the principle of the development, housing density, housing mix, affordable housing, developer contributions and the impacts of the development upon the character and appearance of the conservation area, trees and landscaping, highway safety and neighbour amenity.

### **Principle of Development**

27. The site is located within the village framework of an Infill Village where there is a limited range of services and facilities and developments of up to two dwellings are considered acceptable in principle. The erection of two dwellings following demolition of the existing dwelling is therefore supported in policy terms.

### **Housing Density**

28. The site measures approximately 0.19 of a hectare in area. The density would equate to 11 dwellings per hectare. This would not comply with the density requirements set out under Policy HG/1 of the LDF of at least 30 dwellings per hectare for villages such as Little Shelford. However, it is considered acceptable in this case as it would more in keeping with the character and appearance of the area.

### **Housing Mix**

29. The proposed mix of one five bedroom dwelling and one four bedroom dwelling would not comply with Policy HG/2 of the adopted Local Development Framework that states in developments of up to 10 dwellings, market properties should provide:
- a. At least 40% of homes with 1 or 2 bedrooms; and
  - b. Approximately 25% of homes with 3 bedrooms; and
  - c. Approximately 25% of homes with 4 or more bedrooms;
- unless it can be demonstrated that the local circumstances of the particular settlement or location suggest a different mix would better meet local needs.
30. However, the mix does comply with Policy H/8 of the emerging Local Plan. This policy states that a wide choice, type and mix of housing will be provided to meet the needs of different groups in the community including families with children, older people and people with disabilities. The market homes in developments of 10 or more homes will consist of:

- a. At least 30% 1 or 2 bedroom homes;
  - b. At least 30% 3 bedroom homes;
  - c. At least 30% 4 or more bedroom homes;
  - d. With a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.
31. This policy can be given some weight due to the stage of the Local Plan that it is currently under examination and that a number of objections to the policy are seeking even more flexibility than that currently put forward. The outcomes of a number of appeals that have given permission for a similar mix are also material considerations that need to be taken account in the decision of this application. The mix is therefore considered satisfactory.

### **Affordable Housing**

32. The development would result in a net increase of one dwelling that would be below the threshold required to provide affordable housing under Policy HG/3 of the adopted Local Development Framework and Policy H/9 of the emerging Local Plan.

### **Developer Contributions**

33. The new development would put extra demand on open space and community facilities in Little Shelford.
34. 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. Little Shelford is one of the villages that has not pooled five or more offsite public open space contributions and as such any request would need to be Community Infrastructure Levy (CIL) compliant to make the development acceptable in planning terms. Little Shelford Parish Council have been approached to find out whether it has any specific projects in relation to open space and community facilities where contributions would be required.
35. In this case, no details of specific projects and costings have been confirmed to date and considered in relation to the CIL tests. Given the scale of the proposal, the contributions are not considered necessary to make the development acceptable in planning terms and would not warrant refusal of the application.

### **Character and Appearance of Conservation Area**

36. Church Street comprises a variety of different styles of dwellings that range from traditional properties set close to the road and modern properties set back from the road. The plots are generally wide although some are narrow but the majority of properties are detached. Some dwellings are sited close to each other whilst others are set further apart. Several dwellings have features such as gables and dormer windows. The materials in the area range from render and thatch to brick and tiles.
37. The siting, scale, mass, height, form, design, details and materials of the dwellings are considered appropriate. Although it is noted that the dwellings would be sited further forward than the neighbour at No. 27 Church Street, they would be set back behind the neighbour at No. 21 Church Street. The spacing between the dwellings would have a similar relationship to the dwellings at Nos. 16 and 18 Church Street opposite. The scale, mass and height of the dwellings would reflect the proportions of existing

buildings in the area. The form, design and materials of the dwellings would be very similar to the dwelling at No. 10 Church Street. The development is therefore considered to be in keeping with the street scene and would preserve the character and appearance of the conservation area.

38. The new access point, as amended, would create a new opening and result in the loss of a section of the historic brick wall along the frontage of site. This wall is a key feature in the street scene and provides a strong form of enclosure to this part of Church Street. The position and length of the opening, as amended, is considered to reflect the existing access point and would maintain the regularity of the access points within the wall. It would not result in a significant loss of historic fabric and is considered to preserve the character and appearance of the conservation area.

### **Trees and Landscaping**

39. The proposal, as amended, would not result in the loss of any important trees on the site that have a significant impact upon the visual amenity of the area. The Birch tree along the frontage subject to a Tree Preservation Order and the Beech tree along the boundary with No. 27 Church Street would be retained. The foundations to the splay walls to the new access point and the driveway would not encroach into the root protection area of the Birch tree. Protection fencing would be erected during works to protect the canopy of the Birch tree and the Beech hedge. This would be a condition of any consent. The loss of the fruit tree along the frontage would not warrant refusal of the application given the low status of this tree.
40. Whilst it is noted that some trees on the site have already been removed, this is a separate matter outside the control of this application.
41. A condition would be attached to any consent to secure replacement planting along the site frontage to mitigate the loss of the fruit tree.

### **Highway Safety and Parking**

42. The provision of a second access point on the High Street in position proposed is not considered to be detrimental to highway safety. The single width and provision of pedestrian visibility splays measuring 1.5 metres x 1.5 metres on each side of the access that are kept clear over a height of 0.6 metres would be satisfactory given the need to protect the tree. The provision and retention of the visibility splays would be a condition of any consent.
43. Two vehicle parking spaces would be provided for each of the dwellings. This level of on-site parking would accord with the Council's vehicle parking standards. Adequate turning space would be provided to ensure that vehicles could turn and exit the site in forward gear. The retention of the parking and turning spaces would be a condition of any consent.
44. Concerns have been raised in relation to the loss of on street parking along Church Street as a result of the creation of a new access. This is considered to improve highway safety as there would be fewer vehicles to cause a hazard and obstruct the free flow of traffic along this through road from Great Shelford to Hauxton.

### **Neighbour Amenity**

45. The dwelling at No. 21 Church Street is set on the back edge of the footpath that has a small rear garden adjacent to the existing dwelling on the site. There is a small

secondary kitchen window and a main sitting room window in its side elevation facing the site and patio doors serving the kitchen in the rear elevation facing the garden.

46. The proposed development is not considered to adversely affect the amenities of the neighbour at No. 21 Church Street. The nearest two-storey element of the dwelling on Plot 1 would be located in the same position as the existing dwelling. Although this would have a greater height, it is not considered to result in a loss of outlook from the garden or patio doors in the rear elevation given that it would set approximately 4.5 metres off the boundary and not obstruct the 45 degree line measured from the centre of the patio doors. It would also not lead to a loss of light due to its position and orientation to the north east. The single storey element adjacent to the boundary would be shorter in length than existing and also not obstruct the 45 degree line measured from the centre of the patio doors in the rear elevation. The single storey element to the rear would be set 6.5 metres off the boundary and have a flat roof. The proposal would result in an unduly overbearing mass when viewed from and loss of light to the small kitchen window in the side elevation. However, this impact is considered satisfactory given that this is a secondary window to this room that is also served by the patio doors in the rear and a window in the other side elevation. Whilst it is acknowledged that the new dwelling would be visible from the main sitting room window in the side elevation of the dwelling, it is not considered to be unduly overbearing in mass as it would be situated 4.5 metres off the boundary and not project across the window. The roof lights in the side elevation of the dwelling would be high level and not lead to a loss of privacy.
47. The dwelling at No. 27 Church Street is set almost in line with the existing dwelling and has a large rear garden. There is a small secondary lounge window on its side elevation facing the site, a main lounge window in the front elevation and patio doors serving a dining room in its rear elevation.
48. The proposed development is not considered to adversely affect the amenities of the neighbour at No. 27 Church Street. The nearest two-storey element of the dwelling on Plot 2 would be situated closer than the existing dwelling. Although this would be closer and have a greater height, it is not considered to result in a loss of outlook from the garden or patio windows in the rear elevation given that it would set approximately 4.5 metres off the boundary and not obstruct the 45 degree line measured from the centre of the patio doors. It would also not lead to a loss of light due to its position and orientation to the south west where overshadowing would be limited and not encroach significantly into the garden apart from in the winter when it is less well used. The single storey element to the rear would be set at least 4.5 metres off the boundary and have a flat roof. The proposal would result in an unduly overbearing mass when viewed from and loss of light to the small lounge window in the side elevation. However, this impact is considered satisfactory given that this is a secondary window to this room that already has restricted light and view due to the boundary hedge and is also served by a large window in the front elevation. The roof lights in the side elevation of the dwelling would be high level and not lead to a loss of privacy. A condition would be attached to any consent to ensure the first floor bathroom windows in the side elevation are obscure glazed and fixed shut unless the opening part is at least 1.7 metres from finished floor level of the room in which the window serves. The door to the utility room and bathroom window in the side elevation would not lead to a loss of privacy due to the boundary screening and uses.
49. The development is not considered to result in an unacceptable rise in the level of noise and disturbance that would seriously harm the amenities of neighbours.

#### **Other Matters**

50. The windows to the main living areas would be large in scale and allow a substantial amount of daylight to enter as well as being orientated towards the garden to enjoy the views. There are no adopted Local Development Framework policies that require developments of this scale to provide renewable energy technologies to mitigate climate change. The emerging Local Plan has a policy but this is currently of limited weight given the number of objections received. A condition would be attached to any consent to agree the hard surfaced material for the driveway to ensure that surface water run-off would not increase.
51. A right of light is a legal matter that cannot be taken into consideration in the determination of this application.
52. The applicant has addressed the concerns of the Council through the submission of a new application. Consultation with neighbours is encouraged but would not justify refusal of the application if it is not carried out.
53. The plans are accurate so far as the site area. The position of the neighbouring dwellings has been assessed on site.

### **Conclusion**

54. 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**

55. 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: - To be confirmed.  
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be as stated in the application.  
(Reason - To ensure the appearance of the development preserves the character and appearance of the conservation area in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
- (d) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.



(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- (e) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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.)

- (f) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

- (g) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the dwellings hereby approved.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- (h) Visibility splays shall be provided on both sides of the access prior to the occupation of the development and shall be maintained free from any

obstruction over a height of 0.6 metres within an area of 1.5 metres x 1.5 metres measured from and along respectively the back of the footway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- (i) The parking and turning spaces shown on drawing number (to be confirmed) 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.)
- (j) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
  - i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
  - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv) Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (k) The development, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.  
Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
- (l) 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, C 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 conservation area and the amenities of neighbours in accordance with Policies CH/5 and DP/3 of the adopted Local Development Framework 2007.)
- (m) Apart from any top hung vent, the proposed first floor windows in the side elevations of the development], hereby permitted, shall be fixed shut and permanently glazed with obscure glass.  
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (n) 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.)

- (o) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

### **Informatives**

- (a) During demolition and 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.
- (b) Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.
- (c) The access shall be constructed so that it falls and levels are such that no private water from the site drain across or on to the adopted public highway.
- (d) The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
- (e) The use of block paving within the adopted public highway is not acceptable and any works within the adopted public highway must comply with the Housing Estate Road Construction Specification current at the time of any application for works.

### **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
- Planning File References S/2203/15/FL, S/0163/15/FL and S/2210/14/FL

### **Report Author:**

Karen Pell-Coggins  
Telephone Number:

Principal Planning Officer  
01954 713230

This page is left blank intentionally.



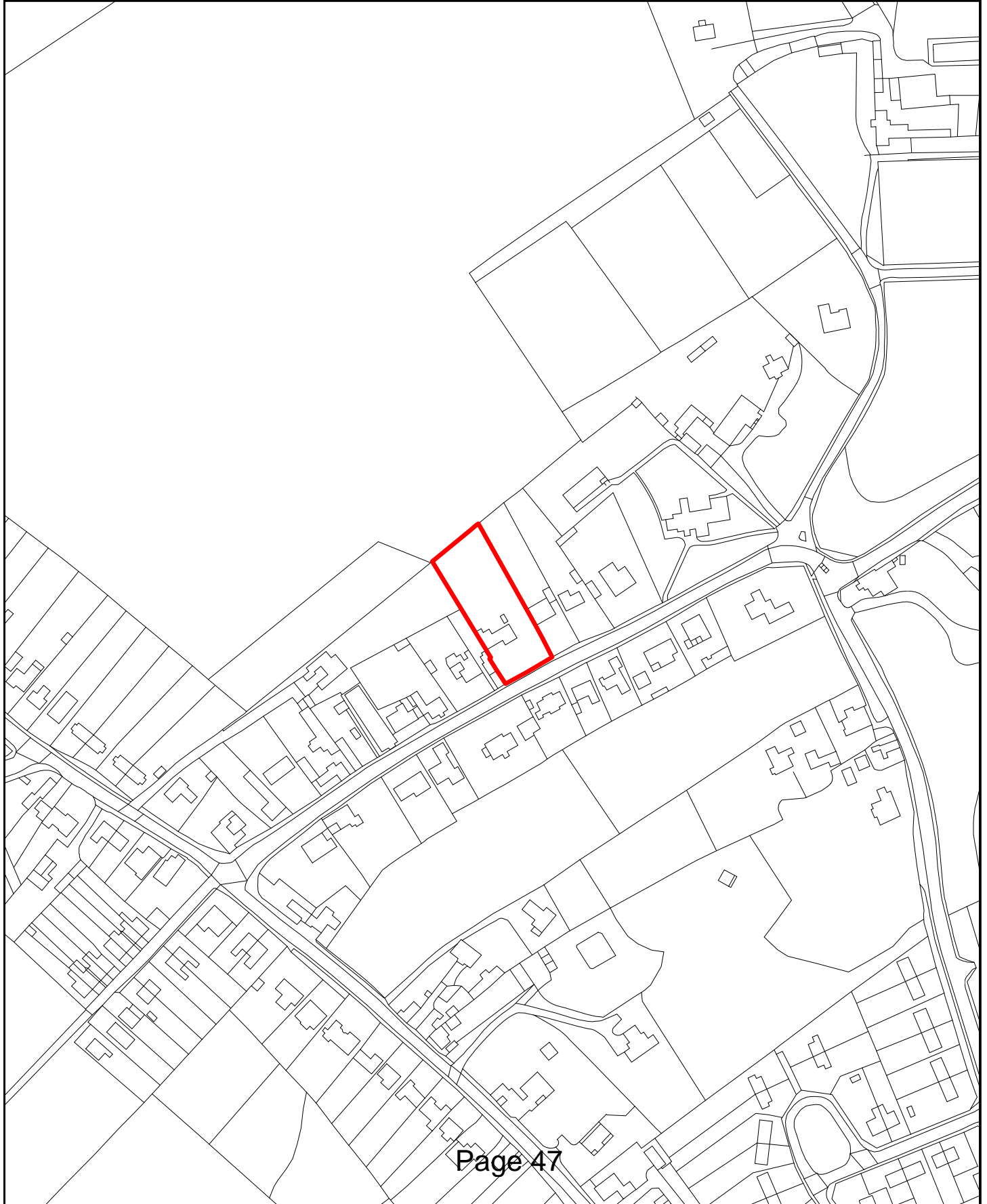
Scale - 1:2500  
Time of plot: 13:13

Date of plot: 23/12/2015



South  
Cambridgeshire  
District Council

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 6

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2016

**AUTHOR/S:** Planning and New Communities Director

---

<b>Application Number:</b>	S/0957/15/OL
<b>Parish(es):</b>	Girton
<b>Proposal:</b>	Student residential accommodation together with ancillary meeting, office and social space (maximum 14700sqm ), auditorium (maximum 1300sqm) replacement buildings and grounds maintenance workshops, one new and relocated sports pitch, additional 'ball-stop' fencing, relocated tennis courts, two new vehicular accesses and replacement car park.
<b>Site address:</b>	Girton College, Huntingdon Road, Girton
<b>Applicant(s):</b>	The Mistress Fellows and Scholars of Girton College
<b>Recommendation:</b>	Delegated authority for officers to approve subject to completion of a S106 Legal Agreement securing transport contributions. Should the committee resolve to approve the development the application would be referred to the Secretary of State who has the option of 'calling the application in' to make the decision.
<b>Key material considerations:</b>	Green Belt, Historic Environment, Trees, Transport, Environmental Considerations and Ecology
<b>Committee Site Visit:</b>	12 January 2016
<b>Departure Application:</b>	Yes, the proposal is contrary to the development plan due to the site's location in the Green Belt.
<b>Presenting Officer:</b>	Andrew Fillmore, Principal Planning Officer
<b>Application brought to Committee because:</b>	The application is contrary to the provisions of the development plan and would need to be referred to the Secretary of State.
<b>Date by which decision due:</b>	Application subject to a Planning Performance Agreement (Project management tool which the local planning authority and applicants can use to agree timescales, actions and resources for handling applications)

### Executive summary

1. The development is inappropriate development within the Green Belt. It will result in

moderate harm to the openness of the Green Belt through contributing to the merger of Girton Village with the new urban edge planned for Cambridge (North West Cambridge)

2. It is considered the quantum of development can be accommodated on the site without impacting adversely on the setting of the Listed Buildings subject to the development being of satisfactory design and appearance. The development will result in the loss of a limited number of mature trees, with this not considered to detract from the positive contribution the site makes to the landscape character.
3. The necessary 'very special circumstances' have been demonstrated which clearly outweigh the in principle and other limited harm. These circumstances arise due to the uniqueness of the applicant, lack of alternative sites as well as the role of Cambridge University in the local, regional and national economy and need for the College to contribute to the objective of the University remaining a world class institution.
4. A S106 legal agreement will ensure appropriate financial contributions towards off-site transport (Huntingdon Road cycleway) commensurate with the scale of development.

### **Planning History**

5. S/1191/11/F Erection of three storey building for student accommodation (50 rooms) including new gym facilities, rebuilding and alterations to the existing swimming pool, alterations to the squash court building, minor alterations to existing buildings, re-arrangement of car parking and extension to existing cycle sheds. Approved

S/1181/11 Demolition of swimming pool, part squash court & ablution block steps. Erect three-storey & single storey extension comprising 50 rooms and lift shaft. Re-build swimming pool, alter gable to squash court, replace parapet to swimming pool link and replace roofs to part old labs & part bar corridor. Form two new door openings & alter door in cloister corridor. Replace boiler & balustrade in Orchard Wing. Approved

S/1173/11 Extension to car park to create 18 new parking spaces. Approved

S/0539/12/F Erection of Cricket Pavillion with Changing Rooms and Associated Works. Approved

### **Planning Policies**

6. *National Planning Policy Framework  
Planning Practice Guidance*
7. *Local Development Framework*

*South Cambridgeshire LDF Core Strategy, 2007:*  
ST/1 Green Belt

South Cambridgeshire LDF Development Control Policies DPD, 2007:  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
GB/1 Development in The Green Belt  
GB/2 Mitigating the impact of Development in the Green Belt  
GB/4 Major Developed Sites within the Green Belt



SF/6 Public art in New Development  
NE/1 Energy Efficiency  
NE/2 Renewable energy  
NE/3 Renewable Energy Technologies in New Development  
NE/6 Biodiversity  
NE/12 Water Conservation  
CH/3 Listed Buildings  
CH/4 Development within the Curtilage or Setting of a Listed Building  
TR/1 Planning for More sustainable Travel  
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):  
District Design Guide SPD – Adopted March 2010  
Public Art SPD – Adopted 2009  
Trees and Development Sites SPD – Adopted March 2010  
Biodiversity SPD – Adopted 2009  
Listed Buildings SPD – Adopted July 2009  
Landscape in New Developments SPD – Adopted March 2010

## 8 *Draft Local Plan*

S/3 Presumption in favour of sustainable development  
S/4 Cambridge Green Belt  
CC/1 Mitigating and adapting to climate change  
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 and New Development  
NH/2 Protecting and enhancing landscape character  
NH/4 Biodiversity  
NH/6 Green Infrastructure  
NH/8 Mitigating the impact of development in and adjoining the Green Belt  
NH/10 Recreation in the Green Belt  
NH/14 Heritage Assets  
SC/10 Lighting proposals  
SC/11 Noise pollution  
SC/12 Contaminated land  
SC/13 Air quality  
TI/2 Planning for sustainable travel  
TI/3 Parking provision

### **Consultation**

9. **Girton Parish Council** – The application follows on from the recent exhibition at Girton College and the College's presentation at Girton's Annual Parish Meeting. As it is outline planning permission, it is very general and a more detailed application will be submitted in due course. Surface water drainage strategy should be checked by officers as part of the planning process. Universities will become 52-week per year institutions rather than 30-week ones, and the College will be competing with other Colleges for conference facilities. A representative from the Girton College could be asked to speak to the Parish Council about the plans. Planning officers are asked to give figures on air quality in Huntingdon Road. The maintenance of access arrangements for cyclists and pedestrians at the perimeter of the grounds and

provision of footpaths within the site area were also raised as a concern. Approved with three abstentions and one vote against.

10. **Highways England** – Offer no objection.
11. **Cambridgeshire County Council Highways Authority** – No objection.
12. **County Council Highways Authority (major developments)** – Concerns remain about this application and its treatment of transport matters. The development, cumulatively across all of its individual elements will generate a significant level of additional transport demand (including cyclists in particular) and, as the planning application is for the overall, it is not considered unreasonable to secure appropriate contributions towards mitigation on the key Huntingdon Road corridor (Phase 2 of the Huntingdon Road development).
13. The applicants Transport Assessment and follow up analysis does not fully address the issue regarding potential movements in a satisfactory way and it has been argued it is premature to do so. Because of this CCC officers have had to undertake their own analysis on the level of contribution. Based on the potential increase in cycle demand on Huntingdon Road as a consequence of this development, compared to baseline levels of cycling trips, a proportion of 40% has been estimated as reasonable (of the total cost of £350 000 for the Phase 2 Huntingdon Road cycleway between Oxford Road and Histon Road/Victoria Road subject to securing this and a Travel Plan)
14. **South Cambridgeshire District Council (SCDC) Urban Design** – The applicant's planning and design team engaged with the councils consultancy unit at an early stage and this joint working approach has helped deliver a high quality masterplan that meets Girton College's requirements. The masterplan principles have been informed through an understanding of the landscape setting of the site. The proposed parameter plans are well considered and explain the fixed element for which planning permission is sought. In terms of layout, the parameter plans show areas designated for buildings and these are considered appropriate. The maximum percentage of built footprint is supported. Regarding scale and massing, the proposed parameter plans set out the height envisaged for the new developments and the approach of setting the height in response to the scale and massing of the existing buildings is supported.
15. **Landscape Officer** – The outline landscape proposals look well thought out and with the potential to form a series of useful and pleasant spaces, and an enhanced setting for proposed and existing buildings.
16. **Historic Buildings Officer** – The outline submission covers much of the work discussed previously during the design workshops and design enabling panel. Since none of the proposals are attached to the existing building the issues involved at this stage are purely the effect on their setting. The indicative plans include a illustrative masterplan which, the design and access statement acknowledges, explores how the buildings might be arranged and how they might appear though in reality they might take quite a different shape.
17. **Ecology Officer** – As a result of the workshops the application is considered to be well located with no biodiversity constraints present. No objection raised to the new student location. Common Pipistrelle bats are present in low numbers and appear to use the tree line as a foraging/commuting feature, as such any lighting scheme for this part of the site should be sensitively designed to reduce light pollution (controlled by condition). The trees to be removed should be assessed for their potential to provide bat roosts. Bird and bat boxes to be secured by condition.

18. **Trees Officer** – The areas proposed to be developed follow the form of those discussed during the master planning process and follow my recommendations regarding situating new infrastructure away from important trees and groups of trees as much as possible. Inevitably there is to be some loss of existing, mature trees (even some TPO trees), but the quantum of tree loss is proportionately very small. No objection in principle to the loss of existing, mature trees provided that reasonable mitigation of the losses is made. Such mitigation does not need to be restricted to the same areas as the tree loss but can take place in other parts of the site. Mitigation of existing trees and protection of trees to be retained to be secured by condition.
19. **Environment Agency** – No objection, subject to conditions requiring details of the surface water drainage arrangements, contamination remediation strategy, scheme to prevent increased risk of pollution to controlled waters.
20. **Environmental Health (Contamination)** – Recommend a condition requiring a scheme for the investigating and recording of contamination along with a remediation method statement.
21. **Environmental Health (Noise)** – No objections to the scale of work proposed. The details of the proposal will be dealt with under reserved matters applications at a later date. Recommend conditions relating to the control of noise and vibration during construction. .
22. **Environmental Health (Air quality)** – The submitted Air Quality Assessment Report is satisfactory. Recommend a condition requiring a Construction Environmental Management Plan/Dust Management Plan. Recommend the following informative relating to Air Quality: The proposed development lies adjacent an Air Quality Management Area that was declared in 2008. When deciding on ventilation to the building it will be necessary to consider how to reduce exposure to road traffic pollution.
23. **Sport England** – No objection to this proposal which does not affect existing playing field provision and improves overall sports facility provision at the College. Recommend conditions.
24. **Police Architectural Liaison Officer** – The risk of crime for the Girton site is low. In terms of the design and layout of the proposal, I have no comment or objection on crime and disorder grounds.
25. **County Council Archaeology** - No objection subject to the implementation of a programme of archaeological work to be secured by condition.
26. **Natural England** – No objection. The proposal is unlikely to affect any statutory protected sites.
27. **Historic England** – Historic England have been involved in constructive, detailed pre-application discussions regarding all aspects of the proposals and we are satisfied that the overall masterplan and other comprehensive documentation as submitted in this outline application have adequately justified the scheme. The proposals would be contextually sympathetic in terms of scale, massing, materials and overall configuration in relation to the original Grade II\* Listed College buildings. They would not cause harm to the significance of the buildings as they would not detract from their setting, in accordance with guidance in the NPPF. We would therefore have no objections should your authority be minded to approve the application.

