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N.B. Earlier start time

5 March 2019

To: Chairman – Councillor John Batchelor
Vice-Chairman – Councillor Pippa Heylings
All Members of the Planning Committee - Councillors Dr. Martin Cahn,
Peter Fane, Bill Handley, Brian Milnes, Judith Rippeth, Deborah Roberts,
Peter Topping, Heather Williams and Nick Wright

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 13 MARCH 2019** at **9.30 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

Mike Hill

Interim Chief Executive

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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. Recorded voting

4. Minutes of Previous Meeting

1 - 4

To authorise the Chairman to sign the Minutes of the meeting held on 13 February 2019 as a correct record.

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'.

5. S/2626/18/FL - Comberton (64 Barton Road)

5 - 28

Detached dwelling

6. S/2424/18/FL - Melbourn (36 New Road)

29 - 62

Erection of 22 dwellings together with associated open space, landscaping, highway, and drainage infrastructure works

MONITORING REPORTS

7. Enforcement Report

63 - 72

8. Appeals against Planning Decisions and Enforcement Action

To Follow

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

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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.

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EXCLUSION OF PRESS AND PUBLIC

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

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

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

Notes

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

Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 13 February 2019 at 10.30 a.m.

PRESENT: Councillor John Batchelor – Chairman
Councillor Pippa Heylings – Vice-Chairman

Councillors: Dr. Martin Cahn Peter Fane
Bill Handley Brian Milnes
Judith Rippeth Deborah Roberts
Peter Topping Heather Williams
Nick Wright

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), John Koch (Planning Team Leader (West)), Richard Pitt (Principal Planning Lawyer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer), Alison Twyford (Senior Planning Officer) and Rebecca Ward (Principal Planning Officer)

Councillors Nigel Cathcart and Sarah Cheung Johnson were in attendance, by invitation.

1. APOLOGIES

There were no Apologies for Absence.

2. DECLARATIONS OF INTEREST

Councillor Dr. Martin Cahn declared a non-pecuniary interest in Minute 5 (S/1486/18/FL - Impington (Land to the rear of 49-83 (odds) Impington Lane, Impington, CB24 9NJ)). Councillor Cahn's wife is a member of Impington Parish Council. Councillor Cahn is a member of the Royal Town Planning Institute (RTPI).

Councillor Heather Williams declared

- A non-pecuniary interest in Minute 7 (S/4433/18/OL - Bassingbourn (Garage site off Knutsford Road). Councillor Williams had attended a meeting of Litlington Parish Council at which this application had been discussed. However, she had not participated in that discussion, and was now considering the matter afresh.
- a non-pecuniary interest in Minute 8, paragraph 5(e) (Enforcement – 147 St. Neots Road, Hardwick). The landlords of no. 147 are also landlords of the neighbouring property, which is the headquarters building of the political association of which Councillor Williams is Deputy Chairman.

3. RECORDED VOTING

Upon a show of hands, the Committee **agreed unanimously** that all substantive votes at the current Planning Committee meeting should be recorded by name and / or number and name.

4. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 16 January 2019.

5. S/1486/18/FL - IMPINGTON (LAND TO NORTH OF IMPINGTON LANE (LAND TO THE REAR OF 49-83 (ODDS) IMPINGTON LANE)

Members noted that the applicant had lodged an Appeal against the non-determination of this application. The purpose of the report to this meeting was to establish what the Committee would have decided, and its reasons for doing so.

The case officer reported that the applicant had indicated a willingness to withdraw their Appeal if the Local Planning Authority decided to grant planning permission. The Legal Officer explained the process that had to be followed, including a six-week Judicial Review period. Some Members expressed unease with the circumstances in which they were having to consider the report.

Councillor Pippa Heylings, speaking as a local Member, called for greater community engagement and integration of affordable housing into the wider development. She expressed concern at the absence of biodiversity net gain. Councillor Dr. Martin Cahn (another local Member) added concern about highway safety.

Following further discussion and, had it still been in its gift to determine the application, and in order to assist officers in formulating the Council's response to the appeal for non-determination, the Committee was **minded to approve** the application by six votes to five, subject to:

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms attached as Appendix 1 to the report from the Joint Director of Planning and Economic Development and update to public-art requirement as set out by the Planning Officer at the beginning of the meeting;
2. The Conditions and Informatives set out in the said report; and
3. Additional Conditions securing
 - a. Biodiversity net gain and survey identifying those existing trees on site to be retained
 - b. Consultation with local member and parish council on the Construction Environmental Management Plan sufficient to protect an affected vulnerable family
 - c. Additional information in traffic management plan condition to restrict hours of deliveries during peak school times and for a form to ensure deliveries are carried out safely.
 - d. Permeability through the development

Cllrs John Batchelor, Cahn, Fane, Handley, Heylings and Milnes were minded to approve the application: Cllrs Rippeth, Roberts, Topping, Heather Williams and Wright were minded to refuse)

Councillor Pippa Heylings left the meeting at this stage, and was not present for Minutes 6, 7, 8 or 9. With the Committee's agreement, Councillor Brian

Milnes was appointed Vice-Chairman for the remainder of the meeting.

6. S/2439/18/FL - LONGSTANTON (LAND REAR OF THE RETREAT, FEWS LANE)

Daniel Fulton (objector), Mr. Caddoo (applicant), Libby White (Longstanton Parish Council Clerk on behalf of the Council) and Councillor Sarah Cheung Johnson (a local Member) addressed the meeting.

The Planning Team Leader referred to a letter received from Mr. Fulton, and confirmed that this had been published effectively on the South Cambridgeshire District Council website. He told Members that they must consider the application on its merits, and that the previous Appeal was a material planning consideration. The Planning Team Leader confirmed that the report published with the agenda was the finalised report.

Committee discussion revolved around working hours and highway safety.

Councillor Pippa Heylings having previously left the meeting, the Committee unanimously **approved** the application by ten votes to nil, subject to

1. the Conditions and Informatives set out in the report from the Joint Director of Planning and Economic Development;
2. an additional Condition requiring there to be no deliveries between 7.30am and 9.30am and between 3.00pm and 6.00pm (or such other times as to avoid a conflict with school drop off and collection); and
3. the final wording or amendment of Conditions and Informatives referred to in 1. And 2. above being agreed by officers in consultation with the Chairman of the Planning and Vice-Chairman for this item (Councillor BBrian Milnes) prior to the issue of a Decision Notice.

7. S/4433/18/OL - BASSINGBOURN (GARAGE SITE OFF KNUTSFORD ROAD)

Members visited the site on 12 February 2019.

Councillor Nigel Cathcart (local Member) addressed the meeting. The principal issue raised related to best use of the land, and whether consideration had been given to the construction there of affordable housing instead. The case officer reminded the Committee that it could only consider the application as submitted.

The Drainage Manager, speaking on behalf of the applicant (South Cambridgeshire District Council) said that the site was not suitable for affordable housing, and that the Authority had recognised its obligations under the self-build scheme.

By seven votes to two, with one abstention and Councillor Pippa Heylings having previously left the meeting, the Committee **approved** the application subject to

1. The Conditions and Informatives set out in the report from the Joint Director of Planning and Economic Development, Condition (h) being reworded to read

All deliveries to the site and all muck away movements are to be carried out only between *08.30am* and *2.30pm* Monday to Friday and at no other time.

(Reason - In the interest of highway safety in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018)

2. the final wording or amendment of Conditions and Informatives referred to in 1. above being agreed by officers in consultation with the Chairman of the Planning Committee and Vice-Chairman for this item (Councillor Brian Milnes) prior to the issue of a Decision Notice.

Councillors John Batchelor, Cahn, Fane, Handley, Milnes, Rippeth and Topping voted to approve the application. Councillors Roberts and Wright voted to refuse. Councillor Heather Williams abstained.

8. ENFORCEMENT REPORT

The Committee **received, noted and discussed** the Update on enforcement action. With reference to paragraph 5(a) of the report from the Joint Director for Planning and Economic Development (Smithy Fen, Cottenham), Councillor Nick Wright again asked that the appropriate Legal Officer should attend Planning Committee to update Members about progress.

9. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

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

The Meeting ended at 1.05 p.m.

Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13 March 2019
AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/2626/18/FL
Parish: Comberton
Proposal: Detached Dwelling
Site Address: 64 Barton Road, Comberton, CB23 7BP
Applicant: Mr & Mrs Arnold
Recommendation: Approval
Key Material Considerations: Principle of Development
Design, Impact on the character and appearance of the area, Conservation Area and Protected Village Amenity Area (PVAA)
Highway Matters
Trees
Residential Amenity
Ecology and Biodiversity
Committee Site Visit: 12 March 2019
Presenting Officer: Ishita Sheth, Senior Planning Officer
Application Brought to Committee Because: Objections have been received from the Parish Council.
Date by Which Decision Due: 18 September 2018 – Extension agreed to 4th October 2018

Executive Summary

1. This application proposes a single dwelling in the rear garden of No. 64 Barton Road. The site lies within a Conservation Area and partly within a Protected Village Amenity Area (PVAA).
2. Three previous applications for a dwelling in this location have been refused and all subsequently dismissed on appeal. Officers consider that the current proposal by virtue of its reduced scale and mass and barn style design would be in keeping with the semi-rural character of the area and results in an acceptable form of development. It is not considered that the proposed dwelling would be harmful to the character of the Conservation Area or so detrimental to the Protected Village Amenity Area (PVAA) that a refusal on this basis could be successfully sustained on appeal.

3. Officers note a number of local objections to the proposal, particularly in respect of ecology, impacts to protected trees, impact on the Conservation Area and the Protected Village Amenity Area (PVAA) and the Public Right of Way (PRoW). On balance officers consider there is sufficient comfort that the site could be developed without resulting in an adverse impact in respect of these matters.

Relevant Planning History

4. PRE/0243/18 – Pre-application advice for erection of a dwelling and car port with ancillary access arrangements. Advice provided on 15th May 2018.
5. S/0564/15/FL – Erection of a dwelling and ancillary access arrangements – refused and dismissed at appeal (ref: APP/W0530/W/16/3149259) on 19 August 2016 due to the proposal adversely affecting the Conservation Area and Protected Village Amenity Area. The dwelling failed to preserve the character and appearance of the Conservation Area given the scale, mass and bulk as well as the garage with first floor accommodation which would be visible from the adjacent Public Right of Way. The proposal would significantly erode the open and undeveloped nature of the appeal site and the identified semi-rural quality. The PVAA confirmed the importance of the semi-rural character of the area. The hard surfaced areas for vehicle parking and garden areas would still be in the PVAA which would adversely affect the site's open and undeveloped quality, and semi-rural character. A copy of the appeal decision is provided as appendix 1 to this report.
6. S/1429/09/F – Erection of dwelling and detached dwelling and detached garage following demolition of house and garage – refused and dismissed at appeal.
7. S/2259/06/F – Extension to existing house, demolition of garage and erection of a new garage and erection of a new dwelling at the rear of the site – refused and dismissed at appeal.

Site Description

8. The site comprises the rear garden of 64 Barton Road and is located within the village framework and Conservation Area of Comberton. The southern part of the site is in the Protected Village Amenity Area which extends the full length of the western boundary of the plot at no. 64 and extends to the south of the enclosed garden area to the rear of the dwelling. The land adjacent to the south and west of the site is densely covered by established trees. A public right of way runs parallel with the eastern boundary of the site which is demarcated by close boarded fencing. The Oak trees on the southern boundary are protected by way of a Tree preservation Order.

Proposal

9. This application proposes the erection of a 4 bedroomed chalet dwelling with three pitched roofed dormers in the rear elevation to be finished externally in timber weatherboarding and natural slate for roofing. The design of the dwelling is a mix of traditional and modern with a ridge height of some 6.92m. Access to the dwelling is proposed via the existing Public Right of Way to the eastern side of the site. A carport is proposed to the rear of the existing

garage at the host dwelling. Two further car parking spaces are provided to the south of the car port.

Relevant Planning Policy

10. National Policy

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (PPG)

11. Adopted Local Plan 2018

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
CC/3 Renewable and Low Carbon Energy Generation
CC/4 Water Efficiency
CC/6 Construction Methods
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/4 Biodiversity
NH/11 Protected Village Amenity Areas
NH/14 Heritage Assets
H/8 Housing Density
H/12 Residential Space Standards
H/16 Development of Residential Gardens
SC/7 Outdoor Play Space, Informal Open Space and new Developments
SC/9 Lighting Proposals
SC/10 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/10 Broadband

12. Supplementary Planning Documents (SPD)

Trees & Development Sites - adopted 15 January 2009
Biodiversity - adopted 2 July 2009
Listed Buildings - adopted 2 July 2009
District Design Guide - adopted 2 March 2010
Landscape in New Developments - adopted 2 March 2010

Consultations

13. **Parish Council** – Objection. Refused twice previously. Will not enhance or preserve the character. Same reasons as last application. Impact on the Conservation Area. Poor vehicle access, next to Protected Village Amenity Area (PVAA). Historic rural pathway would be altered dramatically. Solid fence was put up without planning permission – previous fence was post and rail type fencing. Possible two badger setts on western boundary

14. **Landscape Officer** – No objection subject to conditions:

- No gravel within 5m of the highway
- No parking on the Public Right of Way (public footpath)

15. **Local Highway Authority** – Confirms that Drawing number 693-15 Rev C is acceptable to the Local Highway Authority subject to the following conditions and informatives:

1. The proposed drive ways be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

2. The proposed drive be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: in the interests of highway safety

3. 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 the 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.

Reason: in the interests of highway safety

Informative to the effect that 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.

16. **Contaminated Land Officer** – Makes the following comments:

The site appears to be relatively low risk in terms of contamination having only appeared to have comprised the garden of a residential property, but it is being developed into quite a sensitive end use and there does appear to have been an historic outbuilding on site which coincides with proposed garden areas. As such, it is recommended that a Phase I Desk Study be carried out to assess potential risks from contamination associated with the proposed redevelopment. It is also possible that some confirmatory shallow soil sampling may be required in order to confirm that the soils meet modern quality standards for domestic gardens.

If this information is not made available prior to determination of the planning application, please attach the following condition to the subsequent decision notice:

- 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.

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.

17. **Tree Officer** - Has some arboricultural concerns with the proposal which relates to future residents of the dwelling and the oak trees to the south. These concerns are not strong enough to object outright.

