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5 November 2019

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

Quorum: 3

Substitutes Grenville Chamberlain, Mark Howell, Dr. Shrobona Bhattacharya, Sue Ellington,
if needed: Graham Cone, Henry Batchelor, Dr. Claire Daunton, Eileen Wilson,
Dr. Tumi Hawkins and Dr. Douglas de Lacey

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 13 NOVEMBER 2019** at **10.00 a.m.**

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

Yours faithfully
Liz Watts
Chief Executive

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AGENDA

PAGES

PUBLIC SEATING AND SPEAKING

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

PROCEDURAL ITEMS

1. Apologies

To receive apologies for absence from committee members.

2. **Declarations of Interest**

1. **Disclosable pecuniary interests (“DPI”)**

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

2. **Non-disclosable pecuniary interests**

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

3. **Non-pecuniary interests**

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

3. **Recorded voting**

4. **Minutes of Previous Scheduled Meeting**

1 - 4

To authorise the Chairman to sign the Minutes of the meeting held on 9 October 2019 as a correct record.

PLANNING APPLICATIONS AND OTHER DECISION ITEMS

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

5. **S/2501/19/RM - Linton (Land to the North and South of Bartlow Road)**

5 - 100

Approval of matters reserved for appearance, landscaping, layout and scale following outline planning permission S/1963/15/OL for residential development for up to 55 dwellings with landscape buffer and new vehicular access from Bartlow Road

6. **S/4298/18/FL - Willingham (74 Rampton Road)**

101 - 114

Demolition of existing garage and outbuildings and erection of new children's nursery with associated infrastructure and landscaping.

7. **S/0913/19/VC - Fowlmere (Apple Acre Park)**

115 - 146

Variation of condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F and variation of condition 2 (The site shall not be used other than as a touring caravan site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1155/92/F

MONITORING REPORTS

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| 8. | Enforcement Report | 147 - 158 |
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GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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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.

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EXCLUSION OF PRESS AND PUBLIC

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

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

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

Notes

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

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Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 9 October 2019 at 10.30 a.m.

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

Councillors: Henry Batchelor (substitute) Anna Bradnam
Peter Fane Brian Milnes
Judith Rippeth Deborah Roberts
Peter Topping Heather Williams
Nick Wright

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Nigel Blazeby (Planning Delivery Manager), Alistair Funge (Planning Enforcement Officer), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer) and Rebecca Ward (Principal Planning Officer)

Councillor Dr. Tumi Hawkins was in attendance, by invitation.

1. APOLOGIES AND APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING

Councillors Dr. Martin Cahn and Pippa Heylings sent Apologies for Absence. Councillor Henry Batchelor was in attendance as substitute for 4 Councillor Heylings.

In Councillor Heylings' absence, the Committee agreed by affirmation that Councillor Brian Milnes be appointed Vice-Chairman for the meeting.

2. DECLARATIONS OF INTEREST

In the interests of clarity, Councillors Anna Bradnam and Judith Rippeth stated that they were both local Members for the ward of Milton & Waterbeach.

3. RECORDED VOTING

Upon the proposal of Councillor Brian Milnes, seconded by Councillor Judith Rippeth, the Committee unanimously agreed that all substantive votes at the current Planning Committee meeting should be recorded by name and / or number and name.

4. MINUTES OF PREVIOUS MEETINGS

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 12 September 2019. Councillors Anna Bradnam and Deborah Roberts pointed out that they had not been present at that meeting.

5. S/4619/18/RM - CALDECOTE / HARDWICK (HIGHFIELDS CALDECOTE) (LAND EAST OF HIGHFIELDS ROAD)

Members visited the site on 8 October 2019.

Phil Claridge (objector), John Baines (for the applicant), Mary-Ann Claridge (agent for Caldecote Parish Council) and Councillor Dr. Tumi Hawkins (local Member) addressed the

meeting.

Addressing Members' concerns, officers

- Said they were satisfied with the soundness of the public consultation and process adopted by the District Council's Design Enabling Panel
- confirmed that Condition (c) would be amended slightly to reflect public concern about the trigger point
- reminded Members that the principle of development, including some Conditions, had been established when outline planning permission had been granted
- agreed that Caldecote Parish Council and the Village Design Group should be consulted prior to the discharge of Conditions
- agreed to impose a Condition requiring retention of the hedgerow between the site and Highfields Road
- clarified that the question of drainage had been addressed at the outline application stage and that, although drainage impacted on other issues, it was not in itself a matter for consideration at this Reserved Matters stage
- pointed out that the inclusion in the application of three-storey buildings – the subject of some Members' concern – resulted from the Appeal Hearing that had overturned the Committee's refusal of the outline planning application and that helped create a sense of place

Councillor Deborah Roberts was minded to refuse but proposed deferral because too many aspects of the application remained unresolved. She expressed concern at the clustering of affordable housing units, and the Local Highway Authority's indication that it did not intend adopting the estate roads. Councillor Anna Bradnam seconded the proposal but, by six votes to four, the proposal was lost.

On the Chairman's casting vote, Planning Committee gave officers **delegated powers to approve** the application subject to

- The review and amendment of Condition a) drawing numbers to include latest plans approved by the Local Highways Authority.
- The review and amendment of Condition c) to include the trigger 'prior to the construction' of the pumping station.
- Inclusion of a Condition requiring the retention of the hedgerow along the Highfields Road.
- Final wording of all Conditions being reviewed and agreed by officers in consultation with the Chairman and Vice-Chairman of the meeting prior to a Decision Notice being issued.

(Councillors John Batchelor, Fane, Milnes, Rippeth and Wright voted to approve the application. Councillors Henry Batchelor, Bradnam, Roberts, Topping and Heather Williams voted to refuse it. Councillor John Batchelor cast his second vote in favour of the application.)

6. MILTON - CAMBRIDGE SCIENCE PARK

The case officer read out a third party representation received after publication of the agenda, and referred to the Members briefing on this issue that had taken place immediately before the meeting. The case officer confirmed that the fact that South Cambridgeshire District Council owned a property on Cambridge Science Park was not a material consideration.

Councillor Anna Bradnam referred to the traffic congestion that existed already in the area of the Science Park, and said it was crucial to do everything possible to promote modal shift.

By nine votes to nil (with one abstention), the Planning Committee gave officers **delegate authority** to negotiate, secure and complete, upon terms considered appropriate, the framework agreement under Section 106 of the Town and Country Planning Act 1990.

(Councillors Henry Batchelor, John Batchelor, Bradnam, Fane, Milnes, Roberts, Topping, Heather Williams and Wright voted in favour. Councillor Rippeth abstained.)

7. ENFORCEMENT REPORT

The Committee **received and noted** an Update on enforcement action. In reply to Members' questions, the Senior Enforcement Officer gave the following updates:

Queen's Head, Fowlmere

Officers would be meeting with the owners on 15 October 2019, but Members should be aware that satisfactory resolution would not be straightforward.

St. Neots Road, Hardwick

The owner of the adjoining property had refused consent for the gas supply to be disconnected. Therefore, Members should be aware that the issue would not be resolved until Spring 2020.

Smithy Fen, Cottenham

Officers were currently seeking an Injunction.

Argus Way, Waterbeach

Officers would investigate issues regarding the Local Equipped Area of Play, and report back to the Planning Committee.

Whaddon

Officers were unable to confirm whether or not the Closed Circuit Television camera was functioning.

Councillor Brian Milnes congratulated the Planning Enforcement Team for achieving its performance targets.

8. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

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

Amid concern that South Cambridgeshire District Council no longer had a dedicated Appeals Officer, the Delivery Manager (Planning) referred to the emerging staff structure for the Greater Cambridge Planning Service, which envisaged an alternative means of processing appeals.

9. DATE OF EXTRAORDINARY MEETING

Members noted that there would be an Extraordinary Planning Committee meeting on Thursday 24 October 2019 starting at 10.00am.

The Meeting ended at 12.55 p.m.

Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13 November 2019
AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/2501/19/RM

Parish(es): Linton

Proposal: Approval of matters reserved for appearance, landscaping, layout and scale following outline planning permission S/1963/15/OL for residential development for up to 55 dwellings with landscape buffer and new vehicular access from Bartlow Road

Site address: Land to the North and South of Bartlow Road

Applicant(s): Abbey Developments Ltd.

Recommendation: Approval

Key material considerations: Housing Density
Affordable Housing Provision
Housing Mix
The Reserved Matters;
Layout
Scale
Appearance
Landscape

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: Rebecca Ward, Principal Planner

Application brought to Committee because: The officer recommendation of approval conflicts with the recommendation of Linton Parish Council.

Date by which decision due: 16 November 2019

Executive Summary

1. This application seeks reserved matters approval for the layout of the site, the scale and appearance of buildings and landscaping following the principle of residential development of the site for up to 55 dwellings being established under outline planning consent S/1963/15/OL.
2. The application has been amended by the applicants following the refusal of a previous scheme by the Planning Committee in May 2019 (ref S/2487/18/RM). The amendments mainly comprise changes along Bartlow Road, adjustments to the site levels to remove terrace nature of the dwellings, introduction of a Green Link to the

North East corner to reduce visual prominence and addressing the cluster of affordable dwellings by distributing across both parcels.

3. The changes are considered to further improve the quality of the scheme to ensure that it preserves the character and appearance of the area and fits comfortably within its rural context.
4. The reserved matters details for appearance, layout and scale of the development is considered acceptable by officers and the application is therefore recommended for approval subject to conditions including further details of landscaping.

5. **Site History**

S/1985/15/OL Residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road - Approved subject to a S106 agreement and Planning Conditions.

S/2487/18/RM Approval of the matters reserved of the layout of the site, the scale and appearance of buildings and landscaping following outline planning permission S/1963/15/OL for up to 55 dwellings with landscape buffer and new vehicular access.

The application was refused by the Planning Committee (see appendix 1 for copy of the Decision Notice - May 2019). In summary the key concerns raised were:

- Impact of the development on the surroundings including its terracing affect)
- Cluster of affordable dwellings

This decision has since been appealed by the applicant through written representation procedure. The Council have until the 12th November to respond in writing to the Planning Inspectorate.

National Guidance

6. National Planning Policy Framework 2019
National Planning Practice Guidance
National Design Guide 2019

Development Plan Policies

7. **South Cambridgeshire Local Plan 2018**
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/8 Housing Density
H/9 Housing Mix
H/10 Affordable Housing
H/12 Residential Space Standards
NH/2 Protecting and Enhancing Landscape Character
NH/3 Protecting Agricultural Land
NH/4 Biodiversity
NH/14 Heritage Assets
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Sustainable Design and Construction
CC/9 Managing Flood Risk

SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
SC/12 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

8. **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
Listed Buildings SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

Consultation

9. **Linton Parish Council** - Holding objection. See appendix 2-6 with full set of comments from the Parish Council. In summary the following concerns have been raised:

- Hard copies of amended plans have not been received at LPC offices.
- Amended house designs cannot be opened from SCDC website.
- LPC have been unable to comment on the amendments and decisions should not be made
- The terraced nature of the housing, on rising ground remains unsympathetic to the land profile and small-scale rural character of the area
- The correct flood map has not been used; many of the houses and pumping station will be in the Flood Zone 2
- Unsuitable surface water drainage scheme
- Design has not been submitted to independent review panel
- Reports such as Site Investigation and Risk Assessment, Traffic Report are out of date.
- Ecology report is inaccurate regarding the status of the River Granta and local wildlife areas
- Missing reports such as Statement of Community Involvement, FRA, Heritage Statement, Landscape Impact Assessment, Ecological Survey, Health Impact Assessment and Lighting Assessment

The comments submitted previously from LPC and our consultants, still stand and should be read in conjunction with these comments on the amendments - very little substance has changed from the refused RM application; the major objections have not been addressed.

10. **Landscape Design Officer** - Not received. Update to be provided in follow up.

11. **Trees Officer** - No arboricultural or hedgerow objections to this application. Should this application be approved please list the Tree Report (dated 18/07/2019) with associated plan as an approved document.

12. **Urban Design Officer** - Officers generally do not object to the proposals in urban design terms, and would like to acknowledge that there have been some improvements to the overall design and layout of the scheme, which to some extent, have addressed the issues raised in the reasons of refusals. Additional adjustments

could be made to enhance the scheme further including:

- Further setting the building line back from Bartlow Road
- Some of the plots are not pushchair and wheelchair accessible due to site levels and the use of steps rather than ramps.
- Repositioning the garden areas for No.34-No.35 to improve relationship

13. **Ecology Officer** - Following amended information, no objections relating to the survey information. Condition for CEMP to ensure an ecologist checks for any habitats prior to the clearance of the site and a 6m buffer to the River Granta is provided. Informative to make developers aware of Ecologist guidance notes.

Clarification on how the river will be controlled has not been identified on the Landscape or Site Plan and it is not clear from the plans how much native removal there will be along the northern boundary. The length of the native hedgerow to be retained, removed and replanted needs to be clarified.

14. **Historic Buildings Officer** (based on previous applications) - Has no objections, as amended.

15. **Affordable Housing Officer** – Not received.

16. **Local Highways Authority** - The Highway Authority can confirm that they will not be adopting any part of this development as the maximum gradient that Cambridgeshire County Council will accept is 1:20. They also noted that some hedgerow will need to be removed in order to satisfy the visibility splays.

The following conditions have been recommended:

- Future management and maintenance of the proposed streets
- Scheme implemented in accordance with the approved plans
- Boundary material and water-run off
- Adjustment to location of the soak-away
- Access to be built in accordance with County specification
- Traffic Management Plan

17. **Sustainability Officer** - No objections subject to a condition for a renewable energy statement and water consumption statement.

18. **Contaminated Land Officer** - No further comment.

19. **Cambridgeshire County Council Historic Environment Team** - We have no further comments for this RM application, for which greater details has been supplied to you.

20. **Cambridgeshire County Council Flood and Water Team** - Update to be provided in follow up.

21. **Environment Agency** - No objection in principle to the proposal provided that all outstanding pre-commencement conditions are discharged prior to development.

22. **Anglian Water** - No objections. We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation (site and drainage layout documents) and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 11 of the outline planning application S/1963/15/OL ,to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Representations

24. Approximately 12 letters of objection have been received on this application. All comments can be found on the Councils website. In summary the following concerns have been raised to the proposed plans:
- Proposal does not overcome previous reasons for refusal
 - Speed of traffic along Bartlow Road and poor visibility
 - Inadequate footways into the village
 - Too many houses are proposed – consideration for bungalows
 - Appearance of the dwellings are not in keeping with the village
 - Concern that the landscape buffer to the northern parcel is close to a national grid pipeline
 - Concerns about potential flooding from the river to the south
 - Drainage infrastructure is not suitable within the village
 - Site is outside of the village framework
 - Polluting the River Granta
 - Housing needs would not be met
 - Negative impact on the landscape character due to height and dominance of the houses
 - Impact of the development to Linton Conservation Area (and associated Listed Buildings)
 - Schools and medical practices are over capacity
 - Old statements should not be re-used (out of date)
 - Two-half to three storey units are not considered suitable
 - Construction hours condition should be imposed

Proposal

25. The proposal, as amended, seeks reserved matters consent to include access, layout, scale, appearance and landscaping for a residential development of 55 dwellings. The site includes land to the north and south of Bartlow Road.

Planning Assessment

26. The principle of residential development of up to 55 dwellings along with the means of access to the site was established on this site under outline planning consent S/1963/15/OL. The approved plans included drawing numbers B.12,870a (location plan showing red and blue lines), UDS32001-500-2000-1402 (parameter plan) and 101 Revision A (access plan).
27. The key issues to consider in the determination of this application relate to density, affordable housing, housing mix and the impacts of the development upon the character and appearance of the area, heritage assets, flood risk, highway safety, neighbour amenity, biodiversity, trees and landscaping.

Housing Density

28. The overall site measures approximately 3.5 hectares in area. The northern site area measures 0.617 of a hectare in gross area that includes 0.069 of a hectare of open space and excludes the landscape buffer. The density on this site would be approximately 16 dwellings per hectare. The southern site area measures 2.354 hectares in gross area that includes 0.702 of a hectare of open space and excludes the landscape buffer. The density on this site would be approximately 28 dwellings per

hectare.

29. The densities of development on both sites would be below the requirement an average of 30 dwellings per hectare. However, the density has already been accepted through the outline planning permission and is thus considered acceptable given the sensitive position of the sites on the edge of the village.
30. The proposal would therefore comply with Policy H/8 of the Local Plan.

Affordable Housing

31. 22 of the 55 dwellings would be affordable to meet the local needs (40%). This was secured within the Section 106 agreement as part of the outline planning consent.
32. The proposed mix would now comprise; 3 x 1 Bed FOG units, 2 x 1 Bed Maisonettes, 12 x 2 Bed Houses and 5 x 3 Bed Houses. 15 dwellings would be affordable rented (68%) and 7 dwellings would be intermediate (32%). The dwelling size mix and tenure mix is considered acceptable and would accord with local needs within Linton and across the district.
33. To overcome the previous reason for refusal, this revised application seeks to distribute the Affordable Dwellings across both parcels of land. As such five units are located on the northern parcel and seventeen on the southern parcel.
34. All of the units would accord with the required residential space standards of 58 square metres for one bedroom two person properties, 79 square metres for two-bedroom four person properties and 93 square metres for three-bedroom five person properties.
35. A condition was not required at the time of the outline consent to ensure that 5% of the dwellings are constructed in accordance with M4(2) building regulations accessible and adaptable dwelling standards and cannot now be applied. However, based on the proposed plans it is likely that at least 5% of the development (3 dwellings) would meet these standards.
36. The proposal would therefore comply with Policy H/10 of the Local Plan.

