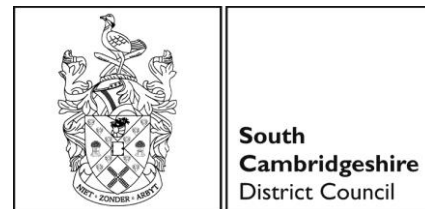


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28 November 2017

To: Chairman – Councillor Pippa Corney  
Vice-Chairman – Councillor David Bard  
All Members of the Planning Committee - Councillors John Batchelor,  
Brian Burling, Kevin Cuffley, Philippa Hart, Sebastian Kindersley,  
David McCraith, Des O'Brien, Deborah Roberts, Tim Scott and 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, 6 DECEMBER 2017 at 10.30 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  
**Beverly Agass**  
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.**

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## AGENDA

## PAGES

### **PUBLIC SEATING AND SPEAKING**

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol (revised October 2016) 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**
  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.

**3. Draft Minutes of Previous Meeting - 1 November 2017 1 - 8**

**PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

To view plans, drawings and other documents submitted with the application, follow the link called 'Application file' and select the tab 'Plans and Docs'.

**4. S/3405/17/OL - Linton (Land south-east of Horseheath Road) 9 - 22**

Outline planning application with all matters reserved for up to 42 dwellings and not less than 0.4ha of allotments, with associated open space and sustainable drainage

Appendix 1 – website only

**5. S/3184/17/FL - Linton (Borley House, 1 Horseheath Road) 23 - 36**

Erection of 6 market dwellings and 3 affordable housing dwellings following demolition of existing dwelling

**6. S/2745/17/OL - Horseheath (Land adj The Police House, Linton Road)**

Application for outline planning permission with all matters reserved apart from access for 8 dwellings.

**7. S/3128/17/OL - Castle Camps (Land south of Bartlow Road) 37 - 66**

Outline application with all matters reserved for the erection of 9 dwellings

**8. S/2989/17/FL - Milton (1 Benet Close) 67 - 82**

Outline permission for development of 1 No. detached house

**9. S/1969/15/OL & S/2553/16/OL- Linton (Land south-east of Horseheath Road) 83 - 88**

Outline planning application with all matters reserved for up to 50

dwellings and not less than 0.45ha of allotments

- 10. S/0243/16/FL - Bassingbourn (Bassingbourn Snowsports Centre, Bassingbourn, Royston) 89 - 92**

New vehicular and pedestrian access off Guise Lane. Realignment of boundary perimeter fence, New Car Park and Footpath to connect to the existing Club House

Appendix - website

#### **MONITORING REPORTS**

- 11. Enforcement Report 93 - 102**
- 12. Appeals against Planning Decisions and Enforcement Action 103 - 110**

#### **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'.

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# Agenda Item 3

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on  
Wednesday, 1 November 2017 at 10.30 a.m.

PRESENT: Councillor Pippa Corney – Chairman  
Councillor David Bard – Vice-Chairman

Councillors: John Batchelor Brian Burling  
Kevin Cuffley Anna Bradnam (substitute)  
Sebastian Kindersley David McCraith  
Des O'Brien Deborah Roberts  
Tim Scott Robert Turner

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Edward Durrant (Principal Planning Officer / Team Leader (Development Management)), Jane Green (Head of New Communities), John Koch (Planning Team Leader (West)), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer) and Rebecca Ward (Principal Planning Officer)

Councillors Andrew Fraser and Tony Orgee were in attendance, by invitation.

### 1. APOLOGIES

Councillor Philippa Hart sent Apologies for Absence. Her substitute was Councillor Anna Bradnam.

### 2. DECLARATIONS OF INTEREST

In respect of Minute 4 (S/2239/13/FL - Sawston (Deal Grove, Babraham Road)):

- Councillor David Bard declared a non-pecuniary interest. Councillor Bard had been a member of the Planning Committee when it first considered this application in June 2014, and had also attended Parish Council meetings at which the matter had been discussed. He stepped down as Vice-Chairman of the Committee for the duration of the debate, addressed the Committee as a public speaker taking no part in that debate, and did not vote.
- Councillor Kevin Cuffley declared a non-pecuniary interest. Councillor Cuffley had been a member of the Planning Committee when it first considered this application in June 2014, and had also attended Parish Council meetings, as the Vice-Chairman of Sawston Parish Council, at which the matter had been discussed. He stepped down from the Committee for the duration of the debate, addressed the Committee as a public speaker taking no part in that debate, and did not vote.
- Councillors Brian Burling, Pippa Corney, Sebastian Kindersley, David McCraith, Des O'Brien and Robert Turner had each been a Planning Committee member when this application had last been considered. Each confirmed that they were considering the matter completely afresh.

Councillor John Batchelor declared a non-pecuniary interest in respect of Minute 6

(S/0460/17/FL - Balsham (Plumbs Dairy, 107 High Street)) and Minute 7 (S/1818/17/OL - Balsham (Land to the west of 10 Cambridge Road)). Balsham was located within the catchment area of Linton Village College, where he was Chairman of the Board of Governors. In that capacity, Councillor John Batchelor had been involved in discussions with the County Education Authorities over the formula applied to establish the student capacity of Linton Village College, and had raised objections to the lack of any request for Section 106 monies for secondary education. He was considering the matter afresh.

Councillor Anna Bradnam declared a non-pecuniary interest as a member of Cambridgeshire County Council. Referring to Minute 5 (S/3052/16/FL - Shepreth (Meldreth Road)), she pointed out that the County Council owned the land the subject of this application.

Councillor Brian Burling declared a non-pecuniary interest in respect of Minute 9 (S/2341/17/FL - Over (16 Mill Road)). Councillor Burling was a member of Over Parish Council, and had been present at the Parish Council meeting at which this application had been discussed. He was now considering the matter afresh.

Councillor Pippa Corney declared a disclosable pecuniary interest in respect of Minute 9 (S/2341/17/FL - Over (16 Mill Road)) because she was named on the planning application form as a joint applicant with Ian Corney. Councillor Corney withdrew from the Chamber for the entirety of the consideration of this application, took no part in the debate and did not vote.

Councillor Sebastian Kindersley declared a non-pecuniary interest as a member of Cambridgeshire County Council. Referring to Minute 5 (S/3052/16/FL - Shepreth (Meldreth Road)), he pointed out that the County Council owned the land the subject of this application.

Councillor Des O'Brien mentioned that, as a matter of public record, he was a member of South Cambridgeshire District Council, the applicant in respect of Minute 7 (S/1818/17/OL - Balsham (Land to the west of 10 Cambridge Road)).

### 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 4 October 2017, subject to as follows:

#### **Minute 7 - S/3543/16/FL - Great Abington (Land To South of Linton Road)**

In the third paragraph, after the words "the proposal", add: "However, Councillor Orgee profoundly disagreed with Cambridgeshire County Council's assertion that the primary school had sufficient capacity to cope with the increased intake of students likely to come from the development. Hence, [in his view, the County Council had missed the opportunity for section 106 funding for the primary school.](#) Councillor John Batchelor shared this concern in relation to secondary education."

The complete paragraph would now state as follows:

"Glyn Mutton (for the applicant) and Councillor Tony Orgee (local Member) addressed the meeting. Mr. Mutton outlined the measures taken to mitigate any impact on the proposed development from Westlodge Kennels. Councillor Orgee said there was substantial local support for the proposal. However, Councillor Orgee profoundly disagreed with Cambridgeshire County Council's assertion that the primary school had sufficient capacity to cope with the increased intake of



students likely to come from the development. Hence, in his view, the County Council had missed the opportunity for section 106 funding for the primary school. Councillor John Batchelor shared this concern in relation to secondary education.”

**4. S/2239/13/FL - SAWSTON (DEAL GROVE, BABRAHAM ROAD)**

Members visited the site on 31 October 2017.

Councillors David Bard and Kevin Cuffley (local Members for Sawston) retired to the public gallery for the duration of this item. Apart from addressing the Committee as public speakers, Councillors Bard and Cuffley took no part in the debate, and neither did they vote.

With the Committee's approval, the Chairman appointed Councillor Robert Turner as Vice-Chairman for this agenda item.

The Senior Planning Lawyer told Members that, if they had voted on this application when it was last before Committee in 2014, it was for each of them to decide whether or not to withdraw from the meeting on this occasion. He told them that there was no legal obligation to do so in the context of the Judicial Review of that first Committee resolution. In summary, voting on this application in 2014 did not constitute pre-determination. The Senior Planning Lawyer asked the ten Members considering this item to confirm their status in doing so. Responses were as follows:

|                             |  |
|-----------------------------|--|
| Councillor Batchelor (John) | Was not a Councillor in 2014                                   |
| Councillor Bradnam          | Was not a Planning Committee member in 2014                    |
| Councillor Roberts          | Did not attend the relevant Planning Committee meeting in 2014 |
| Councillor Scott            | Was not a Councillor in 2014                                   |

Councillors Burling, Corney, Kindersley, McCraith, O'Brien and Turner (Robert) each confirmed that they were considering the matter completely afresh.

The Planning Team Leader (West) updated Members about transportation impact and mitigation, and confirmed that the Local Highways Authority had no objection. He said that the decision made in 2014 had been quashed at Judicial Review and that, therefore, Members had no alternative but to consider the matter afresh based on the report before them. With that in mind, he highlighted the significance especially of paragraph 70, and reminded Members that they would need to identify very special circumstances should they be minded to vote against the recommendation in the report from the Joint Director for Planning and Economic Development. He also reminded them that the application was a departure from the Development Plan.

Meghan Bonner (applicant's agent), Brian Milnes (community supporter), Councillor Janet Martin (Sawston Parish Council), Councillor Tony Orgee (the local County Councillor, and, speaking only as public speakers, Councillors David Bard and Kevin Cuffley (local Members) addressed the Committee.

Meghan Bonner pointed out that there were no objections from statutory consultees to this application. She described the location as sustainable, and one that did not present any adverse impact. She maintained that that the purpose behind the application was entirely appropriate in the Green Belt, and that very special circumstances existed for granting permission. These included the gifting of land to Sawston Parish Council, the provision of changing rooms, the installation of floodlights, the provision of an entertainment venue, establishment of a woodland walk, and new cycling facilities.

Mr. Milnes said that the application would protect the Green Belt and be a benefit to the village. The Parish Council, of which he was a member, would be responsible for maintaining the land gifted to it.

Councillor Janet Martin said the Parish Council would like to see provisions controlling use of the site in such a way and within such times as to minimise any adverse impact for nearby residents.

Councillors David Bard and Kevin Cuffley addressed the meeting as public speakers. Councillor Bard focussed on the site's function within the Green Belt, and explored the concept of very special circumstances. He pointed out that the land being gifted to Sawston Parish Council would continue to serve the purpose of Green Belt. Councillor Bard identified the main advantages of the application as being the culmination of a very long site search by Cambridge City Football Club, but also to the community. Councillor Cuffley said that the application would result in a significant improvement in appearance. He considered various elements of sustainability, and concluded that the benefits significantly and demonstrably outweighed the harm.

While Councillor Orgee had some concerns about traffic, he supported the application, citing very special circumstances, and the opportunity to enhance the site, previously used for land fill.

Members engaged in a lengthy discussion.

Noting the absence of any objections from statutory consultees, the Committee **resolved** (by 8 votes in favour and 2 votes against) for the following reasons to approve the application contrary to the recommendation in the report (and Update Report) from the Joint Director for Planning and Economic Development subject to 1 and 2 below

In resolving to approve the application the majority of Members agreed that the proposed development would amount to inappropriate development in the Green Belt and that such development would be, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Members agreed that

- (a) there would not be any significant additional harm to the Green Belt over and above the harm that would be caused by the proposal's inappropriateness;
- (b) there would be no significant additional harm to the Green Belt or the openness of the Green Belt over and above the harm that would result by reason of the structures and floodlighting proposed by the development;
- (c) there would be limited adverse effect on the countryside and landscape character given the limited public views and its appearance of dereliction;
- (d) the proposed development needs to be located in the countryside given, what members had heard from the applicant's agent as to a robust and comprehensive, but unsuccessful, site search conducted over several years and difficulties in finding other suitable sites within existing built-up areas. As such it would not conflict with Policy DP/7 of the Local Development Framework, which provides that outside urban and village frameworks, only development for

agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted;

- (e) the site is not in a location that would result in significant and unsustainable forms of travel for the proposed use, having regard to its connectivity with other settlements and the proposed mitigation by way of a travel plan;
- (f) the identified harm by reason of inappropriateness and the limited additional harm identified above in (b) and (c) would be clearly outweighed by other considerations which collectively would amount to the necessary very special circumstances to support the application being approved. These very special circumstances were significant community benefits in the form of additional facilities and community access specifically 3.4 ha of recreation ground for community use, with access to changing rooms and floodlit training ground which will help to address the shortfall identified in the Council's Playing Pitch Strategy 2015-31, a new woodland walk, ecological enhancements with bat and bird nesting boxes, improvements to the local landscape with additional trees and hedgerow planting, improved footpaths and cycleways as well as additional employment opportunities locally

The matter would be referred to the Secretary of State as a Departure from the Development Plan in so far as the proposed development would amount to inappropriate development in the Green Belt and is therefore contrary to Policy GB/1 of the Council's Development Control Policies 2007.

The Conditions attached to the earlier Decision Notice issued following determination of the application in 2014 and as an Appendix to the current report, would be modified as deemed appropriate in the light of information already received and considered by officers and the proposed condition in the Update Report.

**5. S/3052/16/FL - SHEPRETH (MELDRETH ROAD)**

Members visited the site on 31 October 2017.

Rob Dean addressed the meeting on behalf of the applicant. Councillor Philippa Hart (local Member) had raised the possibility of reducing the period during which development must commence.

The Committee **approved** the application subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 requiring the translocation of lizards from the site; and
2. The Conditions and Informative referred to in the report from the Joint Director for Planning and Economic Development, among other things confirming that the time limit for implementation of the planning permission should be amended from three years to two years.

**6. S/0460/17/FL - BALSAM (PLUMBS DAIRY, 107 HIGH STREET)**

Members visited the site on 31 October 2017.

The case officer reported that Councillor Richard Turner (a local Member) had objected in the context of appropriate advertising of the site.

Garth Hanlon (applicant's agent) and Councillor Andrew Fraser (the other local Member) addressed the meeting. Mr. Hanlon said that the application was policy compliant, and appropriate in its location. There had been no objections from statutory consultees. Councillor Fraser highlighted the impact on local employment, and the increased pressure on the doctors surgery and car parking provision. He said that the development would have a negative impact on the character of the Balsham conservation area.

During the ensuing debate, Members acknowledged the desirability of striking a balance between housing and employment use, but noted the constrained nature of the site by the presence of trees covered by Tree Preservation Orders and the need to provide views through to the countryside. This made it difficult to envisage a future commercial use for the part of the site that was previously occupied by Plumbs Dairy.

The Committee **approved** the application subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing
  - £14,713.85 towards Balsham Sports Pavilion contribution
  - £16,309.68 towards outdoor gym equipment
  - £6,167.08 towards Balsham Church Institute
  - £73.50 per house and £150 per flat for household waste bins
  - 40% affordable housing
  - £500 for a Section 106 monitoring fee
  - The onsite provision of a Local Area for Play

As detailed in a supplementary agenda dated 27 October 2017; and

2. The Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development.

#### **7. S/1818/17/OL - BALSHAM (LAND TO THE WEST OF 10 CAMBRIDGE ROAD)**

It was reported that Balsham Parish Council supported the application and that, although a local resident had raised an objection on highways grounds, the Local Highways Authority had no objection to the proposal.

The Committee **approved** the application subject to the Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development.

#### **8. S/1769/17/OL - GREAT SHELFORD (MACAULAY AVENUE)**

It was reported that Councillor Charles Nightingale (a local Member) supported the application, and that Great Shelford Parish Council had no objection to it.

The Committee **approved** the application, subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the provision of affordable housing, and build out as self-build plots; and
2. The Conditions and Informative in the report from the Joint Director for Planning and Economic Development, updated by a supplementary agenda dated 27

October 2017.

**9. S/2341/17/FL - OVER (16 MILL ROAD)**

Councillor Pippa Corney declared a disclosable pecuniary interest because she was named on the planning application form as a joint applicant with Ian Corney. Councillor Corney withdrew from the Chamber for the entirety of the consideration of this application, took no part in the debate and did not vote.

Councillor David Bard took the Chair, and, with the agreement of the Committee, Councillor Robert Turner acted as Vice-Chairman for this item.

The case officer referred to a lack of evidence regarding the acceptability of visibility splays or the effectiveness of the ditch network, although the western ditch was not used for drainage. There was an ongoing breach of planning permission.

Ian Leyshon (objector) and Councillor Geoff Twiss (Over Parish Council) addressed the meeting.

Mr. Leyshon objected on the grounds of access, car parking, the breach of conditions, and connection to the ditch. He said that the proposal was out of character with the village. There followed a short discussion relating the current application to the allowed Appeal. Councillor Twiss said that the Parish Council also had concerns about the non-compliance with conditions.

Following a short debate, the Committee **refused** the application contrary to the recommendation in the report from the Joint Director for Planning and Economic Development. Members agreed the reason for refusal as being that the application failed to comply with Policy DP/2 of the South Cambridgeshire Local Development Framework – Development Control Policies 2007 in that the proposal failed to preserve or enhance the character of the surrounding area.

**10. ENFORCEMENT REPORT**

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

Referring to paragraph 5(d) of the report (Fulbourn – St. Martin's Cottage, 36 Apthorpe Street), the Principal Planning Enforcement Officer reported that the wooden building had now been removed.

Referring to paragraph 5(f) of the report (Horseheath – Thistledown, Cardinals Green), the Principal Planning Enforcement Officer reported that the wooden lodge had now been removed.

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

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

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**The Meeting ended at 2.35 p.m.**

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# Agenda Item 4

## Notes for Planning Committee Meeting, 15th November 2017

**S/3405/17/OL** - This has similar issues to the previous applications s/1969/15/OL and s/2553/16/OL. The holding objections and previous comments remain relevant to this application.

- This site is outside the village envelope and an omission site in the Local Development Plan (LDP) framework.
- The site was rejected in the SHLAA assessments, as having no development potential.
- Linton is a minor rural centre, which limits development to a maximum of 30 houses.
- That [there are positive signs about the Inspectors' view on five-year housing land supply](#) in the emerging LDP. Housing sites sufficient for 5 year needs are being identified without this.
- The sites around Linton were rejected in the LDP and the reasons for rejection still hold.
- The emerging Neighbourhood Plan (NP) does not support such housing development outside the village framework.
- The application is essentially a re-submission of earlier applications, which were rejected. For consistency, this should also be rejected. The assessments in the previous applications were identified as being out-of-date (e.g. Traffic flow, village facilities, etc) and remain so.
- In the indicative plan and layout, we see provision for 42 houses, 20 allotments, mitigation for loss of amenity and privacy, and many other features (see later comments). As LPC plans could only fit 44 standard garden allotments onto the site, we do not consider there to be sufficient space in the ownership of the applicant to deliver the development as indicated.
- The shortcomings of the site, noted in previous objections and including reasons for its previous rejection, have not been overcome.
- The data and assessments are out of date - particularly the traffic data - matters have changed considerably since then and have not been taken into account.
- Along with the cumulative nature of recent and proposed developments, this application would not provide any benefit that would outweigh the significant harm caused.

### Landscape

- The landscape and visual assessment appears very similar to that of the previous applications and does no more to address or mitigate the impact of this development on our village. The reasons for refusal of previous applications remain unresolved.
- The site is on rising ground, part of the area's character rolling chalk landscape, where the village nestles into the river valley.
- Housing here would have a greater visual impact on landscape and impact on current housing due to its elevation in this low rolling countryside.
- The landscape and visual assessment still fails to consider the adverse effect on the views from the east, views out of the village, views out of Linton's Special Conservation Area, and Linton's setting in the open landscape.
- A landscape mitigation strip would take time to grow and not compensate for the loss of the "soft edge" approach to Linton, and its effect on the setting of the village. The northern boundary hedge would be breached for the access road.
- The western edge of the site contains a strip of land that does not belong to the Diocese. This reduces the available area for hedging. It cannot be included as part of mitigation.
- The hedges and boundary treatments would be predominantly part of resident's gardens, where their protection and preservation could not be controlled, no matter what conditioning is placed upon them. We are aware that trees in gardens can cause problems or be unwelcome, resulting in their being lopped, pruned or lost, reducing the screening effect.
- Building here will neither conserve nor enhance the amenity of the village's natural, built and historic environment and resources. It certainly would not "improve" the edge of Linton,

compared to the open countryside we now have. The scheme would detrimentally impact on the landscape, townscape, the outstanding Conservation Area, above and below ground heritage, and community facilities

### **Archaeology and Heritage**

- The site was rejected previously on archaeological issues. It is now known to contain significant evidence of Bronze Age barrows and a "regionally significant" Neolithic cursus monument (a processional way) along with more evidence of Saxon and Roman occupation: such remains should be preserved (perhaps like Arbury Camp?)
- The Archaeological Statement (6.2) states that "*Due to access and agricultural constraints geophysical survey formed the only feasible technique for archaeological field evaluation of the site prior to determination of the current outline application. There is no indication that the geophysical survey has provided anything other than reliable evidence for the site's archaeological potential*". However, it was the digging that provided the evidence of the cursus, flint pits, etc..
- The Archaeological Statement (6.3) notes no current scheduled sites, but due to the potential of the site (6.4) what might further investigation reveal?
- It is not clear what the extent of destruction might be as the impact of building has not been properly assessed. It is likely that building here would result in complete destruction
- Linton is a village of historical significance (having South Cambs only Outstanding Conservation Area) which we promote in the Heritage Trail, for example. Each time there is new building we lose detail from the overall historic picture. We cannot afford to lose more of our cultural heritage. Loss of archaeological evidence diminishes our cultural heritage
- Further evidence of Linton's history is emerging with the enforced investigations for speculative planning applications. We already have evidence of over 5,000 years of habitation, we now have further evidence of the significance and importance of this area
- It is not sufficient to seek further investigation and suitable handling of finds through conditioning. Full investigation and sufficient preservation is required.
- The religious significance of the site is ironic, given that it is the Diocese that wants to destroy this obviously ancient spiritual site - which includes human burial sites.
- Further work is required to establish the extent of the cursus and other remains. Preservation of these should be required. This would, of course, further reduce the area available for development (along with the SUDS, LEAP, public open space, boundary treatments, landscape buffers, bunds and banking, area not owned by the Diocese, allotments, provision of sufficient parking, pedestrian links, area licensed to residents of Harefield Rise to mitigate the overlooking housing above their bungalows, etc..

### **Surface water run-off and Flooding Assessment**

- We would query whether the SUDS scheme is appropriate for the site in principle, in view of the poor percolation of the soil elsewhere on this hillside. No evidence has been provided to demonstrate that the ground is appropriate and would not markedly increase the flooding to the village, and there is no clarity over future management and maintenance of the system, and no clarity about the necessary outlet to a watercourse within the control of the applicant. The proposal is likely to cause significant reduction of permeability over the site and considerable flooding of existing properties below the level of the site.
- The Drainage Strategy, has not taken into account the updated EA flooding Assessment Mapping report, but the strategy does now concede the significant flow of surface water from higher ground resulting in greater potential for flooding.
- Surface water flooding is an issue affecting neighbours, especially those to the south and downhill of the site (as recently seen in Bakers Lane, Martins Lane, Lonsdale, etc)
- The site remains higher than the surroundings housing - considerably higher than the ground level in Harefield Rise (around 5ft or 1.5m from garden level to the field level)



- The treatment at the access of the site (3.2.4) protects the site but adds to flooding potential to Horseheath Road and adjacent properties; the proposed mitigation strategy, should it work, will increase the risk to Lonsdale. This is against LP policy CC9 which allows no increase in flood risk elsewhere. How would the developer insure against this risk?
- The site is above a major aquifer, acknowledged in 3.2.3, which would be sensitive to pollution and any sewage overflows (the village drains system is at capacity - the pipelines regularly block and back-up)
- We would question that the proposed soakaways and SUDs could cope with the sudden torrential rainstorms that we have recently experienced. Climate change predictions would postulate that this would be an increasing phenomena.
- The flow of water in the revised SUDS related scheme is towards the housing in Martins Lane and Lonsdale. The bunds and banks designed to halt this are likely to be washed away or flattened over time (particularly if they should be in private garden - conditioning would not prevent this happening). They would be of reducing efficacy over time.
- The proposed SUDS has an infiltration trench located in the SW corner at the lowest point of the proposed overland flow route. This is near 'Test Pit 1' in the infiltration tests, which drained at only  $1.2 \times 10^{-5} \text{ ms}^{-1}$ . This is lower than the Council's minimum rate which the applicant quotes as  $50 \times 10^{-5} \text{ ms}^{-1}$  (section 3.4.2). At 2.5m depth, the base of this test pit will be at the ground level of the neighbouring properties, which would take the water soaking into the ground here.
- These infiltration tests are the second set of tests to be carried out on this site and that infiltration failed in 3 of the 4 test pits previously.
- The analyses appear to be performed using FSR technique, rather than using the FEH method which might produce a different conclusion. The Environment Agency is clear on the effective differences, including soil wetness across both seasons and time.
- The failed porosity tests and an independent report show this part of the village is lacking in drains capacity and flow.
- The proposed SUDS has no outlet to a natural watercourse so would overflow into neighbouring properties and down lanes.
- Flood water from the surrounding rising ground eventually feeds into the Granta affecting the floodplain (which will be further compromised by recently approved applications on Bartlow Road). This will increase flooding to our village, its centre and villages downstream.

#### **Indicative layout and site plan**

- The area indicated for each dwelling appears rather small, especially when compared to the plans drawn for this to be allotments - we could fit only 44 standard allotments, with screening. The applicant's plan shows 42 houses and 20 allotments, along with the SUDS, LEAP, public areas, boundary treatments, landscape buffers, bunds and banking, the area not owned by the Diocese, sufficient parking, pedestrian links, area licensed to residents of Harefield Rise to mitigate the overlooking housing above their bungalows, etc..
- We have concerns that back-to-back distances would not be met, size of houses being adequate for comfortable living, space for the proposed screening, etc.
- The houses would be similarly close to Wheatsheaf Barn, affecting amenity of the residents.
- The Design and Access statement 8.13 notes that there would be "*defensible garden to the front, in common with existing built form*" This again reduces the achievability of spacing.
- The emerging Local Plan recommends 2 parking spaces per household (1 within curtilage) or 1 per bedroom. Garages are being built too small to accommodate modern cars. There is little public parking, especially if it is to include space for those using the allotments.
- The housing needs for the village are predominantly for bungalows (for disabled access and for older residents to downsize) and affordable homes to reflect the needs of our current population. We note that there are no starter homes included in the mix.

- Housing is described as "mainly being 2 main storeys" (Design and Access Statement 9.2), but recent housing designs tends towards 3rd floor living space, and permissive development allows conversion to living space in the loft/roof space. This would be greatly out of character and with even greater impact on neighbours and the landscape.
- Bungalows on the southern edge are around 1.8m below the ground level of the field, set low so that only part of the roofs are visible from the north. Even the proposed bungalows would overlook the mature dwellings on Harefield Rise and Martins Lane. however, this is outline application only with no guarantee of the final housing mix or plan.
- We question whether the planned development is deliverable, as indicated.

### **Sustainability factors**

- The Planning Statement again includes as benefits such things as affordable housing (which is mandatory) and stipends for the Diocese - not a material planning consideration
- The statement has the usual errors, such as us having 29 shops, nearby bus stops, etc.
- The travel distances are not accurate - see additional information and walking distances map
- Linton is a minor Rural Centre which allows a maximum of 30 houses in a development.
- The infrastructure is already at or very near capacity for GP and medical services, water, sewage, roads, etc.,
- Schools and the Village College are confirmed to be at capacity (In particular LIS has little physical scope for expansion). Expansion of numbers for Linton children will impact on local villages. The resultant need to travel for education is not sustainable and would be an additional cost to CCC.
- Recent development outline approval at Bartlow Road and the piecemeal and cumulative infill developments recently built, or in the course of being built in the village, will absorb any current capacity in utilities and amenities.
- There has been no developer consultation prior to submission - as there was no consultation on layout under the previous application. There has been no public consultation by the Diocese, nor interaction with the Parish Council over this application This does not meet the requirements of the Localism Act.
- The indicative design of the development with its LEAP and open space, its distance from the village facilities, with housing predominantly for commuters, etc, would lead to an introverted community, not "*facilitating social interaction and creating healthy, inclusive communities*" (3.9)
- Even the supposed link to the village only leads into Lonsdale, a small estate at the edge of the village - and there is no guarantee that a link could be legally created. Another link is proposed down Martins Lane, which is privately owned, unadopted and a run off route for surface water flooding. These links are theoretical only.
- To walk to the village centre with its shops, pubs, schools and services, is 1km <sup>3</sup>/<sub>4</sub> mile. To the Rec and sports facilities, nearly a mile (1.4 km). As few will walk, we expect more cars and congestion in the village centre. It is nearly 2km from the Village College. These would be unlikely to be accessed on foot. As a result, the development would add to the traffic and parking problems of the village. *See LPC Sustainability Distances and map.*
- Except for a modest Co-op, our shops are small, serving specialist/niche markets. Residents will shop elsewhere - where they can park - bringing no economic benefit from commerce and no new jobs. Conditioning of Travel Plan packs and co-ordinators does not actually provide any sensible alternatives to car journeys. We have no safe cycle routes, and pavement on only one side of Horseheath Road.
- There is no separate economic assessment but the Planning Statement notes that there will be input to local shops. Linton has few retail shops, and those are mainly aimed at small niche markets. Due to congestion, lack of parking and the distance from the village centre most shopping is done on-line or at supermarkets in Cambridge, Saffron Walden or

Haverhill. The other commercial premises appear to be thriving with their current clientele and village workforce.

- The planning statement indicates that additional jobs would be created during construction, with more in associated employment. Unless there is control of the contract of the Main Contractor (who does the actual building work), which can stipulate and measure the labour used within, say, the local post-codes they will use their own established supply chains. Thus, it is unlikely that there will be any additional employment for local people. We are aware that there was no work for local builders or other trades from the development of The Rookery, Nichols Court or Keene Fields.
- This site provides no potential for employment within the village (except for a Travel Plan Co-ordinator, who might be less than busy) so would probably attract incoming commuters, only adding to the burden on the infrastructure and A1307.
- This application is not sustainable by the criteria applied in the NPPF, and these numbers are not deliverable. It would be an unsympathetic and damaging neighbour to our existing housing and community

### **Traffic and Transport**

- The Transport Assessment looks familiar, using data from 2011 to determine the accessibility, weight of traffic and the problems that would be caused. It is stipulated by CCC Highways (see e-mail from Tam Parry) that traffic data should not be more than 3 years old. The village has more housing since then, as have surrounding villages, Haverhill, Saffron Walden, etc. All of these add to the traffic flow through and affecting Linton.
- More recent data gives a more detailed analysis of the increasing problems on Horseheath Road, for the village and local highways - LPC can expand upon this.
- We would like to highlight the increasing use of Horseheath Road by commuters. We are aware that Horseheath Road, like Balsham, Bartlow and Back roads, and our High Street are being used as a commuter intersection to avoid the issues of the A1307 and to reach the work places around Cambridge (confirmed by the ICENI data for recent planning applications). This results in Horseheath Road being increasingly busy during peak hours - just when residents would want to leave the site. To describe Wheatsheaf Way as quiet is inaccurate, to say the least. It is the route to the Junior school and Balsham Road, which is now a preferred route from the A1307 to the A11 and the City.
- The junction with A1307 is difficult and dangerous; commuters would leave by safer routes through the village, adversely impacting our vulnerable historic village centre.
- Due to parked cars, a large section of Horseheath Road from Wheatsheaf Way as far as the junction with High Street is effectively single lane for much of the day. Insufficient parking on site would lead to further parking on the road, reducing sight lines and increasing hazard.
- Parking and traffic issues are already threatening our bus service. The nearest bus stops are outside sustainability distances with access to express buses around 1.6km, on the A1307.
- Traffic from site would add to the problems caused by recent and expected developments on Horseheath Road having insufficient on-site parking. This road is part of the Safer Routes to School, used by children and the "walking bus". There is pavement on only one side
- The site access is into a 60 mph area, adding to safety issues. The access is opposite that for Wheatsheaf Barn (the Vet's house) compromising their safety of access to Horseheath Road.
- There is only one access to site for cars - a proposed off site path only leads to Lonsdale. Any foot access to Bartlow Road via Martins Lane (3.8 and 3.9) is not likely, especially due water and puddles that form here.
- The paths to the village are not in good condition and poorly lit. Dropped kerbs have already been provided by the Parish Council through MHII. One more, for the benefit of the site, and a few cycle racks would not make development acceptable

### **Other factors**

- Allotments are part of this plan, but if these are leased rather than village-owned, they will easily be lost to further development. Linton has already lost at least 3 leased allotment sites and LPC were pursuing purchase of this land for village food production.
- This is good agricultural land, which should not be lost for food production.
- The status and permanence of the proposed allotments has not been made clear
- The long-term management of the boundary treatments, SUDS, LEAP, etc is also unclear.
- The s106 does not include sufficient Planning Obligation. The scheme would not provide sufficient contribution to compensate for the increased demands on local infrastructure, roads, schools, and other facilities including flood abatement.
- In the absence of clear up-to-date reports, the Holding Objections of s/1969/15/OL remain.
- This development would bring significant harm to the character of the landscape, its historical significance and the environment, that far outweighs any benefit the housing would bring (as there are likely to be more suitable sites elsewhere in the district).

The Local Plan is becoming increasingly robust regarding the housing land supply, ensuring the growing population of Cambridge will be housed, without the need to cause harm to our village by this unsustainable development. Also, the emerging Neighbourhood Plan does not support such developments as this for Linton.

Linton is a thriving village, growing at a natural pace, following development since the 1970's which saw it more than quadruple in size. We have since had small developments, infill houses and extensions, with more expected. We still have space for limited infill housing and would like some social housing to be maintained as rental properties. We can cope with these, but neither want nor need large developments like the four we are faced with at the moment.

