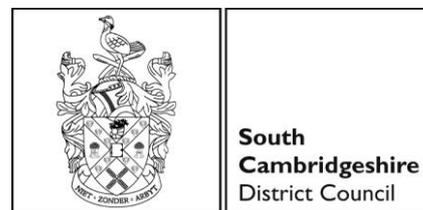


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8 August 2018

**\*Please note different day and time from normal\***

To: Chairman – Councillor John Batchelor  
Vice-Chairman – Councillor Pippa Heylings  
All Members of the Planning Committee - Councillors Dr. Martin Cahn,  
Grenville Chamberlain, Peter Fane, Bill Handley, Anna Bradnam (substitute for  
Brian Milnes), Judith Rippeth, Deborah Roberts, Peter Topping 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** at South Cambridgeshire Hall on **THURSDAY, 16 AUGUST 2018 at 2.00 p.m.**

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

Yours faithfully  
**Beverly Agass**  
Chief Executive

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

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## AGENDA

## PAGES

### **PUBLIC SEATING AND SPEAKING**

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

### **PROCEDURAL ITEMS**

1. **Apologies**  
To receive apologies for absence from committee members.
2. **Declarations of Interest**
  1. **Disclosable pecuniary interests ("DPI")**  
A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under

consideration at the meeting.

**2. Non-disclosable pecuniary interests**

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

**3. Non-pecuniary interests**

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

**3. Minutes of Previous Meeting**

**7 - 10**

To authorise the Chairman to sign the Minutes of the meeting held on 11 July 2018 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'.

**4. S/3865/17/FL - Waterbeach (Land at Cody Road & Capper Road)**

**11 - 38**

Demolition of existing buildings and redevelopment for a 345 sqm convenience store, 10 apartments and 6 houses, together with associated car and cycle parking and landscaping.

**5. S/1531/17/FL - Comberton (Comberton Baptist Church & Centre, Green End)**

**39 - 58**

Extension to link main Church building and ancillary Church Hall and rear extension

**6. S/0793/18/FL - Linton (1 Horseheath Road)**

**59 - 110**

Demolition of existing dwelling and construction of 7 dwellings

**7. S/1178/18/FL - Arrington (17 Mill Lane)**

**111 - 134**

Demolition, Conversion and Development to facilitate Holiday Let Accommodation

**MONITORING REPORTS**

**8. Enforcement Report**

**135 - 144**

**9. Appeals against Planning Decisions and Enforcement Action**

**145 - 156**

## **OUR LONG-TERM VISION**

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

## **OUR VALUES**

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

- Working Together
- Integrity
- Dynamism
- Innovation

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

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

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

#### **Security**

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

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

#### **Emergency and Evacuation**

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

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

#### **First Aid**

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

#### **Access for People with Disabilities**

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

#### **Toilets**

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

#### **Recording of Business and Use of Mobile Phones**

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

#### **Banners, Placards and similar items**

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

#### **Disturbance by Public**

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

#### **Smoking**

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

#### **Food and Drink**

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

## **EXCLUSION OF PRESS AND PUBLIC**

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

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

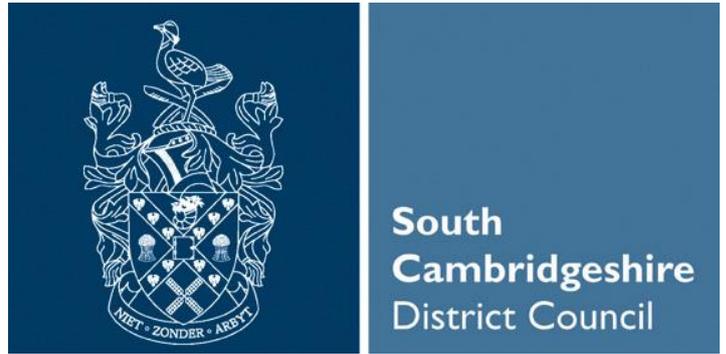
If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

### **Notes**

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

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# Agenda Annex



## **Public Speaking at meetings of the Planning Committee**

October 2016

## 1. What is the Planning Committee?

- 1.1 South Cambridgeshire District Council's Planning Committee is a Regulatory Committee consisting of elected Councillors. It is responsible for the following:
- determination of larger, more complex or sensitive planning applications, including those that, formerly would have gone to the Northstowe Joint Development Control Committee, submitted to the Council by other organisations or by members of the public
  - any planning application submitted to the Council by one of its officers or elected Councillors;
  - Tree Preservation Orders and the protection of important hedgerows;
  - Responding on behalf of South Cambridgeshire District Council, as Order Making Authority, to Cambridgeshire County Council about Public Rights of Way within the District;
  - Monitoring the progress and outcome of Appeals and Enforcement Action;
  - Authorizing Direct Enforcement Action
  - Procedural matters relating to the planning process.

## 2. When and where do Planning Committee meetings take place?

- 2.1 The Planning Committee meets in the Council Chamber at South Cambs Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA at 10.30am on a Wednesday, which is usually the first Wednesday each month. Further details, including contacts, directions, and variations to dates / venue are available on the Council's website by visiting [www.scambs.gov.uk](http://www.scambs.gov.uk) and follow the links from 'The Council', or by phoning Democratic Services on 03450 450 500.

## 3. Can anyone attend Planning Committee meetings?

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

## 4. Can anyone speak at Planning Committee meetings?

- 4.1 The Planning Committee welcomes public speaking and participation from outside of the Committee's membership. All registrations to speak must be made direct to Democratic Services. Other than Members of the Planning Committee and the Council's officers, there are four main categories of other people able to speak at meetings of the Committee: -
- (a) 1 x Community Objector or objector's agent
  - (b) (i) 1 x Applicant (or applicant's agent)
  - (ii) 1 x Community Supporter **if** (and only if) the officer recommendation is Refusal or the applicant or agent forego their right to speak
  - (c) 1 x Parish Council representative (elected or co-opted Councillor, agent or Parish Clerk)
  - (d) Local District Councillor(s) or another Councillor appointed by them

- 4.2 Parish Councils and local Members speak as part of the planning process, regardless of whether they support or oppose an application. Objectors and Supporters speak as part of the specific application. Where more than one objector or supporter exists, they must agree between themselves on a presentation that covers all their concerns. Where the officer recommendation is Approval, a Community Supporter will only be allowed to address the Committee if the applicant or applicant's agent forego their right to speak.
- 4.3 The same person is not allowed to address the committee in more than one of the speaker Categories. Where speakers have competing interests, such as community objector and Parish Council representative, they should choose their dominant interest prior to registering to speak, and delegate the other role to another representative if need be.
- 4.4 In exceptional circumstances, the Committee Chairman may opt to make special arrangements such as where a neighbouring parish is perceived as being significantly affected by a proposal, or for a Portfolio Holder (member of the Council's Cabinet) to speak.
- 4.5 It is impossible to say at what time each application on the agenda will be discussed. Public speakers should therefore be prepared to address the Committee at any time after the beginning of the meeting.

## 5. What can people say and for how long can they speak?

- 5.1 Each speech is limited to three minutes. This applies even when the applicant (or applicant's agent) and a Community supporter both address the Committee, as detailed above – the objector can still only speak for three minutes. The Chairman operates a system of lights that indicate when one minute remains and when the allotted time of three minutes has been used up. Speakers address the Committee from a clearly marked table, and must speak into the microphone provided. They should restrict themselves to material planning considerations such as:
- Design, appearance, layout, scale and landscaping
  - Visual and residential amenity
  - Flooding and drainage
  - Environmental health issues such as noise, smells and general disturbance
  - Highway safety and traffic issues
  - Impact on trees, listed buildings, biodiversity, conservation areas and other designated sites.
  - Loss of an important view from **public** land that compromises the local character
  - Planning law and previous decisions including appeals
  - National Planning Policy Framework and Planning Policy Guidance
  - South Cambridgeshire Local Development Framework and the emerging Local Plan
- 5.2 Committee members will **not** be able to take into account issues such as:
- boundary and area disputes
  - perceived morals or motives of a developer
  - the effect on the value of property
  - loss of a **private** view over adjoining land (unless there is a parallel loss of an important view from public land)
  - matters not covered by planning, highway or environmental health law
  - covenants and private rights of access
  - suspected future development,
  - processing of the application,
  - the retrospective nature of a planning application
- 5.3 Speakers should be careful not to say anything derogatory or inflammatory, which could expose them to the risk of legal action. After the objector and supporter have spoken, Committee members may ask

speakers to clarify matters relating to their presentation. If those registered to speak are not present in the meeting room by the time the relevant item is considered, the Committee won't be able to wait, and will determine the application – officers will be able to say whether a particular item is at the beginning, middle or end of the agenda, but cannot give an accurate idea of when it will be considered.

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

## **6. Can members of the public give Committee members written information or photographs relating to an application or objection?**

- 6.1 Yes. The absolute deadline for submitting such material to the Democratic Services Officer is 1.00pm on the Friday before the meeting (such deadline being brought forward by 24 hours for each Bank Holiday between the day of agenda publication and day of the meeting).
- 6.2 Please send such information, preferably by e-mail, to Democratic Services (ian.senior@scams.gov.uk), who will circulate the information for you among all interested parties (applicant, objectors, Parish Council, officers). In the interests of natural justice, such information will not be distributed earlier than five working days (not including Saturdays, Sundays or Public holidays) before the meeting **Please do not supply information directly to members of the Planning Committee because of the need to identify substitute members, key Council officers and other interested parties.**
- 6.3 Projection equipment, operated by Council officers, is available in the Council Chamber for the display of a limited number of photographs only. How are applications considered?

## **7. How are applications considered?**

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

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

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

Updated: 18 October 2016

# **Guidance for Public Speakers**

- 1. Please turn on the microphone by pressing the long thin button at the bottom of the unit. This will amplify your voice for those in the Chamber, and carry sound up into the viewing gallery above.**
- 2. Please speak directly into the microphone.**
- 3. You are allowed to speak for up to three minutes. The passage of time is indicated by the 'traffic light' system on the table in front of you. The light will turn to amber after two minutes, and red after three minutes. When the light turns red, the Chairman will ask you to sum up.**
- 4. At the end of your speech, please remain in your chair. Committee members may wish to clarify aspects of what you have said.**
- 5. Please turn your microphone off so other people can use theirs: remember to turn it back on when you reply to questions.**
- 6. When questioning is over, or there is none, please return to the public gallery, making sure that your microphone is off (if there is a light on the microphone stem, the microphone is still on).**

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# Agenda Item 3

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on  
Wednesday, 11 July 2018 at 10.30 a.m.

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

Councillors: Dr. Martin Cahn Bill Handley  
Dr. Tumi Hawkins (substitute) Brian Milnes  
Judith Rippeth Deborah Roberts  
Heather Williams (substitute) Nick Wright

Officers in attendance for all or part of the meeting:

Jane Green (Head of New Communities / Interim Head of Development Control),  
John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Principal Planning  
Officer), Stephen Reid (Senior Planning Lawyer), Aaron Sands (Senior Planning  
Officer), Ian Senior (Democratic Services Officer) and Charles Swain (Principal  
Planning Enforcement Officer)

### 1. APOLOGIES

Councillors Grenville Chamberlain, Peter Fane and Peter Topping sent Apologies for  
Absence. Councillor Dr. Tumi Hawkins substituted for Councillor Fane and Councillor  
Heather Williams substituted for Councillor Topping.

### 2 (a) Declarations of Interest

Councillor Heather Williams declared a non-pecuniary interest in respect of Minute 5  
(S/1178/18/FL - Arrington (Mill Lane)). Councillor Williams' husband does seasonal work  
for the Parish Councillor who was representing Arrington Parish Council.

### 2 (b) Recorded voting

Pending the issue of recorded voting at Planning Committee being addressed by the  
Constitution, Councillor John Batchelor proposed that all substantive votes be recorded.  
Councillor Brian Milnes seconded the proposal.

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.

### 3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the  
meeting held on 6 June 2018.

### 4. S/0971/18/OL - MELDRETH (LAND SOUTH OF WHITECROFT ROAD)

Members visited the site on 10 July 2018.

This application had been referred to the Planning Committee by the Chairman's

Delegation meeting.

Helen Keeble (objector), Philip Kratz (applicant's agent) and Councillor Rob Searle (Meldreth Parish Council) addressed the meeting. Members heard about the impact on neighbour amenity and the fear of further development. They learnt that the intention was to keep the access road private. This would allow it to be narrower than would otherwise be the case, and thus leave more room for landscaping.

Following a short debate, the Committee **refused** the application, contrary to the recommendation in the report from the Joint Director for Planning and Economic Development, by seven votes to nil, with three abstentions. Members agreed the reasons for refusal as being that the application was contrary to Policies DP/7 (Development Frameworks) of the Local Development Framework Development Control Policies (Development Plan Document 2007 and ST/6 (Group Villages) of the Local Development Framework Core Strategy Policies 2007, and to the equivalent Policies (S/7 and S/10) of the emerging Local Plan submitted in 2014.

Councillors John Batchelor, Handley, Heylings, Rippeth, Roberts, Heather Williams and Wright voted to refuse the application. Councillors Cahn, Hawkins and Milnes abstained.

#### 5. **S/1178/18/FL - ARRINGTON (MILL LANE)**

Members visited the site on 10 July 2018.

Richard Parish (objector), Barry Johnson (applicant) and cllr Angela Pearce (Arrington Parish Council) addressed the meeting. Committee members established that part only of Mill Lane had a hard surface but that space existed to accommodate vehicle passing spaces. The intention was that the lets should be short-term holiday lets only. It was confirmed that the proposed gym and retail facilities would be for the benefit only of those staying in the holiday lets. The applicant confirmed that he would be prepared to pay for the hard surfacing of the whole of Mill Lane, but pointed out this would need consent from the landowner.

Members were informed that some residents of Mill Lane apparently had not been notified about the application.

Following further debate, and by seven votes to three, the Committee gave officers **delegated powers to approve** the application subject to:

1. Officers being satisfied with the effectiveness of the public consultation;
2. The removal of Permitted Development Rights;
3. The Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development, with any minor amendments to these being agreed by officers in consultation with the Planning Committee's Chairman and Vice-Chairman.

Councillors John Batchelor, Cahn, Handley, Hawkins, Heylings, Milnes and Rippeth voted to approve the application. Councillors Roberts, Heather Williams and Wright voted to refuse the application.

#### 6. **S/1373/18/FL - HINXTON (LAND ADJACENT PETTETS BARN, HIGH STREET)**

Members visited the site on 10 July 2018.

Charmain Hawkins (applicant's agent) addressed the meeting.

The ensuing Committee debate focussed on the location of the application site outside the village framework, and its likely impact on the countryside, Conservation Area and Listed Buildings in the High Street.

By eight votes to two, the Committee **refused** the application for the reasons set out in the report from the Joint Director for Planning and Economic Development.

Councillors Hawkins and Milnes voted to approve the application. Councillors John Batchelor, Cahn, Handley, Heylings, Rippeth, Roberts, Hazel Williams and Wright voted to refuse the application.

## 7. **ENFORCEMENT REPORT**

The Committee received and noted an Update on enforcement action.

## 8. **APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

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

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**The Meeting ended at 1.05 p.m.**

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# Agenda Item 4

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 16 August 2018  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/3865/17/FL

**Parish(es):** Waterbeach

**Proposal:** Demolition of existing buildings and redevelopment for a 345 sqm convenience store, 10 apartments and 6 houses, together with associated car and cycle parking and landscaping

**Site address:** Land at the corner of Capper and Cody Ro, Lancaster & Walmington House, Capper Road, Waterbeach, CB25 9LY

**Applicant(s):** Cambridge and County Developments

**Recommendation:** Delegated approval subject to S106 agreement

**Key material considerations:** Principal of development  
Impact to surrounding residential amenity  
Impact on the character and appearance of the area

**Committee Site Visit:** 16 August 2018

**Departure Application:** Yes (advertised 21 November 2017)

**Presenting Officer:** Rebecca Ward, Principal Planning Officer

**Application brought to Committee because:** Significant public interest

**Date by which decision due:** 18 August 2018

### Executive Summary

1. This full application seeks planning permission for the demolition of the existing buildings, including office unit and a community centre and seeks to construct a new convenience store and 16 new dwellings (including flats and housing).
2. As the site sits outside the Development Framework, the development would be contrary to adopted policies DP/7 and emerging policy S/7. However, the site is surrounded by built development and is brownfield land such that it is a contained site. There would be no harm caused to the main aims of these policies in terms of encroachment into the countryside or an unsustainable form of the development.
3. The proposal would not cause an unacceptable reduction in the level of community or service provision in the locality given the prescience of similar buildings nearby. In

addition regard has also been given to the significant level of support for the provision of a new local convenience store at this end of Waterbeach.

4. Officers note there are also a number of local objections to the proposal, particularly in respect of highway safety, noise and impact to the amenity of the nurseys and residential units. However, during the consultation process amendments have been made to the application to overcome these local concerns whereby officers now consider the scheme to comply with the national and local development policies.
5. There are no outstanding objections from consultees on these grounds subject to the imposition of restricted conditions to control hours of deliveries etc. On balance officers consider the site could be developed without resulting in an adverse impact in respect of these matters.

### **Site and Surroundings**

6. The site is located on the corner of Capper Road and Cody Road. The site is within an existing area of housing that previously formed part of Waterbeach Barracks, but has now been returned to private ownership following the decommissioning of the barracks in 2013.
7. The site is located outside of Waterbeach Village Development Framework (the boundary lies roughly 200m to the south of the site). The site is outside of the Conservation Area and not within the setting of any listed buildings.
8. Two single storey buildings that were built in the mid-late 1900s for the occupants of the Barracks currently occupy the site. The 'Walmington building' was formerly used as a community centre, but since decommissioning has been let out to small businesses on short-term agreements. Lancaster House was formerly used as barracks offices but is now also let out to businesses on short-term agreements.
9. To the north of the site is the Little Stars day nursery. Beyond this is land allocated within the emerging Local Plan for a mixed-use new settlement comprising 10,000 new homes. Other boundaries to the site are shared with residential properties that line the adopted Capper and Cody Road. Further south of the Cody Road, but before Bannold Road, construction is already underway to build 343 homes.

### **Planning History**

10. S/1695/16/FL Demolition of existing buildings and provision of 20 apartments and food store - Withdrawn concerns with layout, scale and quantum of development  
S/0276/97 Alterations to provide community centre - Approved

### **Planning Policies**

11. *National Planning Policy Framework*  
National Planning Policy Framework (24 July 2018)
12. *Local Development Framework*  
South Cambridgeshire LDF Core Strategy DPD, 2007:

- ST/3 Re-Using Previously Developed Land and Buildings
- ST/4 Rural Centres
- ST/5 Minor Rural Centre
- ST/8 Employment Provision

Local Development Framework, Development Control Policies (Adopted July 2007):

- DP/1 Sustainable Development
- DP/2 Design of New Development
- DP/3 Development Criteria
- DP/4 Infrastructure and New Developments
- DP/6 Construction Methods
- DP/7 Development Frameworks
- HG/1 Housing Density
- HG/2 Housing Mix
- HG/3 Affordable Housing
- ET/1 Limitations on the Occupancy of New Premises in South Cambridgeshire
- ET/4 New Employment Development in Villages
- ET/6 Loss of rural employment to non employment uses
- NE/1 Energy Efficiency
- NE/3 Renewable Energy Technologies in New Development
- NE/4 Landscape Character Areas
- NE/6 Biodiversity
- NE/8 Groundwater
- NE/9 Water and Drainage Infrastructure
- NE/10 Foul Drainage – Alternative Drainage Systems
- NE/11 Flood Risk
- NE/12 Water Conservation
- NE/14 Lighting Proposals
- NE/15 Noise Pollution
- NE/16 Emissions
- TR/1 Planning for more Sustainable Travel
- TR/2 Car and Cycle Parking Standards
- TR/3 Mitigating Travel Impact

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

- Affordable Housing
- 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

*Draft Local Plan (submitted March 2014)*

- 13. S/1 Vision
- S/2 Objectives of the Local Plan
- S/3 Presumption in favour of Sustainable Development
- S/4 Cambridge Green Belt
- S/5 Provision of New Jobs and Homes
- S/6 The Development Strategy
- S/7 Development Frameworks
- S/9 Minor Rural Centres
- S/10 Group Villages
- 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/7 Housing Density  
 H/8 Housing mix  
 H/9 Affordable Housing  
 NH/2 Protecting and Enhancing Landscape Character  
 NH/4 Biodiversity  
 NH/5 Sites of Biodiversity or Geological Importance  
 NH/8 Mitigating the Impact of Development in and Adjoining the Green Belt  
 NH/9 Redevelopment of Previously Developed Sites and Infilling in the Green Belt  
 E/12 New Employment Development in Villages  
 E/13 New Employment Development on the Edges of Villages  
 E/16 Expansion of Existing Businesses in the Countryside  
 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

### **Consultation**

14. Waterbeach Parish Council - original comments: Waterbeach Parish Council has NO OBJECTION subject to Conditions outlined in the response to the original application (ref Planning Committee minute 17/83) and that the housing is contingent on the inclusion of a convenience store in the development.

Comments on amendments: Waterbeach Parish Council opinion has not changed on its original comments shown below but asks that the impact of the demolition is taken into consideration on the neighbours properties and surrounding businesses. The Council assumes that an asbestos survey will be carried out prior to demolition.

15. Urban Design Officer – recommendation of approval. There has been several pre-application meetings and comments provided on proposed development of this site. We previously indicated that that the principle of a mixed-use scheme of residential and retail development was supported but there were issues with the layout , amenity provision and massing of the proposals .

It is considered that the submitted scheme has addressed a number of our concerns. The general arrangement of the blocks has improved and the development seems more cohesive and, subject to the appropriateness of a financial contribution for offsite provision of open space, the layout is considered generally acceptable.

Tree and hedgerow planting should be introduced along the edge of Cody Road with Capper Road that can provide screening. Conditions for details of ridge and eaves height, terraces, parapets and copings, materials and finishes, junctions between

materials, entrances and doors, boundary treatment and ground surfaces has been suggested.

16. Landscape Officer - The minor changes to the Proposed block plan have been welcomed. I have no objections with the proposed development and the development can be integrated into the local landscape without causing any significant impact to the landscape character, visual and visual amenity.  
Planning conditions have been recommended to cover: covered and secure cycle parking details, boundary treatments, hard and soft landscaping works.
17. Environmental Health Officer - The EHO confirms that I have received a copy of the above application and have considered the implications of the proposals, in particular the noise impact assessment report ref: 27607 R2 and subsequent R3. The following conditions have been advised:
  - no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.
  - one HGV and four LGV vehicles a day.
  - Submission of a Delivery Noise Management Plan
  - Acoustic fence to the plant enclosure
  - Lighting scheme, pile foundation details and burning of waste
18. Affordable Housing Officer - The viability assessment provided by the applicant has demonstrated that the inclusion of the commercial element within this scheme has adversely affected the viability of this scheme which, when taken together with the other planning obligations sought, is resulting in a scheme where the delivery of a policy compliant affordable housing scheme would not be viable.
19. Archaeology Officer (Cambridgeshire County Council) - Given the previous development which has occurred in this location it is unlikely that significant archaeological features remain, therefore we have no objections or requirements for the new proposals.
20. Air Quality Officer - A minimum of 5% car park spaces will have electric vehicle charge points, with provision of electrical infrastructure to facilitate the future installation of an additional 15% EV charge points. The development shall utilise low NOx boilers that meet the NOx emission rating of 40 mg/kWh.
21. Environment Agency - A sustainable scheme for the disposal of uncontaminated surface water will be required. Foul drainage from the proposed development shall be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.
22. Drainage Officer – The development is acceptable subject to conditions for surface and foul water drainage.
23. Lead Local Flood and Water Authority – We have reviewed the revised documents which demonstrate that surface water can be dealt with on site by using permeable paving with subbase void geocellular storage. Surface water discharge rates will be restricted to provide more than 30% betterment from the existing rates for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change simulated storms. We can therefore remove our objection.
24. Contaminated Land Officer - As such, I would advise that a Phase I Environmental

Desk Study is required to determine whether the site is suitable for its proposed enduse. It is likely that some spot-check confirmatory soil sampling in any proposed garden areas should also be employed to ensure the quality of soils are suitable for modern domestic gardens. A full contaminated land condition has therefore been requested.