Market Housing Mix

37. 33 dwellings would be for sale on the open market. The market housing mix proposed is 10 x two bed units (30%), 9 x three bed units (29%) and 14 x four/five bed units (41%).
38. The market homes in developments of 10 or more homes will consist of at least 30% 1 or 2 bedroom homes; at least 30% 3 bedroom homes; and at least 30% 4 or more bedroom homes; with a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.
39. As a result of the amendments to the layout the housing mix has slightly changed. Whilst less three-bedroom units are proposed, the scheme would still provide a wide choice, type and mix of housing to be provided to meet the needs of different groups in the community including families with children, older people and people with disabilities.
40. Whilst it is noted that the scheme does not specifically include bungalows, there is not

a policy requirement for this specific type of housing to be provided on the site.

41. The proposal would therefore comply with Policy H/9 of the Local Plan.

Residential Space Standards

42. Policy H/12 of the Local Plan states that new residential units will be permitted where their gross internal floor areas meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standard (2015) or successor document.
43. The dwellings within the development would meet the residential space standards in terms of the size of the dwellings. However, a small minority would fall slightly on the room sizes (C2 dwellings). Given that the outline planning consent did not require the dwellings to be built to meet the residential space standards and this matter does not fall under the definition of the reserved matters for layout, appearance or scale of the development, the sizes of the rooms are considered satisfactory.
44. The proposal would therefore not comply with Policy H/12 of the Local Plan but there are material considerations in this case to justify a departure from policy.

Character and Appearance of the Area

45. The application has been amended to overcome the reasons refusal one. The key areas of change as noted by the applicant (in covering letter date 19 July) include;
- *Access to plots 35 and 36 from the within the site, rather than Bartlow Road and relocation (setting back) of the garage of plot 35. Lowering of the slab levels for these two dwellings reduces the 'terraced nature of the dwellings' impact on Bartlow Road and plots 31, 32, and 33.*
 - *Changes and rearrangements of house types on plots 4 and 18-34 allowing levels to relate to the main southern access road and allow better access to parking spaces for these dwellings. Lowering of plots 1 and 2 by approximately 400m reducing the prominence of these dwellings.*
 - *The adjustment of the site levels and site gradients creates usable gardens with minimal slopes. The revised gradients and site sections are illustrated on drawings 1552-1007A and 1552-1008A. All of these changes have been introduced to remove the 'terraced nature of the dwellings'*
 - *Green link now runs through an area of open space at the North East corner of the southern parcel to reduce the visual prominence and creating a better linkage to the northern parcel.'*
46. In addition to the above the following amendments have more recently been made to the application following consultation responses;
- *The arrangement of the garden to plot 40 has been raised so that it now follows the same level as the road/footpath. A section through plots 40 and 41 has been provided to illustrate (site section 6, 1552-1008B)*
 - *Plots 1 and 3 have been moved back from the road;*
 - *Additional sections and street scenes have been produced. (1552-105F, 1552-1007B and 1552-1008B). The high boundary wall retaining walls have been designed out of the scheme and reduced in height where possible;*
 - *It is confirmed that no parking is proposed within the central LEAP and LAP provision (section 6.5 of the DAS refers).*
47. A series of section drawings and visuals have been provided with the reserved

matters application to demonstrate how the dwellings will sit in relation to the site levels.

48. The number of dwellings facing Bartlow Road has been reduced from 10 to 8, 3 of which are moved further back to allow for a POS to be introduced to provide additional landscaping to the street frontage. A 'Green Link' has been proposed to run through this POS and it is well-connected to the three dwellings surrounding it, this is seen as an improvement to the layout. Collectively and in the view of officers, these changes help create a less formal building line and minimise visual impact of the proposed development on this sensitive part of the site (facing Bartlow Road).
49. Additional suggestions have been made by the Urban Design Officer to help further enhance the scheme. The applicants have considered these alterations, however, feel that the amended scheme adequately addresses the concerns raised without further changes. Whilst a small proportion of the dwellings are only be accessible via steps (as a result of level changes from the previous application S/2487/18/RM), the proposal would still continue to meet the required M4(2) Accessible and adaptable standard in policy H/9(4).
50. Considering the above, the improvements are considered to have overcome the reason for refusal one and as such would continue to preserve the local area and respond to its context in the wider landscape. The proposal would therefore comply with Policy HQ/1 of the Local Plan and the NPPF and National Design Guide (2019) which seeks to create high quality buildings and places.

Trees/Landscaping

51. Landscaping was not a reason for refusal in the previous application, however, it is recognised that to overcome reason for refusal one there needed to be some alternations to soften the impact of the development.
52. Overall, the development would substantially increase the amount of soft landscaping on the site above the existing situation and include significant landscape buffers of woodland on the eastern and southern boundaries in addition to planting within the areas of open space and small pockets of planting throughout the development. The Ecologists has questioned whether the hedgerow along the northern boundary will be replaced or removed. The landscape legend informs that the existing hedgerow trees along this boundary (apart from those on the access) are to be retained and protected during construction. Due to the location of the main vehicular access, to the west the hedgerow will need to be reduced in depth so adequate splays can be achieved.
53. As a result of the revised application, the new 'Green Link' and additional landscaping to the frontage of Bartlow Road will also be of benefit to the character of the area.
54. The development is not considered to result in the loss of any trees that make a significant contribution to the visual amenity of the area. Although it is noted that the development would result in the loss of part of the hedge along Bartlow Road to provide visibility, replacement planting would be incorporated along this boundary to include reinforcements for the hedge and trees to soften the visual impact of the development upon Bartlow Road. This is considered acceptable within the context of the site. The existing hedges along the boundary with dwellings in Finchams Close would be retained and the dwellings are not considered to encroach on the hedges or ditch.
55. The majority of the landscaping is acceptable and final details will be subject to the

landscaping condition that was attached to the outline consent to ensure that existing trees are protected and precise details of new soft landscaping is appropriate to the character and appearance of the area on the edge of the village. No landscaping is proposed within the gas pipeline easement in the northern parcel.

56. The proposal therefore has the potential to comply with Policy NH/4 of the Local Plan.

Biodiversity

57. The ecological constraints of the site were considered under the outline planning application.
58. An updated Ecological Impact Assessment Rev A (ACD Environmental, September 2019) was submitted with this reserved matter application. This includes details of reptile surveys which confirm that reptile species are likely to be absent from the site and further mitigation/condition is therefore not required.
59. Officers are not aware of the report the Parish Council reference, nor do they specifically refer to great crested newts, which are the only UK species to be protected (smooth and palmate newts are not under any statutory protection). The Ecologists would only have access to OS and historical aerial mapping to identify the locations of ponds in the area. Ponds within private gardens are generally not mapped and can be very difficult to see on aerial photography. The Ecologists have identified 12 ponds within 500 m (the accepted maximum range for great crested newts from their breeding ponds) and taken the possible presence of great crested newts into consideration.
60. Section 2.27 of the report states that no evidence of Roman Snails was recorded, and it is highly unlikely there were any present on site as their field signs are obvious.
61. The area south of the development contains attenuation features and grassland which are to be enhanced for biodiversity by the planting of wildflower and wetland grassland, trees and shrubs. The minor encroachment into this area is limited and considered acceptable.
62. Given the above and conditions on the outline consent for a CEMP, the proposal would not result in the loss of any important habitats for protected species and would result in a net increase in biodiversity on the site.
63. The proposal therefore would accord with Policy NH/4 of the Local Plan.

Heritage Assets

64. The nearest listed building to the site is Barham Hall (grade II*) that lies 300 metres to the south east of the site and the A1307.
65. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
66. The development is not considered to harm the setting or significance Barham Hall given the distance, intervening barrier of the A1307 and the landscape buffer along

the southern boundary.

67. A condition was attached to the outline consent to secure a programme of investigation for the southern field to ensure that any archaeological remains are protected. The investigation has now been concluded but the condition would continue to apply.
68. In response to the Parish Council's comments, it will be the place of the excavation report to pull together all pertinent and significant archaeological evidence from the environs of the site, so that revisions to past reports are not crucial at this stage. More important than the Roman roads (eg Via Devana/Worsted Street at 3km distance from the site) is the presence of a series of tracks and hollow-way lanes evident on the higher slope at the site, that present Bartlow Road mirrors. This current road is the latest in the sequence of older lanes that were managed with roadside ditches for drainage and maintained by pot-hole infills and in use probably since the Anglo-Saxon period owing to the location of buildings of 6th century date here.
69. Recent aerial photographs show lanes clearly heading from the development site to Barham Hall, c. 300m to the SSE), which was built on the site of Linton Priory, a small house of the Crutched Friars, and the small late Saxon hamlet of Barham, deserted in the Medieval period. The conventual house was suppressed in the mid-16th century and the materials were used to build a new manor-house, known as Barham Manor or Hall.
70. The ancient lanes and small 6th century AD buildings found at the site deserve marking in some way within the new development.
71. The earth mounds on the site are topsoil from the archaeological excavations and will be removed as they will be used for the open spaces and gardens of the dwellings.
72. The proposal would therefore accord with Policy NH/14 of the Local Plan.

Highway Safety

73. Bartlow Road is a busy straight through road with a speed limit of 30 miles per hour. The capacity of the road network and the knock-on impacts to the surrounding junctions was considered at outline stage. This included various mitigation measures.
74. Two main accesses on to Bartlow Road that accord with Local Highways Authority standards were approved as part of the outline consent. The application proposes a additional single driveways and shared private driveways on to Bartlow Road. The positions of the accesses are satisfactory in highway terms.
75. Given the gradients of the site, the Local Highways Authority have confirmed that the roads are unlikely to be adopted. As such, various conditions have been proposed to ensure they are constructed to a suitable specification. This includes compliance with approved plans, falls and levels and management strategy. These conditions are reasonable and necessary and will be included on any decision notice.
76. The level of vehicle parking is acceptable given the accessibility to services and facilities within the village and would not result in a significant level of on-street parking that would be detrimental to highway safety.
77. The smaller dwellings would be provided with cycle sheds and the larger dwellings

would provide cycle parking within garages. A condition would be attached to any consent to agree the precise size and details of the cycle sheds to ensure that they are of an adequate size to provide cycle parking in accordance with the standards.

78. The proposed layout would therefore accord with Policies TI/2, TI/3 and HQ/1 of the Local Plan.

Flood Risk

79. The site is situated within Flood Zones 1, 2 and 3 (low, medium and high risk) as identified by the Environment Agency.
80. The River Cam runs along the southern boundary of the site. The land falls north to south from Bartlow Road to the river.
81. When comparing the scheme against the Flood Map for Planning (produced by the Environment Agency), the dwellings on the site would be sited within Flood Zone 1 (low risk) along with the pumping station and turning head. The public open space on the southern part of the site would be sited partly in Flood Zone 1 (low risk) and partly in Flood Zones 2 and 3 (medium and high risk). The Parish Council have submitted a Flood Event map which appears to record where historic flooding has taken place. This map does not define the Flood Zones. In any event, the Environment Agency have not raised any objections to the application.
82. An appropriate approach has been taken to the layout of the development and the dwellings and more vulnerable aspects are not considered to be at high risk of fluvial flooding from the river. However, part of the open space is at risk from flooding. This is considered reasonable given that it forms part of the informal open space and does not form part of the Local Equipped Area of Play.
83. The site may be at risk of surface water flooding from pluvial sources in a storm event. This source of flooding can however be mitigated to a low and acceptable level through the provision of a surface water drainage strategy for the site.
84. Condition 10 of outline planning consent S/1963/15/OL required the provision and maintenance and of a surface water drainage system on the site to ensure that the development would not be at risk of flooding or increase the risk of flooding to the site and surrounding area. The wording of the condition is set out below for the avoidance of any doubt: -

Prior to the commencement of any development, a detailed scheme for the provision and implementation of flood risk and surface water drainage mitigation shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency, Lead Local Flood Authority and Linton Parish Council. 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 the National Planning Policy 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 + 30% an allowance for climate change. The submitted details shall be in accordance with the Flood Risk Assessment reference 151077 dated July 2015 by Rossi Long Consulting and 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. The scheme shall take into account any subsequent changes in any revised flood map produced by the Environment Agency between approval and implementation of the scheme. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

85. In addition, Schedule 2, Part 4 of the Section 106 agreement in relation to the outline consent required the surface water drainage scheme to be maintained in accordance with good estate management.
86. Surface water generated by the development would be discharged through infiltration which is sustainable drainage solution. Infiltration tests have been carried out at the site and further tests will be carried out in the location of the soakaways to ensure this is an acceptable method of drainage.
87. The surface water drainage scheme would incorporate highway ring soakaways with gravel surround soakaways, private cellular crate soakaways, permeable paving and aco drains. The capacity of the soakaways has not changed despite the dimensions of the feature changing.
88. The scheme would be designed to accommodate the 100-year storm allowance plus 40% climate change.
89. The general design of the scheme is agreed and supported by the County Flood and Water Team. However, some initial concerns have been raised about the maintenance of joint soakaways. Further details in relation to the design of the scheme together with its maintenance and management would be submitted to discharge condition 10 of the outline planning consent. The County Flood Team would be consulted on the additional details along with the Parish Council to determine whether they are satisfactory and ensure that the development would not be at risk of flooding or increase the risk of flooding to the site and surrounding area.
90. The proposal would therefore comply with Policies CC/8 and CC/9 of the Local Plan.

Contamination

91. The site has a relatively low risk historical use as agricultural land and is being developed into a sensitive end use (residential). A Phase 1 Report was submitted with the outline application that resulted in condition 9 on the outline consent.
92. Further Phase 2 and 3 reports have been submitted with this application, but these need to be submitted as part of a discharge of conditions application in relation to the condition.
93. Notwithstanding the above, the details submitted are considered acceptable and would not cause a risk to human health.
94. Porosity testing is not necessary as the geology is of the New Pit Chalk Formation, which is known to have good transmissivity. Because a lot of the flow is in fractured flow, porosity testing would not give a good representation. There is also not a perceived risk of contamination as it is a greenfield site.
95. Future contamination will be mitigated by the treatment of the surface water drainage in multiple stages that will mitigate risk to controlled groundwaters, specifically within

the Source Protection Zone 2.

96. Condition 11 of the outline consent requires the submission of a foul drainage scheme to ensure sewerage is disposed in an appropriate manner.
97. The proposal would therefore comply with Policies CC/7 and SC/12 of the Local Plan.

Neighbour Amenity

98. The development is not considered to adversely affect the amenities of adjoining neighbours through being unduly overbearing in mass, through a significant loss of light or through a severe loss of privacy.
99. The dwellings would be sited 20 metres and across the road from the dwellings along Bartlow Road. These relationships are considered satisfactory.
100. The dwelling on Plot 40 would be 11 metres off the boundary and 15 metres from the dwelling at No. 5 The Ridgeway. This arrangement is not considered to result in an unduly overbearing mass of significant loss of light given that the window serves a kitchen. There would not be any first-floor windows on its side elevation facing that property and the first floor windows in the front elevation would face towards its own garage.
101. The dwellings on Plots 10 to 12 would be 16 to 18 metres off the boundary and 24 to 27 metres from the rear elevations of those properties on Fincham's Close. They are not considered to result in an unduly overbearing mass, significant loss of light or severe loss of privacy that would adversely affect these properties.
102. The development is also not considered to adversely affect neighbours through an unacceptable increase in the level of noise and disturbance through an increase in traffic given the proximity of the neighbouring dwellings to Bartlow Road.
103. The development is not considered to lead to serious light pollution to dwellings opposite the accesses along most of Bartlow Road and Kenwood Gardens as there is landscaping along the front boundaries of these properties. Although it is noted that No. 85 Bartlow Road has no boundary treatment, this is not a direct relationship and already experiences some light pollution from traffic along Bartlow Road.
104. The proposal would therefore accord with Policy HQ/1 of the Local Plan.

Other Matters

105. The Parish Council have raised concerns about missing reports such as; FRA, Statement of Community Involvement, Heritage Statement, Landscape Impact Assessment, Ecological Survey, Health Impact Assessment and Lighting Assessment. These reports are not required to be submitted for a Reserved Matters application as the Local Planning Authority are now only considering the layout, scale, appearance and landscaping within the development.

The three 'house type plans' which could not be viewed on the website due to a technical error, have been re-uploaded and sent to the Parish Council for consideration. An update will be provided at the committee meeting. Hard copies of the amended Site Layout plan was also sent across for reference.

Consultation on the application (including amendments) has been carried out in

accordance with the produce order and therefore members are able to determine the application on its merits.

Conclusion

106. The principle of residential development up to 55 dwellings on the site has been established through outline planning consent S/1963/15/OL. This cannot be revisited notwithstanding the adoption of the current Local Plan in September 2018.
107. Whilst the concerns of the Parish Council and local residents are acknowledged in relation to the location and scale of the development, distance to services, flood risk, highway safety, ecology, heritage assets and the impact upon the character and appearance of the area amongst other issues, no objections have been received from statutory consultees in relation to these matters.
108. Most of these matters were considered at outline stage and no adverse impacts were identified that could not be controlled or mitigated by way of conditions.
109. The changes are considered to further improve the quality of the scheme to ensure that it preserves the character and appearance of the area and fits comfortably within its rural context. The reserved matters details for appearance, layout and scale of the development are considered acceptable by officers and the application is therefore recommended for approval subject to conditions including further details of landscaping before this reserved matter can be fully discharged.
110. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that the reserved matters should be approved in this instance.

Recommendation

111. Delegated approval subject to removal of the garage to the front of Plot 35 with the planning conditions and informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

Conditions

112.
 - a) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers to be confirmed.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 - b) No development above foundation level shall take place until details of external materials of construction for the development 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 the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.)
 - c) Prior to the first occupation of each dwelling, pedestrian visibility splays measuring 2 metres x 2 metres shall be provided each side of all driveway(s) serving that particular dwelling measured from and along the edge of the carriageway/footway as relevant within the site area. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adopted public highway.