In order to remain viable and thriving, Linton does not need to grow beyond the current settlement boundary. This planning application would substantially affect the village and our hard-won quality of life. The obvious and significant harm caused by it would outweigh any claimed benefits.

## Heads of terms for the completion of a Section 106 agreement

| <b>Linton – Horseheath Road (S/3405/17/OL)</b>             |  |
|--|--|
| South Cambridgeshire District Council (Affordable Housing) |  |
| Affordable housing percentage                              | 40%  |
| Affordable housing tenure                                  | 70% affordable rent and 30% Intermediate                                 |
| Local connection criteria                                  | First 8 to be subject to local connection criteria then 50/50 thereafter |

### Section 106 payments summary:

| <b>Item</b>                     | <b>Beneficiary</b> | <b>Estimated sum</b> |
|---------------------------------|--------------------|----------------------|
| Libraries and lifelong learning | CCC                | £4,423 (fixed)       |
| Transport                       | CCC                | £30,000 (fixed)      |
|                                 |                    |                      |
| Sports                          | SCDC               | £44,000 (approx.)    |
| Indoor community space          | SCDC               | £20,000 (approx.)    |
| Household waste bins            | SCDC               | £3,087 (approx.)     |
| Monitoring                      | SCDC               | £1,500 (fixed)       |
|                                 |                    |                      |
| <b>TOTAL</b>                    |                    | <b>£103,010</b>      |
| <b>TOTAL PER DWELLING</b>       |                    | <b>£2,452.62</b>     |

### Section 106 infrastructure summary:

| <b>Item</b>     | <b>Beneficiary</b> | <b>Summary</b>                                |
|-----------------|--------------------|---|
| Allotments (20) | LPC                | No less than 0.4 ha with parking and services |
| LEAP            | SCDC               | Onsite play area serving 2-8 year olds        |

### Planning condition infrastructure summary:

| <b>Item</b>                | <b>Beneficiary</b> | <b>Summary</b>  |
|----------------------------|--------------------|---|
| Strategic landscape buffer | SCDC               | An area 6m deep along the eastern and northern edge of the site to form a strategic landscape buffer  |
| Footpath improvements      | CCC                | <p>Improve the footway provision between the site and the High Street including:</p> <p>Widening the footway in the vicinity of Lonsdale to 2m wide;</p> <p>Installing dropped crossings with tactile paving at the crossing over Horseheath Road near to Wheatsheaf Way;</p> <p>Installing dropped crossing with tactile paving at the</p> |

|           |     |  |
|-----------|-----|--|
|           |     | crossings over Lonsdale and Wheatsheaf Way.  |
| Transport | CCC | Install 10 cycle parking Sheffield stands at locations to be agreed with CCC and Linton Parish Council |
| Transport | CCC | Travel plan welcome pack   |

**CAMBRIDGESHIRE COUNTY COUNCIL**

|                 |   |
|-----------------|---|
| <b>Ref</b>      | CCC1  |
| <b>Type</b>     | Early years   |
| <b>Policy</b>   | DP/4  |
| <b>Required</b> | NO  |
| <b>Detail</b>   | According to County Council guidance the development is expected to generate a net increase of 15 early years aged children of which 7.5 are liable for contributions. In terms of early years' capacity, County education officers have confirmed that there is sufficient capacity in the area to accommodate the places being generated by this development. Therefore no contribution for early year's provision is required. |

|                 |   |
|-----------------|---|
| <b>Ref</b>      | CCC2  |
| <b>Type</b>     | Primary School  |
| <b>Policy</b>   | DP/4  |
| <b>Required</b> | NO  |
| <b>Detail</b>   | According to County Council guidance the development is expected to generate a net increase of 15 primary school places. The catchment school is Linton Infant & Linton Heights Junior schools. In terms of primary school capacity, County education officers have confirmed that there is sufficient capacity in the area to accommodate the places being generated by this development. Therefore no contribution for primary education is required. |

|                 |  |
|-----------------|--|
| <b>Ref</b>      | CCC3   |
| <b>Type</b>     | Secondary school   |
| <b>Policy</b>   | DP/4   |
| <b>Required</b> | YES  |
| <b>Detail</b>   | According to County Council guidance the development is expected to generate a net increase of 9 secondary school places. The catchment school is Linton Village College. County education officers have confirmed that there is sufficient capacity in the area to accommodate the places being generated by this development. Therefore no contribution for secondary education is required. |

|                       |   |
|-----------------------|---|
| <b>Ref</b>            | CCC4  |
| <b>Type</b>           | Libraries and lifelong learning   |
| <b>Policy</b>         | DP/4  |
| <b>Required</b>       | YES   |
| <b>Detail</b>         | <p>The proposed increase in population from this development (42 dwellings x 2.5 average household size = 105 new residents) will put pressure on the library and lifelong learning service in the village. Linton library already serves a population of nearly 5,000 including the villages of Linton, Hildersham and Horseheath.</p> <p>A contribution of £42.12 per increasing population for enhancement to the library in Linton, a total of £5,265 (105 new residents X £42.12).</p> <p>This contribution would be used towards the reorganisation of the layout of Linton Library including the remodelling of the existing library counter, to enable extra shelving units and appropriate resources (both Adult and Junior) to be installed in the library to serve the additional residents.</p> |
| <b>Quantum</b>        | £4,423  |
| <b>Fixed / Tariff</b> | Fixed   |
| <b>Trigger</b>        | 50% of the contribution upon commencement of development  |
|                       | 50% payable prior to occupation of 50% of dwellings   |

|                                  |   |
|----------------------------------|---|
| <b>Officer agreed</b>            | YES   |
| <b>Applicant agreed</b>          | YES   |
| <b>Number Pooled obligations</b> | None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion) |

|                 |  |
|-----------------|--|
| <b>Ref</b>      | CCC5   |
| <b>Type</b>     | Strategic waste  |
| <b>Policy</b>   | RECAP WMDG   |
| <b>Required</b> | NO   |
| <b>Detail</b>   | Thriplow HRC has pooled 5 contributions since 6 April 2010 |

|                 |  |
|-----------------|--|
| <b>Ref</b>      | CCC6   |
| <b>Type</b>     | CCC monitoring   |
| <b>Policy</b>   | None   |
| <b>Required</b> | The District Council does not support County Council monitoring requests on the basis that (i) it is contrary to a Court of Appeal decision on section 106 monitoring (ii) the District Council will undertake this function and share information with CCC and (iii) appeal decisions against SCDC have supported the position that the monitoring of financial contributions does not justify securing a monitoring fee. On this basis the Council considers that the request fails to satisfy the tests as set out in CIL Reg 122 and para 204 of the NPPF. |

|                                  |  |
|----------------------------------|--|
| <b>Ref</b>                       | CCC7   |
| <b>Type</b>                      | Transport  |
| <b>Policy</b>                    | TR/3   |
| <b>Required</b>                  | YES  |
| <b>Detail</b>                    | Contribution of £20,000 towards City Deal proposals for bus priority measures along the A1307 in Linton, principally to go towards a review and recalibration of the operation of the junction of the A1037 with Linton Village College<br><br>Contribution of £10,000 towards City Deal proposals for reducing bus journey times along High Street Linton |
| <b>Quantum</b>                   | £30,000  |
| <b>Fixed / Tariff</b>            | Fixed  |
| <b>Trigger</b>                   | To be paid prior to the occupation of any dwelling   |
| <b>Officer agreed</b>            | YES  |
| <b>Applicant agreed</b>          | YES  |
| <b>Number Pooled obligations</b> | None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion)  |



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

|                                  |  |
|----------------------------------|--|
| <b>Ref</b>                       | SCDC1  |
| <b>Type</b>                      | Sport  |
| <b>Policy</b>                    | SF/10  |
| <b>Required</b>                  | YES  |
| <b>Detail</b>                    | <p>The recreation study of 2013 highlighted that Linton had a deficient level of sports space against South Cambs policies (i.e. the policy requires 7.22 hectares whereas the village only has 3.03 hectares). The study also said that there is a “need for an additional football pitch to meet local need and improved drainage at the existing facility. The cricket club also require an additional pitch to meet the demand for additional junior teams”. It also said the football pitches are prone to flooding.</p> <p>Linton Parish Council has therefore put forward projects that would be located on the recreation ground. These projects include:</p> <ul style="list-style-type: none"> <li>• BMX/skate park</li> <li>• Climbing wall</li> <li>• Changing the bowling green for possible use as Multi Use Games Area, sports/football training area, tennis court, etc.</li> <li>• Trim Trail for adult exercise</li> </ul> <p>The SPD also establishes the quantum of offsite financial contributions in the event that the full level of onsite open space is not being provided:</p> <p>1 bed: £625.73<br/>                 2 bed: £817.17,<br/>                 3 bed: £1,130.04<br/>                 4+ bed: £1,550.31</p> |
| <b>Quantum</b>                   | £44,000 (est)  |
| <b>Fixed / Tariff</b>            | Tariff   |
| <b>Trigger</b>                   | To be paid prior to the occupations of 20 dwellings  |
| <b>Officer agreed</b>            | YES  |
| <b>Applicant agreed</b>          | YES  |
| <b>Number Pooled obligations</b> | One  |

|                       |   |
|-----------------------|---|
| <b>Ref</b>            | SCDC2   |
| <b>Type</b>           | Children’s play space   |
| <b>Policy</b>         | SF/10   |
| <b>Required</b>       | YES   |
| <b>Detail</b>         | <p>The Recreation and Open Space Study July 2013, forming part of the Local Plan submission, showed that Linton needed 3.61 ha Children’s Play Space whereas the village had 0.20, i.e. a deficit of 3.41 ha of Children’s Play Space.</p> <p>The developer is proposing to provide a locally equipped area for play (LEAP) in accordance with the open space in new developments SPD (i.e. 500m2, 9 items of equipment etc).</p> |
| <b>Quantum</b>        | N/A   |
| <b>Fixed / Tariff</b> | N/A   |
| <b>Trigger</b>        | To be laid out and available for use prior to the occupation of 50% of the dwellings  |

|                                  |      |
|----------------------------------|------|
| <b>Officer agreed</b>            | YES  |
| <b>Applicant agreed</b>          | YES  |
| <b>Number Pooled obligations</b> | NONE |

|                                  |   |
|----------------------------------|---|
| <b>Ref</b>                       | SCDC3   |
| <b>Type</b>                      | Allotments  |
| <b>Policy</b>                    | DP/4  |
| <b>Required</b>                  | YES   |
| <b>Detail</b>                    | <p>Linton does not currently have any allotments. Based on the emerging local plan the village would need 1.80 ha of allotment land.</p> <p>This application proposes providing allotment land of no less than 0.4 hectares.</p> <p>Any section 106 agreement will require the laying out of the allotments and ancillary services/facilities with a scheme for the future maintenance and management (inc allocations) to be submitted to the Council for approval</p> |
| <b>Quantum</b>                   | N/A   |
| <b>Fixed / Tariff</b>            | N/A   |
| <b>Trigger</b>                   | To be laid out and available for use prior to the occupation of 25 dwellings  |
| <b>Officer agreed</b>            | YES   |
| <b>Applicant agreed</b>          | YES   |
| <b>Number Pooled obligations</b> | NONE  |

|                 |   |
|-----------------|---|
| <b>Ref</b>      | SCDC4   |
| <b>Type</b>     | Offsite indoor community space  |
| <b>Policy</b>   | DP/4  |
| <b>Required</b> | YES   |
| <b>Detail</b>   | <p>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.</p> <p>The Council undertook an external audit and needs assessment undertaken in 2009, in respect of all primary community facilities in each village. The purpose of this audit was threefold (i) to make a recommendation as to the indoor space requirements across the District (ii) to make a recommendation on the type of indoor space based on each settlement category and (iii) make a recommendation as to the level of developer contributions that should be sought to meet both the quantity and quality space standard.</p> <p>Whilst not formally adopted as an SPD, this informal approach was considered and approved at the Planning and New Communities portfolio holder's meeting on 5th December 2009 and has been applied since.</p> <p>The community facilities audit of 2009 highlighted that Linton had a deficient level of indoor community space against South Cambs policies (i.e. the policy requires 111m2 per 1000 people therefore Linton requires 488m2 of space, whereas the village only has 160m2). The study also highlighted that a number of improvements should be made to Linton Village Hall.</p> |

|                                  |  |
|----------------------------------|--|
|                                  | <p>Linton Village Hall is run by a charity and is said to accommodate 170 seated, 200 standing. It holds entertainment licence but no alcohol licence, no public dances, disabled access and toilet, basic kitchen available but no food preparation allowed on the premises. Evening functions should end by 11.45pm (source Cambridgeshire.net website).</p> <p>As such Linton Village Hall is not considered to satisfy South Cambs indoor community facility standards from a quality perspective as well as quantity.</p> <p>If the application were to be approved then Linton Parish Council would look to fund several internal and external improvements to Linton Village Hall;</p> <p>Likely projects to improve Linton Village Hall include:</p> <ul style="list-style-type: none"> <li>• Renovate/modernise the kitchen</li> <li>• Refurbish the ladies' and gents' toilets,</li> <li>• Redesign the foyer to create a modern look and feel</li> <li>• Canopy replacement</li> </ul> <p>The contribution required as per the indoor community space policy would be:</p> <p>1 bed - £284.08<br/> 2 bed - £371.00<br/> 3 bed - £513.04<br/> 4+ bed - £703.84</p> |
| <b>Quantum</b>                   | Circa £20,000  |
| <b>Fixed / Tariff</b>            | Tariff   |
| <b>Trigger</b>                   | To be paid prior to the occupations of 15 of the dwellings   |
| <b>Officer agreed</b>            | YES  |
| <b>Applicant agreed</b>          | YES  |
| <b>Number Pooled obligations</b> | None (although this will soon be 1 as the s106 for the Bartlow Road application is close to completion)  |

|                                  |   |
|----------------------------------|---|
| <b>Ref</b>                       | SCDC5   |
| <b>Type</b>                      | Household waste receptacles                       |
| <b>Policy</b>                    | RECAP WMDG  |
| <b>Required</b>                  | YES   |
| <b>Detail</b>                    | £73.50 per house and £150 per flat                |
| <b>Quantum</b>                   | See above   |
| <b>Fixed / Tariff</b>            | Tariff  |
| <b>Trigger</b>                   | Paid in full prior to commencement of development |
| <b>Officer agreed</b>            | YES   |
| <b>Applicant agreed</b>          | YES   |
| <b>Number Pooled obligations</b> | None  |

|                         |   |
|-------------------------|---|
| <b>Ref</b>              | SCDC6   |
| <b>Type</b>             | S106 Monitoring                                   |
| <b>Policy</b>           | Portfolio holder approved policy                  |
| <b>Required</b>         | YES   |
| <b>Detail</b>           |   |
| <b>Quantum</b>          | £1,500  |
| <b>Fixed / Tariff</b>   | Fixed   |
| <b>Trigger</b>          | Paid in full prior to commencement of development |
| <b>Officer agreed</b>   | YES   |
| <b>Applicant agreed</b> | YES   |

|                                  |      |
|----------------------------------|------|
| <b>Number Pooled obligations</b> | None |
|----------------------------------|------|

|                                  |  |
|----------------------------------|--|
| <b>Ref</b>                       | SCDC7  |
| <b>Type</b>                      | Onsite open space and play area maintenance  |
| <b>Policy</b>                    |  |
| <b>Required</b>                  | YES  |
| <b>Detail</b>                    | <p>Paragraph 2.19 of the Open Space in New Developments SPD advises that 'for new developments, it is the developer's responsibility to ensure that the open space and facilities are available to the community in perpetuity and that satisfactory long-term levels of management and maintenance are guaranteed'. The Council therefore requires that the on-site provision for the informal open space and the future maintenance of these areas is secured through a S106 Agreement. Para 2.21 advises that 'if a developer, in consultation with the District Council and Parish Council, decides to transfer the site to a management company, the District Council will require appropriate conditions to ensure public access and appropriate arrangements in the event that the management company becomes insolvent (a developer guarantee)'.</p> <p>It is the Local Planning Authority's preference that the public open space is offered to the Parish Council for adoption, recognising that the Parish Council has the right to refuse any such offer.</p> <p>If the Parish Council is not minded to adopt onsite public open space the owner will be required to provide a developer guarantee of sufficient value to be a worthwhile guarantee. Furthermore with the details of the guarantee and guarantor would need to be submitted to and approved in writing by the Council prior to commencement of development. Should this not be forthcoming the planning obligation will also be required to include arrangements whereby the long term management responsibility of the open space areas and play areas passes to plot purchasers in the event of default.</p> |
| <b>Quantum</b>                   |  |
| <b>Fixed / Tariff</b>            |  |
| <b>Trigger</b>                   |  |
| <b>Officer agreed</b>            | YES  |
| <b>Applicant agreed</b>          | YES  |
| <b>Number Pooled obligations</b> | None   |



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Scale - 1:2500

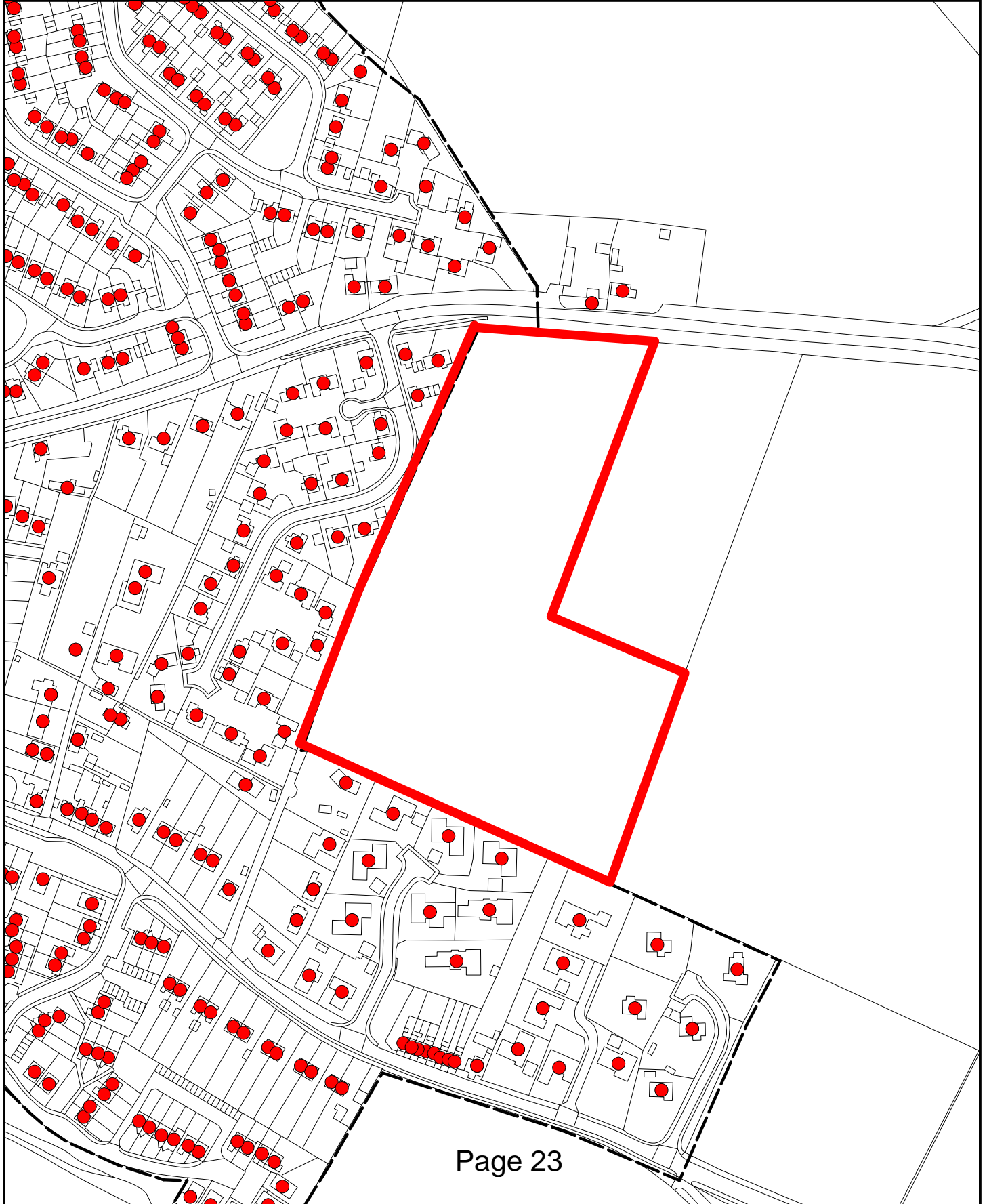
Time of plot: 13:47

Date of plot: 16/11/2017



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Cambridgeshire  
District Council**

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# Agenda Item 5

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 6 December 2017  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/3184/17/FL

**Parish(es):** Linton

**Proposal:** Erection of 6 market dwellings and 3 affordable housing dwellings following demolition of existing dwelling

**Site address:** 1 Horseheath Road

**Applicant(s):** Domus CB3 Developments LLP

**Recommendation:** Refusal

**Key material considerations:** Principle of Development  
Density  
Housing Mix  
Affordable Housing  
Developer Contributions  
Character and Appearance of the Area  
Biodiversity  
Trees/ Landscaping  
Highway Safety  
Flood Risk  
Neighbour Amenity

**Committee Site Visit:** Yes

**Departure Application:** No

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

**Application brought to Committee because:** Request from the Local Member

**Date by which decision due:** 8 December 2017 (Extension of Time agreed)

### Planning History

S/0623/16/OL - Outline application for Demolition of the existing dwelling and erection of 7 dwellings - Approved

S/2019/15/OL - Demolition of the existing dwelling and erection of 9 dwellings – Refused

*The proposal would result in overdevelopment of the site by virtue of the applicant's failure to demonstrate that nine dwellings would not result in harm to the amenity of adjoining neighbouring properties. The proposal would therefore be contrary to*

*Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Core Strategy DPD 2007 that states a new development should preserve or enhance the character of the local area and planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.*

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

S/2112/07/F - Erection of 10 Sheltered Retirement Homes – Withdrawn

S/1395/86/F - Removal of agricultural occupancy condition (1953)- Approved

### **Environmental Impact Assessment**

The application does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and would not exceed the criteria in section 10b of Schedule 2 of the regulations. The application does not therefore require the submission of an Environmental Impact Assessment.

### **National Guidance**

National Planning Policy Framework 2012  
National Planning Practice Guidance

### **Development Plan Policies**

#### **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**

ST/2 Housing Provision  
ST/5 Minor Rural Centres

#### **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/6 Biodiversity  
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

#### **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



**South Cambridgeshire Local Plan Submission - March 2014**

S/3 Presumption in Favour of Sustainable Development  
S/5 Provision of New Jobs and Homes  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
HQ/1 Design Principles  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/4 Biodiversity  
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

**Consultation**

**Linton Parish Council** – Recommends regretful refusal and requests that the application is referred to the Planning Committee. Has the following comments: -  
“The agent for the developer, Mr Anderson was in attendance and requested to speak regarding the application prior to the Parish Council’s consideration of the application, this was permitted by the Chairman.

Mr Anderson advised that the new application addressed a lot of the issues that were originally raised on this application by the parish Council and continued that the original application submitted was for seven dwellings under a previous developer. Mr Anderson’s clients have since bought the land and reviewed this following a meeting with the parish Council, in which the demographic needs of the village were raised. As a result, the new application is for nine dwellings, to allow for the inclusion of affordable houses and three bungalows.

Mr Anderson also advised that they have also addressed the concerns regarding overlooking as the upper levels facing parsonage Way will all have opaque windows or raised sills and Plot 6 facing Kinsey Place will have no windows on the upper level facing this road to prevent any concern of overlooking.

Council were advised that there had been some adjustments to the some of the designs and floor plans, the maps of which have recently been submitted to SCDC which will be available to the Parish Council shortly to allow them to view in more detail.

A resident also requested to speak on this item advising that she resides on Parsonage Way and is one of the houses with the closest proximity to the development.

She thanked the developers for taking into account the overlooking and for attempting to address this however advised that plots 1 to 3 fall within 25ft of their property boundary and as a result this meant that her property would be overlooking the proposed plots from the first floor bedroom.

She continued that the other area of amenity to cover is noise and the visual aspects, stating that six of the two-storey building being built where only one property previously sat would remove all privacy from her garden. It was also brought to the Council's attention that the road was not wide enough for bin collection vehicles nor fire engines, as the turning point was less than 90 metres, of which the resident advised was in breach of building controls section B5, subsection 11 of the building controls policy document.

Mr Anderson responded that the properties would be fit with independent sprinkler systems which negated this as a concern or issue.

Linton Parish Council noted that this was prime infill development site close to amenities, however the right development was needed. They also thanked both the agent and developer for attending the meeting with the Parish council to discuss the application and noted that they were pleased many of their comments were taken on board. The Council were pleased to see more bungalows as this was a demographic requirement. However, there were concerns that access to bin collect points being so far away negated this focus. There were now concerns of overdevelopment due to the addition of three bungalows increasing the application from the approved seven to nine and this also created concerns regarding the close proximity of the proposed bungalows to the trees with TPO's on them. Concerns were also raised regarding the protection of the boundary hedge with Horseheath Road. The overlooking of the children's playground at the Cathodean Centre had been addressed but concerns remain for neighbours at Parsonage Way.

**Local Highways Authority** – Requires conditions in relation to vehicular visibility splays as shown on the block plan, the driveway constructed so that it falls and levels are such that no private water drains on to the public highway, the driveway to be constructed from bound material, the removal of permitted development rights for new accesses to Plots 7,8 and 9 on to Horseheath Road, a traffic management plan during works and the submission of a letter to state that the site will not be presented for adoption now or in the future. Suggests an informative with regards to works to the public highway.

**Trees and Landscapes Officer** – Has no objection in principle. Comments that there are three protected trees on or adjacent to the site, a Cedar, Pine and Beech. These trees are important within the landscape and appear in good health and structural condition. There is no indication in the application that there are any works recommended to the trees to facilitate development or for general maintenance. Ideally the location of the protective fencing would have been indicated on a plan. There are some concerns over future grading of the site and no grading should occur within the RPA of any of the trees. There is also a question over the need for a retaining wall. The Beech tree will become larger with age and domineering over the corner unit's garden and the Cedar has branches to the ground that are substantial and in close proximity to adjacent properties. The Council will take a dim view of any tree works for overhang, encroachment, light restriction, height and leaf fall. Requires a condition in relation to a detailed Arboricultural Method Statement and Tree Protection Strategy if a retaining wall is built within the RPA of the Pine tree.

**Landscape Design Officer** – Has no objections in principle to development on the site but comments that the present layout is overdeveloped. Plots 7, 8 and 9 would be visible and uncharacteristic with the existing street frontage along Horseheath Road due to their close proximity to the southern site boundary, Plots 1 and 6 would be too close to the existing site boundaries and Plots 7, 8 and 9 would have small gardens that would be in shade due to retention of the boundary hedge.

**Environmental Health Officer** – Requests conditions in relation to hours of use of site machinery and plant, noisy works and construction related deliveries, pile driven foundations and burning of waste. Suggests an informative with regards to noise and disturbance to neighbours.

**Contaminated Land Officer** – Comments that there are no immediately evident environmental constraints that would require an investigation into contamination. However, given the sensitive end use, a condition is suggested in relation to contamination found on site during works.

**Drainage Officer** – Has no objections subject to conditions in relation to surface water and foul drainage.

### **Representations**

One letter of representation has been received from the occupiers of **No. 24 Parsonage Way**. Concerns are raised with regards to the previous refusal and that the current proposal demonstrates that there would be harm to the amenities of their property as five of the nine dwellings would fall within 25 metres (between 17 and 23 metres window to window and closer physically). There are also concerns that the ground floor dining room windows to Plots 1 to 3 fall within 25 metres of their first floor bedroom windows and that the first floor windows to Plots 1 to 5 fall within 25 metres of their ground floor windows and although frosted and high level can still be opened. Further concerns are that two-storey buildings would be intimidating as they would be between 7.5 and 14.75 metres of the southern boundary to the garden and will lead to overshadowing and the noise from six properties in such close proximity. They are pleased to note the Landscape Comments that state the present layout is overdeveloped but comment that there not enough space to turn a fire tender or refuse truck on the development.

### **Site and Surroundings**

The site is located within the Linton village framework. It measures 0.3 of a hectare in area and currently comprises a detached, two storey dwelling set within a large plot in an elevated position above Horseheath Road. There is a Cedar tree and Pine tree along the front (southern) boundary of the site and a Beech tree close to the rear (northern) boundary that are protected by Tree Preservation Orders. The site is situated within flood zone 1 (low risk).

Modern housing developments are situated to the north and west of the site. A mix of dwellings is situated on the southern side of Horseheath Road. The Cathodean centre is situated to the west.

### **Proposal**

The proposal seeks permission for the erection of nine dwellings following demolition of the existing dwelling. Three dwellings would be affordable to meet local needs. The remaining six dwellings would be available for sale on the open market. The affordable housing mix proposed is 3 x one bedroom bungalows. The market mix proposed is 1 x two bedroom house, 4 x three bedroom houses and 1 x four bedroom house.

There would be a single access point (5 metres width) to Horseheath Road to the west of the site adjacent the access to the Cathodean Centre. The road would run

northwards along the eastern boundary and then turn eastwards.

The two-storey detached dwellings would be sited on the northern part of the site and would have a maximum height of 7.9 metres. The single storey detached and semi-detached bungalows would be sited on the southern part of the site closer to Horseheath Road and have a maximum ridge height of 4.9 metres. The designs of the two-storey dwellings would incorporate gables and the bungalows would have hipped roof forms. The materials of construction are likely to be brick, render and boarded walls with slate roofs.

Each two-storey dwelling would have two parking spaces and each bungalow would have one parking space. One visitor parking space has been provided adjacent to the bungalows.

The Cedar, Pine and Beech trees subject to the Tree Preservation Orders would be retained and protected. A small 5 metres section of the hedge along Horseheath Road would be lost as a result of the access but the remainder would be retained and protected.

### **Planning Assessment**

The key issues to consider in the determination of this application relate to the principle of development, density, housing mix, affordable housing, developer contributions, and the impacts of the development upon the character and appearance of the area, biodiversity, trees/landscaping, highway safety, flood risk and the amenities of neighbours.

The previous outline application on the site for nine dwellings under reference S/2019/15/OL was refused permission. The indicative layout plan was very similar to the layout shown on the current layout plan.

### **Principle of Development**

The site is in the village framework of a Minor Rural Centre where there is a good range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms.

The demolition of the existing dwelling and the erection of nine dwellings is therefore supported in principle.

The existing dwelling is not of any significant architectural or historic merit and there are no objections in principle to its demolition.

The development of the site for residential purposes has been established through planning permission granted for 7 dwellings under reference S/0623/16/OL.

The proposal would therefore comply with Policy ST/5 of the LDF.

### **Housing Density**

The site measures approximately 0.28 of a hectare in area. The proposed scheme of 9 dwellings would equate to a density of 32 dwellings per hectare. Whilst this would not meet the requirement of 40 dwellings per hectare in more sustainable locations, it is considered acceptable given the constraints of the site such as the protected trees.

The proposal would therefore accord with Policy HG/1 of the LDF.

### **Affordable Housing**

The provision of three affordable dwellings to meet local needs within a development with a net increase of 8 dwellings would represent 40% of the net increase in the number of dwellings. A Registered Provider (CHS Group) has submitted a letter that demonstrates their intention to purchase the units subject to certain provisos.

The proposal would therefore comply with Policy HG/3 of the LDF.

### **Housing Mix**

Six dwellings would be available on the open market. The mix would consist of one x 2 bed dwelling, four x 3 bed dwellings and 1 x four bed dwelling. This mix would not comply with Policy HG/2 of the LDF that seeks a greater proportion of small units of accommodation in developments of up to 10 dwellings. However, it would provide a greater mix of dwellings sizes that would be more closely related to the emerging housing mix policy that states that developments of up to 10 dwellings should reflect local circumstances and can be given some weight due to the status of the plan and the lack of objections.

The proposal would therefore comply with Policy H/8 of the emerging Local Plan.

### **Developer Contributions**

Planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.

Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of 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.

Notwithstanding the above and in this case, the need for contributions towards open space, community facilities and waste receptacles are not considered necessary to make the development acceptable in planning terms given its small scale as the Written Ministerial Statement (WMS) dated 28 November 2014 that states contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm is a material consideration in the decision making process that would justify departure from local policy.

Whilst the proposal would not therefore accord with Policies DP/4, SF/10 and SF/11 of the LDF and Policy SC/6 of the emerging Local Plan, it would accord with the WMS.

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

The northern side of Horseheath Road originally had a lower density of housing with single detached dwellings set within large plots. However, the character has gradually changed over the years and now comprises fairly high density, in-depth, modern

housing developments.

The proposed siting and of the single storey dwellings on the front section of the site close to Horseheath Road would project forward of dwellings in Kinsey Place to the east and the Cathodean Centre to the west. Although Plot 7 is considered acceptable as it would be well screened by the existing hedge and the protected trees, the dwellings on Plots 8 and 9 as a result of the elevated levels, orientation and position adjacent the access that has less screening would be unduly prominent cramped form of development at the entrance to the site.

The proposed siting of the two-storey dwellings on the rear portion of the site would be satisfactory and reflect the character and spacing of dwellings in Parsonage Way.

The proposed form and design of the dwellings are considered satisfactory and would be in keeping with the character and appearance of the area that comprises a mix of different styles of dwellings. The dwelling on Plot 1 would have a greater height and design that would create a key focal point to the development along the access from Horseheath Road.

Whilst it is noted that a greater variety of housetypes would be preferable as four of the dwellings have the same design, this would not warrant refusal of the application.

The external materials of construction for the development would replicate those found in the surrounding area. A condition would be attached to any consent to agree the precise details.

The garden areas of the dwellings would comply with the advice set out in the District Design Guide.