28. We acknowledge that the configuration of the plot A Orchard Drive buildings are parameter proposals, currently in outline only. However for clarity we reiterate our pre-application advice that we would wish to see a continuous, built elevation on the eastern and northern boundaries of this site, reflecting the configuration of the original College buildings, rather than three separate blocks as shown on the illustrative drawing. We would encourage the phasing of the masterplan development to commence with plots B and C to the rear and east of the main building on the less contextually sensitive areas of the overall site.

### **Representations**

29. None received

### **Girton College**

30. Girton College is one of the largest of the 31 Colleges within Cambridge University and the only College located within South Cambridgeshire. The College was founded in 1869 and has occupied the Girton site for some 140 years. Girton College is comprised of approximately 1000 Fellows, students and staff, of which 500 are undergraduate and 200 graduate students. The College is split between two sites with some 400 students at the main Girton campus and 130 students at Wolfson Court (Cambridge City Council administrative area).
31. The College site, which extends to circa 23 ha, is roughly triangular in shape and bordered by Huntingdon Road (south-west), Girton Road (north-east) and the A14 (north). The site is located within the Green Belt. Part of the site, which excludes the land proposed to be developed, is identified under adopted policy GB/4(1C), as a 'major development site in the Green Belt'.
32. The main range of College buildings are Grade II\* Listed (particularly important buildings of more than special interest) and benefit from the following listing description:
33. *'College by Alfred Waterhouse. 1873 with additions of 1876, 1883 and 1886. Red brick, English bond, with black mortar courses and terracotta details to windows, doorways and eaves. Steeply pitched roofs of patterned tiles with crested ridge tiles. Tall ridge stacks. Original plan of sets of rooms with corridor access. In Neo-Tudor style. Two storeys and attics. Pointed arches to hung sashes with plate glass, in segmental heads. Parapetted, five stage gatehouse tower of 1886-7 over vaulted carriageway entry. In 1891 Paul Waterhouse, his son, joined the partnership. Cloister Court, including the dining hall, chapel and part of Woodlands Court was built in 1900-02 in a similar style. The rest of Woodlands Court and the library were completed in 1931-2 by Michael Waterhouse, the grandson, with Sir Giles Gilbert Scott as consultant. Paler red brick, English bond with steeply pitched tiled roofs. Stone surrounds and four centred arches to casements and doorways. Interior: The dining hall has a hammer-beam roof and original light fittings and the library a roof of king-post construction and arch bracing to the tie beams. Pevsner. Buildings of England p.190 Dixon and Muthesius. Victorian Architecture'*
34. The Lodge on Huntingdon Road is separately Listed Grade II (buildings of special interest), with a listings description as follows;
35. *'Lodge. c.1886. Red brick with steeply pitched tiled roof and ridge stack. One storey and attic. Segmental arches to two casements on either side of doorway in open-sided gabled porch with turned wood posts on brick base. Moulded brickwork to gable*

*end eaves. Pevsner. Buildings of England p.190'*

36. In addition to the buildings specifically listed, any other building within the curtilage of the College buildings, which was built before 1 July 1948, is considered to be curtilage listed by virtue of Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
37. The site is not located in a Conservation Area, and the grounds are not listed as a Historic Park or Garden.
38. A group Tree Preservation Order (Ref: C/11/17/033/20) covers a large proportion of the trees found to the sites perimeter, most notably parallel with Huntingdon and Girton Roads.
39. Land to either side of the A14, which extends into the grounds of the College, is designated an Air Quality Management Area. The Air Quality Management Area does not include land proposed to be developed.

### **Proposed development**

40. The application proposal seeks outline consent (withy all matters reserved except for access) for new student residential accommodation along with ancillary meeting, office and social space totalling a maximum of 147000sqm, auditorium with maximum space of 1300sqm and replacement buildings and ground maintenance workshops, one new and relocated sports pitch, additional ball stop fencing, relocated tennis courts, two new vehicular accesses and replacement car park.
41. Although the details of the development are unknown it is anticipated the new student accommodation will provide for circa 405 rooms to meets the College's needs as follows; graduate growth over 25 years (100 rooms), additional graduate rooms – direct current need (15 rooms), in lieu of returning rooms to sets (70 rooms), re-provision of Wolfson Court bedrooms, admin, teaching and social (162 rooms), in lieu of returning rooms into Fellows offices (10 rooms), 4<sup>th</sup> year student rooms – currently unhoused (40 rooms) and re-provision of rooms at 53-55 Girton Road (8 rooms). This calculation is based on the recent development at Ash Court, which provides rooms of 17.18m<sup>2</sup> and a total gross floorspace including circulation area and shared facilities of approximately 37m<sup>2</sup> per room.
42. The College advise the need for the development arises as follows;
  - Graduate growth – Colleges are responsible for accommodating the vast majority student accommodation, which the University predicts at 2% per annum. Over 25 years, and taking into account an allowance for students living out, this provides a total of 100 rooms over 25 years.
  - Direct current need for additional graduate rooms – The College has a current shortfall in graduate accommodation in that it is now unable to meet annual demand for rooms for both continuing and new students.
  - Returning rooms to sets - The original layout was based on accommodating students in sets, with each student afforded a larger study/sitting room and a smaller bedroom. In response to pressure for growth these sets were split into two rooms to accommodate demand. The College now wish to re-create sets in order to; reduce the number of inferior rooms, offer a wider range of rooms types, reduce number of

students that share the same bathroom and kitchen facilities and offer heritage benefits.

- Re-provision of bedrooms at Wolfson Court – The College are considering the disposal of the site, which is only possible if the equivalent number of rooms can be accommodated at the main site.
- Further Fellow offices – A growth in student numbers will also lead to a requirement for additional Fellows offices.
- Fourth year student rooms – The College do not currently offer accommodation to fourth year students due to a lack of capacity.
- 53-55 Girton Road – These two properties provide accommodation for 8 students and the College has ambitions to replace these with new facilities for the grounds maintenance teams.

43. The College advise this development will meet their identified needs for the next 25-30 years.
44. Members should note that part of the justification for the level of accommodation proposed relates to the disposal of Wolfson Court and returning some of the existing rooms to 'sets', however should permission be granted the applicant will not be required to carry out these measures.
45. Officers have worked with the applicant to develop a masterplan for the whole of the College site which seeks to rationalise the access as follows; new vehicular access onto Girton Road to serve the relocated car park, second new access on Girton Road for delivery vehicles and grounds maintenance, existing vehicular access on Girton Road to be used for 'emergency' purposes only and the widening of the access on Huntingdon Road. Changes to the car and cycle parking arrangement include; relocated main car park to take visitors to the front of the building rather than the back, remove the majority of the car parking within Cloisters Court (except disabled) and increase cycle parking.
46. In respect of the new buildings a set of parameter plans (Appendix A) will control; the extent of land to be developed, maximum percentage of built footprint and maximum roof height above ground level. This will be secured through condition, with future 'reserved matters' applications having to conform with the agreed parameter plans.
47. The parameter plans indicate the following extent of development;
  - Plot A Orchard Drive (1.94 ha) – 0.97 ha designated for buildings, with a maximum percentage of built footprint of 45%. Maximum roof height above ground level 18m, with a 10% of total footprint allowance to extend higher.
  - Plot B Maintenance and Hockey Pitch (1.77 ha) – 1.32 ha designated for buildings, with a maximum percentage of built footprint of 40%. Maximum roof height above ground level of between 12m and 15m, with a 10% of total footprint allowance to extend higher.
  - Plot C Car Park (0.48 ha) – 0.48 ha designated for buildings, with a

maximum percentage of built footprint of 25%. Maximum roof height above ground level 12m, with a 10% of total footprint allowance to extend higher.

### **Appraisal**

48. Planning law requires applications be determined in accordance with the development plan unless material considerations indicative otherwise. In this case the development plan comprises the adopted South Cambridgeshire Local Development Framework Core Strategy and Development Control Policies DPD.
49. Adopted Development Control Policy GB/4 relates to major development sites in the Green Belt, and identifies part of Girton College as one of these exceptions where limited infilling or redevelopment is permitted, subject to conditions. This application is located outside the identified area (which is drawn tightly around the existing buildings) and as such policy GB/4 is not applicable.
50. The Council is in the process of replacing both these policy documents with a new style Local Plan, however the Local Plan examination is currently suspended and as such limited weight can be afforded this emerging plan.
51. Material considerations - The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker (Planning Committee or Secretary of State) to decide what weight is to be give to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.
52. The application proposal raises the following considerations;
  - Green Belt;
  - Historic Environment;
  - Trees;
  - Transport;
  - Environmental consideration;
  - Ecology; and
  - Other matters
53. *Green Belt*

The College was included in the Cambridge Green Belt in the 1970s and before the A14 dual carriageway was constructed. Following a review (2009) of the Green Belt, a substantial area was removed (North West Cambridge) in order to create space for the expansion of the University and for additional housing. In the Development Plan the College is defined as a 'Major Development Site in the Green Belt' with a tightly drawn boundary (Appendix B) within which new development could take place. Ash Court was approved under this policy exception.
54. The Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. Green Belts serves the following 5 purposes;

1. Check the unrestricted sprawl of large built up areas;
  2. Prevent neighbouring towns merging into another;
  3. Assist in safeguarding the countryside from encroachment;
  4. Preserve the setting of special character of historic towns; and
  5. Assist urban regeneration
55. The proposed development is not included in the list of what constitutes appropriate development in the Green Belt. It is, by definition, inappropriate development in the Green Belt.
56. Inappropriate development is by definition harmful to the Green Belt and should only be approved in 'very special circumstances'. The NPPF is clear in advising that local authorities should ensure substantial weight is given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is important to note these considerations do not have to be rarely occurring.
57. *Extent of other Green Belt harm*
- Given the quantum and location of the development the proposal would impact on the openness of the Green Belt causing harm, and therefore the extent of harm needs to be considered.
58. The Cambridge Green Belt is relatively small extending to around 3 – 5 miles from the edge of the city, and serves the following three purposes (not the 5 set nationally) as set out in paragraph 2.2 of the adopted Core Strategy and the emerging Local Plan.;
1. Preserve the unique character of Cambridge as a compact, dynamic city with a thriving historic centre;
  2. Maintain and enhance the quality of its setting; and
  3. Prevent communities in the environs of Cambridge from merging into one another and the city
59. Paragraph 2.3 of the supporting text to this policy advises that in defining the Green Belt and policies which should be applied to it, regard will be given to the special character of Cambridge and its setting including, amongst other criteria; a soft green edge to the city; a distinctive urban edge; green corridors penetrating into the city; the distribution, physical separation, setting, scale and character of Green Belt villages; and a landscape which retains a strong rural character.
60. *Preserve the unique character of Cambridge as a compact, dynamic city with a thriving historic centre*
- Through undertaking a master planning exercise the College site has been assessed in a comprehensive manner with the development taking into account the long term needs of this education facility. Importantly the location, scale and quantum of development relate well to the existing buildings and as such (subject to detailed design) respect the unique character of the College. University Colleges are the defining feature of Cambridge, and sympathetic additions to a College will preserve the character of Cambridge city. As such officers are of the view no material impact on the historic centre of Cambridge is identified and the development will not conflict with this objective of Green Belt policy.



61. *Maintain and enhance the quality of its setting*

The College is enclosed by a substantial tree belt which is protected by a Preservation Order, with this landscape feature significantly enhancing the gateway into the city (Huntingdon and Girton Roads). A limited number of trees are proposed to be removed to allow the relocation of the car park, however the extent of loss is small. Given this limited loss and position of the new buildings set back from Huntingdon Road and Girton Road officers are of the view the extent of harm to the setting of Cambridge is limited. This harm would further be reduced by requiring the applicants to implement a planting plan in mitigation. Officers are of the view the development will not conflict with this objective of Green Belt policy.

62. *Prevent communities in the environs of Cambridge from merging into one another and the city*

The College site forms part of the village of Girton, which is a separate settlement to Cambridge City. With the relocation of the urban edge of Cambridge (North West Cambridge – which has consent to extend to the southern side of Huntingdon Road opposite the site) closer to Girton the importance of the College site in preventing a merging effect is enhanced. This is particularly the case for Plot A Orchard Drive which is proposed directly opposite North West Cambridge. Plots B - Maintenance and Hockey Pitch and C - Car Park will further reduce the extent of open space on the College site.

63. Officers are of the view the development will conflict with this objective of Green Belt policy, and taking into account the mitigation offered by the mature tree belt, location of the buildings set back from the road frontage and overall size of the site, the extent of harm is 'moderate'.

64. Following the suspension of the Examinations of Cambridge City Council and South Cambridgeshire District Councils Local Plans LDA Design were commissioned to undertake an assessment of the Inner Green Belt Boundary (along with reviewing the methodologies put forward by objectors in relation to the Inner Green Belt Boundary). This assessment makes the following observations in respect of 'Sector Number: 1 - Location: East of Huntingdon Road', which includes Girton College:

65. *Description*

*'Located on the north-west side of Cambridge, Sector 1 lies 1.5km from the historic core and immediately adjacent to the future edge of Cambridge once the Darwin Green development is constructed. It is bounded by the A14 to the north, Histon Road to the east, Huntingdon Road to the west and the boundary of the proposed development of Darwin Green to the south. This area of Green Belt surrounds the southern portion of Girton, one of Cambridge's necklace villages, and provides the remaining separation between the village and Cambridge. Histon is a further necklace village located to the north, separated from this sector of Green Belt by the A14.'*

66. *There are a number of different land uses within this sector, including Girton College and associated sports grounds, further sports pitches, a hotel and arable farmland.'*

67. *Importance of the sector to Green Belt Purposes*

*'This sector plays a key role in the separation between the village of Girton and the existing and future edge of Cambridge, both adjacent to the Darwin Green'*

*development and in relation to the development at North West Cambridge. It also provides separation between the future edge of Cambridge and Histon and Impington. It retains open countryside close to the future edge of the city and prevents the sprawl of built development as far as the edge of Girton and the A14, retaining the distinctive approach into Cambridge from the north west along Huntingdon Road. It also preserves what remains of the separate identity of the southern part of Girton.'*

68. *Implications of Green Belt release for development*

*'It is unlikely that any development within the majority of this sector could be accommodated without substantial harm to Green Belt purposes. Development within sub area 1.1 would risk altering the characteristic approach into Cambridge along Huntingdon Road, potentially affecting the vegetated character of this section of the route. Any form of development within sub area 1.2 would compromise the separation between Cambridge and Girton, as well as Girton's identity as a separate settlement, allowing Cambridge to encroach into the very limited separation that currently exists between the two settlements. No Green Belt release should be contemplated in sub areas 1.1 and 1.2.*

69. *When the land previously released from Green Belt is developed, sub area 1.3 will protect narrow gaps between the new edge of Cambridge and Girton, Histon and Impington and a narrow setback from the A14. Further east, it is apparent that development extending right up to the A14 detracts considerably from the appreciation of the setting of the city, and it is important that in this sector the edge of Cambridge continues to be seen across an open, rural landscape. South Cambridgeshire Local Plan proposes a minor realignment of the boundary between sub area 1.3 and the future development, with a small release of land from Green Belt.*

70. *This will marginally decrease the width of Green Belt retained south of the A14 but will make no appreciable difference to the perception of the city and its setting, nor to the separation from the necklace villages. It is noted that an objector is promoting a release of additional Green Belt land in this sub area. However, for the reasons stated, no further Green Belt releases should be contemplated in sub area 1.3'*

71. It is clear from this assessment that the Green Belt plays a fundamental role in maintaining the existing limited separation between Cambridge and Girton, as well as Girton's identity as a separate settlement.

71. In summary officers are of the view the development will result in 'moderate' harm to the openness of the Green Belt through contributing to the merger of Girton village with the new urban edge planned at Cambridge (North West Cambridge).

**Other harm**

72. *Historic Environment*

*Setting of Listed Buildings*

73. No works are proposed directly to any of the Listed Buildings, however the impact on their setting is a material consideration.
74. The first buildings of Girton College were designed by Alfred Waterhouse in 1872, with further extensive works undertaken throughout the 1880's as the College acquired land to Girton Road. At the beginning of the 20<sup>th</sup> century the College continued to expand through the construction of Cloisters Court including the dining hall, kitchens and chapel. The Grange, to the north west of the College, was built at some time between 1903 and 1926. Woodlands Court was completed in 1931, with the Mistress's flat added in the 1960's. More recently Ash Court was completed in 2013 providing accommodation for some 50 students.
75. The Grade II\* (particularly important buildings of more than special interest) Listed description for the College reads as follows;
76. *'College by Alfred Waterhouse. 1873 with additions of 1876, 1883 and 1886. Red brick, English bond, with black mortar courses and terracotta details to windows, doorways and eaves. Steeply pitched roofs of patterned tiles with crested ridge tiles. Tall ridge stacks. Original plan of sets of rooms with corridor access. In Neo-Tudor style. Two storeys and attics. Pointed arches to hung sashes with plate glass, in segmental heads. Parapetted, five stage gatehouse tower of 1886-7 over vaulted carriageway entry. In 1891 Paul Waterhouse, his son, joined the partnership. Cloister Court, including the dining hall, chapel and part of Woodlands Court was built in 1900-02 in a similar style. The rest of Woodlands Court and the library were completed in 1931-2 by Michael Waterhouse, the grandson, with Sir Giles Gilbert Scott as consultant. Paler red brick, English bond with steeply pitched tiled roofs. Stone surrounds and four centred arches to casements and doorways. Interior: The dining hall has a hammer-beam roof and original light fittings and the library a roof of king-post construction and arch bracing to the tie beams. Pevsner. Buildings of England p.190 Dixon and Muthesius. Victorian Architecture'*
77. The Grade II (buildings of special interest) listed Lodge has the following listings description;
78. *'Lodge. c.1886. Red brick with steeply pitched tiled roof and ridge stack. One storey and attic. Segmental arches to two casements on either side of doorway in open-sided gabled porch with turned wood posts on brick base. Moulded brickwork to gable end eaves. Pevsner. Buildings of England p.190'*
79. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Authorities (and the Secretary of State) in considering whether to grant planning permission for development which affects the setting of a Listed Building shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
80. The Court of Appeal decision in the case of Barnwell vs East Northamptonshire DC 2014(2) made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) Parliament's intention was that *'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.*

81. The NPPF advises that Local Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, and in determining planning applications should take into account, amongst other criteria, the:
- positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
  - the desirability of new development making a positive contribution to local character and distinctiveness
82. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with the more important the asset the greater the weight should be. A similar stance to the importance of preserving heritage assets, including setting of Listed Buildings, is set out in the councils adopted Development Control Policies DPD and adopted SPD Listed Buildings: Works to or Affecting the setting of.
83. It is important to note that while decision-making policies in the NPPF and in the local development plan are to be applied, they cannot directly conflict with or avoid the obligatory consideration set out in statutory provisions.
84. The development proposal has involved extensive pre-application discussion with both Historic England and the councils Listed Building officer. Historic England advice they are satisfied that the overall masterplan and supporting documentation justifies the scheme, and that the proposals would be sympathetic in terms of scale, massing, materials and overall configuration in relation to the original Grade II\* Listed College buildings. Furthermore it is advised the development would not cause harm to the significance of the buildings as they would not detract from their setting, in accordance with the NPPF. The councils historic buildings officer supports this stance.
85. Officers are of the view the quantum of development proposed can be undertaken without adversely impacting on the setting of the Listed Buildings. This would be subject to a suitable detailed design scheme coming forward, to be assessed at reserved matters stage.
86. In terms of the indicative plan (which demonstrate how the built form could be developed) Historic England take the opportunity to state they would wish to see a continues built elevation on the eastern and northern boundaries of the site. Officers are of the view there is merit in this approach to developing the site and as such appending an informative to the permission drawing the applicants attention to the views of Historic England is recommended.
87. *Archaeology*
- County archaeology advise that in 2014 a archaeological evaluation was conducted to the west of the proposed development area in the location of the potential new graduate centre in order to establish the extent of archaeological deposit within the development area. The location of the proposed new residential courts and auditorium have not been subject to any archaeological work. As such a condition is recommended preventing any development from commencing until a programme of archaeological work has been undertaken in accordance with an agreed written scheme of investigation.
88. *Trees*

A group Tree Preservation Order (Ref: C/11/17/033/20) covers a large proportion of the trees found to the sites perimeter, most notably parallel with Huntingdon and Girton Roads. This tree belt makes a significant positive contribution to the amenity of the local area and ambiance within the College grounds, and a material loss of trees would heavily detract from this.

89. The development will result in the loss of some existing, mature trees (including some TPO trees), with the tree officer advises the quantum of loss is proportionately small and offers no objection to the development, subject to mitigation. Such mitigation includes the protection of the mature trees to be retained and the planting of additional trees.

90. *Transport*

The application seeks to rationalise the access with a new vehicular access proposed onto Girton Road to serve the relocated car park, second new access on Girton Road for delivery vehicles and grounds maintenance, and the widening of the access on Huntingdon Road. The existing vehicular access on Girton Road is to be used for 'emergency' purposes only.

91. Changes to the car and cycle parking arrangement include relocating the main car park to take visitors to the front of the building rather than the back, removal of the majority of the car parking within Cloisters Court (except disabled spaces) and increasing cycle parking, with county highways not objecting on grounds of highway safety.
92. The county councils majors development team are of the view the development will contribute to cycle trips along Huntingdon Road. Huntingdon Road has benefitted from the recent installation of segregated cycleway improvements (phase 1 - Girton Road to Oxford Road which is funded and currently being implemented), but there is a section beyond this (phase 2 – Oxford Road to Victoria/Histon Road) which require improvement and which the development would impact directly by those travelling to and from Girton College. Subject to securing a reasonable contributions towards these works and conditioning a Travel Plan no objection is raised.
93. The full costs of phase two is £350 000, with the county seeking a contribution of £140 000 or 40% which is based on applying standard trip rates (the application is in outline form and is proposed to be implemented over a number of years which gives rise to difficulties in calculating trip generation). This level of contribution is disputed by the applicants, who point out that under the CIL Regulations 2010 any contribution should be 'fairly and reasonably related in scale and kind to the development', and make reference to existing and proposed housing projects as well as other projects which will make a contribution towards this scheme. Additionally it is argued given the length of timescale the development is likely to take the Ridgeway cycle route through North West Cambridge may be completed thus reducing bicycle movements along Huntingdon Road consequently reducing the level of contribution.
94. SCDC officers are of the view, given the difficulty in calculating trip level generation at this stage (and therefore determining an appropriate percentage contribution towards Phase 2 of the Huntingdon Road cycleway), that the principle of an agreement should be secured now with the level of contribution to be determined once the number of trips has been calculated.
95. Although subject to detail being agreed, officers consider this mechanism working on

the basis of the baseline assessment at the phase 2 Huntingdon Road location being undertaken [upon the commencement of each reserved matters application] and the baseline assessment of the Girton College location would be undertaken [12 months following the first occupation of]. Such an approach would give rise to financial payments once an assessment of the impact of each reserved matters application has been determined and is considered to be in accordance with the CIL tests".

96. No objection is raised from Highways England.

*Environmental consideration*

97. The application has demonstrated that surface water drainage can be controlled through condition to ensure no increase in surface water run-off above the existing rate. A similar condition securing details of the method of pollution control is also necessary.
98. No adverse concerns are raised in respect of contamination, with a precautionary condition recommend in the event unforeseen contamination is identified.
99. No development is proposed within the Air Quality Management Area, but given the proximity of this constraint it is necessary to append an informative drawing the applicants attention to the need to ventilate the building appropriately.
100. No harm is identified in respect of noise, with conditions recommended relating to construction noise, hours of working, dust control and external lighting.

*Ecology*

101. The parcels of land proposed to be developed are not subject to any ecological designation, with officers, including the council's ecologist having worked with the applicant to ensure the development is located in an area of low biodiversity value. Common Pipistrelle bats have been identified as using the trees for foraging/commuting and it is necessary to ensure any lighting introduced to the car park area does not adversely affect these species (controlled through condition).
102. No objection is offered by Natural England in respect of an impact on any statutory protected sites.
103. The development has been screened (LPA Ref: S/0546/15/E1) under The Town and Country Planning (Environmental Impact) 2011 Regulations, and taking into account the characteristics of the development, sites location outside of any sensitive area and the characteristics of the potential impact the development was found not to be EIA Development, and as such the planning application is not required to be accompanied by an Environmental Statement.

*Other considerations*

104. Sport England consider the overall proposals will result in a net improvement of sports pitch/facility provision through extending the existing playing fields to allow the siting of an additional senior football pitch, provision of 4 tennis courts and the extension of the ball stop fencing along the boundary with the A14 improving sporting experience for users of the playing field and potentially preventing health and safety issues. Conditions are recommended to ensure the sports pitches and tennis courts are constructed to a suitable standard.

105. No concerns are raised with regard to crime and disorder.
106. The Parish Council offer support of the development, but raise concerns relating to surface water drainage and air quality. Both of these are addressed in the report.

*Time limit within which development granted planning permission must begin*

107. Under section 92 Town and Country Planning Act 1990, outline planning permission should be made subject to conditions imposing two types of time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. This is normally three years from the date on which permission was granted to submit all reserved matters, and development to begin within two years of the date on which the final reserved matters are approved. If the local planning authority considers it appropriate on planning grounds they may use longer or shorter periods, but must clearly give their justification for doing so.