There are trees on or adjacent to site with legal protection through TPO 0014 (2006) T1, T2 and T3 (all oak) and /the Conservation Area.

A Tree Survey and Arboricultural Implications Assessment (dated June 2018) has been submitted.

From aerial photographs it appears that some trees adjacent and due west of the proposed dwelling have been missed off the Tree Protection Plan. Perhaps this can be clarified?

There are three oak trees due south of the proposed dwelling. From plans it is estimated that these stand approximately 15 metres away and the tree survey suggests they are 15m tall with a crown spread of 10-13m. The height of these trees will therefore cast deep shade over part of the property (house and garden) from sunrise to mid evening in summer. The extent of the shading will cover a very extensive area for much of the day. No shade plan has been submitted with the application. This issue is discussed in the Arb Implications Assessment and it is noted that “the garden is large enough to provide areas that are unshaded”. A garden may be big enough for some part of it to catch direct sun but people don’t always fully consider where they locate static garden features such as patios, BBQs, vegetable gardens etc.

It is also noted that the oak crowns are very low to the ground and no pruning works have been identified to facilitate development. To be clear, these trees cannot be pruned without permission from the LPA.

Should this development be approved and built the LPA will not support any tree works applications for any style of crown reduction for reasons of dominance, proximity to dwelling, shading, dry ground, debris falling from the trees etc.

Before determining the application perhaps the applicant can clarify the tree situation to the west of the site? If there are no trees to the west and the application is approved, the tree documents can be approved and no further tree information is required. If there are trees to the west, these need to feature on the tree documents and once resubmitted I will have a further look at the application.

18. **Heritage Officer** - The property is located within the Comberton conservation area, in an area which maintains a semi-rural character due to its trees and hedgerows. Notably, the public right of way to the West of the site is present in historic maps. Despite this, it does not appear as though previous conservation officers have provided formal comments on the site (e.g. at the pre-application stage).

The siting and layout of the proposals are considered to result in some harm to this character due to the nature of backland development, which subdivides a historic plot of land. Although it is noted there are some existing infill developments behind frontage development in the conservation area (and that Woottens Close to located to the West of the site), these do not make a positive contribution to conservation area (or its setting) and therefore should not be replicated.

Furthermore, listed properties Brocks Close (LEN: 1331103), Dove Cottage (LEN: 1161500) Nos. 63 and 65 Swayne's Lane (LEN: 1331103) and Sunnyside (LEN: 1310078) are located to the south of the application site. The heritage statement has not assessed the impact on the setting of these heritage assets (therefore has not fulfilled paragraph 189 of the NPPF).

The development would neither preserve nor enhance the character and appearance of the conservation area and is therefore contrary to SCDC Local Plan Policy NH/14.

19. **Asset Information Definitive Map Officer** - Having reviewed the documents in further detail, is content that the proposals would not enclose the public footpath unnecessarily. The surface material is acceptable, as noted in Rob Kemp's letter from June 2015, subject to its ongoing maintenance remaining with the landowner. The applicant however will require the formal consent of Cambridgeshire County Council to change the surface of the Public Footpath and they are encouraged to contact Peter Gaskin nearer to the time of works.

Would ask that where the access corridor is wider than 4 metres from the eastern hedgerow (i.e. around the car ports) that brass studs are installed into the paving surface to delineate the 4 metre boundary of the public footpath.

20. **Ecology Officer** - Considers that the issue in respect of badgers can be controlled by the following condition:

Prior to the commencement of the development including all vegetation clearance and excavations, further badger surveys shall be carried out by a

suitably qualified ecologist. A report of the findings including a suitable mitigation strategy is required in addition to evidence of pre-engagement with Natural England, this shall be submitted to the local planning authority and approved in writing.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure compliance with the Protection of Badgers Act 1992 (as amended) as evidence of an active badger sett with entrances within 20 m of the building footprint has been submitted.

Representations

21. 25 no. objections have been received over three consultations incorporating the following summarised points:

- It appears to be nothing more than a superficial change to the Planning Application, and does not change the objections earlier submitted.
- The Proposed new building is still in the same general location. Have corresponded previously together with many residents of Woottens Close and we still object to the application.
- Still remembers the rural outlook of the area. The rural grassy track was gradually “upgraded” and now has a “practical” concrete surface.
- Three previous, very similar applications have been rejected by the Council and subsequently dismissed on appeal
- The existing house on site has already been doubled in size.
- This Application (S/2626/18/FL) appears to be Back Land development. It will not only occupy the immediate garden of no. 64, but will block the view to the south.
- The proposed dwelling will result in extra vehicles using the footpath which will make extra noise, disturbance and fumes for the gardens in Woottens Close backing on to the footpath.
- Proposal will harm character, amenity and setting by replacing an open rural area with a new domestic house
- There is no offsetting public benefit derived from the harm that would be done by the proposal.
- The proposal would endanger and probably kill at least two mature oak trees with TPO’s on them
- The proposed dwelling would be in shade because of the trees with TPO’s on them. There will be an increase pressure for the removal of these trees by any future residents.

- The scale, character and materials of the development are unsympathetic to and out of keeping with the rural nature of this publicly accessed conservation area and the nearby protected village amenity area (PVAA).
- Design of the dwelling which is a mix of styles and mix of modern and traditional is not appropriate for the area.
- Harm the amenity of the Public footpath by partially replacing it with a private house driveway and diminishing in width by a proposed garage.
- Setting a precedent for encroaching on the Conservation Area and imposing new development adjacent to the PVAA.
- Endangering wildlife which includes badgers.
- Cites various case laws in relation to harm to character and appearance of the Conservation Area.
- Requests to 'stamp' this unsuitable application firmly with a delegated refusal.
- Viewing the amended application still does not consider it as a viable option
- During construction it will cause disruption of the environment, the heritage site, wildlife and general disruption neighbours
- Cess pit for residential waste could cause flooding and potential health and safety hazard
- Additional dwelling would result in noise issues, loss of light to the neighbours
- Would lower the prices of other dwellings in the area
- Footpath should be retained as such for the use of general public
- Loss of various trees on the site land (owned by the applicants) and on the land adjoining the site land (not owned by the applicants) has contributed to *another* bit of loss to the countryside *feel* of this location.
- The severe fencing particularly on the east side of the garden has also contributed to the loss of the countryside feel.
- Fence was erected contrary to the recommendation of planners in the past
- Public footpath would also be impacted by parking arrangements for the proposed development – coming and going of occupants/vehicles
- Any new building/development (of any size) at this spot would be detrimental to the rural feel of the Conservation Area and to the very-close-at-hand/immediately adjacent Protected Village Amenity Area and to the still-rustic-feeling public footpath.

- The site is clearly seen from the footpath contrary to the suggestion in the application.
- Even if the site cannot be seen, under the PVAA policy it does not matter if the PVAA can be seen by members of public or not.
- Opening of the footpath will lead to further development beyond (to the south)
- Loss of light.
- Privacy and overlooking issues.
- Noise and pollution

Planning Assessment

22. The key considerations in this application are;

- Principle of Development
- Design, Impact on the character and appearance of the area, Conservation Area and Protected Village Amenity Area (PVAA)
- Highway Matters
- Trees
- Residential Amenity
- Ecology and Biodiversity
- Other Matters

Principle of Development

23. Comberton is a Minor Rural Centre as identified under policy S/9 of the Adopted Local Plan which allows for up to an indicative maximum scheme size of 30 dwellings within the development framework. Therefore the broad principle of one residential dwelling is considered acceptable, subject to all other material planning considerations assessed below.

Impact on the Character and appearance of the area, Conservation Area and Protected Village Amenity Area (PVAA):

24. Planning policies state that development that affects heritage assets should be determined in accordance with national policy and legislative provisions.
25. Paragraph 193 of the NPPF 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.
26. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

27. 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. Section 72 states that special regard shall be paid to desirability of preserving or enhancing the character or appearance of conservation areas.
28. The village conservation area contains a mix of traditional and newer housing, the latter of which lacks some of the attractiveness of the more historic village centre. Housing is generally set back from the road and set in spacious plots. Along with a number of fields and paddocks, the conservation area has an attractive semi-rural quality. The open and undeveloped nature of the appeal site adds to this character.
29. Planning application S/0564/15/FL – Erection of a dwelling and ancillary access arrangements was refused and dismissed at appeal APP/W0530/W/16/3149259. It was considered that the new dwelling was significant in scale, mass and bulk as well as the garage with first floor accommodation above which were visible from the Public Right of Way (PRoW). The dwelling was considered to significantly erode the open and undeveloped nature of the appeal site and the identified semi-rural quality which forms part of the character of the Conservation Area and Protected Village Amenity Area (PVAA). The PVAA confirmed the importance of the semi-rural character of the area. The hard surfaced area for vehicle parking and garden area was also in the PVAA which was visible due to the new access and was considered to adversely affect the site's open and undeveloped quality, and semi-rural character.
30. The proposal now seeks to provide a much smaller dwelling on site with a barn style design. Given the rural character of the site and the large two storey extension on the side of number 64 Barton Road, Comberton (host dwelling), it is not considered that an objection can be raised purely on the basis of the design and scale of the proposed dwelling. The height of the proposed dwelling will not be visible from Barton Road as the proposed roof height is lower by some 1.54m than the house at no. 64. Furthermore, the fall of the existing ground level has been used to lower the dwelling height.
31. The proposal now results in a much reduced scale of the dwelling which when viewed from the footpath gives an impression of a barn like structure with stained timber boarding which would not detract from the semi-rural character of the area. Furthermore, it should be noted that the height of the fence and its extent along the eastern boundary has changed the character by obscuring the ability to read fully the open space between the rear of 64 Barton Road and the wooded area further south. It should be also noted that the application site is read more in grouping with the Woottens Close development which is a much tighter form of development. As such it is not considered that the splitting of the site in the manner proposed would be so detrimental to the character of the area that a refusal on this basis could be successfully sustained on appeal.
32. Whilst the Heritage Officer comments are noted; taking into consideration the context of the development in the adjoining Wootten Close, the reduced scale of the dwelling, the barn like look (maintaining the semi-rural character) when viewed from the PRoW and the presence of the fence as discussed above, on balance it is considered that the proposed dwelling is not considered to have a detrimental impact on the Conservation Area. It would thus preserve the

semi-rural character of the Conservation Area in accordance with policies HQ/1 and NH/14 of the Council's adopted Local Plan 2018.

33. The comments in respect of the nearby listed properties are noted. However, it is not considered that these are close enough to the application site to have any detrimental impact on the setting of these listed properties. This was not an identified issue in the previous appeal.
34. Policy NH/11 of the Adopted Local Plan 2018 states that development will not be permitted within or adjacent to Protected Village Amenity Area (PVAA) if it would have an adverse impact on the character, amenity, tranquillity and function of the village. The car parking has now been moved to the rear of the garage building with space for visitors and a car port away from the PVAA. The car port is single storey in nature and consists of stained weatherboarding and zinc sheet roof. With regard to the garden area, given the retention of the close boarded fencing along the side boundary of the site and the revised parking arrangement this would retain the open views from the PRow and the open character of the site.
35. The proposal is therefore considered to be in accordance with policy NH/11. Landscape and boundary compliance conditions could be included on the decision notice to further ensure the development maintains and enhances the character and appearance of the surrounding area.

Highway Safety & Parking Provision

36. Subsequent to the objection on the original scheme from the Highways Authority, an amended scheme has been submitted which now demonstrates separate accesses for the host and the proposed dwelling. The Highway Authority has now removed its objection subject to conditions. On this basis, no concerns are raised in respect of Highway Safety.
37. The proposal seeks to provide two car parking spaces within the proposed car port and two additional visitor car parking spaces. This would comply with the requirements of Policy TI/3 of the Council's Adopted Local Plan.

Trees

38. In the dismissed appeal, APP/W0530/W/16/3149259 in connection with planning application S/0564/15/FL, the Inspector considered the tree survey, arboricultural impact assessment and associated drawings and considered that the extent of the works would not adversely affect the significance of the trees in the Conservation Area. The proposal does not seek to carry out any works to or removal of trees. The Tree Officer has commented that no details of trees to the west of the proposed dwelling have been provided. It was noted during site visit that no trees are located within the site along the western boundary. In this instance it is considered that the Submitted Tree Documents can be approved and no further tree information is required.
39. The Tree Officer also has concerns in respect of overshadowing to the proposed property from the TPO'd trees. However, it is considered that the main living areas at ground floor level have extensive glazing which would mitigate overshadowing issues to an extent and as such a refusal on this basis is not considered to be sustainable. It is also noted that the Tree Officer has not objected to the proposal but merely raised concerns.

40. No works to the TPO'd trees have been proposed. However, an informative can be added to any consent granted informing the applicant that works to trees will require consent.

Neighbour Amenity

41. The northern elevation of the proposed dwelling would be sited adjacent to the common boundary with 64 Barton Road, Comberton. At first floor level there would be a high level window serving a bathroom, staircase area and an en-suite which would mitigate any overlooking issues with the host dwelling. Given the degree of separation there is not considered to be an overbearing or overshadowing impact on the host dwelling in accordance with policy HQ/1 of the Council's Adopted Local Plan 2018.
42. The windows in the rear elevation at first floor level would not result in any privacy and overlooking issues for any other nearby dwellings..
43. It is noted that two first floor windows in the western elevation would overlook the neighbouring plot to the west. Whilst the application site should rely on its own boundaries to provide adequate isolation to the neighbouring boundaries to mitigate issues of privacy and overlooking, the plot to the west of the application site is unlikely to be developed by reason of its location within a Conservation Area and PVAA. On this basis the two proposed windows in the western elevation are considered to be acceptable.
44. A working hours condition in accordance with Policy SC/10 is reasonable given its proximity to neighbours. Noise and disturbance raised during the construction process can be dealt with by a traffic management plan.
45. The proposal is therefore considered to be in accordance with policy HQ/1

Ecology and Biodiversity

46. An ecology report was provided with the submission which indicated a badger sett on the land adjoining the application site is sufficient distance from the site. However, subsequent to neighbour concerns, additional information was requested. Subsequent to the Council's Ecological Officer's communication with the applicant's Ecologist, it is considered that further information is required prior to commencement of any works. The Ecological Officer has recommended a condition to this effect and such a condition can be imposed on any consent granted.
47. The proposal is therefore considered to be in accordance with policy NH/4.