25. Waterbeach Internal Drainage Board - As the new development has more reduced impermeable area than the existing development, the board does not have any objections to this application.
26. Ecology Officer - The applicant has submitted a Preliminary Ecological Appraisal (PEA) which provides evidence of ecological constraints found on site. The report details that the buildings have negligible suitability for roosting bats and that the only likely constraints to works are breeding birds and the presence of small priority listed mammals (hedgehogs for example). I am in agreement with this assessment; although I would add a low likelihood of common lizards based on my local knowledge, and would recommend the informatives are included within any planning decision and a condition for a biodiversity enhancement scheme should be provided.
27. Tree Officer - No objections raised.
28. Cambridgeshire County Council Growth Team - Early years- According to County Council guidance the development is expected to generate a net increase of 2 early years aged children eligible for free child care places. In terms of early years capacity, County education officers have confirmed that there is insufficient capacity in the area in the next 3 years to accommodate the places being generated by this development. The cost per place is £18,613 (£483,939 / 26 places). Therefore a contribution of £37,226 is sought for early years mitigation from this development (£18,613 x 2 places).

Primary years - According to County Council guidance the development is expected to generate a net increase of 2 primary education aged children. This development lies within the catchment area of Waterbeach Community Primary School. County Education Officers have confirmed that there is insufficient capacity in the school in the next 5 years to accommodate the places generated by this development. Therefore a contribution will be required towards primary education provision. The primary education project that has been identified to mitigate the primary aged children arising from this development is the second phase of the 1FE expansion to Waterbeach Community Primary School. The second phase is an additional two classrooms (accommodating 60 pupils) and ancillary work, which is estimated to cost £967,878 (costs at 4Q15). The cost per place of the two additional classrooms is £16,131 (£967,878 / 60 places). Therefore a contribution of £32,262 for primary education is sought from this development (£16,131 x 2 primary aged children).

Secondary years - According to County Council guidance the development is expected to generate a net increase of 1 secondary education aged children. The catchment school is Cottenham Village College. County education officers have confirmed that in the medium term Cottenham Village College is forecast to have sufficient spare capacity to accommodate the secondary places generated by the development. Therefore no contribution is sought for secondary education.

Life long learning - The County Council provides a statutory library provision service in Waterbeach via 5 mobile library stops. This new development would result in an increase in population of 40 residents (45 x 2.35). This would place demand on the

Libraries and Lifelong Learning facilities in Waterbeach which would ordinarily require a contribution to mitigate the impact. However, as the mobile library project already has 5 S106 contributions pooled the County Council is unable to seek further S106 contributions.

Strategic Waste - This development falls within the Cambridge and Northstowe HRC catchment area for which there is currently insufficient capacity. The development would ordinarily require a contribution, however, as the HRC already has 5 S106 contributions pooled the County Council is unable to seek further S106 Strategic Waste contributions. The County Council H&CI Committee decision on 7th July 2015 to depart from the existing policy that commits the County Council to providing new sites around Cambridge and at Northstowe and instead use developer contributions to provide one new site to cover the Northstowe development and act as a replacement for Milton.

## Representations

29. **Fourteen (14) letters of objection** have been received on this application. The details can be found on the website, however, in summary the following material considerations have been raised:
- Overlooking to Little Stars day nursey play area from the residential properties and safeguarding concerns
  - Overshadowing and loss of light to Little Stars day nursery
  - Loss of light to 20 Capper Road
  - Noise impact from increase in activity
  - The roads around Capper and Cody Road cannot handle large vehicles
  - Development will increase parking on-street, obstruct access to the nursery and cause conflict with children using the nursery.
  - Delivery times between 6am-11pm are unacceptable. No deliveries after 8pm should be allowed due to noise.
  - Over-development of the site - density and insufficient parking
  - Development is not in keeping with the surrounding area
  - New footway access should be provided to the side of No.16 to the nursery
  - Sale of alcohol and anti-social behaviour should be restricted
  - Signs should be erected to control the use of parking
  - Trees should not be removed until end of nesting season in September
  - Loss of community room needs to be mitigated and new community room location found. Provided many good children's parties.
  - Apartments will not be in keeping
  - Lack of affordable housing
  - Village already has 3 convenience stores not a need for another one.
  - The application does not consider the train station application that will result in peak visitors to the store based on train schedules.
  - Renewable energy should be included
  - The village has a weight limit of 7.5 tonnes limit the signs are clearly visible on the A10 and on entering the village.
  - Additional measures to mitigate fast car should be implemented
  - Existing application S/0559/17/OL by Urban & Civic PLC, which borders the subject application, includes a proposal for up to 16,500 sqm of retail uses and therefore the retail aspect of the subject application will be superfluous to providing the intended retail benefits.
  - Concerns raised in regards to vermin
30. **Seventy-six (76) letters of support** have been submitted on this application. The details can be found on the website, however, the following material considerations

have been raised:

- Shop is welcomed at this end of the village
- Improved retail offer to the local community, create jobs and provide new affordable housing
- Wider choice of local groceries with easier access
- New housing will further help lift the feel of this area
- Within walking distance and closer than the village store
- Enhance the entrance to Capper Road
- Shop is essential to support housing on Bannold Road

## **Planning Assessment**

### *Principle of development*

31. The site is located outside of the village development framework of Waterbeach and is therefore technically within the countryside. Residential and commercial development, such as this proposal, would therefore be contrary to policies DP/7 and S/7 of the adopted and emerging local planning policies.
32. Notwithstanding this, the site is centrally located within the former Waterbeach barracks settlement which is made up with a number of residential units and associated facilities. Whilst the barracks was decommissioned in 2012/2013, the properties are still occupation.
33. The area around the site is set to change dramatically over the next decade and it is fair to say in this instance that the site and immediate surroundings cannot be categorised as being in the 'countryside' of which policy DP/7 seeks to protect. Residential units are currently being constructed further down Cody Road. These units have infilled the gap linking the former barracks homes to the village envelope. Land to the north of Cody Road is also allocated for Waterbeach New Town under policy SS/5 of the emerging Local Plan.
34. In accordance with the adopted Core Strategy policy ST/5 Waterbeach is a Minor Rural Centre and has a good level of services and facilities. Developments of up to 30 dwellings are generally acceptable within the village frameworks given the accessibility to services and public transport options. In the emerging Local Plan Waterbeach will retain this status. Whilst the proposed site is outside of the village framework and therefore technically the core strategy policy would not apply, given the site has been found to not be in the countryside, the scale of the development (16 dwellings) would be in-kind with what would normally be permitted in this type of location.
35. In summary, whilst the proposal would be contrary to policies DP/7 and S/7, there would be no harm caused to the main aims of these policies in terms of encroachment into the countryside or an unsustainable form of the development. Other benefits of the proposal would include the redevelopment of a brownfield site, provision of a new shopping facility, affordable housing provision and other s106 contributions which would outweigh the conflict.
36. The proposal would therefore amount to a sustainable form of development in accordance with paragraph 11 of the National Planning Policy Framework. The principle of a mix-use development in this location is therefore considered to be acceptable.

### *Loss of Services and Facilities*

37. The proposal seeks to demolish an existing community center and office building. Emerging policy SC/3 states that planning permission will be refused for proposals which would result in the loss of a village service such as community buildings and meeting places, where the loss would cause an unacceptable reduction in the level of facilitates of community and service provision. The policy includes a set of criteria to consider when determining the significance of any loss. The scheme has been considered below in accordance with the criteria of the policy:

a) Established use of the premises:

38. Since the 1990s 'Lancaster House' on the site was used as a small community centre for the residents of the barracks. Given the barracks has now decommissioned, there is little information in the submitted representations to demonstrate how valuable the facility was at that time.

39. The applicant has explained that during the time the site was part of the Waterbeach barracks access to the facility was limited to the occupants of the base and therefore was not rented or used by the wider population of Waterbeach village. Since the barracks was decommissioned this use has fallen away, however, there is no reason to believe that it could not operate again if there was the demand and willingness to supply an additional community centre in Waterbeach.

40. The Parish Council and local members have been consulted on the application and no in principle objections were raised to the loss of this facility. The building is not listed as an 'Asset of Community Value'. Only small number of representations from nearby resident has raised some concern to its loss, however, to counter this a significant number of the comments have supported the provision of a new local shop as an alternative.

b) Presence of other village services

41. There is an open and running community centre building on the barracks already. This is located roughly 0.5km from the application site. The centre is managed alongside the sports centre, tennis court and squash courts. The centre offers space for activates, rooms for meetings and kitchen area. This building also houses the Waterbeach Military Heritage Museum. There is parking and cycle racks available for public use.

42. There are also other Community Centres within the village that offer a similar space; these includes the Salvation Army Hall on Station Road, Denson Close Day Centre on Denson Close, St Johns Church Community Room on Station Road and Tilage Hall Community Centre on Cambridge Road. These venues are located between 1.2km and 1.9 km from the site and can be accessed by footways for pedestrians and cyclists.

43. Future occupiers of the development and surroundings residents will also have access to the new facilities proposed as part of the new Waterbeach town although the specific location of these facilities/amount has not yet been decided.

44. No evidence has been submitted by third parties to suggest that the other facilities have not been able to cope with displaced users since the community centre closed in 2012.

45. Despite the loss of one facility, the provision of a convenience store on the site will continue to generate community benefit. At present residents in the local area travel

into centre of the village to meet their daily needs. Given the levels of growth around The convenience store will act as both an asset where residents can engage but also be in a more convenient location to cater for their daily needs limiting the use of the car.

c) Marketing/Financial

46. No marketing or financial evidence has been submitted with the application to demonstrate that a period of marketing has been undertaken. The proposal does not therefore comply with this part of the criteria.

*Conclusion*

47. Given the history of the community centre directly linked to the barracks site, officers do not consider that the proposal would cause an unacceptable reduction in the level of community or service provision in the locality.
48. The local residents will continue to meet their daily needs by other centres in close proximity to the site.
49. A contribution of £6,440.56 will be provided to upgrade Waterbeach Community centre from the development and will go part way in improving existing facilities for the residents. Whilst marketing/financial evidence would have provided certainty that all uses have been explored to rule out a community center use, on balance, the benefits linked to a convenience store which is currently absent in this locality would outweigh any other harm. For these reasons, the proposed development would generally comply with the main aims of policy SC/3 of the emerging Local Plan and would not cause an unacceptable loss in provision.

*Affordable housing*

50. Emerging policy H/9 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. There are exceptions to this policy requirement where the level of affordable housing would make the development unviable. In which case a revised mix of affordable housing types tenures and then a lower level of affordable housing can be negotiated.
51. The viability assessment provided by the applicant has demonstrated that the inclusion of the commercial element within this scheme has adversely affected the viability which, when taken together with the other planning obligations sought, has resulted in a scheme where the delivery of a policy compliant affordable housing scheme would not be viable.
52. The viability appraisal compared two schemes to test the viability of the development. This is as follows:
- A scheme of 16 units with 6 affordable dwellings that would deliver 40% affordable housing and
  - A scheme of 16 units with 2 affordable intermediate dwellings
53. The applicant's viability appraisal (which can be found on the Council's website) shows the policy compliant scheme of 6 (40%) affordable dwellings delivers significant deficit. Whereas the scheme with 2 (13%) affordable dwellings delivers a small surplus.

54. This report has been reviewed by the Council Housing Development Officer who has concluded that the proposal would accord with the criteria in policy H/9 of the emerging Local Plan as in this instance it would be unreasonable to expect the developer to deliver a policy compliant affordable housing scheme on this site, alongside a commercial element.
55. Given the level of support locally for a commercial element and the wider public benefit it would bring to residents in this part of the village, a reduction to the affordable housing contribution is considered to be acceptable in this instance.

*Housing mix and housing density*

56. Emerging policy H/8 requires development to deliver a wide choice, type and mix of homes to meet the needs of different groups in the community. This policy is in compliance with the national framework. Market homes should consist of 30% 1-2 bedrooms, 30% 3 bedrooms, 30% 4 or more homes with 10% flexibility.
57. The market mix proposed seeks to introduce 8x1/2 bedroom flats, 6x3 bedroom houses. The proposal would therefore fall short of meeting demand for larger housing, however given the nature and density of the site local circumstances dictate that the proposed mix would be more suitable in this location. The proposal would therefore be in general compliance with policy H/8 that seeks to deliver a wide choice of homes.
58. The overall density if the development is an average of 53 dwellings per hectare. This is due to apartments being located above the convenience store. This density would be in accordance with emerging policy H/7 that net density on a site should be justified on local circumstances and ensuring that developers make best use of land.

*Impact to the Character of the Area*

59. The existing buildings on the site will be demolished. They are not of particular architectural merit and therefore there are no objections to their demolition. The proposal seeks to introduce a three-storey high mixed-use building with a retail unit on the ground floor and six flats above. Six two storey dwellings will front onto Capper Road with their garden areas to the rear. Car parking areas will be located to the front of the properties.
60. The site is located within an existing and developing residential area with little Fen Edge landscape characteristics. The mass of the building has been broken up by stepping in the elevations as it goes up and its location central to the site. The impact of the development on the wider landscape area will be negligible.
61. In terms of the local landscape character this includes characteristics such as building lines that are set back from the road, open front gardens, road side grass verges, some parking courts filtered view due to village edge native hedgerow with a belt of mature trees.
62. As a result of the development there will be some loss of landscaping to the corner of Capper and Cody Road, whilst is an unfortunate omission from the local area, a suitable service area needed to be found to accommodate delivery vehicles. This was considered the most suitable location in highway safety terms. The built form will be set back from the roadside and would accord with the local character.
63. Additional planting will be accommodated in between parking spaces along Capper

Road to soft the impact of the parking and hedgerows/shrubs will be planted to the frontage of the housing. On this basis the development will continue to preserve the local landscape characteristics in accordance with policies DP/2 and DP/3 of the adopted DPD.

64. In terms of the overall design and appearance, the applicant has opted for more contemporary design approach which has been welcomed by officers. Whilst this will be different to those immediately around the site, the existing residential houses are of no particular merit and replicating the same design would not be encouraged. The apartments have be staggered to break up the overall mass of the building and the choice of materials can be reviewed by planning condition to also ensure they are in keeping with the area. Garden areas are located to the rear of the dwellings and are in accordance with the design guide. The flats will each have access to small private balcony/terrace areas. An area of open space is also located on the opposite side of Cody Road. A renewable energy condition will be applied to the decision notice as well to ensure the building compiles with energy standards.
65. On this basis the design of the development will continue to preserve the local area in accordance with policies DP/2 and DP/3 of the adopted DPD.

*Highway safety and noise impacts*

66. The application has been amended twice in order to overcome concerns raised by the Local Highways Authority to the movement of delivery vehicles. The proposal now includes a delivery/service bay alongside Capper Road to allow delivery vehicles to entre and leave in a forward gear without the need to reverse. There will be bollards at either end of the service bay to restrict its use and protect pedestrians. The LHA have welcomed this amendment and consider the movements to be acceptable.
67. There is local concern about the noise impacts that might result from the movement of large delivery vehicles. A noise report was undertaken by the applicants specialist consultant based on the revised layout. The aim of this was to asses the noise impact of the proposal in accordance with the industry standards and potential impacts on neighbouring amenity.
68. The report concludes that there will be an impact to residents of the development and surrounding residents from delivery activity, however, proceeds to state that the context of prediction should be accounted for. The report recommends that restricted daytime delivery schedules (see below table) and the enforcement of a 'Delivery Noise Management Plan' will ensure the noise impacts sits below the industry standards.

**Table 2A Delivery Details and Arrangements**

Delivery Type	Vehicle	Frequency	Delivery Window
Ambient, Fresh, Frozen, Milk	HGV	1 – 2 per day (each day)	7am-7pm (Mon-Fri); 8am – 6pm (Sat)
Bread		1 – 2 per day (each day)	7am-7pm (Mon-Fri); 8am – 6pm (Sat)
		<b>2 – 4 DELIVERIES</b>	-
Newspapers & Magazines	LGV	1 per day	6:00am-9:00am
Sandwiches		1 per day	7:00am-10:00am
		<b>2 DELIVERIES</b>	-

69. Given the restricted delivery times and the likely frequency of the deliveries to 4 per day, the impact to residential amenity will be limited and can be controlled to set times

by condition. The delivery vehicles will need to make the same route as the local bus service around Capper Road to avoid any reversing onto the adopted public highway. The proposed use is not uncommon to other small retail units found in residential villages. The Councils Environmental Health Team and Local Highways Authority have reviewed these details and have raised no in principle objections subject to specific planning conditions applied to the decision notice. The Highways team have come to this conclusion also having regard to the application for the new train station to the north of the site.

70. Following comments on the weighting restrictions to the village from third parties, officers have reviewed this alongside the Highways Authority. The order permits HCV's access to the village for a range of activities, including in 4 (a) i the delivery of goods to any premise accessible only by the lengths of road covered by the schedule. This situation would apply in the case of the proposed convenience store and allow for their deliveries.
71. On this basis the proposed scheme is not considered to cause an unacceptable level of noise or cause highway safety concerns that would be detrimental to surrounding residential properties and road users in accordance with DP/3, NE/15 and SC/11 of the adopted and emerging local policies.

#### *Parking*

72. The proposed layout incorporates car parking spaces for the properties. Each house has 2 car parking spaces, with one space allocated to each of the proposed apartments. A parking area is located to the front of the retail unit where 11 parking spaces including 2 disabled spaces will be provided. Appendix 1 of the DPD relating to car parking provision states that for food shops, 1 car parking space per 14 m<sup>2</sup> of gross floor area is required. This would equate to 24 spaces.
73. To provide 24 spaces would result in a development that was dominated by un-used car parking for a store of this size and in this location. The site is largely accessible on foot or by bike and as such, the proposal to provide 11 spaces would encourage local residents to travel to the store by these more sustainable methods. The local circumstances therefore suggest that this provision of parking would be acceptable and therefore would comply with Policy TR/2 of the DPD.

#### *Impact to residential amenity and little star nursery*

74. A number of third party representations have raised concerns to the overlooking impact from the first floor windows of plot 11-16 (which are three bedroom dwellings) to Little Stars Day Nursery play area. There are no guidelines with the Councils SPD or other available advice that dictates what distances should be obtained between residential units and school playgrounds in the context of overlooking. However, generally nursery and school facilities are found in such locations with general overlooking not being considered detrimental.
75. Despite this, the plans have been amended to move these properties further forward to allow for a gap of 17m between the first floor windows to the boundary with the nursery. The proposed separation would exceed the residential distances required in the Councils District Design Guide SPD, which guides development to be 15m from the shared boundary of residential properties to avoid overlooking.
76. In terms of overshadowing and overbearing, the buildings are located an acceptable distance to not cause any significant adverse impact on their amenity.

77. Subject to appropriate conditions, it is therefore considered that the proposal would not result in any adverse impact to residential amenity or the functioning of the local nursery. The proposal would therefore accord with policies DP/3 and HQ/1.

### **Other Matters**

78. Drainage and flooding - The site itself is not adjacent or covered by any Flood Zone or area of Surface Water Drainage Issues. The overall level of development on this site is unlikely to result in significant levels of hardstanding, and appropriate conditions would be proposed to require the details of the surface and foul water drainage to be submitted to ensure measures are imposed to mitigate for any hardstanding that is necessary. Subject to conditions that require the details of the drainage measures, officers do not consider that flooding would be materially impacted either on this site or in the nearby area. The proposal is therefore considered to accord with policies DP/2, NE/9, NE/10, NE/11, CC/8 and CC/9.
79. Ecology and Biodiversity - A Preliminary Ecological Appraisal has been undertaken and supports this application. The existing buildings and trees on site were assessed for their bat roost potential. All were considered to have negligible potential for bats. Furthermore, given the nature of the site with hardstanding and short grass which is unlikely to support night-flying invertebrates, it was concluded that there were limited opportunities for foraging bats. As such, ecology does not pose a constraint to the development and enhancements can be made through native planting and incorporation of bird and bat boxes on the new buildings to enhance the value of the site for wildlife in accordance with policy NE/6 and the Framework.
80. Waste and recycling - As amended the design and layout of the proposed development takes into account appropriate accommodation for waste storage in accordance with policy DP/3 (g) of the DPD and the RECAP Waste Management Design Guide SPD.
81. Contributions - The developer has agreed to provide contributions toward early years and primary years in accordance with the comments from the county council education department. This will be secured via the s106 agreement. In respect of planning other obligations the developer has also agreed to provide bins and monitoring contribution, £14,186.24 in order to help fund a new storage shed, £17,196.25 to fund a new toddler play area on the recreation ground and £6,440.56 to fund resurfacing of the car park at Tillage Hall. The Council's S106 Officer has reviewed the projects and considers they meet the tests of CIL regulations 123 and are necessary to mitigate the impact of the development. They will also be secured via s106 agreement and the heads of terms is attached to this committee report.
82. Security and anti-social behaviour - Security and anti-social behaviour is a material consideration in so far as trying to mitigate impacts through the design and layout of places. In this particular case officers consider the location of the retail unit to be in a highly prominent location that will be well overlooked and in design terms relatively secure. In terms of any future anti-social behaviour, the planning process cannot control or manage this. This will be the responsibility of the police to monitor and manage and is not a material consideration that can be given any weight.
83. Bin and Waste - The revised layout enables the Council's refuse truck to get within 12 m of the bin store for the apartments so that they can carry out their waste collection duties. Although the plan shows small domestic bins, the reality is that the commercial paladin bins will be used and that has been accounted for.

84. As such, residents will only be required to bring their waste from their apartments to the bin store and nothing further. The bins store will be secured to enable refuse team's access for collection purposes.

### **Conclusion**

85. In conclusion, officers consider that the proposal is contrary to the adopted policies of the development plan, notably policies DP/7 and S/7 as the site sits outside the adopted Development Framework.
86. That said, officers consider that site specific circumstances, notably the contained nature of the site around residential development, its brownfield status and its sustainable location in relation to the main part of the village are significant material considerations.
87. These matters outweigh the conflict with policy DP/7 and S/7 having regard to the reasons for the harm those policies seek to prevent which is safe guarding the countryside from encroachment and preventing growth in unsustainable locations.
88. For these reasons the proposal is considered to be sustainable form of development that would accord with paragraph 11 of the national planning policy framework.

### **Recommendation**

89. Officers recommend that the Committee gives delegated approved to this scheme subject to:

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

See appendix 1 - Heads of terms

### **Conditions**

See appendix 2 - Conditions

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: (These documents need to be available for public inspection.) S/3865/17/FL
- Documents referred to in the report including appendices on the website only and reports to previous meetings

### **Report Author:**

Rebecca Ward  
Telephone Number:

Principal Planning Officer  
01954713236

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

## Capper Road and Cody Road (S/3865/17/FL)

## Affordable housing summary:

Affordable housing percentage	13%
Affordable housing tenure	2 x shared ownership
Local connection criteria	Affordable dwellings occupied by those with a local connection and then cascade out
Local connection villages	Waterbeach

## Section 106 payments summary:

Item	Beneficiary	Estimated sum
Early years	CCC	£37,226.00
Primary School	CCC	£32,262.00
Formal Sports	SCDC	£14,186.24
Formal Children's play space	SCDC	£17,196.25
Indoor community space	SCDC	£6,440.56
Informal Open Space	SCDC	£
Household waste bins	SCDC	£73.50 per dwelling and £150.00 per flat
Monitoring	SCDC	£500
<b>TOTAL</b>		
<b>TOTAL PER DWELLING</b>		

## Section 106 infrastructure summary:

Item	Beneficiary	Summary

## Planning condition infrastructure summary:

Item	Beneficiary	Summary
None		

## CAMBRIDGESHIRE COUNTY COUNCIL

Ref	CCC1
Type	Early years
Policy	Development Control Policy DPD DP/4
Required	No
Detail	In terms of early years capacity, County education officers have confirmed that there is insufficient capacity in the area in the next 3 years to accommodate the places being generated by this development. The cost per place is £18,613 (£483,939 / 26 places).