The application is a complex proposal, set out in the form of a masterplan which has examined the whole of the site in a comprehensive manner, which will provide for the needs of the College in the long term (25 - 30 years). Furthermore the College are reliant on obtaining funding to proceed with this development. For these reasons it is considered there is appropriate justification to allow for an extended period of time to implement the consent in various phases. Such an approach is consistent for the Governments objective of supporting sustainable development. The emerging Local Plan proposes to set the spatial framework for the district until 2031, and it is considered reasonable to ensure the permission does not extend beyond that date.

*Very Special Circumstances*

108. The applicant offers the following reasons for the development being considered 'very special circumstances';
- Uniqueness of applicant;
  - Lack of alternative sites;
  - Cambridge University growth vital to the national economy;
  - Collegiate community;
  - Improvements to sustainability;
  - Enhancement of heritage assets; and
  - Enhancement of public spaces
109. Uniqueness of applicant – Girton College is the only College of Cambridge University within the administrative area of SCDC, and was deliberately located there upon its foundation. It was some 100 years after the College was established on this site that the boundary of the Cambridge Green Belt was drawn to include it. This unique circumstance was recognised in the adopted Development Policies DPD with the identification of the College as a 'major developed site within the Green Belt' and commitment to prepare a Development Brief to be adopted as a SPD. The principle of development at the College is consistent with the Council Development Plan. As there are no other Colleges located within the Green Belt this would not set a precedent.
110. Lack of alternative sites – It is impractical for the College to seek an alternative site. The buildings were purpose built for the College and they are its heritage and identity, and seeking an alternative site(s) to cater for the extent of growth proposed in close proximity to the College is unviable and an unrealistic option.

111. Cambridge University growth vital to the national economy – The Cambridge Local Plan proposed submission advises ‘The University of Cambridge continues to be a world leader in higher education and research. The University of Cambridge is consistently ranked in the top three research universities globally, based on the two internationally recognised measures. It is a vital driver of the Cambridge economy and is the reason why so many high technology and knowledge-based employers decide to locate to the city. It contributes to and is dependant upon the quality of life in the city and city centre.
112. The University of Cambridge’s esteemed reputation has underpinned the Cambridge phenomenon and much of the city’s prosperity in recent years, The University of Cambridge and its colleges are also significant employers in their own right, providing over 12 000 jobs. Their reputation and heritage continues to attract students from across the world, tourists, language students, spin-off enterprise and medical research, and it continues to be a vital driver of the local and national economy’ and goes on to state ‘The University of Cambridge has plans to grow undergraduate numbers by 0.5 percent a year and postgraduate numbers by 2 percent a year in order to maintain its globally successful institution’.
113. In order to continue to attract an increasing number of students and to play its part in maintaining the world renowned reputation of the University, the College needs to expand and provide a high quality living and learning environment for its students and staff.
114. Collegiate community – One of the distinctive characteristics of Cambridge University is its collegiate nature. At Girton College this experience is diluted as it is not currently able to accommodate all its students on a single site. Underpinning the proposed development is a College ambition to maximise the numbers of students living on the main College site where there is access to a full range of services and facilities.
115. Improvements to sustainability – The current arrangement of operating a split site leads to additional vehicle movements which would be reduced. In the long run the economic benefits of consolidation will contribute to the financial sustainability of the College and potentially enhance the resources available for investment in the in the historic buildings to reduce their carbon footprint.
116. Enhancement of heritage assets – Although not part of this application, the overall masterplan for the College includes opportunities to undertake a number of enhancements to the Grade II\* Listed College buildings including;
- Returning some of the rooms to sets, restoring some of the original features of the College and contribute to enhancing the Grade II\* listed buildings
  - Reversing unsympathetic later alterations to some rooms and spaces.
117. Enhancement of public spaces – The College already allows local people to access the College grounds and a dog walking route is provided around much of the perimeter. As part of the overall landscape plan it is envisaged this will be retained and improved where possible.

*Balance of harm v benefit*

118. The NPPF is clear in advising substantial weight should be given to any harm to the Green Belt, and that ‘very special circumstances’ will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.



119. The potential enhancements to public open space for the community and improvements to sustainability are material, but are of limited public benefit given local residents are already granted access to the site and short travelling distance between Girton and Wolfson Court. In respect of the historic environment, the development does have the potential to make improvements to the Grade II\* Listed Buildings through returning some rooms to sets, however this is not proposed within this application and officers are of the view limited weight can be given this benefit.
120. Officers are of the view substantial weight should be given to the vital economic role of Cambridge University in the current and future growth at local, regional and national level, and need for the College to contribute to meeting the objectives of the University remaining a truly world class institution.
121. This, when taking into account the lack of realistic alternative sites for the College to expand justifies 'very special circumstances' which clearly outweigh the harm (when given substantial weight) to the Green Belt through the coalescence of Girton village with Cambridge and the other relatively limited harm identified above.

*Referral of the decision to the Secretary of State*

122. If members are minded to recommend approval of the application, the application will need to be referred to the Secretary of State.
123. The Town and Country Planning (Consultation) (England) Direction 2009 sets out the applicable criteria and arrangements that must be followed for consulting the Secretary of State once the local planning authority has resolved to grant planning permission for certain types of development, which includes this application.
124. The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in an application under section 77 of the Town and Country Planning Act 1990. The use of the call in power requires that the decision be taken by the Secretary of State rather than the local planning authority.
125. Where consultation with the Secretary of State under the Direction is required, the local planning authority cannot grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State notifies the local planning authority that the consultation has been received and he has all the information necessary to consider the matter.

**Recommendation**

126. Officers recommend that the Committee delegate approval to officers to approve the application, subject to:

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

- (a) Completion of a S106 agreement securing appropriate contributions towards off-site transport infrastructure.

127. **Conditions**

*Time Limit*

- (a) Approval of the details of the layout of the site, and the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall

be obtained from the Local Planning Authority in writing before development is commenced

(Reason - The application is in outline only.)

- (b) The first application for approval of reserved matters shall be made to the Local Planning Authority no later than six years from the date of this permission.
- (c) Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of twelve years from the date of this permission.
- (d) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason: To accord with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.)
- (e) The development hereby permitted shall be carried out in accordance with the following approved plans: 'Planning application boundary parameter plans' Drawing number '94407001 Rev P8', 'Demolition plans parameter plans' Drawing number '94407002 Rev P7', 'Development plots plan parameter plans' Drawing number '94407003 Rev P9', 'Proposed maximum heights plan parameter plans' Drawing number '94407004 Rev P7', 'Proposed access: vehicular parameter plans' Drawing number '94407005 Rev P8', 'Landscape and use plan parameter plans' Drawing number '94407006 Rev P4', 'Tree plan illustrative drawings' Drawing number '94407011 Rev P7', 'car park access' Drawing number '10', 'northern site access' Drawing number '11C' and 'Grange drive road widening' Drawing number '12'  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

#### *Archaeology*

- (f) Prior to the commencement of any of the phases of development the applicants, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.  
(Reason: In the interests of archaeology)

#### *Sports provision*

- (g) No development of the tennis courts shall commence until details of the design and layout of the proposed courts have been submitted to and approved in writing by the local planning authority. The tennis courts shall be constructed in accordance with the approved details.  
(Reason: To ensure the development is fit for purpose and sustainable and to accord with adopted policy SF/10 of the Local Development Framework DPD 2007)
- (h) No development of the sports pitches shall take place until there has been submitted by the applicant and approved in writing by the Local Planning Authority;
  - 1) a detailed assessment of the ground conditions of the land proposed for the

playing field which identifies constraints which could affect playing field quality;  
and

2) based on the results of the assessment to be carried out pursuant to 1) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The development shall be constructed in accordance with the agreed details. (Reason: To ensure the playing field is prepared to an adequate standard and is fit for purpose and To accord with adopted policy SF/10 of the Local Development Framework DPD 2007)

#### *Environmental Health*

(i) No development of any of the phases shall commence until;

a) the area of that phase of development has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the local planning authority.

b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the remediation method statement) have been submitted to and approved in writing by the local planning authority.

c) the works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the local planning authority, in accordance with the approved written scheme.

d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the local planning authority.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DP/1 of the adopted local development framework 2007.)

(j) Construction Traffic Management Plan/Dust Management Plan

No development of any of the phases 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 for that phase of development 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 standards to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/15 of the Local Development Framework DPD 2007 )

- (k) No development of any of the phases shall commence until details of the location and type of any power driven plant or equipment, including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment for that phase of development, shall be submitted to and approved, in writing, by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.  
(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/15 of the Local Development Framework DPD 2007)
- (l) During the period of construction and demolition no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the local Planning Authority in accordance with any agreed noise restrictions.  
(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/15 of the Local Development Framework DPD 2007)
- (m) No 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.  
(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/15 of the Local Development Framework DPD 2007)
- (n) No development of any of the phases shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the area of that phase of development during the construction period has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/16 of the Local Development Framework DPD 2007)
- (o) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled. The development shall subsequently be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/16 of the Local Development Framework DPD 2007)

- (p) No development of any of the phases shall commence until a lighting scheme, to include details of any external lighting for that phase of development such as street lighting, floodlighting, security lighting, shall be submitted to and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare and shall assess artificial light impact in accordance with The Institute of Lighting Professionals" "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". 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.

(Reason: In the interests of the amenity of local residents in accordance with the requirements of policy NE/14 of the Local Development Framework DPD 2007) )

#### *Flood Risk*

- (q) No development of any of the phases shall take place until a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 rear critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

(Reason: To prevent the increased risk of flooding both on and off site)

#### *Pollution prevention*

- (r) No development of any of the phases shall commence until a scheme for the provision and implementation of pollution control of the water environment for that phase of development, including surface and foul water drainage, shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

(Reason: To prevent the increased risk of pollution to the water environment and to provide a satisfactory method of surface and foul water drainage.)

#### *Trees*

- (s) Prior to commencement of development of each of the phases a detailed landscaping scheme for that phase, including mitigation of tree loss, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

(Reason: In the interests of arboriculture in accordance with the requirements of policy NE/16 of the Local Development Framework DPD 2007)

- (t) Prior to the commencement of development of each phase detailed tree protection measures for that phase, showing tree locations, crown spread dimensions, root protection areas and position and type of tree protective barriers and /or ground protection, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

(Reason: In the interests of arboriculture in accordance with the requirements of policy NE/16 of the Local Development Framework DPD 2007)

### *Highways*

- (u) No demolition associated with any of the phases of development shall commence until a traffic management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The principle areas of concern that should be addressed are:
- Movements and control of muck away lorries
  - Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street
  - Movements and control of deliveries
  - Control of dust, mud and debris in relationship to the operation of the adopted public highway.
- The development shall be constructed in accordance with the agreed management plan.  
(Reason: In the interests of highway safety)
- (v) The proposed accesses shall be constructed so that the falls and levels are such that no surface water from the site drains across or onto the adopted public highway.  
(Reason: For the safe and effective operation of the highway)
- (w) The proposed accesses shall be constructed such that the first 5m from the boundary of the adopted public highway into the site shall be constructed from bound material.  
(Reason: In the interests of highway safety)
- (x) Prior to the first occupation of the development hereby permitted pedestrian visibility splays measuring 2m x 2m shall be provided at the sites accesses with the public highway. The splays shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high and retained thereafter in perpetuity.  
(Reason: In the interest of highway safety)
- (y) Prior to the first occupation of the development hereby permitted visibility splays measuring 4.3m x 2.4m shall be provided at the sites access with the public highway. The splays shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high and retained thereafter in perpetuity.  
(Reason: In the interest of highway safety)
- (z) Each of the phases of development shall be accompanied by details of cycle storage facilities. The development shall be constructed in accordance with the approved details prior to first use  
(Reason: In the interests of promoting sustainable transport)

### *Ecology*

- (aa) Prior to commencement of development of each phase a scheme of ecological enhancement for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the first occupation of that phase of development or in accordance with a programme agreed in writing with the Local Planning Authority.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- (ab) Prior to commencement of development of each phase a scheme for the provision of bird nest and bat boxes for that phase shall be submitted to and approved in writing by the Local Planning Authority; that phase of development shall not be occupied until the nest and bat boxes have been provided in accordance with the approved scheme.

(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- (ac) No loss of trees shall take place until a survey of the trees to be removed for bats, have been undertaken and the results submitted to the Local Planning Authority, together with any mitigation measures. No development shall take place other than in accordance with approved mitigation measures.  
(Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981.)

### **Informatives**

- (a) Historic England are of the view that in respect of the reserved matters application for Plot A Orchard Drive a continues built elevation on the eastern and northern boundaries should be incorporated into the scheme.
- (b) The proposed development lies adjacent to an Air Quality Management Area. When deciding upon ventilation to the building the developer should consider how to reduce exposure to road traffic pollution. For details of the area, the review assessment of air quality and Action Plan that sets out how the Council will tackle air pollution, the developer should contact Environment Commissioning, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA.
- (c) The granting of a planning permission does not constitute a permission or license to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highways Authority for such works.
- (d) During construction and demolition there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
- (e) Before the existing property is demolished, a Demolition Notice will be required from the Building Control Section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.

**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.

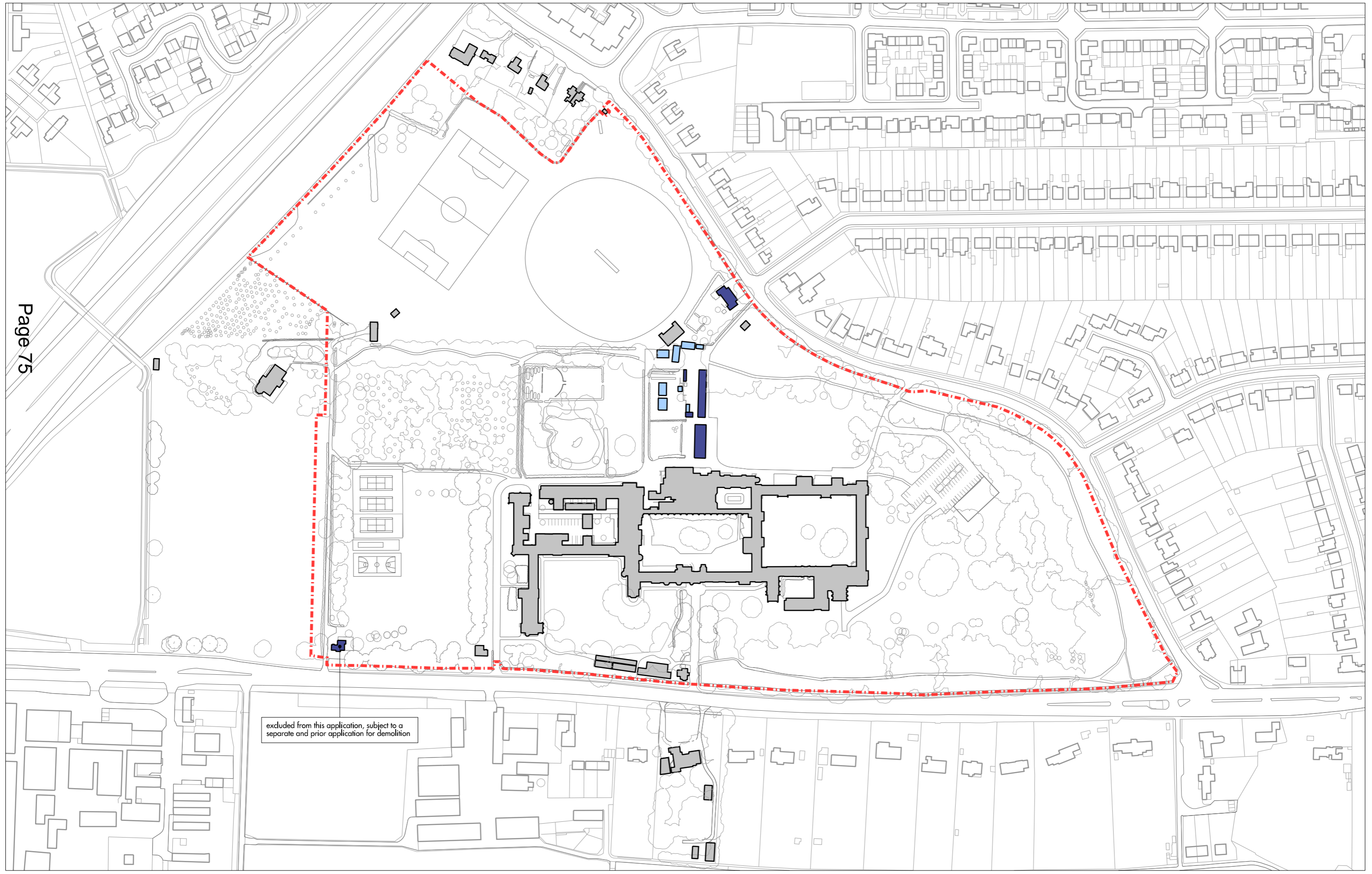
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

**Report Author:**

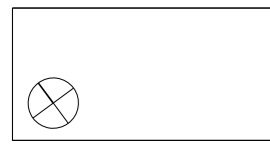
Andrew Fillmore  
Telephone Number:

Principal Planner  
01954713180





excluded from this application, subject to a separate and prior application for demolition



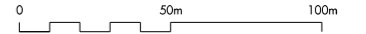
Do not scale from this drawing. Use figured dimensions only. Figured dimensions are in millimetres. All levels are in metres. All dimensions and levels shall be verified on site before proceeding with works. Detailed site survey to be carried out to verify positions and level relationships with site features and ordnance survey. The architect must be notified of any discrepancy. Where building components are described in the specification as contractor designed, "construction" information relating to those components on this drawing represents design intent only

REV	DATE	DESCRIPTION	CD
P1	20.11.14	FOR COMMENT	
P2	05.12.14	FOR COMMENT	
P3	10.12.14	FOR COMMENT	
P4	18.12.14	FOR COMMENT	
P5	26.01.15	FOR COMMENT	
P6	01.04.15	FOR COMMENT	
P7	09.04.15	ISSUED FOR PLANNING	

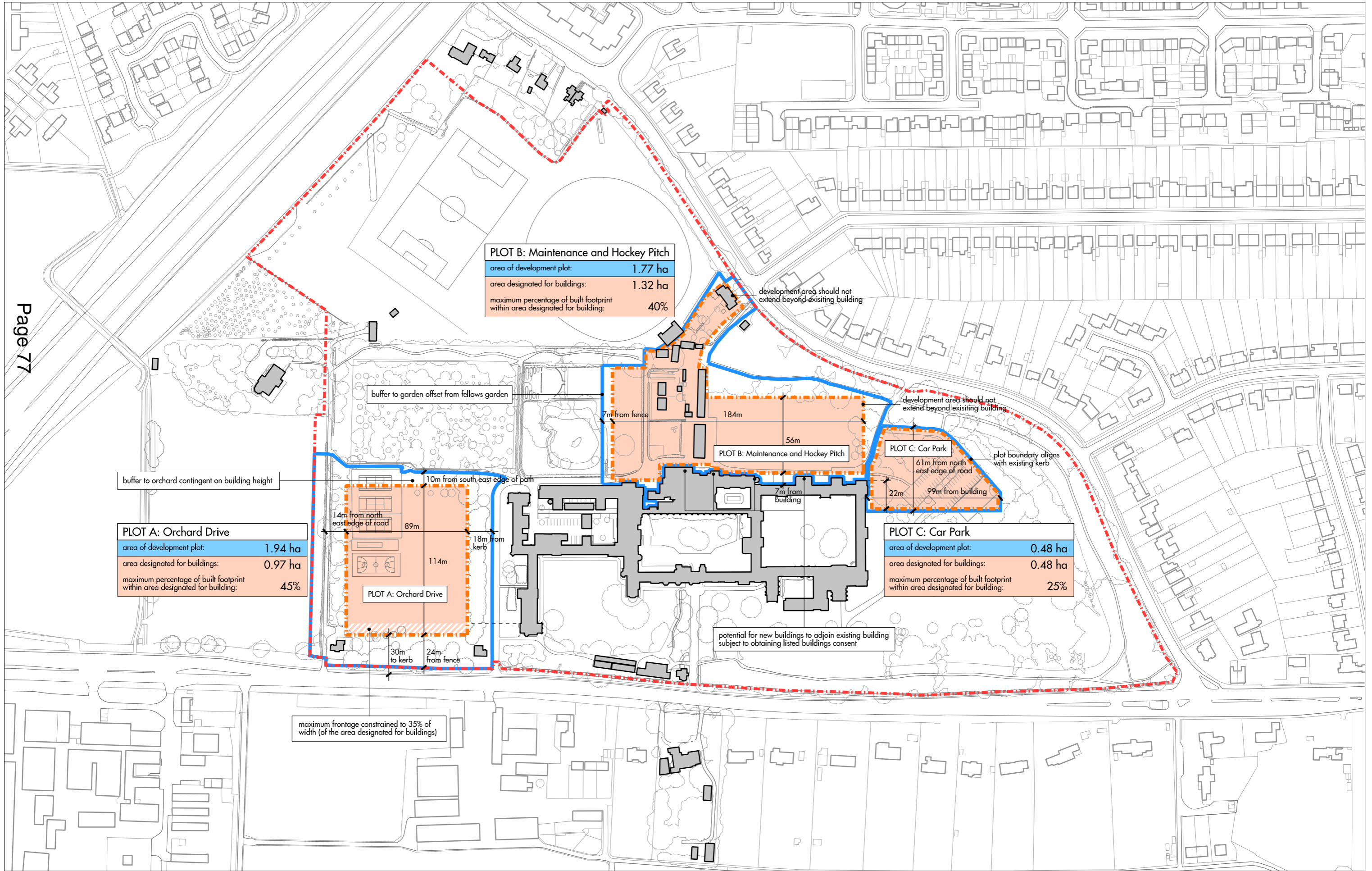
- KEY**
- permanent buildings or structures to be demolished
  - temporary buildings or glasshouses to be demolished

Allies and Morrison  
 85 Southwark Street  
 London SE1 0HX  
 telephone 020 7921 0100  
 facsimile 020 7921 0101  
 email info@alliesandmorrison.com  
 A&M JOB NO: 944

GIRTON COLLEGE MASTERPLAN  
 DEMOLITION PLAN  
 PARAMETER PLANS  
 944\_07\_002  
 SCALE 1:1250 @A1 1:2500@A3



This page is left blank intentionally.



**PLOT B: Maintenance and Hockey Pitch**  
 area of development plot: 1.77 ha  
 area designated for buildings: 1.32 ha  
 maximum percentage of built footprint within area designated for building: 40%

**PLOT A: Orchard Drive**  
 area of development plot: 1.94 ha  
 area designated for buildings: 0.97 ha  
 maximum percentage of built footprint within area designated for building: 45%

**PLOT C: Car Park**  
 area of development plot: 0.48 ha  
 area designated for buildings: 0.48 ha  
 maximum percentage of built footprint within area designated for building: 25%

maximum frontage constrained to 35% of width (of the area designated for buildings)

Do not scale from this drawing. Use figured dimensions only. Figured dimensions are in millimetres. All levels are in metres. All dimensions and levels shall be verified on site before proceeding with works. Detailed site survey to be carried out to verify positions and level relationships with site features and Ordnance Survey. The architect must be notified of any discrepancy. Where building components are described in the specification as contractor designed, "construction" information relating to those components on this drawing represents design intent only.