Although it would be preferable if the parking spaces to Plots 1 and 6 were better located within the development away views, they are not considered unacceptable.

Whilst the bin collection point would be located over 30 metres away from some plots, this is considered reasonable as it needs to be within 25 metres of Horseheath Road for collection by the refuse vehicle. The position shown is considered the most appropriate location and would not warrant refusal of the application given that distances are a guide only.

Given the above concerns in relation to the siting of the dwellings, the proposal would not accord with Policy DP/2 of the LDF.

### **Trees/ Landscaping**

The site comprises Cedar and Pine trees close to the southern boundary that are protected by a Tree Preservation Order and a hedge along the southern boundary with Horseheath Road. There is also a Beech tree outside of the site but close to the northern boundary that is protected by a Tree Preservation Order.

The proposal would result in the retention and protection of these important landscape features that contribute to the visual amenity of the area. Although the buildings would not encroach into the Root Protection Areas of the trees, some works such as the road, hard surfaces, potential grading works and retaining walls are shown to encroach into the edge of the Root Protection Areas. Whilst the hard surfaces are acceptable as they would be of limited depth construction, a condition is required to be attached to any consent agree a detailed Arboricultural Method Statement and

Tree Protection Strategy in relation to the Pine tree due to the road, grading works and retaining wall. In addition, a condition is required in relation to the installation of the tree protection measures in accordance with the strategy prior to the commencement of any development, retained through the construction of the development and removed upon completion.

The proposal would therefore comply with Policy NE/6 of the LDF.

### **Biodiversity**

The existing existing dwelling on the site has been subject to an initial survey and evening emergence surveys to determine whether it provides a wildlife habitat for bats or birds.

Some droppings of long eared bats were found within the roofspace of the house that confirms the building is used by bats. However, no bats were found inside the building. Recordings and observations of Common Pipistrelle bats, Serotine bats and Brown long eared bats were made during the evening emergence survey but these were not considered to have emerged from the house and were likely to have been roosting elsewhere off site.

It is considered that the existing dwelling is used as a day roosting site and/or a night roosting site by Brown Long eared bats. The demolition of the dwelling may result in the disturbance of bats and the loss of a roosting site. Therefore, appropriate bat mitigation and compensation measures are required to ensure that the proposal would not result in the loss of any important wildlife habitats.

The report recommends that a bat license is obtained as bats are protected by law. In addition, immediately prior to the demolition of the building, a licensed ecologist must inspect the roof space of the building for the presence of bats. A soft demolition should take place with a licensed ecologist present. The new development should provide replacement bat roosting sites by leaving small gaps under ridge or hip tiles on the new buildings and through the incorporation of bat boxes to the buildings.

A starling nest was found within the south east end of the existing dwelling and several shrubs and trees on the site were noted as suitable nesting habitats.

The report recommends that to avoid disturbance to nesting birds, a check should be made for the presence of any nesting birds. If these are found, the demolition of the dwelling and any works to remove vegetation should not be carried out during the bird nesting season March to August (inclusive).

The new development should incorporate bird boxes to compensate for the loss of the existing nesting site.

The mitigation of the lost habitats and ecological enhancement measures would be subject to a condition of any consent.

The development would therefore comply with Policy NE/6 of the LDF.

### **Highway Safety and Parking**

The proposal would result in an increase in traffic generation. However, this is not considered adversely affect the capacity and functioning of the public highway and be detrimental to highway safety.

The design of the access is acceptable and would accord with Local Highways Authority standards in terms of its width and visibility splays.

Conditions would be attached to any consent to ensure that the access is constructed from bound material, falls away from the highway and has adequate vehicular visibility splays to ensure that it would Local Highway Authority standards.

The development is not considered to obstruct the visibility splay for vehicles that exit the access to the car park as this is mainly on highway land.

A condition is not considered necessary in relation to the adoption of the road as this is a highway matter.

There is not a requirement for refuse vehicles to turn on site as a bin collection point has been provided close to Horseheath Road so they do not have to enter the development.

The dwellings would have sprinkler systems so a fire appliance would not need to enter the site. However, if required, it could access the development as the road can accommodate the vehicles and would only need to reverse on to the highway in an emergency.

Two parking spaces would be provided for each of the market dwellings and one parking space would be provided for each affordable dwelling. One visitor parking space would be provided. This would result in a total of 16 parking spaces for 9 dwellings. This is considered satisfactory as the District Council's parking standards require an average of 1.5 spaces per dwelling and 0.25 visitor spaces per dwellings.

One secure and undercover cycle parking space within a garden shed would be provided for each dwelling in accordance with the cycle parking standards.

The proposal is therefore considered to comply with Policies DP/3 and TR/2 of the LDF.

### **Flood Risk**

The site is situated within Flood Zone 1 (low risk). The scheme proposes discharge of surface water via infiltration methods such as soakaways and an acco drain. This is considered acceptable and would not increase the risk of flooding to the site and surrounding area providing a condition is attached to any consent to agree precise details.

The development would therefore accord with Policy NE/11 of the LDF.

### **Neighbour Amenity**

The development is considered to adversely affect the amenities of occupiers of the proposed dwellings through a significant loss of privacy. However, it is not considered to seriously harm the amenities of occupiers of the existing dwellings through an unduly overbearing mass, through a significant loss of light or overshadowing, through overlooking leading to a loss of privacy or through an unacceptable increase in the level of noise and disturbance.

The first floor windows in the rear elevation of the new dwellings on Plots 1, 2, 3, 4



and 5 serving bathrooms would not result in overlooking to the dwelling and garden of the neighbour at No. 24 Parsonage Way as a condition would be attached to any consent to ensure that they are obscure glazed and fixed shut. The first floor windows in the rear elevation of the dwellings on Plots 2, 3, 4 and 5 serving the bedroom/study would not result in a loss of privacy to the garden or dwelling of that property as it would be high level with a sill height of 1.75 metres.

The first floor bedroom windows in the side elevation of the dwelling on Plot 1 are not considered to result in overlooking of the children's play area at the Cathodean Centre given the distance of at least 20 metres and separation by a road and screening.

The first floor windows in the side elevations of the dwellings on Plots 1, 2, 3, 4 and 5 and 6 are not considered to result in overlooking as they serve non-habitable rooms as a condition would be attached to any consent to ensure that they are obscure glazed.

The development is not considered to result in an unduly overbearing mass or loss of light to the existing dwelling or garden at No. 24 Parsonage Way as although orientated to the south, the dwellings would be situated at least 10.5 metres off the boundary and 17 metres from the nearest windows. This relationship is, on balance, considered satisfactory.

The development is not considered to adversely affect the amenities of the neighbour at No. 33 Parsonage Way as this property has no windows in its south side elevation, and the windows to Plot 6 would be set 10.5 metres off the boundary and the garden would be screened by a protected tree.

The development is not considered to adversely affect the amenities of the neighbour at No. 4 Kinsey Place as this property has a roof light serving a non-habitable room in its west elevation and its garden is to the south away from the dwelling.

The development would not result in an unacceptable increase in the level of noise and disturbance that would seriously harm the amenities of neighbours as the gardens would remain close to the boundary as per the existing situation. A condition would be attached to any consent to control the hours of use of power operated machinery, noisy works and construction related deliveries to safeguard the amenities of neighbours.

However, the existing dwelling at No. 24 Parsonage Way is considered to result in overlooking and a loss of privacy to the gardens of the new dwellings on Plots 1 and 2. The first floor bedroom window and second floor bedroom and family room roof lights in the rear (south) elevation would be situated just 9 metres from the rear part of the garden and 20 metres from the main sitting out area to the rear of the dwelling. This relationship was the same as on the indicative plan of the previously refused application and is not considered acceptable.

The first floor window and roof light in the side elevations of No. 24 Parsonage Way would not result in a loss of privacy given the oblique angle of view of the window and high level of the roof light.

Notwithstanding the above, the existing protected trees close to the southern boundary of the site are considered to seriously harm the amenities of the future occupiers of the dwellings on Plots 7 and 8 through being visually dominant when viewed from their rear gardens.

The proposal would therefore contravene Policy DP/3 of the LDF.

### **Other Matters**

A condition would be attached to any consent in to secure remediation for any contamination found on site during the development.

A condition would be attached to any consent in relation to foul drainage to ensure that an appropriate method is agreed.

### **Housing Land Supply**

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.

The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply based on the methodology used by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest assessment of housing delivery (in the housing trajectory March 2017). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.

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. The affected policies, on the basis of the legal interpretation of "policies for the supply of housing which applied at the time of the Waterbeach decision, were: 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).

Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court defined 'relevant policies for the supply of housing' widely and held that the term was so not to be restricted to 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies in the Council's development plan which have the potential to restrict or affect housing supply were to be considered out of date in respect of the NPPF. The decision of the Court of Appeal tended to confirm the approach taken by the Inspector who determined the Waterbeach appeal. As such, as a result of the decision of the Court of Appeal, policies including policy ST/5 of the Core Strategy and policies DP/1(a) and DP7 of the Development Control Policies DPD fell to be considered as "relevant policies for the supply of housing" for the purposes of NPPF para.49 and therefore "out of date".

However, the decision of the Court of Appeal has since been overturned by the Supreme Court, in its judgement dated 10 May 2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be

considered as “relevant policies for the supply of housing” for the purposes of the NPPF. The term “relevant policies for the supply of housing” has been held by the Supreme Court to be limited to “housing supply policies” rather than more being interpreted more broadly so as to include any policies which “affect” the supply of housing, as was held in substance by the Court of Appeal.

The effect of the Supreme Court’s judgement is that policies ST/5, DP/1(a) and DP/7 are no longer to be considered as “relevant policies for the supply of housing”. They are therefore not “out of date” by reason of paragraph 49 of the NPPF. None of these adopted policies are “housing supply policies” nor are they policies by which “acceptable housing sites are to be identified”. Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the Framework at para. 7. It is considered that policies ST/5, DP/1(a) and DP/7, and their objective, individually and collectively, of securing locational sustainability, accord with and further the social and environmental dimensions of sustainable development, and accord therefore with the Framework.

However, given that the Council cannot demonstrate currently a five year housing land supply, its “housing supply policies” remain out of date (albeit “housing supply policies” do not now include policies ST/5, DP/1(a) or DP/7). As such, and in accordance with the decision of the Supreme Court, para. 14 of the NPPF is engaged and planning permission for housing development should be granted, inter alia, “unless an adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of [the] Framework taken as a whole ...”.

## **Balance**

Given the Council’s lack of a 5 year housing land supply, the benefits of the development need to be weighed against the adverse impacts of the development.

The development is considered to have the following benefits: -

- i) The provision of eight dwellings towards the need for housing in the district including three affordable dwellings.
- ii) The provision of an adequate scale of development in a sustainable location in the village framework.
- iii) The provision of some employment during the construction of the development.
- iv) The contribution of the occupiers of the dwellings towards local services and facilities.

The development is considered to have the following adverse impacts: -

- i) Harm to the character and appearance of the area as a result of the layout of the development.
- ii) Adverse impact upon the amenities of the occupiers of the proposed dwellings on Plots 1 and 2 through a loss of privacy to their gardens from the existing dwelling at No. 24 Parsonage Way.
- iii) Adverse impact upon the amenities of the occupiers of the proposed dwellings on Plots 7 and 8 from the protected Cedar and Pine trees close to the southern boundary of the site visually dominating their gardens.

In this case, the impact upon the character and appearance of the area and the amenities of the future occupiers of the dwellings are afforded substantial weight with the provision of eight dwellings including three affordable dwellings given some weight. Therefore, the adverse impacts are considered to significantly and demonstrably outweigh the benefits.

## **Conclusion**

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 not be granted in this instance.

## **Recommendation**

Refusal for the following reasons:

1. The proposed development by virtue of the siting of Plots 7 and 8 in close proximity to Horseheath Road, is considered to result in an unduly prominent cramped form of development at the entrance to the site that would harm the character and appearance of the area. The proposal is therefore contrary to Policy DP/2 of the of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states all new development must be of high quality design and preserve or enhance the character of the local area.

2. The existing dwelling at No. 24 Parsonage way, by virtue of the position of the first floor bedroom window in the rear elevation, is considered to adversely affect the amenities of the future occupiers of the dwelling on Plots 1 and 2 through a loss of privacy. The proposal is therefore contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

3. The existing protected trees close to the southern boundary of the site, by virtue of their positions, are considered to seriously harm the amenities of the future occupiers of the dwellings on Plots 7 and 8 through being visually dominant when viewed from their rear gardens. The proposal is therefore contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

## **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 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/3184/17/FL, S/0623/16/OL, S/2019/15/OL, S/2504/14/OL and S/2112/07/F

### **Report Author:**

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Principal Planning Officer  
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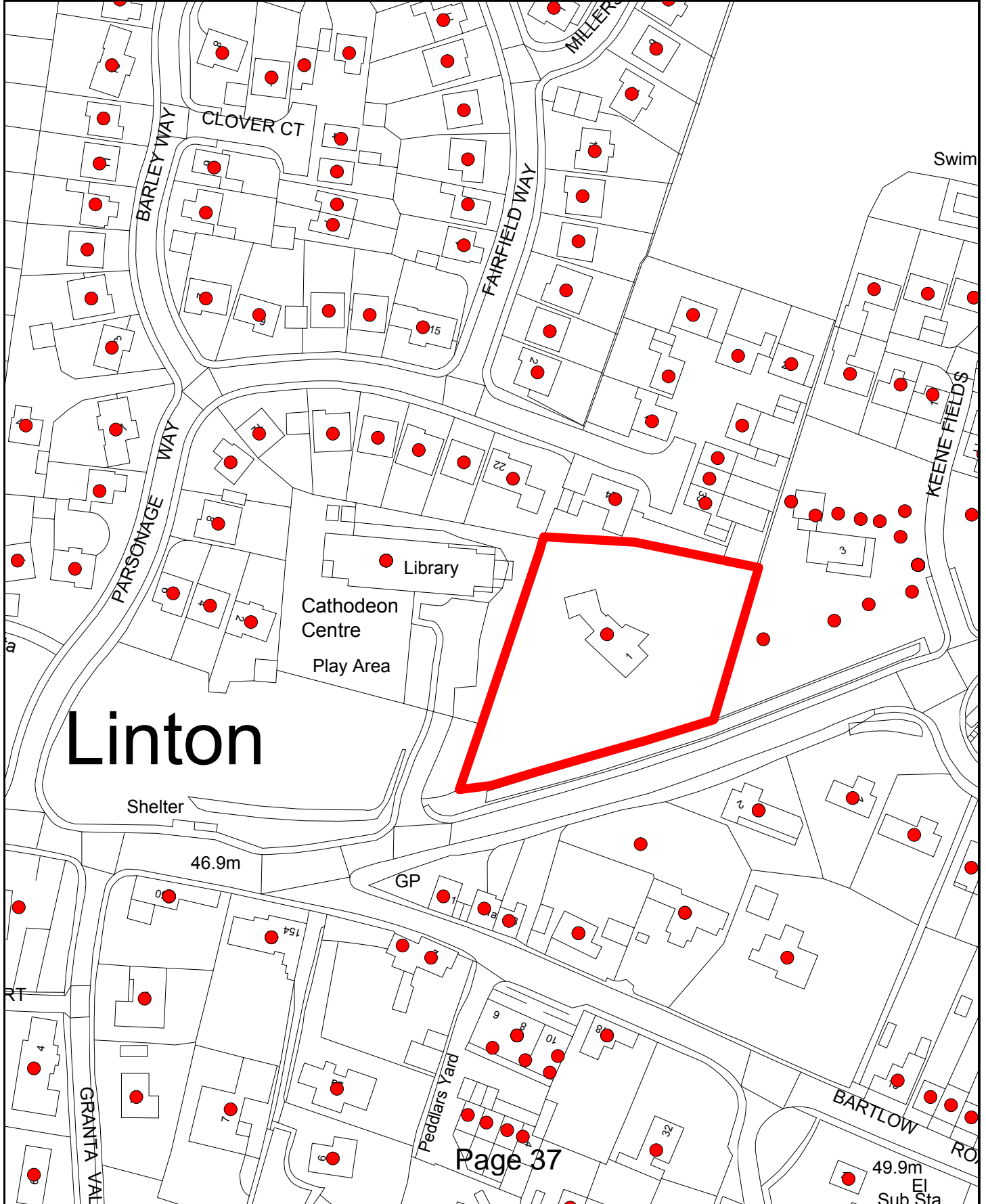
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South Cambridgeshire District Council

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# Agenda Item 6

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 06 December 2017  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/2745/17/OL

**Parish:** Horseheath

**Proposal:** Application for outline planning permission with all matters reserved apart from access for 8 dwellings.

**Site address:** Land adj The Police House, Linton Road, Horseheath, CB21 4QF

**Applicant(s):** Thurlow Estate – F & B

**Recommendation:** Delegated Approval subject to the completion of a section 106 agreement.

**Key material considerations:** Housing supply  
Principle of development  
Density  
Housing mix  
Affordable Housing  
Impact on services and facilities  
Impact on landscape, local character, heritage impact and loss of agricultural land  
Ecology, trees and hedging  
Noise, emissions and lighting  
Residential amenity  
Highway Safety and Parking  
Archaeology  
Flood Risk, Surface Water and Foul Water Drainage  
Contamination  
Developer contributions  
Other matters

**Committee Site Visit:** Yes

**Departure Application:** Yes - advertised as a departure on 23 August 2017 and development affecting Conservation Areas and/or setting of Listed Buildings on 04 October 2017

**Presenting Officer:** Lydia Pravin, Senior Planning Officer

**Application brought to Committee because:** The recommendation of officers conflicts with that of the Parish Council and Local Member and approval would represent a departure from the Local Plan

**Date by which decision due:** 01 Feb 2018 (Extension of time to facilitate Section 106 agreement)

## **Executive Summary**

1. In determining planning applications for new housing development given the fact that the District cannot currently identify a five year supply of housing land supply, the balancing exercise is directed in favour of granting permission in accordance with the guidance in paragraph 14 of the NPPF. This states that in balancing all of the material considerations, planning permission should be granted unless any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits when assessed against the policies of the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
2. Paragraph 7 of the NPPF states there are three dimensions to sustainable development: economic, social and environmental and that these roles should not be undertaken in isolation because they are mutually dependant, and to achieve sustainable development gains should be achieved jointly and simultaneously.
3. This report sets out a number of benefits that would result from the development. These are set out below: -
  - i) The provision of 8 dwellings towards housing land supply in the district based on the objectively assessed 19,500 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
  - ii) The provision of 3 affordable dwellings towards the identified need
  - iii) The provision of a significant amount of informal open space within the development.
  - iv) Provision of public footpath to link to the bus stop secured by condition
  - v) There are no objections from the statutory consultees in terms of landscape harm and the impact on the setting of the Grade I listed Church
  - vi) Employment during construction to benefit the local economy.
  - vii) Greater use of local services and facilities to contribute to the local economy.
4. Significant weight can be attached to the provision of 8 dwellings including 40% affordable housing to meet the lack of housing supply in the district in accordance with the guidance in the NPPF.
5. Significant weight can also be attached to the provision of informal open space within the development and the provision of public footpath.
6. Significant weight can be given that there are no objections from the statutory consultees.
7. Moderate weight can be attached to the provision of employment during construction and the impact upon local services from the development.
8. This report sets out a number of adverse impacts that would result from the development. These are set out below: -
  - i) Location outside village framework and the objectives of policies DP/1(a) and DP/7.
  - ii) Scale of development and the objectives of policy ST/7
9. Limited weight can be attached to the location and scale of the development given the absence of a five year housing land supply and the need to balance this conflict against the significant need for housing identified in the NPPF.
10. There is also access to wider services and facilities as there is a regular bus service which would allow commuting to Haverhill and Cambridge within a short walk of the development and will be accessible through the public footpath provided as part of the development. This would provide an alternative means of transport to access a



broader range of services and facilities without relying on the private car.

11. Overall it is considered the development does not significantly and demonstrably outweigh the benefits and as a result, in line with the guidance in paragraph 14 of the NPPF, the recommendation is to grant planning permission.

#### **Site Planning History**

12. S/0646/17/OL – Outline planning permission for residential development of 9 dwellings with new access (indicative layout) - withdrawn

#### **Planning Policies**

13. The following paragraphs are a list of documents and policies that may be relevant in the determination of this application. Consideration of whether any of these are considered out of date in light of the Council not currently being able to demonstrate that it has an up to date five year housing land supply, and the weight that might still be given to those policies, is addressed later in the report.

14. **National Guidance**

*National Planning Policy Framework (NPPF) 2012*  
*Planning Practice Guidance*

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

ST/2 Housing Provision  
ST/7 Infill Villages

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

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure in New Developments  
DP/7 Development Frameworks  
CH/1 Historic Landscapes  
CH/2 Archaeological Sites  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/8 Groundwater  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Drainage – Alternative Drainage Systems  
NE/11 Flood Risk  
NE/14 Light Pollution  
NE/15 Noise Pollution  
NE/16 Emissions  
NE/17 Protecting High Quality Agricultural Land  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact  
TR/4 Travel by Non-Motorised Modes

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

District Design Guide SPD – Adopted 2010  
Affordable Housing SPD – Adopted March 2010  
Open Space in new Developments SPD – Adopted 2009  
Listed Buildings SPD – Adopted July 2009  
Trees and Development Sites SPD – Adopted January 2009  
Landscape and new development SPD – Adopted March 2010  
Biodiversity SPD – Adopted July 2009

18. *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/11 Infill Villages  
CC/8 Sustainable drainage systems  
CC/9 Managing Flood Risk  
HG/1 Design principles  
NH/2 Protecting and enhancing landscape character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
NH/14 Heritage assets  
H/7 Housing density  
H/8 Housing mix  
H/9 Affordable housing  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open space standards  
SC/10 Lighting Proposals  
SC/11 Noise pollution  
SC/12 Contaminated Land  
SC/13 Air Quality  
SC/15 Odour and other fugitive emissions to air  
TI/2 Planning For Sustainable Travel  
TI/3 Parking provision  
TI/8 Infrastructure and New Developments

## Consultation

### 19. **Summary of Horseheath Parish Council comments:**

The full comments of Horseheath Parish Council are detailed in Appendix 1. The Parish Council objected to the application on Monday 11 September and requested the application be considered by the District Council's Planning Committee. This was supported by Cllr Andrew Fraser as follows:

- Outside the village framework, contrary to policy ST/7 of the Core Strategy and policy S/7 of the Draft Local Plan
- Landscape harm in short and long views contrary to paragraph 109 of the NPPF and policy NH/1
- Loss of Historic Meadowland contrary to policy DP/1, DP/3, NH/1 and CH/1 of the adopted LDF 2007
- Insufficient landscape appraisal contrary to paragraph 128 of the NPPF
- Cul-de-sac layout is contrary to the character of the area
- Impact on the setting of the Grade I listed Church contrary to S66, DP/3 and CH/4 of the adopted LDF 2007
- Requirement to consult Historic England and Historic Buildings Officer
- Harm to archaeology of the site and lack of assessment contrary to policy CH/2 of the adopted LDF 2007 and NPPF paragraph 128
- No consideration of the safety of proposed and existing road users contrary to para 35 of the NPPF 2012
- Does not show the island and traffic width restriction point adjacent to the proposed entrance point
- Cause harm through intensification as a result of the development on the safety and efficiency of the junctions of the A1307 contrary to paragraph 32 and 35 of NPPF
- Unsafe location of access contrary to policy TR/1, TR/2 and TR/4 of the adopted LDF 2007.

### 20. The amendments to the application were discussed on Monday 13 November and the same comments made above were made together with additional comments as listed below:

- The copy of the public advert shows it wasn't advertised as a departure contrary to the Development Plan and should have been.
- The LVIA states that the frontage hedgerow is of little significance. As this has been removed asked the application be withdrawn pending enforcement action on the hedgerow as it met the criteria of a Protected Hedgerow under the Hedgerows Regulations (1997) as it was more than 20 metres long, met a hedge on each end, was in agricultural use, and is part of an early field system shown on the historic maps.
- Asked the Landscape Officer to review their comments as there is concern their comments and the Landscape Assessment has missed the landscape features of the site and that the methodology is flawed.
- Revised heritage statement does not cover the most important views of the Church and the author is not a member of the IHBC
- Asked the County Archaeologist to review their comments as this is a highly sensitive site.
- The new access diagram shows longer in one direction than the other, so one is not 90M. Asked that the accuracy and implications of this are reviewed.
- Application does not consider the safety of proposed and existing users or any upgrading of the existing roads or verges.
- NPPF 35 requires developments to be located and designed where practical to accommodate the efficient delivery of goods and supplies and create safe and

- secure layouts which minimise conflicts between traffic and cyclists or pedestrians and is contrary to this and policy DP/3 of the adopted LDF 2007.
  - Flooding concern. No percolation tests have been carried out with no provision for flood protection. Contrary to statutory requirements to deal with flooding and climate change. Includes flooding of the proposed houses as well as the existing houses.
  - Indicative plan shows the proposed layout is still uncharacteristic of the locality, including a cul-de-sac layout, ad-hoc orientated buildings that do not relate to the existing road layout and linear building character. The outline plan is not to scale with the houses on the south side of the road and is therefore not indicative of the size of the development.
  - There is no provision to deal with the substantial field ditch and the differences in level. It does not lend itself to providing the described (glimpsed) views of the Church.
- 
21. **Local Highway Authority** - The proposed access design and footway provision as shown on Drawing number 4184/05 Rev C overcomes a Highway Authority request for refusal.
  22. Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the footway as shown on Drawing number 4184/05 Rev C is provided prior to the first occupation of any of the dwellings on site. Reason: in the interests of highway safety.
  23. Other than those relating to pedestrian connectivity, all other comments remain.
  24. Other comments  
Recommend conditions governing: falls and levels of access (to prevent run-off); proposed access is constructed from a bound material for the first 5m into the site from the boundary of the adopted public highway. The existing access to the land shall be permanently and effectively closed and the footway/highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, within 28 days of bringing into use of the new access.
  25. The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary. Traffic management plan. Reasons; In the interest of highway safety.
  26. Condition that a bin collection point needs to be located to the front of the proposed development due to the proposed bin store being located more than 25m from the public maintainable highway.
  27. The Highway Authority have severe reservations with regards to connectivity within the site as shown on the indicative plan no: 4184-01, the Highway Authority has a hierarchy which places pedestrians at the top of that hierarchy and this has not been addressed at all within the submitted drawing. The Highway Authority therefor strongly recommends that the applicant engage with South Cambridgeshire District Councils Urban Design Team and the Highway Authority to progress a more suitable internal arrangement.
  28. **Cambridgeshire County Council Archaeology** - Raises no objection in principle but considers that a condition should be added requiring a programme of archaeological investigation to be secured prior to the commencement of development as the site lies in an area of high archaeological potential as detailed below.

29. Our records indicate that the site lies in an area of high archaeological potential, situated adjacent to medieval earthworks (Historic Environment Record reference 07339) and post-medieval brick kiln (07339A). To the north east of the application area is 14<sup>th</sup> century All Saints' Church (07341) and archeological investigations in the vicinity of the church have revealed evidence of Roman paving and pottery deposits and evidence of Saxon and later medieval occupation (07375, 07375A). In addition, to the south of the proposed development area is artefact evidence of Prehistoric (07332), medieval (07332A) and post-medieval (07332B) settlement.
30. We have reviewed the above planning application and this does not affect our previous advice.
31. **Contaminated Land Officer** – has received a copy of the Environmental Desk Study Report by Prior Associated dated October 2016 and have considered the implications and conclusions.
32. The site comprises an agricultural field which presents a relatively low risk of contamination, however the proposed use is sensitive to the presence of contamination (residential). The Desk Study Report by Prior Associates sets out the Conceptual Site Model (CSM) highlighting any contaminant sources, pathways and receptors.
33. I am not in agreement with the report's CSM which states there are no sources, or pathways or receptors. An agricultural field presents a potentially contaminative use and a residential use provides human receptors regardless of the existence of any potential contamination. It is therefore recommended that the report's CSM is updated and any recommendations changed as necessary.
34. Unless additional or amended information is received prior to determination of the application recommend a condition that no development approved by this permission shall commence until the application site is subject to a detailed desk study and site walkover, detailed scheme for the investigation and recording of contamination and remediation objectives, detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement). The works specified in the remediation method statement have been completed and a verification report submitted. If during remediation works, any contamination is identified that has not been considered in the remediation method statement, the remediation proposals for this material should be agreed in writing by the Local Planning Authority.
35. The proposal for Amended - New access details, amended location plan, heritage statement and landscape appraisal, does not affect our contaminated land condition already issued on 23/08/17.
36. **Environmental Health Officer** - Advises the following conditions:
- No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
    - Contractors access arrangements for vehicles, plant and personnel;
    - Contractors' site storage area(s) and compound(s);
    - Parking for contractors' vehicles and contractors' personnel vehicles;
    - Method statement for the control of debris, mud and dust arising from the development during the construction period.
37. • No construction site machinery or plant shall be operated, no noisy works shall be

carried out and no construction related deliveries taken 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 or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

38. • There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.

Reason: To ensure nuisance is not caused to local residents.

39. • 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.

40. • Details of any external lighting, including security lighting used during the construction phase, 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 Professionals' "*Guidance Notes for the Reduction of Obtrusive Light GN01:2011*".

Reason: To ensure nuisance is not caused to local residents.

41. Informatives

- 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.

42. **Landscape Officer (commenting on revised plans)** - No objection subject to landscape, boundary and drainage conditions.

43. The Site

The site is situated to the west of the village of Horseheath. It is a pasture land located on the edge of the village. The site is located within an existing open field. To the north adjoins an existing field. There are no existing boundaries. To the east is the existing development framework and edge of village with residential properties. To the south is a green verge abutting Linton Road. Linton Road is one of four roads leading into the village. To the west are boundary hedgerows with trees leading out to large open fields.

44. Designations

The landscape is not subject to any national designations. The site is located outside the Conservation Area and does not form part of the Greenbelt. The site is located outside the existing village development framework boundary. There are no Public Rights of Way running through or immediately adjacent to the site boundaries. There are no TPO's within or adjacent to the site which would be effected by the development. However, there is a public right of way 131/2 to the north of the site.

45. Existing landscape character

At National Level the site is situated within the National Landscape Character Area (NCA) 86: South Suffolk and North Essex Clayland. At Regional level the site is

situated within the Wooded Village Farmlands as assessed by Landscape East. At local level the site is situated within The South- East Claylands as assessed by SCDC within District Design Guide SPD March 2010.

Key characteristics of particular relevance to the site and/ or its surroundings include:

- This is an undulating area reaching 100 – 120 meters in height on the hilltops.
- The field sizes are mostly large, but are united by the gently rolling landform and woodland.
- Long open views extend to wooded skylines, and sometimes village rooftops and church towers.
- The area has a surprisingly remote, rural character.
- Villages and small hamlets in this area typically have strong linear forms, often with a wooded setting and mature hedgerows and trees that contribute to rural character.
- Buildings are arranged in a low density, loose knit pattern along narrow winding or gently curving lanes.
- Mature trees and hedgerow are important features, mainly in private curtilages, giving a strongly rural character to settlements.

46. Landscape Value

The value attached to the landscape– medium. Landscape condition is fair and components are generally relatively well maintained.

47. The proposal

The features that will be introduced include 8 dwellings, new access and an open space / garden.

48. It is a village extension i.e. a development adjoining the existing village development framework boundary.

49. Landscape impact

As part of the application documents the applicant has submitted an indicative drawing *Figure 2: Proposal page 4*. 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. There would be negligible effects on the wider and local landscape character areas.

50. Visual and visual amenity impact

There are views into the site from Linton Road, the approach into the village, residential properties upon Linton road and the public right of way.

51. Mitigation Works

The applicant has indicated the following as mitigation / enhancement works which I welcome

- Retention of the existing trees and hedgerows upon Linton Road – to reduce the visual impact from Linton Road and residential properties
- Retention of the tree and hedgerow upon the northern boundary- preserving the local landscape character
- Including a new thick native hedge and trees upon the northern boundary – a new boundary line which will reduce the visual impact from the public footpath and enhance the local character

52. Within the detailed design applicant to incorporate / demonstrate the following:

- Incorporate water conservation measures
- Where practical, use sustainable drainage systems

- Conserve and wherever possible enhance the local landscape character
  - Conserve or enhance important environmental assets of the site
  - Ensure density and pattern of new developments reflect that of existing villages and hamlets. Houses should normally be set back from the street with front gardens, except where enclosure of the street frontage is important to the historic character.
  - Use a framework boundary of native woodland, tree and thick hedge planting that reflect the local mixes, to integrate new developments.
  - Enclose boundaries facing roads by hedgerow or, in appropriate locations, low flint and brick walls.
  - Avoid the use of standardised and intrusive urban materials, street furniture, lighting and signage as part of traffic calming measures wherever appropriate.
  - Additional planting to the east of the site. Applicant to create a defined gateway entrance into the site and to screen the development upon arrival.
53. **Ecology Officer** - The minor amendments to the Location Plan submitted to the LPA do not significantly change the ecological constraints as already identified and agreed. Therefore please refer to my colleagues comments from 16/03/2017 (see below) with regards to this application.
54. Previous Comments on 16/03/2017:
55. “The ecological survey provided with the application is welcomed. No further ecological surveys are required. There are no ponds within 250 m and therefore, great crested newts are also unlikely to be present on site.
56. The scheme has been sensitively designed to retain existing trees and boundary planting. The existing trees and hedge in the west of the site should be retained outside of garden curtilages to ensure their long term protection. The adjacent ash tree with high bat roost potential will be retained and remain undisturbed by lighting based on the indicative site layout. Please ensure that a condition for detailed external lighting design to be provided (with protection of wildlife habitat as a reason for the condition) and the following condition are attached to any consent granted:
- 1) Ecological Mitigation  
All works must proceed in strict accordance with the recommendations detailed in Section 8 of the Protected Species Survey report (Chris Vine, September 2016). This shall include avoidance and mitigation measures for nesting birds and bat species. If any amendments to the recommendations as set out in the report are required, the revisions shall be submitted in writing to and agreed by the Local Planning Authority before works commence.  
Reasons: To minimise disturbance, harm or potential impact on protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and the Wildlife and Countryside Act 1981 (as amended).
57. All applications should demonstrate net ecological gain to meet the NPPF and SCDC planning policy including LDF Policy NE/6 and Biodiversity SPD. Additional native hedgerow planting should help to achieve this, providing the site layout is designed so that the hedges will be retained and managed appropriately for wildlife in the long-term. The site should also include native wildflower/species-rich seed mixes in any public open space, again with appropriate management, as well as in-built bat and bird boxes in a target of 50% of dwellings and connectivity measures for hedgehog. Please attach the following condition to any consent granted to secure biodiversity gain:



2) Biodiversity Enhancement

No development shall commence until a scheme for ecological enhancement including a location plan and specification for establishment and management of native planting, connectivity measures for hedgehog and in-built features for nesting birds and roosting bats has been provided to and agreed by the Local Planning Authority. The scheme 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.