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

d) No construction works shall commence on site until a traffic management plan has been submitted and agreed in writing 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.

v. The Highway Authority would require that no deliveries be made to the site/removals from site between the hours of 7.30-9.30 and 15.30-18.00.

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

(Reason -In the interests of highway safety in accordance with Policy HQ/1 of the adopted Local Plan.)

e) No development above foundation level shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

(Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in the interests of highway safety to comply with Policy HQ/1 of the adopted Local Plan 2018.)

g) All accesses including driveways shall be constructed so that their fall and levels are such that no private water from the site drains across or onto the adopted public highway (the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided).

(Reason - In the interests of highway safety to comply with Policy HQ/1 of the adopted Local Plan 2018.)

h) All accesses including driveways shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

(Reason - In the interests of highway safety to comply with Policy HQ/1 of the adopted Local Plan 2018.)

i) No development shall be occupied until details 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 prior to the occupation of the development.

(Reason – To provide adequate cycle parking in accordance with Policy TI/3 of the adopted Local Plan 2018).

j) No development above foundation level shall take place until details of the pumping station have been submitted to and agreed in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details prior to the occupation of the development.

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

k) No development shall take place until details of the proposed Local Equipped Area of Play to including the location, number and types of pieces of play equipment have been submitted to and approved in writing by the Local Planning Authority. The play area shall be laid out and equipped as approved before the first occupation of any part of the development, or in accordance with a programme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained for such purposes.

(Reason - To ensure the Local Equipped Area of Play is satisfactory in accordance with Policy SC/7 of the adopted Local Plan 2018.)

l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason – To safeguard the character and appearance of the area in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

m) Apart from any top hung vent, the proposed first floor windows, western elevation of Plot 9, northern elevation of Plot 24 and northern elevation of Plot 31 of the development, hereby permitted, shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut unless the opening section is at least 1.7 metres above finished floor level. The development shall be retained as such thereafter.

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

Informative

- a) If any trees of low bat roost potential are felled, guidance as detailed in *Bat Surveys for Professional Ecologists – Good Practice Guidelines* 3rd Edition (Collins Editor, 2016) will need to be followed.

Background Papers:

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

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- Planning File References: S/2501/19/RM and S/1963/15/OL

Report Author:

Rebecca Ward

Principal Planner

Telephone Number:

01954 713236

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
CAMBRIDGESHIRE

Form 7
Ref. S/2487/18/RM

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF RESERVED MATTERS

Decision Date: 10 May 2019

Andrew Wakefield,
NC Architects Ltd
23 High Street Wroughton
Swindon
SN4 9JX

The Council hereby REFUSES to approve details of reserved matters for approval of the matters reserved of the layout of the site, the scale and appearance of buildings and landscaping following outline planning permission S/1963/15/OL for up to 55 dwellings with landscape buffer and new vehicular access

At: Land to the North and South of Bartlow Road, Linton, CB21 4LY
For: Steve Wood, Abbey Developments Ltd.

In accordance with your application dated 29 June 2018 which was submitted in accordance with outline planning permission dated 1 September 2017, reference S/1963/15/OL.

For the following reasons:

1. The proposed development, by reason of the terrace nature of the dwellings due to the site levels together with lack of landscaping within the development would result in a visually prominent development on a sensitive site at the entrance to the village that would adversely affect the landscape setting of the village. The proposal is therefore contrary to Policy HQ/1 of the South Cambridgeshire Local Plan 2018 that requires developments to preserve or enhance the local character of the area and respond to its context in the wider landscape.
2. The proposed development, by reason of the cluster of 22 affordable dwellings within the central part of the southern site would not result in an acceptable dispersal of affordable housing throughout the site that would be socially inclusive. The proposal is therefore contrary to Policy H/10 of the South Cambridgeshire Local Plan 2018 that requires affordable housing to be distributed in small groups or clusters throughout the site.

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF RESERVED MATTERS

Decision Date: 10 May 2019

General

1. **Statement as to how the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner on seeking solutions**

The LPA positively encourages pre-application discussions. Details of this advice service can be found on the Planning pages of the Council's website www.scambs.gov.uk. If a proposed development requires revisions to make it acceptable the LPA will provide an opinion as to how this might be achieved. The LPA will work with the applicant to advise on what information is necessary for the submission of an application and what additional information might help to minimise the need for planning conditions. When an application is acceptable, but requires further details, conditions will be used to make a development acceptable. Joint Listed Building and Planning decisions will be issued together. Where applications are refused clear reasons for refusal will identify why a development is unacceptable and will help the applicant to determine whether and how the proposal might be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

2. A delegation report or committee report, setting out the basis of this decision, is available on the Council's website.

To help us enhance our service to you please complete our [Customer Service Questionnaire](#)

SJ Kelly

Stephen Kelly

Joint Director for Planning and Economic Development for Cambridge and South Cambridgeshire

South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA

SEE NOTES OVERLEAF

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF RESERVED MATTERS

Decision Date: 10 May 2019

NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so using a form which you can get from the Customer Support Unit, Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Alternatively, an online appeals service is available through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pcs. The Planning Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information you are happy will be made available to others in this way, including personal information belonging to you. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

Fully completed appeal forms must be received by the Planning Inspectorate within six months of the date of this decision notice except where the property is subject to an enforcement notice, where an appeal must be received within 28 days.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving the notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

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



**South
Cambridgeshire
District Council**

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

Planning and New Communities
Contact: Rebecca Ward
Tel: 03450455215
Email: planningcomments@scambs.gov.uk
Our Ref: S/2501/19/RM
Date: 04 October 2019

Dear Sir/Madam

Proposal: Approval of matters reserved for appearance, landscaping, layout and scale following outline planning permission S/1963/15/OL for residential development for up to 55 dwellings with landscape buffer and new vehicular access from Bartlow Road
Application Ref S/2501/19/RM
Location: Land to the North and South of Bartlow Road, Linton, CB21 4LY
Applicant: Abbey Developments Ltd

Please click on the link <http://plan.scambs.gov.uk> to view the amended documents/plans in respect of the above proposal.

- Amendments include:**
Additional section drawings and street scene plans
Affordable Housing and Market Housing Schedule
Amendment to layout including adjustment to green link
Soakaway investigations
Ecology information
Landscape details

As the website updates overnight, these will be available to view the following day.

Please note any comments you wish to make on the planning application will be uploaded onto the Councils website prior to the case officer reviewing them. Please see our privacy notice below. Please contact the case officer directly if you have any concerns with this or if certain information needs to remain private and confidential.

I would appreciate any comments that you may have within 14 days of the date of this letter.

*** THE PARISH COUNCIL : OBJECT * PLEASE FIND ATTACHED COMMENTS**

Yours faithfully

THE PARISH COUNCIL : DOES REQUEST THE APPLICATION IS REFERRED TO SCDC FULL PLANNING COMMITTEE
21/10/19
PARISH CLERK.

SJ Kelly
SIGNED: [Redacted]

Stephen Kelly

Joint Director for Planning and Economic Development for Cambridge and South Cambridgeshire

Please use the details at the top of this letter if you wish to contact the relevant case officer.

Privacy Notice

Who we are

This privacy notice explains how the Greater Cambridge Planning Service uses information in the course of providing planning services to Cambridge City and South Cambridgeshire District Councils. This work includes:

- Making decisions and providing advice on planning applications
- Making planning policies
- Working with neighbourhoods on their plans
- Working with neighbouring authorities on strategic policies
- Responding to allegations of unlawful development
- Monitoring development
- Entering legal agreements, serving notices and promoting the best use of land

Why we require this personal information?

We require personal data to process comments so that we know where the comment or information came from and can weigh the relevance of any comments made. We may use the information provided to contact you about the application you have commented on.

What we do with this information

This information will be used by Cambridge City and South Cambridge District Councils in determining an application for planning permission. This function is known as a "public task" and is why we do not need you to "opt in" to allow this information to be used.

We process this information as a (Public task) Statutory Duty as laid out in the Town and Country Planning Act and we cannot process your comments unless you provide this personal information. If you do not or if you refuse to allow us to share information we will not be able to carry out the service for you.

We may process the information you provide to prevent and detect fraud in any of our systems and may supply information to government agencies, credit reference agencies, audit or other external bodies for such purposes. We participate in the governments National Fraud Initiative.

As we process this information as a statutory duty you hold the following rights with regard to the personal data provided to us when making comments:

Right to Access – You have the right to access (receive a copy) of your personal data and supplementary information.

Right to Rectification – You have the right to have any inaccurate or incomplete personal data rectified.

Right to Restriction – You have the right to request a restriction of the processing of your personal data in situations where it is inaccurate, unlawful, and no longer needed for the purposes for which it was originally collected, or if a withdrawal of consent has been made.

The comments provided will form part of our public register of applications and, as such, will be open to public inspection at our offices and on our website and your comment will be attributed to your address. However, personal information including your name and contact details will be redacted in line with our redaction policy. In the event of an appeal, representations will be forwarded to the planning Inspectorate and the appellant. The planning Inspectorate may publish appeal documentation, including copies of representations received.

How we share this information

We do not sell information to other organisations. We do not move information beyond the UK. We do not use information for automated decision making.

We sometimes need to share the information we have with other departments within our Councils, for example to establish how long a building has been used as a dwelling or if you object to a proposal on noise grounds and we feel Environmental Health should be aware.

Redaction ('blanking things out')

We operate a policy where we routinely redact the following details before making forms and documents available online:

- Personal contact details – e.g. name, telephone numbers, email addresses
- Signatures
- Special Category Data - e.g. supporting statements that include information about health conditions or ethnic origin

Retention ('how long we keep your information for')

The Town and Country Planning Act requires us to hold most types of applications on our public register permanently. You can find out more by looking at our Retention Policy on our web sites.

Complaints and problems

You can find out more about how we handle your data by visiting the Councils Privacy Notice page on the web site

If you think we have got something wrong or if you are concerned with the way we are handling your data please contact us by emailing applicationsupport@cambridge.gov.uk for Cambridge City applications and planning@scambs.gov.uk for South Cambridgeshire District applications. Alternatively you can call us on the numbers above.

If you have a query regarding your rights please contact the Data Protection Officer who can be contacted by emailing infogov@3csharedservices.org or you can write to the Council and mark your letter for the attention of the Data Protection Officer. Alternatively you can call 07864 604221 or 01954 713318.

If we fail to respond properly you can direct your concerns to the Information Commissioner's Office (ICO).

S/2501/19/RM – Abbey Developments Ltd – Land to the North and South of Bartlow Road – Amendments; Additional section drawings and street scene plans, affordable housing and market, housing schedule, amendment to layout including adjustment to green link, soakaway investigations, ecology information and landscape details.

LPC Comments on s/2501/19/RM amendments October 2019

Holding Objection

Hard copies of the amendments have not been received at LPC offices, and many documents (including the amended house designs) cannot be opened from the SCDC website. As a result, the comments submitted here will be mainly in the form of a response to the changes documented in the covering letter.

Publishing planning documents on the website would be acceptable notification, but as they cannot be opened they cannot be said to have been properly published. The size of the documents makes it impossible to print on a scale required to make fair comparison of submissions. The lack of hard copy also prevents parishioners without internet connection accessing the plans in the parish office. LPC is unable to comment fully on the amendments; decisions should not be made and officer reports not be finalised until copies are sent and due process has been followed.

The comments submitted previously, from LPC and our consultants, still stand and should be read in conjunction with these comments on the amendments - very little of substance has changed from the refused RM application; the major objections have not been addressed.

These are preliminary comments, but more might follow when we are able to consider the hard copy alongside previous documents.

Interim Comment, subject to the above:

LPC comments on the amendments that we can open:

- The reasons for refusal of s/2487/18/RM have not been addressed:
- The raised terraced nature of housing, on rising ground leading up to impact on the skyline, remains unsympathetic to the land profile and small scale rural character of the area, the approach to the village, Granta Valley and wider landscape. The visual impact of this design on this sensitive site remains contrary to policy HQ/1.
- This application contains no substantial or material changes from the previous refused submission and fails to address the objections of LPC and councillors. The impact remains harmful, as we illustrated in our previous response.
- The correct flood map has not been used; many proposed houses and the pumping station will be in Flood Zone 2 and within the part of the site that has previously flooded, as we illustrated in our previous response.
- Surface water drainage strategies are not based upon suitable porosity and infiltration testing. The data from 2017 does not represent peak seasonal levels and describes 3 results selected from 14 trial pits and an assorted series of depths, which does not accord with due process.
- Flood risk assessment is missing the relevant flood map data and is reliant on raising the houses within the lowest part of the site on platforms above natural ground level, ideal 1:100 slopes that are not characteristic of this design, and a maintenance scheme that is reliant on flood measures in the gardens and responsibilities of the future individual householders. The calculations do not include the existing roadway flooding, the greater flow down steeper slopes than designed for, effects of hard surfacing and platforms with lesser porosity than designed for, the shallow depth to the aquifer and the protected chalk stream.

- Design appears to have been submitted again without review by the independent design panel. It should have been submitted under category 1 (it is a medium to large scale development outside major growth sites).
- The submission is incomplete, in itself grounds for refusal under the new EU environmental regulations, NPPG and SCDC policies.
- No new evidence has been submitted. The "new" reports submitted are out of date and from a previous application (such as Site Investigation and Risk Assessment of 16/11/17, and GeoEnvironmental Assessment Report 07/08/17).
- Other reports are out of date. For example, the Traffic Report is 8 years old, so not based on data for the amount and type of traffic now using the A1307, etc.
- The Ecological report remains inaccurate regarding the status of the River Granta and local wildlife areas. It is also inconsistent with the submitted plans, such as proposing development within areas allocated as buffer zones. The mounds are located specifically where the report states they should not be located, to protect the mammals. Protection of the Roman Snails is reliant on them not moving through and around existing bushes. The limited reptile survey is not lawful (e.g. it is not to the specified level and was done at the wrong time of year, when the Great Crested Newts and others would be preparing to hibernate). As a result, it does not comply with the statutory duty under Directive 92/43/EEC on the Conservation of natural habitats & of wild fauna & flora, and the Conservation of Habitats & Species Regulations 2017.

As a result, the submission does not comply with policy HQ/1, NH/4, NPPF, NPPG and the statutory duty to protect habitats and does not provide the relevant habitats surveys before determination.

Missing Reports include: Statement of Community Involvement, Statement of Sustainable Design and Construction, Flood Risk Assessment, Surface Water Drainage Strategy (this is too important at this site to be left to conditioning) Heritage Statement (Archaeology report is also missing, following excavation work), Landscape Impact Assessment, Complete Ecological Survey (including required season-long amphibian survey), The Health Impact Assessment (including Noise, Vibration and Air Quality Assessments) Lighting Assessment.

Comments on amendments

Covering letter -

- The developer asserts that consultees were content with the previous scheme, although Highways, Lead Local Flood Authority and others recommended refusal. Anglian Water objected to the proposed sewer connection. LPC was definitely not content with the previous scheme, nor were District Councillors.
- The developer again fails to understand that the first reason for refusal was the effect of this development on the landscape, not solely on Bartlow Road. However, the effect on that area, including the amenity and privacy of neighbours, remains significant.
- As before, the developer has failed to address our major objections to the development of this site - the land is built up to higher profiles, the houses are too high and will be overly prominent in the landscape. The development is insensitive to the natural topography, small scale open rural nature of the site and existing housing at the entrance to the village.
- The landscape around Linton and the Granta Valley has been assessed as Valued by a Planning Inspector (see appeal for Back Road development) and this development at this site does not respect the character and value of that wider landscape.
- NPPF criteria **require** valued landscapes to be protected and enhanced.
- The effect on the wider landscape and setting of the village has not been assessed under these criteria.
- The development will be seen over the wide views and across the valley, occupying the valley to be looked down upon from the A1307 and on the skyline from the village. This against the District Design Guide (section 5.2) which states that buildings should not intrude upon the skyline except specifically agreed features - towering housing on rising ground do

not meet this criterion. Please refer to our previous illustrations of impact and landscape assessment which still apply. (Subject to LPC being provided with the missing design drawings), the proposed changes to levels appear to only affect one house in the centre of the site. In principle, the raising of this house further above the natural ground level would exacerbate its impact on the landscape and the amenity of lower houses.

- The effect of this development on the wider landscape, the surrounding fields and public open spaces, the setting of and views from the village, the river Granta, etc, has not been evaluated. There has still been no evaluation of the effect of housing on the northern site and no evaluation of the effects on the skyline from the identified Key view points. It does not comply with the relevant guidance including the Design Guide and our previous landscape assessment and illustrations show there is likely to be substantial harm with this particular raised development.
- Comments from the Urban Design Team have resulted in small changes to garden levels. Plots 1-3 have been moved back but this emphasises the difference in level and gradient between them and Bartlow Road - with concomitant risk of flooding, difficult access to Bartlow Road, etc. (see the Create Consulting report Fluvial and Surface water flooding, bullet point 2, regarding flooding onto the site from Bartlow Road) the gradient will exacerbate the potential for flooding.
- We note that the illustration of this area (Entrance Perspective) gives the impression of a flat site (with rather urban hedging and lollipop trees, alien to the rural setting). We note the relevant sections still omit the steepest part of the section up to the existing road. That includes the latest section. All along this frontage, the structural build-up of terraces above ground level is greatest.
- Retaining walls are still prominent in the designs, including all along the southern boundaries in the most prominent Key views. They are bulky and alien features at odds with the rural landscape.
- It is not demonstrated that the latest proposal, involving no-parking on public areas, can be enforceable and maintained; that comment has raised a new issue that needs greater certainty.
- Plot specific and Dwelling Schedule - as before the range of housing does not meet the needs of Linton and the scale and character of this locality. This range of housing would mainly attract incoming commuters, adding to the problems of the overburdened infrastructure.
- As confirmed by the Housing Need Survey (ACRE, June 2019), we know that there is a need for some housing in Linton, particularly bungalows and smaller houses for the young and downsizers. This housing is already being created within the village envelope by infill and replacement housing (around 110 since the first OL application, built or in the planning system, not including this application)
- Linton has a higher than average older population and the growth within the over 65's is expected to increase by almost 50% to 2036 across the District. This application does not make provision in its range of tenure for the housing needs of older or disabled people.
- Linton has a significantly lower population of adults aged 20-35 years, yet most of this housing appears to be targeted towards them without provision for vulnerable groups.
- How many homes will be built to minimum M4 (2) standards? There is no clarity as the drawings are not publicly accessible despite requests.
- There still appear to be no wheelchair accessible affordable units, as the problems we previously identified have not been addressed. The redesign of the HAF unit did not include the changes we previously identified to make it compliant with the Building regulations.
- The developer statement that there is compliance appears incorrect - there are basic issues such as the pavements and accesses are too steep, drives have cross-slopes too steep for wheelchairs, and wheelchair users cannot use the toilet as the doors to bathrooms such as HAF10 are too cramped.