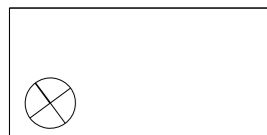
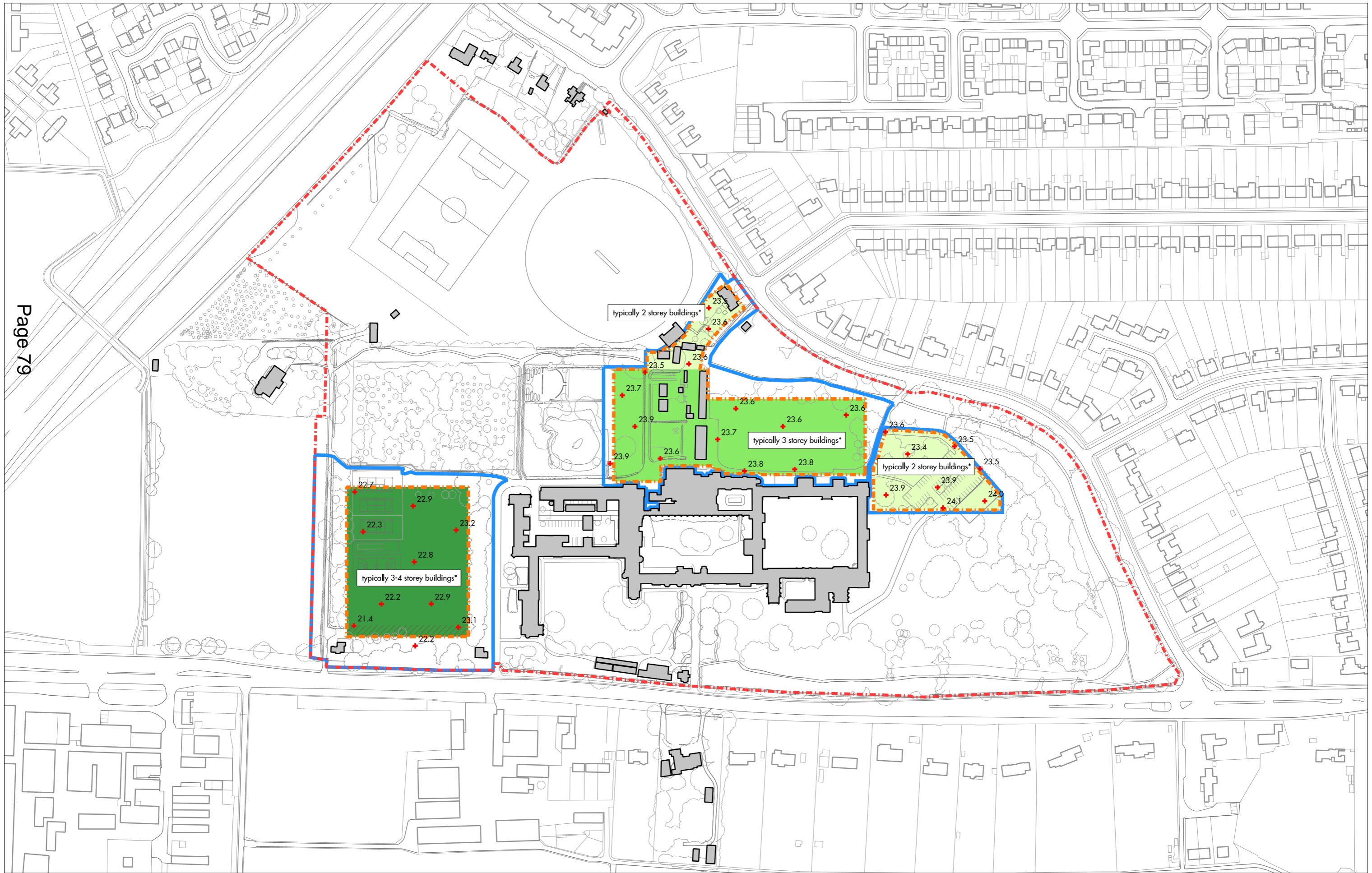
REV	DATE	DESCRIPTION	CHKD	REV	DATE	DESCRIPTION	CHKD
P1	20.11.14	FOR COMMENT		P8	01.04.15	FOR COMMENT	
P2	05.12.14	FOR COMMENT		P9	09.04.15	ISSUED FOR PLANNING	
P3	10.12.14	FOR COMMENT					
P4	18.12.14	FOR COMMENT					
P5	26.01.15	FOR COMMENT					
P6	10.02.15	FOR COMMENT					
P7	04.03.15	FOR COMMENT					

**KEY**  
 development plot  
 area designated for buildings, limit of deviation ± 2m (subject to detailed survey of root protection areas)

Allies and Morrison  
 85 Southwark Street  
 London SE1 0HX  
 telephone 020 7921 0100  
 facsimile 020 7921 0101  
 email info@alliesandmorrison.com  
 A&M JOB NO: 944

GIRTON COLLEGE MASTERPLAN  
 DEVELOPMENT PLOTS PLAN  
 PARAMETER PLANS  
 944\_07\_003  
 SCALE 1:1250 @A1 1:2500@A3  
 0 50m 100m

This page is left blank intentionally.



Do not scale from this drawing. Use figured dimensions only. Figured dimensions are in millimetres. All levels are in metres. All dimensions and levels shall be verified on site before proceeding with works. Detailed site survey to be carried out to verify positions and level relationships with site features and ordnance survey. The architect must be notified of any discrepancy. Where building components are described in the specification as contractor designed, "construction" information relating to those components on this drawing represents design intent only.

REV	DATE	DESCRIPTION	CD
P1	20.11.14	FOR COMMENT	
P2	05.12.14	FOR COMMENT	
P3	10.12.14	FOR COMMENT	
P4	18.12.14	FOR COMMENT	
P5	26.01.15	FOR COMMENT	
P6	01.04.15	FOR COMMENT	
P7	09.04.15	ISSUED FOR PLANNING	

- KEY**
- + 22.8 existing ground levels, for information (AOD)
  - development plots
  - areas designated for buildings
- \* excluding any below ground basements

- maximum roof height above ground level: 12m  
higher elements limited to maximum 10% of total footprint
- maximum roof height above ground level: 15m  
higher elements limited to maximum 10% of total footprint
- maximum roof height above ground level: 18m  
higher elements limited to maximum 10% of total footprint

Allies and Morrison  
 85 Southwark Street  
 London SE1 0HX  
 telephone 020 7921 0100  
 facsimile 020 7921 0101  
 email info@alliesandmorrison.com  
 A&M JOB NO: 944

GIRTON COLLEGE MASTERPLAN  
 PROPOSED MAXIMUM HEIGHTS PLAN  
 PARAMETER PLANS  
 944\_07\_004  
 SCALE 1:1250 @A1 1:2500@A3  
 0 50m 100m

This page is left blank intentionally.

**South Cambridgeshire  
Adopted Proposals Map  
Published January 2010**

**Inset No. 37 Girton  
Map 2 of 3  
Scale 1:5000**

Reproduced from the Ordnance Survey Mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NO FURTHER COPIES MAY BE MADE. SDCS Licence 100022500 (2010)

**GB14 (1c)**

This page is left blank intentionally.



0 1 2 3 4 5 6 7 8 9 10 11 1200m

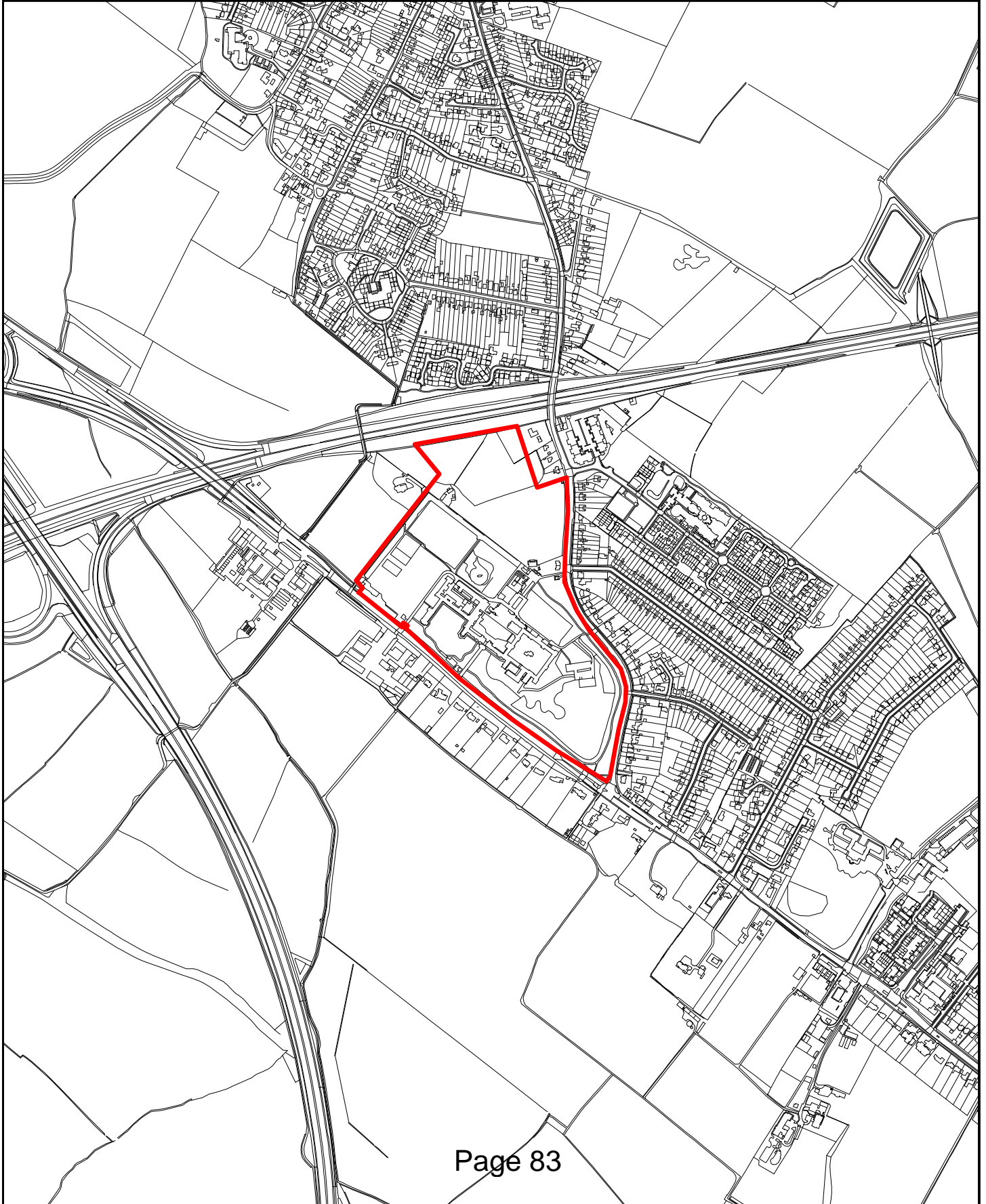
Scale - 1:10000  
Time of plot: 13:26

Date of plot: 23/12/2015



South  
Cambridgeshire  
District Council

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 7

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2016

**AUTHOR/S:** Planning and New Communities Director

---

<b>Application Number:</b>	S/2580/15/OL
<b>Parish(es):</b>	Foxton
<b>Proposal:</b>	Outline planning permission for up to 76 residential dwellings (including 40% affordable dwellings), demolition of existing outbuildings, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Shepreth Road, and associated ancillary works. All matters to be reserved with the exception of the main site access.
<b>Site address:</b>	Land off Shepreth Road, Foxton
<b>Applicant(s):</b>	Gladman Developments Ltd
<b>Recommendation:</b>	Refusal
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply, scale of development and impact on character and landscape, impact on heritage assets, services and facilities, access and transport, drainage, and ecology.
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Paul Sexton, Principal Planning Officer
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest.
<b>Date by which decision due:</b>	5 January 2016

### Executive Summary

1. This proposal seeks outline permission (access only for approval) for a residential development of up to 76 dwellings outside the adopted village framework and in the countryside on a greenfield site. The development would not normally be considered acceptable in principle as a result of its location. However two 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 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.

2. In this case, given the scale and location of the development, officers are of the view that the adverse impacts of the development on the character of Foxton village, and impact on the setting of Foxton House, a Grade II listed building, significantly and demonstrably outweigh the benefits that include a contribution of up to 76 dwellings towards the required housing land supply, including 40% affordable dwellings.

### **Planning History**

3. S/2822/14/OL - Outline application for development of up to 95 houses (Class C3) with access, open space and associated infrastructure and with all other reserved – Refused – Appeal Lodged – Public Inquiry February 2016.
4. The above application was refused by Planning Committee at its meeting on 13 May 2015 following a Members Site Visit on two grounds.
5. '1. The proposed development of the site by up to 95 dwellings would, by reason of its scale and location, result in an alien form of development which would be out of character with the existing pattern and form of development. The proposal is therefore considered to be contrary to the aims of Policy DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, which state that planning permission will not be granted where the proposed development would have an adverse impact on village character and the countryside.
6. 2. The proposed development would, by virtue of its location (which includes land formerly within the curtilage of Foxton House), form, scale and proximity, have a significant adverse impact on the setting of Foxton House, a Grade II listed building. The proposal is therefore contrary to the aims of Policy CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD and the adopted Listed Buildings SPD, which seek to protect the setting of listed buildings.'

### **Planning Policies**

7. *National Planning Policy Framework  
Planning Practice Guidance*
8. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*  
ST/2 Housing Provision  
ST/6 Group Villages
9. *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 Frameworks

HG/1 Housing Density  
 HG/2 Housing Mix  
 HG/3 Affordable Housing  
 SF/6 Public Art and New Development  
 SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
 SF/11 Open Space Standards  
 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 Light Pollution  
 NE/15 Noise Pollution  
 NE/17 Protecting High Quality Agricultural Land  
 CH/2 Archaeological Sites  
 CH/4 Development Within the Curtilage or Setting of a Listed Building  
 CH/5 Conservation Areas  
 TR/1 Planning for More Sustainable Travel  
 TR/2 Car and Cycle Parking Standards  
 TR/3 Mitigating Travel Impact  
 TR/4 – Non-motorised Transport

10. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*  
 Open Space in New Developments SPD - Adopted January 2009  
 Affordable Housing SPD - Adopted March 2010  
 Listed Buildings SPD – Adopted July 2009  
 Trees & Development Sites SPD - Adopted January 2009  
 Landscape in New Developments SPD - Adopted March 2010  
 Biodiversity SPD - Adopted July 2009  
 District Design Guide SPD - Adopted March 2010  
 Health Impact Assessment – Adopted March 2011

11. *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 Villages  
 S/12 Phasing, Delivering and Monitoring  
 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/6 Construction Methods  
 CC/7 Water Quality  
 CC/8 Sustainable Drainage Systems  
 CC/9 Managing Flood Risk  
 HQ/1 Design Principles  
 HQ/2 Public Art and New Development  
 NH/2 Protecting and Enhancing Landscape Character  
 NH/3 Protecting Agricultural Land

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  
T/I Parking provision

### **Consultation**

12. **Foxton Parish Council** - objects strenuously to this application, and recommends that it be refused
13. 'By way of context, the Parish Council note:-
14. This is a resubmitted proposal intended to address the reasons for refusal of application S/2822/14/OL (which was for 'up to 95 houses')
15. The proposal is in outline only, and so to some extent the detailed design (apart from the access) and numbers might be controlled by condition (but it is felt that this would not mitigate the significant harm that would result from the proposal)
16. The proposal is founded on the alleged absence of a five year supply of housing land in South Cambridgeshire, with the corollary that if a five year supply could be demonstrated then the proposal has no merit; and
17. In any event, the Parish Council are of the view that even if there was a shortfall in the five year supply, the adverse impacts of the proposal so significantly and demonstrably outweigh the alleged benefits that the application should be refused.
18. In this context, Foxton Parish Council object to the resubmitted application S/2580/15/OL on the following grounds:
19. The adverse visual impact of the scheme, including the impact on the landscape, the wider setting of the village and a nearby designated heritage asset;
20. The adverse impact on the character of the village;
21. The adverse impact on the existing community at Foxton, including (but not limited to) the impact on community infrastructure and services; and
22. The location and proposed layout of the scheme, separated from the village by an area of open space artificially located because of the adjacent designated heritage asset, which only serves to accentuate its isolation from the remainder of the village.
23. To explain these points further:
24. Foxton has historically been designated as a 'Group Village' for many decades, allowing small developments of up to 8 dwellings (or exceptionally 15). The character and appearance of the village, and its level of service provision has been driven by this designation. The application completely disregards this designation and as a corollary represents bad planning. The development plan did not identify this site as a development option for good reasons, and it is noteworthy that not only was it not part

of the stalled emerging Local Plan, neither was it put forward by the landowner in the relatively recent call for sites.

25. The application site is rated a grade 2 BMZ (Best and Most Versatile) agricultural land, and has historical and archaeological significance. The pasture survives from early medieval times, and would be lost if the development were to proceed.
26. A major part of the application site provides the setting of the Grade II Listed Building of Foxton House, and has done so since it was built in 1825. Despite the proposed area of open space, the scale of development would harm the setting of Foxton House, which is important due to the quality of its architecture and surrounding landscape, and historic connections relevant to the development and history of the village. The proposed development would fail to observe S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 112, 133 and 134 of National Planning Policy Framework, and Development Control Policies CH/1, CH/4 and DP/7.
27. The impact and scale of the development proposed would be incongruous, and would significantly harm the village landscape character of the approach to the village from Shepreth. The Shepreth Road is ancient thoroughfare with wide grass verges and an absence of road kerbs, which is appropriate for this small ancient village. Equally, the proposal will adversely affect the visual separation and scale of buffer zone of the village from the A10 highway, which is also appropriately sized, visually satisfactory and something to aspire to in terms of the quality of the visual environment and landscape.
28. The impact of a development of 76 new dwellings (representing an increase of approximately 17% in the size of the village) would overwhelm the character of this small, historic village settlement. Foxton's status as a group village means that it can grow organically (as it has done over hundreds of years) and small developments can be carefully planned to maintain the character of the village.
29. The impact of such a large development would be seen in the following ways:
30. The increase in traffic will cause problems at the exits from the village onto the A10.
31. The school has space for 18 extra children, and these spaces will be taken up by development already taking place in the village, (likely to result in up to 20 children of primary school age). The development on Shepreth Road is likely to result in additional children, for which the school would need to build two new classrooms. The proposed S106 monies for this development would not even cover a single classroom at the school, and the County Council would need to find additional funding of £19,000 per child.
32. Local doctors' surgeries and NHS dentist are effectively full, and could not cope with any increase in demand.
33. Foxton has an identified need for affordable housing (understood to be approximately 20-25). However, planning permission has already been granted for 39 new dwellings (of which 23 are affordable, 15 of these being social housing for rent). This meets the identified local need (and also demonstrates that the village is not against development per se, and is happy to accept appropriate small-scale planned growth.
34. The application simply does not offer any solutions to infrastructure issues. There are several large planning applications in nearby villages, and taken together these would

have a huge impact on the local infrastructure. Since all of these applications are on unallocated sites and outside of the Local Plan process, the County Council has no planned expenditure (available or already allocated) to provide for necessary improvements to infrastructure that speculative applications for developments such as these would generate.

35. It is fundamentally wrong in land use planning terms to promote or permit a development of this magnitude in such a small historic village, with limited local services and infrastructure, which would overwhelm the local community; it should be refused for the reasons set out above.'
36. **Cambridgeshire County Council Highways Development Control** – has no objection to the proposed access. It requests conditions relating to kerb radii, access construction, traffic management plan, a footpath link on Shepreth Road, and the provision of a 3.5m wide cycle route from the site to Foxton Railway Station on the south-eastern side of the A10, and that at least one uncontrolled crossing point is provided on the A10 which is suitable for both pedestrians and cyclists.
37. It states that it would welcome the reduction in speed limit to be extended to encompass the development, but as it cannot be guaranteed that the speed limit will be lowered to 30mph as stated on the submitted drawing as this would also need to be reflected in an active frontage of the development. Otherwise there is a strong possibility that the extended speed limit will not be adhered to.
38. The Highway Authority has severe reservations with regards to connectivity within the site as shown on the indicative master plan. The Highway Authority has a hierarchy which places pedestrians at the top of that hierarchy, and this has not been addressed within the submitted drawing. It strongly recommends that the applicant engages with the SCDC Urban Design Team and Highway Authority to progress a more suitable internal arrangement.
39. **Cambridgeshire County Council Transport Assessment Team** – states that having reviewed the information submitted in support of the application, it raises no objection to the application subject to the following being secured through a Section 106 Agreement or condition.
40. A pedestrian/cycle path from the development northern access of Foxton Station on the development side of the A10 should be provided by the developer prior to occupation of the site, and should meet design standards.
41. The developer should carry out the installation of the bus stops at the frontage of the development prior to occupation of the development. The design of the bus stop should include raised kerb, bus shelter and real time information. The design and maintenance amount of the bus stop should be agreed with the County Council, SCDC and the Parish Council. The improvements to the bus stop should be completed prior to occupation of the development.
42. Cycle parking should be provided by the applicant at or close to Foxton Station prior to occupation. The design, provision and location should be agreed with the Council.
43. The Travel Plan should be provided to the County Council for agreement prior to occupation of the development.
44. **SCDC Historic Buildings** has commented as follows:



45. *General Comments*
46. *Development affecting existing buildings*
47. In addition to the general starting point of any planning application being consideration in the light of the proposed development on the surrounding area, Local Planning Authorities (LPAs) have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 S66.1 when considering whether to grant planning permission for development which affects a listed building or its setting to have a special regard to the desirability of preserving listed buildings, their special features and their setting, with the latter often an essential ingredient of its character.
48. This duty is additional to the general duty under TCPA 1990 S70 to “*have regard to the development plan, so far as material to the application, and to other material considerations*”. The duty under P(LBCA)A 1990, S70 is, strictly speaking, second to the duty to have regard to the plan but since most local plans contain a policy drafted in similar terms to S72, this may be of no great consequence.
49. Since it is very difficult to draw out any general rules about the way in which development may be considered to affect the setting of a listed building, each case will present individual circumstances and reference is often necessary to relevant case law from planning appeals, judicial reviews and referral to the Court of Appeal. In some cases, (such as this) setting can only be defined by an assessment of the history of the surroundings. The same can be said for the territorial extent of the curtilage which “*will depend on the facts of the individual case and the circumstances of the particular site*”.
50. Previous case law has established that affect had to mean “*materially affect*” and noted that the words used in the legislation are not “*substantially affect*”. In some cases the splendour of setting is derived from the absence of other buildings thereby preventing a modest additional two dwellings whilst an example where an open prospect could be retained in the direction of the only viewpoint, the setting was preserved as a dwelling allowed.
51. In addition, it has been held that in considering the setting of a listed building, it is proper to have regard to the view from the building towards the proposed development, from the proposed development towards the building or from any relevant view from the side (that is, presumably, any point from which it is possible to see both the building and the proposed development). In particular, it is noted that the setting of a building, as thus defined, is likely to be considerably more extensive than its curtilage. In turn the extent of the curtilage in the planning Acts is acknowledged to be “*quintessentially a matter of fact*” based primarily on:
52. (i) the physical “*layout*” of the listed building and the structure;  
(ii) their ownership, past and present; and  
(iii) their use or function, past and present.
53. Though it is allowable for inspectors, in appropriate cases, to consider historical evidence where it assists the determination of a present curtilage boundary, there is an argument that more weight should be given to historical association and proximity and less attention paid to title and division of ownership, as otherwise listed building control could easily be evaded by colourable transfers of title. Clearly not all the land in the same ownership as the principal building will necessarily be included but equally some land in separate ownership may be included.

### *Consultation response*

54. The application site is adjacent to Foxton House, a Grade II Listed house built in 1825 for William Hurrell, who had increased his landownership from 9 acres in 1775 to 25 in 1830; this increased with the Enclosure Act of 1826 when he was allocated a further 350 acres in the northwest of the parish, including the parkland setting of his home and covered the area between High Street/Shepreth Road and the Portway (A10) from Stockers Lane to Foxton Bottom as shown on the conveyance plan of 8<sup>th</sup> July 1918, when Dr. Briggs, the then owner sold off Foxton House, its outbuildings and gardens but retained the parkland pasture, which is thought to survive from medieval times. The house was extended later in C19.
55. In accordance with established and recent case law, the Consultancy takes the view that the house, remaining ancillary outbuildings (including the recently unearthed subterranean ice house) together with the formal gardens are regarded as the extent of the listing. However, the setting is taken to include the historically associated parkland established from pasture land in conjunction with the erection of the house.
56. Taking special regard of this, any development on the land would harm the setting. The application seeks to promote the view that the land has been amended in its agricultural use for at least a century to such a degree that the original setting no longer exists and that there is little inter-visibility between the application and Foxton House and its grounds.
57. Reference to a 1901 six inch County series map together with aerial photographs taken in 1945 and 1969 held in the County Records office clearly refute this belief. In addition, an on-site inspection shows that the application site can be seen from Foxton House and grounds beneath the canopy of the boundary trees, limited views of the Foxton House can be seen from the application site and at some points within the application site, the proposed dwellings would be seen in relation to Foxton House particularly during winter months when the tree cover is minimal.
58. Consequently it is believed that the setting would be compromised by the proposal and is a valid reason for recommending refusal of the application.

### **SCDC Urban Design**

#### *Summary*

59. The applicant's '*Design and Access Statement*' (DAS) (October 2015) contains a site analysis, an assessment of the existing settlement pattern and character, a landscape and visual appraisal and reference to the relevant planning and design policies and urban design principles. However, it is still not clear how the information contained in the DAS has informed the proposed '*development framework*'. Notwithstanding the fact that the current application is for a reduced number of dwellings, it does not adequately address the issues raised in an earlier planning application for up to 95 dwellings (S/2822/14/OL) relating to the urban grain of the scheme; its relationship to the existing character of the village. It still appears to be an isolated development that fails to integrate with the existing urban fabric.

#### *Layout and scale of development*

60. The development form of Foxton village neighbouring the site is dominated by detached buildings in large plots. The proposed layout (shown in the illustrative masterplan - Figure 15 of the DAS) shows a dense 'urban grain'. The proposed layout

appears generic and fails to demonstrate a relevance to Foxton.

61. Whilst I do not object to the concept of creating a larger separation space between Foxton House and the proposed dwellings to the SE edge of the application boundary, and the introduction of lower density dwellings built edge to the south of the site, the proposed layout does not integrate well with the existing urban fabric and appears to be a 'standalone' development.
62. Whilst the principle of increasing the provision of green space from 2.64 ha to 3.72 ha is supported, the relocation of the public open space, which was centrally located in the previous planning application, would exacerbate the dense urban grain concern as the density in the current proposal remains at 28 dph. Furthermore, as a result of the additional separation distance between the site and Foxton House, leads to a development which gives even more of an impression of a 'standalone' development.

#### *Building for Life (BfL) assessment*

63. Chapter 5 of the DAS includes the results of a BfL assessment conducted by the applicant. Whilst the rationale of referring to the 12 BfL urban design criteria when designing the scheme is supported, it is considered inappropriate to assign scores to the criteria since the application is currently at outline stage given that only limited information concerning the development is available at present.

#### *Other issues*

64. It is disappointing that the applicant fails to engage Officers prior to the submission of the current planning application. It is recommended that the applicant engage with the Council's Consultancy Unit at pre-application stage to ensure that development proposals of this scale are developed through a collaboratively approach through its Design Workshop and Design Enabling services.

#### *Conclusion*

65. The proposed layout fails to address the urban design issues raised in the previous planning application concerning the lack of integration with existing urban fabric and the lack of connection with Foxton village. Therefore the proposed scheme is not considered to comply with DP/2 (Design of New Development) and DP/3 (Development Criteria) of the SCDC Development Control Policies DPD (2007) from an urban design perspective and it is recommended that the application be refused.