Reason: To provide habitat for wildlife and enhance the site for biodiversity in accordance with the NPPF, the NERC Act 2006 and Policy NE/6 of the adopted Local Development Framework 2007.”

58. **Anglian Water** - The pre-development Team provide comments on planning applications for major proposals of 10 dwellings or more and as this query is below the threshold we will not be providing comments.
59. **Environment Agency** - No objection in principle and offer the following recommendations and informatives
60. The application falls within Flood Risk Standing Advice. In line with current government guidance on Standing Advice, it will be necessary in this instance, for the Council to respond on behalf of the Environment Agency in respect of flood risk and/or surface water drainage issues
61. Informatives regarding surface water drainage ensuring soakaways should only drain to uncontaminated surface water and will not be permitted in contaminated areas. In respect of foul water drainage an acceptable method of disposal would be connection to foul public sewer. Anglian Water should be consulted on foul water drainage. Pollution prevention – site operators should ensure there is no possibility of contaminated water entering or polluting surface or underground waters. Requested informative regarding if contamination not previously identified at the site is found then no further development shall commence until details of how this shall be dealt with has been submitted.
62. **Historic Buildings Officer** - No Objection
63. The site is on the western edge of Horseheath and is currently the site is undeveloped agricultural land.
64. Although the development site is not immediately adjacent to any heritage assets, as outlined in the heritage statement, there are some heritage assets within a close proximity to the site. South east of the site there is a group of listed buildings. These are all grade II listed and are as follows;  
Forge Cottage (LEN 1331012)  
Lyndale Cottage (LEN 1127940)  
Manor Farm (LEN 1331013)  
Barn at Manor Farm (LEN 1127942)
65. These listed buildings are not visible from the site and it is not considered that the development site is within the setting of the listed buildings.
66. To north east sits the Grade I listed Church of All Saints (LEN 1127944), the church tower can be viewed from this site. The definition of setting, as defined in the NPPF, is *‘the surroundings in which a heritage asset is experienced.’*

67. The heritage statement considers the site is within the setting of the Church as it can be viewed and is where the building can be experienced. However, it is not considered that the proposed development will have a substantial or less than substantial harm on its setting.
68. It is considered that a development of 8 dwellings on this site could be designed around the views of the Church. The setting of the Church and views of the Church, from the site and adjacent to the site, should be taken into account when developing plans for the Reversed Matters application.
69. **Historic England** - On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
70. **Trees Officer** - I have no arboricultural objections to the amendments to this application. The comments given on 19 September still apply to this application.
71. No objections to the principle of this application subject to a condition that before any works on site commence, a strategy for the protection of existing tree shall be submitted and approved in writing by the Local Planning Authority. Tree protection measures shall be installed in accordance with the approved tree protection strategy. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.
72. **Housing Team** commented:
73. **Affordable Housing** (*Proposed Submission South Cambridgeshire Local Plan July 2013 Policy H/9*) (DCP HG/3). Policy H/9 requires that all developments that increase the net number of dwellings on a site by 3 or more need to provide 40% affordable housing suitable to address local housing needs. DCP policy HG/3 required the same percentage of affordable housing at a lower threshold of two units or more. The proposed scheme is for 8 dwellings which would trigger an affordable housing requirement of 3 affordable homes.
74. **Tenure Mix** *Affordable Housing SPD (July 2010)*  
The tenure mix for affordable housing in South Cambridgeshire District is 70% Rented and 30% Intermediate housing. 1 and 2 bed properties are the dwelling types with the fastest growing demand. The Cambridge sub-region 2013 SHMA states that '*One person and couple households make up the majority of the household increase from 2011 to 2031 (96% of the change in household numbers*'.)
75. **Rented Housing** is defined as Affordable Rented housing let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rented housing is let to households that are unable to purchase Intermediate or Open Market housing (typically those in Band A and B in the table below) and subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable)<sup>i</sup>. Affordable Rented housing should remain affordable in the longer term. Affordable Rent should not be set higher than the Local Housing Allowance rates for this area<sup>ii</sup>. As at May 2016 there were a total of **1689** applicants registered on the housing register for South Cambridgeshire. The chart below shows their bedroom requirements and housing need:

| bedroom requirements | Band A (urgent need) | Band B (high need) | Band C (medium need) | Band D (low need) | Total       |
|----------------------|----------------------|--------------------|----------------------|-------------------|-------------|
| 1bed                 | 65                   | 127                | 449                  | 283               | 924         |
| 2bed                 | 42                   | 144                | 93                   | 271               | 550         |
| 3bed                 | 12                   | 63                 | 9                    | 84                | 168         |
| 4bed                 | 4                    | 22                 | 3                    | 11                | 40          |
| 5bed                 | 3                    | 2                  | 0                    | 2                 | 7           |
| <b>total</b>         | <b>126</b>           | <b>358</b>         | <b>554</b>           | <b>651</b>        | <b>1689</b> |

76. **Intermediate Housing** is defined as Shared Ownership, Older Person Shared Ownership (OPSO), Home Ownership for people with Long-Term Disabilities (HOLD), Rent to Buy and Intermediate Rent<sup>iii</sup>. Intermediate Housing is suitable for those who may be able to afford to purchase open market housing, but need assistance in doing so. RentPlus would be classed as Intermediate Housing, but has not yet been used on any sites within the District.
77. The Council has published an Affordable Housing Glossary which will be updated as and when the statutory definitions, and regulations, including those describing Starter Homes, are available.<sup>iv</sup>
78. **Types and sizes of affordable homes** In Major Developments, Rural Centres and Minor Rural Centres the type (house, flat, bungalow) and size (bedrooms) of affordable housing will be based on the need across the district as a whole. Minimum space standards that are recommended for affordable housing are set out in the Nationally Described Space Standards<sup>v</sup>. The types and sizes of affordable homes required by this development to meet current district wide affordable housing need is set out in the table below

| Bedroom requirements | Preferred Mix   |              | Total    | %           |
|----------------------|-----------------|--------------|----------|-------------|
|                      | Affordable Rent | Intermediate |          |             |
| 1bed                 | 0               | 0            | 0        | 0           |
| 2bed                 | 2               | 0            | 2        | 75%         |
| 3bed                 | 0               | 1            | 1        | 25%         |
| 4bed+                | 0               | 0            | 0        | 0           |
| <b>Total</b>         | <b>2</b>        | <b>1</b>     | <b>3</b> | <b>100%</b> |

79. The proposed scheme includes 3no 2 bedroom affordable dwellings has been confirmed by email dated 08 November 2017 as being acceptable to the Affordable Housing Team.
80. **Lifetime Homes** Proposed Submission South Cambridgeshire Local Plan July 2013 Policy H/8 (3) requires 100% of affordable homes to meet the Lifetime Homes standard. The Lifetime Homes standard has been superseded by new Building Regulations. We now advise that across the district there is a requirement for 5% of all affordable housing to be accessible and adaptable that meet Building Regulations Part M4(2). Although this type of housing is more often required for those over the age

of 60, we currently have a district wide requirement for 10 affordable homes built to this standard from those in the greatest housing need, not all of whom will be aged over 60. In terms of size, two bedrooms would be required for these applicants to ensure a separate bedroom is available for a live in carer. In this scheme, we would recommend that the 1no. affordable dwellings are built to this standard, with the remainder of the affordable housing built to Part M4(1): Category 1 – Visitable dwellings.

**81. 5 year land supply**

The site is outside the development framework and would normally be considered an Exception site (DCP HG/5, Proposed Submission Local Plan H/10) requiring all affordable housing in the development to be allocated to applicants with a specific local connection. However as this site is a '5 year land supply' site, which should therefore provide a policy compliant (40%) level of affordable housing. As a starting point for discussions on the requirement for a local connection criteria on 5 year land supply sites:

- The first 8 affordable homes on each 5 year land supply site will be occupied by those with a local connection, the occupation of any additional affordable homes thereafter will be split 50/50 between local connection and on a Districtwide basis.
- If there are no households in the local community in housing need at the stage of letting or selling a property and a local connection applies, it will be made available to other households in need on a cascade basis looking next at adjoining parishes and then to need in the wider district in accordance with the normal lettings policy for affordable housing. The number of homes identified for local people within a scheme will always remain for those with a local connection when properties become available to relet.

**82. Local Housing Need**

The local housing needs for Horseheath are currently as follows:

| Bedroom requirements | Rent     | Intermediate |
|----------------------|----------|--------------|
| 1bed                 | 2        | 0            |
| 2bed                 | 3        | 0            |
| 3bed                 | 0        | 0            |
| 4bed                 | 0        | 0            |
| <b>Total</b>         | <b>5</b> | <b>0</b>     |

83. In the above table, the Intermediate Housing Need is derived from the applicants on the Help to Buy register living in Horseheath<sup>vi</sup>. The needs for Affordable Rented housing is taken from the Council's annual Housing Statistical Information Leaflet<sup>vii</sup>. The detailed breakdown is as follows:

**84. Viability Affordable Housing SPD Chapter 5**

There will be a presumption that the development will include full and appropriate provision for affordable housing unless it is demonstrated that it cannot be provided at a rate of 40% or more of the dwellings in a development. The Affordable Housing SPD sets out in Chapter 5 the approach that should be taken by the developer to producing a full economic appraisal. The methodology, underlying assumptions and any software used to undertake this appraisal should be agreed with the Council, with the

normal approach being the current methodology endorsed by the Homes and Communities Agency.<sup>viii</sup>

85. **Commuted sums** *DCP Policy HG/3(5); Affordable Housing SPD*

The Council's priority is to secure the provision of free serviced land for affordable housing as part of market developments. However the Council recognises that there can be exceptional circumstances on certain smaller sites (10 dwellings or less) where an alternative to on-site provision may be appropriate. The procedure for calculating commuted sums set out in Chapter 5 of the Affordable Housing SPD is that it is to be considered as part of the determination of the planning application, and to be assessed by an independent valuer (appointed by the Council and paid for by the applicant) on the following basis -

- Land value of the whole site based on the notional scheme without an on-site affordable housing contribution, and
- Land value of the site with an on-site affordable housing contribution, where the amount of free serviced land is based on the notional scheme for the site

The commuted sum will be the difference between the two valuations. Commuted sums may be reviewed in the same way as schemes for on site provision of affordable housing.

86. **Drainage Officer** - The development is acceptable subject to the imposition of surface water and foul water drainage conditions. The proposal is in flood zone 1 and not in an area of surface water flood risk. There is sufficient space onsite to provide the required surface water attenuation.

87. **Representations**

30 letters of representation have been received including the Residents Survey Group, Horseheath, objecting to the proposals and raising the following concerns:

- (a) Landscape harm through encroachment into the open landscape setting of the village onto ancient meadowland/health land contrary to policy S/1 of the draft local plan. Obscure the view of the heath, the Church and the Roman Road, from the A1307 and from the approaches to the village negatively impacting on the rural character contrary to policies DP/1, DP/3 and NE/4 of the adopted LDF 2007 which would outweigh the benefits of additional housing. Contrary to paragraph 109 of the NPPF causing substantial harm.
- (b) Archaeological concerns contrary to policy CH/2 of the adopted LDF 2007 and paragraph 135 of the NPPF
- (c) Application is contrary to policy S/11 Infill Village.
- (d) The site is not a brownfield site
- (e) Not adequate services and facilities in the village
- (f) Inadequate drainage and sewerage
- (g) Flooding concerns
- (h) Loss of meadowland contrary to paragraph 112 of the NPPF as it could be Grade I agricultural land
- (i) Entrance is where the traffic calming chicane is currently situated which slows traffic
- (j) Additional traffic causing highway and pedestrian safety issue
- (k) Outside the village framework
- (l) Strain on A1307

- (m) Not possible to assess the impact on the character of the village
- (n) No consideration of Local Plan 2013
- (o) Biodiversity damaged
- (p) Does not maintain the character of the village
- (q) Insufficient car parking, turning space and disability access
- (r) No footpath
- (s) Cars parking on the pavement would not provide appropriate accessibility to wheelchair users
- (t) Access is too narrow for recycling vehicles and opposite the pub car park could lead to traffic accidents
- (u) Inappropriate mix of dwellings
- (v) Existing street lighting is limited and provision within the new development would cause a light pollution issue
- (w) Overlooking
- (x) Loss of privacy from footpath
- (y) Environmental Health issues such as noise, smells and general disturbance
- (z) Loss of a view
- (aa) Loss of property value
- (bb) Development is disproportionate to the size of the Parish
- (cc) Other sites within the village could accommodate the affordable housing
- (dd) Harm to the setting of the Grade I listed All Saints Church. No heritage statement has been submitted
- (ee) Affordable housing will not be for Horseheath residents
- (ff) No need for affordable housing in the village
- (gg) Risk from land contamination
- (hh) If the development is to go ahead haul routes should not be admitted through the village
- (ii) The cul-de-sac principle is contrary to the local linear character of the settlement as identified in the District Design Guide (paragraph 3.12)
- (jj) Do not agree with the judgements and conclusions drawn in the Heritage Statement and the Landscape Appraisal documents. The site is an unspoilt meadowland of valued heritage and amenity
- (kk) The refusal of application S/0096/17/OL in Linton has set a precedent
- (ll) Negative effect on the Conservation Area
- (mm) Isolated development contrary to paragraph 55 of the NPPF
- (nn) Access diagram shows the Little Gables being opposite The Police House and is incorrect and is inaccurate
- (oo) The size of the units will not fit on the plot and doesn't meet internal standards
- (pp) Further landscaping is required within the site and along the boundaries
- (qq) Concern the rest of the meadow will be developed

### **Site and Proposal**

88. The site is located along Linton Road, adjacent to The Old Police House dwelling and consists of pasture land comprising 0.83 hectares. The site is located outside but adjacent to the village framework on the eastern boundary and therefore in the open countryside. To the south of the site there are residential dwellings set back with driveways onto Linton Road with the Red Lion Public House and car park at the southern end which is within the village framework. To the north of the site is a larger field and the land falls away to rolling arable countryside with a public right of way further north. To the east there are more residential dwellings set around a green. To the south east of the site there is a group of Grade II listed buildings, Forge Cottage (LEN 1331012), Lyndale Cottage (LEN 1127940), Manor Farm (LEN 1331013) and

Barn at Manor Farm (LEN 1127942). To north east sits the Grade I listed Church of All Saints (LEN 1127944), the church tower can be viewed from the site.

89. The southern boundary has a grass verge and half a metre hedge. To the west there are boundary hedgerows and trees. The eastern boundary has 1.5-2.0m high wire and meshed fencing with hedging with the garage of the Old Police House dwelling and 2.0m high fencing along the boundaries of the dwellings to the east.
90. The application is for outline planning permission with all matters reserved apart from access for 8 dwellings.

## **Planning Assessment**

### **Housing Land Supply**

91. The National Planning Policy Framework (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.
92. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory March 2017). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
93. 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. The affected policies which, on the basis of the legal interpretation of "policies for the supply of housing" which applied at the time of the Waterbeach decision were: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policy ST/7 but as a logical consequence of the decision this should also be considered a policy "for the supply of housing".
94. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' have emerged from the decision of the Supreme Court in its judgement dated 10 May 2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be considered as "relevant policies for the supply of housing" for the purposes of the NPPF. The term "relevant policies for the supply of housing" has been held by the Supreme Court to be limited to "housing supply policies".
95. The effect of the Supreme Court's judgement is that policies ST/7, DP/1(a) and DP/7 are no longer to be considered as "relevant policies for the supply of housing". They are therefore not "out of date" by reason of paragraph 49 of the NPPF. None of these adopted policies are "housing supply policies" nor are they policies by which "acceptable housing sites are to be identified". Rather, together, these policies seek

to direct development to sustainable locations. The various dimensions of sustainable development are set out in the NPPF at para 7. It is considered that policies ST/7 (and the other settlement hierarchy policies by extension), DP/1(a) and DP/7 and their objectives, both individually and collectively, of securing locational sustainability, accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.

96. However, given the Council cannot demonstrate a five year supply of housing land, its policies remain out of date “albeit housing supply policies” do not now include policies ST/7, DP/1(a) and DP/7. As such, and in accordance with the decision of the Supreme Court, para 14 of the NPPF is engaged and planning permission for housing should be granted, inter alia “unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole ...”
97. This means that even if policies are considered to be up to date, the absence of a demonstrable five year housing land supply cannot simply be put to one side. Any conflict with adopted policies ST/7, DP/1(a) and, DP/7 is still capable of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit in terms of housing delivery of the proposed development in terms of a residential-led development cannot simply be put to one side. The NPPF places very considerable weight on the need to boost the supply of housing, particularly affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies ST/7, DP/1(a) and, DP/7 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence currently of a five year housing land supply.
98. A balancing exercise therefore needs to be carried out. As part of that balance in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefits a proposal brings in terms of the delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including where engaged policies ST/7, DP/1(a) and DP/7 which seek to direct development to the most sustainable locations – is so great in the context of a particular application such as to significantly and demonstrably outweigh the benefit in terms of the delivery of new homes that planning permission should be refused.
99. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal.

#### **Principle of Development**

100. The site is located in the open countryside, outside Horseheath Development Framework, although adjacent on the eastern boundary and the dwellings opposite on the southern boundary are within the village framework. 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.
101. Development in Infill Villages is restricted to redevelopment within the village frameworks of these villages to not more than 2 dwellings comprising:
  - a. A gap in an otherwise built up frontage to an existing road, provided that it is



not sufficiently large to accommodate more than two dwellings on similar curtilages to those adjoining: or

- b. The redevelopment or sub-division of an existing residential curtilage; or
- c. The sub-division of an existing dwelling; or
- d. The conversion or redevelopment of a non-residential building where this would not result in a loss of local employment

102. In very exceptional circumstances a slightly larger development (not more than about 8 dwellings) may be permitted where this would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village.
103. The erection of 8 dwellings on a green field site outside the village framework would not under normal circumstances be considered acceptable in principle. Due to the current lack of a 5 year housing land supply within the District the next main consideration is whether this level of development would be supported in line with the definition of sustainable development.
104. Paragraph 7 of the NPPF states there are three dimensions to sustainable development: economic, social and environmental, which are mutually dependent. These are assessed below in relation to the proposed development.

#### **Economic**

105. The provision of 8 dwellings would give rise to employment during the construction phase of the development and has the potential to result in an increase of local services and facilities, both of which will be of benefit to the local economy.

#### **Social**

##### **Provision of new housing**

106. Chapter 6 of the NPPF relates to 'delivering a wide choice of high quality homes' and seeks to '*boost significantly the supply of housing*' placing importance on widening the choice of high quality homes and ensuring sufficient housing (including affordable housing) is provided to meet the needs of present and future generations.
107. 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.
108. There remains a significant shortage of deliverable housing sites in the district. The development would provide a clear public benefit in helping to meet the current housing shortfall in South Cambridgeshire. The site would deliver 8 residential dwellings. Officers are of the view significant weight should be afforded to this benefit in the decision making process. Growth in housing will be important in maintaining the vitality of the village in the future. The agent has agreed to a condition that an application for the approval of reserved matters shall be made before the expiration of two years which will ensure the site is deliverable to add to the lack of 5 year housing land supply.

#### **Density**

109. Housing density Policy HG/1 is applicable in this instance and seeks a minimum density of 30 dwellings per hectare, unless there are exceptional local circumstances

that require different treatment. The site is 0.83 hectares and 8 dwellings constitutes 10 dwellings per hectare. Given the edge of village rural location this density will allow the site to be developed in a manner appropriate to the sensitive location which is also in the setting of a Grade I listed Church. The density is therefore considered appropriate for this location.

### **Mix**

110. Under the provisions of policy HG/2, the market housing provision of proposed schemes is required to include a minimum of 40% 1 or 2 bed properties, approx. 25% 3 bedroom properties and approx. 25% 4 bedroom properties. Policy H/8 of the emerging Local Plan is less prescriptive and states that the mix of properties within developments of 10 or more dwellings should achieve at least 30% for each of the 3 categories, with the 10% margin to be applied flexibly across the scheme.
111. The application forms state there will be 5 market dwellings and 3 social rented which are shown as 2 bed bungalows on the indicative layout.
112. Policy H/8 is being given considerable weight in the determination of planning applications due to the nature of the unresolved objections, in accordance with the guidance within paragraph 216 of the NPPF. Policy H/8 states with regard to the mix of 9 homes or fewer shown in this case regard should be given to local circumstances. Within South Cambridgeshire there is still a shortage of smaller houses and the housing mix of x3 two bedroom bungalows provides above the 30% requirement for 1 or 2 bedroom dwellings. As the application is outline only, a condition requiring this mix is recommended to ensure that the scheme is policy compliant.

### **Affordable Housing**

113. Development Control Policy HG/3 of the Development Control Policies DPD July 2007 seeks to secure affordable housing on small developments and there are a growing number of appeals where planning inspectors are giving greater weight to adopted local policies securing affordable housing, even when these policies were not consistent with the WMS. The Council has previously operated a threshold of 2 properties, but has raised this threshold to 3 to encourage more very small scale developments to come forward.
114. On 28 November 2014 The Minister of State for Housing and Planning (Brandon Lewis) issued a Written Ministerial Statement the effect of which was to introduced a national threshold below which affordable housing and tariff style s106 contributions could not be sought. On the same day the Planning Practice Guidance (PPG) was updated. A Judicial Review was brought by Reading and West Berkshire Councils in January 2015. The case was heard in the High Court on the 29th and 30th April 2015 by Mr Justice Holgate. His judgement was handed down on 31st July 2015. He found in favour of the challenge by the local authorities and quashed the amendments to the National Planning Practice Guidance. The Government sought leave to appeal the High Court decision and the judgement of the Court of Appeal issued on 11 May 2016 found in favour of Secretary of State for Communities and Local Government. All grounds of appeal succeeded. The NPPG was updated on 19 May 2016 reintroducing the principle of the policy albeit with a small number of changes to the text. The decision made by the Court of Appeal has given legal effect to the Written Ministerial Statement of 28 November 2014, which should be taken into account in planning decisions as a material consideration.
115. The WMS made by The Minister of State for Housing and Planning (Brandon Lewis)

on 28 Nov 2014 says that “Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions”.

116. The National Planning Practice Guidance says that “There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.
117. These circumstances are that;
- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm
  - in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty
  - affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home
118. Planning law requires that planning applications shall be in accordance with the development plan, unless material considerations indicate otherwise. The Written Ministerial Statement is a material consideration in the determination of planning applications but the Minister himself recognises the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
119. Despite the Written Ministerial Statement, a number of Planning Inspectors have issued decisions dismissing appeals where affordable housing was not being provided and allowing them where affordable housing was being provided. South Cambridgeshire District Council has itself successfully defended its position in relation to three appeals (a) 8 dwellings at Kettles Close Oakington, (b) 5 dwellings at Dotterell Hall Farm Balsham and (c) 9 dwellings at Broad Lane Industrial Estate, Cottenham where the Planning Inspector gave greater weight to the adopted Development Plan. The local circumstances to justify securing affordable housing were (a) affordability (b) housing need and (c) viability.
120. It is the Council's current position that local circumstances remain such that the threshold set out in Development Control Policy HG/3, albeit with a threshold of 3 dwellings or more, remain appropriate and should continue to be applied

notwithstanding the Written Ministerial Statement. In these circumstances the Council continues to consider that affordable housing threshold should remain unchanged.

121. The applicant has confirmed that they wish the scheme to be determined on the basis that 40% affordable housing with 3 affordable dwellings will be provided. This is a significant social benefit to the scheme and should be given significant weight in determining the application.
122. The Affordable Housing Officer states the Housing Statistical Information Leaflet 2016 shows there is a requirement for 5 affordable dwellings in Horseheath, x2 one bed and x3 three bed. The first 8 affordable homes on each 5 year land supply site will be occupied by those with a local connection. The final details of the affordable housing, together with their long term management will be detailed in the S106 agreement.

### **Impact on Services and Facilities**

123. The South Cambs 2014 Services and Facilities Study details Horseheath is served by relatively few services and facilities in the village. These include a mobile library service at the Old Nurseries on 1<sup>st</sup> Tuesday of the month from 14:00-14:40, a post office, The Red Lion Public House and Hotel, village hall, childrens equipped play area, recreation ground which encompasses a cricket ground. There are two areas of informal open space, land south of Cornish Close, Horseheath and Land at Audley Way, Horseheath. There are also two allotments, Land north of Alington Cottages and Land west of West Wickham Road.
124. Whilst the village is served by some community and social facilities, it is deficient in its function to provide sources of employment, education and services to fulfil the most basic shopping trip. As such, journeys out of the village would be a regular necessity for residents in order to access day-to-day services.
125. There is a bus stop on Linton Road approx. 81 metres from the site which would take less than 5 minutes to walk to. The number 19 bus, 13/A/B/C/X13 runs from this bus stop. The number 19 bus runs to and from Haverhill but this provides no service.
126. The number 13/13A provides to and from Haverhill. To Haverhill there are 4 buses from 7:00-9:29, from 9:30-18:59 every 30 minutes and hourly from 19:00-23:00. From Haverhill there is the same provision with the exception of increase services from 7:00-9:29 every 30 minutes Monday- Saturday with an hourly service on a Sunday. This journey takes approx. 25 minutes and is considered to be a regular bus service.
127. The number 13/13A also provides a service to and from Cambridge with a service every 30 minutes Monday-Saturday from 7:00-18:59 and hourly from 19:00-23:00. There is an hourly service on a Sunday from 9:00-18:00. This service is also considered to be regular. The service to and from Haverhill, and to and from Cambridge would allow commuting to and from the site using public transport and would offer an alternative to the private motor car.
128. To access the bus service users would have to walk along a grass verge with no lighting and this would not allow safe access to the bus stop. A 1.8m wide footpath link has been provided and shown on drawing number 4184/05 C to improve connectivity and this would improve the sustainability of the scheme. The footpath can be secured by condition.
129. It is acknowledged that occupants of the proposed development would need to make journeys to larger centres, such as Haverhill and Cambridge to meet day to day

needs. However, it is possible to do that journey by public transport from the development and therefore there is an alternative to the use of the private car for these journeys. This would allow access to services and facilities in Haverhill and Cambridge which would meet the day to day needs of residents. In this instance, there would be some conflict with policy DP/1(a) and para 7 of the NPPF.

130. With regard to informal open space Horseheath has an over provision of +0.11 hectares in accordance with the Open Space SPD. There is no requirement for formal open space as the development is not for more than 10 dwellings as outlined in the Open Space SPD. However, the agent has agreed to on site informal open space, the quantum of informal open space and its maintenance will be included in the Section 106 agreement. This is considered to be a significant social benefit of the proposal.

## **Environmental**

### **Impact on Landscape, Local Character, Heritage Impact and Loss of agricultural land**

131. The site is considered to be pasture land and in the open countryside. To the south of the site there are residential dwellings set back with driveways onto Linton Road with the Red Lion Public House and car park at the southern end which is within the village framework. To the north of the site is a larger field and the land gently falls away with trees to rolling arable countryside with a public right of way further north. To the east there are more residential dwellings set around a green and north east the Grade I listed Church of All Saints.
132. The southern boundary has a grass verge and half a metre hedge. To the west there is boundary hedgerows and trees. The eastern boundary has 1.5-2.0m high wire and meshed fencing with hedging, with the garage of the Old Police House dwelling and 2.0m high fencing along the boundaries of the dwellings further east. The landscape is not subject to any national designations
133. The Landscape Officer has reviewed the revised Landscape Appraisal dated October 2017. This meets good practice guidance and has provided an assessment of the the actual views experienced by the receptors including the impact on the Grade I listed Church and public right of way. It includes an assessment of the District Design Guide SPD 2010 local designation which is specific to the site and village. Concerns were raised that the Landscape Visual Impact Assessment states that the frontage hedgerow is of little significance. The Parish Council state this is because the frontage hedgerow was recently removed (after 2011, as it is shown on the Google Streetview of September 2011 shown below) and is a Protected Hedgerow under the Hedgerows Regulations (1997). An assessment can only be made of the current site and the impact on the landscape as a result of the development. Therefore it is not reasonable to withdraw the application subject to enforcement action; this would be a separate matter.
134. At National Level the site is situated within the National Landscape Character Area (NCA) 86 'South Suffolk and North East Claylands'. At Regional level the site is situated within the Wooded Village Farmlands as assessed by Landscape East. At local level the site is situated within The South- East Claylands as assessed by SCDC within District Design Guide SPD March 2010. The key characteristics of the site and surroundings include an undulating area reaching 100 – 120 meters in height on the hilltops. The field sizes are mostly large, but are united by the gently rolling landform and woodland with long open views extend to wooded skylines, village rooftops and the Grade I listed church of All Saints. The area has a surprisingly remote, rural

character with a strong linear form to the village with mature hedgerows and trees that contribute to the rural character. The dwellings are arranged in a low density, loose knit pattern along narrow winding or gently curving lanes.

135. The landscape value of this site is not designated or considered historic and the value is considered to be medium and the landscape condition is fair with components generally relatively well maintained. With regard to the impact of the development upon the landscape the retention of the tree and hedgerow upon the northern boundary will help to preserve the local landscape character. In terms of the visual amenity impact there are views into the site from Linton Road, the approach into the village, residential properties upon Linton road, the public right of way, views of the Church tower and from the A1307.
136. The mitigation / enhancement works include further tree and hedge planting on the boundaries which will reduce the visual impact. There is a new thick native hedge and trees upon the northern boundary which creates a new boundary line and will reduce the visual impact from the public footpath and the Church and enhance the local character. The additional hedgerow and tree planting on the boundaries also reduces the visual impact from Linton Road and there is already trees and hedgerow along the western boundary from the A1307. In principle there is no objection to development upon the site.
137. Overall in landscape terms the development would result in negligible effects on the local and wider landscape character areas and is not considered a designated landscape or historic landscape in accordance with policies DP/1, DP/3, NE/4 and CH/1 of the adopted LDF and paragraph 109 of the NPPF 2012. The landscaping proposed will be detailed in the subsequent reserved matters application.
138. The character of the dwelling directly adjacent to the site, The Old Police House consists of a two storey detached brick dwelling. There are buff brick semi-detached and terraced dwellings with a green on Audley Way. The dwellings on the opposite side of Linton Road consist of detached dwellings of one and a half storeys with dormer roofs set back from the road with driveways. There is the two storey Red Lion Public House on the south western corner with rendered walls.
139. The site plan which is for illustrative purposes only shows the three single storey affordable dwellings aligned akin to the Old Police House dwelling with a relatively linear row of houses set back behind tree and hedgerow planting off one access. Audley Way has an access road with a T shape and forms a cul-de-sac, therefore a cul-de-sac arrangement in principle is acceptable. The detached dwellings follow the pattern of dwellings on the southern side of Linton Road and the rear northern boundary aligns with the rear boundary of the Old Police House dwelling. There is no objection to the principle of development based on the character of the area and indicative layout of the site. The low density will allow the site to be developed in a manner appropriate to the location. The design and layout of the dwellings will be subject of a reserved matters application.
140. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to preserving or enhancing the character or appearance of a Listed Building.
141. The *Barnwell* judgement indicates that any harm caused to a listed building via its setting should be given great weight in any such balancing process derived from paragraph 134. This directly stems from S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This places a statutory duty on the decision maker to

'have regard to the desirability of preserving', i.e. keeping from harm.

142. With regard to policy CH/4 (Development Within the Curtilage or Setting of a Listed Building) of the LDF and policy NH/14 (Heritage Assets) of the draft Local Plan the aims of these policies are to ensure development does not cause adverse harm by dominating the Listed Building or building in its curtilage by scale, form, mass or appearance or harm the visual relationship between the Listed Building and its formal or natural landscape surroundings.
143. These policies are consistent with the NPPF paragraph 129 which seeks to ensure the significance of the heritage asset is taken into consideration that may be affected including development affecting the setting of a heritage asset to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal. Therefore existing policy CH/4 which affects the scale and density of new housing can be afforded considerable weight.
144. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
145. The Historic Buildings Officer considers the development site is not immediately adjacent to any heritage assets, as outlined in the heritage statement, there are some heritage assets within a close proximity to the site. Horseheath does not contain a Conservation Area and the site is not within the setting of one or a scheduled ancient monument. To the south east of the site there is a group of Grade II listed buildings, Forge Cottage (LEN 1331012), Lyndale Cottage (LEN 1127940), Manor Farm (LEN 1331013) and Barn at Manor Farm (LEN 1127942). These listed buildings are not visible from the site and it is not considered that the development site is within the setting of these listed buildings.
146. To north east sits the Grade I listed Church of All Saints (LEN 1127944), the church tower can be viewed from this site. The definition of setting, as defined in the NPPF, is *'the surroundings in which a heritage asset is experienced.'*
147. The Historic Buildings Officer states the heritage statement considers the site within the setting of the Church as it can be viewed and is where the building can be experienced in line with paragraph 128 of the NPPF 2012. There are existing houses to the east with the garage and close boarded fencing along the boundary with the Old Police House dwelling.
148. It is considered that a development of 8 dwellings on this site could be designed around the views of the Church without causing substantial or less than substantial harm to the Church's setting in accordance with paragraphs 133 and 134 of the NPPF 2012. The setting of the Church and views of the Church, from the site and adjacent to the site, should be taken into account when developing plans for the Reversed Matters application.
149. Officers are of the view that the site plan which is for illustrative purposes only and housing density demonstrates that the site can accommodate 8 dwellings and provide sufficient space for private garden areas, parking, landscaping and access which will be details for reserved matters.