Other matters

48. The lack of any identified harm to the local area means that the development of the existing residential garden would comply with policy HG/16.
49. PRoW – The Asset Information Definitive Map Officer is satisfied that the proposed development would not enclose the public footpath unnecessarily. The surface material is acceptable, but will require the formal consent of Cambridgeshire County Council to change the surface of the Public Footpath. He also considers that brass studs should be installed into the paving surface

to delineate the 4 metre boundary of the public footpath (near the car port area). An informative stating this could be attached to any consent granted.

50. Lighting – No lighting proposal has been submitted as a part of the application. However, any such provision of external lighting scheme could be conditioned in accordance with Policy SC/9 of the Council's Adopted Local Plan.
51. It is also considered imperative to impose a condition removing the permitted development rights to ensure the protection of residential amenity of the neighbours and the character of the conservation area and the impact on the PVAA.
52. Additional conditions are required in respect of contamination, renewable and low carbon energy in new developments, water quality and broadband provision to comply with policies CC/3, CC/4 and TI/10 of the adopted Local Plan.

Conclusion

53. In conclusion, officers consider that the proposal by virtue of its reduced scale and mass and barn style design which would be in keeping with the semi-rural character of the area results in an acceptable form of development. It is not considered that the proposed dwelling would be so detrimental to the character of the Conservation Area or the Protected Village Amenity Area (PVAA) that a refusal on this basis is justified.

Recommendation

54. Approval subject to:

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

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
693-11 Revision F, 693-12 Revision F, 693-1, 693-2, 693-5 Revision B, 693-10 B and 693-4 Revision C.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).
3. The development hereby permitted shall not be carried out other than in accordance with drawing TIP 18202 dated June 2018 and the associated Tree Survey

(Reason: To ensure that the tree works are carried out in accordance with the approved plans and details in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

4. Prior to the commencement of the development including all vegetation clearance and excavations, further badger surveys shall be carried out by a suitably qualified ecologist. A report of the findings including a suitable mitigation strategy in addition to evidence of pre-engagement with Natural England, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

(Reason: To ensure compliance with the Protection of Badgers Act 1992 (as amended) as evidence of an active badger sett with entrances within 20 m of the building footprint has been submitted).

5. The visibility splays specified on approved drawing no. 693-11 Revision F at the junction of the access road with the public highway shall be provided before the commencement of the development and shall be maintained free from any obstruction over a height of 600mm.

(Reason - In the interest of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

6. The proposed drive ways shall be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.

(Reason: For the safe and effective operation of the highway).

7. The proposed drive ways shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

(Reason: In the interests of highway safety).

8. 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 highway)
- (ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the 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.

(Reason: in the interests of highway safety)

9. No construction works shall occur except between the hours of 08:00 am to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank or Public Holidays.

(Reason – To ensure the works would not adversely impact neighbouring residential amenity during the process in accordance with Policy SC/10 of the South Cambridgeshire Local Plan 2018).

10. No development approved by this permission shall be commenced until:

- a) 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.

- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.

(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 SC/11 of the South Cambridgeshire Local Plan 2018).

11. The dwelling hereby permitted shall not be occupied until the works specified in the Remediation Method Statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

(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 SC/11 of the South Cambridgeshire Local Plan 2018).

12. If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination 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 SC/11 of the South Cambridgeshire Local Plan 2018).

13. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy SC/9 of the South Cambridgeshire Local Plan 2018).

14. The existing hedges on the eastern boundary and front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(Reason - To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies S/3 and NH/4 of the South Cambridgeshire Local Plan 2018).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within

Classes A to E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of protection of residential amenity and the character of the Conservation Area and the adjoin Protected Village Amenity Area (PVAA) in accordance with Policies HQ/1, NH/11 and NH/14 of the South Cambridgeshire Local Plan 2018).

16. The carport, hereby permitted, shall not be used for any other purpose than for parking ancillary to the residential dwelling hereby approved.
(Reason - To ensure the continued provision of off-street parking space in the interests of highway safety and to safeguard the amenities of adjoining occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).
17. No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling.
(Reason – In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and paragraphs 148, 151 and 153 of the National Planning Policy Framework 2018 that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.)
18. The dwelling hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.
(Reason - To improve the sustainability of the dwelling and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the south Cambridgeshire Local Plan 2018.)
19. The dwelling hereby approved shall not be occupied until the dwelling has been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.
(Reason – To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.)

Informatives

1. This permission does not constitute permission or a license to a developer to carry out works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority in respect of those works.
2. Any oil storage tank should be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to

enclose all filling, drawing and overflow pipes. The installation must comply with Control of Pollution Regulations 2001, and Control of Pollution (Oil Storage) Regulations 2001.

3. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
4. 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 noise 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.
5. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations must be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
6. A number of comments have been received identifying legal rights of access in to the site. This is a civil matter and the applicant should ensure that appropriate legal agreements are in place with regards to such rights.
7. The surface material for the PRoW is acceptable, but will require the formal consent of Cambridgeshire County Council to change the surface of the Public Footpath. Brass studs should be installed into the paving surface to delineate the 4 metre boundary of the public footpath (near the car port area).
8. The Public Right of Way (PRoW) should be retained free of any obstruction for perpetuity inclusive of any parking of vehicles.
(Reason: To ensure the continued provision of the Public Right of Way (PRoW) in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

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 Plan 2018
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- Planning File References: S/2626/18/FL

Report Author:

Ishita Sheth
Telephone Number:

Senior Planning Officer
01954 713103

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Appeal Decision

Site visit made on 2 August 2016

by Jonathon Parsons MSc BSc (Hons) DipTP Cert (Urb) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 August 2016

Appeal Ref: APP/W0530/W/16/3149259

64 Barton Road, Comberton, Cambridgeshire CB24 7BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Arnold against the decision of South Cambridgeshire District Council.
 - The application Ref S/0564/FUL, dated 2 March 2015, was refused by notice dated 18 February 2016.
 - The development proposed is the erection of a dwelling and ancillary access arrangements.
-

Decision

1. The decision is dismissed.

Application for costs

2. An application for costs was made by Mr Mark Arnold against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are (a) whether the proposal would preserve or enhance the character and appearance of the Comberton Conservation Area and (b) the effect of the proposal on the future occupiers of the proposed dwelling having regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises the rear garden of 64 Barton Road and is located within the Comberton Conservation Area. A small part of land in the south-west corner of the site lies within a Protected Village Amenity Area (PVAA) designated under the Council's Development Control Policies Development Plan Document (DPD) 2007 which extends beyond the south and west boundaries of the appeal site. Adjacent to these boundaries, there is mature vegetation and trees. In this regard, there are three oak trees protected by a Tree Preservation Order beyond the southern boundary of the plot. A Public Right of Way (PRW) runs parallel with the eastern boundary of the site and the dwelling at 64 Barton Road.

5. As the site is within a Conservation Area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The Conservation Area comprises a older historical village centre and in the main, some 20th Century housing to the periphery which is interspersed by fields and paddocks, with vegetation and trees. As set out in the appellant's Heritage Statement (HS), the more recent housing lacks the historical and attractive traditional qualities and features within the village core. However, this housing is still generally set back from the road and set in spacious plots. Together with the fields and paddocks, these features give the Conservation Area a marked and attractive semi-rural quality. The dwellings of inferior quality within the Conservation Area are not so numerous as to affect the importance of this quality. Contrary to the appellant's HS, I find this to be of great significance to the character and appearance of the Conservation Area and provides special interest to it.
7. The appeal site comprises a generally open grass area used as garden for the occupiers of No 64. The area was formerly overgrown with vegetation and was very "green" in appearance. The southern part of the appeal site is located within a PVAA and the explanatory text of the DPD indicates such areas are important to the amenity and character of villages. Although the grassed area is not visible from the public domain, the site's open and largely undeveloped nature to the rear of the dwelling at No 64 is appreciated from the PRW to which I attach considerable importance and weight to by reason of its public use. From Barton Road and the PRW, there would also be a backdrop of trees and vegetation. For these reasons, the appeal plot adds positively to the identified semi-rural quality that is of significance and special interest to the Conservation Area.
8. The proposal would result in a contemporary styled dwelling with cedar cladding and slates. The first floor is accommodated partially within the roof which would result in a lower ridge compared to the existing dwelling. In relation to Barton Road, it would be sited behind the existing dwelling, garage and garden at No 64, and on a plot with a ground level that drops away from the road and the PRW as shown on drawing number 658-D-5 Revision B.
9. However the dwelling has an extensive footprint spreading across much of the width of its plot and despite the roof design, there would be extensive first floor facing walls by reason of height of the roof eaves. Such a design of dwelling would give rise to a considerable scale, mass and bulk. In this regard, there would be a garage with first floor accommodation above at a height of about 6.5m which would be only about 2 metres from the eastern boundary of the plot adjacent to the PRW. Consequently, this part of the dwelling would be visible from the PRW even taking into account the height of a close boarded fence and a drop in ground levels into the site. The proposal would also create a new vehicular access, with recessed entrance gates, further down the eastern boundary of the plot. Such a feature would further draw attention to the creation of a residential development on the site and open up views of the development at the very least when the gates are open.
10. As a result, the proposal would significantly erode the open and undeveloped nature of the appeal site and the identified semi-rural quality which is of

significance to the Conservation Area. The proposal would fail to preserve the character and appearance of the Conservation Area. The appeal dwelling would be sited outside of the PVAA. However, Policy CH/6 of the DPD states that the development will not be permitted within or adjacent to PVAA if it would have an adverse impact on the character, tranquillity, or function of the village. Here, the PVAA serves to confirm the importance of the semi-rural character of the area and for the reasons indicated, a new dwelling would adversely affect the character of the village. Furthermore, some hardsurfaced areas to be used to vehicle parking and garden areas of the dwelling would still be within the PVAA which with associated vehicles and domestic paraphernalia would adversely affect the site's open and undeveloped quality, and semi-rural character.

11. In the emerging local plan, there are proposals to reduce the PVAA and designate some of this land as 'local green space'. However, the Council has stated a number of objections have been raised to the emerging policy and the plan has yet to proceed to an Examination in Public, and therefore little weight can be given to the emerging policy.
12. A tree survey, arboricultural impact assessment and associated drawings have been submitted which show the relationship between the protected oak trees and the proposed development. By reason of the low branches overhanging hardsurfaced areas, there would be a need for some tree works. However, during construction, a temporary access could be created away from the trees minimising substantial removal of branches and planning conditions could be imposed to safeguard the health of the trees. Post construction, the area below the trees would be a hard surfaced area mainly used for vehicle parking. Whilst this may necessitate some tree works, I am not persuaded that the extent of such works would be so great as to adversely affect their public amenity value based on the evidence before me. Therefore this aspect of the proposal would not adversely affect the significance of the Conservation Area.
13. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm. Paragraph 134 of the Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a Conservation Area), this harm should be weighed against the public benefits of the proposal. The dwelling would boost housing supply where there is an absence of a deliverable five year housing supply, providing accommodation for future generations. Nevertheless, such benefit would be limited by reason of the single dwelling proposed. In the balance, the benefits have to be weighed against the adverse impact on the character and appearance of the Conservation area for which considerable importance and weight has to be attached. Therefore, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm.
14. For all these reasons, the proposal would fail to preserve the character and appearance of the Conservation Area as a whole. Accordingly, the proposal would conflict with Policies CH/5 and CH/6 of the DPD, which collectively and amongst other matters, require development proposals affecting Conservation Areas to be determined in accordance with legislative provisions and national policy and guidance, and not to be permitted within or adjacent to PVAAs

where there would be an adverse impact on character, amenity, tranquillity or function of the village.

Living conditions

15. The northern elevation of the proposed dwelling would be sited adjacent to the common boundary with 64 Barton Road. At first floor level, there would be a high level window to serve a bedroom and as such there would be little outlook provided to persons using this room. However, outlook from most of the other habitable rooms in the dwelling would not be restricted in this way, with the main daytime living and dining areas well served by openings and the affected bedroom in the main would be used as a place for sleeping.
16. Therefore, the development would not be harmful to the living conditions of the occupiers of the dwelling by reason of the loss of outlook. Accordingly, the proposal would comply with Policy DP/3 of the DPD, which amongst other matters, requires development not to have an unacceptable adverse impact on residential amenity. Additionally the development would result in a good standard of amenity for future residents complying with the Framework. I have not been able to comment on the proposal's purported conflict with Council's Design Guide SPD because the parts of the SPD referred to, do not relate to outlook.

Other matters

17. My attention has been drawn to two dismissed appeals for residential development on the site in 2007 and 2010. It has been indicated that the appeal proposal has taken into account previous Inspector's findings. The proposal has been revised following discussion with the Council, involving the Conservation Officer and the Council's Design and Enabling Panel. However, I have come to my own conclusion based on all the evidence before me and what I saw on my site visit. In terms of the two previous appeal proposals, there are differences with the current proposal and national planning policy has changed with the introduction of the Framework and therefore only limited weight has been attached to them in this appeal.