#### **SCDC Landscape Officer**

66. Comments that the main landscape issues to be considered are:
67.
  - a) The effect of the development on the character and appearance of the area
  - b) The visual effects of the development

#### *'Introduction of new features*

68. The features that will be introduced include up to 76 residential dwellings (including 40% affordable housing), demolition of existing outbuildings, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Shepreth Road and associated ancillary works.

### *Landscape effects*

69. As part of the application documents the applicant has submitted a drawing Development Framework 6417-L-01. As indicated by the applicant all boundary trees, hedgerows and trees of landscape interest are to be retained. No key characteristics, individual elements or features are to be removed. The site is relatively enclosed. I agree with the applicant that there would be negligible effects on the wider and local landscape character areas.

### *Visual effects*

70. The applicant has undertaken a number of viewpoints around the site. I agree with their findings that the site is relatively contained in visual terms by the existing tree belt and boundary hedgerows. There are however, views into the site from Shepreth Road, Foxton House and 4no. dwellings located upon Shepreth Road.

### *Mitigation Works*

71. The applicant has indicated new and strengthened boundary hedgerows, new green infrastructure, tree and orchard planting to the south / south east of the site. The development will also be set back along this boundary and future views will be filtered.

### *Summary*

72. In principle, I would have no objection with a development upon this site. I agree with the applicant that there would be limited landscape and visual effects. I also welcome the following landscape considerations made by the applicant:
- 52% of the total area dedicated to landscape public open space play and habitat related purposes.
  - Retention of existing tree belt and boundary hedgerows
  - New green infrastructure, meadow, amenity grassland tree and orchard planting
- Strengthening the western boundary with a landscaped buffer edge.'
73. **SCDC Trees Officer** – 'This submission represents an improvement over the previous application. I understand there remains a strong opposition to the proposals in respect of the historic context and despite my agreement with the arguments of Conservation Officers I have to confine my comments to that of the arboricultural impact of the proposal and the effect on amenity provided by the existing trees.
74. Matters of proposed landscaping need to be considered alongside concerns about the historic context, but again I will restrict these comments to existing tree stock.
75. The arboricultural assessment of FCPR dated October 2015 provided with the application is of good quality and is clear. Because this is an outline application the report cannot consider details such as that of the location of tree protective barriers etc because there is no detailed layout to comment upon at this stage. However, I am satisfied that the report adequately addresses the matters to hand. I discovered one critical typographical error at paragraph 5.22 in which the word 'meeting' has been omitted. It is important that this be rectified for the sake of completeness and correctness.
76. Purely from an arboricultural perspective I have no strong objections to the principle of this development as I believe it can be implemented without causing unacceptable

- harm to retained existing trees provided the arboriculturalist's advice is followed.
77. Should this outline be approved, a following full or reserved matters application will need to be accompanied by an updated arboricultural assessment with tree protection plan.
  78. **Cambridgeshire County Council Education** – states that the development is expected to generate a net increase of 12 early years aged children, and that there is sufficient capacity in the area in the next 5 years to accommodate the places generated by the development. Therefore no early years contribution is sought.
  79. Foxton Primary School currently has insufficient capacity over the next 5 years to accommodate the primary school places that would be generated by net increase of 27 spaces that would need to be provided to serve the development. It has identified a project for the expansion of the school by an additional classroom (30 places), which has a cost of £650,000. Contributions are sought on the basis of £21,666.66 per place. Therefore a contribution of £584,999.82 is sought. It confirms that there have not been 5 or more contributions pooled towards this project.
  80. There is sufficient capacity at Melbourn Village College over the next five years to accommodate the places generated by this development, and therefore no secondary school contribution is sought.
  81. **Cambridgeshire Archaeology** – states that it previously advised in respect of application S/2822/14/OL that the site is located in a landscape of high archaeological potential, with evidence for prehistoric, Roman, Saxon and medieval activity in the vicinity. Subsequent to this advice the applicant commissioned an archaeological evaluation, the results of which indicate that significant evidence for prehistoric activity survive in the area including a probable burial monument of Bronze Age date and evidence for possible domestic structures of similar date.
  82. Although it considers the preservation of these significant archaeological assets in situ would be preferable, it can see no scope for this within the development proposals. In this case it considers the excavation, recording and publication of the results to be an acceptable alternative mitigation strategy. Consequently it does not object to the application subject to the inclusion of condition requiring the submission of a written scheme of investigation, and its subsequent implementation.
  83. **Cambridgeshire County Council Minerals and Waste** – no comments received in respect of the current application. However it previously sought to secure a Construction Method Statement, Construction Environmental Management Plan (CEMP) and related waste audit by condition, to be assessed at the reserved matter stage.
  84. It commented that the site was located within a mineral safeguarding area (MSA), and the inclusion of a minerals assessment for consideration was welcomed. The conclusions of the assessment were accepted and there was no objection to the loss of land within the MSA.
  85. The need for recycling facilities and a contribution to the Household Recycling Centre service must be considered as part of the RECAP Tool Kit and Contributions Assessment that will need to be submitted at the reserved matters stage. This can be secured by condition.
  86. **Cambridgeshire County Council Floods and Water** – states that as Lead Local

- Flood Authority it has no objection to the application in principle subject to conditions.
87. It states that the Flood Risk Assessment demonstrates that an acceptable surface water drainage scheme can be provided on the site using a variety of SuDS features. It is pleased to see that the proposals incorporate the SuDS management plan and would support the use of infiltration as a means of surface water disposal.
  88. **Cambridgeshire County Council Libraries and Lifelong Learning** – The proposed increase in population from this development will put significant pressure on the library and lifelong learning service in the village, which is currently served by 3 mobile library stops. Its proposed solution would be to enhance the existing mobile stops to serve the residents of this new development. A contribution of £5,494.80 is sought. It confirms that there are not 5 signed S106 agreements in place for this project.
  89. **Environment Agency** – no objections in respect of groundwater and contaminated land subject to conditions, and foul water drainage.
  90. In respect of foul water drainage it comments that the sewage treatment works (STW) at Foxton is overloaded and in breach of discharge permit conditions. The increased discharge from the STW is likely to cause failure of the statutory water quality objectives if this development is occupied ahead of improvement or extension of the existing system.
  91. At present Anglian Water, the sewerage undertaker, does not have programmed improvement measures to prevent the detrimental impact to surface water quality, however it has confirmed that a satisfactory programme of improvements can be put in place to mitigate the impact on river quality, and this could happen within the lifetime of the planning permission.
  93. **Anglian Water** – The foul drainage from this development is in the catchment area of Foxton Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water is obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.
  94. The sewerage system at present has capacity for these flows.
  95. If planning consent is granted a condition is included so that no development commences until a wastewater strategy has been submitted and approved, and that no dwelling is occupied until the works have been carried out in accordance with the approved strategy.
  96. **Environmental Health (Contaminated Land Officer)** – The site contains agricultural buildings and is for a sensitive end use. The site is within an area known to have used Asbestos Containing Materials as hardcore on tracks and farmyards, provided by a nearby asbestos cement board manufacturing site. The recommendation of the report submitted with the application that further investigation is supported, although asbestos in soils, particularly within the farmyard, should also be assessed.
  97. The above can be controlled through a condition requiring further investigation prior to the commencement of development.
  98. **Environmental Health Officer** – Requests conditions in respect of hours of operation of power driven machinery during the period of construction, noise attenuation

measures for the new properties, artificial lighting details, no bonfires and burning of waste during the period of construction, and the use of driven pile foundations, should be included in any consent.

99. **Housing Development Officer** – comments will be reported.
100. **NHS Property Services** – comments will be reported. It previously pointed out that both Melbourn and Harston surgeries were significantly undersized for their current list sizes.
101. It commented that both Practices were developing plans to extend their premises and submit suitable business cases for approval to NHS England. The additional capacity is to provide services to for the increased population arising from the current permissions or known applications. It is not yet known how much additional space can be provided, nor an estimated cost, but it is likely that both buildings will still be undersized for their expanded list sizes.
102. It previously sought a contribution of £635 per dwelling, index-linked.
103. **Network Rail** – has no objection
104. **Environmental Health (Public Health Specialist)** – comments will be reported.

#### **Representations**

105. 11 letters have been received objecting to the application on the following grounds:
  - i. Outside village framework – does not comply with Local Plan
  - ii. Scale and size of development too large for Foxton, and will spoil the integrity and character of a small South Cambridgeshire village, which is classed as a Group Village.
  - iii. Adverse impact on the setting of Foxton House, a Grade II listed building. The significance of the building and impact are considered to be significantly understated in the application, which are locally considered to be substantial. Development will be on land which formerly comprised part of the grounds of Foxton House. 'Intervisibility' of Foxton House should be increased not harmed.
  - iv. Adverse impact on adjacent Conservation Area.
  - v. Although Foxton benefits from good public transport links the road network will be adversely affected by increase in cars on the A10.
  - vi. Junctions from Foxton with A10 at Station Road, and Shepreth Road are already dangerous, and there have been several serious accidents. Eventual replacement of level crossing will result intermittent breaks in traffic will vanish.
  - vii. Area around the shop and junction between High Street and Station Road frequently get congested already. There is already a parking problem in Station Road and High Street.
  - viii. Primary school near capacity – would not cope with increased number of pupils
  - ix. Health (Melbourn and Harston) and dental facilities already full to capacity, despite applicant's claim to the contrary.
  - x. Sewer and surface water drainage services wholly inadequate for this size of development.
  - xi. Speculative application and there is no provision in the local budget for any infrastructure, health or education improvements that will be required, particularly when assessing cumulative impact of other large developments

- xii. proposed in Melbourn and Barrington.
  - xiii. Village currently benefits from a buffer zone between the A10 and residential properties, of which this site is an essential part.
  - xiv. Adverse impact on wildlife. Site is important habitat for some rare species.
  - xv. Loss of residential amenity to adjoining residents.
  - xvi. Development not sustainable.
  - xvii. Impact of construction traffic.
  - xviii. Owner has recently uprooted all the new trees planted on the site in recent years, and moved them to the northern site boundary. Many may not survive as they were of substantial size.
  - xix. Foxton is an ancient village that benefits from westerly approach views that have changed little in hundreds of years. The fields along the Shepreth Road and the A10 form a precious envelope encasing and protecting the special environment of the village.
  - xx. Given the delay in providing a long-term solution to the level crossing at Foxton. No substantial housing development with its associated increase in traffic should be permitted until a satisfactory and safe solution is found.
  - xxi. Design is such that the development would be isolated, with no inducement to integrate with the existing community.
  - xxii. Supporting documents contain a number of errors including the walking distances to local amenities, and ignoring Foxton's playgroup, which leads to doubt about the accuracy of the remainder of the data.
106. One letter has been received in support of the application from the occupier of 16 Shepreth Road, commenting that the village is well suited to sympathetic and well planned expansion. The proposed development fits this criteria, and addresses the previous reasons for refusal through a reduction in the number of dwellings and the provision of different density character areas, with an increase in the amount of open space and landscaping adjacent to Foxton House. It makes provision for suitable travel by sustainable means, and the site has been well chosen in relation to the village and its services. It will help meet the demand for housing in the area, and would deliver 40% affordable housing.

### **Site and Proposal**

107. The site comprises 5.7 hectares of land on the south west side of Foxton. The site is bounded on the north west side by the A10, with the majority of this boundary comprising a planting belt, which is the subject of a Tree Preservation Order.
108. The site is largely open, but contains a group of barns and concrete hardstanding close to the south west boundary. To the south west of the site is agricultural land, with the south west boundary being currently undefined, extending into what is currently an open field.
109. To the south east the site adjoins the rear of residential properties on Shepreth Road, including at its north east end, the grounds of Foxton House, a Grade II listed building. A line of beech trees has recently been planted close to the boundary with the paddock land associated with Foxton House. To the north east the site adjoins paddock land to the rear of the Burlington Press site in Station Road.
110. The outline application, with all matters reserved with the exception of access, proposes development of the site by up to 76 dwellings, and associated public open space. Vehicular access is proposed onto Shepreth Road at the south west end of the site. The scheme includes a pedestrian access to Royston Road, in the north east corner, and the provision of a new footpath/cycleway on the south side of Royston



Road from that point to Station Road.

111. The application includes an illustrative masterplan, which includes 3.27ha of public open space, located on the south east side of the site
112. The application is accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Assessment, Transport Assessment, Travel Plan, Ecological Report, Arboricultural Report, Phase 1 Site Investigation Report, Flood Risk Assessment, Heritage Assessment, Archaeological Assessment, Noise Assessment, Statement of Community Involvement, Sustainability Appraisal, Socio-Economic Sustainability Assessment, Foul Drainage Report and Minerals Assessment Report.

### **Planning Assessment**

113. *Housing Land Supply*
114. 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.
115. 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. He identified either a 3.51 or 3.9 year supply (each appeal was judged on its own evidence and slightly different conclusions reached). 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 "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/6 and ST/7 but as a logical consequence of the decision these should also be policies "for the supply of housing".
116. 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 (which includes land designated as Green Belt in adopted plans).
117. *Principle of development*
118. The site is located outside the Foxton village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of up to 76 dwellings would therefore not under normal circumstances be considered acceptable in principle. However, this policy is

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

119. Foxton is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan. These are generally less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing some of the day-to-day needs of residents to be met without the need to travel outside the village. Development in Group Villages is normally limited to schemes of up to 8 dwellings, or in exceptional cases 15, where development would make best use of a single brownfield site. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.
120. *Deliverability*
121. The applicant has stated that following the granting of consent the site would be marketed immediately, and sold as expeditiously as possible to one or more house builders who would submit the requisite reserved matters applications. The application states that there are no technical constraints to the site's delivery and that the site is demonstrably suitable, available and achievable, and therefore wholly deliverable in the short term. It is stated that it is likely, subject to market conditions, on average around 25 to 35 market dwellings would be completed per annum and that the site would take around 3 to 4 years to complete.
122. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.
123. *Sustainability of development*
124. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental. The aspects are considered in the assessment of highlighted issues below.
125. *Provision of new housing*
126. The development would provide a clear benefit in helping to meet the current shortfall in South Cambridgeshire through delivering up to 76 residential dwellings. 40% of these units will be affordable (31 units). The applicant indicates that the mix of housing will be in accord with Policy HG/2. The affordable housing can be secured through a Section 106 Agreement. Officers are of the view the provision of up to 76 houses is a benefit and significant weight should be attributed this in the decision making process.
127. Public open space is shown on the indicative layout plan, and these will need to be secured through a Section 106 agreement, along with appropriate off-site and maintenance contributions.
128. *Impact on character of the village and landscape*
129. The application proposes new housing at a density of approximately 28 dwellings per hectare. The density of surrounding development is relatively low.
130. The surrounding area is characterised by detached buildings in large plots, with Foxton House being one example of this. The south west end of Foxton, and on the north side of Shepreth Road in particular retains a very rural character at the edge of the village and Conservation Area.

131. The concerns regarding the location, scale, density of the proposed development, and how this relates to the location of the site, existing character of the village, the adjacent conservation area and Foxton House, have been fully set out earlier in the report in the comments of the Urban Design Team in paragraphs 59-65 above, and have therefore not been rehearsed again in detail in this section of the report. Reference to this aspect of the development has also been made in the comments of Foxton Parish Council, and local residents.
132. Paragraph 58 of the NPPF states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
133. Policy DP/2 of the LDF states that all new developments should preserve or enhance the character of the local area; conserve or enhance important environmental assets of the site; and be compatible with its location in terms of scale, mass and form.
134. Policy DP/3 of the LDF states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character, the countryside and landscape character.
135. Officers are of the view that the development proposed is alien to the existing pattern and character of development at this end of Foxton village and as a result will cause significant and demonstrably harm to the current rural character of this part of the village and the adjacent conservation area. In providing a greater separation of the proposed built development from the boundary of Foxton House, the application has exacerbated the previous concerns regarding the development being out of character with the existing pattern and character of development, and results in a standalone form of development.
136. The site benefits from existing screening to the A10 boundary, although at certain times of the year the proposed development will be able to be viewed, and new/reinforced planting is proposed on other boundaries. However, officers are of the view that this will not adequately mitigate the adverse impacts referred to above, and earlier in this report. In addition to the new buildings proposed, the impact would include the introduction of substantial amounts of additional lighting, in the form of street lighting, and internal and external lighting to dwellings, features which are currently not present within the site. This would further add to the adverse impact of the proposed development.
137. *Heritage Assets*
138. The concerns of the Historic Buildings Officer have been fully rehearsed in paragraphs 44-58 above, and again are not rehearsed in detail in this section of the report. Reference to this aspect of the development has also been made in the comments of the Urban Design Officer, Foxton Parish Council, and local residents.
139. The need to have special regard to the desirability of preserving listed buildings, their special features and their setting, with the latter often an essential ingredient of its character, is stressed by the Historic Buildings Officer.
140. The revised application has sought to address the previous concerns regarding the impact of the proposed development on the setting of Foxton House by providing greater physical separation between it and the new built development.

141. Paragraph 128 of the NPPF states that in determining applications Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
142. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
143. Officers have identified that the degree of harm to the setting of Foxtton House is considered to be less than substantial. Having considered the case made by the applicant officers are of the view that the public benefits, in terms of affordable housing and contribution towards the 5 year housing land supply, do not significantly and demonstrably outweigh the harm that would be caused by the permanent destruction of the setting of a finite heritage resource.
144. Although the application is in outline only, the illustrative masterplan clearly indicates that development would still be too close to the listed building, with the developed area coming to within 50 metres of the boundary, and that the scale of development proposed cannot be accommodated without harming the setting of Foxtton House.
145. Cambridgeshire Archaeology is content that a scheme for further archaeological investigation can be secured by condition.
146. *Services and Facilities*
147. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising '*housing should be located where it will enhance or maintain the vitality of rural communities*', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
148. Foxtton village is served by relatively few services and facilities but including a Primary School, Public House, Church, Village Hall, shop and some formal sporting facilities, along with an extensive area of public open space. There are no further retail facilities such as a bakery, butchers, pharmacy or hairdressers and residents are required to commute outside the village to access these day-to-day services. There are employment opportunities within the village, mainly along Station Road.
149. This relative lack of services is reflected in Foxtton being designed a 'Group Village' on the Core Strategy settlement hierarchy. Group villages are described as '*generally less sustainable locations for new development than Rural Centres and Minor Rural Centres, having fewer services and facilities allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village*', and new housing proposals are restricted to limited development which will help maintain remaining services and facilities.
150. Pedestrian access to all services and facilities, with the exception of the railway station will be via the new site access from Shepreth Road. As a result residents of properties at the eastern end of the site (based on the illustrative layout plan), would be approximately 1.3km from the Primary School and recreation ground, 1.2km from the Church and 1km from the village shop and public house. For residents at the eastern end of the site this distance would reduce by 0.2km.

151. A footpath link will be provided from the point of access along the north side of Shepreth Road to a point where pedestrians can cross to join the existing footpath on the south side of the road. Although some of the distances referred to in the paragraph above are slightly greater than the 1km recommended maximum distance for pedestrian access to facilities, officers are of the view that this is not significant in this case. A number of residents will be within the 1km recommended distance, although a greater level of connectivity from the site to the existing village would be preferable. However, the applicant does not control land needed to achieve this.
152. The railway station will be accessible by the new pedestrian/cycle link from the site to the A10, and the new route to be provided along the south side of the A10. Properties with the development site will be within 1km of the railway station. The applicant is proposing to provide additional bike boxes at Foxtton station to provide facilities for the additional number of cyclists that may use the railway.
153. The development overall is considered to be located within an acceptable distance of local services such as to not dissuade residents from looking at alternative means of transport other than the private car.
154. Two additional bus stops are proposed either side of Shepreth Road, close to the junction with the new access road. Contributions to secure these, and other highway improvements referred to above, will be required by the County Council. The village benefits from an hourly bus service on a link between Royston and Cambridge until early evening, although there is no Sunday service.
155. The provision of up to 76 new houses will assist in maintaining the existing level of services offered in both Foxtton and surrounding villages and some weight is given to this benefit, as per the advice of paragraph 55 of the NPPF.
156. However, the scale of development would represent a significant increase in the size of the village, which does not have a range of services and facilities new residents would be expected to use.
157. Residents living in Foxtton access primary health care services at both Melbourn and Harston surgeries. The NHS has previously advised that there is no spare capacity at either surgery and requests appropriate contributions to mitigate this. Many of the representations from local residents draw attention to the difficulty in obtaining an appointment and finding parking at both surgeries.
158. Officers have previously visited both surgeries and discussed potential options to expand the practice, and whilst any future development would be subject to obtaining consent it is likely this could be achieved (without losing car parking provision) in respect of Harston, however whilst the building at Melbourn could be expanded to a limited extent, additional car parking cannot be provided.
159. However, officers are of the view that for the scale of development proposed, and given that patients would be split between the two surgeries, the needs arising from this development could be catered for. The contributions required by the NHS would be secured through a S106 Agreement, however the formal comments of the NHS on the current application are awaited.
160. The County Council requires funding for provision of additional primary school places in Foxtton. This will take the form of an additional classroom. Given that the proposal is expected to generate 27 pupils of primary school age, officers consider that the request from the County Council for funding for the total cost of the provision of a new

classroom (30 pupil capacity) would be reasonable. This can be secured through a Section 106 Agreement.

161. Sufficient capacity exists at Melbourn Village College to accommodate the increased number of pupils anticipated.
162. In respect of the previous application the County Council identified a shortfall in the number of Early Years places. However, in respect of the current proposal it is satisfied that adequate capacity exists.
163. *Access and Transport*
164. The Local Highway Authority has assessed the information submitted by the applicant and has concluded that the impact of the traffic that would be generated as a result of the development, including at the junctions and areas where local concern has been expressed, is acceptable.
165. The details of access to Shepreth Road have been accepted
166. Aspects of highway improvements, such as footpaths and cycleway, and additional bus stop provision, have already been referred to under 'services and facilities' above. A Travel Plan, and Traffic Management Plan can be secured by condition or Section 106.
167. *Surface water drainage*
168. The site lies in Flood Zone 1. The Lead Local Flood Authority has not raised an objection and is of the view that surface water drainage from the site will not be an issue, subject to suitable conditions being included in any consent.
169. *Foul water drainage*
170. Anglian Water has stated although there is not currently capacity to deal with foul drainage flows from the development, it accepts that it would need to take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. The improvements required can be secured by condition.
171. *Ecology*
172. The application is accompanied by an Ecological Report.
173. The report states that habitats within the application boundary comprised of ploughed arable field compartment, amenity grassland, semi-improved grassland, two plantation woodlands and scrub. It states that the managed semi-improved grasslands was dominated by common grass species with herb species concentrated in small patches across the grassland. Loss of these habitats would not be expected to adversely affect the local nature conservation of the area, and are therefore not considered to be a constraint to the development of the site. The report considers that any minimal impact on biodiversity could be easily compensated for within the proposed development through good design and appropriate landscaping and habitat creation.
174. Hedgerows are largely non-native, with only a small section consisting of native species and being classed as a habitat of principal importance. Proposals should enhance the value of the site through the creation of new native species hedgerows around the site, which provide continuous corridors of movement into the wider

countryside.

175. All mature trees within the site provided potential habitats for invertebrates, nesting birds and other local wildlife in addition to providing structural diversity and continuity of habitat and should be retained wherever possible. Where it is not possible to retain mature trees safely within the proposal, suitable replacement planting should be undertaken. All trees being retained should be protected from damage and soil compaction during works by maintaining fencing around Root Protection Areas.
176. Adequate bat surveys have been carried out, and low bat activity has been recorded across the site. There limited opportunities for roosts except for native trees which are currently to be retained. No badgers were recorded on the site, and there are low reptile opportunities.
177. Any conditions, should consent be granted, would bring forward the relevant parts of the Ecological Reports recommendations.
178. *Residential amenity*
179. The current high level of residential amenity and outlook from the rear of properties adjoining the site in Shepreth Road will be adversely affected by the scale of the development proposed for the application site, although the greater separation proposed to the new built development, will reduce that impact. The issues of detailed layout and design of properties would be a matter for consideration at the reserved matters stage. However, Officers are of the view that issues of direct impact on residential impact in terms of overlooking, loss of light and overshadowing, and any overbearing impact could be mitigated by appropriate layout and design.
180. The Environmental Health Officer is satisfied that the amenity of the future occupiers of new dwellings can be sufficiently protected from noise from the A10. This can be resolved at the reserved matters stage through layout and appropriate noise mitigation measures, which can be secured by condition.
181. *Loss of agricultural land*
182. Although the land is classified Grade 2 land the applicant has undertaken a survey of the site which concludes that most soils are deep well drained medium loams of variable depth over gravel. The land is of best and most versatile quality in grade 2 or sub-grade 3a. The area of the site is below that which would trigger consultation with Natural England.
183. *Renewable Energy*
184. The applicant has indicated that the scheme will comply with the need to provide renewable energy generation technology to comply with Building Regulation targets, plus the additional 10% reduction and 10% on-site energy generation targets, but has stated that this can only be resolved at the detailed stage as further design and layout information becomes available.
185. The applicant has indicated that measures such as increased insulation, reducing the effects of thermal bridging, effective air tightness, improved controlled ventilation, and energy efficient lighting will be considered in the design details.
186. Officers are of the view that this matter can be dealt with by condition, however the detailed layout and orientation of dwellings should seek to maximise energy saving

- possibilities.
187. *Other matters*
188. Matters raised concerning the need for dealing with potential contamination, and compliance with the RECAP Waste Management Design Guide can be dealt with by condition, or at the reserved matters stage.
189. *Benefits of the development*
190. The applicant sets out a number of areas where it is considered that there will be benefits as a result of the development. In respect of the housing element of the proposal these include the increased housing supply to help meet the Council's immediate housing needs; the provision of a wide choice of homes, including affordable housing; provision of public open space and children's play facilities to benefit both new and existing residents (approx. 54% of the total site area will be public open space); pedestrian link to the A10 which will also give easier access to existing residents of Shepreth Road to the A10 pedestrian/cycleway which leads to the train station; provision of new shared pedestrian/cycleway along the A10 north east to Foxton Station; provision of bike boxes at Foxton Station; footpath provided along the vehicular entrance to the site to provide a safe pedestrian access to the footpath on the opposite side of the road; a community orchard; and the extension of the 30 mph limit along Shepreth Road (subject to negotiations with the County Council).
191. The applicant states that the scheme has the ability to contribute to job creation through the development and investment in infrastructure. It is expected that 66 jobs will be created spread over the construction period, and would lead to an additional 72 full-time jobs in associated industries. There would be a boost to local shopping. The scheme would contribute to the New Homes Bonus.
192. The applicant considers that there will be a considerable environmental gain, with significant areas of new planting to provide green infrastructure, ecology and wildlife benefits.
193. The applicant considers that there are no adverse impacts from the housing element of the scheme that would outweigh the significant benefits that the application identifies.
194. Officers recognise that the factors outlined above need to be considered when carrying out the final assessment of whether the benefits of the development are significantly and demonstrably outweighed by any identified harm.
195. *Planning Obligations*
196. From 6 April 2015, the use of 'pooled' contributions toward infrastructure projects has been restricted. Previously, LPAs had been able to combine planning obligation contributions towards a single item or infrastructure 'pot'. However, under the Community Infrastructure Levy Regulation 123(3), LPAs are longer be able to pool more than five planning obligations together if they were entered into since 6 April 2010, and if it is for a type of infrastructure that is capable of being funded by the CIL. These restrictions apply even where an LPA does not yet have a CIL charging schedule in place.
197. The Council can confirm that there have been 5 Section 106 agreements in respect of developments in the village of Foxton since 6 April 2010 contributing towards (i) offsite



open space and (ii) offsite indoor community space improvements. As such the CIL Regulations prevent the LPA from lawfully securing a further tariff style contributions towards unidentified offsite open space improvements in accordance with development control policies and the open space in new development SPD.