150. Given the gentle slope in the landscape it would be reasonable to condition that in the submission of reserved matters a plan showing the finished floor levels of the proposed buildings in relation to the existing and proposed ground levels of the surrounding land. This would ensure the development is properly assimilated into the area in accordance with policies CH/4, DP/2 and DP/3 of the adopted Local Development Framework 2007.
151. In relation to the loss of higher grade agricultural land, policy NE/17 states that the District Council will not grant planning permission for development which would lead to the irreversible loss of grades 1, 2 or 3a. This is caveated with two exceptions. The site is not allocated for development in the existing or the emerging Local Plan and so the first exception does not apply. The second exception is where sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
152. Given that the Council cannot demonstrate a five year supply of housing land, means weight can be given to the need for housing as overriding the need to retain this small parcel of agricultural land when conducting the planning balance. Given the extent of the housing supply deficit, it is considered that compliance with criterion b of NE/17 should be afforded due weight.

#### **Ecology, Trees and Hedges**

153. The Ecology Officer commented the ecological survey provided with the application is welcomed and no further ecological surveys are required. There are no ponds within 250 m and therefore, great crested newts are also unlikely to be present on site.
154. The scheme has been sensitively designed to retain existing trees and boundary planting. The existing trees and hedge to the west of the site should be retained outside of garden curtilages to ensure their long term protection. The adjacent ash tree with high bat roost potential will be retained and remain undisturbed by lighting based on the indicative site layout. Recommend conditions regarding detailed external lighting design to be provided in order to protect wildlife habitat in accordance with policy NE/6 of the adopted LDF 2007.
155. An ecological mitigation condition is required ensuring that all works must proceed in strict accordance with the recommendations detailed in Section 8 of the Protected Species Survey report (Chris Vine, September 2016). This shall include avoidance and mitigation measures for nesting birds and bat species to minimise disturbance, harm or potential impact on protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and the Wildlife and Countryside Act 1981 (as amended). It is also reasonable to add an ecological enhancement condition in accordance with policy NE/6 of the adopted LDF 2007.
156. The Trees Officer has no objections to the application in principle and recommends a condition consisting of a strategy for the protection of existing trees shall be submitted and approved in writing by the Local Planning Authority. Tree protection measures shall be installed in accordance with the approved tree protection strategy. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.

#### **Noise, Emissions and Lighting**



157. The Council's Environmental Health Officer raises no objection to the principle of the development subject to conditions relating to the approval of a management plan relating to traffic and the storage of materials during the construction phase, a limit on the hours of deliveries to the site and the times during which power operated machinery can be used and external lighting. These details can be controlled by way of condition to address the concerns of neighbours in terms of noise and emissions. It would be reasonable to add these conditions to ensure there is not significant harm in respect of noise, emissions and lighting in accordance with Policies DP/3, NE/14, NE/15 and NE/16 of the adopted LDF 2007. It would only be reasonable to add burning of waste and pile driven foundations as informatives as these conditions would not be considered necessary and reasonable in accordance with paragraph 206 of the NPPF 2012.

### **Residential Amenity**

158. The site is bordered by residential properties to the east and on the southern side of Linton Road. The application is only in outline form and therefore the site plan is for illustrative purposes only. Officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity.
159. The submitted drawing demonstrates that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking, overshadowing or overbearing impact. Adequate separation distances could be retained to the neighbouring properties to the east and those to the south on the opposite side of Linton Road and the enhancement and retention of the hedgerow and tree belt on the boundaries of the site would emphasise the sense of separation. Concerns were raised regarding noise from people using the public footpath to access the bus stop. There is already a grass verge adjacent to the bus stop and given the degree of separation which is 14m from the dwelling to the public footpath combined with the low scale of development there is not considered to be significant harm to residential amenity in accordance with policy DP/3 of the Local Development Framework 2007 and the requirements of the District Design Guide SPD 2010.
160. The illustrative site plan shows that sufficient garden spaces can be achieved for 8 dwellings, although further detail will be required at detailed design stage and can be addressed at reserved matters stage.

### **Highway Safety and Parking**

161. The Highways Authority raises no objection to the proposal. The proposed access design and footway provision as shown on Drawing number 4184/05 Rev C overcomes the original Highway Authority request for refusal. This drawing is accurate and shows inter-vehicle visibility splays of 90m in each direction due to the curve in the road. This plan is at a scale of 1:500 and is taken from drawing number 1:1250 which shows the name Little Gables to the east of the property and Croatswood House opposite the Old Police House. As the access and visibility splays plan is zoomed in at a scale of 1:500 this is why the rest of Croatswood House cannot be seen. This drawing shows the access point in relation to the island and traffic width restriction point which will not obstruct other users of the road or the cycle safety area.
162. It is requested the proposal requiring the footway as shown on Drawing number 4184/05 Rev C is provided prior to the first occupation of any of the dwellings on site which can be conditioned. Due to the small scale of the development it will not result in

significant highway safety concerns to Linton Road or the A1307.

163. Conditions are recommended regarding governing: falls and levels of access (to prevent run-off); proposed access is constructed from a bound material for the first 5m into the site from the boundary of the adopted public highway. The existing access to the land shall be permanently and effectively closed and the footway/highway verge shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, within 28 days of bringing into use of the new access. The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary and a traffic management plan which will control dust and debris as well as detailing movements and control of lorries. It would be reasonable to add these conditions in the interest of highway safety in accordance with policy DP/3 of the adopted LDF 2007.
164. The access is 5.5m wide which will allow two vehicles to enter and exit the site safely. A condition regarding the bin collection point needs to be located to the front of the proposed development due to the proposed bin store being located more than 25m from the public maintainable highway. This will be subject to detail at reserved matters stage and is not precise enough to be conditioned and meet the test of paragraph 206 of the NPPF 2012.
165. The Highway Authority did comment they have severe reservations with regards to connectivity within the site for pedestrians as shown on the indicative plan. The internal arrangement is a reserved matters detail with regard to the layout and pedestrian connectivity within the site.
166. Given the low density of the site there is sufficient space to achieve 1.5 parking spaces per dwelling and 1 secure cycle space per dwelling in accordance with Policy TR/2 of the adopted LDF 2007. Visitor parking can also be achieved in addition to this which will be detailed at reserved matters stage.

### **Archaeology**

167. The comments of CCC archaeology are acknowledged. A condition requiring a programme of archaeological investigation to be secured prior to the commencement of development is recommended in accordance with policy CH/2 of the adopted LDF 2007.

### **Flood Risk, Surface Water Drainage and Foul Water Drainage**

168. The Environment Agency commented it will be necessary in this instance, for the Council to respond on behalf of the Environment Agency in respect of flood risk and/or surface water drainage issues. The site is not in a flood zone and the Council's Drainage Manager raises no objection in principle to the proposal, subject to the imposition of conditions requiring details of the surface water drainage system and foul water drainage in accordance with policies NE/9, NE/10 and NE/11 of the adopted LDF 2007.

### **Contamination**

169. The Contaminated Land Officer reviewed the Environmental Desk Study Report by Prior Associated dated October 2016 and has considered the implications and conclusions.
170. The site comprises an agricultural field which presents a relatively low risk of

contamination, however the proposed use is sensitive to the presence of contamination (residential). The Desk Study Report by Prior Associates sets out the Conceptual Site Model (CSM) highlighting any contaminant sources, pathways and receptors.

171. The Contaminated Land Officer does not agree with the report's CSM which states there are no sources, or pathways or receptors. An agricultural field presents a potentially contaminative use and a residential use provides human receptors regardless of the existence of any potential contamination. A condition is therefore recommended in line with his consultation response in accordance with Policy DP/1 of the adopted Local Development Framework 2007.

### **Developer Contributions**

172. With regard to developer contributions development plan policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.
173. Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of 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.
174. The Written Ministerial Statement and Planning Practice Guidance first introduced on 28/11/2014 (and later reintroduced on 19/05/2016 following legal challenge) seeks to limit the section 106 contributions secured from small scale development (i.e. those of 10 dwellings or fewer and those where the gross floorspace does not exceed 1000 square metres). The Planning Portfolio Holder for South Cambridgeshire District Council made a decision published on 18/02/2015 that tariff style section 106 contributions should no longer be sought from developments beneath this national threshold. This decision was endorsed by Planning Committee on 4/3/2015. The proposed development is for 8 no. dwellings and would fall below the threshold. Therefore, no contributions in relation to open space, community facilities, education, libraries and waste could be secured from the development. However, where the Council approves an outline application of 10 dwellings or fewer, any reserved matters application that is approved and which provides a combined gross floorspace of more than 1000sqm may be subject to financial contributions secured by a section 106 agreement in accordance with Development Control Policies DP/4 and SF/10.
175. Notwithstanding the above, contributions can be secured towards waste receptacles. The RECAP Waste Management Design Guide requires household waste receptacles to be provided for the development. Off-site contributions are required towards the provision to comply with Policy DP/4 of the adopted LDF. The contribution would be £73.50 per dwelling and £150.00 per flat. These need to be secured by way of a section 106 agreement.

### **Other Matters**

176. Local residents have stated application S/0086/17/OL in Linton which was refused has set a precedent. This application was refused for 95 dwellings and is a different site in a different context, each application must be determined on its individual merits and is not a reason to refuse the application.

177. Concerns were raised regarding loss of a view and property value. These are not considered to be material planning considerations. There is concern the rest of the land will be developed. Each application is assessed on its own merits and this would require a fresh application which would be subject to independent assessment.
178. The application was advertised on 23 August 2017 as a departure to the development plan in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as Amended) Procedure) (England) Order 2015 and a copy of the notice is on the file which has been available for public inspection for the duration of the application process.

### **Planning Balance**

179. Given the fact that the Council cannot currently identify a five year supply of housing land, in accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.
180. This report sets out a number of benefits that would result from the development. These are set out below: -
- i) The provision of 8 dwellings towards housing land supply in the district based on the objectively assessed 19,500 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
  - ii) The provision of 3 affordable dwellings towards the identified need
  - iii) The provision of a significant amount of informal open space within the development.
  - iv) Provision of public footpath to link to the bus stop secured by condition
  - v) There are no objections from the statutory consultees in terms of landscape harm and the impact on the setting of the Grade I listed Church
  - vi) Employment during construction to benefit the local economy.
  - vii) Greater use of local services and facilities to contribute to the local economy.
181. Significant weight can be attached to the provision of 8 dwellings including 40% affordable housing to meet the lack of housing supply in the district in accordance with the guidance in the NPPF.
182. Significant weight can also be attached to the provision of informal open space within the development and the provision of public footpath.
183. Significant weight can be given that there are no objections from the statutory consultees.
184. Moderate weight can be attached to the provision of employment during construction and the impact upon local services from the development.
185. This report sets out a number of adverse impacts that would result from the development. These are set out below: -
- i) Location outside village framework and the objectives of policies DP/1(a) and DP/7.
  - ii) Scale of development and the objectives of policy ST/7
186. Limited weight can be attached to the location and scale of the development given the absence of a five year housing land supply and the need to balance this conflict against the significant need for housing identified in the NPPF.

187. There is also access to wider services and facilities as there is a regular bus service which would allow commuting to Haverhill and Cambridge within a short walk of the development and will be accessible through the public footpath provided as part of the development. This would provide an alternative means of transport to access a broader range of services and facilities without relying on the private car.
188. Overall it is considered the development does not significantly and demonstrably outweigh the benefits and as a result, in line with the guidance in paragraph 14 of the NPPF, the recommendation is to grant planning permission.

### **Conclusion**

189. In summary, the adverse impacts of this development in terms of the location and scale of development are not considered to significantly and demonstrably outweigh the benefits of the provision of this housing scheme, when assessed against the policies in the NPPF taken as a whole. On balance, planning permission should therefore be approved.

### **Recommendation**

190. Delegated approval subject to:

### **Legal Agreement**

191. Contributions to be secured by way of a Section 106 (or other appropriate) legal agreement as set below, final wording to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission. The contributions comprise:
- a) Affordable Housing – 3 dwellings on site
  - b) Waste Receptacles - £73.50 per dwelling and £150.00 per flat
  - c) Informal open space provision on site including management and maintenance
  - d) Drainage Maintenance

### **Conditions and Informatives**

192. Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:
- (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 two 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:2500 only and drawing number 4184/05 C  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (e) The submission of reserved matters in accordance with the details required in condition (a) shall include a plan showing the finished floor levels of the proposed buildings in relation to the existing and proposed ground levels of the surrounding land. No development shall take place until this submitted plan is approved by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved plan.  
(Reason: To ensure the development is properly assimilated into the area in accordance with policies CH/4, DP/2 and DP/3 of the adopted Local Development Framework 2007.)
- (f) 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 ensure there is not a significant flooding issue in accordance with Policy NE/9 and NE/11 of the adopted Local Development Framework 2007.)
- (g) Details for the long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify run-off sub-catchments, SuDS components, control structure, flow routes and outfalls. In addition the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.  
(Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework 2012.)
- (h) Prior to the commencement of any development, a scheme for the provision and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
- (i) 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.)

(j) No development approved by this permission shall commence until:

- a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
- b) The application site 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.
- c) 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.
- d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- e) 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).

(k) No construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing with the Local 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 shall be undertaken off the adopted highway)
- (ii) Contractor parking, access arrangements for vehicle, plant and personnel, for both phases all such parking shall be within the curtilage of the site and not on street;  
Contractors site storage area(s) and compound(s);
- (iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
- (iv) Method statement for control of dust, mud and debris during the construction period and in relationship to the functioning of the adopted public highway

Development shall commence in accordance with the approved details.

(Reason - In the interest of residential amenity and highway safety in accordance with Policy DP/3 and DP/6 of the adopted Local Development Framework 2007.)

(l) 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 shall be completed before the development 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.)

(m) No development shall commence until a scheme for ecological enhancement including a location plan and specification for establishment and management of native planting, connectivity measures for hedgehog and in-built features for nesting birds and roosting bats has been provided to and agreed by the Local Planning Authority. The scheme 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.  
(Reason: To provide habitat for wildlife and enhance the site for biodiversity in accordance with the NPPF, the NERC Act 2006 and Policy NE/6 of the adopted Local Development Framework 2007.

(n) All works must proceed in strict accordance with the recommendations detailed in Section 8 of the Protected Species Survey report (Chris Vine, September 2016). This shall include avoidance and mitigation measures for nesting birds and bat species. If any amendments to the recommendations as set out in the report are required, the revisions shall be submitted in writing to and agreed by the Local Planning Authority before works commence.  
(Reasons: To minimise disturbance, harm or potential impact on protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and the Wildlife and Countryside Act 1981 (as amended).

(o) The development hereby permitted shall not be occupied until the footpath link along Linton Road has been laid out as shown on drawing number 4184/05C. The footpath shall thereafter be retained and maintained in perpetuity.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(p) Prior to commencement, site preparation or the delivery of materials to site a tree protection strategy in accordance with British Standard BS5837 for the protection of existing trees on site shall be submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be installed in accordance with the approved tree protection strategy and the measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.  
(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.)

(q) As part of any reserved matters application a lighting scheme (to maximise energy efficiency and minimise lighting pollution) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any external lighting of the site and a Lighting Spill Plan. The Artificial Lighting Scheme shall have regard for the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light – GN01:2011 (or as superseded). The lighting scheme will be implemented in accordance with the approved details.



(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/6 and NE/14 of the adopted Local Development Framework 2007.)

(r) As part of any reserved matter application details of the housing mix (including both market and affordable housing) shall be provided in accordance with local planning policy or demonstration that the housing mix meets local need shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details

(Reason: To ensure an appropriate level of housing mix, both market and affordable housing in accordance with policies H/8 and H/9 of the South Cambridgeshire Local Plan Proposed Submission July 2013)

(s) During the period of construction, no power operated machinery shall be operated on the site, and there shall be no construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 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.)

(t) The proposed access hereby approved shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the highway and shall be constructed from a bound material for the first 5m to prevent displacement of materials onto the highway. The development shall be retained as such thereafter.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(u) The existing access to the land shall be permanently and effectively closed and the footway / highway verge shall be reinstated in accordance with a scheme including a plan (scale of 1:100) showing details of the specifications and materials to be agreed with the Local Planning Authority within 28 days of the bringing into use of the new access.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(v) The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(w) 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.)

## Informatives

- 193.
- (a) 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.
  - (b) 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.
  - (c) There shall be no burning of any waste or other materials on the site, without prior consent from the Environmental Health Department to ensure nuisance is not caused to local residents.
  - (d) Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
  - (e) The Written Ministerial Statement and Planning Practice Guidance first introduced on 28/11/2014 (and later reintroduced on 19/05/2016 following legal challenge) seeks to limit the section 106 contributions secured from small scale development (i.e. those of 10 dwellings or fewer and those where the gross floorspace does not exceed 1000 square metres). The Planning Portfolio Holder for South Cambridgeshire District Council made a decision published on 18/02/2015 that tariff style section 106 contributions should no longer be sought from developments beneath this national threshold. This decision was endorsed by Planning Committee on 4/3/2015. However, where the Council approves an outline application of 10 dwellings or fewer, any reserved matters application that is approved and which provides a combined gross floorspace of more than 1000sqm may be subject to financial contributions secured by a section 106 agreement in accordance with Development Control Policies DP/4 and SF/10.

### Background Papers:

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/2745/17/OL

### Report Author:

Lydia Pravin  
Telephone Number:

Senior Planning Officer  
01954 713020

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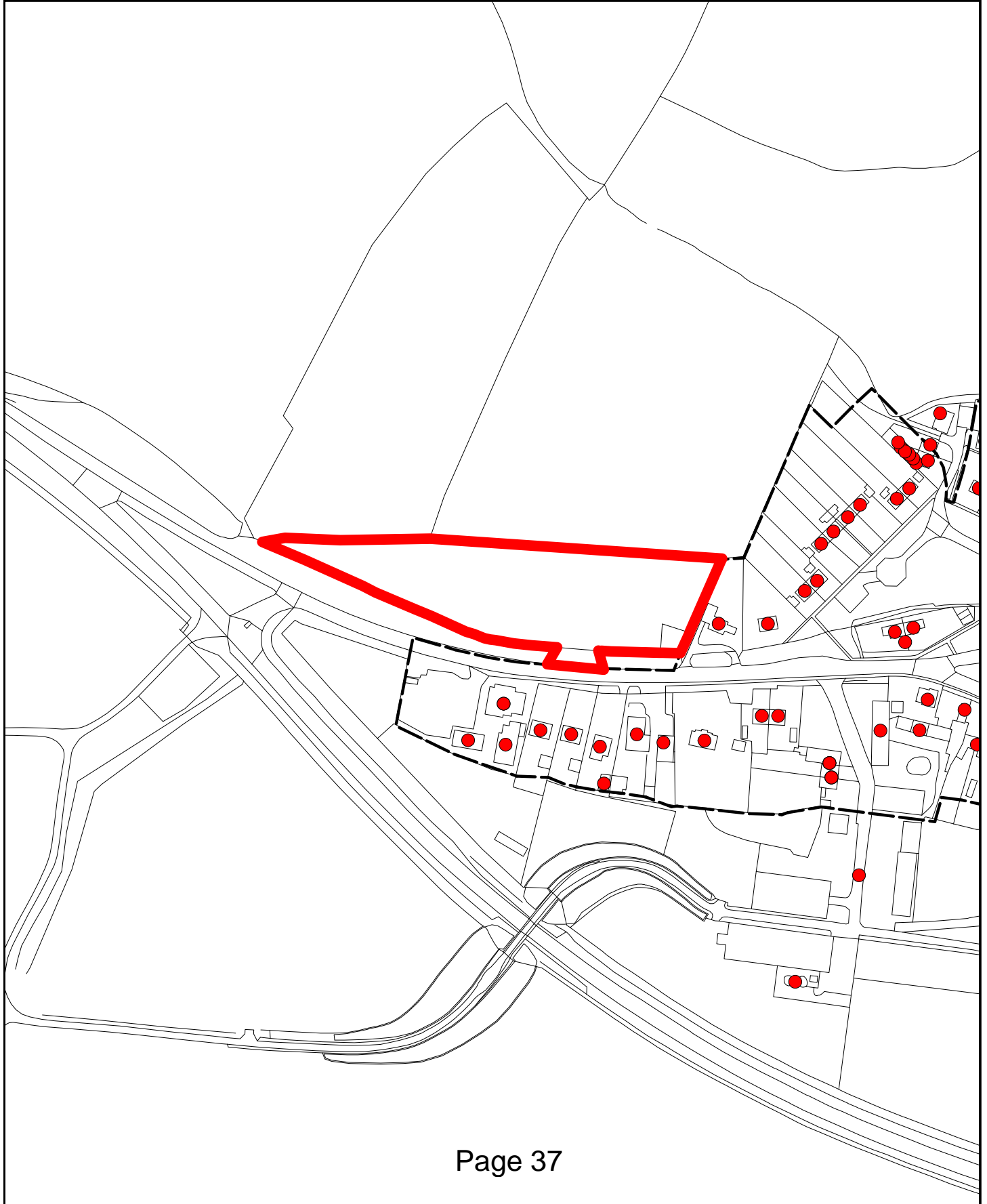
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District Council**

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# Agenda Item 7

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 6 December 2017  
**AUTHOR/S:** Joint Director of Planning and Economic Development

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**Application Number:** S/3128/17/OL

**Parish:** Castle Camps

**Proposal:** Outline application with all matters reserved for the erection of 9 dwellings.

**Site address:** Land south of Bartlow Road, Castle Camps, CB21 4SY

**Applicant(s):** Elbourn Carter Trust

**Recommendation:** Delegated Approval subject to the completion of a section 106 agreement.

**Key material considerations:** Housing supply  
Principle of development  
Density  
Housing mix  
Affordable Housing  
Impact on services and facilities  
Impact on landscape, trees local character and heritage  
Ecology  
Noise  
Residential amenity  
Highway Safety and Parking  
Archaeology  
Surface Water Drainage and Foul Water Drainage  
Contamination  
Developer contributions

**Committee Site Visit:** Yes

**Departure Application:** Yes (advertised on 13<sup>th</sup> September 2017)

**Presenting Officer:** Will Tysterman, Planning Project Officer

**Application brought to Committee because:** The recommendation of officers conflicts with that of the Parish Council and Local Member, and approval would represent a departure from the Local Plan

**Date by which decision due:** 22nd December 2017

## **Executive Summary**

1. Given the fact that the Council cannot currently identify a five year supply of housing land, in accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.
2. Castle Camps is a group village with limited facilities and occupants of the development would be required to travel out of the village to access facilities to meet day to day needs and employment opportunities. These factors weigh against the social and environmental sustainability of the scheme.

However, the extent of this harm is considered to be reduced by the fact that there is a bus service which would allow commuting to Haverhill, a market town within a reasonable time and that this service runs within close proximity of the application site. Whilst buses are infrequent throughout the day, occupants of the development would still have an alternative to the use of the private car to access the services and other facilities in Haverhill.

3. There are no objections from statutory consultees and the proposal would not result in significant harm to the character of the landscape, allowing for the retention of the intermittent hedgerow and trees and further hedgerow and tree planting will be provided on the boundaries. This will enable a sense of containment and reduce the impact of the development on the wider landscape to an acceptable degree.
4. A significant benefit of the scheme is the provision of 40% on site affordable housing and this will fulfil the significant need within the Parish of Castle Camps, as well as a substantial need District wide, this is a benefit which officers consider should be afforded significant weight in the determination of the application. The development of up to 9 dwellings will provide towards the lack of five year housing land supply giving rise to significant social and economic benefits through the creation of jobs in the construction industry and an increase of local services and facilities, both of which will be of benefit to the local economy.
5. It is considered the public benefits of providing housing to meet the significant deficit in five year housing land supply and shortage of affordable housing does not significantly and demonstrably outweigh the benefits and as a result, in line with the guidance in paragraph 14 of the NPPF, the recommendation is to grant planning permission.

## **Site Planning History**

7. S/1767/78/O – Erection of two dwellings. – Refused  
SC/0342/73/O – Residential Development of five dwellings – Refused

## **Planning Policies**

8. The following paragraphs are a list of documents and policies that may be relevant in the determination of this application. Consideration of whether any of these are considered out of date in light of the Council not currently being able to demonstrate that it has an up to date five year housing land supply, and the weight that might still be given to those policies, is addressed later in the report.



## **National Guidance**

9. *National Planning Policy Framework (NPPF) 2012  
Planning Practice Guidance*
10. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted  
January 2007*  
  
ST/2 Housing Provision  
ST/6 Group Villages
11. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*  
  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure in New Developments  
DP/7 Development Frameworks  
CH/2 Archaeological Sites  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
CH/5 Conservation Areas  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
NE/1 Energy Efficiency  
NE/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/16 Emissions  
NE/17 Protecting High Quality Agricultural Land  
SF/10 Outdoor Play space, Informal Open Space and New Developments  
SF/11 Open Space Standards  
TR/1 Planning for More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact  
TR/4 Travel by Non-Motorised Modes
12. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*  
  
District Design Guide SPD – Adopted 2010  
Development Affecting Conservation Areas SPD – Adopted 2009  
Health Impact Assessment SPD – Adopted March 2011  
Affordable Housing SPD – Adopted March 2010  
Open Space in new Developments SPD – Adopted 2009  
Listed Buildings SPD – Adopted July 2009  
Trees and Development Sites SPD – Adopted January 2009  
Landscape and new development SPD – Adopted March 2010  
Biodiversity SPD – Adopted July 2009

13. *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 adoption to climate change  
CC/3 Renewable and low carbon energy in new developments  
CC/4 Sustainable design and construction  
CC/6 Construction methods  
CC/7 Water quality  
CC/8 Sustainable drainage systems  
CC/9 Managing flood risk  
HG/1 Design principles  
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  
SC/13 Air quality  
TI/2 Planning For Sustainable Travel  
TI/3 Parking provision

**Consultation**

14. **Castle Camps Parish Council** – Objection, comments summarised below:  
The application was discussed at a Parish Council meeting held on 10/10/2017. The meeting was attended by 4 Councillors 10 parishioners who raised the following concerns:
- There is an existing outline planning application S/415/17/OL for land opposite this site looking to build up to 10 dwellings. If this application were to go ahead for a further 9 dwellings this would mean this gateway to the village would be supporting an additional 19 houses. This is a very localised development area on such a small village and will be significantly changing the characteristics and rural nature and appearance of the area.
  - The increase to the number of houses in such a small vicinity will be extremely invasive to the current residents.
  - This application is outside the framework set out in the South Cambs Local Plan and the South Cambs Strategic Housing Land Availability Report – August 2013 (SHLAA). Had the South Cambs Local Plan still been in place it would carry weight to argue against the position of this application.
  - The SHLAA report showed site assessment conclusion of no development potential and status of site in proposed local plan 2013 was not allocated for development. “The site is not potentially capable of providing residential development taking account of site factors and constraints”.
    - It further states the site listed as “Viability Category 4 Least Viable Sites”.

There have been no positive influences or changes to the area to move from this position and the Parish Council would therefore note that this “least viable” position is again equally valid and relevant today.

- The report states that land is Agricultural land grade 2
- This site has had 2 previous applications as follows  
SC/0342/73 – 5 dwellings  
S/1767/78/O – 2 dwellings
- The two refusals above show that the current lack of Local Plan shouldn't count as this area has been classed as unsuitable for development for many years.
- This site is outside of the 30mph zone. The speed check report submitted with the application was taken in Oct 2016 during half term so doesn't reflect accurate use. Pavement alignment is not true. This application shows pavement from this development south of the highway to the boundary in the direction of the school – pedestrians will then cross the road to use a pavement on the opposite northern side of the carriageway supposedly put in place by application S/0415/17/OL, but this application doesn't include all pavements referred to. There is a shortfall of pavement.
- This application could generate an increase of 18 – 20 vehicles. The development S/0415/17/OL will also generate an increase of up to 20 vehicles, this is a huge demand on this area of the village. Pedestrian safety is not adequate at present
- Sewer and drainage system. Both systems struggle to cope at present, the proposed development would simply add to the current problem and exacerbate the situation further. Anglian Water have not been consulted on this application to date, so at present it is unknown what effect this development will have on the system or if it can cope at present with this extra demand
- The sewage system suffered recent major problems its latest problem earlier this year along Bartlow Road that resulted in a blockage and overflow, flooding a property's garage and garden.
- Design & Access statement refers to amenities and facilities that are not recognisable to residents. This is a rural village with very few amenities to support a development of this size. There is a regular bus service but it's not a frequent service and is very limited.

15. It was agreed and voted on that this complete outline planning application be considered by the District Council's Planning Committee and all objections submitted be included. This request has the support of Cllr Andrew Fraser

16. **Local Highway Authority** – The Local Highway Authority initially objected to the scheme, however due to an administrative error this objection was subsequently removed and confirmed in an email on the 16 October 2017.

17. No objections in principle. Requested conditions: driveway falls, levels and materials, the access must be a minimum width of 5m and traffic management plan and an informative about works to the public highway.

18. **Sustainable Drainage Engineer** – No objections in principle, requested pre commencement conditions regarding surface water drainage and foul water drainage.

19. **Anglian Water** – No objections in principle, due to the lack of Anglian Water operated assets no comments have been made with regards to surface water drainage. However a condition was requested for a foul water drainage strategy.

20. **Environmental Health Officer** – **Raised** an observation that the site is adjacent to Pond Farm, the farm area should be considered for any potential noise sources including the presence of any fixed or mobile machinery such as grain dryers or the

intensive use of any agricultural vehicles at the site. If this is a busy operational farm where noise sources exist, a noise impact assessment needs to be carried out to fully establish the overall noise environment and, if necessary, to produce a plan of noise mitigation works which will need to be forwarded to our department for approval. The noise assessment should be carried out in accordance with all relevant British Standards and must consider the noise impact in both the internally and within the external amenity areas of the new dwellings. If there are no noise issues of concern I would suggest conditions should be attached to any consent granted.

21. Requested conditions on hours of work, no burning of materials on site, driven pile foundations. Requested an Informative relating to minimising the potential for disturbance to neighbouring residents and waste materials and rubbish associated with the development.

22. **Trees Officer** – No Objections in principle, however recommended conditions for tree protection.

23. **Ecology Officer** - No Objections in principle of the development at outline stage. It is agreed with the recommendations in both the Reptile report and Biodiversity report. There is agreement to the reptile translocation scheme and a condition is recommended in order to achieve this. The ecology officer also recommended a biodiversity enhancement condition.

24. **Landscaping Officer** – Recommend Approval, subject to landscaping conditions. The site is in a rural location and preservation of existing trees is welcomed.

Applicant to consider the following within the final detailed design:

- Permeable paving
- Access road to be less urban / engineered and reflect the local village character.
- Southern boundary to be both post and rail fencing with native mixed hedgerows / trees. This will reflect the existing village boundary treatments.
- Northern boundary to be infilled with both tree and a native hedgerow
- Enclose boundaries facing roads by hedgerow or, in appropriate locations, low flint and brick walls.
- Hedgehog gaps within close boarded boundary fencing to be included.

25. **Cambridgeshire County Council Archaeology** – The site lies in an area of high archaeological potential, situated in the village core, reflected by the series of listed buildings in the vicinity of the application area. Raises no objection in principle but considered that a condition should be added requiring a programme of archaeological investigation to be secured prior to the commencement of development as the site lies in an area of high archaeological potential.

26. **Contaminated Land Officer** – No immediately evident environmental constraints that would attract a contaminated land condition, however, the development proposed use is one which is particularly sensitive to the presence of any contamination and vulnerable receptors should be taken into account. Therefore recommend an informative that if during development contamination not previously identified is found to be present then no further development shall be carried out until a remediation strategy detailing how the unsuspected contamination should be dealt with.

27. **Cambridgeshire County Council Education** – The County Council does not seek contributions for 10 or less dwellings unless we are made aware that the development has a combined gross floor space of over 1000sqm.

- 28. **Affordable Housing Officer** - Affordable Housing (*Proposed Submission South Cambridgeshire Local Plan July 2013 Policy H/9 (DCP HG/3)*). Policy H/9 requires that all developments that increase the net number of dwellings on a site by 3 or more need to provide 40% affordable housing suitable to address local housing needs. The proposed scheme is for 9 dwellings which would trigger an affordable housing requirement of 4 homes.
- 29. Tenure Mix Affordable Housing SPD (2010) - The Tenure mix for affordable housing in the South Cambridgeshire district is 70% Rented and 30% intermediate housing. 1 and 2 bed properties are the dwelling types with the fastest growing demand. The Cambridge sub-region 2013 SHMA states that '*One person and couple households make up the majority of the household increase from 2011 to 2031 (96% of the change in household numbers*'.)
- 30. Rented Housing is defined as Affordable Rented housing let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rented housing is let to households that are unable to purchase Intermediate or Open Market housing (typically those in Band A and B in the table below) and subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable)<sup>i</sup>. Affordable Rented housing should remain affordable in the longer term. Affordable Rent should not be set higher than the Local Housing Allowance rates for this area<sup>ii</sup>. There are currently around 1,800 applicants on the Home link housing register in South Cambridgeshire, which is the register of those applicants who are in need of affordable rented housing.
- 31. Intermediate Housing is defined as Shared Ownership, Older Person Shared Ownership (OPSO), and Home Ownership for people with Long-Term Disabilities (HOLD), Rent to Buy and Intermediate Rent<sup>iii</sup>. Intermediate Housing is suitable for those who may be able to afford to purchase open market housing, but need assistance in doing so. There are approximately 600 applicants who are registered on the 'Help to Buy' register who are interested in shared ownership.
- 32. The Council has published an Affordable Housing Glossary which will be updated as and when the statutory definitions, and regulations, including those describing Starter Homes, are available<sup>iv</sup>.