Conclusion

18. In conclusion, the proposal would conflict with Policies CH/5 and CH/6 because the proposal would adversely affect a Conservation Area and PVAA. It would fail to preserve the character and appearance of a Conservation Area for the reasons indicated. There are no other material considerations to outweigh the development plan conflict identified.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR



FOR INTERNAL USE ONLY

Scale - 1:1250

Time of plot: 14:19

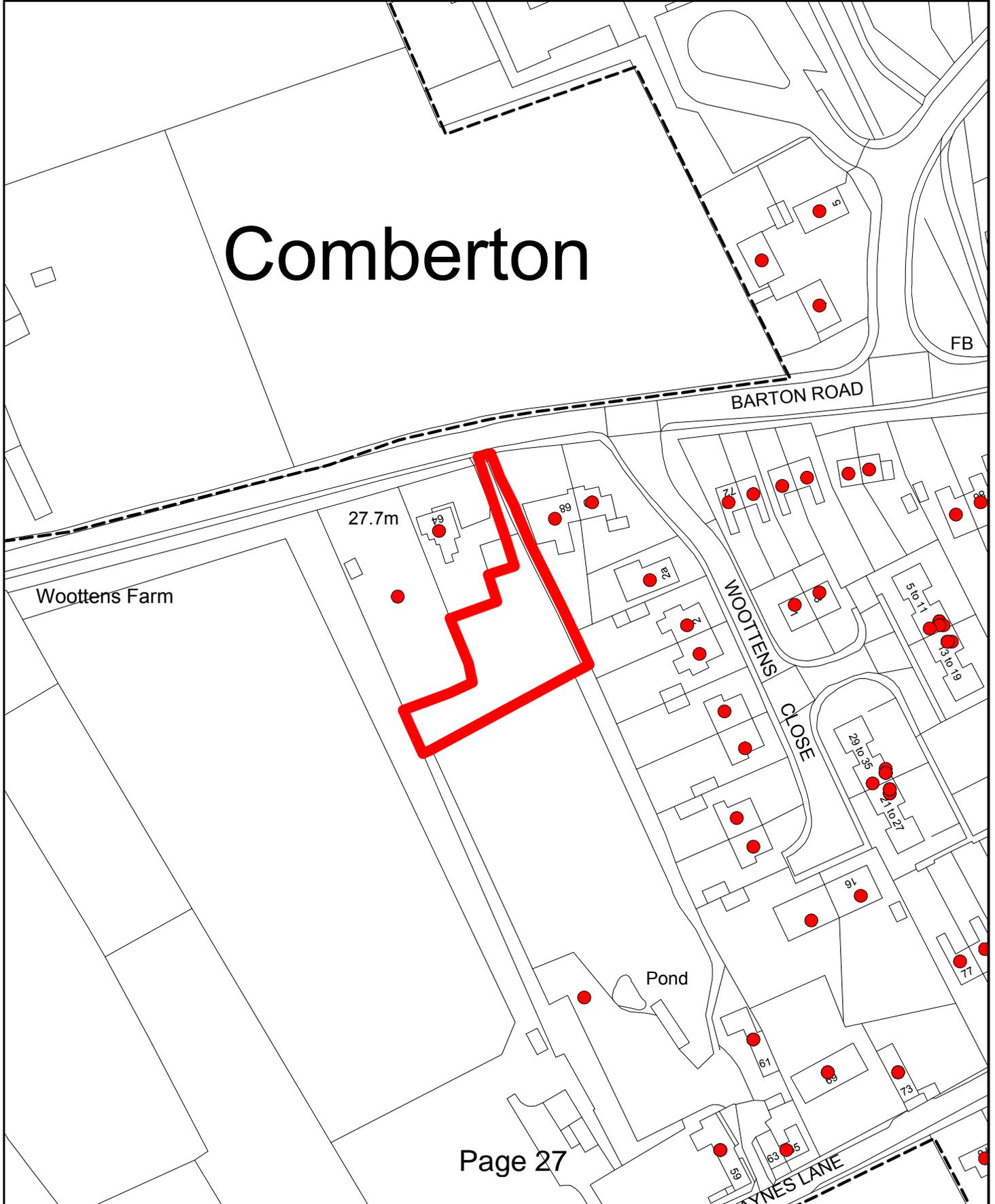
Date of plot: 12/12/2018



South
Cambridgeshire
District Council

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Comberton



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Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13 March 2019

AUTHOR/S: Joint Director of Planning and Economic Development

Application Number:	S/2424/18/FL
Parish(es):	Melbourn
Proposal:	Erection of 22 dwellings together with associated open space, landscaping, highway, and drainage infrastructure works
Site address:	36 New Road, Melbourn, Royston, Cambridgeshire
Applicant(s):	R2 Developments Ltd
Recommendation:	Approval subject to s106 agreement
Key material considerations:	Principle of development Affordable Housing and Housing Mix Impact on the character of the area and landscape Residential Amenity Highway Safety Drainage and Flood Risk Biodiversity
Committee Site Visit:	12 March 2019
Departure Application:	No
Presenting Officer:	Ishita Sheth, Senior Planning Officer
Application brought to Committee because:	Parish Council's objection conflicts with officer recommendation for approval.
Date by which decision due:	8 October 2018

Executive Summary

1. In accordance with the National Planning Policy Framework (2019) paragraph 11, decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
2. The site has been allocated for development in the newly adopted Local Plan under policy H/1(e) and the scheme includes both market and affordable houses. Whilst the

provision of affordable housing is less than the policy requirement, taking into consideration the conclusion of the submitted viability scheme, on balance it is considered that the reduced level of affordable housing is acceptable in this instance. The sustainability of the location for the number of dwellings has been tested through the Local Plan examination and was deemed to be an acceptable one to develop. The sustainability of the village is also reflected through its allocation as a Rural Centre in the adopted Local Plan.

3. During the consultation process a significant number of third party objections were received raising various material planning considerations. These have been summarised and discussed in this report.
4. Following amendments during the consultation process, the layout, scale and appearance of the development are considered acceptable and presents a good quality scheme that will preserve the character and appearance of the area, landscape setting and be acceptable in relation to the impact on existing residential amenity. Officers consider that all the statutory consultee holding objections have been overcome to an acceptable degree and through the use of planning conditions.
5. A S106 agreement will need to be secured for contributions toward affordable housing, Public Open Space, Formal Sports, Formal and Informal Children's Playspace, Informal Open Space, Indoor Community Space, Education, Libraries and Healthcare. Conditions will also need to be applied to any decision notice to ensure there is a suitable means of drainage from the site and the access is built in accordance with the requirements from the Local Highways Authority.
6. For the above reasons, the proposal would accord with the development plan and therefore the proposal is recommended for approval.

Site and Proposal

7. The site is situated south-west of New Road on the southern edge of Melbourn. The site is 0.72 ha and predominantly comprises of scrubland with an existing 4 bedroom bungalow at the north western corner of the site. The site has a rectangular shape and is defined to the south, west and to the north by existing planting and fencing. There are several existing fruit trees within the western section of the site. There is a large Horse Chestnut tree situated adjacent to New Road at the northern boundary of the site.
8. The site is bounded to the north and west by existing residential development at Carlton Rise and Greengage Rise. Immediately to the south of the site is new residential development at Victoria Way. To the east of the site, development for 199 dwellings has commenced.
9. The application proposes the demolition of the existing dwelling on site and the construction of 22 new dwellings. One internal road along the length of the site would serve the group of dwellings proposed on site. The layout incorporates a central area of public open space and 'local area for play' (556.2 sq m). The scheme includes 4 affordable dwellings (18%). The overall housing mix is 4 Nos. one bedroomed flats, 4 Nos. two bedroomed flats, 5 Nos. three bedroom houses, 4 Nos. four bedroomed houses and 5 Nos. five bedroomed houses. The market housing mix equates to 22.2% one and two bedroom, 27.8% three bedroom, and 50% four or more bedroom units.

10. Access to the site is from New Road via a new access
11. The density is 30 dwellings per hectare.

Planning History

12. S/0287/15/OL - Outline application for the provision of 18 residential units and retention of existing bungalow, plus parking and amenity space (All matters reserved apart from access). Approved on 2 March 2017 subject to a S106 Agreement
13. S/3884/17/FL - Application for demolition of existing dwelling and the erection of 23 dwellings together with associated open space, landscaping, highway, and drainage infrastructure works. Decision Pending
14. S/2078/18/OUT - Outline Planning Permission with all matters reserved apart from access for the erection of 18 dwellings (use class C3) including affordable housing, car parking and landscaping. Decision Pending
15. PRE/0234/18 – Pre-application advice for a Full planning application for demolition of the existing dwelling and the erection of 23 dwellings with associated open space, landscaping, highway, drainage and infrastructure work. Meeting was held with the Planning Officer and the Urban Designer who were supportive of the layout.

Policy

16. National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (PPG)
17. South Cambridgeshire Local Plan 2018
 - 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/6 The Development Strategy
 - S/7 Development Frameworks
 - S/9 Minor Rural Centres
 - CC/1 Mitigation and Adaptation to Climate Change
 - CC/3 Renewable and Low Carbon Energy in New Developments
 - CC/4 Sustainable Design and Construction
 - CC/6 Construction Methods
 - CC/7 Water Quality
 - CC/8 Sustainable Drainage Systems
 - CC/9 Managing Flood Risk
 - HQ/1 Design Principles
 - H/1 Allocations for Residential Development at Villages
 - H/8 Housing Density
 - H/9 Housing mix
 - H/10 Affordable Housing
 - NH/4 Biodiversity
 - SC/2 Health Impact Assessment
 - SC/7 Outdoor play space, 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
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/10 Broadband

18. Saved South Cambridgeshire LDF (2007) Supplementary Planning Documents (SPD):

Affordable Housing – March 2010
Trees and Development Sites – Adopted January 2009
Biodiversity – Adopted July 2009
District Design Guide – Adopted March 2010
Landscape in New Developments – Adopted March 2010
Health Impact Assessment – Adopted March 2011
Cambridgeshire Flood and Water – Adopted November 2016
Open Space in New Developments - adopted January 2009

19. The application site comprises part of a 3ha area of land allocated for development under Policy H1/e of the Submission Local Plan.

Consultation

20. **Melbourn Parish Council** – Makes the following comments:

There are concerns over the capacity of the physical infrastructure to cope, particularly with reference to Highways issues (traffic generation, vehicular access and highways safety), capacity of schools and capacity of doctor's surgery.

There are also concerns with regard to overlooking, loss of privacy and lack of FRA.

The Parish Council supports the neighbour objections and notes that the planning authority can now demonstrate a 5 year land supply

21. **Local Highway Authority** – Following the submission of Drawing Number: 22916-08-020-03 Rev C the Local Highways recommendation of refusal has been overcome. Recommends the following conditions:

1. The proposed access be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
Reason: for the safe and effective operation of the highway
2. The proposed access be constructed using a bound material to prevent debris spreading onto the adopted public highway.
Reason: in the interests of highway safety
3. 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
 - ii) be undertaken off the adopted highway)
 - iii) (Contractor parking, for both phases all such parking shall be within the
 - iv) curtilage of the site and not on the street.
 - v) Movements and control of all deliveries (all loading and unloading shall be
 - vi) undertaken off the adopted public highway.

- vii) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.
Reason: in the interests of highway safety
4. Prior to the first occupation of the development the junction of the access with the highway carriageway shall be laid out with 6m radius kerbs.
Reason: In the interests of highway safety.
5. The proposed car parking layout appears to show that the length of some of the Plots driveways are not equally divisible by units of 5m therefore the proposed layout has the potential to encourage irregular parking which could lead to the overhang of the vehicles into the proposed access route obstructing the footway forcing pedestrian which includes the most venerable road users into live carriageway. The applicant must show the dimensions for the proposed car parking spaces, which should be 2.5m x 5m.
Reason: In the interests of highway safety
6. The applicant will be required to show visibility splays from any access within the development serving more than one dwelling.
Reason: In the interests of highway safety
7. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that 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.

22. **Urban Design** - The amendments are generally acceptable. However, has concerns over the parking arrangement to certain areas and their adverse impact on the appearance of the public realm. Also has concerns over the lack of private amenity space for the upper floor flats.

Recommends the following changes

- a) Add balconies to the upper floor flats – these can be added to the living room. They should be at least 3m² in size (e.g. 2m wide and 1.5m deep) to comply with the minimum private amenity space standards set out in the Council's 'District Design Guide' (2010).
- b) Reconfigure parking area for Plots 5 to 10 so that they are screened from the public realm and to improve the residential outlook for Plots 9 and 10.
- c) Relocate Plots 9 and 10 so that it fronts onto the LAP and LEAP.
- d) Reconfigure the LAP and LEAP.

23. **Landscape Officer** – No objections subject to the following conditions:

- Hard and soft landscape
- Boundary treatments

- LAP with maintenance and management programme
- Cycle and bin storage.

24. Ecology Officer – No objection, subject to the following conditions:

All ecological measures and/or works shall be carried out in accordance with the details contained in (AA Environmental Limited, September 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Prior to the commencement of the development above slab level 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.

25. Housing Development Officer – Makes the following comments:

The proposal is for a development of 22 dwellings, with a net gain of 21 dwellings as an existing property is being demolished, 40% of the dwellings should be provided as affordable housing, this means that 8 of the dwellings should be affordable and provided on a policy compliant 70/30 tenure split of 6 properties for rent and 2 for shared ownership.

The applicant was not able to provide a policy compliant affordable housing scheme because it was unviable for them to do so. They submitted viability information for an appraisal to be undertaken in house by David Ousby – Delivery & Innovations Manager who concluded that the applicant was able to provide 40% affordable housing but not on a policy compliant tenure split of 70/30, but instead on a 50/50 tenure split.

In accordance with the policy set out in the 'Affordable Housing SPD' which states in paragraph 5.11 'Where the council is satisfied that financial viability of a development would be jeopardized by full provision of the affordable housing target, and taking into account any other planning obligations. It will first negotiate over varying preferred mix and tenure of dwellings with a view to establishing whether this would enable the 40% target to be met, and if this cannot be achieved in an acceptable way, the council will then negotiate over varying the percentage of affordable housing being sought (Affordable Housing SPD 2010)

In light of the viability issues and with regard to the policy set out in the councils 'Affordable Housing SPD' it was agreed that we would support the affordable housing being provided on mix and tenure split set out below:

Affordable rented

Shared Ownership

4 x 1 Bed Flats

4 x 2 Bed Flats

The mix proposed was compliant with the both the current local housing need, in Melbourn with the information as set out in the council's 'Housing Statistical Information Leaflet 2018'.

And in the district of South Cambs where there are currently approximately 2,000 applicants registered on home link who require affordable rented housing with the

biggest demand for 1 and 2 bedroom accommodation. There are also currently more than 500 applicants who are registered with the 'Help to Buy' agent who require shared ownership housing and the biggest demand for this type of housing is for 2 and 3 bedroom properties.

Current Proposal

The applicant has advised the Council's planning department that, due to unforeseen, S106 obligations, which when now factored in make it unviable for him to provide the already agreed 40% affordable housing on a 50/50 tenure split.

A further viability assessment has been carried out by David Ousby – Delivery & Innovations Manager where he has concluded, that there will be a further deficit to the scheme if the unforeseen S106 obligations are included and, if the applicant were to provide 40% affordable housing on a 50/50 tenure split.