- We noticed that in larger houses the study/office will be bedrooms - the houses might be described as having 4 bedrooms plus office, but have been advertised as 5 bedroom homes, as admitted in the description here regarding bedroom size. This results in greater bulk than normal for 4 bedroom houses, greater disparity between the existing community and this development, and greater impact on the environment.
- Access - There are still more drives and access points than approved in the OL. It is therefore not a valid RM as defined in the Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- The "green link" footpath has moved to the west - to traverse between sites requires walking along Bartlow Road with its problematic traffic situation, in a 50mph zone, next to the proposed Park and Ride. The police have advised that this speed limit will not be changed (contact with GCP).
- The triangle of land bounded by the old road, Bartlow Road and A1307, is the site of the GCP/City Deal Transport hub. From the description, it seems that this will be affected by proposed bollards and expectations of use by maintenance vehicles. This transport hub is important for the village, to remove P+R cars from the village centre, and we object strongly to anything that compromises this initiative.
- Soakaways/Drainage - Please refer to our consultant's report (Create Consulting Engineers) and to our previous comments, as they still apply, particularly relating to the incorrect flood map being used and the position and vulnerability of soakaways.
- Anglia Water's objection to the wrong manhole being used for foul water, appears to have been dropped following the developer saying they will not now connect to Anglian Water's drainage at all, but there is no deliverable alternative scheme provided. It fails to provide any viable solution to the flooding and drainage issue, and instead leaves the development with a much higher risk of contamination and discharge of flood water into the Protected River and Cambridge Aquifer.
- The southern site is part of the floodplain. Reference to the updated EA maps and the SCDC flood maps in the LDP of 2010 (provided with our previous response), show that part of the "developable area" of the site remains liable to flooding (Flood Zone 2). The ditches along the western edge of the southern site and behind Finchams are in Flood Zone 2, with the pumping station shown in an area vulnerable to this flooding.
- We note that there is no Surface Water Drainage report. Swales are mentioned in other reports (e.g. Ecology) but none are shown on the plans.
- An updated flood risk assessment has not been submitted, and resilience to climate change has not been addressed at current required levels.
- The submitted soakage reports date from 2017 and were performed in atypical conditions. We are currently in a drought period with the aquifer at worryingly low levels.
- The Phase III Site Investigation and Risk Assessment report of 2017, page 6, item 17 "Soakaways" has tested infiltration in 1m deep pits through top soil and subsoil. These conditions no longer exist on site as the soil was removed to form the alien mounds. In the same report, item 16 "Groundwater" noted that long-term monitoring of water levels was not possible. The basis for efficacy of soakaways is questioned as the required peak seasonal levels are not represented, and they should have been 300mm pits to accord with the regulations, which should have avoided digging into the aquifer casing.
- It also appears some 11 trial pits were rejected and not brought forward to the report, and one pit (TP10) is likely to have breached the Cambridge Aquifer as they pumped 1000 litres into it without seeing a head of water (Geo-Environmental Report Page 17 9.8). This approach to infiltration testing was not compliant, and continuing to pump in water was reckless.
- The "new" Geoenvironmental report is also from 2017, and has testing on the site with test pits into the top- and subsoil. The current situation is that the top of the aquifer, the chalk, is exposed. Building directly on top of this is not acceptable, will limit infiltration into the source

- of our water and add to surface water flooding. The report also identifies that this is not good practice as it does not have sufficient bearing capacity and will deteriorate over time.
- It is required that there needs to be >1m clearance between the base of any infiltration feature and peak seasonal groundwater levels. So far, this has not been demonstrated as part of the application and groundwater at TP2 (under the lowest houses) was at 1.5 metres. Clearance will be even less now that the topsoil is removed.
 - When flooding occurs, it is after prolonged rain, when the aquifer is full and there is no further capacity for infiltration. When the wetter weather returns, the probability of flooding will return; the current drought conditions (3-4 years of dry winters with hot dry summers) are unusual and not typical of the area.
 - The Highways Authority/CCC does not adopt SUDs schemes, although this is referred to on the drainage scheme map. Knowing the previous flooding on Bartlow Road, documented on the EA surface water maps, the mitigation of permeable block paving on driveways is unlikely to cope once the surface water road flooding diverts down the new road and driveways.
 - We note that in the Rossi Long report on drainage strategy, the comments by the EA refer to the previous application and a completely different drainage scheme. The swales are still referred to in the Ecology report
- Ecology - the required season-long amphibian survey has still not been done - just a 4-week snapshot - in a notably dry and hot summer. That is outside the period required in law and not in compliance with the relevant Regulations (as noted above).
 - Amphibians are by definition "an animal, such as a frog, that lives both on land and in water but must produce its eggs in water". The high likelihood habitats and the water they need is along the river meadow, i.e. not in the northern site where most of the proposed mats/refuges are located. Siting the new habitats away from water courses, ponds and damp areas they need is not appropriate and is highly likely to lead to deaths as they try to cross the housing site and Bartlow Road back to their breeding places and original homes. This demonstrates that an informed survey is essential for compliance with the Regulations.
 - The southern site has been disrupted by work that does not comply with the CEMP. This includes removal of topsoil and disturbance by heavy machinery within the buffer zone, leading to changed flora and loss of habitat, which again does not comply with the Regulations.
 - Otters are now regular visitors to the river, through the village, as noted in an LPC river review commissioned from the Ecologist of the Wild Trout Trust. Evidence is regularly seen in the area of the southern site.
 - The badgers and other mammals identified within the CEMP are at risk as the mounds have been specifically positioned where the CEMP noted they should not be located, to prevent Protected species and other wildlife relocating to them and being harmed in the midst of a building site. This is an added reason for these unsightly unauthorised mounds to be removed promptly and the site reinstated to its former profile.
 - The significance of the Granta as a rare chalk stream has not been recognised in this report. The stress that these are under is now part of a national campaign, with our Granta featuring on BBC television and radio.
 - The protected status of the Granta is significant, with Policy NH/4.4 reflecting the Regulations and requiring that where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, applicants will be expected to provide an adequate level of survey information and site assessment to establish the extent of a potential impact, *prior to the determination of an application*. **This has not been done.**
 - The LVIA by Bidwells notes that "the sensitivity of the River Granta is assessed as "High" because of its high value and susceptibility". It bounds the southern site and will be impacted by development onto or abutting the floodplain. This has not been appreciated by the developer.

- The Ecology report still fails to recognise that Leadwell Meadows/Pocket Park/Hogsholme is also a County Wildlife area. It has been omitted from the list of County Wildlife areas described in the Ecological Design Strategy (EDS) section 2.3. Flemings Field, an open un-tilled area adjacent to the site, is another a wildlife habitat not assessed. However the response of the SCDC Ecology Officer does recognise the River Granta CWS and its need for protection.
- The Ecology in this area is sensitive, affected by recent floods and the current drought. Further stress upon the area through construction and the results of housing so close to vulnerable areas has not been fully appreciated in the assessment and design by the developer.
- The ecological proposals for the planting of some wild flowers and replacing some ornamental shrubs with native species is insignificant compared to the environmental harm, such as the loss of the natural rural form and species rich hedges, and the likely harm to wildlife and the chalk stream corridor.
- Please note - the EA does not allow tree planting or construction within 8 m of the main river.
- Landscape - what is referred to here is actually landscaping, not the effects on the landscape, a very different thing. It is the effect of this development on the wider Granta Valley Valued Landscape that was the major reason for refusal last time, and should remain so. The Key views and illustrated impacts in our last response are still relevant and material.

With the acceptance of the new LDP, the planning situation has changed considerably. Local factors for refusal can be given due weight. Linton is providing sufficient housing within the village envelope without this speculative application. The grounds for the OL approval were questionable with many inaccuracies and should have been called in; the planning balance has changed.

The major reason for refusal of the previous application (s/2487/18/RM) has not been resolved. These amendments do not resolve the issues and reasons for our objections, and like the original application, this application should be refused.

LPC Decision: Object and refer to SCDC Full Planning Committee

Comments received – 2/10/19

Good Morning,

Unfortunately the flood maps that were sent with the comments from Linton Parish Council on the 12th September for S/2501/19/RM do not appear to have a clear definition of colour following scanning of the PDF.

Please find attached the original PDF's of the maps that are to be considered with the comments sent dated 12/9/19.

Please could you load these on to the portal for planning application S/2501/19/RM.

Kind regards

Maria French
Assistant Clerk
Linton Parish Council
The Village Hall
Coles Lane
Linton
Cambridge
CB21 4JS

GENERAL KEY

- SITE BOUNDARY
- FINISHED FLOOR LEVEL
- APPROXIMATE EXTENT OF RAISED DPC WHERE EXTERNAL GROUND LEVELS ARE LESS THAN 150mm BELOW FFL
- APPROXIMATE EXTENT OF EXPOSED BRICKWORK WHERE EXTERNAL GROUND LEVELS ARE GREATER THAN 150mm BELOW FFL
- THRESHOLD DRAIN TO BE INSTALLED WHERE FOOTPATHS ARE LEVEL OR FALL TOWARDS FRONT DOOR
- BANKING
- 17.200+ PROPOSED SPOF LEVEL
- (17.200)+ EXISTING LEVEL MAINTAINED
- EXISTING SURVEY LEVEL
- FLOW OF GROUND WATER
- KERB UPSHANG
- PLOT NUMBER
- 12 DIRECTIONAL FALL / ROAD GRADIENT
- DROPPED KERB
- GARDEN WALL
- RETAINING WALL (REFER TO STRUCTURAL DROS)
- TREE PROTECTION FENCE

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DO NOT SCALE THIS DRAWING, IF IN DOUBT ASK.

THIS DRAWING SHALL BE READ IN CONNECTION WITH ALL RELEVANT CONTRACT DOCUMENTS. ANY DISCREPANCIES BETWEEN INFORMATION SHOWN ON THIS OR ANY OTHER DRAWING SHALL BE REFERRED TO THE CONTRACT DOCUMENTS AND FOUND TO BE NECESSARY TO THE WORK. CONTRACTORS SHALL VERIFY ALL INFORMATION TO BE SHOWN ON THIS DRAWING BEFORE COMMENCING WORK.

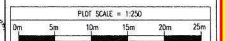
IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL SERVICES ARE PROTECTED AND NOT DAMAGED BY THE PROPOSED WORKS AND TO LOCATE PROTECTIVE SERVICES BEFORE COMMENCING WORK.

ALL LEVELS ARE BASED ON TOPOGRAPHICAL SURVEY CARRIED OUT BY THE SURVEYOR REFERRED TO IN THE DRAWING. ALL LEVELS ARE REFERRED TO AS ABOVE UNLESS OTHERWISE STATED.

ALL LEVELS AND DESIGN DETAIL ARE SUBJECT TO APPROVAL AND A 50% ASSUREMENT WITH CHAMBERSBURGH COUNTY COUNCIL.

TO MEET BUILDING REGULATION PART B REQUIREMENTS, ALL MAIN ENTRANCES TO BUILDINGS TO HAVE A 1.2m LEVEL PLATFORM WITH A MAXIMUM GRADIENT OF 1:20.

FOR HIGH LANDSCAPING DETAILS REFER TO ADD ENVIRONMENTAL LTD DRAWINGS.



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PLANNING	
Abbey Developments Ltd.	
BARTLOW ROAD, LINTON	
Southern Site Levels Layout	
SDP CONSULTING SERVICES	18.07.19
1:250 @ A0	BC
E17-084-140	HVC
	NG
	JUN'18
	P5

Environment Agency
Recorded
Flood
Outline
2017.
Map

Linton Parish Council - S/2501/19/RM - Flood maps from comments dated 12/09/19

**Recorded Flood Event Outlines centred on Mill Lane, Linton, Cambridgeshire.
NGR TL 56463 46613. Ref 34305. Created on 16 January 2017.**



Scale 1:10,000



Legend

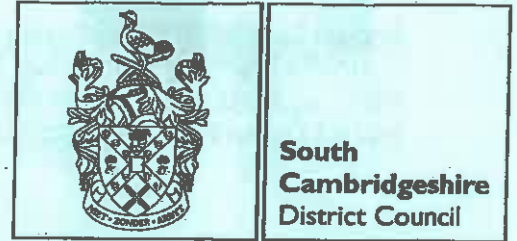
- Main River
- Historic Flood Outline October 2001
- Historic Flood Outline September 1968
- ★ Site

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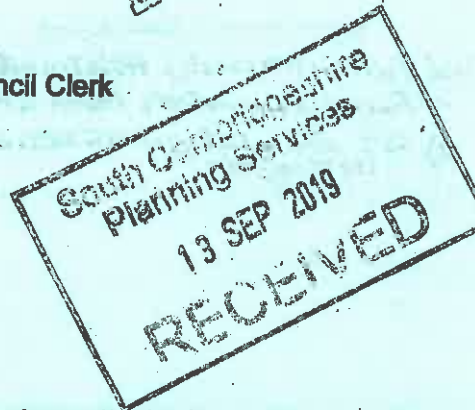
Linton Parish Council - S/2501/19/RM - Flood maps from comments submitted on 12/09/19

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Kathryn Wiseman,
 Linton Parish Council Clerk
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Planning and New Communities
 Contact: Rebecca Ward
 Tel: 03450455215
 Email: planningcomments@scambs.gov.uk
 Our Ref: S/2501/19/RM
 Your Ref:
 Date 06 August 2019

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: Approval of matters reserved for appearance, landscaping, layout and scale following outline planning permission S/1963/15/OL for residential development for up to 55 dwellings with landscape buffer and new vehicular access from Bartlow Road

Application Ref: S/2501/19/RM

Location: Land to the North and South of Bartlow Road, Linton, CB21 4LY

Applicant: Abbey Developments Ltd

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.

<http://plan.scambs.gov.uk>

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		

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.

The Parish Council: - (Please delete appropriately)

Supports

Objects

Has no recommendation.

Comments:

** PLEASE FIND ATTACHED ADDITIONAL COMMENTS ;
1) ' FURTHER COMMENTS FROM LPC '
2) ' LPC COMMENTS ON THE DESIGN AND ACCESS STATEMENT '*

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..... AB Date 22/08/19 - HOLDING OBJECTION
12/09/19 - ADDITIONAL COMMENTS

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

EXPLANATION OF APPLICATION SUFFIX

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Further comments on Planning Application s/2501/19/RM - Land off Bartlow Road, Linton.

The holding objection and initial comments still stand, these are further comments on the application, including comments on documents not available at the planning meeting of 21st August.

This application is very similar to the previous RM application, s/2487/18/RM, and again appears to have been submitted without having been reviewed by the independent design panel under category 1 (it is a medium to large scale development outside major growth sites).

This application contains no substantial or material changes from the previous submission and fails to address the objections of LPC and councillors. LPC's holding objection has commented on the items described as resolving the previous refusal - they do not (see LPC response to the D+A statement)

The Design and Access Statement was not available to LPC at the time of the planning meeting of 21st August. This has now been received and see that the D and A Statement lists conditions wished to discharge, but the information has not been provided and the discharge of conditions are not included on the application form.

Many reports are missing, as noted in the holding objection, and wildlife surveys that are a requirement have still not been completed. By recent SCDC policy criteria regarding revisions, the omission of reports means that the application is incomplete. This is grounds in itself for refusal.

Missing Reports include: Statement of Community Involvement, Statement of Sustainable Design and Construction, Flood Risk Assessment, Surface Water Drainage Strategy (this is too important at this site to be left to conditioning) Heritage Statement (Archaeology report is also missing, following excavation work), Landscape Impact Assessment, Complete Ecological Survey (including required amphibian survey), The Health Impact Assessment (including Noise, Vibration and Air Quality Assessments) Lighting Assessment, Contaminated Land Assessment.

This is not a sustainable development, does not meet village needs, does not protect or enhance the valued landscape and does not meet the criteria of the NPPF. LPC objects to this application.

Planning Comments

- The site is outside the village framework boundary and, judged against the Local Development Plan, should be refused on those grounds alone.
- The application is for more than 30 houses in a minor rural centre, again grounds for refusal
- The site is not part of the allocation in the LDP and not included in calculations for housing land supply (reviewed by the LDP Inspector). In the hierarchy of development there are many more suitable sites.
- An incomplete application was submitted, and in line with the new SCDC policy, is another reason why this application should be refused from the outset.
- The application is very different from the indicative OL submission, outside its extent and scope, as described in our consultant's response (Consultant comments sent separately).
- The existing landscape is acknowledged to be a **Valued Landscape** by the Inspector assessing the Appeal at Back Road (APP/W0530/W/17/3174153)
- NPPF criteria **require** valued landscapes to be protected and enhanced.
- The effect on the wider landscape and setting of the village has not been assessed under these criteria.
- The proposed housing mix does not meet the needs of the village as assessed in the Housing Need Survey of June 2019 (Cambridgeshire ACRE), particularly the need for bungalows.
- The proposed tall housing will overlook and overshadow current housing along Bartlow Road and within the development sites, with loss of privacy being of particular concern.
- The site is in the floodplain, over the aquifer, in a groundwater protection zone and adjacent to a rare and protected Chalk Stream in a sensitive valley corridor. Water issues - flooding, drought and water supply in a changing climate - need serious consideration.