198. The LPA recognises that the Planning Practice Guidance requires that 'In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'. It goes on to say that 'Planning obligations must be fully justified and evidenced' and as such the LPA take the view that a project should be identified in order to ensure CIL compliance.
199. The application involves significant financial contributions to be secured by way of a Section 106 Agreement, which are referred to in the report. Planning obligations which are directly relevant to the application, proportionate and absolutely necessary for the scheme to be acceptable and so meet the CIL Reg. 122 test are:
200.       - Education (Foxton Primary school) where insufficient capacity is confirmed. The County Council has confirmed that there have not been 5 or more pooled contributions to this project.
- pedestrian and/or cycle links to Foxton station
  - highway improvements, bus stop improvements and
  - health care provision where over capacity is confirmed
  - Provision and maintenance of on-site open space
201. These would require significant contributions, or the provision of a new classroom and GP surgery extension, the cost of which should be met by the development.
202. Other contributions may be sought for off-site public open space, and community facilities, however no specific schemes have currently been identified against which such contributions could be considered. Therefore such contributions are not regarded as necessary to make the scheme CIL compliant and acceptable. A S106 agreement would also need to secure the provision of affordable housing, in accordance with policy.
203. An update in respect of planning obligations will be given.

### **Conclusion**

204. 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
205. ST/6: Group Villages – indicative maximum scheme size of 8 dwellings  
DP/7: Village Frameworks
206. 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.
207. Officers have identified in the report the areas where they consider that significant and demonstrable harm will result from proposal, in terms of the scale of development and impact on the character of this part of the village, the impact on the setting of Foxton

House, a Grade II listed building, and the policies referred to above.

208. These adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
209. In this case the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. The reduction in the size of the scheme from that previously refused and the greater distance afforded to Foxton House is not considered to address the previous reasons for refusal.
210. Planning permission should therefore be refused because material considerations do not clearly outweigh the substantial harm identified, and conflict with out of date policies of the LDF.

### **Recommendation**

211. That the application is refused for the following reasons:
1. The proposed development of the site by up to 76 dwellings would, by reason of its scale and location, result in an alien form of development which would be out of character with the existing pattern and form of development. The proposal is therefore considered to be contrary to the aims of Policy DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, which state that planning permission will not be granted where the proposed development would have an adverse impact on village character and the countryside.
213. 2. The proposed development would, by virtue of its location (which includes land formerly within the curtilage of Foxton House), form, scale and proximity, have a significant adverse impact on the setting of Foxton House, a Grade II listed building. The proposal is therefore contrary to the aims of Policy CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD and the adopted Listed Buildings SPD, which seek to protect the setting of listed buildings.

### **Background Papers:**

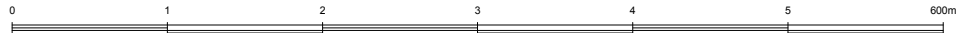
The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/2580/15/OL and S/2822/14/OL

### **Report Author:**

Paul Sexton  
Telephone Number:

Principal Planning Officer  
01954 713255



**FOR INTERNAL USE ONLY**

Scale - 1:4873

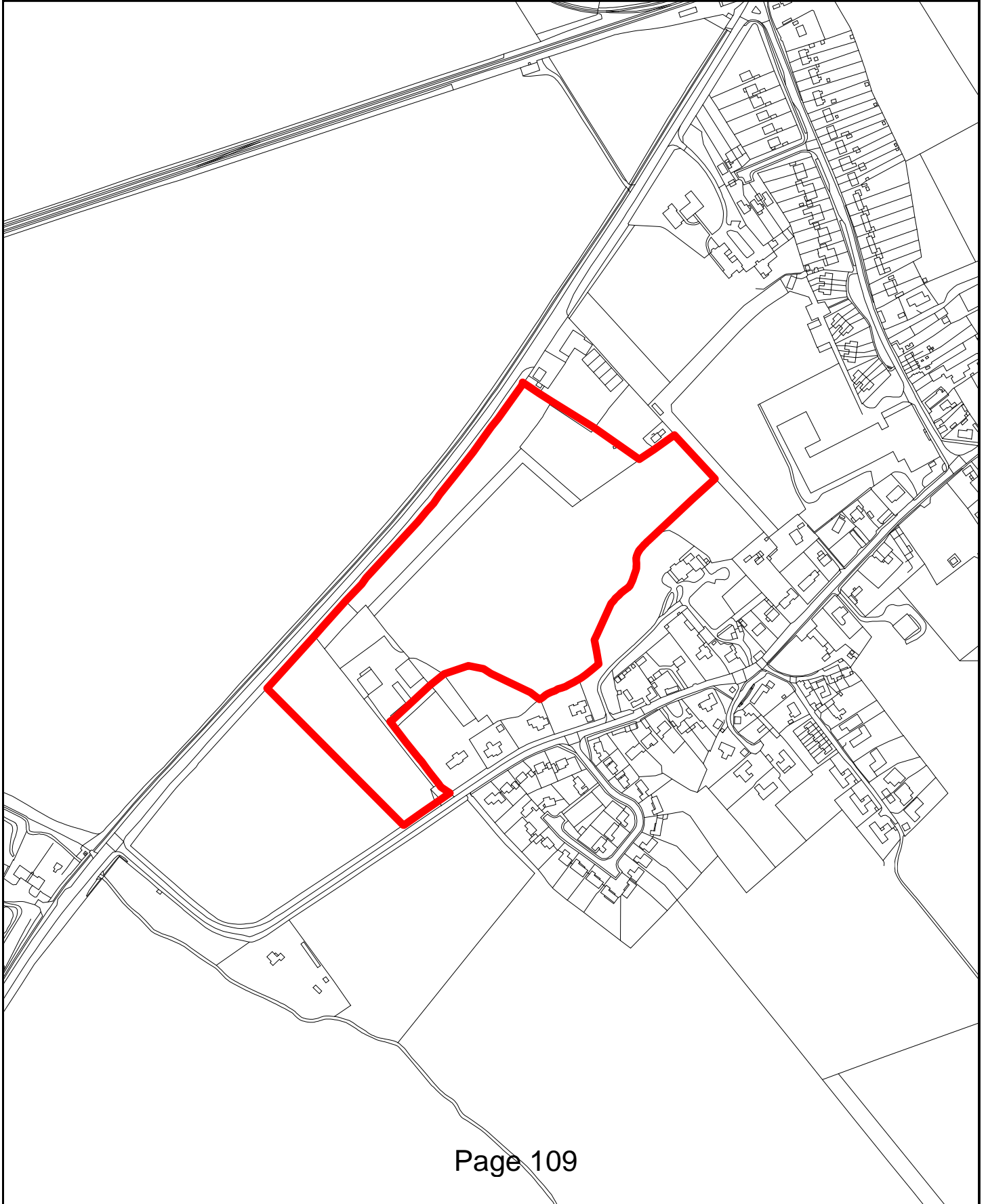
Time of plot: 11:30

Date of plot: 16/12/2015



**South  
Cambridgeshire  
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 8

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2016

**AUTHOR/S:** Planning and New Communities Director

---

**Application Number:** S/1686/15/FL

**Parish(es):** Hardwick

**Proposal:** Erection of single, detached bungalow, along with car parking

**Site address:** 11 Cambridge Road

**Applicant(s):** Mr A De Simone

**Recommendation:** Approval

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

**Committee Site Visit:** Yes

**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 Hardwick Parish Council

**Date by which decision due:** 8 September 2015

### Planning History

1. S/0645/15/FL – Erection of 3-bed dwelling and two 2-bed dwellings, along with car parking and hard and soft landscaping following the demolition of the existing dwelling – Withdrawn

### 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 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  
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)*

District Design Guide SPD – adopted March 2010  
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  
SC/7 – Outdoor Play Space, Informal Open Space and New Developments  
SC/8 – Open Space Standards

**Consultation**

7. **Hardwick Parish Council** – recommends refusal in respect of the amended drawings. ‘The building extends beyond the existing building line of the neighbouring properties. Highways, the proximity to a blind bend and the lack of off street parking. Plot density and overdevelopment of the site. It would like the application to be referred to Planning Committee, and urges the Planning Department to take the views of the neighbouring residents into account’
8. **Local Highway Authority** – No objection subject to conditions, which include the provision of 2.0m x 2.0m pedestrian visibility splays, and the submission of a traffic management plan.
9. **Environmental Health** – No objection subject to conditions restricting the hours of use of power operated machinery during the period of construction, and informatives.

**Representations**

10. The occupiers of Nos.3 and 13 Cambridge Road, and 6 Kesters Close object on the following grounds:
- i. Proposed development will appear cramped as the plot will be the smallest in Cambridge Road. Existing bungalows in Cambridge Road are well spaced out, with wide frontages. The development will be over-dense at 37dph, a low density area.
  - ii. Proposed dwelling will be out of keeping with surrounding area in terms of scale and bulk. Does not respect the existing building line.
  - iii. Parking at the front will dominate the plot and unacceptably alter the character and appearance of this stretch of Cambridge Road. There is no room to accommodate soft landscaping at the front of the plot.

- iv. Development will therefore not comply with the criteria in Policy DP/2 or District Design Guide criteria. The front of dwelling will only be 6m from the road. Others are set well back from the road. The majority of the existing beech hedge on the front boundary, and existing planting on the south boundary of the site, will need to be removed to accommodate the proposed dwelling, which will detract further from the rural character of the area. The rear garden is too small.
  - v. Unacceptable impact on residential amenity on residential amenity due to loss of privacy and overbearing impact.
  - vi. Highway safety – proposed access is within 50m of a blind bend and does not meet acceptable standards. Revised plans exacerbate risks to pedestrians as access has been moved even closer to the hazardous bend. The blind bend has been the scene of several ‘incidents’ and recorded accidents over recent years. No provision for visitor parking. No new properties have been built along Cambridge Road for several decades, during which time levels of both road and pedestrian traffic have increased immeasurably, with no road improvements. Will lead to overspill parking on Cambridge Road. The turning area will not work.
  - vii. There is no provision for cycle parking.
  - viii. The development does not form a coherent, integrated plan concerning housing development in Hardwick, and is not an obvious infill plot as described by the applicant. It is not sustainable development as it represents a trivial and isolated increase to housing density in Hardwick, which has to be balanced against the much greater adverse impact of the proposed development on the character and ambience of this rural setting. The proposed development will have little impact on Hardwick’s housing stock.
  - ix. Inaccuracies in the Planning Statement, including uncertainty over the plot size, the dimensions of the dwelling proposed in relation to existing properties, the building line and density.
  - x. How will the telegraph pole at the front of the site be dealt with?
  - xi. Will set a precedent
  - xii. Scheme is not likely to comply with Building Regulations as steps will be required to enter the dwelling.
11. **Councillor Chamberlain** has submitted the following comments:
12. ‘It is fair to say that there is a great deal of concern not only in the properties adjacent to this development but also in the wider community. I have received a number of comments from residents whose properties are much further along Cambridge Road, close to the Egremont Road junction, who are similarly concerned that a precedent may be set if additional houses or bungalows may be built in between existing houses where there are larger gardens.
13. In view of this, I support the Parish Council request that this application should be considered by Planning Committee in due course.’

## Site and Proposal

14. No.11 Cambridge Road is a detached 2-bedroom bungalow set back 8m from the front boundary of the site. It has a rear and side garden on the south side. The site is raised above the level of Cambridge Road. The front boundary currently comprises a beech hedge apart from at the point of access to the existing bungalow.
15. To either side of the site are single storey dwellings. Opposite the site is the side garden of No.6 Kesters Close, and to the rear the rear garden of No.2 Main Street.
16. The full application, as amended, proposes the erection of a single storey 2-bedroom dwelling, with a ridge height of 4.5m, on a 0.025ha area of garden land to the south of the existing bungalow. The new dwelling, which has an external floor area of 80m<sup>2</sup> will be set a minimum of 6m from the front boundary of the site, and 1m from the south boundary. A small conservatory structure will be removed from the south elevation of the existing bungalow, giving a 1.7m gap between the existing and proposed dwellings. The proposed dwelling has a 2.4m deep front projection on this north side.
17. A new vehicular access is proposed at the southern end of the site, which will require the removal of a 6m section of the existing beech hedge. Two parking spaces and a turning area are provided in front of the dwelling.
18. The density of the proposed development is approximately 40dph.

## Planning Assessment

### *Principle of development*

19. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Additionally the Core Strategy and Development Control Policies DPD's identify Hardwick, as a Group Village' where the construction of a new residential dwelling within the framework is supported.
20. The proposed development would still have been acceptable in principle having regard to the settlement policies in the adopted LDF and emerging Local Plan policies, had policies ST/6 and DP/7 not become out of date as a consequence of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites. Notwithstanding this the development still has to be considered against other policies in the Plan.

### *Impact on the character of the area.*

21. The west side of this section of Cambridge Road, is characterised by low single-storey dwellings. The existing house to the north of No.11 is set within 1m of its north and south boundaries. Nos. 3 and 11 Cambridge Road are sited on the northern plot boundaries, although both have existing gardens on the south side.
22. Although the proposed dwelling will be sited 1m from the south boundary, and 1.7m from the flank wall of No.11, officers are of the view that while the development will appear tight to its boundaries, in this respect it will not appear out of character in the street scene to an extent that would justify refusal of the application.
23. The proposed dwelling will project 2.4m forward of the existing front wall of No.11, and be set forward of other dwellings along this stretch of Cambridge Road. However,



officers are of the view that as the front of the dwelling will be set back 6m from the front of the plot, and the ridge height at 4.5m is low, it will not result in a feature that will appear out of character in the street such as to justify refusal of the application.

24. Whilst the proposed vehicular access will result in the loss of a 6m long section of the beech hedge at the front of the site, the central section (14m) will be retained. This can be secured by condition.

*Impact on residential amenity*

25. The proposed dwelling will be adjacent to the blank flank wall of No.3 Cambridge Road to the south. It will project forward of that property by 1m. The site is higher than that of No.3, however, given the low ridge height of the proposed dwelling, it is not considered that it will have an overbearing impact, or result in loss of light.
26. The front projection of the proposed dwelling extends forward of No.111 to the north by 2.5m, and to the rear by 1.5m. The closest windows to the proposed dwelling in the front and rear elevation of No.111 both serve bedrooms. The south elevation of the property contains no openings. The proposed dwelling is not considered to result in significant loss of amenity to the occupiers of the existing property.
27. The proposed dwelling will have a rear garden area of 60m<sup>2</sup>, which exceeds the minimum recommended size for a 2-bedroom dwelling in the District Design Guide SPD. A condition should be imposed on any consent restricting permitted development rights to prevent overdevelopment of the plot. The existing dwelling will retain a similarly sized rear garden.

28. *Highway Safety*

The Local Highway Authority is aware of the local concerns regarding the proposed vehicular access to the site, but has raised no objection. The new access will be located approximately 30m north of the bend in Cambridge Road/Main Street. As the access will serve a single dwelling only no vehicle to vehicle visibility splays are required. The application drawing shows the provision of the appropriate pedestrian splays.

29. The Highway Authority has confirmed that the proposed parking layout at the front of the site provides sufficient space for vehicles to leave the site in forward gear.
30. Parking provision on site meets the adopted car parking standards.
31. Officers are therefore of the view that there are no highway safety grounds which would justify a refusal of the application.

*Other matters*

32. 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.
33. 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.

34. 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.
35. Less than five planning obligations have been entered into for developments in the village of Hardwick since that date. As such, officers are satisfied that the Council could 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.
36. However, no specific projects for either outdoor or indoor community facilities have been identified 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.

### **Recommendation**

37. Officers recommend that the Committee approves the application, as amended, subject to the following conditions:

### **Conditions**

- (a) Time limit for commencement
- (b) Approved drawings
- (c) External materials
- (d) Hours of working during construction
- (e) Parking and Turning
- (f) Pedestrian Visibility
- (g) Retention of front hedge accept at point of access
- (h) Levels
- (i) Withdrawal of PD

### **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.

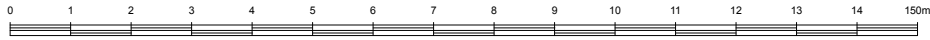
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/1686/15/FL and S/0645/15/FL

**Report Author:**

Paul Sexton  
Telephone Number:

Principal Planning Officer  
01954 713255

This page is left blank intentionally.



FOR INTERNAL USE ONLY

Scale - 1:1250

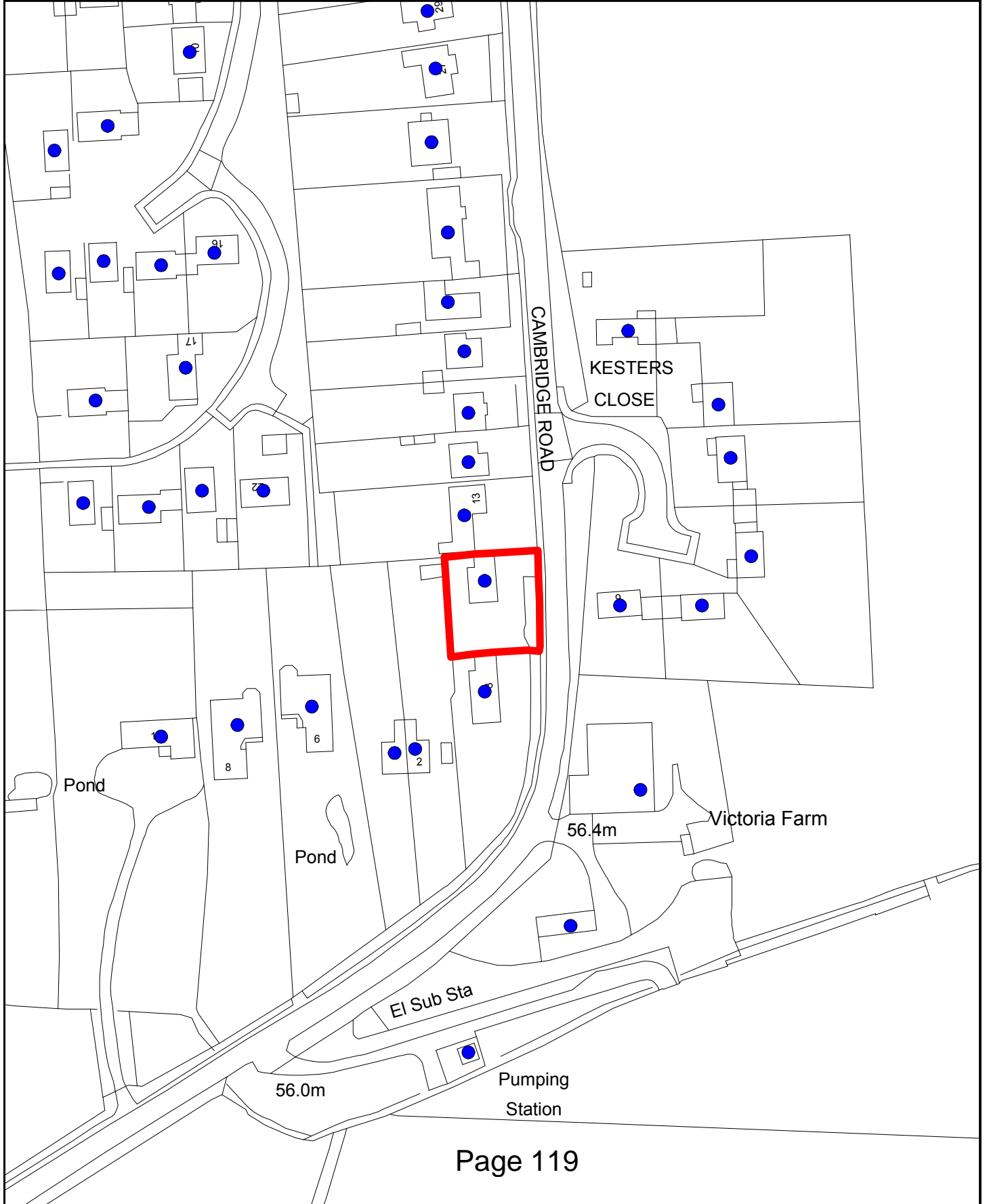
Time of plot: 11:22

Date of plot: 16/12/2015



South  
Cambridgeshire  
District Council

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 9

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2015

**AUTHOR/S:** Planning and New Communities Director

---

**Application Number:** S/2109/15/OL

**Parish(es):** Linton

**Proposal:** Demolition of the existing dwelling and erection of 9 dwellings

**Site address:** 1 Horseheath Road

**Applicant(s):** Mr John Loveday

**Recommendation:** Delegated Approval

**Key material considerations:** Principle  
Highway Safety

**Committee Site Visit:** Yes

**Departure Application:** No

**Presenting Officer:** Katie Christodoulides, Senior Planning Officer

**Application brought to Committee because:** The recommendation of Linton Parish Council conflicts with the recommendation of the Planning Officer.

**Date by which decision due:** 09/10/2015

### Executive Summary

1. The application site comprises a large, detached dwelling set in an expansive plot within the village of Linton. The site is served by a single point for vehicular access and rises steeply from Horseheath Road. The site is adjoined by the library and community centre to the west, residential dwellings to the north and a single detached dwelling to the east which has had consent for 12 dwellings following its demolition under planning consent (S/2762/13). This Outline Planning Consent is for access only for the demolition of existing dwelling and erection of 9 residential dwellings.

### Planning History

2. **S/2504/14/OL-** Demolition of the existing dwelling and erection of 9 dwellings- Withdrawn.

### Planning Policies

3. **National Planning Policy Framework  
Planning Practice Guidance**

**South Cambridgeshire Core Strategy DPP**

ST/5 Minor Rural Centres

**South Cambridgeshire LDF Development Control Policies DPD, 2007:**

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure in New Developments

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

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

SF/11 Open Space Standards

NE/1 Energy Efficiency

NE/2 Renewable energy

NE/6 Biodiversity

TR/1 Planning for more Sustainable Travel

TR/2 Car and Cycle Parking Standards

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

District Design Guide SPD – Adopted March 2010

Trees and Development Sites SPD – Adopted March 2010

Landscape in New Developments SPD – Adopted March 2010

Biodiversity SPD – Adopted

**Proposed South Cambridgeshire Local Plan**

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in favour of sustainable development

S/9 Minor Rural Centres

HQ/1 Design Principles

H/7 Housing Density

TI/3 Parking Provision

TI/2 Planning for Sustainable Travel

TI/3 Parking Provision

TI/8 Infrastructure and New Developments

TI/9 Education Facilities

SC/6 Indoor Community Facilities

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

SC/8 Open Space Standards

CC/1 Mitigation and Adaption to Climate Change

**Consultation**

4. **Linton Parish Council-** Recommends refusal. The housing mix for the site should reflect the current need allowing for smaller affordable houses and bungalows. Concerns are raised regarding the cumulative impact of this site and two adjoining sites which have seen the removal of a large house with smaller houses and highway safety, on road parking, congestion and impacts on water supply, sewerage and other infrastructure. The schools, medical centre and other services are near capacity. The proposal will result in the loss of mature trees and grassland with concerns for flooding. The proposal would impact on the setting of Linton's Conservation Area and



nearby listed buildings with the proposal not being sustainable. Requests the following conditions are added in regard to housing mix, traffic, hedges and trees to be retained, archaeological investigation, careful design, noise mitigation and site traffic access from the A1307 and not through the village.