Based on the analysis carried out the applicant is seeking to reduce the affordable housing to 20% by proposing to provide 4 x 1 bed flats for rent.

Conclusion

We do not support the proposed reduction of 20% affordable housing because of increased S106 costs. Whilst the revised, proposal is to provide 4 x 1 bedroom flats all for rent, it is clear there is a significant need for 1 bedroom accommodation for rent both in Melbourn and the wider district of South Cambs, but there is also a need for 2 bedroom accommodation and for shared ownership housing.

We would therefore request that an independent viability assessment is carried out.

26. **Environmental Health (Contaminated Land)** – The site appears to have only ever been used for its current purpose as a bungalow with some associated outbuildings and on this basis it is considered to be relatively low risk in terms of contamination; however it is being redeveloped into a sensitive end use (housing).
27. Review of the planning application for the recently constructed a residential development to the south indicates that some minor elevated concentrations of pesticides were found in shallow soils and given the sites history with a bungalow and outbuildings, it is possible that some potentially contaminated made ground may be present which may not be suitable for use within modern domestic gardens.
28. The site is probably quite low risk but I would advise that a Phase I Environmental Desk Study is required along with some spot-check confirmatory soil sampling in any proposed garden areas.
29. Unless this information is made available prior to determination of the planning application, please attach the following condition to the subsequent decision notice.
 - 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

30. **Tree Officer** – No objection.

31. **Cambridgeshire County Council Education, Waste and LLL S106 Officer** – comments that £14,421 (3 children x £4,807 per space) is sought for Early Years education and £95,190 (5 children x £19,038 per space for Primary Education. No contribution to secondary school places or strategic waste is required as a result of the proposed development.

32. **Environment Agency** – Refers to Flood Risk Standing Advice

33. **Anglian Water** – comments that the foul drainage from the development is in the catchment area of Melbourn Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would thereof retake the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

34. **Drainage Officer** – The proposals have not demonstrated suitable surface water and foul water drainage provision for the proposed development therefore the following condition is required.

1. 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 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

- ii) 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.
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.

- 2. No building hereby permitted shall be occupied until foul water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

35. **Local Lead Flood Authority (LLFA)** - We have reviewed the following documents: Technical Note: Flood Risk Assessment And Drainage Strategy, REF. 22916/09-18/6157 REV C, Prepared by MEC, Dated September 2018
Based on these, as Lead Local Flood Authority (LLFA) we are now able to remove our objection to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through the use of infiltration crates and permeable paving.

The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging via infiltration.

Recommends the following condition:

Condition 1

Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Technical Note: Flood Risk Assessment and Drainage Strategy, REF.22916/09-18/6157 REV C, Prepared by MEC, Dated September 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition 2

Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to 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 runoff sub-catchments, SuDS components, control structures, 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 drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

36. **Cambridgeshire Archaeology** – Makes the following comments:

Their records indicate that the site lies in an area of high archaeological potential, located within a multi-period landscape. A large area opposite the site on the other

side of New Road was evaluated in 2014 (Cambridgeshire Historic Environment Record reference ECB4241), revealing evidence of continuous activity throughout the Mesolithic (CHER MCB20337) and Bronze Age (MCB20334), through to Roman and medieval period earthworks (MCB20338). Excavation of the land immediately south of the proposed development area in 2015 revealed a similarly dense pattern of activity (ECB4417) and Bronze Age burial mounds are known in the vicinity along the line of New Road (03166). In addition a Saxon cemetery has been identified only 180m south west of the site (CB15238).

Do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition, such as the example condition approved by DCLG.

No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/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. *Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To ensure that the significance of historic environment assets is conserved in line with NPPF section 12.

A brief for the archaeological works can be obtained from this office upon request.

37. S106 Officer – Following Planning Obligations are sought:

Public Open Space

Formal sports in the form of £25,374.61 towards the provision and maintenance of an enlarged or new 3G sports pitch at Melbourn Village College or elsewhere in the village.

- a) Formal children's play space in the form of £33,663.95 towards the provision and maintenance of a new skate park in Melbourn.
- b) Informal children's play space in the form of onsite space provision
- c) Informal open space in the form of onsite space provision
- d) Indoor Community Space in the form of £11,520.08 towards an extension to Melbourn Hub
- e) Monitoring Fees being a contribution of £500
- f) Library and lifelong learning in the form of a contribution of £1,571.51 towards the provision of adult lifelong learning educational equipment and resource material
- g) Healthcare £14,036

38. Development Officer (Health Specialist) – Makes the following comments:

As per the Council's Supplementary Planning Document on Health Impact Assessment (HIA SPD) it is policy to assess the HIA report against the HIA Review Package checklist contained in Appendix 3. However, this has not been followed by Savills so cannot be graded.

Has therefore made the following comments:

Air quality, noise and neighbourhood amenity.

Would like an outline CEMP to ensure that any noise, vibrations and dust caused throughout the demolition, clearance and main construction phases are managed to minimise any negative impacts on those residents living within close proximity to the site including agreed working hours.

Housing Quality & Design

There has been no mention of housing quality and type. Given the ageing population and the predicted sharp increases over the next 20 years within South Cambridgeshire, we would like to see a commitment to housing quality standards which follow policy standards contained within the Local Plan namely:

Policy H/8 Housing Mix

Policy H/9 Affordable Housing

Policy H/11 Residential Space Standards for Market Housing

Accessibility and active travel

The application should demonstrate what measures will be undertaken to promote cycling and walking and how it will encourage residents to access local amenities on foot or cycle to minimise impacts on local roads and enhance health and wellbeing?

Crime and community safety

The application should demonstrate how it will build in safety and reduce crime at the outset. Refer to "Secured by Design" initiative, adopted successfully in other areas of the County.

Public realm and social cohesion

The application should highlight how it will maximise opportunities for social interaction and connect with neighbouring communities and how it will allow easy access for people with mobility problems or disabilities.

Community Engagement

The application has not described what, if any, community engagement has taken place to shape this report. What local vulnerable groups were identified and whether their views have been sought. To ensure that the benefits are enhanced across all population groups, it's suggested that local groups representative of vulnerable populations and stakeholders groups responsible for protecting and promoting health be consulted.

39. Cambridgeshire Fire and Rescue Service – requests that adequate provision is made for fire hydrants, to be secured by way of a Section 106 agreement or a planning condition.

40. Designing Out Crime Officer – Generally please to see high levels of natural surveillance Has some minor concerns that the front entrance to the development would appear over dominated with car parking spaces as indicated with the current layout. Would like to see spaces broken up with some form of planting so they don't

over dominate the area. This may mean moving the positions of homes slightly to allow this and re-positioning the open plan area. If this is not possible due to other factors would require an external lighting plan to be conditioned to ensure these car park areas are lit.

41. **Natural England** – No objection

42. **Sport England** – The proposal does not fall within their statutory remit.

Representations

43. Following public consultation on the original application and subsequent amendments, 9 Nos. neighbour responses have been received making the following comments and objections:

- Recommends use of swift bricks for biodiversity enhancement
- Sewerage Issues
- No further thought given into village amenities
- Lack of infrastructure – schools, healthcare and roads; also taking into consideration the development of 199 homes and care home.
- Traffic and congestion issues
- Road Safety Issues
- Objects to the removal of trees and hedges on site and destruction of the existing ecological situation.
- Submitted reports in respect of drainage, ecology and transport show divergence of opinion on ecology
- Problems in respect of drainage/flooding remain.
- Privacy issues to properties in Carlton Rise.
- No trees and hedges proposed along boundary with Carlton Rise to serve as an increased barrier.
- Proposed development does not enhance or add to the community aspect of the village
- Increased noise levels from the cumulative development.
- Traffic and Noise pollution
- No plans have been proposed for street lighting.

Planning Assessment

44. During the application process two rounds of amendments were consulted on to address concerns brought up during consultation process. The following amendments were made:

- Site layout – including landscaping
- Access arrangements
- Ecology Reports
- Drainage Report
- Transport Report

The following assessment takes into account the amendments.

Principle of development and sustainability of the site

45. The application site is within the village development framework of Melbourn and has been allocated for residential development in the newly adopted Local Plan. The proposal seeks full planning permission for 22 dwellings.
46. The provision of 22 dwellings will contribute towards the district housing need.
47. Policy H/1 states that the site should be developed in accordance with the relevant Local Plan policy requirements and proceeds to state that the number of homes granted permission on the site may be higher or lower than the indicative capacity and should be determined through a design-led approach and contributions made towards any necessary additional infrastructure.
48. Site specific policy H/1(e) states that the site has an indicative capacity of 65 dwellings. The application site is a part of the larger site allocated under this policy; the Land at Victoria Way (to the south of the application site) being part of the allocation. 64 new dwellings have already been approved at the Land at Victoria Way. The site would provide an additional 21 dwellings on the allocated site which is considered to be acceptable subject to compliance with the other relevant policies within the Adopted Local Plan. The policy also requires the development to create a significant landscape buffer along the boundary of the site where it adjoins or could be seen from the open countryside to provide a soft green edge. However, this criterion is not applicable to the application site as it is located to the northern side of the wider site; Victoria Way development being located to the edge of the Development Framework.
49. The development has been assessed against these criteria under the relevant sections in this report. The principle of development, including its sustainable location has been supported by the District Council and the inspector through the Local Plan. The sustainability of Melbourn is also reflected in its allocation as a Minor Rural Centre.
50. The development can no longer be said to be premature and would accord with the main aims of policy H/1 and H/1(e) of the adopted Local Plan (2018). These matters should be given full weight and regard to in the determination of this application.

Education provision

51. Policy TI/9 states that developers should engage with the Children Services Authorities at the earliest opportunity to ensure the appropriate mitigation is identified and can be secured.
52. Several third party comments have raised concerns to the capacity of the local schools. Cambridgeshire County Council Education department have reviewed the scheme in terms of the impact of the development on early, primary and secondary schools in the catchment.
53. The proposed development will impact on the early years places in Melbourn. There is currently a project to expand early years places at Melbourn primary school. The County Council's proposed solution to mitigating the early years aged children arising from this development and others in the area is to provide provision of an additional 52 places. The total cost of the project is £249,955.
54. The proposed development will generate an early years child yield of 5 (three of which will be entitled to free school provision). Based on the child yield of 3 students, the proposed development will need to contribute £14,421.

55. The proposed development will impact on the primary places in Melbourn. There is currently a project to expand primary places at Melbourn primary school. The County Council's proposed solution to mitigating the primary aged children arising from this development and others in the area is to provide provision of an additional 3 classrooms (90 places). The total cost of the project is £1,713,463. The proposed development will generate a primary year child yield of 5 students. And will need to contribute £95,190.
56. The catchment setting for secondary school years for the proposed development is Melbourn Village College. However, the County Council have not yet considered a viable project to expand the school and therefore a contribution is not required.
57. The developer has agreed to provide contributions toward early years and primary years in accordance with the comments above and they will be secured via the s106 agreement. The contributions are considered to be directly related, reasonable and necessary to mitigate the impact of development and therefore would accord with the CIL regulations. In addition to this the infrastructure payment would accord with the requirements of site specific policy H/1 of the Local Plan.

Health Care and Impact Assessment

58. The site is located in close proximity to Orchard GP Surgery. The site forms part of Local Plan policy H1: e that was to comprise an indicative 65 dwellings across 3 hectares. Planning permission for 64 dwellings on the larger part of this allocation was granted in February 2015 and which secured a financial payment of £40,832 towards healthcare improvements in Melbourn (£638 per dwelling). The land at 36 New Road represents the balance of the local plan allocation. NHS England typically only respond to planning applications to seek developer contributions at a threshold of 50 dwellings or above meaning that no consultation response has been received for this or any planning application relating to this site. In spite of this when Planning Committee approved planning application S/0287/15/OL for 18 dwellings on the site, it was on the basis that a healthcare contribution of £11,484 was secured (£638 per dwelling). This was because the Council considered the application and impact should be assessed on the basis of the local plan allocation (i.e. a site comprising a total of 82 dwellings). Applying the same consistent approach to the new application would generate the need for a developer contribution of £14,036 and which would be used to provide healthcare provision in the village or surrounding area serving the development.
59. Given the scale of the scheme the application is accompanied by a rapid HIA. Policy SC/2 of the Local Plan states that new development should have a positive impact on the health and wellbeing of new and existing residents. For developments between 20 and 100 the policy states that the Health Impact Assessment should be a rapid assessment that is appropriate to the scale and nature of the proposed development.
60. The HIA is a method of considering the positive and negative impacts of development on the health of different groups in the population, to enhance the benefits and minimise any risks to health. The HIA recognises that during construction there will be an 18-month period where activities might give rise to short term negative impacts. However, concludes that this can be mitigated through the use of planning conditions to control activity. The HIA goes onto recognise that the scheme will also bring health benefits for future occupiers for being in a sustainable location and provision of high quality more sustainable housing.

61. The Health Impact Officer has marked the document down as it has not followed the HIA Review Package checklist. Various aspects in respect of Air quality, noise and neighbourhood amenity, housing quality and design, Accessibility and active travel, Crime and community safety, public realm and social cohesion and community engagement have been queried.
62. Whilst this level of information would be desirable to get an in-depth picture, the scheme is for only 22 dwellings and therefore officers consider the rapid assessment undertaken when read alongside the planning statement and design and access statement and other relevant reports as part of this application, the information would be sufficient and would accord with the requirements of policy SC/2 of the Local Plan and would be a suitable form of development that will have a positive impact on the health and wellbeing of new and existing residents.

Housing Density

63. The overall density of the development is an average of 30 dwellings per hectare which would be in compliance with Policy H/8 of the Council's Adopted Local Plan.