	Therefore a contribution of £37,226 is sought for early years mitigation from this development (£18,613 x 2 places).
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<b>Ref</b>	CCC2
<b>Type</b>	Primary School
<b>Policy</b>	Development Control Policy DPD DP/4
<b>Required</b>	Yes
<b>Detail</b>	<p>This development lies within the catchment area of Waterbeach Community Primary School. County Education Officers have confirmed that there is insufficient capacity in the school in the next 5 years to accommodate the places generated by this development.</p> <p>The second phase is an additional two classrooms (accommodating 60 pupils) and ancillary work, which is estimated to cost £967,878 (costs at 4Q15). The cost per place of the two additional classrooms is £16,131 (£967,878 / 60 places). Therefore a contribution of £32,262 for primary education is sought from this development (£16,131 x 2 primary aged children).</p>
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	100% prior to commencement
<b>Number Pooled obligations</b>	

<b>Ref</b>	CCC3
<b>Type</b>	Secondary school
<b>Policy</b>	Development Control Policy DPD DP/4
<b>Required</b>	No

<b>Ref</b>	CCC4
<b>Type</b>	Libraries and lifelong learning
<b>Policy</b>	Development Control Policy DPD DP/4
<b>Required</b>	Yes
<b>Detail</b>	See Libraries and lifelong learning under South Cambridgeshire District Council

<b>Ref</b>	CCC5
<b>Type</b>	Strategic waste
<b>Policy</b>	RECAP Waste Management Design Guide
<b>Required</b>	No
<b>Detail</b>	

<b>Ref</b>	CCC6
<b>Type</b>	CCC monitoring
<b>Policy</b>	N/A
<b>Required</b>	No

<b>Ref</b>	CCC7
<b>Type</b>	Transport
<b>Policy</b>	Development Control Policy DPD TR/3
<b>Required</b>	No

<b>SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL</b>
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<b>Ref</b>	SCDC1
<b>Type</b>	Formal Sport
<b>Policy</b>	Development Control Policy DPD SF/10 and SF/11 and Open space in new development SPD
<b>Required</b>	Yes
<b>Details</b>	Formal sports in the form of an offsite contribution of £14,186.24 in order to help fund a new storage shed serving Waterbeach recreation ground.
<b>Fixed/tariff</b>	Fixed
<b>Trigger</b>	100% prior to occupation
<b>Number of pooled obligations</b>	0

<b>Ref</b>	SCDC2
<b>Type</b>	Formal Children's play space
<b>Policy</b>	Development Control Policy DPD SF/10 and SF/11 and Open space in new development SPD
<b>Required</b>	Yes
<b>Detail</b>	Formal children's play space in the form of an offsite contribution of £17,196.25 in order to help fund a new toddler play area on Waterbeach recreation ground or play features located at Capper Road and Kirby Road.
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	100% prior to occupation
<b>Number Pooled obligations</b>	0

<b>Ref</b>	SCDC3
<b>Type</b>	Informal open space and play space
<b>Policy</b>	Development Control Policy DPD SF/10 and SF/11 and Open space in new development SPD
<b>Required</b>	Yes
<b>Detail</b>	Play equipment on land adjacent to Capper and Cody Road.
<b>Fixed/ Tariff</b>	Fixed
<b>Trigger</b>	100% prior to occupation
<b>Number of pooled obligations</b>	0

<b>Ref</b>	SCDC4
<b>Type</b>	Offsite indoor community space
<b>Policy</b>	Development Control Policy DPD DP/4 and Portfolio holder approved policy
<b>Required</b>	Yes
<b>Detail</b>	Indoor Community Space in the form of an offsite contribution of £6,440.56 in order to help fund the resurfacing of the car park serving Waterbeach Tillage Hall.
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	100% prior to occupation
<b>Number Pooled obligations</b>	3

<b>Ref</b>	SCDC6
<b>Type</b>	Household waste receptacles
<b>Policy</b>	RECAP Waste Management Design Guide
<b>Required</b>	YES
<b>Detail</b>	£73.50 per house and £150 per flat
<b>Project</b>	Towards the Receptacle provision of household waste receptacles necessitated by the Development. £73.50x6 dwellings and 10x£150.00 flats.
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	Paid in full prior to occupation of first dwelling
<b>Number Pooled obligations</b>	None

<b>Ref</b>	SCDC7
<b>Type</b>	S106 Monitoring
<b>Policy</b>	Portfolio holder approved policy
<b>Required</b>	YES
<b>Detail</b>	To monitor the timely compliance of the planning obligations, specifically onsite infrastructure including affordable housing and public open space
<b>Project</b>	monitoring of the proper and timely performance of the Owner's covenants under the terms of the Agreement
<b>Quantum</b>	£500
<b>Fixed / Tariff</b>	Fixed
<b>Trigger</b>	Paid in full prior to commencement of development
<b>Number Pooled obligations</b>	None

<b>Ref</b>	SCDC9
<b>Type</b>	Libraries and lifelong learning
<b>Policy</b>	Development Control Policy DPD DP/4
<b>Required</b>	No
<b>Detail</b>	This development falls within the South Cambridgeshire mobile library catchment area for which there is insufficient capacity. The proposed increase in population from this development (36 dwellings x 2.27 average household size = 82 new residents) will put pressure on the mobile library and lifelong learning service which have insufficient capacity to meet the new population. However, the mobile library service already has 5 S106 contributions pooled; therefore, the County Council is prevented from seeking a further S106 toward this until an additional project has been identified.

## 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:

### General

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:  
  
Site Location Plan PA 000  
Proposed Block Plan PA 002revB  
Proposed Ground Floor Plan PA 003revB  
Proposed First Floor Plan PA 004revB  
Proposed Second Floor Plan PA 005revB  
Proposed Elevations plan PA 006revB  
Proposed Detailed Elevations PA 007revB  
  
(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 DP/2 of the adopted Local Development Framework 2007.)

### Landscaping and boundary treatment

4. Except for demolition, no development above slab level shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
  
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 DP/2 and NE/6 of the adopted Local Development Framework 2007.)

6. Prior to the 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 DP/2 of the adopted Local Development Framework 2007.)

### Ecology

7. Except from demolition, no development above slab level shall commence until a scheme of biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented within an agreed timescale in the scheme unless otherwise agreed in writing. (Reasons - NPPF expects development to provide for biodiversity and this can be achieved at this site through enhancement measures as set out in the Preliminary Ecological Appraisal)

### Highways

8. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
  - i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).
  - ii) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
  - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. 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 each unit. (Reason – To ensure the development complies with policy TR/2 of the Local Development Framework 2007).
10. The vehicle parking areas (including the loading bay) shall be laid out in accordance with the proposed block plan PA 002revB prior to the occupation of each use. (Reasons – To ensure there is sufficient parking onsite to limit the impact on the surrounding road network in accordance with DP/3 of the Local Development Framework 2007).

## Drainage

11. Except from demolition, no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Sustainable Drainage Statement prepared by MTC (ref: 1990 – DS – Rev B Oct 2017) dated October 2017; and Drainage Strategy drawing number 1990-02 revision B dated September 2017 and Proposed Discharge Rates (mk2) dated 12th December 2017 prepared by MTC and shall also include:
- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
  - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - d) Full details of the proposed attenuation and flow control measures;
  - e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - f) Full details of the maintenance/adoption of the surface water drainage system;
  - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water; (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.)
12. Details of the long-term maintenance arrangements for the surface water drainage system (including 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 or convenience store hereby permitted. The submitted details should identify run-off 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. (Reasons – To ensure that satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraph 103 and 109 of the National Planning Policy Framework).

## Deliveries and running of the convenience store

13. The convenience store, hereby permitted, shall only be open to the public between the hours of 07:00- 22:00 Monday to Saturday and 07:00 – 21:00 hours on Sunday and bank holidays. (Reasons - To protect amenity of residents in accordance with policy DP/3 of the Local Development Framework 2007)
14. The operation of the convenience store, including delivery times and waste disposal should be carried out in accordance with the Delivery and Servicing Plan dated July

2018 (ADL Traffic Highways Engineering). Any variations to the plan shall be first submitted and agreed in writing by the local planning authority. (Reasons – To protect the amenity of residents in accordance with DP/3 of the Local Development Framework 2007).

15. Deliveries to the convenience store shall only take place between the hours of 07:00-19:00 Monday to Friday, 08:00-18:00 Saturdays and no deliveries shall take place on Sunday or bank holidays other than the provision for small deliveries of milk, bread and newspapers. (Reasons – To protect the amenity of residents in accordance with DP/3 of the Local Development Framework 2007).
16. Prior to the occupation of the convenience store, hereby permitted, details of any plant/equipment along with their noise performance details shall be submitted to and approved in writing by the local planning authority. The noise attenuation/insulation scheme shall be implemented and thereafter maintained in strict accordance with the approved details. (Reason - In order to minimise noise disturbance for adjoining residents in accordance with the aims of Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)

#### Environmental Health – during construction

17. 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 minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
18. Prior to the occupation of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, security / residential lighting and an assessment of impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans / elevations with luminaire locations annotated, full isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the site, on the boundary of the site and at adjacent properties, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type / profiles, mounting height, aiming angles / orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals “Guidance Notes for the Reduction of Obtrusive Light GN01:2011”. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures unless the Local Planning Authority gives its written consent to any variation.  
(Reason -To protect residents from light pollution / nuisance and protect / safeguard the amenities of nearby residential properties in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
19. In the event of the foundations for the proposed development requiring piling, prior to the development 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 DP/6, NE/15 and NE/16 of the adopted Local Development Framework 2007.)

#### Contaminated Land

20. Except from demolition, no development shall be commenced until:

- a) The application site has been subject to a detailed desk study, including site walkover and preliminary Conceptual Site Model, 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 and/or construction 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)

#### Sustainability and renewable energy

21. Except from demolition, no development above slab level shall take place until an Electric Vehicle Charging Plan has been submitted to and approved in writing by the local planning authority. The Plan should include the details of the provision of cabling infrastructure location having regard to parking associated with various planning class uses. (Reasons – To ensure charging points can be installed as the request of future occupiers to enhance the sustainability credentials of the development in accordance with DP/1 of the Local Development Framework 2007).

22. Renewable energy - condition

#### 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. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird. Planning consent for a development does not provide a defence against prosecution.
4. The area of grass around the development should be strimmed short before construction to ensure it remains/becomes unfavourable for small mammals and reptiles. Stored materials should be raised off the ground to minimise the risk of small mammals or reptiles using the piles for shelter. Trenches or excavation should be backfilled before nightfall or a ramp left to allow small mammals or reptiles to escape.



**FOR INTERNAL USE ONLY**

Scale - 1:2500

Time of plot: 12:53

Date of plot: 23/07/2018



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Cambridgeshire  
District Council**

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# Agenda Item 5

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 16 August 2018  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/1531/17/FL

**Parish:** Comberton CP

**Proposal:** Extension to link main Church building and ancillary Church Hall

**Site Address:** Comberton Baptist Church And Centre, Green End, Comberton, Cambridge, Cambridgeshire, CB23 7DY

**Applicant:** Mr Keith Tarring, Comberton Baptist Church

**Recommendation:** Delegated approval subject to conditions

**Key Material Considerations:** Development in the Green Belt  
Principle of Development  
Design and Character  
Highway Matters  
Drainage  
Heritage Assets  
Landscaping  
Residential Amenity

**Committee Site Visit:** 15 August 2018

**Departure Application:** No

**Presenting Officer:** Aaron Sands, Senior Planning Officer

**Application Brought to Committee Because:** Referred from Chairs Delegation, where it was brought at the request of the Parish Council, who are objecting to the proposal.

**Date by Which Decision Due:** 28 June 2017

### Executive Summary

1. The application proposes two single storey extensions, one to the rear of the Church Hall and another linking that building with the Church. The site is located within the Development Framework in the heart of Comberton with the rear of the site being within the Green Belt, where the westernmost extension partially encroaches.
2. There is a significant existing parking issue along Green End, generated from a number of sources in the locality and which this application cannot address. While this proposal would alter a currently informal parking layout and lose

approximately 2 to 6 parking spaces, on the whole it is considered that the improvements being made to the parking area, including the provision of cycle storage and dedicated turning space would mitigate issues of highway safety likely to arise from the site and the development such that officers do not consider there would be a materially adverse impact to the existing situation. No other matters have been identified as harmful, and as such it is recommended that planning permission is granted subject to conditions set out at the end of this report.

### **Relevant Planning History**

3. S/1845/01/F – Extension. Approved 20 November 2001.
4. S/1930/97/F – Erection of Church Centre Building. Approved. 02 March 1998.

### **Site Details**

5. The site comprises the Comberton Baptist Church and an associated Centre that provides both meeting spaces in relation to the church as well as a playgroup, activities for young people and a counselling service. The buildings within the site are located within the Development Framework, with the boundary and the Green Belt sited to the rear of the Centre building. The boundaries of the site are marked by mature planting, with a more open frontage along Green End.
6. There is currently an area of what appears to be grasscrete around the Centre, with hardstanding to the front. Parking within the site is within this area of hardstanding, but is not formalised. Green End is a road of reasonable quality, not covered by any forms of parking restrictions. There is a Grade II listed building opposite the site, No. 22 Green End.

### **Proposal**

7. This application proposes the erection of a link extension between the Church and the Centre building, including internal alterations to the layout, providing additional facilities to support the existing uses, as well as an extension to the western elevation of the existing Centre building. The proposed link extension measures approximately 18m in depth and 10m in width, with a height of 3.2 at the ridge and 2.6m at the eaves.
8. The proposed western extension measures approximately 5.3m in depth, 9.5m in width, with a height of 4.5m at the ridge and 2.9m at the eaves.
9. The application has been amended since submission to include the provision of a formalised parking area and the implementation of a parking policy that seeks to reduce private car usage within the site.

### **Relevant Policy**

#### **10. National Guidance**

National Planning Policy Framework 2018 (NPPF)  
National Planning Practice Guidance (NPPG)

#### **11. Core Strategy Policies (DPD) 2007**

ST/1 Green Belt  
ST/6 Group Villages

## **12. Development Control Policies (DPD) 2007**

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/5 Cumulative Development  
DP/7 Development Frameworks  
GB/3 Mitigating the Impact of Development Adjoining the Green Belt  
SF/1 Protection of Village Services and Facilities  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
NE/11 Flood Risk  
NE/15 Noise Pollution  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
TR/1 Planning for More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact  
TR/4 Non-motorised Modes

## **13. Supplementary Planning Documents (SPD)**

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

## **14. Submission Local Plan 2013**

S/1 Vision  
S/2 Objectives of the Local Plan  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
CC/1 Mitigation and Adaptation to Climate Change  
CC/4 Sustainable Design and Construction  
CC/6 Construction Methods  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
HQ/1 Design Principles  
NH/4 Biodiversity  
NH/8 Mitigating the Impact of Development in and adjoining the Green Belt  
NH/14 Heritage Assets  
SC/3 Protection of Village Services and Facilities  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/10 Broadband

## Consultations

15. **Parish Council** – Objection. In May 2017 the Parish Council Planning Committee recommended refusal on the grounds of overdevelopment, the lack of car parking, highway safety and inappropriate incursion into the Green belt. The decision on the previous application required the car parking spaces to improve but there were only 10, plus one disabled space, on this application.

Given that nothing had changed from the Parish Council's original submission, although there was a commendable Travel to Church plan, to reiterate the Council's previous objections and comments.

16. **Tree Officer** – No objections subject to a condition requiring the tree protection measures recommended in the submitted tree protection strategy shall be implemented and remain until the practical completion of the development.
17. **Highway Authority** – No objection. The proposal results in the loss of informal off street parking. The increase of on street parking that this will engender, while of potential nuisance, is unlikely to present a significant hazard for other highway users, therefore, no significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.
18. **Drainage Officer** – No objection subject to conditions requiring surface and foul water drainage details to be submitted.
19. **Environmental Health** – No objections subject to conditions regarding construction hours, the burning of waste material, that details are submitted regarding driven piled foundations and that a limitation is imposed regarding outdoor and amplified sound events that they shall be only between 08:00am and 08:00pm. Recommend informatives regarding statutory noise nuisances, the requirement for a demolition notice from building control in the event of demolition, that details of lighting are agreed with the local planning authority and that extraction systems should agree noise emissions. (*Officer note; burning of waste material is covered by other legislation and is not a necessary condition to impose, noting it would duplicate existing measures.*)
20. **Councillor Tim Scott** – Recommend refusal on the basis of parking impacts which will be made worse by this proposal.

## Representations

21. Approximately 39no. representations have been received before and after the amended scheme, of which 13no. have been submitted anonymously and therefore carry little weight. The comments that were not anonymous incorporated the following summarised points;
- The proposal would reduce parking on site and there are significant parking issues at present that will be worsened unless there is appropriate mitigation in place.
  - The loss of parking spaces within the site is unacceptable.

- Welcome a contribution by the Church to better management of parking.
- Increasing the size and capacity of the site without increasing levels of parking would cause problems with parking along this road.
- Objection on the grounds of increased noise levels from additional activities within the Church.
- The applicant's have not carried out a sufficient consultation with local residents.
- The scale of the proposed development is inappropriate and would result in an overdevelopment of the site.
- The proposal would extend into the Green Belt to the west and change the character of the area.
- The proposal would reduce space within the site used for play areas and lead to children playing within the car park.
- The design of the proposal is out of keeping with the area.
- Cars are parked insensitively in the area and cause issues during the current events that will be made worse as the site is too small to cope with the increased usage proposed.
- Any increase in frequency of events held at the church will increase the noise nuisance experienced and restrictions should be strictly imposed to reduce the impacts.
- The kitchen is likely to have noisy extractor fans that are inappropriate in a residential setting.
- This proposal would make Green end gridlocked during large events.
- The higher volume of traffic and parking would increase the risk of a major accident occurring.
- Lack of access for emergency vehicles
- Together with visitors to the surgery, parked cars would gridlock the road.
- The amended plans are minor changes that do not alter previous comments.
- Insufficient pedestrian safety walking to access the surgery and beyond as vehicles will reverse in and out of the Church, where there is less visibility. *Officer note; the amended plans have provided a turning head within the site.*
- The amended plans improve the relationship somewhat with the neighbouring property of Manor Cottage.
- The link extension would remove all remaining outlook from ground floor windows of Manor Cottage.
- North facing windows would be able to see above the fence and would result in a loss of privacy to Manor Cottage. Any north facing windows should be required to be obscure glass, fixed permanently closed.
- Conditions imposed to previous applications (ref S/1930/97/F) should be applied to this application.
- It is suggested that hours of use are restricted to 10pm with a limitation on the use of amplified sound.
- Adverse impact on village character that would not accord with policy DP/3.
- The western extension appears to extend approximately 2m into the Green Belt.
- The parking layout is impractical and would not provided sufficient space to turn a car within the site.

- There is insufficient parking within Green End, despite the statements in the submission.
- In the event of an approval, a condition should be imposed requiring the implemental of a parking control scheme.
- The proposal should reduce in scale and instead refurbish within the existing footprint.
- There would be an increase in noise, smell and fumes from people and traffic.
- Concerns that the site would be rented out for events that could be substantial in light of the scale of the building.
- Enlargement of the kitchen to allow hot food to be produced on site will lead to generation of smells in the area.
- Cumulative impacts from planning permissions approved in the area would result in harm to the character and amenity of no. 31 Green End.
- The parking on site would not meet the requirements of policy TR/2.
- Disturbance from vehicle movements and parked cars would impact the residential amenity of no. 31.
- Several organisations currently use Green End for parking purposes including the village hall, nursery school, motor garage and health centre.
- The character of Green End as a rural land would be harmed by parked cars impacting the grass verges through parking and due to the narrow width of the road.
- There is difficulty in accessing and leaving properties due to parked cars creating visibility issues.
- There is no need identified for the proposed increase to the facility.

22. In addition, a submission was made providing 35no. survey responses, as well 4no. additional comments. The summary sheet of those representations has been provided in Appendix A, which provides the number of responses to each category. The full survey is available online and any points raised in the “*comments*” section of that survey have been included in the summarised list in paragraphs 18 or 20 as relevant.

23. The following matters have been raised that are not material to the determination of this application. Comments have been *italicised* at each point for explanation

- The intention to rent out spaces will have a financial effect on the Village Hall and potentiall require a change of use. *Competition between existing businesses is not a material planning consideration. The site appears to have a lawful D1 Use Class and uses within that Class, including ancillary uses, would not require an application for a Change of Use.*
- There is no gap for maintenance of the northern boundary. *This would be a civil matter between the relevant parties and is not a material planning consideration.*
- There is an existing Village Hall that provides a facility for community events and another is not needed. *That there is an existing alternative facility does not preclude any other propsals coming forward, which must be assessed and determined on its own merits.*
- Concern that the Surgery may open on a Sunday, if required by the Government, that would result in further traffic and on-street parking. *There is no indication that Surgeries will be required to open. Out of*

*hours services are likely to be in existence in the event of an emergency. Theoretical circumstances are not material to an application, which must be considered in light of current or likely circumstances.*

- *The proposal would be visually intrusive from Manor Barn. While overbearing impacts are material considerations, loss or alteration of a private view is not a material planning consideration.*
- *Objections to commercialisation of the Church. That the church intends to rent rooms out is not a material planning consideration as they would be bound by the existing D1 Use Class. Any use within that Class could occupy the site and the existing buildings could be rented out without requiring planning permission provided they did not undertake unauthorised development.*
- *The parking spaces required by historic permissions (S/1930/97/F) were not provided and the site is in breach of that consent. This appears to have long passed the 10 year point by which enforcement action could be taken and as such the starting point must therefore be the existing situation. This application must be assessed on its own merits, and while previous applications are material to the decision they are not preventative of any application that may be proposed, which supersedes historic applications where it would alter those previous arrangements.*
- *The site might hold weddings and other party events. Use as a Wedding Venue would require a planning application for a Change of Use. Based on the information submitted as part of the application it appears that lawful use of the site is a D1. Community centres or similar gathering places would fall within Use Class D2 and planning permission would be required to change to that use. Some ancillary or non-material use changes may be present, for example use as a polling station or incidental office use serving the site, which would not be a material change of use.*
- *Only a minority of the congregation live in Comberton. This is not material to the determination as to whether the proposal is acceptable on its merits. The Church provides a community facility, but that does not limit the community to Comberton only.*
- *The intentions of the applicant. A developer's intentions are not material considerations*

24. A number of comments note that they had not received formal notification of the amended plans. It appears that some letters did arrive, and the rest appear to have been lost in transit. Consequently an additional consultation was carried out on the 25 June 2018 to provide additional 14 days to ensure all relevant parties were notified.