Local Housing Need

33. The local housing needs for Castle Camps are currently as follows:

| Bedroom requirements | Bedroom requirements for applicants under aged 60 | Bedroom requirements for applicants over aged 60 |
|----------------------|---|--|
| 1bed                 | 1   | 2  |
| 2bed                 | 3   | 0  |
| 3bed                 | 3   | 0  |
| 4bed                 | 2   | 0  |
| <b>Total</b>         | <b>9</b>  | <b>2</b>   |

34. There are currently around 1,800 on the housing register in South Cambs and the highest demand, both in Castle Camps and district wide is for 1 and 2 bedroom accommodation.

Types and sizes of affordable homes

35. In Major Developments, Rural Centres and Minor Rural Centres the type (house, flat, and bungalow) and size (bedrooms) of affordable housing will be based on the need across the district as a whole. Minimum space standards that are recommended for affordable housing are set out in the Nationally Described Space Standards<sup>v</sup>. The types and sizes of affordable homes required by this development to meet current district wide affordable housing need is set out in the table below.

| Bedroom requirements | Preferred Mix |              | Total    | %           |
|----------------------|---------------|--------------|----------|-------------|
|                      | Social Rent   | Intermediate |          |             |
| 1bed                 | 1             | 0            | 0        | 25%         |
| 2bed                 | 2             | 0            | 2        | 50%         |
| 3bed                 | 0             | 1            | 1        | 25%         |
| 4bed+                | 0             | 0            | 0        |             |
| <b>Total</b>         | <b>0</b>      | <b>0</b>     | <b>4</b> | <b>100%</b> |

36. The applicant has identified within their Planning Statement that four of the nine proposed dwellings would be for affordable housing. We would encourage them to contact one of the Registered Providers on the published on the Council's website with a view to securing their involvement at an early stage of the development<sup>vi</sup>.

5 year land supply

37. The site is outside the development framework and would normally be considered an Exception site (DCP HG/5, Proposed Submission Local Plan H/10) requiring all affordable housing in the development to be allocated to applicants with a specific local connection. However as this site is a '5 year land supply' site, which should therefore provide a policy compliant (40%) level of affordable housing. As a starting point for discussions on the requirement for a local connection criteria on 5 year land supply sites, if there are no households in the local community in housing need at the stage of letting or selling a property and a local connection applies, it will be made available to other households in need on a cascade basis looking next at adjoining parishes and then to need in the wider district in accordance with the normal lettings policy for affordable housing. The number of homes identified for local people within a scheme will always remain for those with a local connection when properties become available to re let.

**Representations**

38. A number of representations have been received from the following properties: The Lymit, Woodside, Garden House all on Bartlow Road Castle Camps. A member of the public who attended the Parish Council's meeting has also submitted comments but has not provided their address. The following comments are summarised below:

- 39.
- The development would be an advantage to the village although concerns if the infrastructure could support additional dwellings following S/0415/17/OL, additional funding is needed for services.
  - If consideration is given to extend the speed restriction of 30mph, the rural location which is currently shaded by trees and heights and sizes of potential properties then this could benefit other residents within the village.
  - The previous planning history on the site shows permission for residential development on the site has been refused.
  - The proposal would be contrary to settlement policies incorporated in the approved structure plan for Cambridgeshire where the proposed development in Castle

- Camps will be restricted to infilling.
- The proposal would be outside the village framework within the open countryside and would detract from the open rural character and appearance of the area.
  - Lack of services within the village, no shops and sporadic bus service.
  - Increased traffic movements combined with development opposite S/0415/17/OL could result in additional 38-40 cars, creating further congestion on the A1307 and environmental issues, due to limited public transport.
  - Highway Authority recommended refusal for visibility splays
  - Current sewage system is inadequate, this will create increased pressure
  - Development joins dangerous road where there is currently a 60mph speed limit.
  - Loss of ground drainage because of S/0415/17/OL creating surface water flooding
  - The South Cambridgeshire Strategic Housing Land Availability Assessment (SHLAA) reports the site is a non statutory archaeological site, evidence of medieval activity in this vicinity, further historic information is needed.
  - SHLAA concluded site was not suitable for development.
  - Developers who have no knowledge of the area are incorrect about the convenient and accessible facilities within the area. This strategy was used by developers for recent outline planning permission on the other side of the road.
  - A transport survey was carried out in December 2016 at the 30mph sign and the village boundary, this in no way reflects speed of traffic 200 yards from the 30mph sign, another survey needs to be carried outside the village boundary.
  - The proposed 2m wide footpath will be difficult to construct due to the power and telephone line, strange a path should be considered along a fast moving road outside the village boundary.
  - At present has been constructed on the other side of Bartlow Road, the crossing point is still outside the boundary.
  - No evidence the village needs additional housing, presently 3 houses for sale in Castle Camps, been on the market for some time.

### **Site and Proposal**

40. The proposed site lies south west of Bartlow Road and to the west of the village of Castle Camps. The site is a parcel of land located within the open countryside just outside but adjacent to the village development framework of Castle Camps. It is bounded to the east and west by residential properties which are defined by areas of vegetation providing separation between the site and the adjacent development. The northern boundary of the site runs parallel with Bartlow Road with a drainage ditch running along the northern and southern boundaries of the site. To the south of the site is open countryside.
41. The outline application is for residential development for up to 9 dwellings with all matters reserved.

### **Planning Assessment**

42. The key planning issues relevant with respect to the proposed development are considered to be the following: Housing Supply, Principle of development, Density, Housing mix, Affordable Housing, Impact on services and facilities, Impact on landscape and local character, Ecology, trees and hedging, Residential amenity, Highway Safety and Parking, Surface Water Drainage and Foul Water Drainage, Contamination, and Developer contributions.

## Housing Land Supply

43. The National Planning Policy Framework (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.
44. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory March 2017). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
45. 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. The affected policies which, on the basis of the legal interpretation of "policies for the supply of housing" which applied at the time of the Waterbeach decision were: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policy ST/6 but as a logical consequence of the decision this should also be considered a policy "for the supply of housing".
46. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' have emerged from the decision of the Supreme Court in its judgement dated 10 May 2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be considered as "relevant policies for the supply of housing" for the purposes of the NPPF. The term "relevant policies for the supply of housing" has been held by the Supreme Court to be limited to "housing supply policies" rather than more being interpreted more broadly so as to include any policies which "affect" the supply of housing, as was held in substance by the Court of Appeal.
47. The effect of the Supreme Court's judgement is that policies ST/6, DP/1(a) and DP/7 are no longer to be considered as "relevant policies for the supply of housing". They are therefore not "out of date" by reason of paragraph 49 of the NPPF. None of these adopted policies are "housing supply policies" nor are they policies by which "acceptable housing sites are to be identified". Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the NPPF at para 7. It is considered that policies ST/6 (and the other settlement hierarchy policies by extension), DP/1(a) and DP/7 and their objectives, both individually and collectively, of securing locational sustainability, accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
48. However, given the Council cannot demonstrate a five year supply of housing land, its policies remain out of date "albeit housing supply policies" do not now include policies ST/6, DP/1(a) and DP/7. As such, and in accordance with the decision of the Supreme Court, para 14 of the NPPF is engaged and planning permission for housing should be



granted, inter alia “unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole ...”

49. This means that even if policies are considered to be up to date, the absence of a demonstrable five year housing land supply cannot simply be put to one side. Any conflict with adopted policies ST/6, DP/1(a) and, DP/7 is still capable of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit in terms of housing delivery of the proposed development in terms of a residential-led development cannot simply be put to one side. The NPPF places very considerable weight on the need to boost the supply of housing, particularly affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies ST/6, DP/1(a) and, DP/7 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence currently of a five year housing land supply.
50. A balancing exercise therefore needs to be carried out. As part of that balance in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefits a proposal brings in terms of the delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including where engaged policies ST/6, DP/1(a) and DP/7 which seek to direct development to the most sustainable locations – is so great in the context of a particular application such as to significantly and demonstrably outweigh the benefit in terms of the delivery of new homes that planning permission should be refused.
51. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal.

### **Principle of Development**

52. As the proposed site is located in the open countryside, outside Castle Camps Development Framework, policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan apply and state 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 9 dwellings would therefore not under normal circumstances be considered acceptable in principle since it is contrary to this adopted and emerging policy.
53. Castle Camps is identified as a Group Village under Policy ST/6 of the LDF and Policy S/10 of the Draft Local Plan, one of four categories of rural settlements. Group Villages are less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing only some of the day-to-day needs of residents to be met without the need to travel outside the village.
54. Castle Camps has only relatively limited facilities and services, with no secondary school, and limited easily accessible public transport services than larger settlements. 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. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner.

55. However, the policy objective and the principle of applying a settlement hierarchy have to be considered in light of the 'out of date' status, resulting from the lack of a five year supply of housing land in the District. By proposing up to 9 dwellings, the scheme is only a small increase based on the indicative maximum of 8 on a greenfield site. The principal consideration is that the NPPF requires development to be assessed against the definition of sustainable development. Specifically in relation to the size of development in or on the edge of Group Villages, the Inspector in a previous appeal decision at Over (18 January 2017) stated that '...the strict application of the existing settlement hierarchy and blanket restriction on development outside those areas would significantly restrain housing delivery.....this would frustrate the aim of boosting the supply of housing.'
56. In light of the above, it is not appropriate, in the case of all Group Villages, to attach the same weight to policy DP/7 and DP/1(a) in the 'blanket' way. It is necessary to consider the circumstances of each Group Village to establish whether that village can accommodate sustainably (as defined in the NPPF) the development proposed, having regard in particular to the level of services and facilities available to meet the needs of that development.
57. Paragraph 7 of the NPPF states there are three dimensions to sustainable development: economic, social and environmental, which are mutually dependent. These are assessed below in relation to the proposed scheme.
58. The site is classified as grade II agricultural land, even though the parcel is disused and has been heavily treed. In relation to the loss of higher grade agricultural land, policy NE/17 states that the District Council will not grant planning permission for development which would lead to the irreversible loss of grades 1, 2 or 3a. This is caveated with two exceptions. The site is not allocated for development in the existing or the emerging Local Plan and so the first exception does not apply. The second exception is where sustainability considerations and the need from the development are sufficient to override the need to protect the agricultural value of the land. Given that the Council cannot demonstrate a five year supply of housing land, means weight can be given to the need for housing as overriding the need to retain this small parcel of agricultural land when conducting the planning balance. Given the extent of the housing supply deficit, it is considered that compliance with criterion b of NE/17 should be afforded due weight.
59. The economic sustainability benefits from a future application would include employment for the construction industry and allied trades in the short term, in the long term the new residents would potentially add to local spending levels for local services and facilities as well as council tax returns.
60. Chapter 6 of the NPPF relates to 'delivering a wide choice of high quality homes' and seeks to '*boost significantly the supply of housing*' placing importance on widening the choice of high quality homes and ensuring sufficient housing (including affordable housing) is provided to meet the needs of present and future generations. 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. The development would provide a clear public benefit in helping to meet the current housing shortfall in South Cambridgeshire as well as creating additional social interaction within the local community.

## **Density**

61. Policy HG/1 states that residential developments will make best use of the site by achieving average net densities of at least 30 dwellings per hectare or 40 dwellings per hectare in more sustainable locations. The development site is approximately 0.42ha in area which would mean the proposed development would equate to approximately 21 dwellings per hectare. Whilst it is accepted this density would be below the minimum density of 30 dwellings per hectare, given the edge of village rural location and the limited existing development on Bartlow Road the density is therefore considered appropriate for this location.

## **Housing Mix**

62. Policy HG/2 requires the market housing provision of proposed schemes to be a minimum of 40% 1 or 2 bed properties, approx. 25% 3 bedroom properties and approx. 25% 4 bedroom properties. This scheme is proposing 4 x 3/4 bedroom chalet properties (44%), 3 x 2/3 bedroom properties (33%) and 2 x 1 bedroom detached properties (22%). The application forms were amended to include x5 market dwellings and x4 affordable dwellings, 3 of which are proposed to be affordable rent and 1 would be shared ownership. The indicative layout shows a range of housing options with detached and semi-detached dwellings. As the application is outline only, a condition requiring this mix is recommended to ensure that the scheme is policy compliant.

## **Affordable Housing**

63. Policy HG/3 of the Development Control Policies DPD July 2007 seeks to secure affordable housing on small developments and there are a growing number of appeals where planning inspectors are giving greater weight to adopted local policies securing affordable housing, even when these policies were not consistent with the WMS. The Council has previously operated a threshold of 2 properties, but has raised this threshold to 3 to encourage more very small scale developments to come forward.
64. On 28 November 2014 The Minister of State for Housing and Planning (Brandon Lewis) issued a Written Ministerial Statement the effect of which was to introduce a national threshold below which affordable housing and tariff style s106 contributions could not be sought. On the same day the Planning Practice Guidance (PPG) was updated. A Judicial Review was brought by Reading and West Berkshire Councils in January 2015. The case was heard in the High Court on the 29th and 30th April 2015 by Mr Justice Holgate. His judgement was handed down on 31st July 2015. He found in favour of the challenge by the local authorities and quashed the amendments to the National Planning Practice Guidance. The Government sought leave to appeal the High Court decision and the judgement of the Court of Appeal issued on 11 May 2016 found in favour of Secretary of State for Communities and Local Government. All grounds of appeal succeeded. The NPPG was updated on 19 May 2016 reintroducing the principle of the policy albeit with a small number of changes to the text. The decision made by the Court of Appeal has given legal effect to the Written Ministerial Statement of 28 November 2014, which should be taken into account in planning decisions as a material consideration.
65. The WMS made by The Minister of State for Housing and Planning (Brandon Lewis) on 28 Nov 2014 says that "Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions".

66. Planning law requires that planning applications shall be in accordance with the development plan, unless material considerations indicate otherwise. The Written Ministerial Statement is a material consideration in the determination of planning applications but the Minister himself recognises the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
67. Despite the Written Ministerial Statement, a number of Planning Inspectors have issued decisions dismissing appeals where affordable housing was not being provided and allowing them where affordable housing was being provided. South Cambridgeshire District Council has itself successfully defended its position in relation to three appeals (a) 8 dwellings at Kettles Close Oakington, (b) 5 dwellings at Dotterell Hall Farm Balsham and (c) 9 dwellings at Broad Lane Industrial Estate, Cottenham where the Planning Inspector gave greater weight to the adopted Development Plan. The local circumstances to justify securing affordable housing were (a) affordability (b) housing need and (c) viability.
68. It is the Council's current position that local circumstances remain such that the threshold set out in Development Control Policy HG/3, albeit with a threshold of 3 dwellings or more, remain appropriate and should continue to be applied notwithstanding the Written Ministerial Statement. In these circumstances the Council continues to consider that affordable housing threshold should remain unchanged.
69. The applicant has confirmed that they wish the scheme to be determined on the basis that 40% affordable housing with 4 affordable dwellings will be provided. This is a significant social benefit to the scheme and should be given significant weight in determining the application.
70. The tenure mix would be 75% of the affordable dwellings for Affordable Rent, and 25% Shared ownership/ lease. This would meet the Affordable housing officer's requirement for a 70/30 Affordable/Shared ownership mix. A local resident has questioned the need for further housing to serve the village with 3 existing properties already on the market. However there may be a number of reasons why those three houses have yet to be sold.
71. The Affordable Housing Officer states the Housing Statistical Information Leaflet 2016 shows there is a requirement for 11 affordable dwellings which contain between 1-4 bedrooms in Castle Camps. The first 8 affordable homes on each 5 year land supply site will be occupied by those with a local connection, the occupation of any additional affordable homes thereafter will be split 50/50 between Local Connection and on a District Wide basis. The final details of the affordable housing, together with their long term management would be detailed within a S106 agreement.

### **Impact on Services and Facilities**

72. The South Cambs 2014 Services and Facilities Study details Castle Camps is served by relatively few services and facilities in the village. The applicant's Design and Access statement refers to a number of services that the Parish Council and local residents do not recognize. The facilities the local planning authority are aware of include a Primary School, a mobile library service on the first Tuesday of the month

from Sangers Farm (Camps End) and Claydon Close, a temporary Post Office which operates on a Monday from 12.30-14.30 and on Thursday from 13:30-15:30, a Public House and a Village Hall located at the Recreation Ground. The Recreation Ground has a Local Equipped Area of Play and outdoor sports facilities which include a football pitch and multi-use hard court with floodlights and play area, a separate bowls green and allotment.

73. This relative lack of services and employment opportunities is reflected in Castle Camps being designated a 'Group Village'. Whilst the village is served by some community and social facilities, it is deficient in its function to provide significant sources of employment, secondary education and services to fulfil other than the most basic shopping trip. As such, journeys out of the village would be a regular necessity for the majority of residents in order to access many day-to-day services. The nearest settlement that would offer services and social facilities, including sources of employment and secondary education, to possibly meet day-to-day needs would be the Minor Rural Centre of Linton, located approximately 6 miles to the north west. The market town of Haverhill located in Suffolk is also only approx. 5miles north east which contains a range of services and facilities. It is also acknowledged that the scheme would generate further cars in the village as commented on by residents.
74. There is a bus stop on Bartlow Road near the corner of High Street, approximately 200m from the site. The number 19 bus service connects Castle Camps to Haverhill with one bus from 7.00-9:29, 4 buses from 9:30-16:29 and 1 bus from 16:30-18:59. There are 4 buses from Haverhill between 9:30-16:29 and one bus from 16:30-18:59 Monday-Friday. There is no service on a Saturday or Sunday. The service between the village and Cambridge is extremely limited and would not allow commuting from the proposed development without access to private motor transport.
75. Bartlow Road has a public footpath which commences at 8 Bartlow Road on the opposite side of the road to the site, the footpath on the same side of the road of the site commences at the junction with Church Lane. The proposed development includes the installation of a footway along the north eastern boundary of the site to improve connectivity and this would improve the sustainability of the scheme. The proposed footpath would then link to the footpath proposed under application S/0415/17/OL. No development on this site could be occupied until the footpath on both schemes is implemented in order to provide safe access into the village. Details of the extent of the footpath are considered in the highway safety section below.
76. It is acknowledged that occupants of the proposed development would need to make journeys to larger centres, such as Haverhill, to meet day to day needs. However, it is possible to do that journey by public transport and therefore there is an alternative to the use of the private car for these journeys.

The issues of greater car movements have been raised by local residents because of the proposed development combined the potential development opposite the site and the congestion this could cause on the A1307. It is accepted the proposed development would increase car use and congestion, but given there are alternative means of travel other than by car, this is considered to carry only limited weight against the proposal given the existing housing land supply deficit.

#### **Impact on Landscape, trees, and Character of the area.**

77. Policies DP/2, DP/3 and NE/4 are not considered to be housing supply policies and are not therefore considered to be out of date. 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. 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. NE/4 requires development to respect, retain or enhance local landscape character and distinctiveness.

78. The Parish Council and local residents have raised the conclusions of the South Cambridgeshire Strategic Housing Land Availability Assessment (SHLAA) report and stated that the situation with regards to the application site has not changed.
79. It is acknowledged at the time of writing that report, the site was considered as "Viability Category 4 Least Viable sites". However the situation has changed for a number of reasons, contrary to the Parish Council's opinion. As stated, the Council is unable to demonstrate a 5 year land supply, unlike in 2013 when the SHLAA report was written. Importantly, many of the trees and mature hedge frontage which were discussed within the SHLAA and seen to be crucial to the rural landscape and gateway to the village were removed following the publication of the SHLAA. The applicant was within their right to do this as there was no legal protection of trees on the site. Therefore the application and the impact on the rural landscaping caused from the proposal can only be assessed by the site's current conditions.
80. Following the removal of a large amount of vegetation, the site comprises of a small ditch of trees along the northern and southern boundary and these are unlikely to be affected by the development of houses. There would be trees which require removal where the access to the site would be located and the applicants have submitted an arboricultural impact assessment in accordance with British Standard BS5837. There is no objection in principle from the tree officer, however it was recommended that the remaining trees should be protected from any development, therefore tree protection conditions have been recommended and it is considered necessary and reasonable for these to be secured by condition. The presence of the surrounding vegetation partially screens the site and would compliment the mix between the new urban development and the rural countryside character.
81. Whilst the proposal would result in encroachment into the countryside outside the existing development boundary, there are dwellings within the village framework immediately east of the site on the same side of Bartlow Road, as well as immediately west of the site such as Pond Farm which is an existing dwelling in the countryside. Therefore the dwelling would effectively act as an infill between existing dwellings, reducing the impact on any open countryside. The landscaping officer has no objections to the scheme subject to landscaping conditions that can be dealt with at reserved matters stage. The Landscape officer did have recommendations which the applicant should consider as part of submitting additional information which are included under the summarised consultee comments. The northern boundary trees and hedgerows of landscape interest are to be mostly retained in order to mitigate the local landscape character, reduce visual harm, partially screen the development so it would not be prominent until in close proximity of the site. Further landscaping information will be requested by condition at this outline stage.
82. The Parish Council have raised concerns that the impact of the proposed nine dwellings combined with the impact of another planning application for 10 dwellings opposite the site S/0415/17/OL would have a severe impact on the rural gateway to the village and the character of the area. The development in application S/0415/17/OL is set back from the street scene, the southern boundary trees and hedgerows of landscape interest are to be retained and combined with the mitigation

and enhancement proposed which includes further trees and hedgerow along boundaries will protect the local landscape character and reduce visual harm.

83. Each application is judged on its own merits. Although the application site opposite has been granted outline planning permission, there is no guarantee that housing would actually be delivered. The character of the dwellings to the east on the opposite side of Bartlow Road consist of semi-detached painted render dwellings set back from the road with driveways which include tiled roofs and brick chimney stacks. Immediately adjacent to the site is a detached bungalow, further east along Barlow Road there are a mix of dwelling types constructed from different materials which don't follow a linear character along the street scene.
84. In this context, the current proposal is not considered to have a significant adverse impact upon the rural character of the area, It would therefore accord with policies DP/2, DP/3 and NE/4.
85. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to preserving or enhancing the character or appearance of a Listed Building and special regard shall be paid to preserving or enhancing the character or appearance of a conservation area . Policies CH/4 (Development Within the Curtilage or Setting of a Listed Building) and CH/5 (Conservation Areas) of the LDF and policy NH/14 (Heritage Assets) of the draft Local Plan echo this requirement and seek to ensure development does not cause adverse harm to either the setting of listed buildings or to the character and appearance of a conservation area.
86. These policies are consistent with the NPPF paragraph 129 which seeks to ensure the significance of the heritage asset is taken into consideration that may be affected to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal. It is also consistent with paragraph 131 of the NPPF which states in determining planning applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Therefore existing policy CH/5 which affects the scale and density of new housing can be afforded considerable weight
87. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
88. Further along Bartlow Road is Wisteria Cottage, a Grade II listed thatched cottage with further cottages set close to the road. There would not be any significant views of the proposed development from the Grade II listed building and due to the distance, it is not considered the site would be within the setting or have an adverse impact on this Listed Building. Therefore the proposal is in accordance with Policy CH/4 of the South Cambridgeshire District Council Local Development Framework.
89. This site is located approximately 200 metres from the western edge of Castle Camps Conservation area which begins on the eastern boundary of no 1 Bartlow Road and western boundary of The Garden House. Due to the mix of development on the same side of Bartlow Road as and the lack of linear character, and the retention of trees on the north eastern boundary of the site it is considered views from the Conservation

Area would be limited and would not be adversely impacted. Therefore the proposal is in accordance with Policy CH/5 of the South Cambridgeshire District Council Local Development Framework.

90. In any event, paragraph 134 of the National Planning Policy Framework 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. Given that the harm to the Conservation Area and setting of the Grade II listed building is considered to be very limited the public benefits are considered to outweigh this limited harm.
91. The Parish Council and local residents have raised the fact development had been refused on the site on two previous occasions. An application submitted in 1973 for 5 dwellings (S/0342/73) and was refused for lack of drainage, undesirable ribbon development, an undesirable precedent for future development in the rural countryside and development which didn't serve the needs of the local community. An application was also submitted in 1978 for two dwellings S/1767/78/O and was subsequently refused for being outside the village boundaries; create dangerous ribbon development, an area that has been considered unsuitable for development and development which would have an adverse impact on the rural character of the area.
92. Whilst it is accepted that these two refusals have shown the site was historically not suitable for development, the circumstances have changed contrary to the Parish Council's opinion. As the Council is unable to demonstrate a 5 year land supply and there is considered to be an urgent need for housing, including affordable housing, the weight that can be given to these historical appeal decisions can only be limited. With regards to the impact on the rural character of the area, it has been discussed previously that many of the trees and vegetation had been removed before an application had been submitted, so the scheme must now be assessed on the remaining landscaping taking into account other material considerations. The remaining landscaping mitigates the adverse impact of the development, further landscaping can be secured by condition, therefore the impact on the character of the area is considered acceptable.
93. Officers are of the view that while the site plan is for illustrative purposes only, this clearly demonstrates that the site can accommodate up to 9 dwellings and provide sufficient space for private garden areas, informal open space, parking, landscaping and access.

### **Ecology**

94. The Ecology Officer does not have any objections in principle to the application and agrees with the recommendations within the submitted reptile report and biodiversity report. The Ecology officer recommends an ecological mitigation condition in the form of a Construction Environmental Management Plan (CEMP: Biodiversity) in order to prevent any significant adverse environmental impacts during construction. An enhancement condition was also requested in the biodiversity and reptile reports which would include the recommendations of a reptile relocation scheme. These conditions are considered necessary and reasonable to achieve compliance with policy NE/6 of the South Cambridgeshire District Council Local Development Framework 2007.

### **Residential Amenity**

95. The Council's Environmental Health Officer raised concerns about any noise



generated from fixed or mobile operational machinery or intensive use of agricultural vehicles because of the presence of Pond Farm close to the application site. However the case officer has confirmed from his site visit that Pond Farm is the name of the existing dwelling and is not an operational commercial farm, therefore, a noise impact assessment is not required. As such, the EHO has no objection to the principle of the development subject to requested conditions which would limit working hours and timings of deliveries. This are considered necessary in order to prevent significant adverse impacts of noise and disruption on nearby neighbouring properties.

96. Conditions were also requested regarding burning of materials on site and driven pile foundations. However it is not considered reasonable to add these issues as conditions, therefore they will be added as informatives. An informative was requested regarding information on minimising noise and demolition.
97. The Parish Council raised concerns that the proposed development would create noise and be invasive to existing residents. However as the EHO officer raised no objections to the scheme with regards to existing and future residents, subject to the above.
98. The submitted drawing demonstrates that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact. Adequate separation distances could be retained to the neighbouring properties to the south east, north west and those to the opposite side of Bartlow Road. The retention and enhancement of the tree belt on the boundaries of the site would emphasise the sense of separation. The proposals therefore accord with the relevant amenity criteria of policy DP/3 of the Local Development Framework and the requirements of the District Design Guide.

### **Highway Safety and Parking**

99. The Parish Council and local residents have raised concern the site is just outside the 30mph speed limit zone, the site entrance would exit onto a national speed limit and the fact the speed report is not an accurate reflection of the use of the road. However the Highways Authority raises no objection to the proposal subject to the imposition of conditions regarding construction of the proposed access, the access width and submission of a traffic management plan. These are considered necessary with regards to highway safety and subject to these, the proposal is thereby acceptable in this regard. It should be noted that the Highway Authority did initially recommend refusal to the scheme due to a lack of dimensions for visibility splays, and this was stated by a local resident. However the plan in question HD0138-02, did in fact show all the necessary information for visibility splays, therefore the Local Highway Authority withdrew their objection.
100. In terms of the access, there is sufficient width to enabled two cars to enter and exit the site. In terms of trade lorries being able to turn within the site, the Traffic Management Plan condition will deal with this during the construction phase and the reserved matters application will ensure there is space for example for the bin lorry to turn as the bins are proposed to be located within the site through the layout and landscaping details.
101. The Parish Council and local residents raised concern with the proposed footpath, whether it can be built because of existing power lines, that it does not align with the existing and there are concerns about how it links to the proposed footpath from S/0415/17/OL. A footpath is proposed to be provided from the access to the development, to join up with the existing footpath which currently ends just east of the

site along Bartlow Road using the footpath currently proposed under S/0415/17/OL. The proposed footpath for this application can be secured by condition, however if S/0415/17/OL is not implemented, then the applicants for this proposal would be responsible to connect the proposed footpath up to the existing on Bartlow Road.

102. With regard to parking, the illustrative site plan shows sufficient parking space to achieve 1.5 parking spaces per dwelling and 1 secure cycle space per dwelling in accordance with Policy TR/2. Visitor parking can also be achieved in addition to this which will be detailed at reserved matters stage.

### **Archaeology**

103. The South Cambridgeshire Strategic Housing Land Availability Assessment (SHLAA) and the County Council archaeological team have identified the area as a non statutory archaeological site where there is evidence for medieval activity in the vicinity. This was also raised by a local resident. The comments of CCC archaeology are acknowledged. A condition requiring a programme of archaeological investigation to be secured prior to the commencement of development is recommended.

### **Surface Water Drainage and Foul Water Drainage**

104. The Parish Council and local residents have raised a number of concerns that the current drainage and sewage systems are struggling to cope, where they have raised a number of examples of overflowing and flooding. There are also concerns the nearby proposed development, reference S/0415/17/OL will contribute this issue. However, the Council's sustainable drainage officer raises no objection in principle to the proposal, subject to the imposition of conditions requiring details of the surface water drainage system and foul water drainage. Subject to these, the proposal would be in accordance with Policy NE/11 of the South Cambridgeshire District Council Local Development Framework.

105. The Parish Council commented that Anglian Water have not been consulted as part of the current application. Anglian Water would not normally comment on small scale proposals under 10 dwellings such as this proposal, therefore comments for the Council's sustainable drainage officer are considered sufficient. However on this occasion Anglian Water have commented. As there are no Anglian Water assets in the area there are no objections in principle. The details submitted to support the planning application show the proposed method of surface water management does not relate to Anglian Water operated assets. As such no comments have been provided on surface water management, however they did recommend the Local Planning Authority should consult a drainage consultee, which has taken place and comments have been received. Anglian Water did request a drainage strategy condition to deal with any unacceptable risk of flooding downstream. As the Council's sustainable drainage engineer has already recommended a similar condition, it is not necessary to add a further drainage condition requested by Anglian Water.

### **Contamination**

106. The Contaminated Land Officer stated there are no immediately evident environmental constraints that would attract a contaminated land condition, however, the development proposed use is one which is particularly sensitive to the presence of any contamination and vulnerable receptors should be taken into account. Therefore an informative will be added that if during development contamination not previously identified is found to be present then no further development shall be carried out until

a remediation strategy detailing how the unsuspected contamination should be dealt with.

### **Developer Contributions**

107. With regard to developer contributions development plan policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.
108. Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of 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.
109. The Written Ministerial Statement and NPPG dated November 2014 and later reintroduced in May 2016 following a legal challenge seeks to limit Section 106 contributions secured from small scale developments of less than 10 no. dwellings or those where the gross floor space would not exceed 1000 square metres. The proposed development is for up to 9 no. dwellings and would not exceed 1000 square metres and would fall below the threshold. Therefore, no contributions in relation to open space, community facilities, education, libraries and waste could be secured from the development. However, given that the application is currently at outline stage only and no exact details of the size of the dwellings are known, contributions may be required at reserved matters stage if the floor space exceeds the limit. An informative will be added regarding this issue.
110. Notwithstanding the above, contributions can be secured towards waste receptacles and monitoring. The RECAP Waste Management Design Guide requires household waste receptacles to be provided for the development. Off-site contributions are required towards the provision to comply with Policy DP/4 of the adopted LDF. The contribution would be £73.50 per dwelling and £150.00 per flat. These will need to be secured by way of a section 106 agreement

### **Other Matters**

111. A number of residents and the Parish Council have stated that any adverse impacts from this proposal would be exacerbated by the proposed development near to the site of application S/0415/17/OL. This has been acknowledged throughout the report in the relevant sections, however each application is judged on its own merits.
112. A local resident commented about the height of the proposed properties, however as this is an outline application, elevations will be dealt with at Reserved Matters stage.

### **Conclusions**

113. Given the fact that the District cannot currently identify a five year supply of housing land, policies which restrict the supply of housing outside of village frameworks are out of date and should therefore only be afforded limited weight in the decision making process. In accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the

benefits.

114. It is acknowledged that Castle Camps has a limited number of services and facilities and that travel to larger centres, such as Haverhill, is required to meet basic day to day needs and sources of employment. However, there is a bus service which would allow commuting to Haverhill which serves bus stops within a short walk of the development. This would provide an alternative means of transport to access a broader range of services and facilities without relying on the private car. The environmental impact of the proposal in terms of trip generation and the social impact in relation to the capacity of services and facilities would therefore be reduced.

115. Nonetheless, there would be some harm arising from the need to travel from the development to access facilities such as shops, a doctor's surgery and employment.

116. The indicative site layout shows up to 9 dwellings can be accommodated on the site and will cause less than substantial harm to the Conservation Area and setting of the Grade II listed building. Officers are therefore of the view that the harm resulting from the proposal is considered to represent less than substantial harm and in accordance with paragraph 134 of the National Planning Policy Framework has been assessed with regard to the public benefits of the development and its optimum viable use.

117. In contrast, the proposed development would provide a number of dwellings, 4 of which would be affordable and on site. This is a benefit which should be given significant weight in the determination of the planning application. The creation of jobs in the construction industry and an increase of local services and facilities, both of which will be of benefit to the local economy can also be afforded some weight.

118. There are no objections from statutory consultees and the proposal would not result in significant harm to the character of the landscape, allowing for the retention of the hedgerow and trees and further hedgerow and tree planting on the boundaries. This will enable a sense of containment and reduce the impact of the development on the character of the wider landscape to an acceptable degree.

119. It is considered the public benefits of providing housing to meet the significant deficit in five year housing land supply and the shortage of affordable housing in the district outweigh the limited identified harm. Overall it is considered the development does not significantly and demonstrably outweigh the benefits and as a result, in line with the guidance in paragraph 14 of the NPPF, the recommendation is to grant planning permission.