Affordable housing

64. Adopted policy H/10 states that all developments which increase the net number of homes on a site by 10 or more should provide 40% affordable housing on-site. The proposal originally proposed 8 Nos. affordable dwellings (4 Nos. 1 bedroomed flats and 4 Nos. 2 bedroomed flats). However, subsequent to the contribution requested by the Cambridge County Council Education department and the contribution sought towards a Children's Play Area, the applicant is claiming that the increase in S106 contributions sought (in comparison to the contributions sought under the outline application S/0287/15/OL) is impacting on the viability of the scheme.
65. The applicant's Financial Viability Assessment (FAV) that supports this application was based on contributions of £108,558. This figure was based on the formulae used in the S106 agreement for the extant consent (S/0287/15/OL) dated March 2017.
66. The S106 contributions sought for this scheme differ from those anticipated principally in two areas – Children's Play and Primary Education. This results in an increase in the total contribution level by some £95,856 compared to that anticipated in the applicant's FVA. The key difference is the need for the primary school contributions. These were originally set at £8,400 per child place (resulting in a contribution of £42,000). There has been uplift in County Council education contributions since the outline planning permission was granted and these have now escalated to £19,038 per child space resulting in a total payment of £95,190. This creates an increase of £53,190.
67. The applicant has submitted an amended Viability Assessment analysis to demonstrate the impact of the increased S106 obligations which highlights that the increase in Section 106 obligations has resulted in a reduction in the affordable housing provision from 4, Affordable Rented & 4 Shared Ownership units to 3 Affordable Rented Units & 0 Shared Ownership Units. However in order for the application to progress as soon as possible the applicant is happy to maintain the provision of Affordable Rented Units at 4.
68. It should be noted that the Viability Assessment has not undergone an external independent appraisal. The Council's Housing Officer was originally involved with the review of the Viability Statement; the affordable housing requirements were assessed

and agreed on the basis of that submission. The amended Viability Statement has been reviewed by the same officer who concurs with the findings/conclusion of the amended Viability Report.

69. Policy H/10 requires a provision of 40% affordable housing on developments of 11 dwelling or more except where it can be demonstrated that the level of affordable housing sought would make a development unviable in light of changing market conditions, individual site circumstances and development costs. Criterion 2 (d) of the Policy states that in such cases a revised mix of affordable house types and tenures and then a lower level of affordable housing provision may be negotiated.
70. It is noted that the Council's Housing Officer does not support the proposed reduction of 20% affordable housing because of increased S106 costs and requests that an independent viability assessment is carried out.
71. However, on the basis of the submitted amended Viability Assessment and the review carried out by the Council's Delivery & Innovations Manager, on balance, it is considered that the reduced level of Affordable Housing is considered to be acceptable in this instance.
72. The tenure for the proposed affordable housing comprising of 4 Nos. 1 bedroomed flats would be rented. The units will be secured in a S106 agreement.
73. As such no objection is raised to the proposed development under policy H/10 of the Local Plan together with guidance contained within the Council's Affordable Housing SPD. All of the house types meet the Nationally Described Space Standards (NDSS) accordance with policy H/12 of the Local Plan.

Housing mix

74. Adopted policy H/9 requires development to deliver a wide choice, type and mix of homes to meet the needs of different groups in the community. Market homes should consist of 30% 1-2 bedrooms, 30% 3 bedrooms, 30% 4 or more homes with 10% flexibility.
75. The policy also requires that on all sites of 20 or more dwellings developers will supply dwelling plots for sale to self and custom builders and that 5% of market homes in a development should be built to the accessible and adaptable dwellings M4(2) standard (rounding down to the nearest whole property).
76. The proposal includes the provision of 18 market dwellings. In accordance with the policy the 30% requirement each dwelling type should be at least 5.4 units. The proposed mix includes:
 - 4 x 2bedroom units
 - 5 x 3bedroom units
 - 9 x 4/5bedroom unit

22.2% one and two bedroom, 27.8% 3 bed
77. The proposal would fall short of being compliant with the minimum criteria for two-bedroom dwellings by 1.4 units and for the number of three-bedroom dwellings by 0.4 units. Despite the fact this is a small scheme, the agent has overall still demonstrated that a wide choice of homes will be delivered on the site with a mixture of market homes and would therefore comply with the main aims and objectives of policy H/9 and paragraph 61 of the National Planning Policy Framework.

78. The proposal fails to also provide a plot within the development for self and custom builders as required by policy H/9. The applicant has stated that the submitted Viability Assessment demonstrates that the provision of a self/custom build plot would increase the deficit further by £45,000 and therefore worsens the overall scheme viability. The applicant also highlights that the inclusion of 4 affordable rented units was in fact an over provision compared to the total viable amount; only 3 Affordable rented units were deemed viable. On the basis of the scheme's viability, it is considered that the non-provision of the custom/self build plot is considered acceptable.
79. The submitted Design and Access Statement states that the application has taken into account the access needs of all people; having attempted to address the requirements of those with long-term disabilities and persons who may experience mobility issues at some time in their lives. It states that the scheme aims to make all houses and ground floor apartments as accessible to as many people as possible without compromising the economic viability of the development. The development seeks to achieve its accessible design goals by including level threshold into the building with ease of access for those with mobility impairments into the ground floor units. No details of how the development would incorporate adaptable dwellings have been provided. However, it is not considered that a refusal can be sustained on this basis.
80. On balance, it is not considered that a refusal on the basis of the requirements of the proposed housing mix could be successfully sustained on appeal.

Impact on the character of the area and landscape

81. The proposed development is located between the existing older properties to the north and the relatively new development to the south in Victoria Way. The heights of the dwellings will be limited to two-storey with the units at Plots 19-22 (towards the rear) being two-half storey.
82. Views into the site will be limited to the proposed access point, views from private gardens and glimpses between properties along the street-scenes. Given the existing new development at Victoria Way to the south, views from the wider landscape setting will be more limited.
83. Furthermore, hedgerows are proposed along the front boundary of the site. Overall, it is considered that the proposal would therefore continue to preserve the character of the local area in accordance with criteria in site specific policy H/1(d) and HQ/1(e) of the adopted Local Plan.

Layout

84. A full set of technical studies have been submitted with the application and have informed the proposed layout and design of the scheme. The scheme has also been discussed at pre-application stage.
85. The proposed layout and design of the development has been amended to provide a better layout, address landscaping issues and to improve the views into the site.
86. A new access is proposed to be provided to the site with a new road within the development. Appropriate turning areas for emergency, refuse and service vehicles have been incorporated into the proposed layout.

87. The affordable housing is to the front of the site and will comprise 4 units (which are apartments) within one Block.
88. The newly adopted policy H/10 states that affordable housing should be provided in small groups or clusters distributed through the site. Paragraph 7.48 of policy H/10 states that affordable homes should be integrated with market homes in small groups or clusters to create sustainable communities. The policy does not now define what a suitable size cluster is. However, it is considered that the location of affordable housing within one block would be better managed in that format and a size comprising of a cluster of 4 affordable dwelling is considered to be acceptable as such.
89. In addition the overall design would be tenure blind so materials used in the external surfaces would be compatible with the other dwellings on the site.
90. As such a mixed and balanced community would be created in accordance with the adopted policy H/10 and National Planning Policy Framework.
91. To overcome concerns of the urban design officer and the landscape officer, amendments have been made to the scheme. The final comments from the Urban Designer required the addition of balconies to the blocks of flats and configuration of parking areas for Plot 5 to 10 and relocation of plots 9 and 10 so that it fronts onto the LAP and LEAP. The proposal has been amended to include the balconies. However, the agent was not agreeable to the redesigning of the parking areas and the relocation of Plots 9 and 10. It is not considered that the redesign would result in any significant improvements to the layout and on that basis the changes are not considered significantly necessary to the scheme.
92. Within the layout of the scheme provision is made for informal open space with proposed tree planting. Following amendments this area was made larger so existing trees/hedgerow could be retained and work alongside a LAP.

Scale and Appearance

93. The proposed 22 homes are contained within two-storey-two-half storey buildings, following traditional forms. The scale of the development is reflective of other domestic dwellings found within the wider context of Melbourn.
94. The proposed materials palette is mainly proposed to be yellow buff brick with smooth painted sand render and painted timber boarding, The cills are proposed as reconstructed Bath Stone and the roofs will comprise of Natural Dark Grey Slate.

Landscape and trees

94. The application is accompanied by an Existing Site Plan, Tree Survey and Arboricultural Implications.
95. The site is defined by existing vegetation comprising of hedgerows along the southern boundary and fruit trees across the site. It is proposed as part of this application that the hedges/planting along the southern boundary will be retained and protected by a post and wire fence. New tree planting to consist of fruit trees and trees typical of the local character are proposed along the northern boundary. A play area and community orchard is proposed within the site. Hedges are also proposed along the front boundary of the site.

96. The types, species, location, stock and details of planting to be retained and new planting will be requested via planning condition.
97. For the above reasons that proposal is therefore considered to comply with policy HQ/1(a) of the Local Plan which seeks to ensure developments are of a high quality and sympathetic to the surroundings.

Renewable Energy and Water Consumption

98. The submitted Design and Access statement states that key principles of sustainability will be incorporated within the scheme to reduce the strain placed on natural resources through the demolition process, construction and the on-going running of the proposed homes. Whilst no proposals have been submitted in respect of renewable energy, a standard condition can be applied in accordance with policy CC/3.
99. The scheme will seek to reduce water consumption by ensuring aerated taps, non-power showers and low-flush WCs with a cistern capacity of 6 litres or less are provided to all the new bathrooms & W/Cs.
100. This provision would accord with policy CC/4 of the adopted Local Plan. A condition will be applied to the decision notice for a full water conservation and management plan to ensure the applicant complies with the requirements of the policy.

Residential Amenity

101. Policy HQ/1 (n) seeks to protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight which avoids unacceptable impacts such as noise, vibration, odour, emissions and dust. The Council's District Design Guide also seeks to guide development in the area.
102. The gardens to the dwellings will be a minimum of 50 square metres and the apartments would provide a communal area of some 109 sq.m for each block (some 27 sq.m per flat); the first floor flats would provide balconies measuring some 3 sq.m and therefore would provide a suitable level of private residential amenity for future occupiers.
103. Residents have raised concerns about the potential noise impacts from the new access into the site. Given the site will serve only 22 units, vehicle movements will be more limited and likely to be negligible against noise from traffic along New Road. There is already an extant permission in principle for 18 units.
104. During the consultation process, third party concerns have been raised about overlooking and overbearing impact from some of the plots. The following assessment has been undertaken in relation to nearby dwellings:
105. Impact to properties in Carlton Rise - The front elevation of the properties at Plots 11-17 would face the rear elevations of the properties in Carlton Rise. These achieve a distance of some 24.5m between them, some 0.5m less than the requirement of 25m within the Council's District Design Guide. However, it is not considered that this marginal deficiency could justify a reason for refusal. Furthermore, landscaping/trees are proposed along the northern boundary. Whilst the details of landscaping will be

required by condition, the proposed landscaping/trees will further facilitate in maintaining privacy between properties.

106. Impact to properties in Victoria Way - These properties and their garden areas currently back onto the application site. The rear boundaries of the gardens are lined with hedgerows. Their garden depths are approximately 11m. The back-to-back distances between the proposed and existing properties at first floor level is approximately 22.5m. Whilst it is noted that this distance would be deficient of the requirement, the existing hedgerows are proposed to be retained. This would help mitigate issues of overlooking and privacy. As such it is not considered that a refusal on this basis could be successfully sustained on appeal.
107. In terms of overlooking to garden areas, as amended, the proposed dwellings will sit 13.5m -13.9m from the shared boundary. The District Design Guide (para.69) states that 'to prevent the overlooking of habitable rooms to the rear of residential properties and rear private gardens, it is preferable that a minimum distance of 15m is provided between the windows and the property boundary. It goes on to state that where a potential problem is evident protective boundary treatments, garden walls and planting, can assist in obscuring views.
108. The garden areas of the existing dwellings are relatively shallow (some 11m). The trees/hedgerows on the southern boundary of the site are within the ownership of the applicant and will help in providing a screen to limit the impact of overlooking. Together these considerations mean that the perception of overlooking to existing garden spaces will not be significant or adverse and therefore the guidance in the design guide should not be applied rigidly having regard to all the other material considerations.
109. Impact to Nos. 45 and 46 Greengage Rise – Plots 18-22 of the proposed development would back onto the garden of Nos. 45 and 46 Greengage Rise. The properties at Plots 19-22 result in an acceptable relationship with the neighbours to the rear. However, the dwelling at No. 45 Greengage Rise has a shallow garden (some 5m to 9m by virtue of its shape). The proposed dwelling at Plot 22 would only provide a distance of some 19m to 22 to the back of this neighbouring property. However, taking into account the orientation and relationship of the properties at Plot 22 of the proposed development and the dwelling at No. 45 Greengage Rise and that hedging is proposed along the party wall boundary between them, it is not considered that any impact on the residential amenity would be so detrimental that a refusal on this basis could be successfully sustained on appeal.
110. The properties within the proposed development do not result in any overlooking issues subject to conditions requiring obscure glazed window in the side elevations of the properties. The property at Plots 19-21 have dormers within the roofs in the eastern elevation and provide a distance of some 17m to 18m to the opposite wall of the property at Plot 17. This property only has the provision of a bathroom window in this elevation (this will be required to be obscure glazed and fixed shut). This relationship is unlikely to result in any privacy and overlooking issues.
111. However, the property at Plot 22 also has a dormer at second floor level which would be located some 14m from the rear garden of Plot 17. This window serves a bedroom at second floor level; this bedroom is also served by a dormer window in the rear elevation. The dormer window in the rear elevation would provide a distance of some 22m to the rear boundary and would not result in any issues of privacy and overlooking to the neighbouring properties to the rear. Under the circumstances, it is considered that the window within the front dormer of this property could be required

to be obscure glazed and fixed shut without impacting on the internal living conditions.

112. For the reasons set about above, the proposal is considered to accord with policy HQ/1(n) and provides a good level of amenity for existing and future occupiers.

Highway safety

113. The National Planning Policy Framework paragraph 109 states developments should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
114. The application is accompanied by a Transport Statement (TS) by M-EC (dated June 2018). Within the TS estimations have been made on the quantum of trips that may be generated by the proposed development. The proposed development will result in an increase in 19 vehicle trips during the AM peak and 16 vehicle trips during the PM peak. This results in a maximum increase of one additional trip approximately every 3 minutes during the peak periods
115. The low quantum of vehicle trips that would be generated from this development would not cause a detrimental impact on the local highway network. The Local Highways Authority has reviewed the planning application and has not raised any objections on highway safety grounds linked to the capacity of the network.
116. In terms of suitability of the access points, the TS data supports the applicant's proposal and demonstrates vehicle visibility splays to the main vehicle access into the site can be achieved within the ownership of the applicant and across highway authority land. As such this demonstrates vehicles can enter and leave the site safely.
117. With respect to relevant national and local planning policies, the cumulative transport impact of the development is not considered to be severe, nor does the proposal demonstrate that there would be an unacceptable highway safety risk.
118. Despite the significant number of objections to the application on these grounds, there are no reasons on highways or transport grounds to refuse the planning application for development in this location. The proposal would therefore comply with policy SC/11 of the Local Plan. A travel plan will be secured via planning condition to ensure sustainable modes of transport are encouraged when the dwellings are occupied.