### **Planning Assessment**

25. The key considerations in determining this application are;
- Development in the Green Belt
  - Principle of Development
  - Design and Character
  - Highway Safety and Parking
  - Drainage
  - Heritage Assets
  - Residential Amenity

- Landscaping
- Other Matters

#### *Development in the Green Belt*

26. The proposed western extension to the rear of the site appears to be partially located within the Green Belt by approximately 2m. Paragraph 145 of the NPPF states that new buildings in the Green Belt are inappropriate unless it comprises an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Of particular note is that this restriction only applies to development in the Green Belt. While the extensions taken together amount to a substantial level of development, in considering paragraph 145 this would only relate to the western extension to the rear of the site.
27. The consideration is therefore whether this would be a disproportionate addition over the size of the existing building. In reviewing the original permission (ref S/1930/97/F) the building appears to be as it was approved then. The rear extension would amount to approximately 48m<sup>2</sup> of additional floor space, in comparison to approximately 150m<sup>2</sup> of existing building.
28. While this would amount to an approximate 32% increase in floor space the building appears subservient by virtue of the reduce ridge and flat roof element such that, read as a whole, it would not represent such an increase in the overall volume of the building and would appear as an extension that is not disproportionate in the context of the existing building. Officers therefore consider the proposal is not inappropriate development by definition.

#### *Principle of Development*

29. The majority of the site is within the Development Framework, where the development and redevelopment of unallocated land and buildings are considered acceptable in principle, subject to impacts on character or sensitive receptors and subject to sufficient infrastructure to support that proposal. Areas within the Development Framework are considered to be sustainable in a locational sense. These matters are assessed in their relevant sections below in detail but it is concluded that they are acceptable. Notwithstanding that, the assessment has been made on the basis of what is proposed, and it is considered that an extension of some form is wholly achievable. Therefore, the principle of development is considered to be acceptable and the proposal would accord with policies DP/7 and S/7.

#### *Design and Character*

30. The area is predominantly residential, but this site sits as a clear departure in its own right, notably appearing as a more public building, with the church building along the site frontage. The extensions as a whole are sizeable. They provide a notably level of subservience through reduced ridge heights, and, in the case of the glazed link extension, through the large area of glazing and the area of flat roof and short length of pitched roof. The overall effect of the link extension is that it provides a good relationship between the Church and the Church Hall.
31. The buildings utilise materials to match the Church Hall, and such materials are reflective of more ancillary, smaller scale buildings. The glazed link

extension would be of limited visibility from a public view points outside the site, limited to glimpse views from the street scene of the end of link, towards the Church Hall. The westernmost extension is unlikely to be readily identifiable in the context of the area, screened by the existing built form. There is a reasonably large area of external space left within the site and the provision of the grasscrete area around the Church Hall better reflects the more rural character of the locality along Green End. The Church itself appears as a notable landmark along the road, and the proposals would retain that strong visual way marker in the area, retaining the visual relationship that building has in the context of the Street Scene.

32. On the whole, the proposal is considered of a design and form to preserve the character of the site and its position within the area, noting that it sits distinct in the context of the more residential elements of Green End. The proposal is therefore considered to accord with policies DP/2 and HQ/1.

#### *Highway Safety and Parking*

33. A significant level of local objection has been received to the proposal and its implications in highway safety terms. It is recognised that there are existing parking issues within the area, particularly on weekends when the Church will hold its congregation, but also from other uses, such as the nursery and village hall located closer to the cross roads. These are existing issues, and the test is therefore whether this proposal will make those issues materially worse in the context of the area.
34. It is noted that the original planning permission that allowed the Church Hall building was approved subject to a condition requiring 16no. formalised parking spaces to be provided to an approved layout, and that was not implemented. It appears that at least 10 years have passed since that condition was not complied with, and therefore that non-compliance is immune from enforcement action.
35. The existing arrangement is an informal parking area which includes a section of grasscrete between the Church and Church Hall and hardstanding to the immediate south of the Church, totalling an approximate 12 parking spaces, or 16 parking spaces if parked such that there was no turning space. The application proposes the formalisation of the parking area, creating 10no. total spaces, 1no. disabled space, and an addition of 10no. cycle storage spaces, as well as the creation of a turning head in the site to enable exiting in a forward gear. In addition, a parking policy has been implemented to promote alternative modes of transport than private car, and direct visitors to the site to avoid parking in such a manner that might block access along the road or to driveways.
36. The parking spaces indicated adjacent to the church are noted as being approximately 0.3m below the depth of the standard requirement of 5m. These spaces would be able to accommodate most smaller cars, and while they have previously been informal, this area is an existing parking area. There remains 3m of space between the southern boundary and the edges of those parking spaces, which would be a sizeable area to accommodate both passing vehicles and the parked cars, including some additional room that could facilitate a larger vehicle. Those spaces to be provided within the grasscrete area are tandem parking spaces. While not ideal, the manoeuvring room immediately adjacent would enable cars within these areas to exchange

places so that all parking spaces are accessible and could be exited in a forward gear.

37. Green End is an unrestricted road and parking is available there. The quality of the road is variable, but it is reasonably straight and a substantial portion meets the adopted standards of 5m in width, sufficient for 2 cars to pass comfortably. As stated, the road is used by other sites, such as the surgery, in the vicinity. There would be an element of variation in operational times, whereas other sites may not be open on Sunday, which is likely to be one of the busiest times for the Church.
38. The application documents indicate that there is an existing high level of use by the Church and Church Hall, and that there is a difficulty with space in the site that means elements of the activities are constrained. Some of the activities, such as counselling services, are likely to be less parking intensive than a full church service. On the whole, it is reasonable to conclude that periods of greatest activity are likely to be limited, including at times where there would be notably less conflict with other parking intensive services in the locality, and that existing activity levels appear unlikely to result in a significant increase that could not be accommodated by the site.
39. The proposal formalises parking spaces, provides a dedicated turning area, provision and promotion of alternative modes of transport and there is a strong possibility that elements of its operation, including the most intensive periods of activity, would occur outside of the operational hours of other services in the vicinity. Overall, while the proposal would not accord with the adopted or emerging parking standards in policies TR/2 and TI/3, it is not considered that the proposal would result in a materially adverse impact to highway safety and parking over and above the existing situation in the locality.

#### *Drainage*

40. To the south of the site is an area of identified surface water drainage. The application proposes to dispose of surface water by soakaway, but no details have been provided as to the precise location not calculations as to the extent of that soakaway. Noting the identified areas in the vicinity of the site and that the proposal involves a reasonably large area of additional footprint within the site on permeable surfaces it is considered that an appropriate form of drainage is necessary to ensure surface water does not result in an adverse impact the locality, or increase run off onto the adopted highway.
41. There appears to be a large area within the site surrounding the proposed extensions that would be a suitable area for a soakaway. The Drainage Officer has recommended a condition that surface water drainage calculations and precise details of soakaways and SUDS are submitted to and approved in writing by the Local Planning Authority prior to commencement. It is considered that, as there appears to be adequate space within the site to accommodate an appropriate soakaway, officers consider the condition would be appropriate to ensure that drainage is not materially impacted.
42. It is also noted that the Drainage Officer has recommended a condition in respect of foul water drainage. However, the application form indicates that this would be to mains drainage, and that would be regulated by Anglian

Water. It is therefore considered that a condition requiring foul water drainage is not necessary in this instance and would be duplicating other controls in place.

43. Subject to a condition in respect of surface water drainage it is considered that the proposal would accord with policies NE/9, CC/7 and CC/8.

#### *Heritage Assets*

44. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to preserving the special character of listed buildings, their setting and their features of special architectural or historic interest.
45. No. 22, opposite the site, is a Grade II listed building. There is a physical detachment between the two properties, screening along that boundary and the intervening development in the form of the Church itself that provides a notable divorce from the listed building, both physically and functionally such that it is not considered the proposal would otherwise alter the experience of the listed building or adversely impact its setting. The proposal is therefore considered to accord with policies CH/4 and NH/14.

#### *Residential Amenity & Noise*

46. The physical elements of the proposal are located closest to the northern boundary. It is considered that other residential properties in the area are sufficiently distant that they would not be adversely impacted by overbearing or overshadowing effects.
47. The proposal would be located in close proximity to the boundary with Manor Cottage, with the link extension and a small section of the western extension running along the boundary. The link extension is approximately 2.6m at the eaves, which would be closest to the boundary, approximately 0.6m above a fence that could be erected using permitted development rights. That link extension also utilises a large portion of flat roof in order to keep the ridge level lower, result in an overall lower level building in close proximity to the boundary. The proposal may be visible above any boundary treatment along that boundary, but on the whole, it is considered that the link would not result in a material impact by loss of light or overshadowing.
48. The western most extension is of a significantly shorter projection along the boundary. It would sit behind the Church Hall, and while the extension would sit closer to the boundary it would retain the existing eaves height and, at approximately closer to the boundary, it is considered likely that any impacts of overbearing or overshadowing would be in effect from the Church Hall already and would not be materially altered. The extension westwards would sit close to the rear of the Garden, and the height at eaves and ridge is considered sufficient to mitigate impacts to residential amenity of Manor Cottage, though in any event it would be somewhat limited in the overall scope of the garden area. It is noted that a number of rooflights appear to be sited facing towards Manor Cottage. However, these appear to be at a sufficient height that they would not afford any view of neighbouring property.
49. To the south sits no. 31 Green End. The boundary of the property sits approximately 10m from the proposed extensions and at the time of the

officers visit it appeared that there was an existing boundary fence that appeared to be approximately 1.8m in height. While there is a large area of glazing in the link extension the existing boundary treatments are considered sufficient to provide protection from overlooking such that it is not considered there would be an adverse impact to residential amenity of no. 31 in that regard.

50. It is noted that a number of concerns have been raised in respect of increase levels of noise. In terms of vehicle movements within the site the proposed development, noting the level of parking within the site, is not considered likely to materially alter those level. It has been recommended by the Environmental Health Officer that the proposal be subject to a time limitation on noisier activities, and in light of the increased space it is considered this is a necessary condition to protect long term residential amenity from noise.
51. Overall, it is therefore considered that the proposal would not result in a materially adverse impact to residential amenity of surrounding properties and would accord with policies DP/3 and HQ/1 in that respect.

#### *Landscaping*

52. The existing site is currently reasonably well screened to the rear, with a tree belt that runs along the western boundary. In addition, there appears to be some well established vegetation in the neighbouring properties that would also provide some level of screening and provide some additional mitigation for noise impacts, and which sits in neighbouring control, though it is noted that there are identifiable gaps within the boundary. There is limited space within the site that might accommodate further landscaping without loss of, but the existing vegetation is considered to be suitable in order to protect the wider Green Belt. As such, it is considered that a condition requiring additional landscaping measure is not necessary, also noting that hard landscaping has been detailed on the proposed block plan.
53. The application has been accompanied by a tree protection plan, and it is recommended that that is conditioned to be implemented in order to ensure the trees on site would be retained. Subject to those conditions, the proposal is considered to accord with policies DP/2, GB/2, GB/3, HQ/1 and NH/8.

#### *Other Matters*

54. It is noted that a number of concerns have been raised in respect of renting out the hall and the potential for other uses. From the information received the site appears to have a lawful D1 use, potentially with some ancillary D2 use, although this does not appear to be is predominant function. Any material change of use of the site would require planning permission, notwithstanding any provisions that may be afforded by the Town and Country Planning (General Permitted Development) Order 2015. That said, ancillary uses are not necessarily a material change of use and so existing uses that may not normally fall within the D1 use class may not mean the site has a mixed used that would enable any and all other uses to utilise the Church and Church Hall, if that result in an overall level of use that was materially different from the existing established use at present.
55. As noted above, it is considered that the proposal would not lead to such a significant increase in overall activity within the site that it the site could not

accommodate this. For that reason and noting that there is a promotion of alternative modes of transport to reduce dependence on private car, it is considered that the proposal would not result in an adverse impact to air quality.

### **Recommendation**

56. **Approval** subject to;

#### **Conditions and Informatives**

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:  
Location Plan – Drawing No. 0385 002  
Site Plan – Proposed – Drawing No. 0385 101 rev b  
Parking Plan – Drawing No. 0385 161 rev a  
Roof Plan - Proposed – Drawing No. 0385 113 rev b  
Ground Floor Plan - Proposed – Drawing No. 0385 111 rev f  
Elevations – Proposed – Drawing No. 0385 121 rev F  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall occur until the tree protection measures recommended in the tree protection measures detailed in the Arboricultural Impact Assessment, dated 21 April 2017, reference 1169/CJO/2104 have been erected in full. They shall remain in position until substantial completion of the implementation of the development.  
(Reason - To ensure the retention of trees that provide a contribution to the character of the area in accordance with policies DP/2 and the adopted Local Development Framework and HQ/1 of the emerging Submission Local Plan 2013).
4. No building hereby permitted shall be occupied 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 and associated Guidance, and 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:
  - a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
  - b) 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; and

- c) the surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details and management and maintenance plan.

(Reason - To ensure satisfactory surface water drainage measures are implemented to be able to accommodate the additional physical development noting nearby areas of identifies surface water issues, in accordance with policies NE/9 of the Local Development Framework 2007 and CC/8 of the emerging Submission Local Plan 2013.)

5. No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

(Reason - To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policies DP/3 of the Local Development Framework 2007 and HQ/1 of the emerging Submission Local Plan 2013.)

6. Pile driven foundations shall not be utilised unless a statement of the method for construction of these foundations has first been submitted to and approved in writing with the Local Planning Authority detailing the methods of control in relation to noise and vibration. The development shall thereafter be carried out in accordance with those approved details.

(Reason - To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policies DP/3 of the Local Development Framework 2007 and HQ/1 of the emerging Submission Local Plan 2013.)

7. Outdoor events and amplified sound shall not occur at any time except between the hours of 08:00am to 20:00pm.

(Reason - To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policies DP/3 of the Local Development Framework 2007 and HQ/1 of the emerging Submission Local Plan 2013.)

8. No external plant and machinery, including any extraction or ventilation serving any kitchen shall be installed unless specifications, details of the precise siting and noise and smell mitigation measures have been submitted to and approved in writing by the Local planning Authority. Plant and machinery shall thereafter be installed in accordance with the approved details and retained thereafter in that form.

(Reason - To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policies DP/3 of the Local Development Framework 2007 and HQ/1 of the emerging Submission Local Plan 2013.)

9. No external lighting shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and thereafter retained.

(Reason - To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with policies DP/3 of the Local

Development Framework 2007 and HQ/1 of the emerging Submission Local Plan 2013.)

10. The development hereby permitted shall not be brought into use until the parking, cycling and manoeuvring areas have been provided in accordance with plan ref 0385 161 rev A. They shall thereafter be retained in their approved form.

(Reason - To ensure satisfactory levels of parking are provided and retained in the long term within the site to mitigate for adverse impacts of the development, in accordance with policies TR/2 of the adopted Local Development Framework 2007 and TI/3 of the emerging Submission Local Plan 2013.)

**Background Papers:**

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

[South Cambridgeshire Local Development Framework Core Strategy \(adopted January 2007\)](#)

[South Cambridgeshire Local Development Framework Development Control Policies DPD \(adopted July 2007\)](#)

[Submission Local Plan 2013](#)

[Planning File Ref: S/1531/17/FL](#)

**Contact Officer:** Aaron Sands - Senior Planning Officer  
01954 713237

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SUMMARY

GREEN END SURVEY

S/1531/17/FL

PUT [X] IN BOX

The aim of this survey is to gauge the reaction of all Green End residents to the planning application to extend the Baptist Church and use Green End as additional parking.

How would you rate the current parking problems on Green End particularly at peak times?

GOOD ACCEPTABLE POOR AND SOMETIMES DANGEROUS

How would you rate the impact of additional demand for parking on Green End when large events are held bearing in mind the increasing difficulties at the GP surgery?

NO IMPACT SOME IMPACT SIGNIFICANT IMPACT MAJOR DISRUPTION

Green End is a quiet residential area. This proposal will increase the number of large events being held on a commercial basis. Would you be happy with the increased levels of noise and disruption on Green End?

I THINK THAT THIS COULD BECOME A PROBLEM IT IS UNLIKELY TO HAVE ANY IMPACT

Are you happy with the existing facility the Baptist Church provides or would you like it to expand as outlined in the planning application?

I AM HAPPY WITH THE CURRENT SITUATION AND WOULD NOT WANT THIS APPLICATION TO BE APPROVED BASED ON THE MATERIAL CONSIDERATIONS BELOW.

I SEE NO IMPACT ON GREEN END AND AM HAPPY TO SUPPORT THE APPLICATION.

Material Considerations:

- There will be an increase in noise, smells or fumes generated by the proposal.
Ensuring there is adequate car parking, cycle, refuse and storage facilities.
New roads and access are safe for road users and pedestrians.

COMMENTS. Please note any specific issues / experiences you have in relation to this application (continue overleaf if required).

Large empty rectangular box for comments, with a 'RECEIVED SLOC 06 JUN 2017' stamp in the bottom right corner.

SIGNED ..... PRINT NAME ..... ADDRESS..... DATE .....

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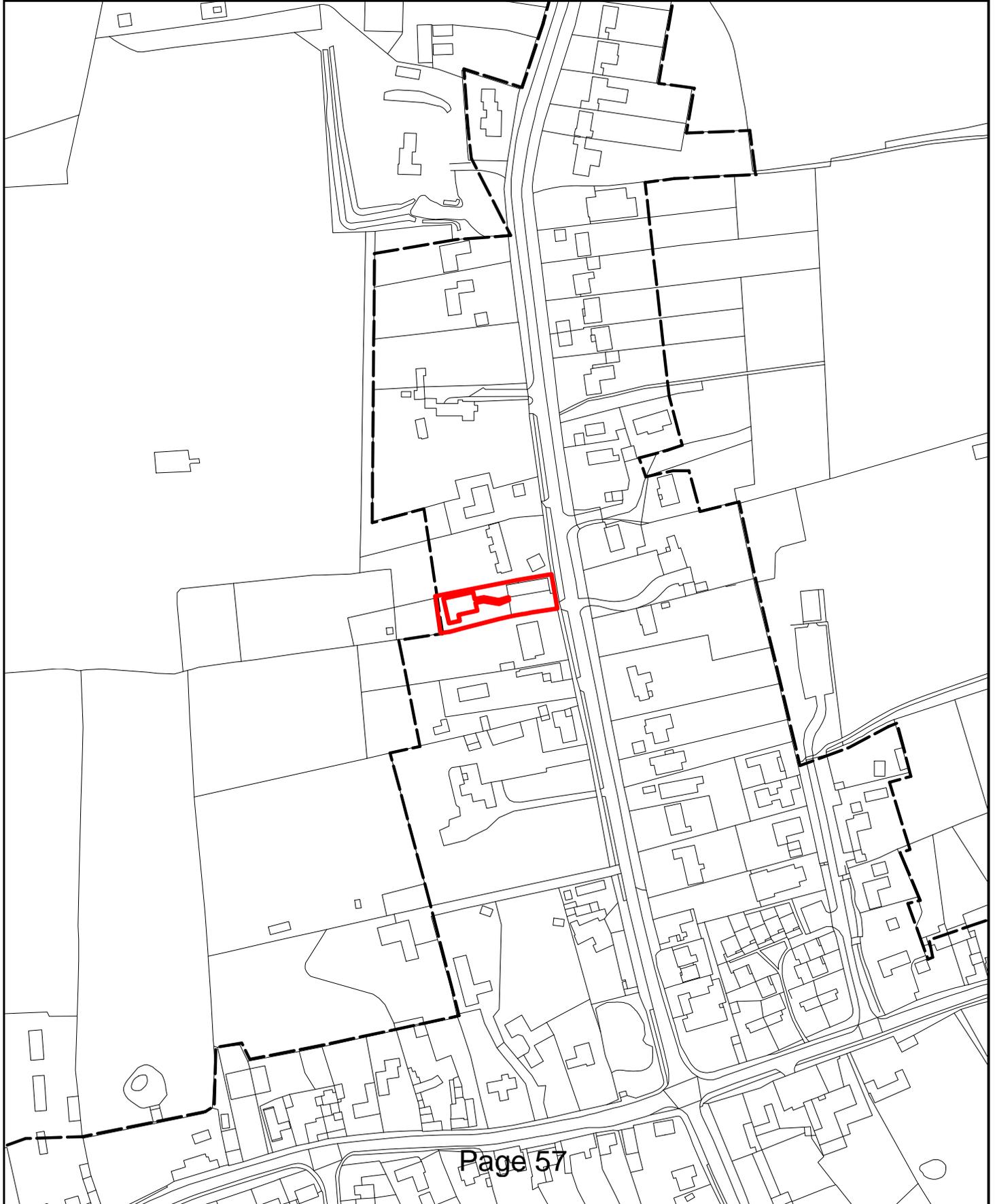
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District Council**

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# Agenda Item 6

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 16 August 2018  
**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/0793/18/FL

**Parish(es):** Linton

**Proposal:** Demolition of existing dwelling and construction of 7 dwellings

**Site address:** 1 Horseheath Road

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

**Recommendation:** Approval

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

**Committee Site Visit:** Yes

**Departure Application:** No

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

**Application brought to Committee because:** A recent Court of Appeal decision pertinent to this case was received following Planning Committee's previous resolution but prior to a decision being issued, together with a letter from the solicitor of a neighbour suggesting the likelihood of judicial review proceedings if the application was not freshly considered by Planning Committee.

**Date by which decision due:** 17 August 2018 (Extension of Time agreed)

### Summary

1. This application was considered by Planning Committee in June 2018 prior to which Members visited the site. Members resolved to approve the application.

2. Following Planning Committee, but prior to the Council issuing the decision notice, a Court of Appeal decision *DLA Delivery Ltd v Baroness Cumberledge of Newick and Secretary of State for Communities and Local Government* 2018 EWCA Civ 1305 was received that is a material consideration in the determination of the application.
3. The principal issue that arises out of the Court of Appeal decision in relation to this matter is consistency.
4. In *DLA Delivery*, the Secretary of State determined that a particular policy (policy CT1) was “out of date” having two months earlier determined that policy CT1 should be regarded as “up-to-date” in respect of a separate development proposal. It was held that the Secretary of State was required to take account of his own decisions in an unrelated case dealing with the same issues. It further stated that no reasonable secretary of state would have failed to take reasonable steps to ensure that his own decisions in cases of the same kind, in the same district, during the same period, were consistent with each other, or that any inconsistency was clearly explained.
5. Submissions have been received from a solicitor and planning consultant acting on behalf of a neighbour challenging the previous resolution on grounds of inconsistency.
6. The challenge that has been received is that the Council is not being consistent in its decisions on this site, particularly in relation to considering the impact on the amenities of neighbours and also the amenities of future residents of the proposed dwellings.
7. The site has a planning history; there have been four relevant planning applications on the site prior to this one. Two applications have been refused and one was approved and one was withdrawn. More detail is set out in the planning history below.
8. In light of the possible Judicial Review proceedings, the decision notice was not issued, the application was held in abeyance and applicant advised accordingly..
9. The case has been reviewed again and is now being presented back to Planning Committee for Members to consider afresh. The application will be subject to a further site visit which will include viewing the proposed development from at least one neighbouring property.
10. Having carefully reviewed the history and all consultee comments and representations, and being mindful of this recent Appeal Court Decision, officers are satisfied that this scheme is acceptable and recommend approval of the application
11. A detailed assessment is set out later in this report under the section headed ‘planning assessment’. Amongst other considerations, the following points are pertinent:
  - a) Two of the previous applications were outline. The plans submitted with the outline applications were illustrative only where the exact positions of the windows were not known.
  - b) This is a different scheme to the earlier applications. This one is a full application where rooms and position of windows are known. An assessment has been made not (i) only of the distances between the building faces of the respective properties, but also as to (ii) the angle of view, angle of the existing dwelling relative the proposed dwellings, (iii) location and height of boundary fence and (iv) difference in levels.

c)The District Design Guide does provide advice setting out minimum distances that are preferable to protect privacy and overlooking. It is adopted guidance; it does not have the status of adopted policy.