- The housing proposed is in sub-optimal locations, including being too far from amenities and services for sustainability. Residents would have to travel to work and further than the Design Guide recommended distances to schools, health services and other amenities predominantly by car. This is not a "zero carbon community" from the outset.
- Groundworks have taken place without planning permission and before conditions in the OL have been complied with. These mounds are alien in the landscape and now appear as features of the scheme. They must be removed before the expected heavy winter rain as they would cause silting of the protected Chalk Stream.

Landscape

- In this application, as before, the developer has failed to take into account our major objections to the design of this site - the land is built up to higher profiles, the houses themselves are too high, prominent in the landscape and with designs insensitive to the nature of the rural site and entrance to the village.
- The developer has not submitted a Landscape Impact Assessment.
- The landscape around Linton and the Granta Valley has been assessed as Valued (see appeal for Back Road development) and this development at this site does not respect the character and value of that landscape.
- The development will be seen over the wide views and across the valley, on the brow of the hill when approaching from Haverhill, occupying the valley looked down upon from the A1307 and on the skyline from the village. This against the District Design Guide (section 5.2) which states that buildings should not intrude upon the skyline except specifically agreed features - towering housing on rising ground would not meet this criterion.
- The effect of this development on the wider landscape, the surrounding fields and public open spaces, the setting of and views from the village, the river Granta, etc., has not been evaluated. There has still been no evaluation of the effect of housing on the northern site and no evaluation of the effects on the skyline from identified key view points.
- The Granta is a rare and protected Chalk Stream, with Pocket Park across the river, a much used village-owned area for leisure and wildlife. Viewed from along the river, the houses will be seen on rising ground, magnifying their impact and overbearing on the key view from the valley (see overlay provided)
- From the village, the houses will be prominent along the Bartlow Road and on the skyline. This is at odds with the rest of the village, which nestles into the contours and is hardly noticeable from outside - unlike the impact of this site.
- The views shown are not representative and misleading; significant views have been omitted. In particular the reality of the views across the river from the public open space, with housing rising in terraces with platforms and steps, with car and parking prominent in the street scene.
- The aerial illustration is unrealistic in that it shows an apparently flat field, rather than the slopes of the actual site.
- The street elevation views do not include the comparator of current buildings from which to judge the height, bulk and dominance of the proposed dwellings.
- Linton nestles into the valley and has low impact on the wider views. Nearby housing is set low or single storey. Tall, 2- 2½ - 3 storey housing is too dominant and overbearing. This development would be prominent from all views and across the valued, character landscape
- Housing here would be very visible on the skylines and approaches, adversely affecting the views and setting of Linton in the open landscape and the wider valued landscape (contrary to Policy HQ/1). Building here will neither conserve nor enhance the amenity of the village's natural, built or historic environment and resources.
- LPC reasons for objection include similar reasons for refusal of planning applications for Flemings Field, the next field along the river (refused 9 times by SCDC since 1959), *that further development would progressively detract from the rural appearance of the area.*
- Please note - The Planning Statement, 5.15 refers to reasons for reduction in housing numbers of s/1963/15/OL as being due to landscape issues. The next paragraphs then describe proposed

landscaping. One reason for refusal was the impact on the landscape, a very different matter and one that cannot be addressed at a later stage by planting; the countryside, the views and landscape form do not change

- Para 5.16 also refers to the creation of a rural setting - we already have this, which would be harmed by this development.
- The landscape of the Granta Valley has been assessed as valued (Back Road applications/0096/17/OL) and to be preserved and enhanced, not what is proposed here.

Housing mix and needs

- Linton quadrupled in size since 1970s, and has taken its share of new estates
- Since a recent Housing Need Survey (ACRE, June 2019) we know that there is a need for some housing in Linton, particularly for future rather than current needs. This housing is being created within the village envelope by infill and replacement housing.
- Linton has a high proportion of older people - a village of 4,800 people with around 3000 over 45 at the last census. The housing needs for the village are predominantly for bungalows and smaller/affordable homes, including some rental, as described in a recent housing needs report. If there were bungalows, this would free larger homes for families - we do not need more large homes. The outlined housing mix here does not reflect the needs, and budgets, of our current population, nor the needs for the future.
- Linton has a higher than average older population and the growth within the over 65's is expected to increase by almost 50% to 2036 across the District. This application does not make provision in its range of tenure for the housing needs of older or disabled people.
- How many homes will be built to minimum M4 (2) standards?
- Linton has a significantly lower population of adults aged 20-35 years, yet most of this housing appears to be targeted towards them without provision for vulnerable groups.
- We noticed that in larger houses the study/office will be bedrooms - the houses might be described as having 4 bedrooms plus office, but have been advertised as 5 bedroom homes.
- This development has no potential for employment within the village, even in building - developers have their own supply chain.
- This range of housing would mainly attract incoming commuters, adding to the problems of the overburdened infrastructure.
- In particular the schools (LIS and LHS) are full - being a minor rural centre they must take those from other villages, too.
- Linton is providing its own housing by means of infill housing, replacing large houses and gardens with small developments, and conversion of properties. Since the OL application around 110 houses have been built or are in the planning pipeline (not including this application). Of these, only OL Horseheath Road is outside the village envelope.
- Several other homes have been extended, some considerably, adding to the housing stock.
- None of these sites were part of the LDP, so there are now around 110 windfall dwellings, not including this application, counting towards the 5-year housing numbers - all this in a village which was not allocated any housing in the LDPs. This application is not needed, will not be critical to 5-year housing land supply nor in the longer term, and is beyond the capacity of the village infrastructure. This development is not required.
- The cumulative effect of development on Linton must now be a consideration, and this application should be refused as not sustainable.

Housing layout

- The illustrative plans do not show the true nature of the development. The site is to be built substantially above the original ground levels, completely re-configuring the landscape with retaining walls, platforms, steps and other engineering structures.
- The site sections (e.g. site section 3) partly show the issue, and should also show the profile of the existing site for comparison. The sections where overlooking is likely to occur should also be

shown through the staircases, where users would have panoramic visibility of homes and amenity spaces below.

- The current housing along Bartlow Road will be overlooked by new houses opposite them, with the loss of their human right to privacy.
- The terraced nature of the development remains - 16 houses have terraces - shortened but still a prominent feature. The built up platforms are not shown and careful fading misleadingly minimise their effect on the views and landscape.
- From Pocket Park (Southern edge) the view from the village wildlife and leisure site will be totally urban, with parked cars and driveways dominating.
- Recent decisions have considered the dominance of cars to be detrimental to the street scene, but cars and parking will dominate this site and along both sides of Bartlow Road
- The gradient, along with steps and no resting places, makes site outside the bounds of accessibility for many disabled people.
- There is no demonstration the design has taken into account being next to a proposed Park and Ride site. This hub is needed to reduce congestion in the village centre and allow parking for commerce; it cannot be compromised
- We note that the banks of soil are still shown in the contour plans, with houses or gardens over them. These are alien features in the landscape and do not have planning permission to remain. The original ground levels should be re-instated.
- The site section plans show a green line as denoting the existing ground level. The ground has been denuded of topsoil and subsoil for the archaeological investigation, and the chalk layer is exposed - the chalk appears to be the new ground level. This is directly above and detrimental to the aquifer in a Groundwater Protection Zone - SPZ2. The OL surveys showed the water supply is likely to be only about 1 – 2 metres below current ground level, so would easily be breached by the new development.
- There appears to be no allowance in the levels for top soil for the gardens or public areas.
- The steepness of the drives from plots in the southern site up to the Bartlow Road is considerable, and now increased by lowering slabs.
- We calculate that the gradient of the main road entrance to the site is around 1:8.7. This is even steeper than the last RM and definitely not accessible
- Access to the road could be compromised particularly in poor weather, and the drives will channel rainwater down towards the houses and garages (Bartlow Road is well known for flooding and freezing in winter).
- Current housing is set back from Bartlow Road to give gentler gradient and to set the housing into the contours, reducing the detrimental effect on the landscape.
- The rise in levels are likely to be generally greater than 2m across the centre of the development with a substantial further build-up to create these platforms - potentially up to 6.5m across the area where the platforms are most prominent. Plot 45 down to plot 15 has a height difference of around 7.6m in the first floor level. Dropping some slab levels by 40cm will be minimal compared to other height differences, and not address the overall problems of the cramped layout.
- The height differences between housing means that ground floor levels of some plots are at first floor (or higher) level to neighbours, with potential loss of privacy and overshadowing e.g. plot 1 is 3.9 m higher than plots 7,8,9. Plot 4 is around 3m above plot 21.
- The aerial illustration is unrealistic in that it shows an apparently flat field, rather than the slopes of the actual site.

Development outside permitted areas

- This is seen at the boundaries of the southern site, the proposed soakaways, and many gardens extend outside of the developable area. At the western edge, housing and gardens and the pumping station encroach upon the boundary ditch, fence and mature hedge.

- The northern LEAP with play equipment has been lost, will there be "play boulders" as previously? The glaciers did not deposit this type of surface boulders on our terminal morain
- Woodland planting appears to be over the no-dig/no-plant protection area of the gas main which crosses the northern site.
- Variation of the developable area is not a Reserved Matter, and needs new planning permission.

Designs

- We are aware that the indicative scheme was not approved and was identified as being flawed. These designs are cramped, bulky and too high for the site, an erosion in design standards.
- Proposed housing will overshadow and overlook neighbours on Bartlow Road and within the site, with loss of amenity and privacy. See overlay which illustrates this.
- The architectural styles remain unacceptable, particularly the taller buildings of 2½ and 3 storeys which will be unduly prominent on the roadside and particularly on the skyline. The site should be viewed from the village and from across the river to judge the effect of these houses on the rising ground, not on a flat site as suggested by the illustrations
- Again, these are urban "anywhere" designs with little relationship to the existing village and the character of the area. They remain generic designs, not tailored to this site, and do not support the character of Linton, but rather are antagonistic to the rural aspect.
- The "Farmstead" designs are unlike any farmhouses in this area, and many houses have black boarded effects. In this area only barns have black (Tar or Creosote) timber
- The flats on top of car parks are still in the scheme. They provide a poor quality inactive street scene, dominated by car parking, and unlike the character of this village (Design Guide e.g. para 6.82-84 pages 120 onwards).
- However, the residents of the flats will remain dry when surface water floods below them...
- There is no provision of accessible housing for the disabled. The accessibility of the affordable homes is seriously questionable, with only 1 ground floor maisonette on the site and this without accessible doorways. All affordable homes on the northern site are type B with a novel chicane in the hallway around the bottom of the stairs. Being 2 storey, they are unsuited for those in a wheelchair or with limited mobility (the downstairs cloakroom appears not to be wheelchair accessible). On the southern site there are only 3 affordable homes without steps to access either the house or the garden or both (the maisonette mentioned above and 2 house type B).
- Good design is innovative, aesthetic, shaping and contributing to surroundings, to give a sense of wellbeing. These designs do not meet these principles nor those of the Design Guide.

Flooding - This includes flooding from the river (Fluvial) and surface water flooding (Pluvial)

- An updated flood risk assessment has not been submitted, and resilience to climate change has not been addressed at current required levels.
- Open land acts as a sponge to slow the flow of pluvial water downstream; to lose this land to building (and unmanageable future projects by householders - paving, extensions, etc.) puts at risk the areas downstream, including our historic and commercial village centre.
- The southern site is part of the floodplain. Reference to the updated EA maps and the SCDC flood maps in the LDP of 2010 (provided), show that part of the "developable area" of the site remains liable to flooding (Flood Zone 2). The ditches along the western edge of the southern site and behind Finchams are in Flood Zone 2, with the pumping station shown in area prone to this flooding.
- The maps used by the developer do not show the true extent of flooding, nor the nature of the flooding - water accumulates in the Ashdon area and comes downriver as flash flooding.
- We note that in the Rossi Long report on drainage strategy, the comments by the EA refer to the previous application and a completely different drainage scheme.

- The Statutory Consultee (LLFA) response to this scheme is to recommend refusal due to an unacceptable risk of flooding downstream. This is similar to the reasons for refusal for Flemings Field, the next field and in the same floodplain (refused 9 times since 1959), that further development would aggravate the existing flooding problem.
- This site is affected by the extremes of weather, ranging from severe flooding from the river and surface water from the road and hill north of the site, to the current drought where the river must be kept flowing using drinking water from the aquifer upstream.
- The stress on the aquifers to supply housing development must be considered as a serious issue. Building over an aquifer in a Groundwater Protection Zone - SPZ2 - would not be seen to be protection of our water supply.
- The surface water flooding has been known since Mediaeval times following the removal of woodland up the slopes. This was revealed by the Archaeological investigations, with housing in the centre of the site (including social housing) vulnerable to pluvial flooding
- The archaeology also revealed how the road across the site had moved up the contours over the centuries to avoid mud and flood.
- The loss of land for soakaway would result in more flow into the river, which can flood rapidly and with great volume putting the centre of the village under greater threat, increasingly more frequently. The thesis written after the 2001 floods and local knowledge confirm there is more flooding than indicated in the submission.
- The LVIA by Bidwells notes that "the sensitivity of the River Granta is assessed as "High" because of its high value and susceptibility". It bounds the southern site and will be impacted by development onto or abutting the floodplain
- Previous applications did not provide a workable SuDS scheme, and now the plans are for surface water flooding to be dealt with by soakaways only, many in the un-developable area or in private grounds where their maintenance cannot be controlled.
- Suitable peak season porosity testing has not been completed. Infiltration and porosity tests failed despite the exceptionally dry weather at the time they were performed.
- Now, reliable porosity and infiltration testing cannot be done as the top soil and subsoil has been removed.

Health, noise, air quality, light pollution

Please refer to the Health Specialist reports in s/2073/19/OL which refers to this site and the CPRE response to the application.

- The Health Impact Assessment is not present. However, that in the OL application is misleadingly optimistic in its evaluation and accessibility of services. Access to Health Care and Services are now in the hands of Granta group surgery. Linton residents find it problematic to get appointments as there is a considerable waiting list and are likely to be sent to other surgeries - Sawston, Barley, etc. - which are difficult to get to by public transport. Haverhill and Cambridge have similar pressure and do not take Granta patients. Additional patients will add to the pressure on our village facilities.
- Addenbrookes might be a renowned hospital but it is an *international* referral centre with concomitant pressure on its facilities and services. Access to its many services is optimistic.
- The dental surgery has been moved toward the A1307/High Street junction around 1800m from the site and with difficult parking. There are no NHS places available.
- There is no adequate noise assessment, despite the site being very close to and below the A1307 which is above most of the site (and so named the Causeway)
- The issue regarding noise levels exceeding EU regulations in external spaces has not been overcome, nor has the likelihood of people wanting to open their windows.
- The stress caused by loud noise, and particularly low-level constant noise, is well documented as having detrimental health effects, particularly on cortisol levels (a typical marker of stress). These

sites suffer from both loud and constant road noise, so noise impact from this is a major consideration for healthy living.

- Noise amelioration is essential for the site. In the previous application it is felt that the noise levels had been underestimated due to the dates and times that these were measured (especially the re-test data). An updated noise report has not been submitted
- Planting trees, which take an appreciable time to grow and will not become tall enough to protect bedrooms from the noise, is insufficient noise amelioration.
- There is no assessment of vibration levels for the site, despite the HGV traffic from distribution hubs in Haverhill and other sources.
- Being close to the A1307 and busy Bartlow Road there has been no air quality assessment
- There is no assessment of light pollution from the site and no lighting scheme. This would affect neighbours, wildlife in Pocket Park/Leadwell Meadow as well as being a distraction to traffic on A1307.

Archaeology

- There is no Archaeology report in the submission.
- Following recent investigations, we now know that the site is of greater archaeological importance than expected by desk top review or test pits.
- This is not a designated site because its existence was expected, but not known.
- There are designated sites nearby at the Roman Villa and Linton Heath, along with a Cursus on Horseheath Road so that the area is of greater importance than described in the OL
- The site has been active since the Stone Ages but with few built remains - evidence of large scale flint working, Anglo Saxon workshops, but no houses - after all who would want to build their houses on a flood plain?
- The development would involve almost total destruction of archaeology. Some of it, like the well and the Neolithic fireplace, without having had appropriate survey before it is lost.
- It is noted that the existing archaeology mounds are not authorised engineering works, so would need separate planning consent. These now appear on updated contour drawings, indicating that they would be permanent structures. This is not described nor forms part of a report; for example as part of a strategy for 'overcoming' noise and visual problems.
- The mounds are not in accordance with the outline approval, are outside of the Developable Area of the site and have no planning permission.

Soft landscape

- Important hedges along Bartlow Road are to be lost and replaced with drives and urban shrubs. The retention of these hedges was part of OL approval.
- The green frontage onto Bartlow Road, a buffer and soft entrance to the village will be lost due to replacement of mature hedge with an urban one "trimmed to residential size" and vulnerable to removal by residents.
- Without the hedge the rural character of the area is lost - at a major entrance to the village and part of its historic and landscape setting.
- The mature hedges - vegetation at the bottom, woody shrubs that make the structure and trees that form the canopy - all play a role for wildlife and rural context. This is lost and cannot be substituted for by the urban hedging proposed. Significant wildlife habitat and wildlife corridor will be lost.
- Historic hedges and mature trees along the western edge of both sites cannot be guaranteed to be preserved, as they will be large items in small gardens.
- These mature trees are significant in the skyline, particularly as seen from the village.
- Parts of the site are in the frost pocket, on a site that has extremes of water, so survival of some plants is dubious.
- There still appears to be planting in the "no-dig, no-plant" zone over the gas main in the northern site.