Parking

119. Each house will be provided with a minimum of two parking spaces. All apartments will contain a single parking space. Every dwelling will have provision for lockable cycle storage facilities, either within the garages or where no garages within secure garden sheds or communal stores. Conditions will be included on the decision notice for the details of the cycle storage.

Flood Risk and Drainage

120. The supporting Flood Risk Statement confirms the site is located within Flood Zone 1, lowest risk of flooding. Surface Water flood maps shows that there is an area across the middle of the site that is at risk of pluvial flooding from a flow path originating from land at Victoria Way, south of the site. However, this area is low risk

(between 1 in 100 year return period and 1 in 1000 year return period) and flood depths would be less than 300mm deep. In order to mitigate against the risk of properties being affected, it has been recommended that Finished Floor Levels are a minimum of 300mm above the surrounding ground levels, The rest of the site is at a very low risk of pluvial flooding.

121. Surface Water Drainage Discharge - The surface water drainage strategy was amended following a holding objection from the Lead Local Flood and Water Authority (LLFA). The management of the surface water runoff will be provided by permeable paving, soakaways and geo-cellular storage units.
122. The Lead Local Flood Authority and the Drainage Engineer have raised no objection subject to conditions requiring further details.
123. Foul water drainage - The foul water generated from the site will be via a gravity connection to the existing Anglian Water public foul water sewer on New Road. The submitted strategy states that foul connection from the existing property may be suitable subject to further investigation; otherwise a new connection shall be required.
124. Parish Council and Third Party objections have been received in respect of inadequate infrastructure in Melbourn in respect of drainage and overflow and flooding issues.
125. Whilst this indicative strategy demonstrates a connection can be made to existing infrastructure, the Drainage Engineer has requested a condition for a detailed drainage strategy to be submitted to ensure the development would not lead to an unacceptable risk of flooding downstream.
126. The foul drainage from this development is in the catchment of Melbourn Water Recycling Centre which does not currently have capacity to treat the flows from this development. However, Anglian Water are obligated to accept the foul flows from the development with the benefit of planning permission and would therefore take the necessary steps to ensure that there is sufficient treatment capacity.
127. For the above reasons, and subject to conditions requiring further details of Surface Water and Foul Water Strategy, the proposed development is in accordance with policies CC/7, CC/8 and CC/9 of the adopted Local Plan and guidance contained within the Cambridgeshire Flood and Water SPD (2016).

Biodiversity

128. The site consists of a large area of improved grassland with some fruiting trees, wooded boundaries, and a dwelling in the north-east corner. The site sits within the Impact Risk Zone (IRZ) of a nearby statutory protected site; however it does not meet the criteria that would require a consultation with Natural England.
129. An Ecological Assessment has been submitted (Ecological Solutions, July 2017) in support of this application. The report identified that further bat surveys will be necessary to the buildings on site. However another application for the same site had an updated letter report which established that there is no likely suitable crevice roosting features. Subsequent to a holding objection from the Ecology Officer, such an updated letter report was also submitted for the application. The Ecology Officer has removed the objection subject to a condition for all works to be carried out in accordance with the details/recommendations contained within the submitted report.

130. Paragraph 170(d) of the National Planning Policy Framework (NPPF) states that planning decisions should; contribute to and enhance natural and local environment by minimising impact on and providing net gains for biodiversity. Paragraph 175(a) states that when determining planning applications the following principles should be applied; if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated or at least compensated for then planning permission should be refused. Part (d) of the paragraph states that; development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to incorporate biodiversity improvements in and around developments should be encouraged. Policy NH/4 of the adopted Local Plan echoes this advice.
131. The Ecology Officer has recommended a condition be imposed on any consent granted to provide a scheme of biodiversity enhancement. Subject to such a condition, no objection is raised to the proposal under policy NH/4 and paragraph 175 of the NPPF.

Other Matters

Broadband – Policy TI/10 states that new development (residential, employment and commercial) will be expected to contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband services across the district. As a minimum, suitable ducting to industry standards should be provided to the public highway that can accept fibre optic cabling or other emerging technology. Other forms of infrastructure, such as facilities supporting mobile broadband and Wi-Fi, should be included where possible and viable. The proposed development has not submitted any such proposal. A condition will be included on the decision notice to ensure the ducting from the properties is provided prior to occupation.

Archaeology - A condition will be placed on the decision notice for a written scheme of investigation to record any findings on the site and prevent any damage to heritage assets in accordance with the views of the consultee and policy NE/14 of the adopted Local Plan.

Contaminated Land – A condition requiring the submission of a Phase I Environmental Desk Study as suggested by the Contaminated Land Officer will be placed on the decision notice in accordance with Policy SC/11 of the adopted Local Plan.

Lighting Proposals – A condition requiring details of any external lighting proposals for the scheme will be placed on the decision notice in accordance with Policy SC/9 of the adopted Local Plan.

Conclusion

132. In accordance with paragraph 11 of the National Planning Policy Framework, decisions should apply a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
133. The site has been allocated for development in the newly adopted Local Plan and includes both market and affordable houses. These will contribute to maintaining the Councils five-year housing land supply.

134. In terms of economic and social benefits, contributions towards education, healthcare, library facilities and off-site community facilities will mitigate the impact of future occupiers and enhance existing facilities within the village.
135. In terms of environmental benefits, the sustainability of the location for the number of dwellings has been tested through the Local Plan examination and was deemed to be an acceptable one to develop. Following amendments, the layout, scale and appearance of the development are considered to be acceptable and presents a good quality scheme that will preserve the character and appearance of the area, landscape setting and be acceptable in relation to the impact on existing residential amenity.
136. A S106 agreement will need to be secured for contributions toward affordable housing, Public Open Space, Formal Sports, Formal and Informal Children's Playspace, Informal Open Space, Indoor Community Space, Education, Libraries and Healthcare. Conditions will also need to be applied to any decision notice to ensure there is a suitable means of drainage from the site and the access is built in accordance with the requirements from the Local Highways Authority.
137. For the above reasons, the proposal would accord with the development plan and therefore should be approved without delay.

Recommendation

138. Officers recommend delegated approval subject to:

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

See appendix 1 - Heads of terms

Conditions and Informatives

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. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Red Line Boundary
 28617.204 D Proposed Site Plan
 28617.200 D Part Site Plan with boundaries
 28617.201 B Part Site Plan with boundaries
 28617.202 D Part Site Plan
 28617.203 B Part Site Plan
 22916_08_020_03 Access Design
 28617.206 B Plots 1-4
 28617.207 B Plots 5-8
 28617.208 Plots 9-10

28617.209 Plot 11
28617.210 Plot 12
28617.211 Plot 13
28617.212 Plot 14
28617.213 Plot 15
28617.214 Plots 16-17
28617.215 Plot 18
28617.216 A Plots 19-21
28617.217 Plot 22

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. Except for demolition, no development shall take place above slab level, until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018).
4. Prior to the first occupation of the development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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 HQ/1 and NH/6 of the adopted South Cambridgeshire Local Plan 2018).
5. 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 HQ/1 and NH/6 of the adopted South Cambridgeshire Local Plan 2018.)
6. Prior to the first occupation of the development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)
7. No development shall take place until details of the proposed children's play area including the number and type of pieces of play equipment have been submitted to and approved in writing by the Local Planning Authority. The play area shall be

laid out and equipped as approved before the first occupation of any part of the development, or in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority.

(Reason - To provide outdoor play space in accordance with Policy SC/7 of the adopted South Cambridgeshire Local Plan 2018 .)

8. No dwelling shall be occupied until the area shown as 'Play Area and Community Orchard' has been laid out in accordance with Drawing. No. 28617.202 D and that area shall not thereafter be used for any purpose other than as a play area.
(Reason - Reason - To provide outdoor play space and informal open space in accordance with Policy SC/7 of the adopted South Cambridgeshire Local Plan 2018.)
9. All ecological measures and/or works shall be carried out in accordance with the details/recommendations contained in the report by AA Environmental Limited, September 2017 as already submitted with the planning application.
(Reason - To remain compliant with relevant national and international protected species legislation, and Local plan policy NH/4 of the adopted South Cambridgeshire Local Plan 2018.)
10. Prior to the commencement of the development above slab level 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- To enhance biodiversity in accordance with policy NH/4 of the adopted South Cambridgeshire Local Plan 2018).
11. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 1 March and 31 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.
(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018).
12. Prior to the first occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the all access within the development and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from the access to the site towards the adopted highway boundary. The visibility splays shall be retained as such thereafter.
(Reason - In the interest of highway safety in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)
13. The proposed accesses shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
(Reason: For the safe and effective operation of the highway in accordance with policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)
14. The proposed accesses shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.
(Reason: In the interests of highway safety in accordance with policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)

15. 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
 - ii. be undertaken off the adopted highway)
 - iii. Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
 - iv. Movements and control of all deliveries (all loading and unloading shall be
 - v. undertaken off the adopted public highway.
 - vi. Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

(Reason: in the interests of highway safety in accordance with policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)
16. Prior to the first occupation of the development the junction of the access with the highway carriageway shall be laid out with 6m radius kerbs.

(Reason: In the interests of highway safety in accordance with policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)
17. Prior to the first occupation of the development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

(Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe in accordance with HQ/1 of the adopted South Cambridgeshire Local Plan 2018).
18. Prior to the occupation of the development covered and secure cycle parking details shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be installed in accordance with the agreed details prior to the occupation of the dwelling to which it relates.

(Reason – To ensure the development complies with policy TI/3 of the adopted South Cambridgeshire Local Plan 2018.)
19. No dwellings shall be occupied until a Travel Plan to reduce car dependency and to promote alternative modes of travel has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TR/3 of the adopted Local Development Framework 2007.)
20. The properties within the development hereby approved, located within the middle of the site that is at risk of pluvial flooding (as set out in the Flood Risk statement and shown on the Surface Water flood maps) shall be constructed such that the Finished Floor Levels are a minimum of 300mm above the surrounding ground levels

(Reason - To prevent the increased risk of flooding to these properties in accordance with Policies HQ/1, CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018).

21. Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Technical Note: Flood Risk Assessment and Drainage Strategy, REF.22916/09-18/6157 REV C, Prepared by MEC, Dated September 2018 has been submitted to and approved in writing by 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 include 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. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.

(Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development, to improve and protect water quality, and improve habitat and amenity in accordance with policies CC/7, CC/8 and CC/9 of the adopted South Cambridgeshire Local Plan 2018)

22. Details for the long term maintenance arrangements for the surface water drainage system (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 runoff sub-catchments, SuDS components, control structures, 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 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. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

23. No development other than site preparation, ground works and enabling works shall commence until a foul water drainage strategy 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 Policies CC/7 and CC/8 of the adopted South Cambridgeshire Local Plan 2018).

24. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the management measures which builders will adopt and implement for the construction effects on the surrounding environment and community. The development shall be carried out in accordance with the agreed details.

(Reason - To protect amenities of nearby residential properties and the environment in accordance with policy SC/11 of the adopted Local Plan 2018)

25. Prior to the installation of any floodlighting, security or street lighting, a lighting scheme for that particular phase of development shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include layout plans (including proximity to existing residential properties) and elevations with luminaire locations annotated and full isolux contour map. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details.

(Reason - To protect local residents from light pollution / nuisance and protect / safeguard the amenities of nearby residential properties in accordance with SC/10 of the adopted South Cambridgeshire Local Plan 2018.)

26. No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 hours on Saturdays and no construction works or collection / deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise approved in writing by the local planning authority.

(Reason - To protect the amenities of nearby residential properties in accordance with policy SC/10 of the adopted South Cambridgeshire Local Plan 2018.)

27. In the event of the foundations for the proposed development requiring piling, prior to piling taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details.

(Reason - To protect the amenities of nearby residential properties in accordance with Policies HQ/1 and SC/11 of the adopted South Cambridgeshire Local Plan 2018.)

28. Except for demolition, no development shall be commenced until

- i) 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.
- ii) 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.
- iii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) shall have been submitted to and approved 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 SC/12 of the adopted South Cambridgeshire Local Plan 2018).

29. No dwelling shall be occupied until 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. (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 SC/12 of the adopted South Cambridgeshire Local Plan 2018).
30. 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 SC/12 of the adopted South Cambridgeshire Local Plan 2018).
31. No development above ground level shall take place until an Energy Delivery Strategy which shall demonstrate how at least 10% of the expected energy requirements for the development will be delivered from renewable sources or low carbon technologies. The development shall be implemented in accordance with the approved strategy. (Reason - To ensure an energy efficient and sustainable development in accordance with CC/3 of the adopted South Cambridgeshire Local Plan 2018).
32. Prior to the fitting out of any dwelling house, a water conservation statement detailing water conservation and management measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail water efficiency measures sufficient to ensure that residential development achieves a minimum water efficiency standard of 105 litres per person per day (additional 5 litres for outdoor use). The development shall be carried out in accordance with the agreed details (Reason - There is a high demand for limited water resources in the East of England; therefore it is necessary to manage water use in accordance with South Cambridgeshire Local Plan policy CC/4).
33. Prior to the first occupation of the development, infrastructure to enable the delivery of broadband services to industry standards should be provided for each of the dwellings. (Reason – To support the implementation of the South Cambridgeshire Economic Development Strategy in accordance with policy TI/10 of the adopted South Cambridgeshire Local Plan 2018.)
34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 of the Order shall take place on the development hereby approved unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of protecting the amenity of the occupiers of the development hereby approved and the neighbouring residents in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)

35. Apart from any top hung vent, the proposed first floor windows in the side elevations of the dwellings hereby permitted, (except southern elevation of the Block containing Flats 1-4), northern elevation of the Block containing Flats 5-8 and eastern elevation of the dwelling at Plot 11) shall be fitted with obscured glass (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut to a height of 1.7m from the finished floor level. The development shall be retained as such thereafter.