### **Relevant Planning History**

13. There have been four relevant planning applications on the site prior to this one.

#### **Application 1**

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

#### **Application 2**

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

Planning application S/2109/15/OL was an outline application for the erection of 9 dwellings. An illustrative plan was submitted with the application. In terms of the relationship to neighbours, the illustrative plan showed the new units being situated 20 metres from the property at No.24 Parsonage Way. Amongst other things, the committee report stated that this did not accord with the guidance of a minimum of 25 meters set out in the Design Guide.

The application was refused by the Planning Committee on the grounds that the proposal would result in overdevelopment of the site by virtue of the applicant's failure to demonstrate that nine dwellings would not result in harm to the amenity of adjoining neighbouring properties. The decision notice states: -

*The proposal would result in overdevelopment of the site by virtue of the applicant's failure to demonstrate that nine dwellings would not result in harm to the amenity of adjoining neighbouring properties. The proposal would therefore be contrary to Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Core Strategy DPD 2007 that states a new development should preserve or enhance the character of the local area and planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.*

#### **Application 3**

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

This was an outline application for the erection of 7 dwellings. An illustrative plan was submitted with the application that showed the new units being situated 25 metres from the property at No. 24 Parsonage Way. Amongst other things the delegation report stated that the District Design Guide requires a minimum distance of 25 metres is provided between rear or side building faces containing habitable rooms. The proposed layout illustrated that 25 metres could be provided between the rear of houses 1 to 5 and the neighbouring property at Parsonage Way. The application was approved under delegated powers.

#### **Application 4**

S/3184/17/FL - Erection of 6 market dwellings and 3 affordable housing dwellings following demolition of existing dwelling – Refused

This was a full planning application for the erection of 9 dwellings. In terms of the

relationship with neighbours, the new dwellings did not have any first floor habitable room windows facing No. 24 Parsonage Way. The relationship between the first floor windows of No. 24 Parsonage Way and the gardens of Plots 1 and 2 was not, however, acceptable as a result of the distance of 9 metres from the rear part of the garden and 20 metres from the main sitting out area to the rear of the new dwellings. In addition there was concern about the impact of the proposal on existing protected trees and the cramped nature of the development.

The application was refused by the Planning Committee on the following grounds: -

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

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

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

### **Environmental Impact Assessment**

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

### **National Guidance**

16. National Planning Policy Framework 2018  
National Planning Practice Guidance

### **Development Plan Policies**

17. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centres
18. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**  
DP/1 Sustainable Development

DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
NE/6 Biodiversity  
NE/11 Flood Risk  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards

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

Open Space in New Developments SPD - Adopted January 2009  
Biodiversity SPD - Adopted July 2009  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Affordable Housing SPD - Adopted March 2010  
District Design Guide SPD - Adopted March 2010  
RECAP Waste Management Design Guide 2012

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

S/3 Presumption in Favour of Sustainable Development  
S/5 Provision of New Jobs and Homes  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
HQ/1 Design Principles  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/4 Biodiversity  
CC/9 Managing Flood Risk  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open Space Standards  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

**Consultation**

21. **Linton Parish Council** – Recommends refusal of the revised plans. It originally had no recommendation. Please see Appendices 1, 2 and 3 for a full copy of all comments.

22. **Local Highways Authority** – Confirms that it would not seek to adopt the development in its present format and requests a condition in relation to the submission of a letter to state that the site will not be presented for adoption now or in the future. Requires conditions in relation to the driveway constructed so that it falls and levels are such that no private water drains on to the public highway, the driveway to be constructed from bound material and a traffic management plan during works. Suggests an informative with regards to works to the public highway.

23. **Trees and Landscapes Officer** –Has no objections and comments that a Tree Survey and Arboricultural Implications Assessment have been submitted with the application. This appears to be a preliminary document and requires greater detail once the plans for the site are finalised. Requires a condition in relation to the submission of a detailed Arboricultural Method Statement and Tree Protection Strategy.
24. **Landscape Design Officer** – Has no objections and comments that the development would not result in material harm to the landscape character and views from the local and wider area. Requests conditions in relation to hard and soft landscaping details, implementation of landscaping and SUDs use of permeable paving.
25. **Ecology Officer** – Has no objections and comments that a protected species and bat survey has been submitted with the application. This is sufficient and no further surveys are required. Although the building is being used as a roost for bats, the mitigation strategy to move any risk to the bats is agreed. Requires conditions in relation to ecological measures carried out in accordance with the Bat Survey and a scheme of biodiversity enhancement.
26. **Environmental Health Officer** – Requests conditions in relation to hours of use of site machinery and plant, noisy works and construction related deliveries, pile driven foundations and burning of waste. Suggests an informative with regards to noise and disturbance to neighbours.
27. **Contaminated Land Officer** – Comments that there are no immediately evident environmental constraints that would require an investigation into contamination. However, given the sensitive end use, a condition is suggested in relation to contamination found on site during works.
28. **Drainage Officer** – Has no objections subject to conditions in relation to surface water and foul drainage.

### **Representations**

29. The occupiers of No. 24 Parsonage Way object to the application on the grounds of the scale and dominance of the development that would be imposing to the dwelling and garden and a loss of privacy to their dwelling and garden as Plots 1 to 6 fall within 25 metres of the nearest window.
30. The occupiers of No 24 Parsonage Way have specifically raised the points set out below: -
  - i) incorrect sectional drawings.
  - ii) incorrect factual statements as to the closeness of the proposed properties and the extent of overlooking with an error stating a distance of 13 metres where in fact there is just 10.5 metres.
31. They have also raised concerns about the latest comments not being on the website.
32. A solicitor and planning consultant acting on behalf of the neighbour have drawn attention to the recent Court of appeal decision. Please see Appendices 5 and 6 for a copy of the solicitors letter and consultants report. Included in the letter from the solicitor acting for a neighbour are the following comments: -

“...In the case of the planning application about which objection is now made the Council has consistently refused any application within the 25 metre zone derived

from its adopted policy.

The previous planning history of the site and the advice in the District Design Guide SPD has been taken into account prior to any recommendation by the officer.

This is obvious from the reasons for refusal as set out in the face of the decision notices. Quite simply the Council has failed to properly apply the principle of consistency or its adopted policy that it has used to refuse similar applications on the same site. In the absence of a detailed explanation, which would need to have been contained in a committee report, the Council has erred in law...”

“...My client raised a number of detailed technical points at the Committee. These had not been considered in detail by the officers and they had not commented to the required level of detail. Once the issues had been raised the proper course of action would have been for the committee to have deferred the decision to enable the officers to fully and properly consider the detailed points and then report back with a considered view as to how those points impacted on the recommendation to committee. A decision cannot safely stand when it is based on incorrect sectional drawings, incorrect factual statements as to the closeness of the proposed properties and the extent of overlooking. The difference between 10.5 meters and 13 metres in the context of this application is very significant given we are talking about overlooking and its impact on amenity not only for our clients but any prospective occupants of the proposed properties. It is also a significant breach of the council’s policy....”

33. These points are addressed later in the report.
34. The occupier of No. 31 Parsonage Way has concerns in relation to the scale of Plot 7 and overshadowing of the garden.
35. The occupier of No. 4 Kinsey Place objects to the application on the grounds of high density, unbalanced use of two large houses, lack of parking, visual intrusion, noise, smell and fumes from parking, overshadowing/loss of light and loss of privacy.

### **Site and Surroundings**

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

### **Proposal**

38. The proposal seeks permission for the erection of seven dwellings following demolition of the existing dwelling.
39. Revised plans were received on 10 May 2018 (block plan and Plots 5, 6 and 7 plans and elevations) and 5 June 2018 (section plan). These plans revised changed the siting of Plots 5, 6 and 7 and the design of Plots 6 and 7.

40. All of the dwellings would be available for sale on the open market. The mix proposed is 3 x two bedroom houses, 2 x three bedroom houses and 2 x four bedroom houses.
41. There would be a single access point (5 metres width) to Horseheath Road to the west of the site adjacent the access to the Cathodean Centre. The road would run northwards along the eastern boundary and then turn eastwards.
42. The dwellings would be sited on the northern part of the site. They would comprise detached, semi-detached and terraced properties that would be two to two and a half storeys in height. The designs of the larger dwellings would incorporate gable features. The materials of construction would be buff brick, render and Larch clad walls with slate and plain tile roofs.
43. Each four bedroom dwelling would have two on site parking spaces. Each three bedroom dwelling would have one on site parking space and one allocated parking space opposite. Each two bedroom dwelling would have one on site parking space. Two visitor parking spaces have been provided.
44. The Cedar, Pine and Beech trees subject to the Tree Preservation Orders would be retained and protected. A small 5 metres section of the hedge along Horseheath Road would be lost as a result of the access but the remainder would be retained and protected.
45. An open landscaped amenity area would be provided adjacent to the access on to Horseheath Road.

### **Planning Assessment**

46. The key issues to consider in the determination of this application relate to the principle of development, density, housing mix, affordable housing, developer contributions, and the impacts of the development upon the character and appearance of the area, neighbour amenity, biodiversity, trees/landscaping, highway safety, flood risk and the planning history of the site and consistency of decision making.

### **Principle of Development**

47. The site is located in the village framework of a Minor Rural Centre where there is a good range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms.
48. The demolition of the existing dwelling and the erection of seven dwellings is therefore supported in principle. This has been established through planning consent S/0623/16/OL.
49. The existing dwelling is not of any significant architectural or historic merit and there are no objections in principle to its demolition.
50. The proposal would therefore comply with Policies ST/5 and DP/7 of the Local Development Framework (LDF).

### **Housing Density**

51. The site measures approximately 0.28 of a hectare in area. The proposed scheme of seven dwellings would equate to a density of 25 dwellings per hectare. Whilst this

would this would not meet the requirement of 40 dwellings per hectare in more sustainable locations such as Linton, it is considered acceptable given the constraints of the site such as the protected trees.

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

### **Affordable Housing**

53. The development would not comprise any affordable housing and would be wholly market housing.
54. Policy HG/3 of the LDF requires 40% affordable housing in developments of two or more dwellings. Policy H/9 of the emerging Local Plan originally required 40% affordable housing in developments of three or more dwellings. However, the recent proposed modifications to this policy has revised the wording to accord with the Written Ministerial Statement from 28 November 2014 (WMS) that states due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought.
55. The development is for seven dwellings that has a combined gross floor space of 876 square metres. This would fall under the threshold set out above.
56. The application was previously resolved to be approved subject to a condition to remove permitted development rights for extensions in order to ensure that if applications were made for any future extensions they would not result in the total floor space of the dwellings exceeding the 1000 square metres threshold.
57. This condition is not considered reasonable as the WMS states the following: -  
i) contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area).  
ii) affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.
58. Whilst the proposal would not therefore comply with Policy HG/3 of the LDF, it would comply with the proposed modifications to Policy H/9 of the emerging Local Plan that reflect the WMS 2014. Significant weight can now be attached to this policy as a result of the status of the plan and consistency with national policy.

### **Housing Mix**

59. The proposed mix would consist of three x 2 bed dwellings, two x 3 bed dwellings and two x four bed dwellings. This mix would not comply with Policy HG/2 of the LDF that seeks a greater proportion of small units of accommodation in developments of up to 10 dwellings. However, it would provide a mix of dwellings sizes that would be more closely related to Policy H/8 of the emerging Local Plan that states the mix in developments of up to 10 dwellings should reflect local circumstances.
60. Whilst the proposal would not comply with Policy HG/2 of the LDF, it would comply with Policy H/8 of the emerging Local Plan that can be given some weight due to the status of the plan and lack of objections.

## **Developer Contributions**

61. Policy DP/4 of the LDF states that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.
62. Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of the obligation is: -
  - i) Necessary to make the development acceptable in planning terms;
  - ii) directly related to the development; and,
  - iii) fairly and reasonably related in scale and kind to the development.
63. The need for contributions towards open space, community facilities, education, health and waste receptacles could be considered necessary in this case to make the development acceptable in planning terms. However, the Written Ministerial Statement (WMS) dated 28 November 2014 that states due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought is a material consideration in relation to this matter.
64. The development is for seven dwellings that has a combined gross floor space of 876 square metres. This would fall under the threshold set out above.
65. Whilst the proposal would not therefore accord with Policies DP/4, SF/10 and SF/11 of the LDF and Policies SC/6, SC/7, SC/8 and TI/8 of the emerging Local Plan, it would accord with the WMS. This material consideration should be given significant weight due to compliance with national policy.

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

66. The northern side of Horseheath Road originally had a lower density of housing with single detached dwellings set within large plots. However, the character has gradually changed over the years and now comprises fairly high density, in-depth, modern housing developments.
67. The previous planning application on the site for nine dwellings under reference S/3184/17/FL was refused on the grounds that the siting of the dwellings on the southern part of the site close to the entrance would result in a prominent form of development when viewed from Horseheath Road.
68. The new scheme is considered to have addressed the reason for refusal set out above. The dwellings would now all be sited on the northern part of the site and would reflect the character and spacing of dwellings in Parsonage Way.
69. The southern part of the site adjacent to the entrance would now comprise an open landscaped area above a retaining wall. This is considered acceptable as it would preserve the character and appearance of this part of Horseheath Road.
70. The proposed form and design of the dwellings are considered satisfactory and would be in keeping with the character and appearance of the area that comprises a mix of different styles of dwellings. The dwelling on Plot 1 would have a gable design that would be different to the other dwellings and create a key focal point to the development along the access from Horseheath Road.

71. The external materials of construction for the development would replicate those found in the surrounding area.
72. The garden areas of the dwellings follows the advice set out in the District Design Guide, which advises two-bedroom properties to have private garden space of 40 sq m in urban settings and 50 sq m in rural settings, which each house with three bedrooms or more should have 50 sq m in urban settings and 60 sq m in rural settings
73. Whilst the bin collection point would be located over 30 metres away from some plots, this is considered reasonable as it needs to be within 25 metres of Horseheath Road for collection by the refuse vehicle. The position shown is considered the most appropriate location.
74. The proposal is therefore considered to comply with Policy DP/2 of the LDF.

### **Neighbour Amenity**

75. In light of the comments received and given the history of the site, the aspect of neighbour amenity has been given particular scrutiny. On balance, it is the view of officers that taken as a whole the development is not considered to adversely affect the amenities of neighbours to an unacceptable degree or to harm the amenities of occupiers of the new dwellings such as to warrant a refusal of planning permission.
76. The previous planning history of the site, the advice in the District Design Guide SPD and the specific characteristics of the site and its surroundings have been taken into account prior to any recommendation by the officer
77. There have been three relevant planning applications on the site prior to this one.

1) Planning application S/2109/15/OL was an outline application for the erection of 9 dwellings. An illustrative plan was submitted with the application that showed the units being situated 20 metres from the property at No. 24 Parsonage Way. Amongst other things, the committee report stated that this did not accord with the Design Guide that requires a minimum distance of 25 metres. The application was refused by the Planning Committee on the grounds that the proposal would result in overdevelopment of the site by virtue of the applicant's failure to demonstrate that nine dwellings would not result in harm to the amenity of adjoining neighbouring properties. The full reasons for refusal are set out in the planning history section of the report.

2) Planning application S/0623/16/OL was an outline application for the erection of 7 dwellings. An illustrative plan was submitted with the application that showed the units being situated 25 metres from the property at No. 24 Parsonage Way. Amongst other things, the delegation report stated that the District Design Guide requires a minimum distance of 25 metres is provided between rear or side building faces containing habitable rooms. The proposed layout illustrated that 25 metres is provided between the rear of houses 1 to 5 and the neighbouring property at Parsonage Way. The application was approved under delegated powers.

3) Planning application S/3184/17/FL was a full planning application for the erection of 9 dwellings. The new dwellings did not have any first floor habitable room windows facing No. 24 Parsonage Way. The relationship between the first floor windows of No. 24 Parsonage Way and the gardens of Plots 1 and 2 was not, however,

acceptable as a result of the distance of 9 metres from the rear part of the garden and 20 metres from the main sitting out area to the rear of the new dwellings. In addition there were concerns about the impact on protected trees and the character of the area. The application was refused by the Planning Committee on the above grounds. The full reasons for refusal are set out in the planning history section of the report.

78. Although it is alleged inconsistency between officers' advice in relation to the current application under reference S/0793/18/FL and the advice given in S/3184/17/FL regarding the acceptability of any harm to the residential amenity of the occupiers of new dwellings, whether that harm is acceptable is ultimately a matter of planning judgment for Members.

79. The plans submitted with the outline applications were illustrative only and the exact positions of windows not known. The District Design Guide is adopted guidance but is not adopted "policy" as such term is commonly understood. It therefore carries less weight as guidance than if it were adopted policy. Nevertheless it is clearly a material consideration that carries some weight.

80. Considering the impact on each neighbouring property in turn:

**No. 24 Parsonage Way**

81. The development is not considered to result in an (i) unduly overbearing mass when viewed from the dwelling or garden to the neighbour at No. 24 Parsonage Way or a (ii) result in an unacceptable loss of light or (iii) an unacceptable loss of privacy to the dwelling and garden of that property.

82. An objection was received pointing out that the plan marked "section A" as originally submitted was incorrectly drawn. Please see Appendix 3 for a copy of this objection. As a result of that objection, the section plan has been corrected in terms of its scale. Officers have visited the site including No. 24 Parsonage Way and assessed the application in the light of that site visit noting that part of the dwelling to No. 24 Parsonage Way is not shown on the section plan.

83. Notwithstanding the criticisms set out in the objection, officers remain of the view that the development will not result in unacceptable levels of overlooking, loss of privacy or harm to neighbouring amenity.

84. Officers have been mindful of the history of this site and to assist have produced the following tables to set out what the respective plans shown in respect of the relationship to no 24 Parsonage Way:.

Reference	Distance from first floor habitable room windows in development to boundary with No. 24 Parsonage Way	Distance from first floor habitable room windows in development to nearest habitable room window No. 24 Parsonage Way
S/2109/15/OL <b>Refused</b> Plot 1 Plot 2 Plot 3 Plot 4 Plot 5 Plot 6	15m 16m 17m 16.5m 11m 9.5m	21m (ground floor conservatory) 20m (ground floor dining) 20m (ground floor dining) 21.5m (ground floor dining) 26.5m (ground floor dining) 30.5m (ground floor dining)
S/0623/16/OL <b>Approved</b> Plot 1 Plot 2	18m 19m	25 min (ground floor conservatory) 25m min (ground floor conservatory)

Plot 3 Plot 4 Plot 5 Plot 6 Plot 7	21m 23m 19.5m 15m 15.5m	25m min (ground floor dining) 25m min (ground floor dining) 25 min (ground floor dining) 25m min (ground floor dining) 25m min (ground floor dining)
S/3184/17/FL <b>Refused</b> Plot 1 Plot 2 Plot 3 Plot 4 Plot 5 Plot 6	No first floor windows serving habitable rooms in development Application refused on distance of 9 metres from first floor window of No. 24 Parsonage Way to boundary	No first floor windows serving habitable rooms in development Application refused on distance of 20 metres from first floor window of No. 24 Parsonage Way to patio area of new dwellings
S/0793/18/FL <b>Current Application</b> Plot 1 Plot 2 Plot 3 Plot 4 Plot 5 Plot 6 Plot 7	20.5m 19.8m 19.8m 19m 16.5m 16m 10.5m	27m (ground floor conservatory) 24m (ground floor dining) 23m (ground floor dining) 22m (ground floor dining) 21.5m (ground floor dining) 24.5m (ground floor dining) 30m (ground floor dining)  <b>NB a number of these are at oblique angles</b>
<b>Guidance set out in District Design Guide SPD</b>	<b>To prevent the overlooking of habitable rooms to rear of residential properties and gardens; it is preferable that a minimum distance of 15 m is provided between the windows and the property boundary.</b>	<b>For two storey residential properties, a minimum distance of 25m should be provided between rear or side building faces containing habitable rooms; which should be increased to 30m for three storey residential properties. Where the opposing alignment of facing windows is significantly offset, these distances may be slightly reduced.</b> <b>Where blank walls are proposed opposite the windows to habitable rooms, this distance can be reduced further to 12m between the wall and any neighbouring windows that are directly opposite.</b>

85. The dwellings would be orientated to the south. With regards to the distance between windows and boundary wall, all exceed the guidance set out on the design guide (15 metres) apart from one which is 10.5 metres off the boundary with No. 24 Parsonage Way.
86. The first floor windows of the new dwellings would be sited 20.5 metres from the decked area, 20 metres from the garden area between the conservatory and boundary and between 10.5 and 16 metres from the garden area to the side of No. 24 Parsonage Way. The previous minimum distance of 13 metres was quoted in error. However, it should be noted that the distance of 10.5 metres is at an oblique angle to the very end part of the garden to that property. These relationships are, on balance considered acceptable.
87. With regards to window to rear distances where the design guide looks to achieve 25metres, the first floor windows of the new dwellings would be sited 25 metres from the conservatory attached to the rear elevation and 29 metres from the first floor bedroom window in the rear elevation of No. 24 Parsonage Way. It is the relationship with the dining room window where the scheme does not meet this 25 metres guidance. As the table sets out above the distance varies from 21.5- 27m. Officers have been mindful of not only the advice set out in the Design Guide but also the specific characteristics of the site and surroundings such as the distance between the windows, angle of view, angle of the existing dwelling, boundary fence and

levels. It is not considered that this relationship is not sufficient to warrant refusal.

88. A condition would be attached to any consent, as agreed at the previous committee meeting, to remove permitted development rights for extensions and roof extensions on all plots in order to safeguard the amenities of neighbours.

#### **No. 31 Parsonage Way**

89. The development is not considered to result in an unduly overbearing mass when viewed from the dwelling or garden of the neighbour at No. 31 Parsonage Way, or an unacceptable loss of light or privacy to the garden of that property. It would also not lead to significant overshadowing as there is an existing large tree.
90. The dwellings would be situated a distance of 11 metres off the boundary with the secondary part of the garden to No. 31 Parsonage Way away from the main house and would be screened by the existing tree, summerhouse and play equipment.

#### **4 Kinsey Place**

91. The development is not considered to result in an unduly overbearing mass when viewed from the dwelling or garden of the neighbour at No. 4 Kinsey Place, or a significant loss of light, privacy or unacceptable level of noise, disturbance and pollution to the dwelling and garden of that property.
92. The dwelling on Plot 7 would be would project approximately 1.5 metres beyond the rear elevation of No. 4 Kinsey Place and be orientated to the west of that property. This would not result in the building obstructing the 45 degree angle of view from the windows or a significant mass of wall beyond the rear elevation that would lead to an unduly overbearing mass when view from, or significant loss of light to, the rear garden area of that property.
93. The dwelling on Plot 7 would be located close to the boundary with No. 4 Kinsey Place that has a blank side elevation beyond.
94. One parking space to Plot 7 would be located adjacent to the boundary with the garden to No. 4 Kinsey Place. This is not considered to result in an unacceptable increase in the level of noise, disturbance and pollution given that it would be screened by a boundary fence.

#### **Kinsey Place**

95. The distance between Plot 7 and the dwellings in Kinsey Place would be 26 metres that is considered satisfactory.

#### **New Dwellings**

96. The first and second floor windows in the rear elevation of the existing dwelling at No. 24 Parsonage Way are not considered to adversely affect the occupiers of the new dwellings through a loss of privacy to an unacceptable level given that they would be situated a distance of at least 25 metres to the private garden areas immediately to the rear of the dwellings.

#### **All Neighbours**

97. The loss of the hedging on the site is not considered to result in an unacceptable

loss of privacy to neighbours as the relationship has been considered without such hedging.