Ecology and Biodiversity

We are very concerned about the effect of the proposed development on its surrounding zone of influence, particularly our Public Amenity and wildlife area and river- the ecological impacts will be significant on areas that are important to the village.

There is a different Ecology report from the previous RM - this is largely a re-iteration of the original assessment, with similar omissions.

A full reptile survey has again not been completed, despite this being an EU requirement. Again this report states that **"a full reptile survey will be necessary"**.

Policy NH/4.4 requires that where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, applicants will be expected to provide an adequate level of survey information and site assessment to establish the extent of a potential impact, **prior to the determination of an application**. The applicant's own report notes there are numerous ponds that have not been surveyed, and there are newts within the specified 250 metres of the site. It is not appropriate to design a scheme including landscaping, drainage, earth moving and substantial excavations in close proximity without having first assessed where the newts and other amphibians and reptiles need protecting, and how that is appropriately addressed in the design and maintenance schemes.

Comments on the **Construction Environmental Management Plan**

- 2.2 Condition 18 refers to a Construction Environmental Management Plan and states that: *"No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. Groundworks have already taken place - removal of soils and the creation of mounds, without permission.*
- In the plan, attention has been drawn to several omissions in wildlife surveys, e.g. there has still been no otter survey, although otter spraint has been seen under the bridge. Proposals to protect the wildlife are questionable in their efficacy and retention
- Habitats, page 8, we note "The site predominantly comprises heavily grazed semi-improved grassland". It was actually arable land, with annual crops and not grazed.
- Also that *"The species rich hedgerows will be retained and protected with suitable root protection area and heras fencing. The sections of hedgerow lost will be replaced with species rich planting within the development "*. The current proposals will almost totally remove existing hedges - mature, well grown and providing a diverse range of tree species, food sources wildlife habitat and migration corridors - to be replaced by urban hedging *"cut to residential height"*. This is not protection of the natural environment.
- Defensive planting to *"deter animals like cats from accessing the river corridor"* (3.13), is a rather optimistic means to help protect the number of red-list and BAP bird species and other species that were recorded on site during both surveys.
- *"In order to protect the river banks from degradation by public access and dog walking, it is recommended that thick barrier planting is installed"* (3.17). Again this is hopeful and future management and retention cannot be assured.
- 3.19 *"A full presence/absence reptile survey is recommended to avoid the risk of discovering reptiles during site preparation work which would lead to a costly delay. This will be carried out between March and October under suitable weather conditions"*. This has not been done, although it is an EU necessity.
- 3.20 *"There have been no dormice surveys conducted and there is potential for them to be present on site within boundary hedgerows"*
- 3.21 *"Dense, prickly bushes should be planted between the development site and River Granta to deter domestic animals and people from accessing the river corridor, which is very sensitive to disturbance"*. Again this is optimistic and future management and retention cannot be assured.

- The dense rows of prickly bushes being proposed are not typical planting for a river meadow, and are not as conducive to wildlife as native riverside plants, particularly alongside a protected chalk stream

Comments on the Ecological Design Strategy

- Development of this site will affect zones of influence, including the Public Amenity Area of Leadwell Meadows/Pocket Park/ Hogsholme (across the river and natural areas managed for the village and with significant flora and wildlife habitat) and Flemings Field an open un-tilled area adjacent to the site and now a wildlife habitat.
- The reports all fail to recognise that Leadwell Meadows/Pocket Park/Hogsholme is also a County Wildlife area. It has been omitted from the list of County Wildlife areas described in the Ecological Design Strategy (EDS) section 2.3
- On the Southern site, the recent removal of topsoil for the Archaeological investigations precludes a full survey being undertaken. The floodplain and lower areas still have soil, vegetation, ponds, etc.
- 2.10 *"All boundary hedgerows are species-rich, mature and have associated features, therefore, could be classified as important under the ecological criteria of the Hedgerow Regulations"*. The loss of these along Bartlow Road, the incorporation into gardens along the western edge where they cannot be protected is regrettable to say the least...
- 2.13 *"No evidence of otters recorded in 2018"*. A full otter survey has not been completed. Otters have been seen along the river since then and spraint recorded.
- 2.22 *"The Applied Ecology report states that there are no ponds within 250m of the Application Site, however we have identified five ponds within 250m and seven within 500m. The nearest two ponds were visited during the 2018 survey and one was found to be dry. The other is a large, deep pond surrounded by good terrestrial habitat within a wet plantation woodland to the south, which links to the site via the river corridor (via underpass under the road)"*.
- Page 9 *"It is possible that the site has become more suitable for reptiles since the original ecology survey in 2014 as the grassland field has been left unmanaged"*.
- A full reptile survey has **still not** been conducted despite being recommended here and in two previous Ecology Reports.

The River Granta and wildlife

- The EIA fails to recognise that this river, The Granta, is a rare Designated Chalk Stream with EU designation and international protected status, designated Main River with restrictions on proximity of building. The LVIA by Bidwells notes that "the sensitivity of the River Granta is assessed as "High" because of its high value and susceptibility". It bounds the southern site and will be impacted by development onto or abutting the floodplain
- The river was used as an example of a rare chalk stream in a BBC programme on 22nd August
- The river holds brown trout and has been proposed for work to improve their protection and enhancement, as advised by the Wild Trout Trust.
- Pollution in water run-off and when the river overflows the swales and balancing ponds would be detrimental to the plant, fish and invertebrate life in the river and the land downstream
- The use of industrial herbicides, during maintenance of the site and its planting, could run off and affect fish and invertebrate stocks in the river
- Otters have been seen in recent years from the Recreation Ground to Pocket Park.
- The lack of badgers and other mammals is explained by the amount of roadkill on the A1307
- Section 2.22 of this EDS has identified five ponds within 250m and seven within 500m.
- There is a large pond in Pocket Park, our village wildlife and leisure area, well stocked with several types of amphibians, invertebrates, etc. This appears not to have been reported.
- It is also documented that there are around 20-30 small ponds on the surrounding floodplain. These have not been surveyed, although recent dry weather might have affected these.

- We are confident that there has not been sufficient investigation and insufficient surveying to properly inform the ecological status and effect of development on this area. (Policy NH/4.4)

Roads, traffic and Transport Hub

- The Traffic Report is 8 years old, so well out of date and not based on data for the amount and type of traffic now using the A1307.
- Since that report, the amount of traffic from the ever-expanding Haverhill has increased considerably, particularly the HGV traffic from distribution centres such as Culina; these were not evident in 2011.
- Traffic from development at Saffron Walden now also joins the A1307 near Ashdon, Bartlow and at The Grip, adding to congestion through Linton at the top of the High Street.
- Bartlow Road is a known rat run for drivers wanting to avoid the delays on that part of the road. The rat runs are also used by commuters going to Science Parks, Fulbourn and the north of Cambridge, areas of increasing commercial and research activity.
- The triangle of land between the southern site and Bartlow Road is part of the GCP/City Deal project, to provide a transport hub and Park and Ride site. This development could impact on the safe access to this, compromising a wider sustainable transport scheme.
- These issues are relevant to the design of the development. The number of additional drives being proposed in this RM scheme increases the potential hazards for through traffic and those accessing Bartlow Road.
- There is no Highways report that includes the additional accesses, highways effects inside and outside the site, nor the cumulative impact of this on the proposed GCP/ City Deal transport hub. This hub is necessary to relieve the P+R parking in the village centre.
- The exits onto Bartlow Road remain more numerous than in the approved OL application.
- The green link path crosses what will be a busy access point and in the 50mph zone.
- The route of the internal road at the southern site does not reflect historic routes across the site and that these changed over time to accommodate the changing route of the river. Historic and practical integrity of the site has been lost.

Sustainability and connectivity

- The site has footways through it, but there is only connection to the village via Bartlow Road denying genuine connectivity to a wider area.
- The site is far from the amenities and services of the village centre - outside the sustainable walking distances in the Design Guide.
- It is unlikely that residents would walk or cycle to the village, sports facilities, schools, church, library, shops, pubs, etc. It is more convenient to drive (adding to central village parking problems) or to go to nearby towns, especially for shopping.
- There will be very little commercial benefit for the village from this development, but a large negative impact on infrastructure and services.
- Even during construction, developers have their own supply chain so there will be no work for the village associated with this development
- This will be another isolated, introverted development with little connection to the village, meant mainly for young commuters and not meeting local housing needs.
- Will there be solar panels, air source heat pumps, local CHP, plug in points for electric cars, or any other energy producing aspects to this development?
- This is not a sustainable development; the adverse impacts outweigh any supposed benefits for our already thriving village.

Other concerns

- Conditions from the OL application have still not been met, nor does it comply with outline consent

- The foul sewage has not been addressed. The re-cycling centre might have capacity but the main sewer through Linton (a 6 inch Victorian sewer) does not. Pumping foul waste up to the sewer is another problem not solved.
- The previous s106 agreement is notably poor, and would in no way mitigate for the harm done by the development. In particular, there was no s106 for educational need.
- The schooling need assessment does not relate to the situation in the local schools involved, seemingly being based only on current birth rates within the village - and Linton has a very high proportion of older people (over 3000 are over 45 in a village of 4,800 at last census - we are much older now). No account has been taken of incoming children or the needs of outlying villages in the catchment.
- The schools assessment in the new OL application s/2073/19/OL acknowledges the changing needs and the capacity of schools
- The agreement also takes money from the village to fund GCP/City Deal initiatives that are already funded by their government grant.
- It raises the ground levels substantially above the adjoining land and homes and creates a significantly more dominant development;
- It does not preserve or enhance the landscape and rural local vernacular village character;
- It increases dominance of key views and skyline views;
- It increases the risk of flooding (river, surface water and foul water);
- It increases risk to the environment and fails to carry out survey of protected species required by law;
- It fails to mitigate noise levels that are above EU regulations;
- It fails to provide linkage to the existing village; and
- It is a cramped development, where private amenity is overlooked and dominated.

Conclusion

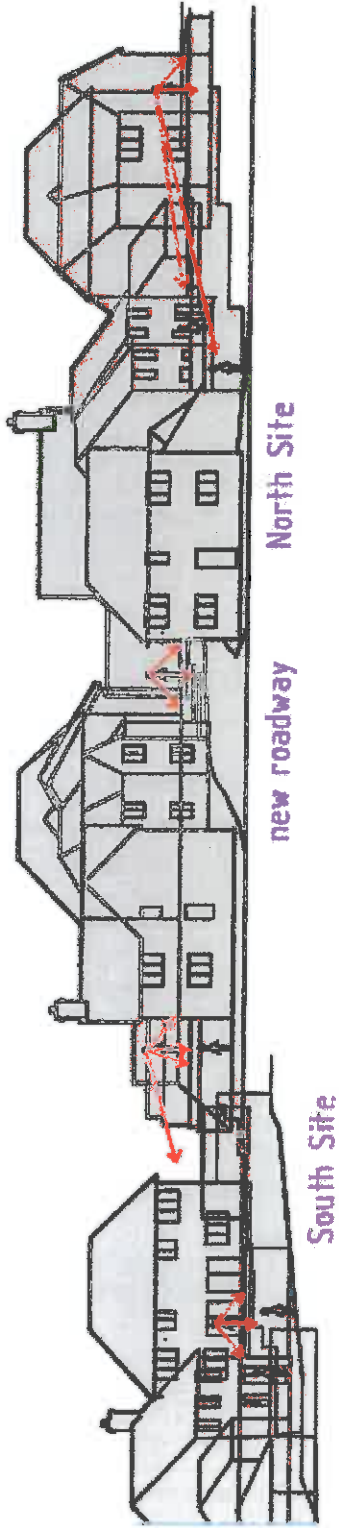
The approval of the OL and previous RM application was set against a very different planning background; the Local Development plan was not in place, village boundaries could not be protected and the whole area was vulnerable to speculative developers.

Even then, had the sequential approach been applied as required, this was a very poor and problematic site with many difficult constraints compared to others. The developer is proposing the maximum number of houses, which exacerbates these problems. The problems of the original RM have not been resolved by the revised design and new problems are apparent. Our objections have been disregarded by the developer.

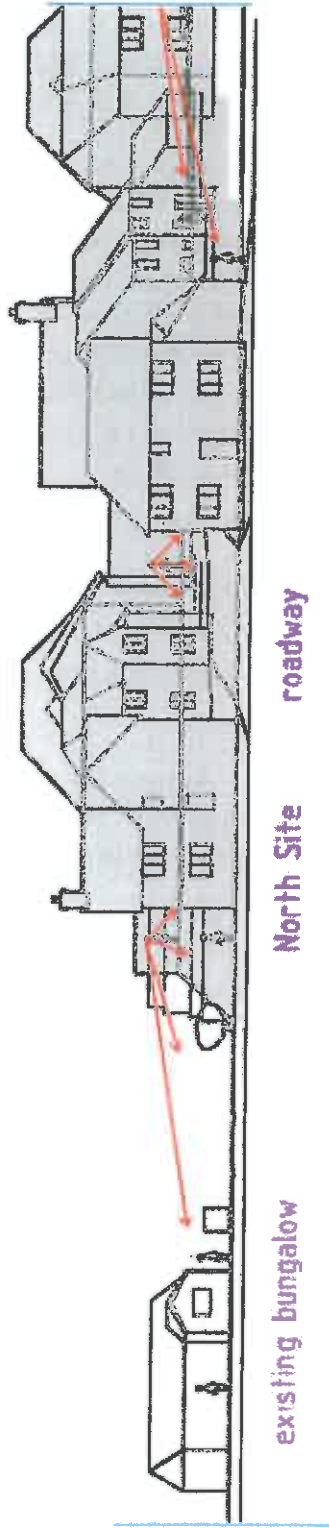
We are aware of the harm that this design will inflict on our valued landscape. Currently there are unauthorised works and enforcement for removal is urgently required. These works are an eyesore on the approach to the village and the unstabilised mounds are likely to jeopardise the protected river and flood management scheme once the rain starts again.

The application is incomplete (see holding objection as well as these comments) and we await the missing information. An incomplete application is, in itself, grounds for refusal. The issues raised are major and we have doubts that some can be overcome at all. It is not safe to assume that these can be dealt with through conditioning - flooding being a particular consideration due to the potential effect on the village centre.

This development would not normally have been considered acceptable as a result of its size, being outside of the village framework boundary, not allocated in the LDP, not considered suitable for development in the SHLAA assessments, being in a minor rural centre, etc. With the LDP now in place, and this not being part of the housing allocation, local objections can be taken into account and given due weight. It is clearly not a sustainable development by the criteria applied in the NPPF and has not proved to be deliverable.

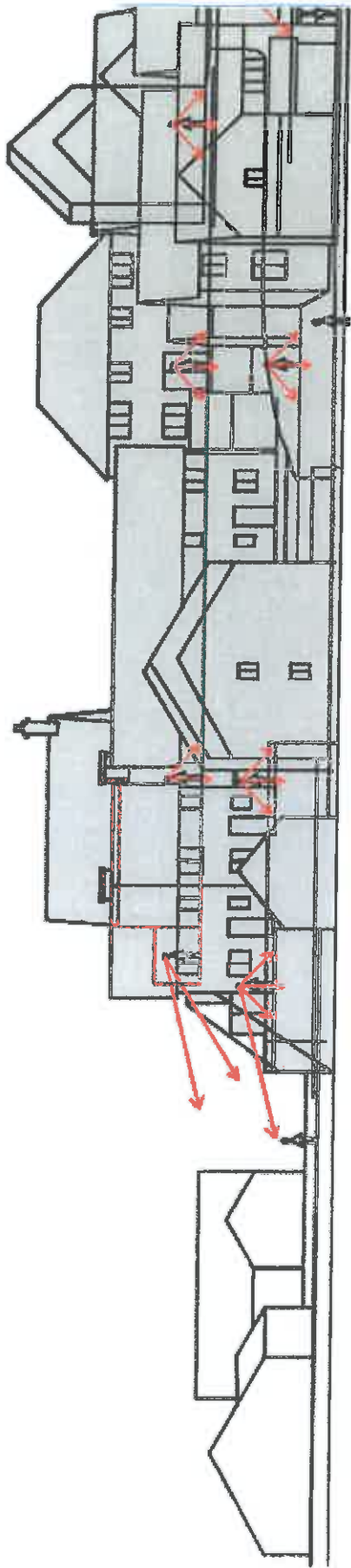


RELATIONSHIP OF THE TWO SITES, OVERLAYING SECTIONS CC AND FF

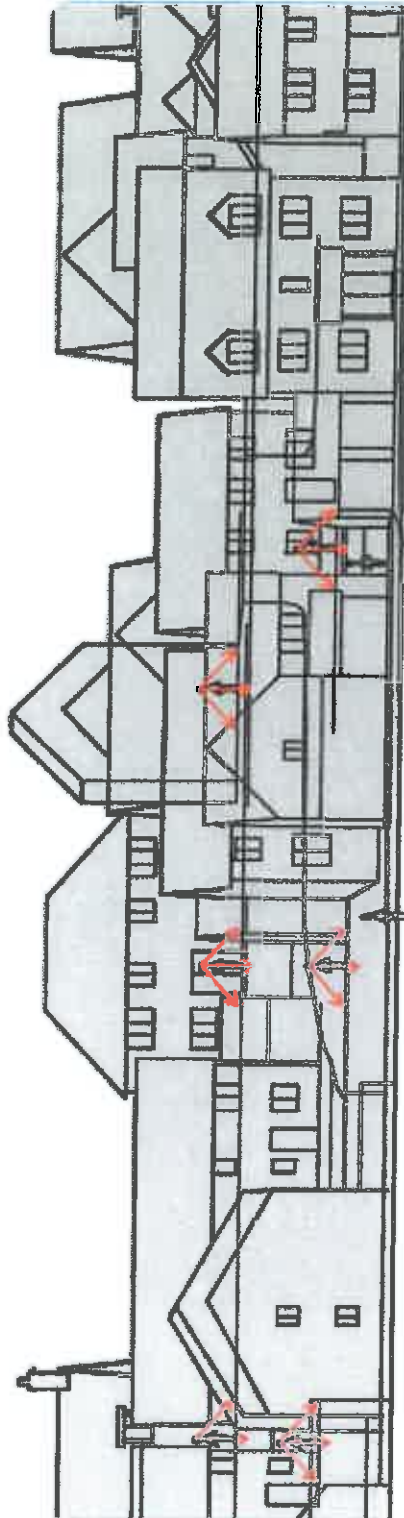


SECTION CC

BARTLOW ROAD RM2 - LPC 6



Existing bungalows



CROSS SECTION F-F WITH EXISTING HOUSES ADDED - BARTLOW ROAD RM2 - LPC 5

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PROJECT DATA	
PROJECT NAME:	Southern Site Levels Layout
OWNER:	Malay Developments S.A.
DESIGNER:	SDP
DATE:	2017
DRAWN BY:	
CHECKED BY:	
SCALE:	AS SHOWN
SHEET NO.:	54
TOTAL SHEETS:	54

FLANNING
Malay Developments S.A.