(Reason - To prevent overlooking of the adjoining properties in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

36. The proposed second floor window within the proposed front dormer at the dwelling at Plot 22, hereby permitted, shall be fitted with obscured glass (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut. The development shall be retained as such thereafter.

(Reason - To prevent overlooking of the adjoining properties in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

37. No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/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. *Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

The programme shall include the timetable for the investigation is included within the details of the agreed scheme. The development shall be carried out in accordance with the agreed details.

(Reason - To protect historic assets in accordance with policy NH/14 of the adopted South Cambridgeshire Local Plan 2018.)

38. No development above ground level shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

(Reason - To ensure an adequate water supply is available for emergency use.)

Informatives

1. This permission is subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated

2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that 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.
4. Constructions or alterations with an ordinary watercourse require consent from the Lead Local Flood and Water Authority under the Land Drainage Act 1991. Ordinary watercourse include every river, drain, stream, ditch, dyke, sewer and passage through which water flows that do not form part of the main rivers. The applicant should refer to Cambridgeshire County Council Culvert policy.

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 2018
- Development Framework SPDs
- Planning File reference S/2424/18/FL

Report Author:

Ishita Sheth
Telephone Number:

Job Title: Senior Planning Officer
01954 713103



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Scale - 1:1250

Time of plot: 12:25

Date of plot: 04/03/2019



South Cambridgeshire District Council

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Agenda Item 7



REPORT TO: Planning Committee

13 March 2019

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases as at 22 February 2019. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently at the end of January 2019, 86 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) **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. Cambridge Magistrates Court are now currently processing the application for Summons. All cases have now been heard and where breaches were identified Cambridge Magistrates levied fines totalling £72,566.57p – A further inspection and survey of the site has now been carried out on the 26th June 2018 which revealed that 12 plots are currently in breach of planning control. Further prosecutions will now be considered /carried out in addition to two further breaches of Condition Notices issued and one prosecution in the High Court for breaching the current site Injunction. A further application to the High Court for an Injunction is to be made at the earliest opportunity. Barrister identified, detailed chronology compiled next steps agreed - Work in progress

(b) **Whaddon – 9A Bridge Street**

Without planning permission the erection of a six metre high pole for CCTV equipment. Enforcement Notice SCD-ENF-094/17/A was issued with a compliance date of 25th November 2017 to remove the pole and CCTV equipment. The notice has not been complied with and a file was submitted to the Councils Legal office to issue a Summons. The date of the summons was set for 10am 15th March 2018 however the accused did not attend and the Court issued a Warrant for his arrest. Case continues - No further information at this time – Legal office have liaised with the Court and have been informed that the Arrest Warrant is live and waiting to be executed by Police. Referred back to legal as Police have no current knowledge of the Warrant – No further details are available at this time.

(c) **Gothic House 220 High Street Cottenham**

The property which is a grade 2 Listed building is unoccupied and in a serious state of disrepair which not only affects the fabric of the building but is also considered an immediate danger to the Public. A s215 Amenity Notice was issued in order to address the immediate concerns with a compliance date of 19 May 2018. Which due to circumstances was extended to 19th June 2018 An inspection carried out on the 21 June 2018 revealed that no works had commenced and the situation remained outstanding. A prosecution file was raised and a date to attend Cambridge Magistrates Court was set for the 9th August 2018. The owners of the property appeared before the Court and admitted the charge and were fined £907.00p with costs totalling £150.00p and Victim surcharge of £90.00p The grand total being £1147.00p. Work has now commenced to comply with the s215 Notice – Monitoring continues

(d) **73 High Street West Wrattling**

Following reports that the amenity of the above property including the main building which was a Public House known as the Lamb Inn and had been closed for many years a s215 Notice was issued to address the unacceptable

amenity issue. The compliance period given was to complete the works by no later than 19th June 2018 however the building caught fire during the early hours of Friday 8 June 2018 before works had commenced and the building was destroyed leaving only the outer walls standing. The site has been fenced off to prevent access to unauthorised persons. The owners have submitted an application to demolish the building due to its condition and safety to the Public. Separate planning application to be submitted to develop the whole site Situation continues to be monitored. Further s215 Notice to be considered

(e) **147 St. Neots Road, Hardwick**

A fire which took place several years ago and severely damaged the building on the site and although heavily screened by high hedging has remained unrepaired and a general eyesore to the neighbouring properties and the general Public passing the site. The owner of the land who has stated that he will demolish the building however the Neighbouring business unit has not given its authority for the National Grid to disconnect the live main gas supply which it shares with number 147 St Neots Road. Given the time that has elapsed and opportunity for the parties concerned to resolve the Gas termination to no 147 the Council is reviewing its powers under s79 in order that arrangements can be made with the relevant statutory undertakers for the disconnection of the gas supply, electricity and water as applicable, and the building demolished. The gas governor was due to be disconnected by the end of September 2018 however the company carrying out the work was again refused access and turned away. Local Parish informed of current impasse. Work continues to resolve access issues. Possible April 2019 date given to resolve. Situation to be monitored.

(f) **19 Bandon Road Girton**

Not built in accordance with approved drawings relating to visibility splays Breach of Condition Notice issued 22 February 2018 with 28 day compliance period. Despite compliance discussions with the builder works still not carried out. Prosecution file has been raised, waiting issue of summons, still with legal

(g) **31 High Street Rampton**

Unauthorised works to a listed building and pre-commencement conditions not discharged prior to commencement of works on site.

Prosecution file has been raised, summons issued. The Court date listing originally set for the 24 January 2019 has been moved to the 14th February 2019 at Cambridge Magistrates Court. The owners/developers pleaded guilty to six charges and were fined £1000.00p, £100.00p Victims Surcharge and Costs totalling £830.00p Grand total £1930.00p

(h) **Land Adjacent Broadway, Haverhill Road, Castle Camps**

Not built in accordance with approved plans – materials not approved Breach of Condition notice issued 8 June 2018. Three month compliance period.

Site inspection carried out after the compliance date revealed that the notice had not been complied with. A prosecution file has now been raised for the failure to comply with Breach of Condition Notice. Summons issued. The Court date listing is the 14th February 2019 at Cambridge Magistrates Court. Planning application received to address identified issues, prosecution suspended, now withdrawn due to different ownership now pending planning decision.

- (i) **Land at Black Pit Drove Willingham**
Following the occupation of land at Black Pit Drove without the appropriate planning consent the occupiers and owners of the land were issued with a planning enforcement notice reference SCD-ENF-0443/18. The notice which was not appealed required them to cease using any part of the land for the siting of residential caravans, motor vehicles and residential paraphernalia and sheds. The notice required the removal of the caravans, motor vehicles and residential paraphernalia and sheds by November 12th 2018
The occupiers and owners failed to comply with the notice and have been placed on notice that the matter will be referred to the High Court and an Injunction sought The notice deadline was the 30th November 2018.
The occupants of the site still remained in defiance of the enforcement notice after the 30th November therefore an application to the High Court was made and is to be heard by Mr Justice Jay on the 17th December 2018.
The defendants failed to turn up or have legal representation on the day as a result the High Court approved an interim Injunction preventing further caravans on site but wanted to give the occupiers and owners the opportunity to defend the action against them. A further hearing was set for 4th February 2019 at the Royal Court of Justice, London. The outcome of the February hearing was that Mr John Cavanagh Q.C. (sitting as a Deputy High Court Judge) approved the Injunction Order application which required the defendants to vacate the land by 4pm 19th February 2019. The defendants at the time of this report have failed to vacate the land as required and that the council is now working towards taking action along with partner Agencies to remedy the unauthorised occupation of the land at Black Pit Drove
- (j) **14 Church End Rampton – Grade2 Listed Building**
The above property is a thatched cottage that has fallen into disrepair in particular the thatch and woodwork. The owners have failed to engage with the Council and as a result an Amenity Notice s215 was served on the owners 11th October 2018 to carry out urgent repairs to the building. The compliance date was 6 months in order to allow specialist contractors to carry out the work. The owners have decided to challenge the Council which is their right and their appeal will be heard at Cambridge Magistrates Court on the 10th January 2019 The owner attended the Court but was unrepresented or in a position to make his appeal therefore in the circumstances the Court adjourned the case until the 8th May 2019. Due to the owners age it was agreed that we would assist the Court and the owner by preparing the evidence bundles.
- (k) **Land Adjacent to 1 Beech Farm Cottages, Button End, Harston**
Without planning permission i) material change of use of the land to residential use ii) Construction of a building for residential use a planning enforcement notice was issued on the 18th October 2017 under reference ENF/0182/16
An appeal under section 174 of the Town & Country Planning Act 1990 as amended by the planning and Compensation Act 1991 was made.
An Inspector was appointed by the Secretary of State and following a site inspection and written representation the inspector dismissed the appeal.
The owners are now required to cease using the land for residential purposes, demolish the building and remove all resultant material from the land. They are also required to remove all materials used in construction of the driveway / parking area from the land and cease using the land for parking of motor vehicles and remove all motor vehicles from the land. Remove all residential paraphernalia

The compliance period is 18th March 2019. Situation to be monitored

Investigation summary

- 6 Enforcement Investigations for January 2019 reflect a 25.8% reduction in the number of cases investigated when compared to the same period in 2018. Forty six (46) cases in total for the January period versus Sixty two (62) cases in 2018

A review of the forty four (44) cases closed in January 2019 revealed that 14 cases were found not to be in breach of planning control or were permitted development, 15 cases complied and 2 cases were found to be out of time to take enforcement action. The remaining 13 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited, awaiting further instruction and retrospective planning applications submitted..

Background Papers:

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

- **Appendices 1 and 2**

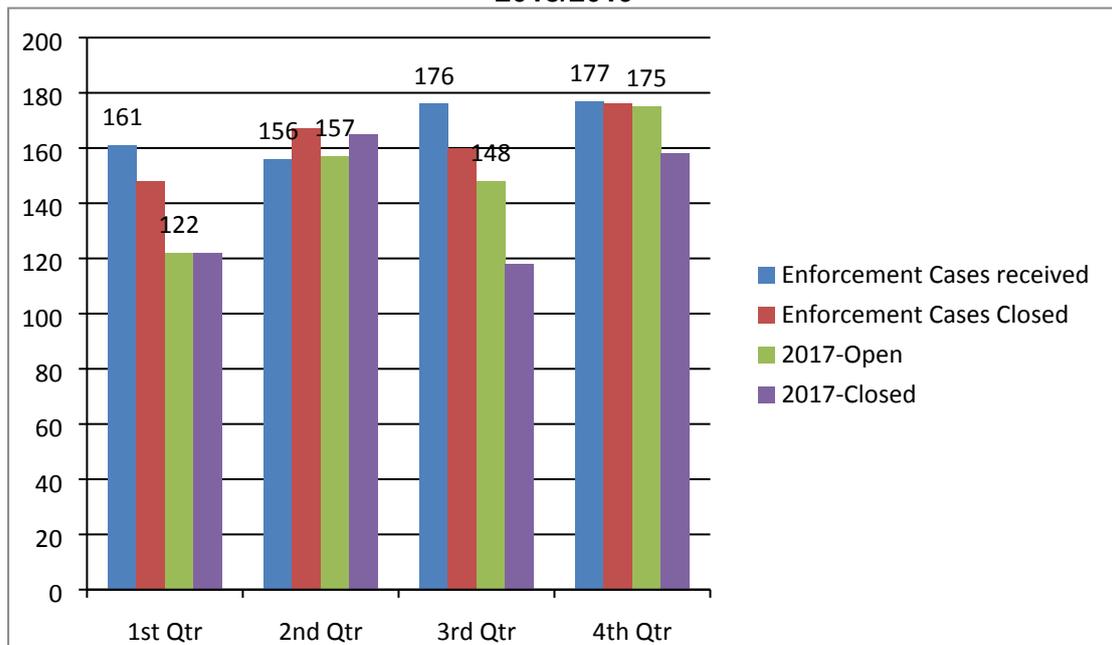
Report Author: Charles Swain Principal Planning Enforcement Officer
Telephone: (01954) 713206

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Enforcement Cases Received and Closed

Month – 2019	Received	Closed
January 2019	46	44
February 2019	-	-
March 2019	-	-
1 st Qtr. 2018	161	148
2 nd Qtr. 2018	156	167
3 rd Qtr. 2018	176	160
4 th Qtr. 2018	177	176
1 st Qtr. 2017	122	122
2 nd Qtr. 2017	157	165
3 rd Qtr. 2017	148	118
4 th Qtr. 2017	175	158
2019 - YTD	46	44
2018 - YTD	670	651
2017 - YTD	602	563
2016 - YTD	565	563
2015 - YTD	511	527
2014 -YTD	504	476

2018/2019



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Notices Served and Issued

1. Notices Served

Type of Notice	Period	Calendar Year to date
	January 2019	2019
Enforcement	0	0
Stop Notice	0	0
Temporary Stop Notice	0	0
Breach of Condition	1	1
S215 – Amenity Notice	1	1
Planning Contravention Notice	0	0
Injunctions	0	0
High Hedge Remedial Notice	0	0

2. Notices served since the previous report

Ref. no.	Village	Address	Notice issued
SCD-ENF-0025/19 Not built in accordance with approved plans	Histon	4 Bell Street	Breach of Condition Notice
SCD-ENF-0023/18 Amenity issue	West Wickham	Land Rear of no1 Burton End	S 215 Amenity Notice

3. Case Information

Thirteen (13) of the Forty six (46) cases opened during January were closed within the same period which represents a 39.1% closure rate.

A breakdown of the cases investigated during January 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.
One (1) case was investigated.

Medium Priority -Activities that cause harm (e.g. adverse affects on residential amenity and conservation areas, breaches of conditions)
Forty three (43) 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)
Two (2) cases were investigated.

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

Adverts	x 03
Amenity	x 00
Breach of Condition	x 17
Breach of Planning Control	x 00
Built in Accordance	x 05
Change of Use	x 11
Conservation	x 01
High Hedge	x 00
Condition	x 00
Listed Building	x 02
Other	x 03
Unauthorised Development	x 03
Unauthorised Demolition	x 00
Permitted Development	x 01
Monitoring	x 00
<u>Total Cases reported</u>	<u>46</u>