98. A condition would be attached to any consent to control the hours of use of power operated machinery, noisy works and construction related deliveries to safeguard the amenities of neighbours.
99. The windows to the front elevation of Plot 1 would be located a distance of 40 metres and a very oblique angle and screened to some extent from the play area to the front of Cathodean Centre. This relationship is considered acceptable.
100. The proposal would therefore comply with Policy DP/3 of the LDF.

### **Trees/ Landscaping**

101. The site comprises Cedar and Pine trees close to the southern boundary that are protected by a Tree Preservation Order and a hedge along the southern boundary with Horseheath Road. There is also a Beech tree outside of the site but close to the northern boundary that is protected by a Tree Preservation Order.
102. The proposal would result in the retention and protection of these important landscape features that contribute to the visual amenity of the area. Although the buildings would not encroach into the Root Protection Areas of the trees, some works such as the road and hard surface would be very close to the edge of the Root Protection Areas. Whilst the hard surfaces are acceptable as they would be of limited depth construction, a condition is required to be attached to any consent agree a detailed Arboricultural Method Statement and Tree Protection Strategy.
103. The revised design of Plot 7 would result in the building being sited approximately 9 metres from the edge of the canopy of the Beech tree subject to a Tree Preservation Order and is not considered to have a greater impact upon the tree.
104. The birch trees proposed along the northern boundary of the site are not agreed at this time as any landscaping would need to be agreed through a condition of any consent.
105. The proposal would therefore comply with Policy NE/6 of the LDF.

### **Biodiversity**

106. The existing existing dwelling on the site has been subject to an initial survey and evening emergence surveys to determine whether it provides a wildlife habitat for bats or birds.
107. Some droppings of long eared bats were found within the roofspace of the house that confirms the building is used by bats. However, no bats were found inside the building. Recordings and observations of Common Pipistrelle bats, Serotine bats and Brown long eared bats were made during the evening emergence survey but these were not considered to have emerged from the house and were likely to have been roosting elsewhere off site.
108. It is considered that the existing dwelling is used as a day roosting site and/or a night roosting site by Brown Long eared bats. The demolition of the dwelling may result in the disturbance of bats and the loss of a roosting site. Therefore, appropriate bat mitigation and compensation measures are required to ensure that the proposal

would not result in the loss of any important wildlife habitats.

109. The report recommends that a bat license is obtained as bats are protected by law. In addition, immediately prior to the demolition of the building, a licensed ecologist must inspect the roof space of the building for the presence of bats. A soft demolition should take place with a licensed ecologist present. The new development should provide replacement bat roosting sites by leaving small gaps under ridge or hip tiles on the new buildings and through the incorporation of bat boxes to the buildings.
110. A starling nest was found within the south east end of the existing dwelling and several shrubs and trees on the site were noted as suitable nesting habitats.
111. The report recommends that to avoid disturbance to nesting birds, a check should be made for the presence of any nesting birds. If these are found, the demolition of the dwelling and any works to remove vegetation should not be carried out during the bird nesting season March to August (inclusive).
112. The new development should incorporate bird boxes to compensate for the loss of the existing nesting site.
113. The mitigation of the lost habitats and ecological enhancement measures would be subject to a condition of any consent.
114. The development would therefore comply with Policy NE/6 of the LDF.

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

115. The proposal would result in an increase in traffic generation. However, this is not considered adversely affect the capacity and functioning of the public highway and be detrimental to highway safety.
116. The design of the access is acceptable and would accord with Local Highways Authority standards in terms of its width and visibility splays.
117. Conditions would be attached to any consent to ensure that the access is constructed from bound material and falls away from the highway to ensure that it would Local Highway Authority standards.
118. The development is not considered to obstruct the visibility splay for vehicles that exit the access to the car park as this is mainly on highway land.
119. A condition is not considered necessary in relation to the adoption of the road as this is a highway matter.
120. There is no requirement for refuse vehicles to turn on site as a bin collection point has been provided close to Horseheath Road so they do not have to enter the development.
121. The width of the road would measure 5 metres and be able to accommodate emergency vehicles.
122. Two parking spaces would be provided for each dwelling that has three or more bedrooms although it should be noted that one spaces for Plots 5 and 6 would be allocated parking opposite rather than on-site. One parking space would be provided for each two bedroom dwelling. Two visitor parking spaces would be provided. This

would result in a total of 13 parking spaces for 7 dwellings. This is considered satisfactory as the District Council's parking standards require an average of 1.5 spaces per dwelling and 0.25 visitor spaces per dwelling.

123. One secure and undercover cycle parking space within a garden shed would be provided for each dwelling in accordance with the cycle parking standards.
124. The proposal is therefore considered to comply with Policies DP/3 and TR/2 of the LDF.

### **Flood Risk**

125. The site is situated within Flood Zone 1 (low risk). The scheme proposes discharge of surface water via infiltration methods such as soakaways and an acco drain. This is considered acceptable and would not increase the risk of flooding to the site and surrounding area providing a condition is attached to any consent to agree precise details.
126. The development would therefore accord with Policy NE/11 of the LDF.

### **Other Matters**

127. The site is located 140 metres from the boundary of the conservation area and 60 metres from the nearest listed building at No. 150 High Street. The development is not considered to result in a visually dominant development that would harm the setting of these heritage assets given the proximity of existing modern development, screening and distances. The proposal would therefore accord with Policies CH/4 and CH/5 of the LDF.
128. A condition has been requested in relation to an investigation into contamination. However, previous comments in relation to application S/3184/17/FL did not require a condition in relation to an investigation but only for remediation for any contamination found on site during the development. An investigation is not considered necessary given the existing residential use of the site but a condition would be attached to any consent in relation to contamination found during development.
129. A condition would be attached to any consent in relation to surface water and foul drainage to ensure that an appropriate method is agreed.

### **Conclusion**

130. Having regard to applicable national and local planning policies, the recent Court of Appeal decision and having taken all relevant material considerations into account, it is recommended that planning permission should be granted in this instance.

### **Recommendation**

131. Approval subject to:  
  
Conditions and Informatives
132. 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:

i) 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.)

ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 1859/02 (Location Plan), 1859/31 Revision B (Site Plan), 1859/20 (Plot 1 only), 1859/21 (Plots 2, 3 & 4), 1859/22 Revision A (Plots 5 & 6) and 1859/23 (Plot 7).

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

iii) Before any works on site commence a detailed Arboricultural Method Statement and Tree Protection Strategy shall be submitted to and approved in writing by the Local Authority, including details of timing of events, protective fencing and ground protection measures. This should comply with BS5837. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.

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

iv) No development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

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

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

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

vi) All ecological measures and/or works shall be carried out in accordance with the details contained in section 8 of the Protected Species and Bat Survey (Chris Vine, July 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

(Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981.)

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

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

viii) Prior to the first occupation of the development, vehicular visibility splays shall be provided each side of the vehicular access in full accordance with the details shown on drawing number 1859/31 Revision B. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

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

ix) The proposed access shall be constructed so that it falls and levels are such that no private water from the site drains across or onto the adopted public highway.

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

x) The proposed access shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

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

xi) 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.

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

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

xii) The vehicle parking and turning spaces shown on drawing number 1859/31 Revision B shall be provided prior to the occupation of any part of the development and thereafter retained.

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

xiii) The development hereby permitted shall not be occupied until detailed drawings of the cycle stores have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

xiv) No development shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The National Planning Policy Framework, associated Planning Policy Guidance and the Non statutory technical standards for sustainable drainage systems. The results of the assessment provided to the local planning authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 40% allowance for climate change. The submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and 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.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

xv) The development hereby permitted shall not 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.

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

xvi) If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of 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).

xvii) No site or plant machinery shall be operated and no construction related deliveries taken or dispatched from the site except between 0800 hours and 1800

hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

xvi) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A and B of Part 1 of Schedule 2 of the Order shall take place on all plots unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - To safeguard the amenities of neighbours in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

### **Informatives**

- i) 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 Local Highway Authority for such works.
- ii) There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
- iii) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.
- iv) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
- v) Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working.

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/0793/18/FL, S/3184/17/FL, S/0623/16/OL, S/2019/15/OL, S/2504/14/OL and S/2112/07/F

**Report Author:**

Karen Pell-Coggins  
Telephone Number:

Senior Planning Officer  
01954 713230

- Appendix 1 Linton Parish Council Comments (most recent comments)
- Appendix 2 Linton Parish Council Comments ( revised plan comments)
- Appendix 3 Linton Parish Council Comments ( original comments)
- Appendix 4 Comments from 24 Parsonage Way
- Appendix 5and 6 Representations on behalf on 24 Parsonage Way.

S/0793/18/FL- Mr Jones, Domus CB3 Developments Ltd, 1 Horseheath Road, Linton – Amendment, accurate scale drawing of site sections for the demolition of existing dwelling and construction of 7 dwellings. **For information.**

**LPC Comments:**

- LPC received this following the decision from the SCDC Planning Committee regarding this application. Although this amendment is drawn to the correct scale, this was not the version which was considered at the planning meeting. On the plans considered, the vertical and horizontal scales differed and were inaccurate, which should invalidate the decision. If the committee were not provided the correct information at the point of decision then the decision should be revisited. However, when this is returned to the committee for consideration, LPC would like to request that the below comments be taken into consideration:
- The section given of 24 Parsonage Way is incorrect and does not include the kitchen diner accurately.
- Although this plan is to scale, it is still misleading as it gives an inaccurate presentation of the fence relative to positions of the new properties, and to the fences and conservatory of 24 Parsonage Way.
- The amended plans as now represented in this section, now show how high above the current ground level this development will be. In particular, it will be dominant on the skyline and visible from the Special Conservation Area.
- LPC request previous comments are taken into account for this application and respectfully request that this is revisited.

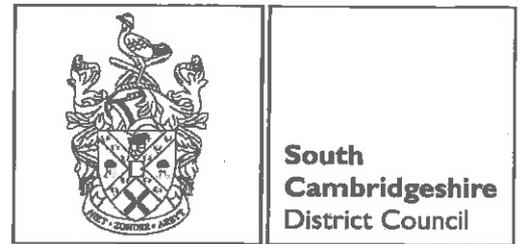
**LPC Comments from May 2018**

- The measurement for the 25 metre amenity zone has been measured from the wrong centre point and is placed incorrectly. This affects the whole application and if this was corrected to be compliant with legislation, would require an adjustment of the application as a whole.
- The measurement appears to have been taken from the conservatory of the nearest house in Parsonage Way and not from the nearest window/south wall of the house.
- The distance from the current Sorley House to Parsonage Way, and its height could be used to compare and visualise the effect of the proposed housing.
- LPC welcome this site being developed as it is an underused site within the village envelope and would be a prime site for infill housing.
- LPC noted regret of the loss of the bungalows and affordable housing, which are needed in the village.
- LPC would request a condition that there would be no dormer windows to be added to the back of the properties at a later date, to prevent overlooking.
- Conditioning is required for the preservation of boundary hedges and the Cedar and 5-needle Pine, which are protected under TPOs. Concerns also raised regarding the Beech Tree on Kinsey Place, also with a TPO, following change of design of plot 7.
- Further information has been requested from SCDC by the Tree Warden and once this information is received, comments will be forwarded by the Tree Warden.
- Birch trees have already been planted along the northern boundary, in close proximity to a structural wall. Concerns are raised regarding the long-term safety and loss of light to the neighbour.
- There will be a loss of hedging on the north of the site leading to a loss of privacy to neighbours in Parsonage Way
- There were concerns raised relating to the close proximity of the car parking spaces to the trees. Any work on these must be discussed with the Tree Warden.

- Topography - In the revised layout the ridgeline appears to be 4 metres higher than that of the original property of this location. This change in site plan has thereby moved the ridgeline of the roof up the rising ground to such a position that it is more overbearing on the neighbouring properties. This will also make the development dominant on the skyline as seen from the Outstanding Conservation Area and nearby listed properties.
- The footprints of all the houses in the amendment appear to have been increased by a considerable amount.
- This increase in the footprint and movement of the houses towards the north has brought the properties inside the 25 metre amenity zone for all the neighbouring properties, including those in Kinsey Place.
- There are still concerns that plot 1 will cause overshadowing to the Cathodeon Centre and may affect the privacy of the Playground, used by the playgroup and the public.
- With regards to Plots 5 and 6, It is noted by LPC that the measurements to the 25 metres amenity zone to the nearest property has been measured from the conservatory and not from the closest point In light of this LPC request this is reviewed and the circle of influence is checked and redrawn from the closest point of the properties on Parsonage Way and those in Kinsey Place
- There are concerns that in future plot 6's car port will become incorporated into the property with the loss of a parking space
- Plot 7 is substantially larger in footprint and is unacceptable close to housing in Kinsey Place.
- Plot 7 has a potential to overlook several houses in Kinsey Place, particularly when the trees are out of leaf.
- The turning head appears much smaller and there would be concern for access and turning of emergency and delivery vehicles. It now appears to be part of the parking for plot 7.
- There is insufficient parking for plot 7 and for the whole development.
- Surface water drainage has not been adequately addressed and without a correct and suitable SuDS scheme, water will come down the steep hill, down the slip road and onto Horseheath Road.
- There are concerns regarding the long-term management of the trees, hedging and SuDS.

**LPC Decision: Object and request this is referred to SDCD full Planning Committee**

South Cambridgeshire Hall  
 Cambourne Business Park  
 Cambourne  
 Cambridge,  
 CB23 6EA  
 www.scambs.gov.uk  
 0345 045 5215



RECEIVED  
 15/05/18

Kathryn Wiseman,  
 Linton Parish Council Clerk  
 Village Hall  
 15, Coles Lane  
 Linton  
 Cambridge  
 Cambridgeshire  
 CB21 4JS

RECEIVED  
 South Cambridgeshire  
 Planning Services  
 29 MAY 2018

Planning and New Communities  
 Contact: Karen Pell-Coggins  
 Direct Dial: 01954 713230  
 Direct Email: karen.pell-coggins@scambs.gov.uk  
 Our Ref: S/0793/18/FL  
 Date: 11 May 2018

Dear Sir/Madam

**Proposal:** Demolition of existing dwelling and construction of 7 dwellings  
**Application Ref:** S/0793/18/FL  
**Location:** 1, Horseheath Road, Linton, Cambridge, Cambridgeshire, CB21 4LU  
**Applicant:** Tim Jones, Domus CB3 Developments LLP

The above planning application has been amended. A copy of the revised plans is attached.

**Revised layout and revised design of Plots 5, 6 and 7.**

Any comments that your Parish Council wishes to make should be made on this form and returned to the above address not later than 14 days from the date of this letter. (You should note that at the expiry of this period the District Council may determine the application.)

Comments of the Parish Council:

**Recommendation of the Parish Council:- (please tick one box only)**

Approve		Refuse	<input checked="" type="checkbox"/>	No Objections	
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Signed:  Date: 24/05/18  
 Clerk of the Parish Council or Chairman of the Parish Meeting

**EXPLANATION OF APPLICATION SUFFIX**

- |    |                           |    |  |
|----|---------------------------|----|--|
| OL | Outline                   | LD | Lawful Development Certificate                       |
| FL | Full                      | PA | Prior Notification of Agricultural Development       |
| RM | Reserved Matters          | PD | Prior Notification of Demolition Works               |
| LB | Listed Building Consent   | PT | Prior Notification of Telecommunications Development |
| CA | Conservation Area Consent | HZ | Hazardous Substance Consent                          |
| AD | Advertisement Consent     | VC | Variation or Removal of Condition                    |
|    |                           | DC | Discharge of Condition                               |

S/0793/18/FL – Tim Jones, Domus CB3 Developments LLP, 1 Horseheath Road, Linton – Amendment – Revised layout and revised design of Plots 5, 6 and 7.

**LPC Comments:**

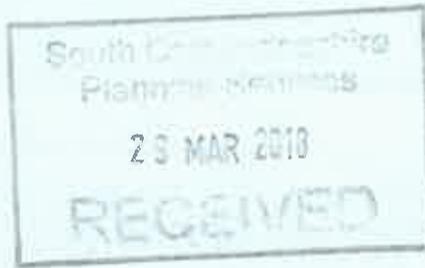
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- The measurement appears to have been taken from the conservatory of the nearest house in Parsonage Way and not from the nearest window/south wall of the house.
- The distance from the current Borley House to Parsonage Way, and its height could be used to compare and visualise the effect of the proposed housing.
- LPC welcome this site being developed as it is an underused site within the village envelope and would be a prime site for infill housing.
- LPC noted regret of the loss of the bungalows and affordable housing, which are needed in the village.
- LPC would request a condition that there would be no dormer windows to be added to the back of the properties at a later date, to prevent overlooking.
- Conditioning is required for the preservation of boundary hedges and the Cedar and 5-needle Pine, which are protected under TPOs. Concerns also raised regarding the Beech Tree on Kinsey Place, also with a TPO, following change of design of plot 7.
- Further information has been requested from SCDC by the Tree Warden and once this information is received, comments will be forwarded by the Tree Warden.
- Birch trees have already been planted along the northern boundary, in close proximity to a structural wall. Concerns are raised regarding the long-term safety and loss of light to the neighbour.
- There will be a loss of hedging on the north of the site leading to a loss of privacy to neighbours in Parsonage Way
- There were concerns raised relating to the close proximity of the car parking spaces to the trees. Any work on these must be discussed with the Tree Warden.
- Topography – In the revised layout the ridgeline appears to be 4 metres higher than that of the original property of this location. This change in site plan has thereby moved the ridgeline of the roof up the rising ground to such a position that it is more overbearing on the neighbouring properties. This will also make the development dominant on the skyline as seen from the Outstanding Conservation Area and nearby listed properties.
- The footprints of all the houses in the amendment appear to have been increased by a considerable amount.
- This increase in the footprint and movement of the houses towards the north has brought the properties inside the 25 metre amenity zone for all the neighbouring properties, including those in Kinsey Place.
- There are still concerns that plot 1 will cause overshadowing to the Cathodeon Centre and may affect the privacy of the Playground, used by the playgroup and the public.
- With regards to Plots 5 and 6, It is noted by LPC that the measurements to the 25 metres amenity zone to the nearest property has been measured from the conservatory and not from the closest point In light of this LPC request this is reviewed and the circle of influence is checked and redrawn from the closest point of the properties on Parsonage Way and those in Kinsey Place

- **There are concerns that in future plot 6's car port will become incorporated into the property with the loss of a parking space**
- **Plot 7 is substantially larger in footprint and is unacceptable close to housing in Kinsey Place.**
- **Plot 7 has a potential to overlook several houses in Kinsey Place, particularly when the trees are out of leaf.**
- **The turning head appears much smaller and there would be concern for access and turning of emergency and delivery vehicles. It now appears to be part of the parking for plot 7.**
- **There is insufficient parking for plot 7 and for the whole development.**
- **Surface water drainage has not been adequately addressed and without a correct and suitable SuDS scheme, water will come down the steep hill, down the slip road and onto Horseheath Road.**
- **There are concerns regarding the long-term management of the trees, hedging and SuDS.**

**LPC Decision: Object and request this is referred to SCDC full Planning Committee**

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South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge,  
CB23 6EA  
[www.scambs.gov.uk](http://www.scambs.gov.uk)  
0345 045 5215



South  
Cambridgeshire  
District Council

Kathryn Wiseman,  
Linton Parish Council Clerk  
Village Hall  
15, Coles Lane  
Linton  
Cambridge  
CB21 4JS

Planning and New Communities  
Contact: Karen Pell-Coggins  
Tel: 03450455215  
Email: [planningcomments@scamba.gov.uk](mailto:planningcomments@scamba.gov.uk)  
Our Ref: S/0793/18/FL  
Your Ref:  
Date 07 March 2018

*This letter (with no plans attached) has been emailed to the Parish Council prior to sending out in the post, and for information, to the Ward Members*

Dear Sir/Madam

**Proposal:** Demolition of existing dwelling and construction of 7 dwellings  
**Application Ref:** S/0793/18/FL  
**Location:** 1, Horseheath Road, Linton, Cambridge, Cambridgeshire, CB21 4LU  
**Applicant:** Tim Jones, Domus CB3 Developments LLP

Attached is a copy of the above application for your retention.

We welcome any comments your Parish Council wishes to make, but would ask that they are made using either the online web form available, or on the form below and returned no later than 21 days from the date of this letter. After the expiry of this period, the District Council may determine the application without receipt of your comments.

Below is a link for your convenience to view all copies of documents, plans and forms in respect of the above proposal. As the website updates overnight, these will be available to view the following day from the date of this letter. Please note your comments will be placed on the website.

<https://www.scambs.gov.uk/services/planning-applications>

Should the Parish Council wish to request that the application be considered by the District Council's Planning Committee, please state the material considerations and planning reasons. Examples of material considerations can be found below. The Chairman of the District Council Planning Committee will respond to all reasonable requests.

#### EXPLANATION OF APPLICATION SUFFIX

OL	Outline	LD	Lawful Development Certificate
FL	Full	PA	Prior Notification of Agricultural Development
RM	Reserved Matters	PD	Prior Notification of Demolition Works
LB	Listed Building Consent	PT	Prior Notification of Telecommunications Development
CA	Conservation Area Consent	HZ	Hazardous Substance Consent
AD	Advertisement Consent	DC	Discharge of Conditions
VC	Variation or Removal of Condition		

The Parish Council: - (Please delete appropriately)

Supports

Objects

Has no recommendation

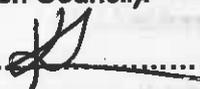
Comments:

PLEASE SEE ATTACHED

The Parish Council *does/does-not*\* request that the application be referred to the District Council Planning Committee \*(please delete)

Planning reasons:

Note: Where a Parish Councils requests that an application is determined by Planning Committee there is real value and importance in Parish Council representatives attending Planning Committee to support their comments. Please note that the Parish Council can be represented at Planning Committee by any of it Councillors or the Parish Clerk (with the approval of their Parish Council).

Signed.....  ..... Date... 27/03/18 .

Clerk to the Parish Council or ~~Chairman of the Parish Meeting~~

**Guidance:**

What are Material Considerations?

A material consideration is a matter that should be taken into account in deciding a planning application or appeal against a planning decision.

Examples of material considerations can include (but are not limited to).

- Overlooking /loss of privacy
- Loss of light/overshadowing
- Highway Safety
- Traffic

**EXPLANATION OF APPLICATION SUFFIX**

OL	Outline	LD	Lawful Development Certificate
FL	Full	PA	Prior Notification of Agricultural Development
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VC	Variation or Removal of Condition		

S/0793/18/FL – Mr Jones, Domus CB3 Developments LLP, 1 Horseheath Road, Linton – Demolition of existing dwelling and construction of 7 dwellings.

**LPC Comments:**

- LPC welcome this site being developed as it is an underused site within the village envelope and would be a prime site for infill housing.
- LPC noted regret of the loss of the bungalows and affordable housing, which are needed in the village.
- LPC were pleased that care was being taken for the protection of the trees
- LPC would request a condition that there would be no dormer windows to be added to the back of the properties at a later date, to prevent overlooking.
- There were concerns raised that the birch trees already planted at the back of the site are very shallow rooted and these roots are within close proximity to a structural wall of the properties in Parsonage Way. Concerns were raised regarding the height that birch trees can grow to.
- There were concerns relating to the close proximity of the car parking spaces to the trees. Any work on these must first be discussed with the Tree Warden.
- A permeable surface for these spaces and the road was requested by LPC to help protect against surface water flooding.
- There was concern that emergency vehicles might not be able to gain access to the site.
- Concerns relating to the rear of the development overlooking the houses on Parsonage Way, as it was raised that there is still less than the stated 25metre gap between the new properties and that of the windows of some of the properties in Parsonage Way.