BARTLOW ROAD,
LONDON

Southern Site Levels Layout

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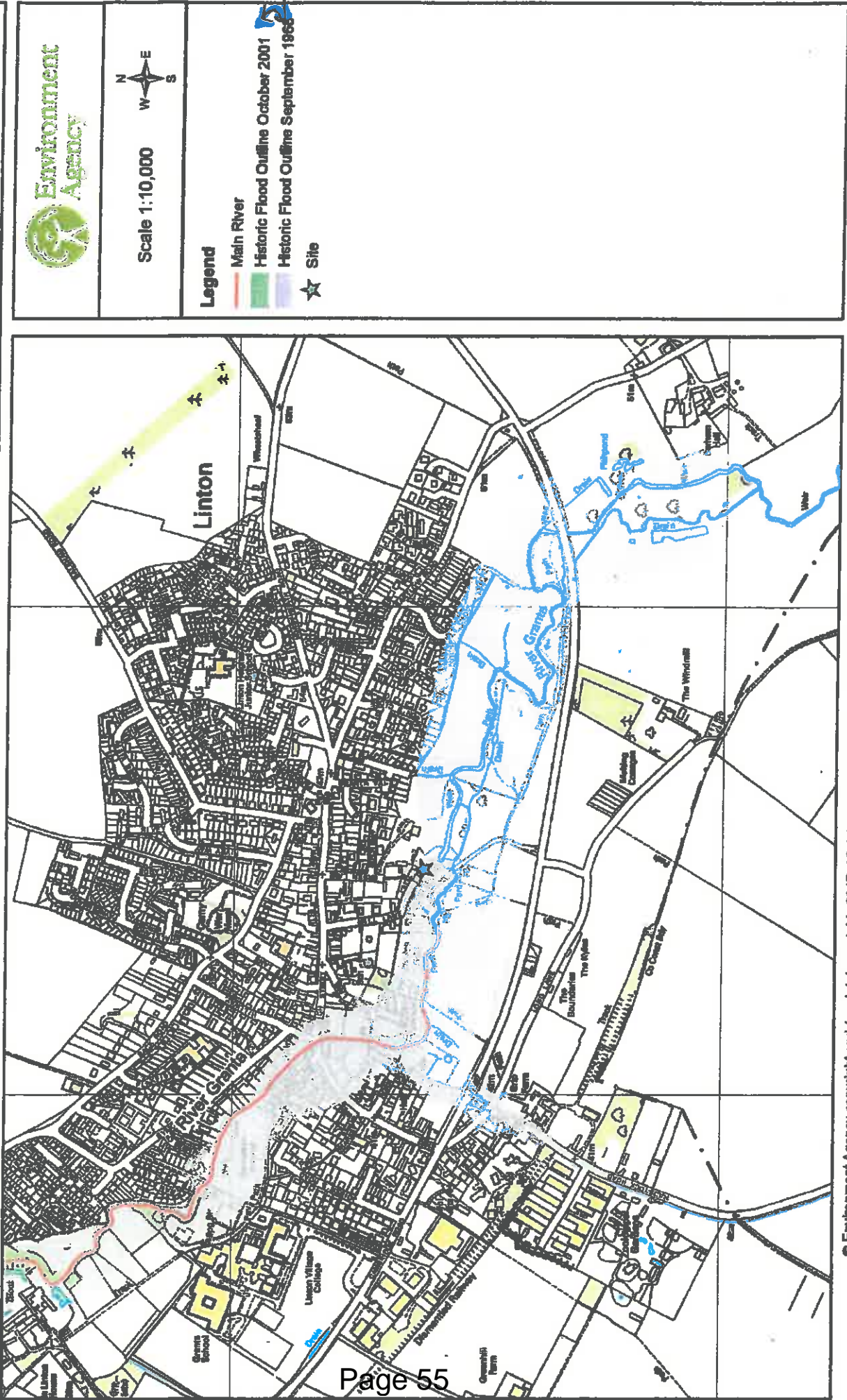
Environment Agency Recorded Flood Outline 2017. Map



GENERAL KEY

—	THE BOUNDARY
—	PROPOSED FLOOD LEVEL
—	PROPOSED EXCESS WATER DRAINAGE
—	EXISTING GROUND LEVELS AND LEVELS FROM SURVEY
—	EXISTING DRAINAGE CHANNELS AND EXISTING DRAINAGE STRUCTURES
—	EXISTING EXCESS WATER DRAINAGE
—	EXISTING FLOOD LINE
—	EXISTING FLOOD AREA
—	EXISTING FLOOD OUTLINE
—	EXISTING FLOOD OUTLINE (RECORDED)
—	EXISTING FLOOD OUTLINE (PROPOSED)
—	EXISTING FLOOD OUTLINE (PROPOSED)

**Recorded Flood Event Outlines centred on Mill Lane, Linton, Cambridgeshire.
 NGR TL 56463 46613. Ref 34305. Created on 16 January 2017.**



Scale 1:10,000



Legend

- Main River
- Historic Flood Outline October 2001
- Historic Flood Outline September 1966
- ★ Site

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 Contact Us : National Customer Contact Centre, PO Box 544, Rotherham, S60 1BY. Tel: 03708 506 506 (Mon-Fri 8-8). Email: enquiries@environment-agency.gov.uk

**TO BE CONSIDERED WITH ADDITIONAL COMMENTS SUBMITTED BY
LPC ON 12/09/19**

Linton Parish Council comments on The Design and Access Statement -

This document was not available to LPC at the meeting on 21st August. We send our comments now

It is clear from this Statement that the developer has not understood the reasons for the refusal of the previous RM application - see 6.2 Refusal Reason number 1" *The reasons given reflect concerns made plain by the Parish Council and Ward councillor and other members of committee regarding the House Levels on the Bartlow Road frontage on the southern parcel and their resulting relationship to each other*". The councillors are said to be "wanting to find reasons for refusal". In fact the reasons for refusal are clear - the refusal is due to the effect on the landscape contrary to Policy HQ/1.

The developer has then amended the previous RM, slightly changing the levels on Bartlow Road, but not addressing the real issues. This application remains unsuited to the location, the previous objections remain, more reasons for objection have resulted, the submission is incomplete and contrary to the Local Development Plan. The application should be rejected.

Comments on the Design and Access Statement

Introduction - The reasons for refusal are given here, indicating that the comments of LPC and councillors were given their due weight. The changes in this application do not meet the major issues for refusal, as described in LPC holding objection. The proposed housing is too high, prominent in the landscape and not appropriate for such a sensitive site at the entrance to our village. These issues have not been dealt with and remain as reasons for objection.

It is stated that "This Design & Access Statement deals only with matters relevant to the new Reserved Matters application" and proposes only to provide Design and Access information from the date of the refusal at Planning Committee and then refers to documents no longer in the public domain. Each application needs to be stand-alone and therefore the D&A Statement and the application is incomplete.

1.3 -The outline consent was current to 01 September 2019, with approval for *up to* 55 houses, many of the conditions not yet having been addressed. There are considerable discrepancies between the OL and this RM application, including the developable area, the number of site accesses, etc.

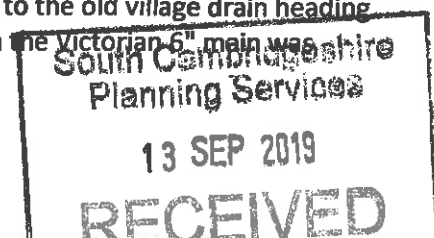
4.1 - Location and accessibility - the site is at the far edge of the village outside of the Design Guide sustainable distances for facilities. There are bus stops for twice hourly services, but the "superior connectivity" to the A11, M11 and rail is by way of a busy, dangerous and over capacity (especially at peak times) A1307. There is no Traffic Report based on up-to-date data on the amount of traffic using A1307 and traffic conditions. The report is over 8 years old and takes no account of the traffic generated from the ever-expanding Haverhill - including the impact of HGVs from transport hubs.

4.2 - Until recently both fields have been used for arable crops, not grassland. As yet the land has no consent for change of use from farmland. As demonstrated by Key View 1, both parcels were agricultural farmland at the time of the OL application. The photo was taken on 28/7/2016.

Despite being used for intensive arable agriculture there has not been a contaminated land report
4.3 - Surface water drainage - a suitable scheme has not been submitted, (see above) with the LLFA rejecting soakaways and permeable paving. The soakaways are outside of the developable area.

4.3 - States that infiltration into the subsoil is common practice. This might be so on other sites, but not when that chalk is the aquifer and the scheme has not demonstrated that there is the required clearance of at least 1 metre from any groundwater level as required by CCC in their response to the OL application. The Rossi report was designed around storage tanks and did not conclude that soakaways were suitable for the southern site (Rossi Report 6.10).

4.4 - Foul Sewage - This says the drainage is proposed to go to manhole 7501. It does not do this. Drawing E17-084-141 P7 shows the designed drainage scheme goes to the old village drain heading west from Bartlow Road. Connecting drainage (to manhole 1502) on the Victorian 6" main was



specifically not approved due to the environmental damage likely to be caused to the village and Conservation Area. Manhole 7501, is on the newer 375mm pipe is further away and requires landowner consent to access this. Also, the proposed pumping station is within a flood zone, outside of the developable area.

4.5 - Topography - this has been changed with the removal of topsoils. There is greater site fall across the site, taken from the height of the Bartlow Road which is the level of drives and access.

4.6 - The site is directly above the aquifer, with foundations and site contamination (fuel, domestic waste, garden herbicides, etc.), impacting upon our water supply.

4.7 - The OL only allows 2 accesses from Bartlow Road.

4.8 - This notes that the slab levels have been raised 'following modelling' i.e. the houses have been raised up on platforms. This affects the appearance of the site and potentially also the percolation capability of the site would be less than designed because of the additional platforms (Rossi designed at 1.39 hectares impermeable area, which now appears to be well exceeded).

5.1 "Opportunities" - Linton is at capacity and does not need a village edge commuter estate to meet housing needs. There is already a soft entrance to the village provided by the mature hedging which will be lost to urban low hedges which cannot be protected. Steep roof pitches give a higher profile to already tall houses, dominant on the skyline and across the wider landscape. Housing designs are the "anywhere" type, not sympathetic to the village with materials and finishes out of character with the vernacular. 5.1 says the houses are wide fronted and narrow gabled which is not correct for the 'affordable' units i.e. for a substantial proportion of the houses on the site.

There are "enhancements" mentioned for the River Grant and "flood protection for the river and downstream". We do not see these in the plans, and are particularly concerned as the Granta is a protected Chalk Stream, recently reviewed for LPC by an Ecologist for the Wild Trout Trust, part of a Flood Management Area

Ecology reports refer to the sensitivity of the river and its corridor, and the need to deter domestic animals and people from accessing the river corridor. The Granta was used as an example of a chalk stream by the BBC Look East and is recognised in Ecology reports as a sensitive area.

Previous applications in the area have been refused due to the increased potential for flooding downstream.

5.2 - Constraints - There are more constraints than noted here, the SHLAA assessment being that it was not suitable for development. These include:

That more of the site is in historic flood zones than has been acknowledged

The flood risk downstream will be increased by loss of green space and increased impermeable area

The surface water flooding and location of housing in flood paths

The 10m each side "no dig/no plant" zone on the northern site

The impact on the sensitive river corridor and protected chalk stream

There is mention of "flood protection measures" as "improvements to the river", but details are not provided, and need to be clarified as this is part of a Flood Management Area.

The loss of rural soft landscaping and hedgerow along Bartlow road due to the many accesses and replacement by urban hedging, driveways and the sight of parked cars. It says the existing hedge is to be retained, but there is no certainty on the drawings (i.e. no annotation) and the width of the coloured line on the soft landscaping plan does not resemble the existing hedge. Clarification of protection of the hedge is required as ground levels are being substantially changed.

Probable loss of other boundary hedges and trees which will be large features in small gardens are within areas where land levels are being raised and terraced.

The effect of more traffic on a busy through road + more traffic accessing the over capacity A1307

It is stated that the levels are very steep on the northern part of the Southern site and that sections will be needed to show how these have been achieved. This has not been done as the sections do not show comparison with the existing levels.

There is reference to off-site land being used for landscape, woodland, Public Open Space, etc.

The application needs to stand on its own, and should not be reliant on another application that has no certainty of approval, especially as this development is contrary to the new Local Plan. The land has no consent to change from farmland. The other uses that are stated would have a significant and detrimental change of character.

6 - Designs, layout, heights, housing mix, parking, etc., have already been commented upon above, and in the professional comments from the LPC consultant. The concerns and objections made by LPC regarding the previous application have not been addressed.

The public consultation was for a different layout and masterplan. Of the dozens of comments sent to the developer, only a handful had favourable comments regarding development here. With whom were the other "extensive negotiations"? There has been no consultation on the current application.

6.1 - LPC's accompanying statement demonstrates the development does not reflect the density and style of the area, nor the vernacular character of the historic village centre and Conservation Area.

6.1 Clarification is needed of the "extensive pedestrian routes through the site linking with the wider area" as it appears only to be uphill or downhill, down the main roads and 1 path, all 3 leading only to the busy Bartlow Road. The "strong village edge" appears to be brick retaining walls which would not be appropriate for the prominent rural position.

6.2 The 2 storey and 2 ½ storey houses do not reflect the character and scale of the edge of village location, where they are 1-2 storey. It is noted that the designated "undeveloped area" has been included in the figures to illustrate density, which obscures the clusters of very tightly packed 'affordable' housing.

6.3 Layout. The OL masterplan was not approved. The open space is now predominately on the far edge of the development, rather than provided where it would encourage integration with the existing village.

6.7 also intimates that the OL masterplan was approved, but it was illustrative only and has no material planning status.

6.8 proposes only to provide Design and Access information from the date of the refusal at Planning Committee and then refers to documents no longer in the public domain. This D and A should be on issues regarding the current scheme, not raising historic issues. Each application needs to be stand-alone and therefore the D&A Statement and the application is incomplete. The application is also incomplete due to the omission of reports, as stated in LPC holding objection and here.

The comments made by LPC are valid and have not been satisfactorily addressed; there remain many reasons to object to this development.

6.9 States that the Bidwells LVIA has been re-submitted, but it has not been received in hard copy and is not available on the website. Reference is made to the existing historic terrace as being C20. These houses are on the C19 Ordnance Survey maps and are therefore historic assets that should have been properly assessed and taken into account. (See attached map). The housing adjacent to the north site are high quality bungalows, set low and with minimal impact in the wider landscape. The ex-council houses are similarly set low and back from Bartlow Road, unlike the proposed houses which are tall, close to the road and over look current housing with concomitant loss of privacy. The bungalows in Finchams are built well back from the river and raised to avoid flooding. Gardens have been flooded in recent years, but not the bungalows, showing the wisdom of this policy. Proposed houses are within flood risk zones.

6.10 - Planning Committees - these refer to the previous application and which was the subject of detailed comments by LPC, submitted to SCDC within the permitted consultation period - not "belatedly" as the developer refers to this in the appeal document.

A development of this size and sensitivity would be decided by the SCDC Planning Committee as standard, and not delegated to officers. As commented at a planning committee meeting "who makes the decisions, councillors or officers" It was conceded that councillors made these decisions.

6.11 Parish Council Objections - LPC objections are based on an understanding of the site, the objective knowledge of our village and are supported by evidence. LPC are allowed opinions and

subjective statements just as much as the developer has done, but in our case we have to live with the consequences of unwanted speculative development that will affect our village and our lives.

Landscape -

6.11.1 The Bidwells LVIA referred to the masterplan in the OL application; this has been changed materially in this and the previous RM applications. The review of the RM application, commissioned by LPC from Liz Lake Associates, concludes that *"This report demonstrates that the detailed design, subject to this reserved matters application, is materially different to the Outline approval S/1963/15/OL to which it is linked. The changes to the layout have eroded the principals of the landscape mitigation which formed the basis of the approved outline application with increased effects on the character of the landscape and the settlement of Linton, including key landscape views on the approach to the village and from the river valley. As a result, it is a materially different scheme and is considered less sustainable and contrary to the policy presumption to grant approval under NPPF 2018 paragraph 11"*

It is amusing that the developer states that *"Parish Objections are an attempt to revisit something that has already been dealt with in the Outline Approval. It is therefore inappropriate to resurrect matters that have already been decided upon"*.