### **Recommendation**

120. Officers recommended that the Committee grant delegated approval subject to:

#### **Section 106 agreement**

121. Contributions to be secured by way of a Section 106 (or other appropriate) legal agreement as set below, final wording to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission. The contributions comprise:

- a) Affordable Housing – 3 dwellings on site
- b) Waste Receptacles - £73.50 per dwelling and £150.00 per flat

## Conditions

122. A) Approval of the details of the layout of the site, the scale and appearance of buildings (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 two 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 three 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 development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250 Drawing No HD0138-01.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- E) No development shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non-statutory technical standards for sustainable drainage systems. The results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:
- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
  - ii) Provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the designed capacity of the system
  - iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Including: details of land ownership; maintenance responsibilities; a description of system; the identification of individual assets, services and access requirements; details of routine and periodic maintenance activities.
  - iv) The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for the lifetime of the development.  
(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.)
- F) Prior to the commencement of any development, a scheme for the provision

and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

G) No development shall take place until a written scheme of archaeological investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material.

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.)

(H) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local 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 shall be undertaken off the adopted highway)
- (ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street
- (iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
- (iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

Development shall commence in accordance with the approved details.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(I) No development of the new dwellings shall take place until full details of both hard and soft landscape works, including boundary treatments, 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. 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, CH/5 and NE/6 of the adopted Local Development Framework 2007.)

(J) 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.)

(K) Prior to commencement, site preparation or the delivery of materials to site the applicant shall submit a tree protection strategy, including a tree protection plan and arboricultural method statement (in accordance with the BS 5837:2012 standard), have been submitted to and approved in writing by the Local Planning Authority. The protection measures recommended in the approved tree protection strategy shall be implemented prior to the commencement of building operations, site preparation or delivery of materials and remain in position until the practical completion of the development.  
(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.)

(L) Prior to commencement, site preparation or the delivery of materials to site the tree protection measures recommended in the approved tree protection strategy shall be erected and remain in position until practical completion of the implementation of the development.  
(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.)

(M) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan not justified?(CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- i) Risk assessment of potentially damaging construction activities.
- ii) Identification of "biodiversity protection zones".
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv) The location and timings of sensitive works to avoid harm to biodiversity features.
- v) The times during which construction when specialist ecologists need to be present on site to oversee works.
- vi) Responsible persons and lines of communication.
- vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- viii) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by 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.)

(N) Prior to the commencement of the development a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: NPPF expects development to provide for biodiversity and this can be achieved at this site through enhancement measures as set out in the Ecological Appraisal and Reptile Survey Report and in accordance with Policy NE/6 of the adopted Local Development Framework 2007 .

(O) As part of any reserved matter application details of the housing mix (including both market and affordable housing) shall be provided in accordance with local planning policy or demonstration that the housing mix meets local need shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details

(Reason: To ensure an appropriate level of housing mix, both market and affordable housing in accordance with policies H/8 and H/9 of the South Cambridgeshire Local Plan Proposed Submission July 2013)

(P) During the period of construction, no power operated machinery shall be operated on the site, and there shall be no construction related deliveries taken at or dispatched from the site, before 0800 hours and after 1800 hours on weekdays and before 0800 hours and after 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.)

(Q) The proposed access shall be a minimum of 5m in width, shall be constructed from a bound material for the first 5m to prevent displacement of materials onto the highway and constructed so that its falls and levels are such that no private water from the site drains across or onto the public highway. The development shall be retained as such thereafter.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(R) Prior to the first occupation of any dwelling, a 2m wide footway shall be provided from the entrance of the site eastwards to the existing footway outside number 8 Bartlow Road, Castle Camps. Details shall be submitted to and approved in writing by the Local Planning Authority which shall include a plan showing the location, design and materials of the footway. Development shall commence in accordance with the approved details.

(Reason: To provide suitable pedestrian connectivity to the village from the site in accordance with policy DP/3 of the adopted Local Development Framework 2007.)

### **Informatives**

- (a) 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.
- (b) 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.

- (c) There shall be no burning of any waste or other materials on the site, without prior consent from the Environmental Health Department to ensure nuisance is not caused to local residents.
- (d) Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
- (e) If during development contamination not previously identified is found to be present then no further development shall be carried out until a remediation strategy detailing how the unsuspected contamination should be dealt with.
- (f) The Written Ministerial Statement and Planning Practice Guidance first introduced on 28/11/2014 (and later reintroduced on 19/05/2016 following legal challenge) seeks to limit the section 106 contributions secured from smallscale development (i.e. those of 10 dwellings or fewer and those where the gross floorspace does not exceed 1000 square metres). The Planning Portfolio Holder for South Cambridgeshire District Council made a decision published on 18/02/2015 that tariff style section 106 contributions should no longer be sought from developments beneath this national threshold. This decision was endorsed by Planning Committee on 4/3/2015. However, where the Council approves an outline application of 10 dwellings or fewer, any reserved matters application that is approved and which provides a combined gross floorspace of more than 1000sqm may be subject to financial contributions secured by a section 106 agreement in accordance with Development Control Policies DP/4 and SF/10.

### **Background Papers:**

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

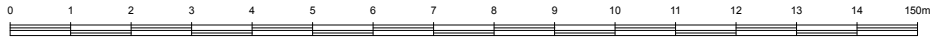
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/3128/17/OL

**Report Author:**

William Tysterman  
Telephone Number:

Planning Project Officer  
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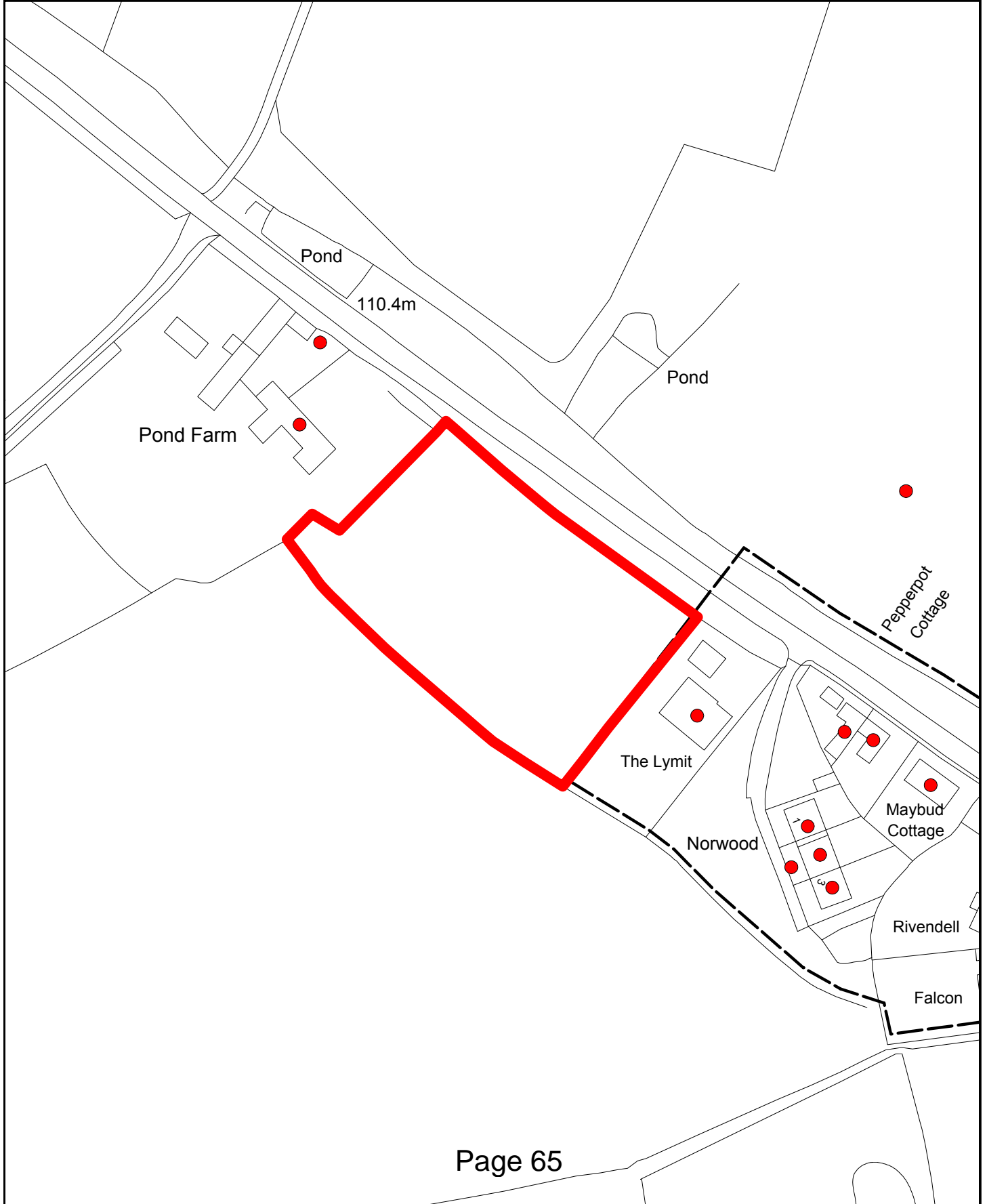
Time of plot: 08:00

Date of plot: 20/10/2017



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Cambridgeshire  
District Council**

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# Agenda Item 8

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 06 December 2017  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/2989/17/OL

**Parish(es):** Milton

**Proposal:** Outline permission for development of 1No. detached house

**Site address:** Land to the rear of 1 Benet Close, Milton

**Applicant(s):** South Cambridgeshire District Council (SCDC)

**Recommendation:** Approval

**Key material considerations:** Principle  
Visual Amenity  
Highway Safety and Access  
Residential Amenity  
Trees

**Committee Site Visit:** Yes

**Departure Application:** No

**Presenting Officer:** Julie Ayre, Team Leader (East)

**Application brought to Committee because:** Application made by SCDC on land owned by SCDC

**Date by which decision due:** 17 October 2017 (Extension of time agreed until 08 December 2017)

### Executive Summary

1. The application is reported to Planning Committee because the applicant is South Cambridgeshire District Council.
2. This is an outline planning application for the erection of a single dwelling. All matters are reserved at this stage, although formal consultation has taken place with the Local Highways Authority and vehicular access to the site can be achieved.
3. The principle of a single dwelling on the site is acceptable, having regard to the location of the site and the presumption in favour of sustainable development.
4. The site is of sufficient size to accommodate a single dwelling. Off-street parking and turning space can also be provided within the site.

5. There are no objections from technical consultees.
6. The recommendation is one of approval, subject to conditions.

### **Planning History**

7. None relevant.

### **National Guidance**

8. National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### **Development Plan Policies**

9. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/6 Group Villages
10. **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 and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/8 Groundwater  
NE/9 Water and Drainage Infrastructure  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/15 Noise Pollution  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards
11. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
District Design Guide SPD - Adopted March 2010  
Landscape in New Developments SPD - Adopted March 2010  
Trees & Development Sites SPD - Adopted January 2009
12. **South Cambridgeshire Local Plan Submission - March 2014**  
S/1 Vision  
S/2 Objectives of the Local Plan  
S/3 Presumption in favour of sustainable development  
S/7 Development Frameworks  
S/10 Group Village  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
HQ/1 Design Principles  
NH/4 Biodiversity  
H/7 Housing Density  
H/15 Development of Residential Gardens  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

## Consultation

13. **Milton Parish Council** – has no recommendation.

14. **Councillor Hazel Smith**

Whilst I see the imperative on the Council to provide self-build plots I am concerned that the council should retain some control over what happens on this land. What is to stop the purchaser selling it on as 2 plots? If the large tree in the adjoining council property were to die, this would be a possibility. The tree is a major asset in the street scene and should have a TPO attached as being a tree on Council property seems to have been no protection to the 2 trees taken out in the plot in question here.

Please could we consider a TPO on the tree in the garden of 1 Benet Close?

Is it possible also to sell the land with a covenant on it allowing only one property to be built?

15. **County Highway Authority** – No objection to drawing number 1551-P-501 Rev 1, subject to conditions in relation to the provision of a traffic management plan, levels and construction materials of the drive way, pedestrian visibility splays, dimensions for parking with a reversing space and provision of manoeuvring space within the site.

16. **Environmental Health Officer** – No objection, request conditions restricting hours of works, burning of waste on site and pile driven foundations (if proposed).

17. **Strategic Housing Department** – the reasons why SCDC are not developing the site themselves are as follows:

- as a Right to Build Vanguard we committed to providing 100 plots to market as part of our bid to the DCLG for the Right to Build status. The audit of HRA owned land was part of this process and we have identified 100 plots of HRA land to fulfil this requirement. These plots sit aside working with our planning team and developers to bring more privately owned land forward for self and custom build.
- when the 1% reduction per year for 4 years in council rents was introduced our budget for new build council housing was erased. To continue to build council homes to bring in a revenue stream and ensure spend of Right to Buy receipts and Commuted Sums the idea of utilising our HRA land plots for sale; and using the capital receipts to fund out new build council housing was presented to EMT and Cabinet. The business case was approved by Cabinet in July 2016 and was subsequently refreshed at EMT in July 2017.
- the council building out 1 plot on a small piece of land is not financially viable or efficient in terms of resources.
- the council building out on small garage sites is an expensive way to construct council houses. Volume generates economy of scale, and in doing larger exception sites or S106 sites we get much better value for money and essentially can build more affordable homes for the same budget.

18. **Sustainable Drainage Engineer** – No objection subject to conditions regarding requiring a scheme for the disposal of surface water and foul water.

19. **Tree Officer** – No objection.

Currently the site contributes greatly to the amount of green in the streetscene due to the overgrown hedgerows, both adjacent to the public footpath and with the boundary of house 28. The hedge adjacent to the public footpath has been left to outgrow but if it were managed to a common garden standard would have far less contribution to the streetscene. The conifer hedge, which is to the side of house 28, would be determined as excessive if considered in relation to the 'high hedge' legislation. There is no method of now bringing this hedge (height and width) into reasonable management.

There are other self set trees on site which are also highlighted for removal. With the removal of the hedges, these would be more prominent in the streetscene, even though they are set back from the road. However they fundamentally do not have the quality which a TPO requires.

The most prominent tree for the streetscene, T1 a hornbeam off site, is retained and should not be detrimentally affected by the proposal.

If there are concerns about the loss of streetscene greening, a small ornamental garden tree could be planted toward the boundary with house 28 and the public footpath which would soften the appearance of the proposed house and house 28.

No further tree information is needed.

### **Representations**

20. One letter has been received from no.3 Benet Close, raising concern for a loss of privacy their main property and to an annexe built at the rear of their property, as well as loss of light.

### **Site and Surroundings**

21. The application site is located within the village of Milton, bound to the east by Cambridge Road. The northern, western and southern boundaries of the site adjoin the private garden areas of nos.1 and 3 Benet Close and no.28 Cambridge Road. The site is owned by South Cambridgeshire District Council, having previously formed part of the garden of no.1 Benet Close. The site is currently vacant and unused and contains a number of overgrown hedgerows and trees.
22. The site is located within Milton Village Development Framework. The site is not located within a Conservation Area and does not form the setting to any Listed Buildings or other heritage assets. There are no Tree Preservation Orders on or adjacent the site. The site is not affected by flood risk and does not comprise a sensitive habitat for protected species and is unlikely to be affected by contamination. Furthermore, the site is not within the Green Belt.

### **Proposal**

23. The application seeks outline planning permission for the development of 1 detached house, with all matters reserved.

### **Planning Assessment**

24. The key issues to consider in the determination of the application are principle of



development, visual amenity, highway safety, residential amenity and trees.

### **Principle of Development**

25. Milton is defined as a Group Village under Policy ST/6 of the Local Development Framework and Policy S/10 of the Proposed Local Plan. In Group Villages, development and redevelopment without up to an indicative maximum scheme size of 8 dwelling will be permitted within the village frameworks.
26. Policy HG/1 of the Local Development Framework Development Control Policies and Policy HG/7 of the emerging Local Plan seeks that all residential developments make the best use of the site by achieving net densities of at least 30 dwellings per hectare unless exceptional local circumstances require a different treatment, or at least 40 dwellings per hectare in more sustainable locations. The proposed site was calculated as having an area of approximately 0.05 hectares. The provision of a single dwelling on the site would equate to a density of 20 dwellings per hectare, which would be below the required density of Policy HG/1. However, given the character of the area the proposed density is considered acceptable.
27. The principle of a single dwelling on site is considered to be acceptable, subject to all other material planning considerations.

### **Visual Amenity**

28. The site comprises a square parcel of land abutting Cambridge Road, surrounded by residential development. The existing dwellings along Cambridge Road and Benet Close form a linear pattern of development along their respective roads, set back from the public highway. The dwellings are typically two storey dwellings with slight variations in design, appearance and material finish. There are a number of mature trees and hedgerows along Cambridge Road, with some hedgerows forming the front boundary treatment of several properties. Other boundary treatments include low level walls and fences to the front of a number of properties.
29. The application proposes the development of one detached dwelling on the site. Although all matters are reserved at this stage, the indicative site plan shows the delivery of a detached two storey residential property, with an adjoining single storey garage. Subject to full details of the proposed dwelling being provided at reserved matters stage, to ensure appropriate design, siting and material finish, a detached two storey dwellings is considered acceptable in terms of its impact on the visual amenity of the area and to accord with policies DP/2 and DP/3 of the Local Development Framework.

### **Highway Safety and Access**

30. The proposed development will take its access from Cambridge Road on the eastern boundary of the site, close to the junction with Benet Close. Although all matters are reserved at this stage, the County Council as Local Highways Authority have been formally consulted on the application and have raised no objections to the proposals on highway safety grounds following the submission of drawing number 1551-P-501 Rev 1.
31. The Local Highways Authority has requested a Traffic Management Plan as a part of this application, along with several other conditions relating to the vehicular access to the site. The conditions suggested by the local highway authority are all deemed reasonable and necessary. On this basis, and in the opinion of the Local Highway

Authority, the proposed development would be acceptable in terms of its impact highway safety and would therefore accord with policy DP/3 of the Local Development Framework.

32. Sufficient car parking would be provided on site to serve the proposed dwelling to accord with the requirements of policy TR/2 of the Local Development Framework.

### **Residential Amenity**

33. One letter of objection has been received from no.3 Benet Close, which raises concern regarding the loss of privacy and loss of light.
34. The residential property of no.3 Benet Close is located to the north of the site, with its rear private garden area running along the western boundary of the application site. The garden area of no.3 Benet Close is approximately 24 metres in length, when measured from the rear single storey projection of no.3 Benet Close.
35. The indicative site plan shows the proposed dwelling to be orientated in a north-south direction, with the front elevation of the property facing east onto Cambridge Road. A two storey four-bed property is proposed, sited approximately 6.2 metres from the rear boundary with no.3 Benet Close and approximately 6.4 metres from the northern boundary with no.1 Benet Close. The two storey northern elevation of the proposed dwelling is shown to be approximately 18 metres from the two storey southern elevation of no.1 Benet Close. The distance to the two storey rear elevation of no.3 Benet Close is approximately 20 metres, but taken at a more oblique angle. It is noted that both nos.1 and 3 Benet Close have single storey elements attached to the rear of the respective properties, approximately 13 and 15 metres from the two storey northern elevation of the proposed dwelling.
36. The potential loss of privacy to no.3 Benet Close would be dealt through a Reserved Matters application when the detailed plan of the dwelling is provided. However, it is considered that the proposed development could be accommodated without a significant loss of privacy to neighbouring dwellings, given the separation between the properties, and subject to appropriate arrangement and detailing of any first floor windows on the northern and western elevations of the proposed dwelling. Furthermore, the privacy of neighbouring properties could be secured through the use of appropriate conditions, if necessary, on any Reserved Matters application in respect of first floor openings.
37. With regard to potential loss of light to no.3 Benet Close, the relationship between the proposed dwelling and no.3 Benet Close is likely to be such that any significant loss of light would occur to the end of the garden of no.3 Benet Close, rather than the primary private amenity area immediately adjacent to the property itself, or any rear doors and openings to no.3 Benet Close.
38. In respect of no.28 Cambridge Road to the south, the site plan places the proposed dwelling approximately 1.5 metres from the shared boundary and approximately 4.5 metres from the side elevation of the existing property. It is not considered that the proposed dwelling would result in a significant adverse impact upon the amenities of no.28 Cambridge Road.
39. In terms of potential impact on the future occupiers of the proposed dwelling, it is noted that there are first floor windows in the rear elevations of nos.1 and 3 Benet Close which would face towards the private amenity area of the proposed dwelling. However, given the siting of the proposed dwelling relative to the existing dwellings,

and the approximate 22 metre width of the garden, it is considered that the proposed dwelling could accommodate a private amenity area which is not compromised significantly by surrounding properties.

### **Trees**

40. Although the site is currently vacant in terms of its use, it does contain a number of overgrown hedgerows and several trees. One tree in particular, located in the south east corner of the site, is significant in scale and a notable presence in the street scene.
41. An Arboricultural Report, Tree Constraints Plan and Tree Survey Schedule have been submitted in support of the application. These details indicate the removal of the trees from within the red-line boundary of the site.
42. Concern has been raised that the tree is a major asset in the street scene and should have a Tree Preservation Order placed on it.
43. The Council's Trees Officer has been formerly consulted on the application and raises no objection to the removal of the trees from the site, suggesting replacement planting could be considered. Furthermore, as the trees on the site are not covered by a Tree Preservation Order and the site is not located within a Conservation Area, there is no reason that the trees cannot be removed from the site by the owner.
44. The removal of the large tree in the south east corner of the site would be notable. However, it is not considered that the removal of trees from the site would result in significant harm to the character of the area and wider street scene sufficient enough to warrant a refusal of the application on this basis alone. Furthermore, full details of any landscape proposals would form part of a Reserved Matters application and would be fully assessed at that time.

### **Flood Risk and Drainage**

45. The site is located in Flood Zone 1 (low risk) and the surrounding area is not designated as being within Flood Zone 2 or 3. Therefore there is not considered to be any significant level of flood risk to the residential development of the site. It is considered reasonable and necessary to apply conditions requiring a surface water and foul water drainage scheme to be submitted to and approved in writing by the Local Planning Authority. On that basis, the principle of a dwelling on site is considered to be acceptable in terms of flood risk and surface water drainage and accords with policies NE/9 and NE/11 of the Local Development Framework.

### **Other Matters**

46. Comment has been made about the potential development of two dwellings on the site, with a prospective purchaser of the site having the potential to sell it on as two plots. The application which has been made is for the development of one detached house on the site and is assessed as such. The Council may, as landowner, consider something in the sale agreement should this be a concern, but this would not be material to the application before committee. The development of two dwellings on the site would require a formal planning application which would be subject to its own consultation and assessment.
- 47.

The Council's Environmental Health Team have raised no objection to the proposed development and requested a number of conditions. It is considered reasonable and

necessary to impose a condition restricting the hours of work to minimise noise disturbance for adjoining residents, in accordance with Policy NE/15 of the Local Development Framework. Informatives relating to burning of waste and pile driven foundations are also recommended.

### **Recommendation**

Approval subject to:

### **Conditions and Informatives**

48. Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:
- 1) Approval of the details of the layout of the site, 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.)
  - 2) 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.)
  - 3) 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.)
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 1551-P-501 Rev 1. (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  - 5) The landscaping details required under condition 1 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 and the positions, design, materials and type of boundary treatment 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.)
  - 6) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

- 7) 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.)
- 8) Prior to the commencement of any development, a scheme for the provision and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
- 9) No construction site machinery or plant shall be operated and no construction related deliveries taken at or despatched from the site before 0800 hours and after 1800 hours on weekdays, before 0800 hours and after 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.)
- 10) Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 11) No construction works shall commence on site until a traffic management plan has been agreed with the Local 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 shall be undertaken off the adopted public highway)
  - ii. Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street.
  - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
  - iv. Control of dust, mud and debris in relationship to the operation of the adopted public highway

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 12) 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 water.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 13) 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.)

- 14) Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:

- a) enter, turn and leave the site in forward gear
- b) park clear of the public highway

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

### **Informatives**

- 49.
1. There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
  2. 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.
  3. 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
  4. 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.

### **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 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/2989/17/OL

**Report Author:**

Michael Sexton  
Telephone Number:

Senior Planning Officer  
01954 713417

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Date of plot: 16/11/2017



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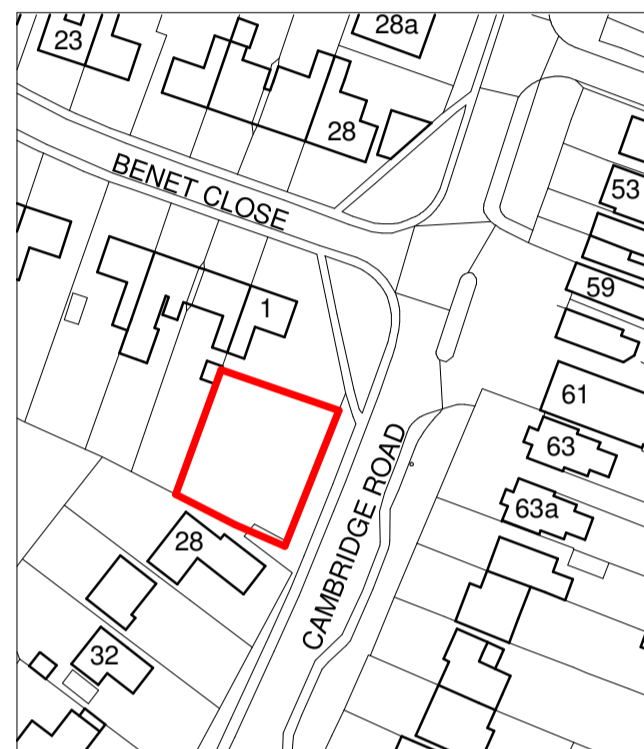


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| No. | Note   |
|-----|--|
| 1   | All dimensions to be verified on site by GENERAL CONTRACTOR and work or setting out or preparing shop drawings.  |
| 2   | Drawings not to be scaled. Work to figured dimensions only   |
| 3   | © copyright SAUNDERS BOSTON LIMITED. All rights reserved. This drawing remains the property of SAUNDERS BOSTON LIMITED at all times and may not be reproduced or copied in whole or in part without their prior written consent. |
| 4   | This drawing and related specifications are for use only in the stated location.   |
| 5   | This drawing is to be read in conjunction with all other Consultants drawings and specifications.  |
| 6   | Drainage has not been surveyed and all pipe locations and below ground drainage runs are indicative  |

**Indicative Accommodation Schedule:**

1 No. 4 bed 2 storey detached house (approximately 146sqm/1571sqft), with single garage and associated parking.



**Location Plan**  
1 : 1250



**Block Plan**  
1 : 500



**Proposed Site Plan**  
1 : 100

| No. | Revision | Comments  | Date     | Chk | Auth |
|-----|----------|---|----------|-----|------|
| 1   |          | Layout amended in response to highways comments | 05.10.17 | KP  | VH   |

**OUTLINE PLANNING**

Chartered Architects  
119 Newmarket Road  
Cambridge  
CB5 8BA  
Tel: (01223) 367733  
E-mail: office@saundersboston.co.uk

**Saunders Boston**

Client  
South Cambridgeshire District Council

Job  
Land to rear of 1 Benet Close, Milton

Drawing  
Location, Block & Indicative Site Plan

| Scales        | Date       |
|---------------|------------|
| As indicated  | 02/08/17   |
| Chk<br>KP     | Auth<br>VH |
| Revision<br>1 |            |

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# Agenda Item 9

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 December 2017

**AUTHOR/S:** Joint Director for Planning and Economic Development

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|                             |   |
|-----------------------------|---|
| <b>Application Numbers:</b> | i) S/1969/15/OL<br>ii) S/2553/16/OL   |
| <b>Parish(es):</b>          | Linton  |
| <b>Proposal:</b>            | i) Outline planning application with all matters reserved for up to 50 houses and 30 allotments<br><br>ii) Outline planning application with all matters reserved for up to 50 dwellings and allotments (not less than 0.45 hectares)   |
| <b>Site address:</b>        | Horseheath Road, Linton   |
| <b>Applicant(s):</b>        | Ely Diocesan Board of Finance   |
| <b>Recommendation:</b>      | Delegated Authority to officers to submit a 'Statement of Common Ground' to the Inspectorate which does not defend the reasons for refusal on applications S/1969/15/OL and S/2553/16/OL, subject to the agreement to the submission of the same information in relation to application S/3405/17/OL. |

### Considerations

1. Application S/1969/15/OL was refused by Planning Committee on the 11 May 2016 and application S/2553/16/OL was refused by Planning Committee on 23 March 2017. Both applications are currently subject to appeals. The joint public inquiry is scheduled for the 9 January 2018.

2. The applications were refused for the following reason:-

*The application has been submitted in outline with all matters reserved, including layout. However, the submission expressly seeks formal consent for up to 50 dwellings. The application site comprises a sensitive edge of settlement location within undulating landscape topography. Given the landscape and visual amenity characteristics and context of the site the Local Planning Authority does not consider that the applicant has satisfactorily demonstrated that a development of up to 50 dwellings can be accommodated on the site without causing harm to the landscape and visual amenities of the area. It is considered that a comprehensive scheme of structured landscape planting, combined with a design-led approach to the development of this site is essential, and this would be highly likely to encroach into the developable area of the site and compromise the ability to accommodate 50 dwellings. The Local Planning Authority therefore considers that a development of 50*

*dwellings would be likely to exert a harmful effect on the landscape and visual amenities of the area, contrary to Policies DP/1, DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007 and the adopted Design Guide.*

3. Since these applications were refused, the applicant has submitted a revised application S/3405/17/OL which is considered to address the reasons for refusal in relation to the applications at appeal and is therefore recommended for approval by officers.
4. This current proposal has provided additional information to address those issues and is considered to have resolved the previous concerns. The number of dwellings has been reduced by 8 and a revised indicative plan has been submitted that shows a 6 metre wide strategic buffer, additional planting, an area of public open space and allotments along a large part of the eastern and northern boundaries of the site adjacent to the open countryside; a second area of public open space to the south west; and a buffer along the southern boundary. This has resulted in a more comprehensive scheme of structured landscape planting throughout the site and represents a design led approach that is supported by the Landscape Design Officer and is considered to address the previous objections through improving the edge of the village and integrating the development into the landscape.
5. If the current application is agreed to be approved by members, the applicant proposes to submit the plans subject to the current application reference S/3405/17/OL to the Inspector under the 'Wheatcroft' approach at the appeal to substitute the refused plans. If this is the case, there would be little ground for the Local Planning Authority to object to the proposal. Therefore, it would be difficult to defend the landscaping reason for refusal.

### **Conclusion**

6. The reports seeks to ask members to provide clear guidance for officers who will be defending the appeals under application S/1969/15/OL and S/2553/16/OL, where the reasons for refusal have been addressed through negotiations on the further planning application S/3405/17/OL. The evidence provided overcomes the reasons for refusal and the impact of the development can be mitigated through an appropriate conditions and a Section 106 legal package.

### **Recommendation**

7. It is recommended that the Planning Committee grants officers delegated powers to agree a 'Statement of Common Ground' in relation to the appeals under applications S/1969/15/OL and S/2553/16/OL, which does not defend the outstanding reason for refusal in relation to landscaping subject to the agreement on additional drawings submitted to the Inspectorate by the applicant.

### **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 2007
- South Cambridgeshire Local Development Framework Supplementary Planning

Documents (SPD's)

- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/2553/16/OL, S/1969/15/OL, S/1963/15/OL and S/0096/17/OL.