5. **Local Highways Authority-** Raises no objections and requests conditions in regard to the road not being adopted, the falls and levels of the access, the access being constructed from a bound material, visibility splays, a traffic management plan and an informative in regard to works to the highway requiring consent from the Highway Authority.
6. **Trees Officer-** Recommends approval and requests conditions in regard to protective measures, replanting and ground protection during construction. The Tree Officer is in the process of designating two trees on the site with preservation orders, the cedar and pine which lie to the front.
7. **Affordable Housing Officer-** The scheme should provide 3 affordable dwellings with 70% rented and 30% intermediate. Two of the units should be rented and one intermediate.
8. **Landscape Officer-** Raises concerns regarding the layout and requests that this addresses the street, that the public and private spaces are better defined and that all garden and other space are useable.
9. **Environmental Health Officer-** Raises no concerns and requests conditions are added to any consent granted in regard to hours of work, burning of waste, driven pile foundations and informatives in regard to noise and dust, a demolition notice and lighting.
10. **Building Control Officer-** No comments received (out of time).
11. **Drainage Manager-** No comments received (out of time).
12. **Education Officer-** Advises contributions are required for Libraries and Lifelong Learning, Strategic Waste and Monitoring Fees. No contribution is required for education.
13. **Archaeology Officer-** The site is in an area of high archaeological potential. The site should be subject to a programme of archaeological investigation secure by condition.

#### **Representations**

14. **No.15 Horseheath Road-** Raises concerns regarding the proposed number of dwellings, highway safety, retention of the boundary treatment, trees and neighbour amenity in regard to privacy.
15. **No.2 Rhugarve Gardens-** The Transport Statement has many inaccuracies. Concerns are raised regarding highway safety.
16. **No.2 Horseheath Road-** Raises concerns regarding the cumulative impact of this proposal and nearby approved sites in regard to highway safety and the proposed access. Concerns are raised regarding parking, visibility onto Horseheath Road, retention of trees and hedgerows and overlooking.
17. **Address not provided-** Raises objections in regard to the siting of the dwellings from

the kitchen and conservatory windows.

### **Planning comments**

18. The key issues identified in consideration of this application relate to;

- Principle of development;
- Housing Mix
- Effect on the built environment;
- Effect on highway safety;
- Trees and Landscaping
- Neighbour amenity;
- Archaeology; and
- Contributions and Affordable Housing;

### **Principle of development**

19. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Additionally the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Linton under Policy ST/5 as a 'Minor Rural Centre' which is described as a village which performs a role in providing services and facilities for a rural hinterland and where new residential development of up to 30 dwellings is permitted. As such the site is considered a sustainable location where the principle of new residential development for up to 30 dwellings is supported subject to other land use considerations.

20. The site has an area of 0.282275 hectares. The proposal would equate to a density of 32 dwellings per hectare. Policy HG/1 Housing Density of the LDF states the minimum density of dwellings per hectare is 30, with at least 40 dwellings per hectare in more sustainable locations. The proposed density is considered in accordance with Policy HG/1 and appropriate to the character of the area.

### **Housing Mix**

21. Policy HG/2 of the LDF states that in developments of up to 10 dwellings, market properties should provide:

- a. At least 40% of homes with 1 or 2 bedrooms; and
  - b. Approximately 25% of homes with 3 bedrooms; and
  - c. Approximately 25% of homes with 4 or more bedrooms;
- unless it can be demonstrated that the local circumstances of the particular settlement or location suggest a different mix would better meet local needs

22. Policy H/8 of the emerging Local Plan states that a wide choice, type and mix of housing will be provided to meet the needs of different groups in the community including families with children, older people and people with disabilities. The market homes in developments of 10 or more homes will consist of:

- a. At least 30% 1 or 2 bedroom homes;
- b. At least 30% 3 bedroom homes;
- c. At least 30% 4 or more bedroom homes;
- d. With a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.

23. The emerging policy does not specify any mix for smaller schemes under 10 dwellings and can be given some weight due to the stage of the Local Plan that it is currently under examination. Given the proposal is for 9 dwellings, Policy HG/2 of the LDF will be given most weight.
24. The proposed mix for the 6 market dwellings as part of the development is for one 2 bedroom property and five 3 or 4 bedroom properties. Given the proposal is for Outline Consent with all matters reserved except access, the mix can be confirmed at Reserved Matters stage.

### **Effect on the built environment**

25. The surrounding residential properties to the north along Parsonage Way and Keene Fields represents a relatively high density of development for a village location, with this reflected in the neighbouring development to the east for 12 residential units. The development to the southern side of Horseheath Road opposite the application site is less dense.
26. The site is 2800m<sup>2</sup> in size and considered of adequate proportions to construct 9 no. dwellings whilst still providing for a reasonable curtilage to each property. The indicative layout plan indicates how this can be achieved within the constraints imposed by the relationship to neighbouring properties and mature trees, and that each property will be served by adequate private outside amenity space.
27. It is therefore considered that in principle the construction of nine residential dwellings in this location would not have any significant adverse effects and can be designed in harmony with the form and character of the area.

### **Residential Amenity**

28. The indicative site plan submitted with this application indicates development layout in relation to neighbouring residential dwellings, with the units to the north being set 20m from the neighbouring dwelling to the rear and the units to the east positioned closer where they back onto a garage. This does not accord with the District Design Guide which requires a distance of 25 metres, however given this is for Outline Consent only and layout is to be considered at Reserved Matters stage this can be addressed then.
29. The potential impact upon the residential amenity of adjoining dwellings would mainly be addressed within the reserved matters submission, although it is considered that appropriate window arrangements and boundary screening could reasonably mitigate any issues of overlooking, especially given the size of the site. Furthermore, the plots overall size ensures the positioning of the dwellings would provide a reasonable buffer to the neighbours such that there would not be any unreasonable levels of shadowing, whilst providing a reasonable amount of amenity space for each unit.

### **Highway Safety**

30. The application seeks outline consent for the means of access which is to be provided via a private drive which is as existing.
31. The Highways Authority considers this access arrangement suitable. Conditions are recommend requiring the road not being adopted, details of the driveway construction to prevent surface water run-off and debris spilling onto the public highway, permanent retention of visibility splays, a traffic management plan and informative in regard to permission being sought for works to the highway.

32. The indicative details of the parking and turning arrangements are suitable; however this will be assessed in full at the reserved matters stage when the siting of the units is considered. As such the development is considered to provide a suitable and safe means of vehicular access onto the public highway.

### **Trees and Landscaping**

33. The proposal will result in the loss of some trees on the site. Conditions shall be added to any consent granted to require tree protection measures as detailed in the Tree Survey to be carried out. The Tree Officer has raised no concerns regarding the proposals, and the two protected trees which lie to the front of the site.
34. The Landscape Officer has raised concerns regarding the proposed layout of the site, landscaping will be assessed at Reserved Matters stage. A condition shall be added to require landscaping details to be submitted.
35. Boundary treatment conditions would be attached to any consent granted to retain the existing character of the site and enhance the quality of the development.

### **Archaeology**

36. The site lies in an area of high archaeological potential. A condition would be attached to any consent to secure an archaeological investigation to ensure that the development would not result in the loss of any significant archaeological remains.

### **S106 Contributions and Affordable Housing**

37. The Section 106 Agreement provides contributions to affordable housing, public open space, waste receptacles, strategic waste and monitoring fees based on the proposed mix of the development. Linton Parish Council have requested that open space contributions are put towards the Pocket Park, Leadwell Meadows facility. Linton Parish Council have not identified a proposed project in the area to provide for community facilities and therefore under CIL Regulations 122, this contribution is not considered necessary to make the development acceptable in planning terms
38. Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted and emerging development plans requires the provision of 40% affordable housing on sites where there is a net gain of two or three dwellings. The Affordable Housing Officer has advised that 3 properties should be affordable with 1 dwelling being a one bed property and 2 being two bed properties. The agent has confirmed they are happy to provide this with two properties being rented and one in shared ownership. This will form part of the Section 106 Agreement

### **Conclusions**

39. It is considered that nine dwellings can be adequately accommodated on the site and be designed such that they would be in harmony with the surrounding area without causing harm to neighbouring amenity in terms of over shadowing or loss of privacy. The Highways Authority is satisfied that the provision of a new access is suitable subject to conditions.

40. 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**

41. Officers recommend that the Committee approves the application, subject to a completed Section 106 Agreement.

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

- (a) Affordable housing
- (b) Community facilities
- (c) Education
- (d) Open space
- (e) Waste receptacles

### **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.  
(Reason - The application is in outline only.)
- (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.  
(Reason - The application is in outline only.)
- (c) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan & Drawing 10 Access Appraisal.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (d) No development shall take place until details of the materials to be used for the access and driveway hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (e) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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.)

- (f) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (g) The existing hedge on the front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. (Reason - To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
- (h) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. (Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
- (i) No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall

have been erected around trees to be retained on site at a distance agreed with the Local Planning Authority following BS 5837. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- (j) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- (k) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

- (l) No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) Contractors' access arrangements for vehicles, plant and personnel;
- ii) Contractors' site storage area(s) and compounds(s);
- iii) Parking for contractors' vehicles and contractors' personnel vehicles;

Development shall not be carried out other than in accordance with the approved details.

(Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)

- (m) The proposed housing mix for the development shall be in accordance with Policy HG/2 unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interest of housing mix in accordance with Policy HG/2 of the adopted Local Development Framework 2007.)

- (n) The proposed driveway shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (o) The proposed driveway shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (p) Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the site extract plan showing visibility splays. The splays shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (q) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries take at or despatched from the site except between the hours of 0800 - 1800 Monday to Friday, 0800 -1300 Saturday and not at any time on Sundays or Bank Holidays, unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.  
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (r) There shall be no burning of any waste or other materials on the site, unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.  
(Reason - To minimise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (s) Prior to the commencement of any development, should driven pile foundations be proposed, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer to allow control of noise and vibration.  
(Reason- To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (t) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with



### **Informatives**

- (a) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.
- (b) Before any existing buildings are demolished, a Demolition Notice will be required from the Building Control Section of the council's planning department to establish the way the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.
- (c) If any lighting is proposed, details of any external lighting, including street and security lighting shall be submitted to and approved by the Local Planning Authority before construction commences. The lighting impact shall be assessed in accordance with 'The Institute of Lighting Professions' 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.
- (d) The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

### **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.

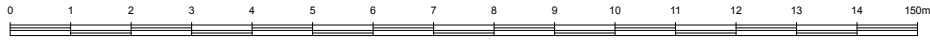
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- S/2504/14/OL

**Report Author:**

Katie Christodoulides  
Telephone Number:

Senior Planning Officer  
01954 713314

This page is left blank intentionally.



FOR INTERNAL USE ONLY

Scale - 1:1250

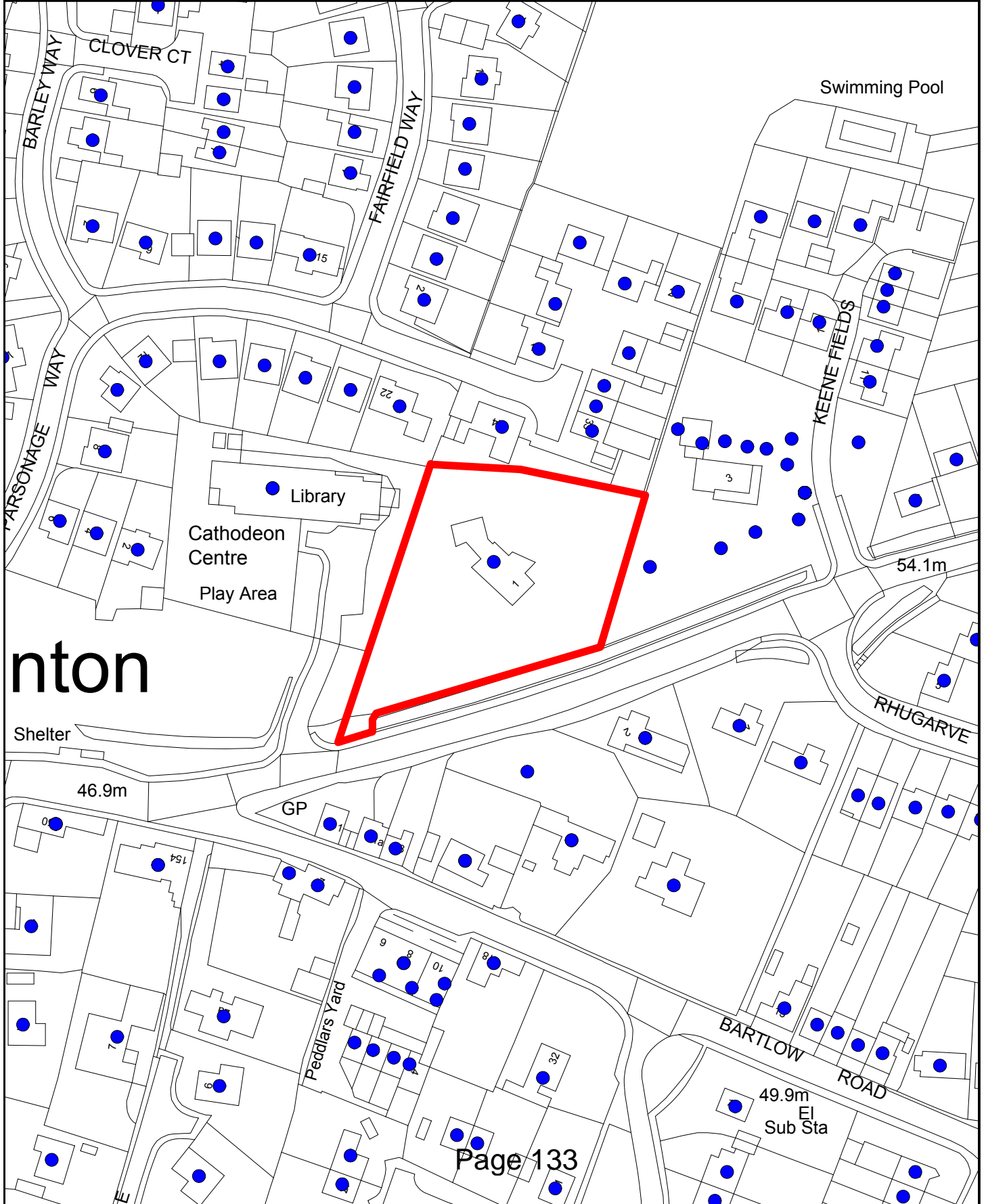
Time of plot: 09:37

Date of plot: 22/10/2015



South Cambridgeshire District Council

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 10

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2016

**AUTHOR/S:** Planning and New Communities Director

---

**Application Number:** S/2448/15/FL

**Parish:** Bourn

**Proposal:** Installation of 2 x Biomass Boilers & 2 x Drying Kilns (Retrospective)

**Site address:** Rockery Farm, Broadway, Bourn, Cambridge, Cambridgeshire, CB23 2TA

**Applicant(s):** Mrs Wendy Ward

**Recommendation:** Delegated Approval

**Key material considerations:** Character and appearance of the area, highway safety, and neighbour amenity

**Committee Site Visit:** 12 January 2016

**Departure Application:** No

**Presenting Officer:** Alison Twyford, Senior Planning Officer

**Application brought to Committee because:** Parish Council recommendation conflicts with Officer recommendation to approve

**Date by which decision due:** 18 November 2015

### Relevant Planning History

- S/1151/10** – Two affordable dwellings and use of land for outdoor playspace (approved)

**S/1004/09/F** – Erection of 8 affordable homes to form extension to the existing development of 9 affordable homes (refused and dismissed at appeal)

**S/0973/05/F**- Extensions – Approved

**S/0502/01/F**- Extension – Approved

**S/2237/87/F** - Use as buildings as workshop for the preparation and treatment of timber fencing materials and open storage area- Approved

### Planning Policies

- National Planning Policy Framework (NPPF) 2012*

*National Planning Practice Guidance*

3. *South Cambridgeshire LDF Development Control Policies DPD, 2007:*  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
NE/15 Noise Pollution  
NE/16 Emissions
4. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*  
District Design Guide SPD – Adopted March 2010

**Consultation**

5. **Bourn Parish Council** - Recommends refusal and makes the following comments: -
  1. Concerns on grounds of disturbance and loss of amenity to local residents of the Broadway.
  2. Concerns of medical issues and environmental issues created from the smoke from boilers.
  3. Smoke that will blown in an easterly direction may have effects upon the health and amenity of nearby residents
6. **Local Highways Authority** – Recommend refusal.  
The applicant has failed to provide a drawing showing the required visibility splays.  
  
The application is not supported by sufficient transport information to demonstrate that (retrospective) development would not be prejudicial to the satisfactory functioning of the highway.  
  
A Transport Statement could be considered in relation to the proposal.
7. **Environmental Health Officer – Air Quality** – No objection but informatives to be added to the decision if approved.
8. **Environmental Health – Licensing and Business Team** – Conditions and informatives recommended for attachment should the application be approved.
9. **Environment Agency** – “If the boilers have a combined design capacity of more than 50 kilograms per hour, but less than 3 tonnes per hour then it will be considered a Small Waste Incineration Plant regulated by the Local Authority. Alternatively, if the boilers have a combined design capacity of less than 50 kilograms per hour, and a total net rated thermal input of less than 0.4MW, then the activity of burning waste wood will require a D6 Exemption registration from the Environment Agency. For details please see the GOV.UK website <https://www.gov.uk/guidance/waste-exemption-d6-disposal-by-incineration>”

**Representations**

10. A petition containing 42 signatures from local residents has been received in relation to this application which states:

“We as residents of the Broadway, Bourn, object to the above Retrospective Planning Application on the grounds of the Statutory Nuisance that the burning, smoke and pollution has caused since the above installations in January 2015. Many households have suffered from breathing difficulties and increased asthma as a result. We have

suffered dizziness, sore throats and stinging eyes as a result of the fumes produced. We are unable to open windows, use our gardens and hang washing on the line as a result of the burning. Our houses have been full of fumes on numerous occasions. In addition our children have been unable to play outside due to the smoke and pollution coming from the burning at Rockery Farm.”

11. 38 Broadway-
  - Concerns that the smoke, fumes and pollution are causing a statutory nuisance
  - Unable to air laundry outside as a result of continuous burning
  - Unable to leave windows and doors open as a result of continuous burning
  - Unable to enjoy garden as a result of continuous burning
  - Concern the installations could have a detrimental affect on the health and lifestyle of the occupants.
  
12. 40 Broadway-
  - Since the installation of equipment occupants have suffered from pollution, fumes and acrid smoke
  - Concern inappropriate materials have been burned
  - Concern controls put in place may not be adhered to
  - Affect upon amenity from having to close windows and door and enjoyment of the garden
  
13. 54 Broadway-
  - Breathing difficulties have been experienced by family members since the installation of the boilers.
  - Polluted scents experienced from black smoke omitted from the chimneys
  - Unable to leave windows and doors open
  - Unable to dry washing on line causing need of extra cost of rewashing or tumble drying
  - Concern over permitted size of boilers
  - Concern inappropriate materials have been burned
  
14. 60 Broadway-
  - Since January 2015 occupants have suffered severe pollution and fumes from the burning which has caused a statutory nuisance.
  - “Since the installation we have suffered the following
    - Unrestricted burning, from the early hours of the morning until late into the night 7 days a week
    - Ill health, continuous sore throats & light headedness
    - Been unable to enjoy our garden due to high levels of smoke and fumes and had to restrict our daughter playing outside
    - Unable to have doors and windows open in the summer months and also had to close trickle vents on windows
    - Unable to hang washing out to dry resulting in damp in our home and higher energy costs”
  - “The Biomass Boilers have been proven to be over 10 times the capacity that would be permitted to be used so close to a residential area.”

- Concern inappropriate materials have been burned leading to thick smoke and odour issues
- Concerns of long term health implications.

64B Broadway-

- 15.
- Photographs and video clips have been forwarded to illustrate the level of smoke omitted from the boilers.
  - Since January 2015 occupants have experienced pollution and fumes from burning at the site which has caused a Statutory nuisance
  - Health issues have been experienced since the installations have been operating which are considered to be in relation to the omissions
  - Unable to air laundry outside as a result of continuous burning
  - Unable to leave windows and doors open as a result of continuous burning
  - Unable to enjoy garden as a result of continuous burning
  - Issues have been reported to other departments and agencies
  - Concerns burning may impact upon enjoyment of proposed children's play area adjacent to property

66 Broadway-

- 16.
- Since January 2015 occupants have suffered severe pollution and fumes from the burning which has caused a Statutory nuisance.
  - "Since the installation we have suffered the following
    - Unrestricted burning, from the early hours of the morning until late into the night 7 days a week
    - Ill health, continuous sore throats & light headedness
    - Been unable to enjoy our garden due to high levels of smoke and fumes and had to restrict our daughter playing outside
    - Unable to have doors and windows open in the summer months and also had to close trickle vents on windows
    - Unable to hang washing out to dry resulting in damp in our home and higher energy costs"
  - "The Biomass Boilers have been proven to be over 10 times the capacity that would be permitted to be used so close to a residential area."
  - Concern inappropriate materials have been burned leading to thick smoke and odour issues
  - Concerns of long term health implications.

**Site and Proposal**

17. The site is located outside of the village framework of Bourn and in the designated countryside within the larger planning unit of Rockery Farm, Bourn. The application site itself comprises of 150m<sup>2</sup> of concrete hardstanding situated behind a row of conifer trees on the western side of the larger farm property.
18. The proposal seeks to retain 2 biomass boilers and 2 associated drying kilns which will be used in connection with an existing timber product company known as



“Cambridge Outdoor Living”. The boilers themselves measure 1.9 metres in width at their widest point, 2.2m in length and have a height of 7.9 metres. The drying kilns are situated on either side of the biomass boilers and measure approximately 2.4m wide by 2.6m high by 12.2m long.

### **Planning Appraisal**

19. The proposed development is considered development that needs to be located in the countryside and is in accordance with the stipulations of policy DP/7. The key issues to consider in the determination of this application relate to the impact of the development upon the character and appearance of the area, highway safety, and neighbour amenity.

### **Impact on character of the area**

20. The proposed development is situated within the larger Rockery Farm site. It is bordered on the western side by a row of large, well established conifer trees and to the east by an established tall hedge. The drying kiln structures are subordinate in scale to many of the existing structures that occupy the site. The biomass boilers are screened by the kilns with the exception of the flues which are then sufficiently screened by the existing buildings trees and hedges.
21. The location of the works, adjacent to existing buildings is considered to relate well to the built up extent of the existing site and thus the impact of the site upon the surrounding countryside is not considered to be materially increased.

### **Highway Safety**

22. Representations have been received from the Local Highways Authority who have recommended refusal due to lack of information in relation to visibility splays and details that would demonstrate that the development would not be prejudicial to the satisfactory functioning of the highway.
23. The site is located within an existing commercial site with an existing access. The planning statement that accompanies the application estimates that the plant will involve an additional two vehicle deliveries per month.
24. The reasonably low level of deliveries together with the existing maneuvering area already provided within the site is not considered to lead to a development that would be detrimental to highway safety.
25. In order to ensure that the deliveries do not increase to a level that could cause problems to both Highway Safety and residential amenity it is considered reasonable to attach conditions that limit the number of deliveries connected with the installations, and require a log to be kept so that effective monitoring of the situation can take place.

### **Residential Amenity**

26. Complaints were received by Planning Enforcement Officers in August 2015 regarding smoke and odours coming from Rockery Farm. Planning Enforcement Officers confirmed that the smoke and odours were coming from the biomass boilers which required formal planning permission. A retrospective planning application was invited for consideration and a temporary stop notice was served on 13<sup>th</sup> October 2015 to prevent air pollution that had been reported by local residents. The temporary stop

notice resulted in the biomass boilers not being used for a period of 28 days, during which time Officers from the Environmental Health section advised that only clean and uncontaminated wood should be used as fuel for the boilers.

27. Officers visited the site once the temporary stop notice had expired on 9<sup>th</sup> November 2015 and witnessed the boilers and kilns being operated using the correct fuels.
28. The correct operation and refilling of the boilers is not considered to result in unacceptable levels of noise and disturbance or emissions that would harm the amenity of neighbours subject to conditions to ensure that the correct fuel is used.
29. A number of representations have been raised regarding health concerns that are considered to have been caused as a result of inappropriate fuel being used. Officers consider that a condition which ensures the use of the correct fuel is suitable for attachment to the decision if approved.
30. The Environmental Health Officer also recommends conditions that restrict any other fires on the site and restrict the storage of contaminated waste materials on the site. As the application only refers to part of the larger site it is not considered reasonable to impose conditions on the wider site. In addition, it is not considered reasonable to restrict the use of other parts of the land for storage of other materials through this application. Officers therefore do not agree with the attachment of these conditions.
31. The first two informatives proposed by Environmental Health relate to the use of appropriate materials. As this is to be conditioned, further informatives are not considered to be required.
32. An Informative which refers to a U4 Exemption was also proposed by the consultee in Environmental Health. During the application process Officers were advised that the applicant had obtained the exemption and this informative was no longer required.
33. Other recommended Informatives advised the applicant to refer to the manufacturer's technical advice and to take all relevant precautions to minimise any potential for nuisance. These Informatives are considered reasonable to be attached to a decision if approved to ensure no further impact to neighbouring amenity.