It was decided by the Committee that they would allow Cllr Kell to speak in relation to this application however she was not able to vote due to her declaration of a prejudicial interest. Councillor Kell noted that she felt the developers had worked hard to address the original issues. However there is still a concern over changing the design of the buildings, as from the nearest window to the south wall of her house, is less than 25m. She advised that her measurements on the plan have been taken from the conservatory. Cllr Kell also raised concerns regarding the potential noise and air pollution from the parking spaces, which will impact particularly upon the resident of 4 Kingsley Place due to their close proximity.

**LPC Decision:** No recommendations. Request this is referred to SCDC full Planning Committee and request a site visit from the officers.



I have been advised to write to you to regarding my serious concerns about the handling of S/0793/18/FL.

In brief, my concerns are:

1. The Planning Officer told me over the phone that she would be recommending approval of this application in the afternoon on 24th May, prior to the deadline for receipt of comments regarding the amendment to the application. I had just uploaded my comments to the amendment on to the planning portal when she called and she had not seen them at this time.
2. Following my conversation with Karen, and at her recommendation, I emailed my comments directly to Jane Green, then to Julie Ayre as I received an out of office notification from Jane, and finally to Stephen Kelly (following another out of office notification) on 24th May asking them to look again at the application and the recommendation to approve it. I can forward these emails to you if you would like? I have had no response from any of them to date, although I am aware that Julie was away on holiday until 4th June according to her out of office notification.
3. Inconsistency in the application of the 25m minimum amenity in this application which has been consistently applied in all other applications on this site (S/2019/15/OL, S/0623/16/OL and S/3184/17/FL). This is a material consideration under DP/3. Please reference specifically the wording in Katie Christodoulides report on 'Residential Amenity' for the approved outline plan S/0623/16/OL. The planning policies all have a statement that reads "this document must be read in conjunction with any design Supplementary Planning Document adopted by the District Council, which will be used in decisions on planning applications"  
The District Design Guide is one of these adopted documents and the requirements to prevent overlooking and ensure privacy run through a number of the statements from 6.67 onward.
4. The planning officer failed to notice that the amended section view supplied by the applicant was not to scale. This section had clearly been provided to demonstrate the overall appearance of the development and its relation to our property. The officers decision to approve the application was made prior to my objection addendum sent to the planning portal on 30th May (and directly to Karen on 3rd June) so she cannot have considered the overlooking and privacy issues in detail. The corrected section is still deceptive and does not accurately show the lack of privacy that we will incur as a result of this development as detailed in my addendum.
5. My comments (including the 2 documents referred to above) detailing our strong material objections were not uploaded to the planning portal until between 10:30pm on 5th June and 5:30am on 6th June so none of the Councillors would have had time to consider them. By comparison, the updated cross section from the applicant stamped as received on 4th June was on the portal by 5th June.  
My comments sent on 29th May with no attachment because I forgot to attach the addendum (sorry) have not appeared on the portal at all.

They read, "Please see the attached document regarding the section view provided by the applicant. In addition, we have just read the district design guide and have concerns regarding the 30m amenity radius that applies to 3 storey dwellings. We are also a 3 storey dwelling with 6 clear velux windows all below 1.7m from the floor. These windows will overlook all the gardens, especially those to plots 2-6 inclusive. A 30m radius from these windows will look straight into the skylights and ground floor of plots 2, 3 and 4 and into the ground floor of plots 5 and 6. Even a 25m radius from the easternmost window will overlook the ground floors of plots 4, 5 and 6 directly. It will be exceedingly difficult to achieve a private garden space in any of the plots because the areas of garden that are not overlooked by us (directly under the fence) will be overlooked by their immediate neighbours."

The portal would not let me attach the document on 29th May, so I re-sent it on 30th.

6. Our concerns and demonstration of the total loss of privacy in our garden, conservatory and dining area do not appear to have been explored by the planning officer or reported to the committee following receipt of the section plans provided on 30th May. Again, these were in my addendum document not uploaded to the planning portal until the early hours of 6th June, so could not have been seen by the Councillors making the decision. Even with the minimum 25m amenity, our conservatory will be overlooked with a direct line of sight from the first floor windows of plots 2, 3 and 4. Considering that you can't get a driving license unless you can read a number plate with characters 8cm high from a distance of 20m, the actions of 1.6m+ humans will be very obvious. This is probably why the word "minimum" has been used in the design guidance.

7. Paragraph 86 of the Planning Officer's report is factually incorrect. Plot 7 directly overlooks the final 7.5m of our garden and is sited 10.5m from it, not 13m as stated. These are both well within the suggested 15m in the District Design Guide.

We understand that the approval of the outline plan for 7 dwellings is a material consideration. However, neighbour amenity has been a consistent reason for the refusal of plans on this site to date. The overlooking from our home to the new development is severe. The resultant loss of privacy to our home from this development is also severe and both are contrary to Article 8 of the Human Rights Act which states that a person has the substantive right to respect for their private and family life. Article 1 also states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. The reason for the lack of amenity in this plan compared with the approved outline is the substantial increase in the combined footprint of the plots. This does not appear to have been considered at all.

Dear Stephen,

**Planning Application S/0793/18/FL.**

Further to our telephone discussion this morning I am writing as indicated to set out the issues that arise as result of my consideration of this application and the manner in which it has been determined by the Council. I am instructed by Katherine Kell in respect of this matter and I have seen a copy of her letter to you. You have yet to respond to that letter.

As indicated to you my clients have instructed me to advise as to an application for judicial review. This letter is not a Pre-Action Protocol Letter but does give an indication as to the matters that would be included in such a letter. I have taken the view that we do not need to go down that route at present as I am simply requesting that the Council re-considers the matter in light of the contents of this letter and the further representations that will follow in the next few days. My clients have commissioned a review of the application and decisions affecting this site by planning consultants and the results of such a review will follow either tomorrow or Monday. They should be read in conjunction with this letter.

During our telephone conversation you agreed that you would speak to the planning officer and ask that the decision not be issued until such time as the Council, has considered the contents of this letter and the further report from the planning consultants. I await to hear from you as to your discussions with the planning officer but it would obviously be in all parties interest from a financial point of view if a judicial review could be avoided.

**Consistency of Decisions**

The principal issue that arises in this matter is that of consistency. The starting point in considering this issue is the recent Court of Appeal decision in *DLA Delivery Ltd v Baroness Cumberlege of Newick and Secretary of State for Communities and Local Government* [2018] EWCA Civ 1305. In that case the Court of Appeal held that the Secretary of State was required to take account of his own decisions in an unrelated case dealing with the same issues. It further stated that no reasonable secretary of state would have failed to take reasonable steps to ensure that his own decisions in cases of the same kind, in the same district, during the same period, were consistent with each other, or that any inconsistency was clearly explained. Obviously any duty that is applied to the Secretary of State also applies to local planning authorities. I attach a Lawtel summary for your information.

In the case of the planning application about which objection is now made the Council has consistently refused any application within the 25 metre zone derived from its adopted policy. This is obvious from the reasons for refusal as set out in the face of the decision notices. Quite simply the Council has failed to properly apply the principle of consistency or its adopted policy that it has used to refuse similar applications on the same site. In the absence of a detailed explanation, which would need to have been contained in a committee report, the Council has erred in law. On this basis the decision would be quashed on a judicial review

application and the council would not be able to argue that the decision would be the same in order to avoid a quashing order as patently the decision would not necessarily be the same. Indeed, it is a reasonable to conclude that the decision would be completely different.

### **Procedural Issues**

The second issue relates to process. As set out in my clients letter to you there are numerous issues surrounding the handling of this application. You indicated that my clients had been able to address the committee and thus resolve many of the issues. With respect that is incorrect and would withstand scrutiny by the Courts. My client raised a number of detailed technical points at the Committee. These had not been considered in detail by the officers and they had not commented to the required level of detail. Once the issues had been raised the proper course of action would have been for the committee to have deferred the decision to enable the officers to fully and properly consider the detailed points and then report back with a considered view as to how those points impacted on the recommendation to committee. A decision cannot safely stand when it is based on incorrect sectional drawings, incorrect factual statements as to the closeness of the proposed properties and the extent of overlooking. The difference between 10.5 meters and 13 metres in the context of this application is very significant given we are talking about overlooking and its impact on amenity not only for our clients but any prospective occupants of the proposed properties. It is also a significant breach of the council's policy.

### **Next Steps**

As discussed during our telephone conversation the request on behalf of my clients is simple. What the Council is requested to do is to refrain from issuing the decision notice in accordance with the current resolution of the committee, report the matter back to the next available committee explaining the issues that we have raised above and the further representations that will follow shortly. It will obviously be for the officers to consider the recommendation to be made but in light of the case law and procedural issues raised above it is difficult to see how any decision other than refusal would be able to be justified given the consistent application of adopted policy that has prevailed on this site to date. I look forward to hearing from you as a matter of urgency with confirmation that the Council will so act so as to avoid an application for judicial review at this stage.

I reserve the right to add further issues in the event that my client is forced to pursue a judicial review.

Yours sincerely

**1 HORSEHEATH ROAD, LINTON**

**Assessment of Application S/0793/18/FL**

**28 June 2018**

**Carter Jonas**

**PLANNING REPORT**

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## Introduction

1. This report has been prepared by Carter Jonas LLP on behalf of Ms Kate Kell, in respect of application S/0793/18/FL relating to a residential development at No.1 Horseheath Road. The application was approved at South Cambridgeshire Planning Committee in June 2018.
2. Our client, who resides at an adjacent property, 24 Parsonage Way, has grave concerns over the way the application has been handled and is considering making an application for a judicial review of the decision taken by the Council at a recent Planning Committee meeting. It is our view that the application has not been processed fairly and that the decision reached is inconsistent with South Cambridgeshire's local planning policies and related design guidance. This is explored further below.

## The Site

3. The 0.28ha site is to the north of Horseheath Road in the centre of Linton. The site currently comprises a detached two-storey dwelling on a large plot. It is bounded to the north by Nos. 24 Parsonage Way (under the ownership of Ms Kell) and 33 Parsonage Way; to the east by residential dwellings off Kinsey Place; to the south by Horseheath Road and further residential development; and to the west by Linton Library and Community Centre.
4. No.24 Parsonage Way is situated immediately to the north of the application site. South-facing rooms with windows onto the application site comprise a ground floor conservatory and kitchen diner, with first floor bedroom and frosted bathroom window.
5. The existing dwelling of No.1 Horseheath Road is situated between 19m and 27.5m from the rear boundary of No.24 Parsonage Way. However, due to the oblique angle of the existing dwelling in relation to No.24, first floor windows do not directly face No.24 Parsonage Way and the impact of overlooking is currently fairly limited. This impact is further reduced because two of the windows are frosted bathroom/toilet windows and the third is situated over the stairwell and landing. All three windows are therefore in non-habitable rooms.

**Planning History**

6. No.1 Horseheath Road has been subject to a number of planning applications. This are summarised below.

Reference	Description	Decision
S/2112/07/F	Erection of 10 Sheltered Retirement Homes	Withdrawn February 2008
S/2504/14/OL	Demolition of the existing dwelling and erection of 9 dwellings	Withdrawn June 2015
S/2109/15/OL	Demolition of the existing dwelling and erection of 9 dwellings	Refused January 2016
S/0623/16/OL	Outline planning permission for demolition of the existing dwelling and erection of 7 dwellings all matters reserved except access	Approved November 2016
S/3184/17/FL	Erection of 6 market dwellings and 3 affordable housing dwellings following demolition of existing dwelling	Refused December 2017
S/0793/18/FL	Demolition of existing dwelling and construction of 7 dwellings	Approved June 2018

7. The more relevant applications are explored below.

**Application S/2109/15/OL**

8. This application for 9 dwellings was refused in January 2016.

9. The proposed site plan showed 4 pairs of semi-detached dwellings and a single detached dwelling. Three of the pairs of semi-detached dwellings were arranged linearly across the centre of the site, with a detached and pair of semi-detached dwellings to the south (see figure 1 below).



Figure 1: Proposed Site Plan for S/2109/15/OL

10. The decision notice stated: *“The proposal would result in overdevelopment of the site by virtue of the applicant’s failure to demonstrate that nine dwellings would not result in harm to the amenity of adjoining neighbouring properties. The proposal would therefore be contrary to Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Core Strategy DPD 2007 that states a new development should preserve or enhance the character of the local area and planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.”*
11. Other matters such as the principle of development and impact on highways, landscape and protected trees were all found to be acceptable. Accordingly it was the impact on the amenity of surrounding housing which was found to be the critical factor in refusal.

**Application S/0623/16/OL**

12. This application for 7 dwellings was approved in November 2016, and is the outline application to which the latest application S/0793/18/FL relates.
13. The proposed site plan, which was indicative, showed the detached and semi-detached dwellings arranged in a staggered pattern diagonally across the site (Figure 2 below). The plan included distances

measured accurately from the conservatory and south east corner of 24 Parsonage Way, ensuring all windows to habitable rooms have a minimum 25m amenity.



Figure 2: Proposed Site Plan for S/0623/16/OL

14. In their determination of the application, the officer wrote the following in relation to residential amenity in the committee report:

15. *“The indicative site plan submitted with this application indicates the development layout in relation to neighbouring residential dwelling at No.24 Parsonage Way would be set 25 metres from this neighbouring dwelling to the rear. The District Design Guide requires a minimum distance of 25 metres is provided between rear or side building faces containing habitable rooms. The proposed layout now illustrates that 25 metres is provided between the rear of housing 1-5 and the neighbouring property at No.24 Parsonage Way.*

16. *“Proposed houses 6 & 7 as shown on the illustrative site plan would be sited less than 25 metres from the side elevation of No.33 Parsonage Way and garden of No.31 Parsonage Way. The side gable within No.33 Parsonage Way has no side elevation windows which face the site, with the garden area of No.31 Parsonage Way wrapping around and being sited adjacent to the common boundary with the site. The illustrative site plan shows that proposed houses 6 and 7 would be sited between 15 metres from the common boundary. ...*

17. "Given the previous reason for refusal, the proposal has demonstrated that the proposed 7 dwellings would be capable on the site without resulting in harm to the amenity of adjoining neighbouring properties."

**Application S/3184/17/FL**

18. Following the approval of application S/0623/16/OL, the site was sold and a revised outline application for 9 dwellings was submitted. This was refused in December 2017.

19. The proposed site plan showed 6 detached houses arranged in a staggered pattern along the centre of the site, with a further detached and pair of semi-detached dwellings to the south of the site. The rear facades of plots 1, 2, 3, 4 and 5 were all between 17 and 23m from the dining window of No.24 Parsonage Way.

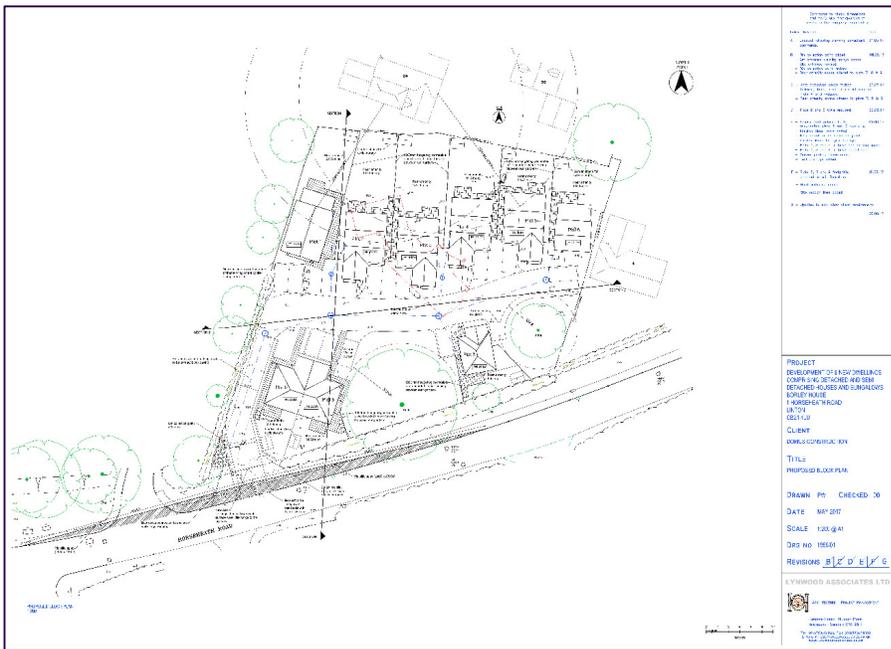


Figure 3: Proposed Site Plan for S/3184/17/FL

20. The Committee Report commented: "... The existing dwelling at No.24 Parsonage Way is considered to result in overlooking and a loss of privacy to the gardens of the new dwellings on Plots 1 and 2. The first floor bedroom window and second floor bedroom and family room roof lights in the rear (south) elevation would be situated just 9m from the rear part of the garden and 20 metres from the main sitting

*out area to the rear of the dwelling. This relationship was the same as on the indicative plan of the previously refused application and is not considered acceptable.”*

21. It should also be noted that distances of 23-24m were provided from the dining room windows of Plots 1 and 2 to the first floor bedroom windows of No.24 Parsonage Way. This was considered unacceptable.
22. The proposal scheme was also deemed to harm the character of the area by being unduly cramped, and providing inadequate amenities to two of the proposed dwellings.
23. The decision notice confirmed this by stating: *“The existing dwelling at No. 24 Parsonage Way, by virtue of the position of the first floor bedroom window in the rear elevation, is considered to adversely affect the amenities of the future occupiers of the dwelling on Plots 1 and 2 through a loss of privacy. The proposal is therefore contrary to Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.”*

#### **Application S/0793/18/FL**

24. The application allowed for “Demolition of existing dwelling and construction of 7 dwellings.” It was submitted to South Cambridgeshire District Council in February 2018.
25. The application scheme comprises 7 dwellings, laid out as two detached homes (plots 1 and 7), a terrace (plots 2-4) and a pair of semi-detached dwellings (plots 5 and 6). They are arranged roughly north-south off a single access drive linking with Horseheath Road to the south, and rear gardens to the north.
26. The application was recommended for approval by the case officer and went before South Cambridgeshire Planning Committee on 6<sup>th</sup> June, where it was approved.

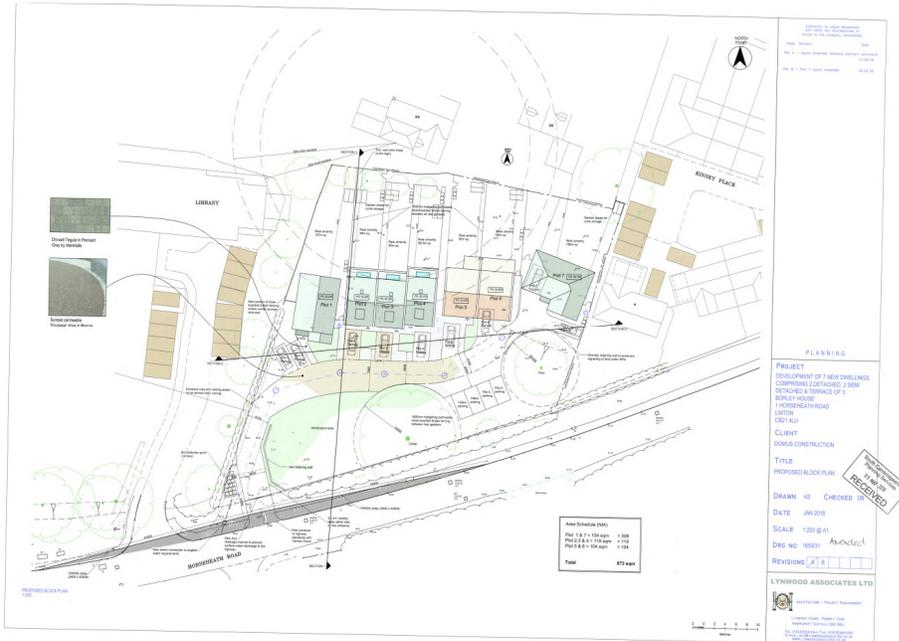


Figure 4: Proposed Site Plan for S/0793/18/FL

27. The committee report noted in relation to residential amenity (paragraphs 85 to 88): “The development is not considered to result in an unduly overbearing mass when viewed from or a loss of light or privacy to the dwelling and garden of the neighbour at No. 24 Parsonage Way.
28. “The dwellings would be orientated to the south and be sited at least 13 metres off the boundary with that property. This relationship is considered satisfactory given that it meets the advice set out in the District Design Guide SPD for window to building distances of 12 metres particular given that the neighbour is set at a higher ground level than the proposed dwellings.
29. “The first floor windows of the new dwellings would be sited 22 metres from the ground floor dining area window in the rear elevation, 25 metres from the conservatory attached to the rear elevation and 29 metres from the first floor bedroom window in the rear elevation of that property. This relationship is, on balance considered acceptable given the advice set out in the District Design Guide SPD for back-to-back distances of 25 metres between windows is a guide only.
30. “The first floor windows of the new dwellings would be sited 20.5 metres from the decked area, 20 metres from the garden area between the conservatory and boundary and 16 metres from the garden area to the side of the property. This relationship is, on balance considered acceptable given it meets the advice set out in the District Design Guide SPD for window to boundary distances of 15 metres.”

31. The committee report further stated that *“The previous planning application on the site for nine dwellings under reference S/3184/17/FL was refused on the grounds that the first and second floor windows in the rear elevation of the existing dwelling at No. 24 Parsonage Way would result in a loss of privacy to the gardens of the new dwellings and the existing trees would dominate the gardens of the new dwellings.*
32. *“The new scheme is considered to have addressed the reasons for refusal set out above. There is now a greater distance between the existing and proposed dwellings and the gardens to the dwellings are no longer sited in such close proximity to the mature trees.”*

## **Relevant Planning Policies and Guidance**

33. As can be noted from the above, the principle of development of the site is not in dispute. The determining factor in the approval or otherwise of applications S/2109/15/OL, S/0623/16/OL and S/3184/17/FL has been impact on residential amenity, both of the proposed dwellings and of the existing Nos. 24 and 33 Parsonage Way.
34. The interpretation of policies DP/2 and DP/3 of the Development Control Policies 2007, and paragraphs 6.67-6.68 of the South Cambridgeshire District Design Guide, has been critical to the acceptance or rejection of the applications listed above.

## **South Cambridgeshire Development Control Policies 2007**

### **35. Policy DP/2 – Design of New Development**

*...All new development must be of high quality design and, as appropriate to the scale and nature of the development, should:*

- a. Preserve or enhance the character of the local area;*
- b. Conserve or enhance important environmental assets of the site;*
- c. Include variety and interest within a coherent design, which is legible and provides a sense of place whilst also responding to the local context and respecting local distinctiveness;*
- d. Achieve a legible development, which includes streets, squares and other public spaces with a defined sense of enclosure and interesting vistas, skylines, focal points and landmarks, with good interrelationship between buildings, routes and spaces both within the development and with the surrounding area;*

- e. *Achieve a permeable development for all sectors of the community and all modes of transport, including links to existing footways, cycleways, bridleways, rights of way, green spaces and roads;*
- f. *Be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area;*
- g. *In the case of residential development, provide higher residential densities, and a mix of housing types including smaller homes;*
- h. *Provide high quality public spaces;*
- i. *Provide an inclusive environment that is created for people, that is and feels safe, and that has a strong community focus;*
- j. *Include high quality landscaping compatible with the scale and character of the development and its surroundings.*

**36. Policy DP/3 – Development Criteria**

*...Planning permission will not be granted where the proposed development would have an unacceptable adverse impact:*

- j. *On residential amenity;*
- k. *From traffic generated;*
- l. *On village character;*
- m. *On the countryside, and landscape character;*
- n. *From undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions or dust;*
- o. *On ecological, wildlife and archaeological interests;*
- p. *On flooding and flood risk;*
- q. *On the best and most versatile agricultural land;*
- r. *On quality of ground or surface water;*
- s. *On recreation or other community facilities.*

**South Cambridgeshire District Design Guide SPD March 2010**

**37. Privacy and Overlooking**, paragraphs 6.67 – 6.68:

*Protecting privacy and avoiding overlooking of neighbouring houses should be given high priority in any residential context and the Council is required to consider any relevant objections received from neighbours.*

*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. For two storey residential properties, a minimum distance of 25m should be provided between rear or side building faces containing habitable rooms; which should be increased to 30m, for 3 storey residential properties. Where the opposing alignment of facing windows is significantly offset, these distances may be slightly reduced. Where blank walls are proposed opposite the windows to habitable rooms, this distance can be reduced further, with a minimum of 12m between the wall and any neighbouring windows that are directly opposite.*

**Assessment**

- 38. It should be noted that application S/0793/18/FL was supported by incorrect plans and sections, and that the officer’s report contains factual inaccuracies relating to the distances between boundaries (plot 7 is only 10.5m from the boundary of No.24 Parsonage Way, below the 15m distance recommended in the Guidance).
- 39. The Design Guidance is clear that a minimum distance of 25m is required between rear elevations with habitable rooms. This principle has been applied consistently in the determination of applications S/2109/15/OL, S/0623/16/OL and S/3184/17/FL.