**Report Author:**

Karen Pell-Coggins  
Telephone Number:

Senior Planning Officer  
01954 713230

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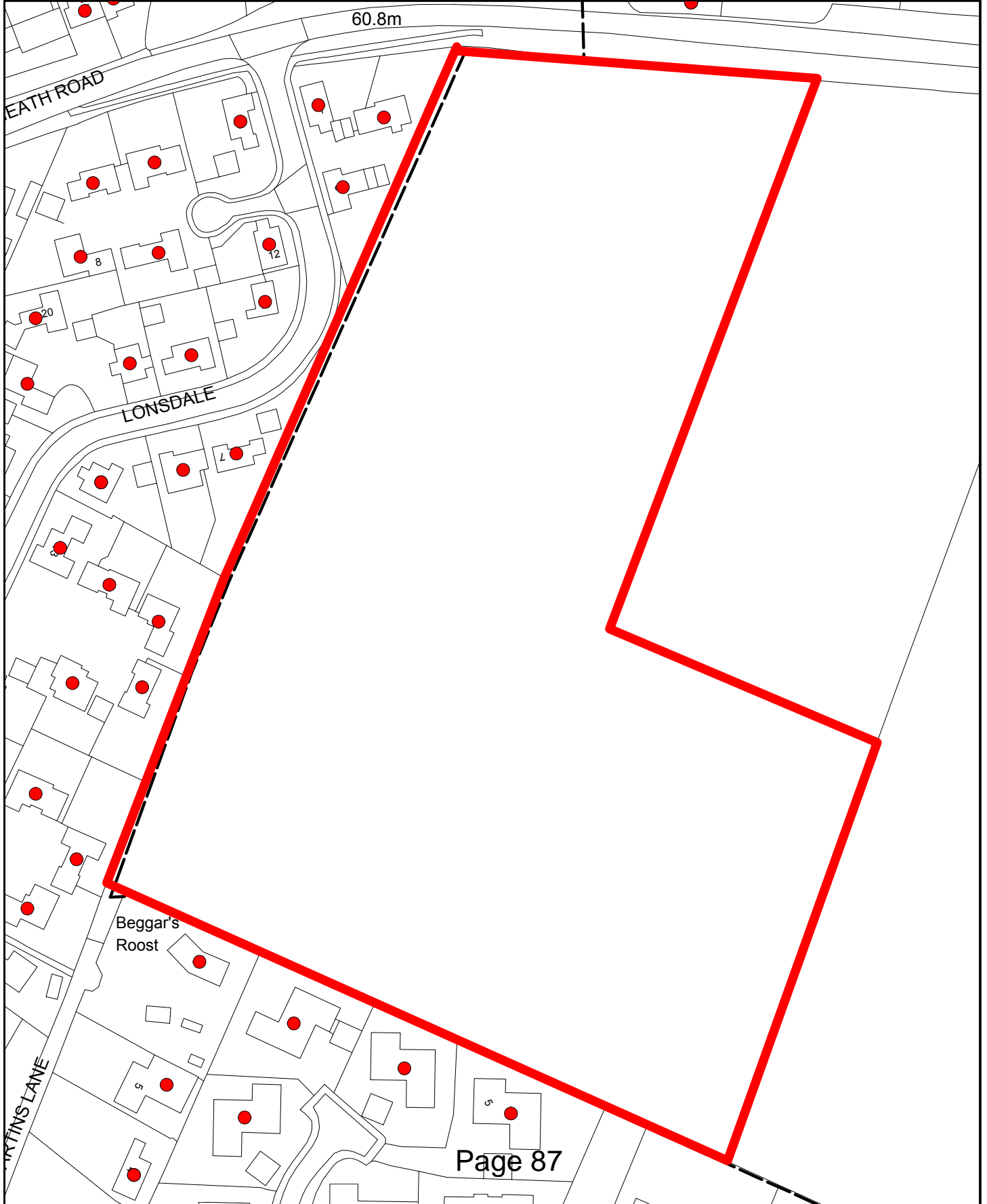
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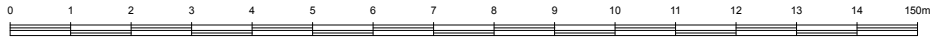


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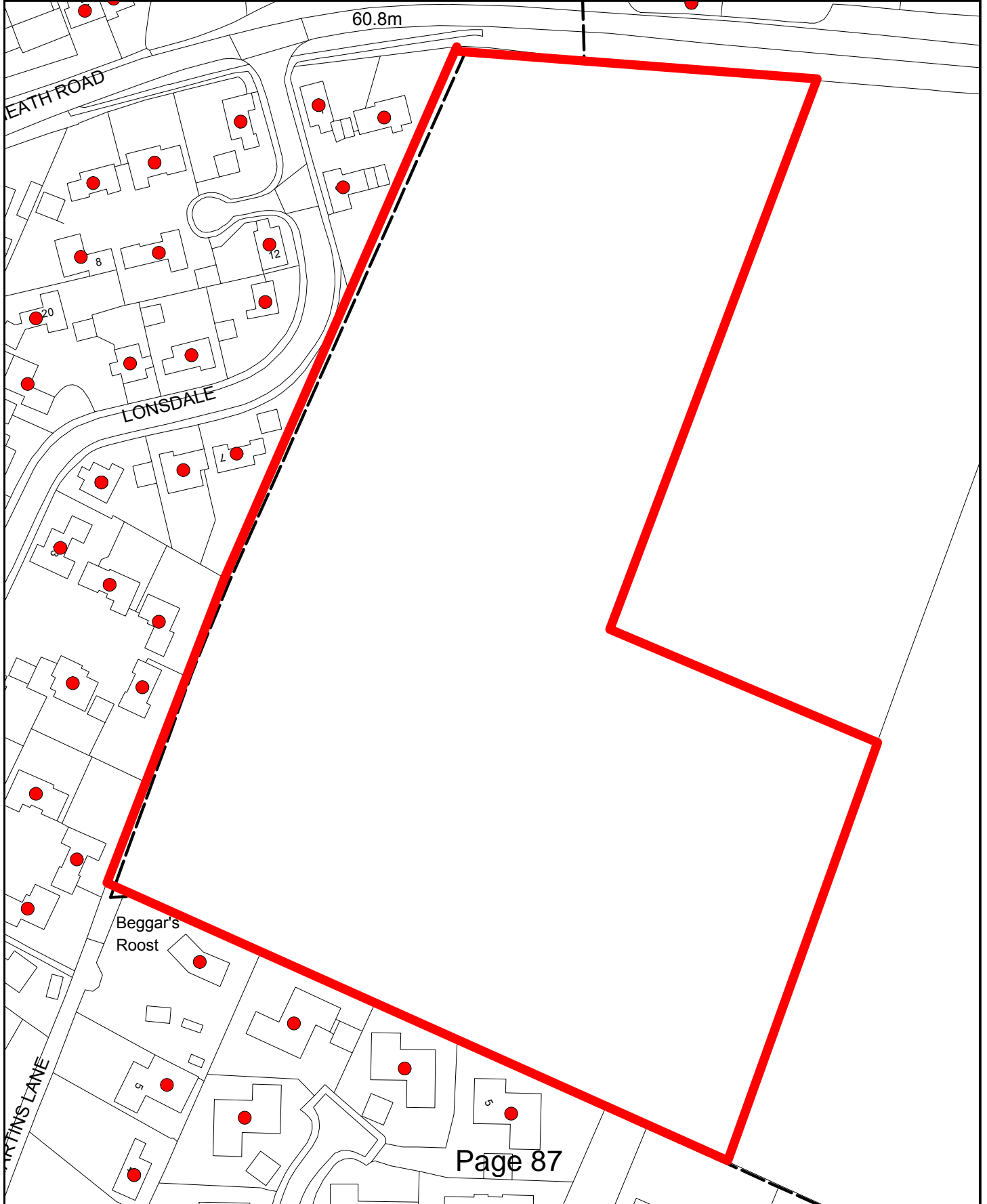
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# Agenda Item 10

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 6 December 2017  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/0243/16/FL

**Parish(es):** Bassingbourn

**Proposal:** New vehicular and pedestrian access off Guise Lane. Realignment of boundary perimeter fence, New Car Park and Footpath to connect to the existing Club House

**Site address:** Bassingbourn Snowsports Centre, Bassingbourn Barracks, Bassingbourn, Royston, Hertfordshire, SG8 5LX

**Applicant(s):** Martin Middleton, Bassingbourn Snowsports Club

**Recommendation:** Delegated approval subject to the completion of a legal agreement.

**Committee Site Visit:** No

**Departure Application:** No

**Presenting Officer:** Julie Ayre Team Leader East

**Application brought to Committee because:** (i)The Parish Council objects to the application, which conflicts with officers' recommendation, and (ii)an amended resolution is required to deal with the £5,000 contribution towards the provision of improved pedestrian crossing facilities on Bassingbourn High Street.

**Date by which decision due:** 15 January 2018

### Considerations

- 1.1 In September 2016 the Planning Committee considered the above planning application after a site visit and resolved to grant a conditional planning permission subject to a Section 106 agreement (appendix 1) requiring a contribution of £5,000 towards the provision of improved pedestrian crossing facilities on Bassingbourn High Street. This matter is being brought back to Planning Committee because the applicants are not able to bind the current land owner (Ministry of Defence) to complete such an agreement.

The Council has received a cheque for the £5,000 contribution from the Trustees of

- 1.2 Bassingbourn Snow Sports Club but they do not currently for section 106 purposes have a legal interest in the land which is the subject of the planning application. In these circumstances the Trustees have offered up a signed Legal agreement made pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 which secures the payment of the £5,000 and its release towards the provision of improved off site pedestrian crossing facilities on Bassingbourn High Street on implementation of the Planning Permission. It is officers' view that the alternative form of Agreement satisfactorily secures the provision of the £5,000 required by members and that is open to members to simply resolve in similar terms as previously but to delete that part of the reference to a Legal Agreement being "...under Section 106 of the Town & Country Planning Act 1990.."
- 1.3 On completion of the Section 111 agreement the applicant pays to the Council £5,000 to be held by the Council and to be used only of purposes of the provisions of improved off site pedestrian crossing facilities on Bassingbourn High Street. The applicant covenants that on acquiring a legal interest in the site and prior to commencement, they shall enter into the Planning Obligation, Section legal agreement 106.
- 1.4 All other considerations in respect of the merits of the earlier planning application remain as before officers consider therefore that subject to the alternative means of funding the off-site matters the application can be approved.
- 1.5 The decision to the varying of the Legal agreement on this application has no material consequence to the decision members have already taken on this proposal.

### **Recommendation**

It is recommended that the Planning Committee grants officers delegated powers to agree the provision of a legal agreement Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 to allow the issuing of the decision notice.

### **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 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/0243/16/FL

### **Report Author:**

Julie Ayre  
Telephone Number:

Team Leader East  
01954 713313



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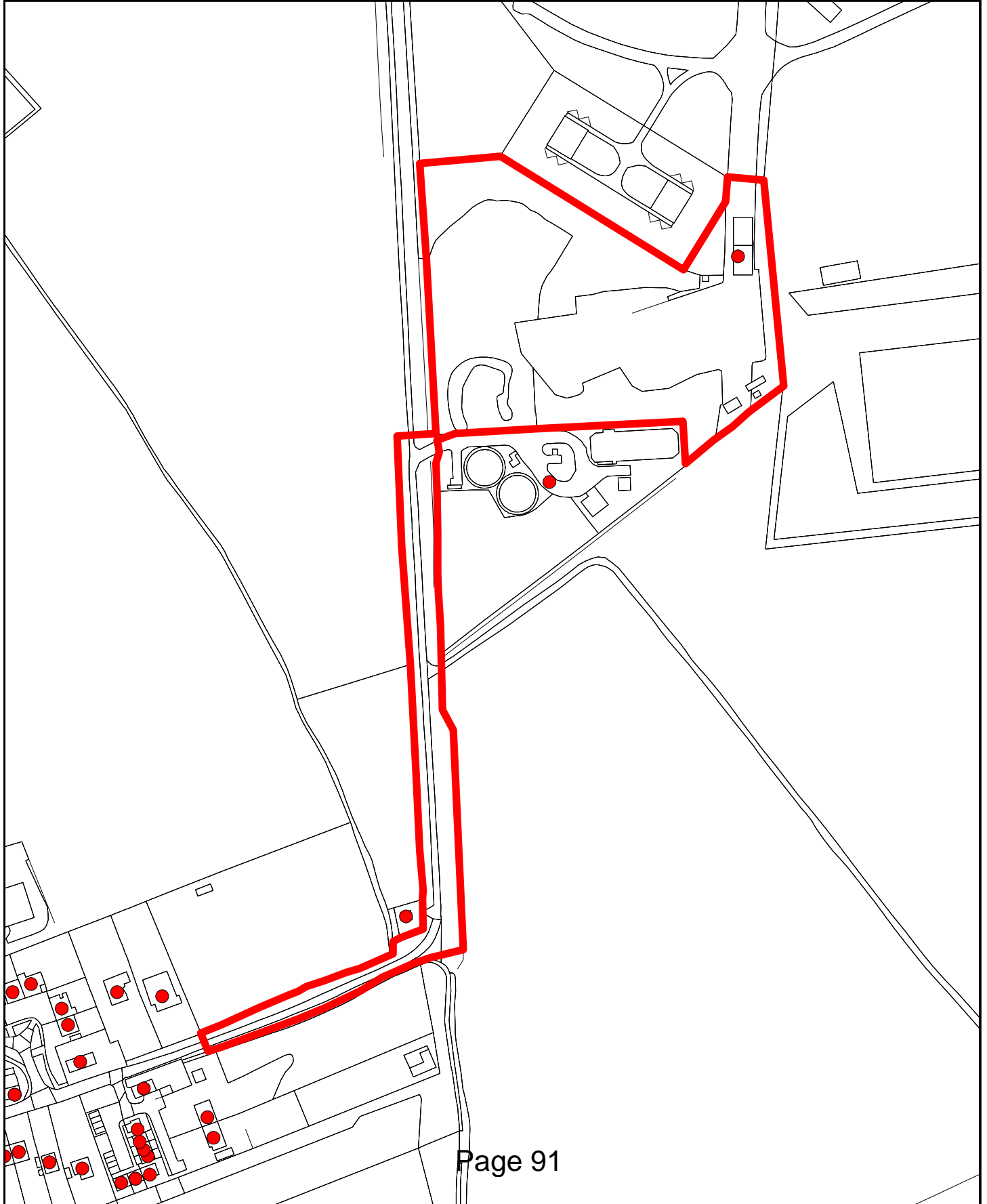
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# Agenda Item 11



**REPORT TO:** Planning Committee

6 December 2017

**LEAD OFFICER:** Joint Director of Planning & Economic Development

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## Enforcement Report

### Purpose

1. To inform Members about planning enforcement cases, as at 20 November 2017. Summaries of recent enforcement notices are also reported, for information.

### Executive Summary

2. There are currently 73 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. 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.
4. Statistical data is contained in Appendices 1, and 2 to this report.

### Updates to significant cases

5. Updates are as follows:

(a) **Stapleford:**

Breach of Enforcement Notice on Land adjacent to Hill Trees, Babraham Road. Following continuing breaches of planning at this location an Injunction was approved by the High Court 17<sup>th</sup> November 2015, The compliance period to remove unauthorised vehicles and to cease unauthorised development represented by the commercial storage, car sales and non-consented operational works that have occurred there was by January 26<sup>th</sup> 2016. An inspection of the land on the 26<sup>th</sup> January 2016 revealed that the unauthorised motor vehicles, trailers, caravans etc. had along with the unauthorised track been removed from the land as required by the Injunction. The displaced vehicles have now been moved onto land at Little Abington owned by the occupier of Hill Trees and onto land adjacent to Hill Trees that belongs to Gonville and Caius College, Cambridge. Both parcels of land are the subject of extant enforcement notices. Currently advice has been sought through Counsel on the most effect route in dealing with this displacement and on balance it is felt that a High Court injunction, particularly given the recent

successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches. Case file currently in preparation.

File prepared and instruction given to apply for a High Court Injunction. Preparation work including further detailed inspections of the lands in question, personal service etc. is currently being carried out along with a witness statement to facilitate the High Court Injunction application.

The family of the deceased owner of Hill Trees have informed the council that the various claims against the estate by the current occupier have been struck out including the Inheritance Claim. Although further appeals have been made it is their solicitor's view that the person responsible for the breach of control on the Land adjacent to Hill Trees has reached the end of the road and that they are shortly going to issue a notice for the unlawful occupation of Hill Trees to cease?

A further inspection of the land adjacent to Hill Trees carried out on the 13<sup>th</sup> July confirmed that the displaced vehicles are still occupying the site along with several additional vehicles. The meeting with Counsel which was originally booked for the 17<sup>th</sup> July has now taken place on the 26<sup>th</sup> July 2017. Following advice from Counsel additional preparation work required prior to the application for a High Court Injunction. Witness statements currently with Counsel, waiting further advice.

In addition to the above it was previously reported that the person involved in the above action appealed the planning decision (LDC) reference S/3569/16/LD in connection to a parcel of land known as unit C which is situated at Hill Trees and is currently covered by the existing High Court Injunction. Although the appeal was to be heard on the 5<sup>th</sup> December 2017 the appeal has now been withdrawn by the applicant. A claim for costs is currently in the process of being made.

(b) **Cottenham - Smithy Fen:**

Work continues on Setchel Drove, following the placement of a number of static caravans on four plots in breach of the current planning consent and High Court Injunction applicable to each plot. Formal letters have been issued to those reported owners and occupants on Setchel Drove, covering the breaches of planning control and breach of the High Court Injunction - Copies of the Injunction and Housing leaflets, covering those that may be threatened with homelessness or eviction has been issued – Given the complexity and number of departments within the organisation that may be involved in any future action the Councils Tasking & Coordination group are facilitating a joint approach with Planning, Environmental Health, Housing, Benefits & Council Tax, and Legal.

Following a full survey of the site, including Needs assessments preparation was made for the issue of twenty two (22) Breach of Condition Notices covering five plots in Water Lane, one plot in Orchard Drive, four plots in Pine Lane, three plots in Park Lane, and nine plots in Setchel Drove, who have been found to breach their planning permission.

A compliance inspection carried out after the 31 July 2017 confirmed that 54%

of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons and a date is shortly to be advised.

(c) **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 and subsequently approved for conditions 3, 4 and Boundary Treatment – Conditions, 6,7,14,22,23,25,26,27,28,29,30,31,32 and 33 have now also been discharged. Following an application for a Judicial Review regarding the stadium, the Judicial review has taken place at the High Court of Justice, Queens Bench division, Planning Courts. The judgement was handed down and reported on the 15th January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant in this JR has now applied to the Court of Appeal for permission to appeal the decision of Mr Justice Jay. Counsel has been made aware.

Permission to appeal allowed – Appeal Listed for a 1 day hearing on the 19<sup>th</sup> January 2017. The Court of Appeal upheld the Appeal i.e. Planning permission quashed and it will now need to be returned to Planning Committee. Currently revised documents submitted and scheduled for the November 2017 Planning Committee. The application is for the construction of new stadium for Cambridge City Football Club and the creation of new community recreational space at Deal Grove, Babraham Road, Sawston.

Decision: Approved

(d) **Fulbourn - St Martin's Cottage, 36 Apthorpe Street;**

Erection of a wooden building in rear paddock of No.36 Apthorpe Street, Fulbourn, intended for commercial use as a carpentry workshop. The building is, in the absence of a planning permission in breach of planning control and has a detrimental impact upon the Green Belt and open countryside.

A retrospective planning application has not been submitted in order to try and regularise the breach of planning control identified therefore an application to issue an enforcement notice for the removal of the building was made. Enforcement Notice issued 9<sup>th</sup> September 2016 effective date 21 October 2016 Compliance period – Three months - Appeal received by the Planning Inspectorate. Appeal dismissed – Compliance period 16<sup>th</sup> October 2017

Wooden structure removed and enforcement notice complied with.

(e) **Histon – Land at Moor Drove**

Unauthorised development within the Green Belt of agricultural land and occupation of a section of the land, including stationing of five (5) touring caravans. Immediate application of a High Court Injunction made to prevent

further development and occupation of the land. Application successful. Enforcement Notice to be issued requiring removal of the five (5) unauthorised touring caravans. Retrospective planning application received, awaiting validation. Planning reference S/2896/16 refers. Since application a planning agent has been engaged to provide outstanding information in order to allow original application to be validated. Application now validated. Enforcement notices (3) issued 10 January 2017 covering the section of land the subject of the unauthorised development. Planning Appeal Submitted and received by the Planning Inspectorate, Further appeal submitted for non-determination of the planning application. Date to be advised

(f) **Horseheath - Thistledown Cardinals Green**

Erection of a wooden lodge sited in the rear garden for the purpose of an annexe for independent living accommodation, without the benefit of a planning consent. Application submitted, subsequently refused. Planning reference S/1075/16/FL refers. Enforcement notice issued wooden lodge to be removed within three months (7 May 2017) unless an appeal is received in the meantime. Planning Appeal now submitted in relation to the planning decision. Appeal dismissed 7 July 2017 Compliance period three months, i.e. by 7<sup>th</sup> October 2017.

Wooden lodge removed and enforcement notice complied with

(g) **Willingham – The Oaks Meadow Road**

The use of the chalet building as a dwelling house without the benefit of planning permission. A retrospective planning application had previously been submitted and was due to be heard at the 7<sup>th</sup> December 2016 Planning Committee but was withdrawn by the applicant. Enforcement Notice issued and subsequently Appealed. Appeal to be heard week commencing 11<sup>th</sup> December 2017

**Investigation summary**

- 6 Enforcement Investigations for October 2017 reflect a 59.5% increase when compared to the same period in 2016. Sixty Seven (67) cases in total for the period.

**Effect on Strategic Aims**

- 7.. South Cambridgeshire District Council delivers value for money by engaging with residents, parishes and businesses. By providing an effective Enforcement service, the Council continues to provide its residents with an excellent quality of life.

**Background Papers:**

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

- **Appendices 1 and 2**

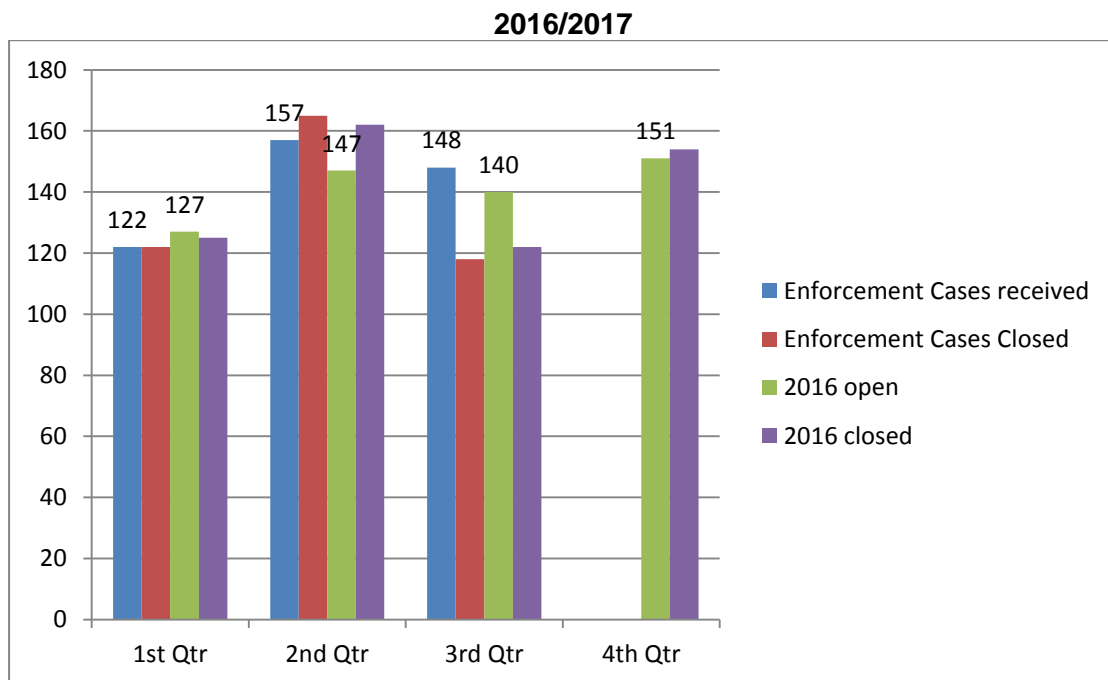
**Report Author:** Charles Swain Principal Planning Enforcement Officer  
Telephone: (01954 ) 713206



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Enforcement Cases Received and Closed

| Month – 2017              | Received | Closed |
|---------------------------|----------|--------|
| October 2017              | 67       | 71     |
| November 2017             |          |        |
| December 2017             |          |        |
| 1 <sup>st</sup> Qtr. 2017 | 122      | 122    |
| 2 <sup>nd</sup> Qtr. 2017 | 157      | 165    |
| 3 <sup>rd</sup> Qtr. 2017 | 148      | 118    |
| 4 <sup>th</sup> Qtr. 2017 | -        | -      |
| 1 <sup>st</sup> Qtr. 2016 | 127      | 125    |
| 2 <sup>nd</sup> Qtr. 2016 | 147      | 162    |
| 3 <sup>rd</sup> Qtr. 2016 | 140      | 122    |
| 4 <sup>th</sup> Qtr. 2016 | 151      | 154    |
| 2016 - YTD                | 565      | 563    |
| 2015 -YTD                 | 511      | 527    |
| 2014 -YTD                 | 504      | 476    |



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Notices Served and Issued

1. Notices Served

| Type of Notice                | Period       | Calendar Year to date |
|-------------------------------|--------------|-----------------------|
|                               | October 2017 | 2017                  |
| Enforcement                   | 3            | 16                    |
| Stop Notice                   | 0            | 0                     |
| Temporary Stop Notice         | 0            | 5                     |
| Breach of Condition           | 3            | 29                    |
| S215 – Amenity Notice         | 0            | 1                     |
| Planning Contravention Notice | 0            | 3                     |
| Injunctions                   | 0            | 0                     |
| High Hedge Remedial Notice    | 1            | 1                     |

2. Notices served since the previous report

| Ref. no.   | Village        | Address  | Notice issued              |
|--|----------------|--|----------------------------|
| ENF.0319/17HH  | Duxford        | 45a Moorfield Road   | High Hedge Remedial Notice |
| ENF/0435/17<br>Inappropriate development   | Teversham      | Borley Way/<br>Sheppard Way                                | Enforcement Notice         |
| SCD-ENF-0069/17<br>Change of use from agricultural land to storage of vehicles, caravans & scrap | Linton         | Hadstock Road  | Enforcement Notice         |
| ENF/0182/16<br>Material change of use of the land to residential use. Construction of a building | Harston        | Land & property adjacent 1 Beech Farm Cottages, Button End | Enforcement Notice         |
| SCD-ENF-0394-17<br>Garage Annexe Let   | Milton         | 34 Froment Way   | Breach of Condition Notice |
| SCD-ENF-0440-17<br>Breach of Traffic Management Plan   | Dry Drayton    | 41 Park Street   | Breach of Condition Notice |
| SCD-ENF-0474-17<br>Additional Mobile Home  | Great Abington | Green Acre Bourn Bridge Road                               | Breach of Condition Notice |

**3. Case Information**

Thirty seven of the sixty seven cases opened during October were closed within the same period which represents a 55.2% closure rate.

A breakdown of the cases investigated during October is as follows

**Low priority** - Development that may cause some harm but could be made acceptable by way of conditions e.g. Control on hours of use, parking etc.  
Seven (7) cases were investigated

**Medium Priority** -Activities that cause harm (e.g. adverse affects on residential amenity and conservation areas, breaches of conditions)  
Fifty four (54) cases were investigated

**High Priority** (works which are irreversible or irreplaceable (e.g. damage to, or loss of, listed buildings and protected trees, where highways issues could endanger life)  
Six (6) cases were investigated

**The enquiries received by enforcement during the October period are broken down by case category as follows.**

|                             |           |
|-----------------------------|-----------|
| Adverts                     | x 03      |
| Amenity                     | x 00      |
| Breach of Condition         | x 23      |
| Breach of Planning Control  | x 06      |
| Built in Accordance         | x 04      |
| Change of Use               | x 08      |
| Conservation                | x 00      |
| High Hedge                  | x 00      |
| Listed Building             | x 04      |
| Other                       | x 09      |
| Unauthorised Development    | x 08      |
| Permitted Development       | x 02      |
| <u>Total Cases reported</u> | <u>67</u> |

# Agenda Item 12



**REPORT TO:** Planning Committee

6 December 2017

**LEAD OFFICER:** Joint Director for Planning and Economic Development

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## **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 27<sup>th</sup> November 2017. Summaries of recent decisions of importance are also reported, for information.

### **Statistical data**

2. Attached to this report are the following Appendices:
  - Appendix 1 - Decisions Notified by the Secretary of State
  - Appendix 2 – Appeals received
  - Appendix 3 - Local Inquiry and Informal Hearing dates scheduled

**Contact Officer:** Stephen Kelly      Joint Director for Planning and Economic Development for Cambridge and South Cambridgeshire

Telephone Number:: 01954 713350

**Report Author:** Ian Papworth      Technical Support Team Leader (Appeals)

Telephone Number: 01954 713406

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## Appendix 1

### Decisions Notified By The Secretary of State

| Reference    | Address  | Details   | Decision  | Date       | Planning Decision |
|--------------|--|---|-----------|------------|-------------------|
| S/3256/16/FL | Orchard Stables, 30, East Drive, Highfields Caldecote, Cambridge, Cambridgeshire, CB23 7NZ | Proposed consolidation of existing agricultural, stables and outbuildings to the rear curtilage of the property known as 30 East Drive, Highfields, CB23 7NZ for the proposed development of a single dwelling with access drive and landscaping and garage | Allowed   | 30/10/2017 | Refused           |
| S/3585/16/FL | Land adjacent to St. Neots Road near the, CB23 7QL   | Self storage container site, with site administration office, WC block and associated customer parking.   | Dismissed | 26/10/2017 | Refused           |
| S/1576/16/FL | 90 High Street, Girton   | Erect a shed (retrospective application)  | Allowed   | 7/11/17    | Refused           |
| S/0707/17/FL | Land Adj 30 High Street Shepreth   | Erection of Two Detached Dwellings with Access and Associated Landscaping.  | Allowed   | 07/11/2017 | Non Determination |
| S/3618/16/FL | 106 High Street, Harston   | Extensions, alterations and change of use from workshop (light industrial) to dwelling  | Dismissed | 08/11/17   | Refused           |
| S/3569/16/LD | Unit C, Hill   | Certificate of  | Withdrawn | 10/11/2017 | Refused           |

## Appendix 1

|              |  |   |           |            |         |
|--------------|--|---|-----------|------------|---------|
|              | Trees,<br>Babraham<br>Road, Great<br>Shelford,<br>Cambridge,<br>Cambridgeshir<br>e, CB22 3AD | lawful<br>development for<br>the use of land<br>for sales and<br>repair of motor<br>vehicles                      |           |            |         |
| S/0257/17/FL | 34 South<br>Road, Great<br>Abington  | Proposed<br>annexe  | Dismissed | 15/11/2017 | Refused |
| S/1112/17/FL | Church Farm<br>Cottages, 49,<br>Sawston<br>Road,<br>Babraham                                 | Partial First<br>Floor extension<br>over an existing<br>single storey<br>side extension<br>and new front<br>porch | Dismissed | 09-11-2017 | Refused |

## Appendix 3

### Local Inquiry and Informal Hearing dates scheduled

- **Local Inquiries**

| <b>Reference</b> | <b>Name</b>              | <b>Address</b>                                    | <b>Planning decision or Enforcement?</b> | <b>Date confirmed/proposed</b>  |
|------------------|--------------------------|---|--|---------------------------------|
| ENF/0012/17      | Mr Thomas Buckley        | The Oaks, Meadow Road, Willingham                 | Enforcement Notice                       | 11/12/2017 for 3 days TBC       |
| S/1092/17/FL     | Mr Dolph Buckley         | The Oaks, Meadow Road, Willingham                 | Planning Decision                        | 11/12/2017 for 3 days TBC       |
| S/1969/15/OL     | Mr Jon Green             | Horseheath Road, Linton                           | Planning Decision                        | 09/01/2018 for 3 days Confirmed |
| S/2553/16/OL     | Mr Jon Green             | Horseheath Road, Linton                           | Planning Decision                        | 09/01/2018 for 3 days Confirmed |
| S/0096/17/OL     | Gladman Developments Ltd | Agricultural land North East of Back Road, Linton | Planning Decision                        | 16/01/2018 for 5 days Confirmed |
| S/3569/16/LD     | Mr Fleet Stother Cooke   | Unit C, Hill Trees, Babraham Road, Great Shelford | Planning Decision                        | 05/12/2017 TBC                  |
| ENF/0483/16      | Ms Julie Lee             | Overbrook Farm Nursery, Green End, Landbeach      | Enforcement Notice                       | TBC                             |

- **Informal Hearings**

| <b>Reference</b> | <b>Name</b>   | <b>Address</b>          | <b>Planning decision or Enforcement?</b> | <b>Date confirmed/proposed</b> |
|------------------|---------------|-------------------------|--|--------------------------------|
| ENF/0433/16      | Mr Tony Price | 7 Moor Drove, Cottenham | Enforcement Notice                       | Postponed TBC                  |
| ENF/433/B/16     | Mr Tony Price | 7 Moor Drove, Cottenham | Enforcement Notice                       | Postponed TBC                  |
| ENF/433/C/16     | Mr Tony Price | 7 Moor Drove, Cottenham | Enforcement Notice                       | Postponed TBC                  |
| S/2896/16/FL     | Mr Tony Price | 7 Moor Drove,           | Planning                                 | Postponed                      |

### Appendix 3

|                     |   |  |                              |                                 |
|---------------------|---|--|------------------------------|---------------------------------|
|                     |   | <b>Cottenham</b>   | <b>Decision</b>              | <b>TBC</b>                      |
| <b>S/3396/16/RM</b> | <b>Cala Homes<br/>North Home<br/>Counties</b> | <b>8 Greenacres,<br/>Duxford</b>                         | <b>Planning<br/>Decision</b> | <b>TBC</b>                      |
| <b>S/3391/16/OL</b> | <b>Gladman<br/>Developments<br/>Ltd</b>       | <b>Land off Boxworth<br/>End, Swavesey</b>               | <b>Planning<br/>Decision</b> | <b>05/12/2017<br/>Confirmed</b> |
| <b>S/2876/16/OL</b> | <b>Mr Stephen<br/>Conrad</b>                  | <b>Land North east of<br/>Rampton Road<br/>Cottenham</b> | <b>Planning<br/>Decision</b> | <b>TBC</b>                      |



## Appendix 3

### Local Inquiry and Informal Hearing dates scheduled

- **Local Inquiries**

| <b>Reference</b> | <b>Name</b>              | <b>Address</b>                                    | <b>Planning decision or Enforcement?</b> | <b>Date confirmed/proposed</b>  |
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- **Informal Hearings**

| <b>Reference</b> | <b>Name</b>   | <b>Address</b>          | <b>Planning decision or Enforcement?</b> | <b>Date confirmed/proposed</b> |
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| ENF/433/C/16     | Mr Tony Price | 7 Moor Drove, Cottenham | Enforcement Notice                       | Postponed TBC                  |
| S/2896/16/FL     | Mr Tony Price | 7 Moor Drove,           | Planning                                 | Postponed                      |

### Appendix 3

|                     |   |  |                              |                                 |
|---------------------|---|--|------------------------------|---------------------------------|
|                     |   | <b>Cottenham</b>   | <b>Decision</b>              | <b>TBC</b>                      |
| <b>S/3396/16/RM</b> | <b>Cala Homes<br/>North Home<br/>Counties</b> | <b>8 Greenacres,<br/>Duxford</b>                         | <b>Planning<br/>Decision</b> | <b>TBC</b>                      |
| <b>S/3391/16/OL</b> | <b>Gladman<br/>Developments<br/>Ltd</b>       | <b>Land off Boxworth<br/>End, Swavesey</b>               | <b>Planning<br/>Decision</b> | <b>05/12/2017<br/>Confirmed</b> |
| <b>S/2876/16/OL</b> | <b>Mr Stephen<br/>Conrad</b>                  | <b>Land North east of<br/>Rampton Road<br/>Cottenham</b> | <b>Planning<br/>Decision</b> | <b>TBC</b>                      |