### **Recommendation**

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

### **Conditions**

33. (a) Time Limit (3 years) (SC1)  
(b) Drawing numbers (SC95)  
(c) Delivery Restriction-  
*No more than 30 deliveries per year associated with the use, hereby permitted, shall take place unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To limit the impact of vehicle movements on residential amenities in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)*  
(d) Delivery times-  
*Deliveries or collections associated with the use, hereby permitted, shall not take place outside the hours of 08.00–18.00 on weekdays and 08.00–13.00 on Saturdays (nor at anytime on Sundays and Bank Holidays) unless otherwise previously agreed in writing with the local Planning Authority. A daily record of all vehicle movements, including details of all road movements into and out of the site, shall be maintained by*

*the site operator and made available within one week of a written request by the local planning authority. (Reason -In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007 and to minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)*

(e) Biomass materials-

*The biomass boiler shall only burn, or be operated using, clean uncontaminated and untreated wood.*

*(Reason - To protect the occupiers of adjoining buildings from the effect of fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)*

**INFORMATIVES:**

f) The Council would advise the applicant to consult the manufacturers of the plant for technical advice regarding the issues raised above.

g) The applicant should take all relevant precautions to minimise the potential for causing a nuisance to the occupants of neighbouring properties.

**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 Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/2448/15/FL

**Report Author:**

Alison Twyford

Telephone Number:

Senior Planning Officer

01954 713264

This page is left blank intentionally.



**FOR INTERNAL USE ONLY**

Scale - 1:2500

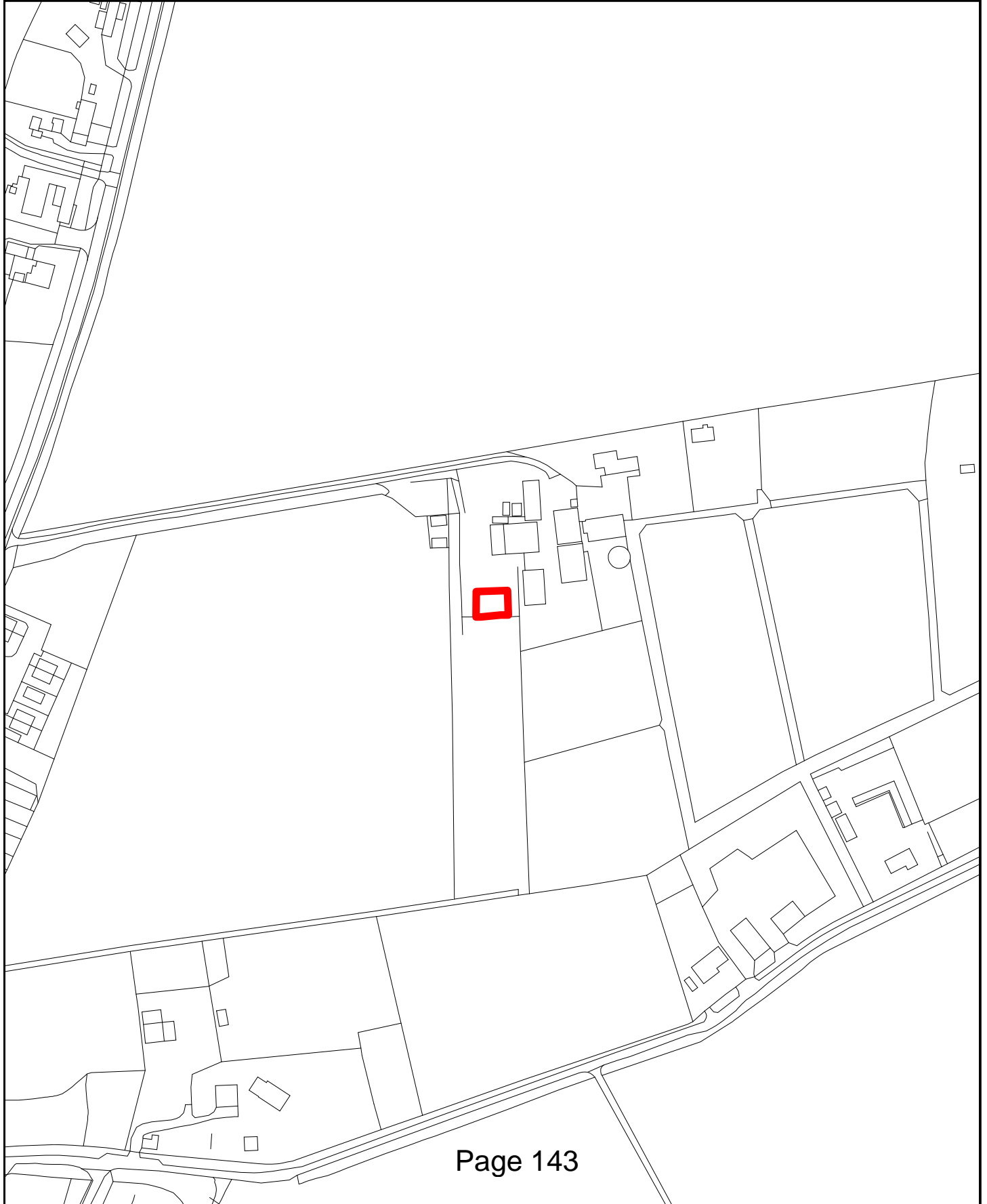
Time of plot: 11:36

Date of plot: 16/12/2015



**South  
Cambridgeshire  
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.

# Agenda Item 11

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

13 January 2016

**AUTHOR/S:** Planning and New Communities Director

---

**Application Number:** S/2540/15/OL

**Parish:** Conington

**Proposal:** Detached Dwelling

**Site address:** 3 School Lane, Conington

**Applicant(s):** Mr David Rutland, South Cambridgeshire District Council

**Recommendation:** Delegated Approval

**Key material considerations:** Local character, residential amenity, highway safety

**Committee Site Visit:** 12 January 2016

**Departure Application:** No

**Presenting Officer:** Alison Twyford, Senior Planning Officer

**Application brought to Committee because:** The applicant is employed by South Cambridgeshire District Council.

**Date by which decision due:** 16 December 2015

### Relevant Planning History

1. No planning history

### Planning Policies

2. *National Planning Policy Framework (NPPF) 2012*  
*National Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework Core Strategy DPD 2007:*  
Policy ST/7: Infill Villages
4. *Local Development Framework Development Control Policies 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  
NE/6: Biodiversity  
TR/1: Planning for More Sustainable Travel  
TR/2: Car and Cycle Parking Standards

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*  
District Design Guide - Adopted March 2010.  
Open Space in New Developments - Adopted January 2009  
Landscape in New Developments-March 2010
6. *Proposed Submission Local Plan*  
S/7 Development Frameworks  
S/11 Infill Villages  
HQ/1 Design Principles  
H/7 Housing Density  
SC/7 Outdoor Play Space, Informal Open Space and New Developments  
SC/8 Open Space Standards  
CC/1 Mitigation and Adaption to Climate Change  
CC/4 Sustainable Design and Construction  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
CC/9 Managing Flood Risk  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

### **Consultation**

7. **Conington Parish Council** – “I have attached comments from Residents- these raise concerns which need to be considered. On this basis we cannot give a recommendation.”
8. **Local Highways Authority**- Raises no objections and requests conditions are added to any consent granted in regard to visibility splays, the driveway being of a bound material and installed 5 metres from the highway boundary.

### **Representations**

9. Email representation from local resident received 24 November 2015 at 20.33- Concerned that a housing officer designated site as red in a report (indicating an unsuitable site) and yet an application has been made. Potential impact on residents of numbers 2 and 3 that could result in loss of privacy. Concerned site chosen because neighbours are of an older age and therefore may not object as strongly as younger residents may have.
10. Owner of 6 School Lane- Without knowing what type of property is proposed it could cause reduction of light to neighbouring properties, problems with parking, and be of poor design. Concerns that the report for housing allocated the site as unsuitable but it has come forward for consideration. A copy of a report from Saunders Boston Ltd was attached to the comments for officer reference.

### **Site and Proposal**

11. 3 School Lane, Conington is a two storey, semi-detached property lying within a large plot. The dwellings along School Lane form a linear development pattern, with terrace



blocks on one side and semi-detached pairs on the other that have large side gardens. To the rear of the site lies open fields and the edge of the village development framework. The application seeks outline consent with all matters reserved. The appearance, layout and landscaping will be detailed within a reserved matters application.

### **Planning Appraisal**

12. The key issues to consider in this instance are the principle of development, visual impact, landscaping, neighbour amenity, highway safety and parking.

#### **Principle of Development**

13. The existing site is residential in use and the proposed subdivision of the plot would intensify this use. However, the proposal would fall within the village framework of Conington, where Policy ST/7 of the LDF Core Strategy 2007 allows for development and redevelopment up to an indicative maximum scheme size of 2 dwellings on a plot where there is a gap along an existing frontage of properties. The proposed use of the site for an additional would have been acceptable in principle having regard to the adopted Local Development Framework had policies ST/7 and DP/7 not become out of date as a consequence of the Council not currently being able to demonstrate a five year supply of deliverable housing sites.
14. The site has an area of 0.02 hectares. The proposed dwelling would equate to a density of 50 dwellings per hectare. Policy HG/1 Housing Density states the minimum density of dwellings per hectare is 30, with at least 40 dwellings per hectare in more sustainable locations. The proposed density is considered to accord with this policy. The principle of the development is considered acceptable and in accordance with applicable national and local planning policies.

#### **Visual Impact**

15. The northern side of School Lane comprises a linear development form of two storey terraced dwellings which are set back from the public highway, within large plots. The south side of School Lane comprises pairs of semi-detached properties with large side garden areas. Further along School Lane to the west properties are of detached style and less linear in pattern along the street scene.
16. Final details of the design of the proposed dwelling are yet to be determined but a two storey dwelling could be acceptable in this location.

#### **Landscaping**

17. Landscaping and boundary treatment conditions would be attached to any consent granted to retain the existing character of the site and enhance the quality of the development.

#### **Neighbour Amenity**

18. Issues regarding neighboring amenity will be looked at closer when details of the design come forward. However, officers believe there is scope to situate a dwelling on the plot without having adverse impact to residential amenity.

#### **Potential issues of impact upon No.3 School Lane**

19. No.3 School Lane lies to the north west of the proposed site. On the side of the property is a single storey conservatory structure. At first floor level on the same elevation is a window which appears to serve a bathroom. The proposed indicative development appears to be slightly longer in length than no.3 and this could result in a

loss of light to the rear of the house and the garden amenity space of no.3. The siting of windows on side elevations of the proposed property would need careful consideration to protect the privacy of occupants using the conservatory area.

#### **Impact upon No.2 School Lane**

20. The proposed indicative development is considered to be sufficiently distanced from No.2 School Lane to avoid any undue loss of light or overbearing impact. First floor windows in the east elevation would need to be designed to avoid undue overlooking of the private amenity space of this property and this would be considered at Reserved Matters Stage.

#### **Highway Safety and Parking**

21. The Local Highway Authority has raised no concerns regarding highway safety. The District Council's Parking Standards require an average of 1.5 spaces per dwelling across the District, with up to a maximum of 2 per 3 bedrooms in poorly accessible areas. The proposal is considered to provide sufficient off street car parking.
22. Conditions have been proposed in relation to visibility splays, the driveway being of a bound material and installed 5 metres from the highway boundary which Officers consider are appropriate to be attached to the decision if approved.

#### **Other Matters**

23. Representations received from local residents have raised a report that has been prepared for the Housing Department by Saunders and Boston Ltd. The report looks to have surveyed the local area and has provided an Architects recommendation regarding a number of plots. The site in question was detailed in the report as unsuitable for development because –
- 1) "The site is not large enough for a maximum of 1 dwelling which will not meet SCDC housing need
  - 2) Off street parking for both properties is likely to be a planning requirement, available space is limited and it is likely not to be possible.
  - 3) House number 3 has side aspect windows overlooking the garage, privacy may be compromised"
24. Officers have noted points raised in the report and consider that this application and the subsequent reserved matters application will address possible issues of overlooking and parking. The size of the plot has been considered in this application and Officers are of the view that it would be possible to accommodate a further dwelling on this site.
25. 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.
26. 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.
27. 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.

28. Less than five planning obligations have been entered into for developments in the village of Conington since that date. As such, officers are satisfied that the Council could 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.
29. However, no specific projects for either outdoor or indoor community facilities have been identified 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.

### **Recommendation**

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

### **Conditions**

- a) Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)
- 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.  
(Reason - The application is in outline only.)
- 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.  
(Reason - The application is in outline only.)
- d) The landscape works referred to in condition (a) 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 include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock and the positions, design, materials and type of boundary treatments to be erected.  
(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.)

- e) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- f) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- g) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- h) Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the:
- (a) highway boundary
  - (b) back of the footway
  - (c) edge of the carriageway
- (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- i) The vehicular access shall be of a bound surface and installed for 5 metres from the highway boundary.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

### **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 Development Control Policies DPD (adopted July 2007)

- Planning File Ref: S/2540/15/FL

**Report Author:**

Alison Twyford  
Telephone Number:

Senior Planning Officer  
01954 713264

This page is left blank intentionally.



**FOR INTERNAL USE ONLY**

Scale - 1:2500

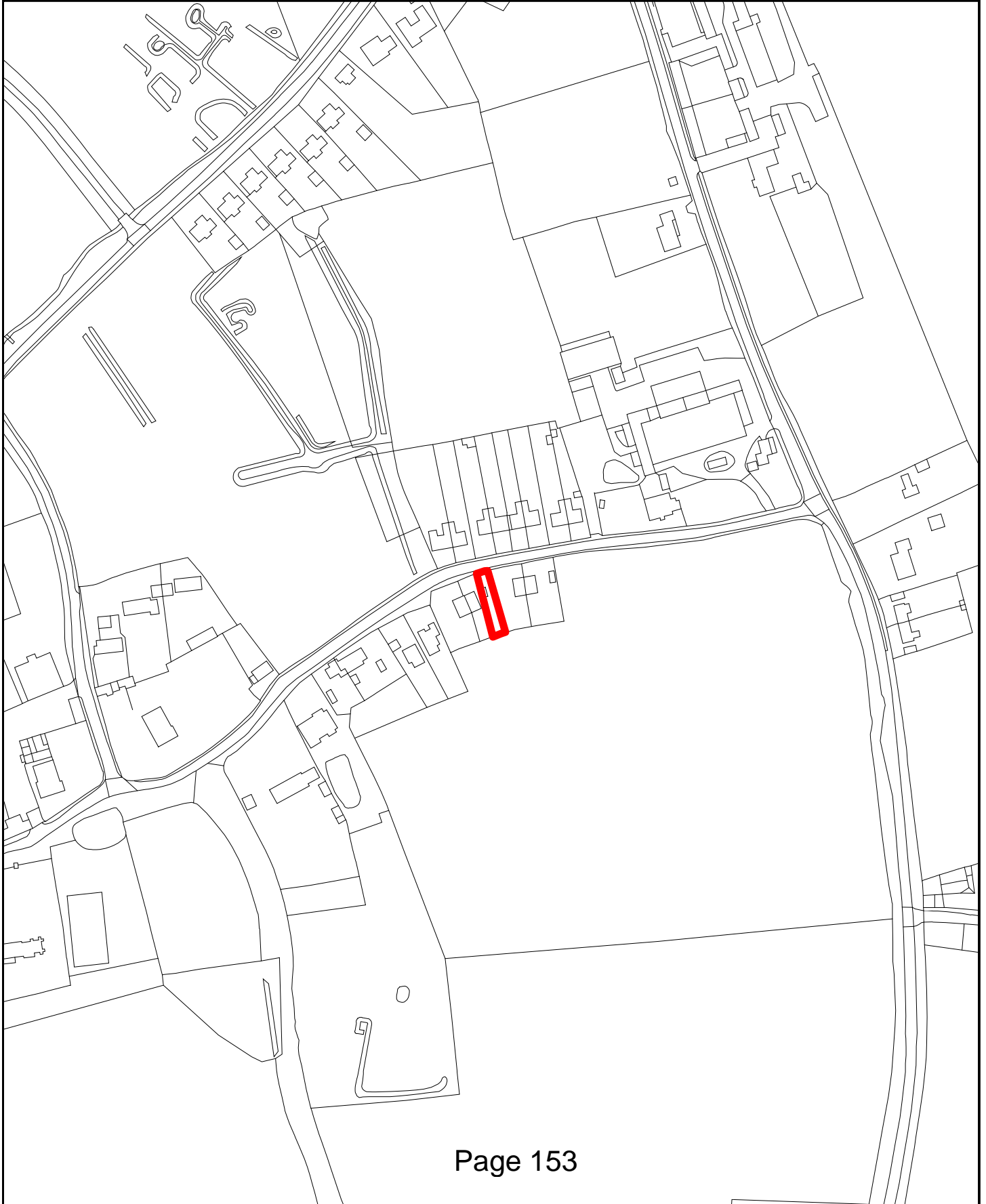
Time of plot: 11:38

Date of plot: 16/12/2015



**South  
Cambridgeshire  
District Council**

© Crown copyright [and database rights] (2015) OS (100022500)



This page is left blank intentionally.



# Agenda Item 12



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

13 January 2016

---

## Enforcement Report

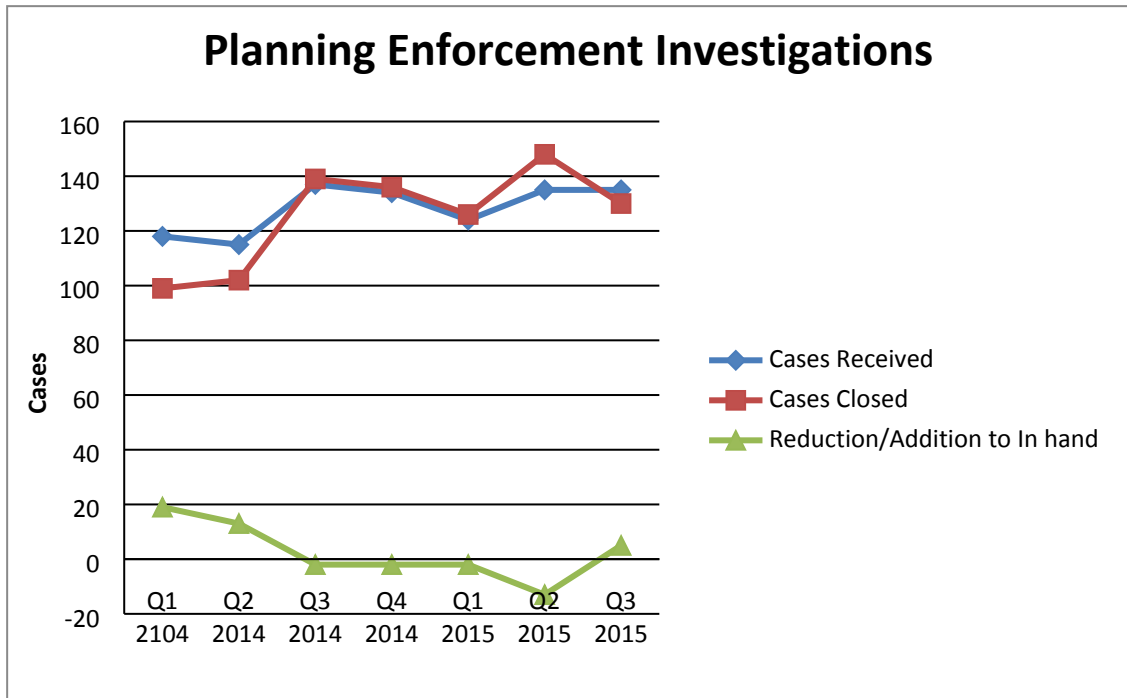
### Purpose

1. To inform Members about planning enforcement cases, as at 17<sup>th</sup> December 2015. Summaries of recent enforcement notices are also reported, for information.

### Enforcement Cases Received and Closed

2. 

Period	Cases Received	Cases Closed
1 <sup>st</sup> Qtr. 2015	124	126
2 <sup>nd</sup> Qtr. 2015	135	148
3 <sup>rd</sup> Qtr. 2015	135	130
October 2015	43	37
November 2015	35	49
<b>2015 YTD</b>	<b>472</b>	<b>490</b>
<b>2014</b>	<b>504</b>	<b>476</b>



**Enforcement Cases on hand:**

- 3. Target 150
- 4. Actual 79

**Notices Served**

5.

Type of Notice	Period	Year to date
	November 2015	2015
Enforcement	0	12
Stop Notice	0	0
Temporary Stop Notice	1	4
Breach of Condition	2	18
S215 – Amenity Notice	0	4
Planning Contravention Notice	1	6
Injunctions	1	2
High Hedge Remedial Notice	0	1

## Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
PCN/0006/15	Bourn	4 Kingfisher Close	Planning Contravention Notice
HQ15X02927	Stapleford	Hill Trees, Babraham Road	Injunction

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 10<sup>th</sup> 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.

The Judicial Review application was rejected by Mr Justice Lindblom at the Court of Appeal. His Honour Mr Justice Park QC further dismissed an adjournment application made by the occupier of the land, and proceeded with the Injunction hearing. The Order being sought was granted in full with an Order for the Councils costs to be paid. An Injunction now exists that restrains the occupier of the land in respect of the unauthorised development at Hill trees represented by the commercial storage, car sales, and non-consented operational works that have occurred there. The injunction requires the defendant to i) cease by no later than 26<sup>th</sup> January 2016, the use of the land for any trade, business, commercial, industrial, storage or sales use (Including any use in connection with motor vehicles, their storage, sale or repair); ii) removes from the land, by no later than 26<sup>th</sup> January 2016, all vehicles, vehicle parts, plant machinery, equipment, materials, containers, mobile homes, caravans or trailers connected with uses described in (i); removes from the land, by no later than 26<sup>th</sup> January 2016, the material forming the roadway on the land. The time for filing an appellants notice to seek permission to appeal to the Court of Appeal is the 4<sup>th</sup> January 2016. The site will now be monitored for compliance.

**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. The Judicial review which was set for 29<sup>th</sup> October 2015 has taken place and the Council is now waiting for the outcome to be published.

**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 – Works now underway to comply with the planning conditions previously identified.

Further meeting with Officers and Persimmon Homes to take place in January 2016 to review progress

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

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19<sup>th</sup> February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3<sup>rd</sup> 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 – Further application received relating to other works on site. 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 has now been issued in order to remedy this breach. Arrangements have since been made for staff to park at two different sites locally and are to submit a further planning application to vary the current traffic plan condition. No further complaints have been received since the new parking arrangements were introduced.

**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 472 cases investigated which when compared to the same period in 2014 is a 4.42% 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

**Report Author:**      Charles Swain – Principal Planning Enforcement Officer  
Telephone:      (01954) 713206

# Agenda Item 13



South  
Cambridgeshire  
District Council

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

13 January 2016

## 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 of 23<sup>rd</sup> December 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/0411/14/FL	William King Homes Ltd 26 Butt Lane Milton	Erection of 6 dwellings (following demolition of existing dwelling)	Dismissed 20/11/15
	S/0264/15/FL	Jeffmar Ltd Side of 7 Church Walk Little Gransden	Demolition of barn erection of barn style dwelling	Dismissed 17/12/2015
	S/1135/15/FL	Mr & Mrs Noto 4 Kingston Road Great Eversden	Two storey side extension, part single, part two storey rear extension, front porch extension, elevational & roof level changes	Dismissed 23/12/15
	S/0533/15/FL	Mr S Fordham 211 Wimpole Road Barton	Proposed first floor & 2 storey rear extension & front gable including storm porch	Dismissed 23/12/15

### Appeals received

3.	Ref. no.	Address	Details	Appeal Lodged
	S/0875/15/OL	Mr & Mrs R Mallindine 18 Boxworth End, Swavesey	Outline Application for 30 New Dwellings	23/11/15
	S/2273/14/OL	Mr D Coulson Land at Teversham Road Fulbourn	Outline Application for up to 110 dwellings	02/12/15
	S/1031/15/FL	Mr K Tabron Meadowside Olmstead Green	New dwelling following demolition of	04/12/15

	Castle Camps	existing bungalow	
S/2136/15/FL	Mr & Mrs Harrod 36 Moorfield Road Duxford	Alterations and 2 storey front & rear extensions	07/12/15
S/1343/15/FL	Mr J Sadler Woodfield House Madingley Road Coton	First floor extension to form granny annex	10/12/15
S/2080/15/FL	Mr & Mrs Jacklin Clare Cottage Caldecote	Replacement Dwelling	10/12/15
S/1195/15/FL	Mr C Wareham 30 High Street Cottenham	Replace garage with 3 bay oak framed garage	14/12/15

**Local Inquiry and Informal Hearing dates scheduled.**

4.

<b>Ref. no.</b>	<b>Name</b>	<b>Address</b>	<b>Hearing/Inquiry</b>
S/1451/14/FL S/1476/13/LD S/2097/14/VC	Mr T Buckley	The Oaks Willingham	Inquiry 12/01/16-14/01/16 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 Proposed
S/2822/14/OL	Gladman Dev Ltd	Land off Shepreth Road Foxton	Inquiry 09/02/16– 16/02/16 Confirmed
S S/2248/14/OL S/2975/14/OL	Kings Hedges Investments Ltd	Land Parcel Comm4 Neal Drive Orchard Park	Hearing 08/03/16 Confirmed
S/2409/14/FL	Sawston Solar Farm Limited	Land North of Dales Manor Business Park, Sawston	Hearing 22/03/16–23/03/16 Confirmed
PLAENF.1663	Mr B Arliss Riverview Farm Overcote Road Over	Riverview Farm Overcote Road Over	Inquiry 26/04/16 Confirmed



S/0892/15/LD	Mr M Dwyer	Managers Accommodation Enterprise Nurseries Waterbeach	Inquiry 05/07/16–06/07/16 Proposed
S/2791/14/OL	Endurance Estates Strategic Land Ltd	East of New Road Melbourn	Inquiry 12/07/16–14/07/15 Confirmed

### Summaries of Appeals

5. None

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

**Contact Officer:** Julie Baird – Head of Development Control

**Report Author:** Lisa Davey – Technical Support Officer  
Telephone: (01954) 713177

This page is left blank intentionally.