<b>Application</b>	<b>Distance of first floor north façade of nearest plot from conservatory or dining window of 24 Parsonage Way</b>	<b>Decision</b>
S/2109/15/OL	Plot 2 – 20.4m	Refused
S/0623/16/OL	Plot 1-5 – 25m	Approved
S/3184/17/FL	Plot 2 – 21.1m	Refused
S/0793/18/FL	Plot 5 – 21.3m	Approved

- 40. The Design Guidance is an adopted supplementary planning document and as such should be treated as part of the development plan and therefore a weighty material consideration in the determination of planning applications. The statement in the officer’s report that the measurement is a “guide only” is clearly inconsistent with the approach taken previously to development on the site, when the distance of the proposed dwellings from No.24 Parsonage Way was not considered to comply with policies DP/2 and DP/3.

## Conclusion

41. There has been clear inconsistency in the decision making process applied to planning applications at No.1 Horseheath Road. What was considered an unacceptable distance for application S/2109/15/OL was no longer considered unacceptable for application S/0793/18/FL.
42. The Council has failed to properly apply the principle of consistency or follow its adopted policies that it has used to refuse similar applications on the same site. As noted in the accompanying letter from Ashtons Legal and in a letter from Ms Kell, the Council has also failed to follow correct procedure in dealing with the application, as has been well established in case law such as R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057.
43. On this basis we believe that there is a reasonable likelihood that the decision would be quashed on an application for judicial review.





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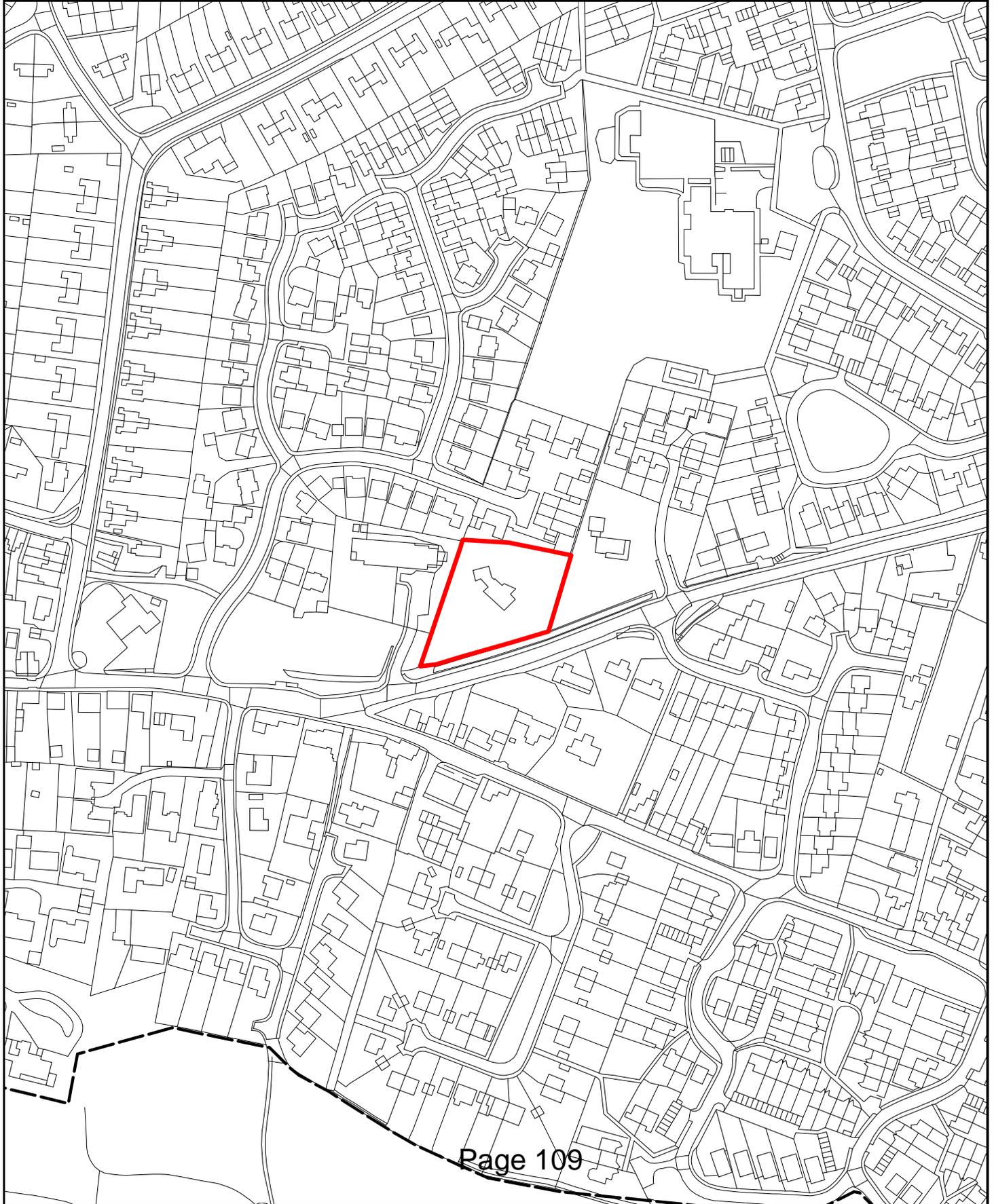
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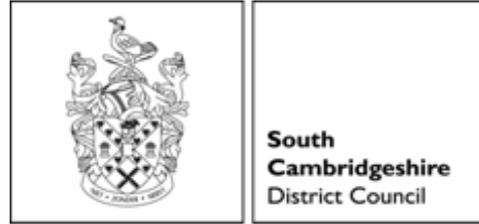
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District Council**

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# Agenda Item 8



**REPORT TO:** Planning Committee

16 August 2018

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

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## Enforcement Report

### Purpose

1. To inform Members about planning enforcement cases, as at 25 July 2018  
Summaries of recent enforcement notices are also reported, for information.

### Executive Summary

2. There are currently 101 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
4. Statistical data is contained in Appendices 1, and 2 to this report.

### Updates to significant cases

5. Updates are as follows:

(a) **Stapleford:**

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

balance it is felt that a High Court injunction, particularly given the recent successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches. Case file currently in preparation.

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

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

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

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

Application Notice has been issued in this matter and that the Hearing application for the Injunction Order to prevent breaches of planning control was heard at the Royal Courts of Justice, Strand, London on the 5<sup>th</sup> March 2018 Mr Justice Edis after hearing the application approved the Injunction and that the unauthorised activity ceases no later than 3<sup>rd</sup> April 2018. The Injunction also covers the land at Little Abington. The defendant is to pay the claimants costs of £7000.00p

The defendant made an application to extend the compliance period by four weeks. This was heard by Mr Justice Bryan on the 23<sup>rd</sup> March who granted both an extension of compliance until 2<sup>nd</sup> May 2018 and awarded the Council its costs in this hearing.

A further application was made by the defendant to further extend the compliance period which was heard by Mrs Justice McGowan on the 20 April 2018. The application to extend due to the recent weather conditions was approved and again costs were awarded to the Council. The compliance period is now set at the 30<sup>th</sup> May 2018. The costs totalling £9,990.00p awarded to the Council are to be paid by 30<sup>th</sup> May 2018

The defendant has now made an application to the High Court for a stay of the

Injunction and has also appealed the High Court decision.

The application was heard by the Rt. Hon. Lord Justice Flaux on the 21<sup>st</sup> May 2018 who having considered the application and the reasons for the Injunction said that the proposed appeal had no prospect of success and was wholly without merit and therefore refused the application.

The defendant complied with the removal of unauthorised vehicles and machinery by the 30<sup>th</sup> May deadline. It should be noted that eight vehicles were moved onto neighbouring land in order to comply with the Injunction. The owners of the two parcels of land are currently making arrangements to recover their land. It was also noted that the costs totalling £9,990.00p awarded by the court have so far not been paid by the defendant. The Councils Solicitors in this matter are currently pursuing payment. The owners of the land adjacent to Hill trees have at todays date removed all of the items on their land and are in the process of securing their boundary to prevent further unauthorised access.

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

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

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

A compliance inspection carried out after the 31 July 2017 confirmed that 54% of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons.

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 is to be carried out on the 26<sup>th</sup> June 2018 and additional steps taken where breaches of planning control are identified.

(c) **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 25<sup>th</sup> 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 15<sup>th</sup> March 2018 however the accused did not attend and the Court issued a Warrant for his arrest. Case continues.

(d) **Girton – 86 Cambridge Road**

Retrospective planning application S/2662/17/FL for the erection and installation of front entrance timber gates refused. Planning enforcement notice issued reference SCD-ENF 0466/17. During the course of the installation a significant TPO tree was severely damaged. Owner interviewed under caution - Prosecution file raised. Current listing for Cambridge Magistrates Court 22<sup>nd</sup> February 2018 cancelled due to owner being in Australia. Legal dealing. Planning Appeal submitted reference APP/W0530/D/17/3191399  
The planning Inspectorate having considered the application dismissed the appeal. Formal application to remove the gates to be made. The unauthorised gates have now been removed. The prosecution in regard to the damage to the TPO tree has been rescheduled for October 2018

(e) **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 19<sup>th</sup> June 2018  
An inspection carried out on the 21 June 2018 revealed that no works had commenced and the situation remains outstanding. A prosecution file has been raised and a date to attend Cambridge Magistrates Court has been set as the 9<sup>th</sup> August 2018.

(f) **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 19<sup>th</sup> 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. A review of next steps will be undertaken as soon as possible

(g) **Car Wash – 11 Ermine Way, Arrington**

A multi-agency review is currently underway following reports that the operators of the above valeting operation are discharging carwash effluent and septic tank effluent which is affecting neighbouring properties.  
Initial investigation has been carried out by the County Council who have discovered a pipe that appeared to connect a septic chamber to the highway drain. They have also identified works to the highway drain that will need to be carried out. Officers from the Environment agency are also investigating along with planning enforcement and Environmental health teams. Investigations continue at this time.

### **Investigation summary**

- 6 Enforcement Investigations for June 2018 reflect a 15.4% decrease when compared to the same period in 2017. Fifty five (55) cases in total for the June period versus sixty five (65) cases in 2017

The number of cases investigated year to date June 2018 totals 317 which when compared to the same period in 2017 ( 279 cases) represents a 13.6% increase.

A review of the 75 cases closed in June 2018 revealed that 26 cases were found not to be in breach of planning control, 17 complied, 2 were permitted development and 2 were not expedient to enforce. The remaining 28 cases were as a result of express consent already granted, consent on appeal and express consent granted – Time Limited and retrospective planning applications submitted..

### **Effect on Strategic Aims**

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

### **Background Papers:**

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

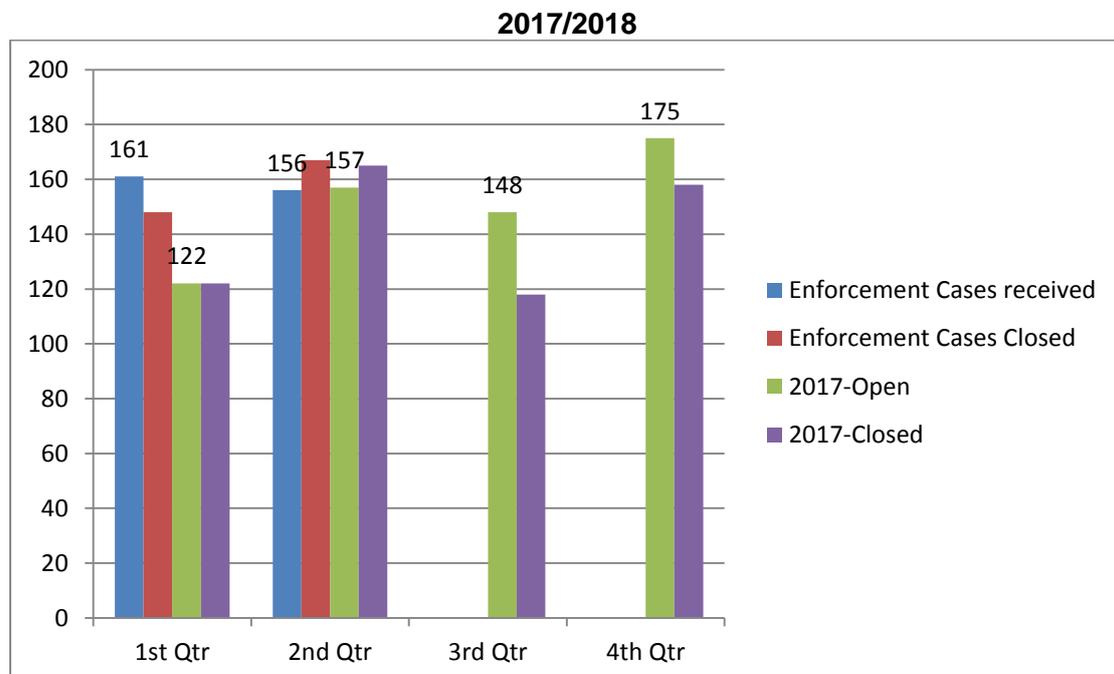
- **Appendices 1 and 2**

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Telephone: (01954 ) 713206

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Enforcement Cases Received and Closed

Month – 2018	Received	Closed
April 2018	59	56
May 2018	42	36
June 2018	55	75
1 <sup>st</sup> Qtr. 2018	161	148
2 <sup>nd</sup> Qtr. 2018	156	167
3 <sup>rd</sup> Qtr. 2018	-	-
4 <sup>th</sup> Qtr. 2018	-	-
1 <sup>st</sup> Qtr. 2017	122	122
2 <sup>nd</sup> Qtr. 2017	157	165
3 <sup>rd</sup> Qtr. 2017	148	118
4 <sup>th</sup> Qtr. 2017	175	158
2018 - YTD	317	315
2017 - YTD	602	563
2016 - YTD	565	563
2015 - YTD	511	527
2014 -YTD	504	476



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Notices Served and Issued

1. Notices Served

Type of Notice	Period	Calendar Year to date
	June 2018	2018
Enforcement	0	6
Stop Notice	0	0
Temporary Stop Notice	0	4
Breach of Condition	2	13
S215 – Amenity Notice	0	2
Planning Contravention Notice	1	4
Injunctions	0	1
High Hedge Remedial Notice	0	0

2. Notices served since the previous report

Ref. no.	Village	Address	Notice issued
SCD-ENF 0120-18 Not as approved plans or materials	Castle Camps	Land Adjacent Broadway, Haverhill Road	Breach of Condition Notice
SCD-ENF-306-18 Failure to remove mobile home	Wimpole	146 Cambridge road	Breach of Condition Notice
SCD-04-18	Milton	Meadow Farm Ely Road	Planning Contravention Notice

### 3. Case Information

Thirty six of the 55 cases opened during June were closed within the same period which represents a 34.5% closure rate.

A breakdown of the cases investigated during June 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.  
No (0) cases were investigated.

**Medium Priority** -Activities that cause harm (e.g. adverse affects on residential amenity and conservation areas, breaches of conditions)  
Fifty one (51) 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)  
Four (4) cases were investigated.

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

Adverts	x 02
Amenity	x 00
Breach of Condition	x 22
Breach of Planning Control	x 00
Built in Accordance	x 01
Change of Use	x 05
Conservation	x 02
High Hedge	x 00
Condition	x 00
Listed Building	x 02
Other	x 09
Unauthorised Development	x 11
Permitted Development	x 01
Monitoring	x 00
<u>Total Cases reported</u>	<u>55</u>

# Agenda Item 9



**REPORT TO:** Planning Committee

16 August 2018

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

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## **Appeals against Planning Decisions and Enforcement Action**

### **Purpose**

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 7<sup>th</sup> August 2018 Summaries of recent decisions of importance are also reported, for information.

### **Statistical data**

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

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Telephone Number: 01954 713406

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## Appendix 1

### Decisions Notified By The Secretary of State

Reference	Address	Details	Decision	Date	Planning Decision
S1630/17/FL	9 Bar Lane, Stapleford	Erection of a new Public House building along with a pair of residential dwellings following demolition of existing buildings on the site.	Dismissed	03/07/2018	Refusal
S/3996/17/FL	9 Honey Hill, West Wrattling	Extension and alteration of existing 3 bedroom bungalow to a 4 bedroom 2 storey	Allowed	03/07/2018	Refusal
S/2745/17/OL	Land adj The Police House, Linton Road, Horseheath	Application for outline planning permission with all matters reserved apart from access for 8 dwellings.	Dismissed	03/07/2018	Refusal
S/3293/16/LD	1 Appleacre Park, London Road, Fowlmere	Certificate of lawful development for the Breach of Condition 4 of planning permission S/1155/92/F and Condition 4 of planning permission S/1156/92/F	Dismissed	06/07/2018	Non Determination
S/1385/17/VC	1 Appleacre Park, London Road, Fowlmere	(Variation of Condition 2 of S/1155/92 & Condition 2 of 1156/92/F) to allow the siting	Dismissed	06/07/2018	Non Determination

## Appendix 1

		of 15 and 5 static caravans for permanent residential occupation on areas of the caravan park restricted to touring caravans only			
S/2341/17/FL	16 , Mill Road, Over	Erection of a single detached dwelling	Dismissed	16/07/2018	Refusal
S/0906/17/OL	34, Church Street, Little Gransden	Outline application for a single detached dwelling, associated garage, driveway and highway access.	Allowed	18/07/2018	Refusal
S/0155/18/OL	Land adjacent 2 The Leys and Footpath 8 Little Gransden	New house and garage, parking area, formation of access, landscaping and ancillary development.	Dismissed	18/07/2018	Refusal
S/1901/16/OL	Eternit UK, Whaddon Road, Meldreth	Outline planning application for mixed use development (up to 150 dwellings, public open space, and new technology plant); new car park and access for Sports & Social Club; and associated	Dismissed	18/07/2018	Refusal

## Appendix 1

		infrastructure all matters reserved except for access.			
S/0937/17/OL	Land to the West, Dubbs Knoll Road, Guilden Morden	Outline planning permission for residential development comprising 20 dwellings including matters of access with all other matters reserved.	Dismissed	18/07/2018	Non Determination
S/3167/17/FL	Adjacent Ryecroft, Station Road, Longstanton	Erection of three detached dwellings with ancillary access arrangement	Dismissed	17/07/2018	Refusal
S/0510/18/FL	64, Whitecroft Road, Meldreth	Erection of an Ancillary Granny Annexe	Dismissed	19/07/2018	Refusal
S/3852/17/FL	135, High Street, Linton	Erection of two storey rear extension with associated internal works	Allowed	19/07/2018	Refusal

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Appeals Received

Reference	Address	Details	Date Appeal lodged
S/0588/18/FL	Land adjacent to 245, Barton Road, Comberton	New detached dwelling and new vehicle access	04/07/2018
S/1362/18/FL	Land North of 7 Elms, Long Lane, Fowlmere	Proposed Dwelling and Detached Garage	06/07/2018
S/0291/18/FL	Anstey Hall, 32, Ickleton Road, Duxford	Erection of outbuildings to the rear	09/07/2018
S/4153/17/FL	19 West End, Whittlesford, CB22 4LX	Demolition of 19 West End and erection of two new dwellings including new associated garaging, landscaped gardens and access	16/07/2018
S/1237/18/FL	64a Cambridge Road, Waterbeach, CB25 9NJ	Conversion of existing triple garage to a 1 bedroom bungalow.	13/07/2018
S/0913/18/OL	land adj to 236 Histon Road Cottenham	Outline planning permission for proposed new dwelling including layout and access	10/07/2018
S/0117/18/OL	Land South of Shepreth Road, Foxton	Outline application for 32no. dwellings (including 40% affordable housing) together with a new access, infrastructure and landscaping	19/07/2018

## Appendix 2

S/4544/17/FL	Land to the Rear of 142 Cambridge Road, Histon	Two new detached chalet style dwellings.	23/07/2018
ENF/0283/17A	Land to the North and West of 2 Primes Corner, Histon	Neighbour querying enforcement on this property.	23/07/2018
S/0559/18/FL	The Bays, Haverhill Road, Castle Camps	Garage conversion into annex. Roof of double garage raised, the addition of dormer windows on either side of roof, new windows and access door.	25/07/2018
S/1259/18/OL	20 A, East Drive, Caldecote	Outline Planning Permission for Erection of four detached dwellings.	29-07-18
S/0707/18/FL	60 Rectory Road, Duxford	Proposed two storey rear extension	29/7/18

## Appendix 2

S/4601/17/FL	Moat Farm, East Hatley	Change of use of domestic outbuildings to two dwellings (part retrospective)	30/7/18
S/0894/18/OL	Land adjacent to 62a Fowlmere Road, Foxton	Outline planning permission for the erection of 5no Dwellings and associated development, including demolition of existing structures on site with all matters reserved apart from access, layout and scale.	01/08/18
S/0884/18/FL	14 Woodlands Road, Great Shelford	Construction of Garden Pavilion	01/08/18

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## Appendix 3

### Local Inquiry and Informal Hearing dates scheduled

- **Local Inquiries**

<b>Reference</b>	<b>Name</b>	<b>Address</b>	<b>Planning decision or Enforcement?</b>	<b>Date confirmed/proposed</b>
S/2844/14/FL	Sawston Joinery Ltd	Langford Arch, London Road Pampisford	Planning Decision	27/11/2018 Confirmed
S/1213/16/OL	Hawstar Developments Ltd	Welding Alloys Ltd, The Way, Fowlmere	Planning Decision	12/02/2019 for 5 days Confirmed

- **Informal Hearings**

<b>Reference</b>	<b>Name</b>	<b>Address</b>	<b>Planning decision or Enforcement?</b>	<b>Date confirmed/proposed</b>
S/3873/17/OL	Mr A Ashley	Land at Mill Lane, Sawston	Planning Decision	TBC
S/0525/17/FL	Mr Simon Somerville-Large	Field north of Home Close and west of Moat Way, Land north of Fen Drayton Road, Swavesey	Planning Decision	TBC
S/1059/17/FL	Burling Brothers Limited	Land adjacent to 79 Willingham Road, Over	Planning Decision	TBC
S/2647/15/OL	Carter Jonas	Land to the East of Old Pinewood Way and Ridgeway Papworth	Planning Decision	TBC
S/2757/17/FL	Mr C Blundell	Land to the West of Chrishall Road, Fowlmere	Planning Decision	TBC

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