The developer is referring to a LVIA and landscape assessment for an OL plan which is very different from that submitted at RM and so cannot be considered as having been decided upon.

This landscape has been assessed as **Valued**, and *"the effects of the development on the residential views along Bartlow Road (VP1 and 2) are considered Major/Moderate Adverse in the LVIA due to the loss of the open views across the Granta Valley (see Liz Lake Associates Landscape report)* This also notes that key views have been omitted by Bidwells. It is correct to raise the issue of landscape and its importance, due to the adverse effects of this development upon it.

6.11.2 Thank you for details of technology used. However, the aerial views still show the site as being flat. Our concerns regarding levels and sections have already been stated and that these submissions do not include either the full extent of the site nor the current ground levels. We are aware of the need for terracing, but this will be very prominent in the views. We referred to "Hard Terracing" - is this so very different to the developer description as "paved patios"? These and 4ft brick walls appear to be rather impermeable. The retaining vertical log structures described are rather prone to rot - who will be responsible for the maintenance of these? The surface water scheme has NOT been approved by the LLFA. The approval in Rossi Long even refers to a scheme in an earlier application. The scheme referred to is a SUDs scheme, but the scheme for this RM is by infiltration mainly into areas that cannot be managed or are outside of the developable area. 30% mitigation for Climate Change should now be 40%.

6.11.4 The housing on sloping ground will allow overlooking to neighbouring properties (see cross section F-F submitted by LPC). More concerning is that the tall housing will overshadow and overlook current housing, particularly that along the Bartlow Road. This infringes the neighbours human right to privacy.

The retention of screening landscape cannot be ensured.

6.11.5 The siting of the pumping station in a flood zone, into our drinking water aquifer and outside of the developable area, should be given due concern. This proposed design is of considerable concern to the parish.

There has not been a contaminated land survey despite this having been a longstanding intensively farmed field. Another omitted report.

6 - Other concerns

i We have drawn attention to structures outside of the developable area in previous comments.

ii The area around the pipeline is a no-dig and also *no-plant* zone. There appears to be tree planting.

iii We have commented upon the single link of a path crossing several drives alongside a busy road. The link between sites is in a 50mph zone and near the proposed transport hub - a busy area.

iv Noise -As commented upon in the Health Impact response, there is no designed noise mitigation, which is likely to be required, and no demonstration that the design and layout is based on an adequate noise assessment, despite the site being very close to and below the A1307 which is above most of the site. During peak hours, when the A1307 is running freely, the noise at the sites is considerable. The noise levels in the previous application were taken at times outside of peak road traffic and were collected from the wrong sites to adequately capture actual noise levels affecting the site. Planting trees, which take an appreciable time to grow and will not become tall enough to protect bedrooms from the noise, is insufficient noise amelioration. That noise levels exceed EU regulations in external spaces has not been overcome, nor has the likelihood of people wanting to open their windows.

The stress caused by noise, and particularly low-level constant noise, is well documented as having detrimental health effects, particularly on cortisol levels (a typical marker of stress). These sites suffer from both loud and constant road noise.

Appropriate noise data and a suitable protection scheme has not been submitted

There is no assessment of vibration levels for the site, despite the HGV traffic from distribution hubs in Haverhill and other sources. Increasingly weight is being given to noise, vibration and air quality issues associated with such close proximity to a major road.

v - We await Highways comments upon splays and sightlines but question the lawfulness of these additional accesses in principle on a RM scheme for only 2 accesses.

vi- The gradients of access still remain a concern, both across the site for pedestrians and for driveways, with the dropping of slab levels along Bartlow Road increasing the gradient. This road is known for flooding and freezing. We note that no grit bins are included in this submission.

vii Hedges - it will be interesting to see how the hedges will be maintained when they form part of tended gardens, and how it demonstrates that this can provide a co-ordinated means of maintenance, as is required.

7 - Flats over garages are not particularly appealing, but we suppose that will keep residents dry when the surface water flooding passes beneath them...

6.12 Redesign of scheme to overcome reasons for refusal.

LPC has commented upon this in our holding objection - the re-design is insufficient to overcome the objections to the development and its design.

The councillors were quite clear in why the application should be refused, the form of words is also clear. The developer has obviously not grasped the intent of the committee, that the development, designs, height of housing and impact on the landscape are unacceptable; the whole site is at the entrance to our village, a sensitive and valued landscape area. Also, the grouping of affordable housing was unacceptable. There were many other reasons, but these were the two that they chose.

Reason 1 -

- The terraced nature of the dwellings has not been addressed - there are now more terraces (16 against 13 previously) along with retaining walls, platforms, steps and other engineering structures. The terraced nature remains as visible and intrusive features (although judicious shading of the illustrative drawings seeks to minimise this).
- The terraced nature of the dwellings does not impact on Bartlow Road nor from within the site, but on how the development will be seen in the landscape, over the wide views, across the river valley, and occupying the valley as seen from the A1307.
- (We cannot find mention here of all the properties that have been raised since the last iteration, so are higher in the river views).
- Dropping slab levels creates difficult gradients for traffic between Bartlow Road and their drives - around a 1:9 slope.
- This slope also making flooding from the road into garages and homes much more likely.

- Lowering a few plots has minimal impact on a site that has a build-up to create these platforms - potentially up to 6.5m across the area where the platforms are most prominent.
- Lowering the slabs two plots by 400mm (not 400m, as in the submission...) will have little effect on the prominence of the housing in the landscape - they remain as 2/2¹/₂/3 storey houses, out of character with the area and context and very visible in the wider landscape. They would remain very obtrusive, including on the skyline from the village. This against the Design Guide which states that buildings should not intrude upon the skyline except specifically agreed features - towering housing on rising ground would not meet this criterion and the character of the area.
- The gradient of the gardens would not impact on the terracing. The gradients of public paths is more concerning for reasons of accessibility for pedestrians, the disabled and for road safety.
- In this application, as before, the developer has failed to take into account our major objections to the design of this site - the houses are too high, prominent in the landscape and with designs insensitive to the nature of the rural site and entrance to the village.
- The effect of this development on the wider landscape, the surrounding fields and public open spaces, the setting of and views from the village, from across the river Granta, etc., has not been evaluated. There has still been no evaluation of the effect of housing on the northern site and no evaluation of the effects on the skyline from significant view points.
- A "Green Link" is a path to the other site, not a feature to reduce impact, crossing the road in the 50mph zone and too near to the entrance to the GCP/City Deal transport hub.

Reason 2 -

- The affordable housing remains clumped in the centre of sites.
- Those in the southern site are in the areas most affected by surface water run-off.
- The surface water flooding has been known since Mediaeval times following the removal of woodland up the slopes. This was revealed by the channels found in the Archaeological investigations. Housing in the centre of the site is most vulnerable to pluvial flooding.
- The designs and grouping makes it fairly clear which is the affordable housing.

LPC does not consider that the reasons for refusal have been overcome. Indeed, the re-design and this submission have raised more issues for refusal.

6.13 - conditions. Many of these have already been commented upon.

The D and A Statement lists conditions wished to discharge, but the information has not been provided and the discharge of conditions are not included on the application form.

Condition 5 - the LVIA for the original scheme has not been re-submitted. The Ecological design is incomplete.

Condition 9 - No submission and condition not met.

Condition 10 - Drainage and flood risk. Scheme has been rejected by LLFA - condition not met

Condition 11 - Foul water drains. See comments on 6.11.5 and 4.4 - condition not met

Conditions 13-15 - No submission and conditions not met

Condition 16 - see "6 - other concerns" iv Noise and as commented upon in the Health Impact response, there is no adequate noise assessment - condition not met.

Conditions 17-18 - see LPC additional comments. Survey requirements have not been met - conditions not met

Condition 19 - Archaeology - Archaeology – most of the investigative work has been done, but there is no report despite/because this is a more important site than the desk top review would expect. No submission and condition not met. We understand at least the well and Neolithic hearth have not been investigated prior to their loss.

Conditions 20- 22 - No submission and conditions not met.

Condition 23 - Housing Mix - see LPC additional comments regarding demographics, Housing Need Survey and Linton's contribution to the 5YHLS - Reports not submitted and condition not met.

10 -Context. The illustrations show a village that has developed over centuries, within the sustainable limits of the village boundaries, reflecting its history, materials available and needs of residents.

The houses near the site are set low in the landscape, are of modest height and are not overly intrusive in the valued landscape. The same cannot be said of the tall houses, further raised on platforms, which dominate the current houses, the skyline and are too prominent over the wider landscape.

The "strengthening of the entrance" of the village is the opposite of what is needed - we have a soft entrance, hedged and rural, sensitive to the landscape and natural skyline, which we wish to retain.

The proposed designs are rather a pastiche of farmhouses (which in this area are not black) and barns, with balconies, porches and fussy detail. These designs are out of keeping with the rural setting and character of the area.

11 - Secured by Design.

Linton is not known as an unsafe area for current residents.

11.4 - Boundaries -It is noted that boundaries between public and private areas are "*defined with car parking and 1.8m high screen walls...trellis topped...*". This sounds like a way to create isolation and insularity. Also, fences along public footways need to be 1.2m height.

11.5 and 11.6 - Layout/Gable walls - "*gives the opportunity for natural surveillance*". In other words, a lack of privacy through overlooking.

11.7 to 11.9 - The expected dominance of cars in the streetscape is obvious, with much lighting, surveillance defensive planting, etc., out of keeping with a rural village set in wildlife areas.

12 - Surface water

The proposals for managing this have been commented upon above and in LPC additional comments. The soakaway chambers are in private areas or outside of the developable area and have been rejected as a suitable means of handling drainage by the LLFA.

There is no certainty that "*soakaways will be adopted and maintained by Cambs CC*".

Mitigation depends on infiltration into crated soakaways, but these will be into the chalk aquifer.

It has not been demonstrated that there is the required clearance of at least 1 metre from any groundwater level as required by CCC in their response to the OL application.

The soakaways cannot "*be taken down into the permeable ground and verified by in-situ infiltration testing*" as this testing is no longer possible. Earlier infiltration and porosity tests failed despite the exceptionally dry weather at the time they were performed. Now, reliable porosity and infiltration testing cannot be done as the top soil and subsoil has been removed.

The proposals for dealing with overland flow are only to protect properties with no thought for the effect on the river and downstream.

Statutory consultee responses

These all refer to previous applications with different schemes, not relevant to this application.

This application - a slightly revised version of s/2487/18/RM - does not answer the reasons for previous refusal and raises further matters of concern.

LINTON PARISH COUNCIL



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CB23 6EA

9th September 2019

RE: Consultant comments on behalf of Linton Parish council for S/2501/19/RM – Land to the North and South of Bartlow Road, Linton

Dear Rebecca,

Please find attached the comments from a Consultant acting on behalf of Linton Parish Council for Planning Application S/2501/19/RM.

Further comments from Linton Parish Council will follow.

Yours Sincerely



Ms Kathryn Wiseman
Clerk and RFO to Linton Parish Council

Introduction

Linton Parish Council's Holding Objection is summarised as follows:

1. The RM application does not provide adequate information for certainty of decision-making, and reports that are material are missing.
2. The RM application seeks to vary the extent and scope of the OL approval. This is unlawful.
3. The RM application seeks to vary the conditions and reduce developer obligations under S106. This is also unlawful.
4. The applicant has carried out unauthorised works, which are material and urgent.

LPC also has numerous concerns with the design of the submitted reserved matters scheme based on the documents received so far. On the basis of these, the RM design appears not to comply with NPPF and Local Plan policy relating to layout, scale, appearance, means of access, and landscaping.

Context

Policy HQ/1: Design Principles requires all new development to be of high quality design that makes a positive contribution to its local and wider context.

The Site is very prominent at the entrance to the village and provides important visual separation from the busy A1307. This is a key view, providing a significant panorama of the rural village.



Image 1. Key view 1 at the entrance to the village. The Southern Site is circled directly ahead. To the right there is a terrace of modest historic buildings, originally separate to the rest of the village and still visually separate due to the modest scaled buildings and landscape around them. To the left there is the river valley.



Image 2. At the approach to the village. The Northern Site and the Listed Water Tower are directly ahead.

As the photographs show, the Site is characteristic of rolling chalklands fields, sloping continuously in a single profile, down to the river valley (beyond Image 1 on the left) and up to the chalkland hill tops. The existing village edge is modest in scale and massing, even where two storey, and the houses on the higher ground are sparsely set bungalows, set in to the slopes, which preserves the long views across the countryside and the rolling rural skylines.

The Site is a prominent part of a particularly good example of the chalklands landscape and townscape as described in the District Design Guide (paragraphs 3.16 onwards).

Those key landscape characteristics defined by the Design Guide that apply to this context include:

- *A distinctive landform of smooth rolling chalk hills and gently undulating chalk plateau.*
- *A mostly large-scale arable landscape of arable fields, low hedges and few trees, giving it an open, spacious quality.*
- *Small beech copses on the brows of hills, and occasional shelterbelts, are important features.*
- *A wealth of historic and archaeological features, including; ancient trackways, earthworks, small chalk pits and pre-nineteenth century enclosures.*
- *Shallow valleys of the River Granta and River Rhee have a rich mosaic of grazing meadows and parkland.*



Image 3a. The Key View of the Site from the river and valley of the Granta. This is looking from the tranquil public open space and river edge at Leadwell Meadows. The open field backed by historic cottages forms the current backdrop.



Image 3b. Continuation of the Key View, with the open rural skyline with intermittent trees across most of the Site and the historic 2-storey cottages set down low on the left. Beyond this Southern Site, the Northern Site continues to slope up beyond the hedgeline.



Image 3c. Continuation of the Key View, towards the village, showing how, even viewed from the lowest ground, the houses follow the contours and are lowered into the slope so they are not prominent on the natural skyline.



Image 4. The entrance to the village on A1307 showing typical edge of village spacing that allows the rural landscape to predominate. The Northern Site is the small edge of village field in front of the bungalows. The existing houses are set down below the natural skyline.

The existing landscape is acknowledged to be a **Valued Landscape** as set out in NPPF criteria by the Inspector assessing the Appeal at Back Road (APP/W0530/W/17/3174153). This decision post-dated the OL consent on the application Site, so is material to any new application, as is NPPF 170 which **requires valued landscapes to be protected and enhanced.**

The photographs show that the existing townscape in this part of Linton is appropriate to its sensitive valued context, and works with the topography to protect the simple modest landscape and its distinctive open rural character and historic natural skylines.

The same cannot be said of the proposed scheme for the reasons set out below.

To expand on the Holding Objection concerns we raise above:

1. The RM application does not provide adequate information for certainty of decision-making, and reports that are material are missing.

Please refer to the letter that accompanies this report for the list of reports / information that Linton Parish Council has noted are missing. We agree with responses from statutory consultees that additional reports also appear to be needed to deal with new and outstanding issues.

We note that Section 6.13 of the latest document, the Design and Access Statement, lists a number of conditions it proposes be discharged along with this Reserved Matters application. The information provided so far would not be sufficient to assess these additional items.

However, even if sufficient information was provided, the proposal is unlawful:

As confirmed on the application form, this application was only made for Reserved Matters. Even if the developer sought to change the description and the LPA were willing to delay the application whilst re-advertising and re-consulting on this, Reserved Matters are submitted under Article 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. That application cannot lawfully discharge conditions that are not reserved matters because conditions are not submitted under Article 6 (2015) and, as the Planning Portal confirms, discharge of conditions needs to be done under the 1990 Planning Act, which requires a different application form.

2. The RM application seeks to vary the extent and scope of the OL approval.

The Outline application S/1963/15/OL was for **up to 55 houses and 2 accesses.**

The approved plans comprised only 3 drawings – the application boundary, the parameters plan, and the access arrangements (for the 2 accesses). The Layout was an indicative plan and not approved.

The RM application proposes to vary, at least:

- The description of the development, such as by adding the pumping station which is not a house and is not ancillary to a house;
- Substantially increasing the number of accesses onto the existing highway;
- Increasing the extent of development, by not providing the continuous landscape buffer where defined, by extending into a neighbouring garden, and by extending fencing, mounds, drainage and hard surfacing into the 'undeveloped area'.

We note the 1990 Act para 55 defines development as:

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

Excavations, driveways and mounds are engineering works in, on, over or under land and are therefore development. Where they are in the area of land allocated as ‘undeveloped land’, they do not comply with the OL approval.

A number of the changes would not be able to be controlled under planning conditions. For example, the Highways Condition 7 specifically states it applies to 2 accesses. That was because the application was only for 2 accesses. Visibility from the other accesses onto the existing Highway would not be controlled, which is material to the safety of this scheme.

As noted above, Reserved Matters Approval (Article 6) is not a planning permission; therefore Section 73 and S96A of the Town and Country Planning Act 1990 do not allow the changing of the scheme from the outline approval.

The Planning Portal confirms a new planning application is therefore required.

3. The RM application seeks to vary the conditions and reduce developer obligations under S106.

As noted above, a Reserved Matters application cannot vary conditions of an Outline consent.

We have noted the submitted design does not comply with at least Conditions 10 and 11 of the OL consent:

- Condition 10. (flood and surface water) The retention of the unauthorised spoil heaps is likely to cause environmental damage and increase flood risk to the village. The flood scheme proposals do not comply with the Rossi report; the basis and calculations of the scheme have not been demonstrated; and a sequential approach has not been demonstrated. The scheme does not demonstrate it deals with flood risk from all sources, and the submitted plans show it is likely to result in flood risk within the development and increase flood risk elsewhere. The surface water mitigation is based on a soakaway scheme, not a SuDS scheme, and risks damage to the Protected chalk stream and Protected aquifer water supply for the whole Cambridge area. It does not comply with the most up to date flood maps and does not follow agreement with Linton Parish Council.
- Condition 11 (foul water drainage). Connecting drainage to manhole 1502 (as now designed) was specifically not approved due to the environmental damage it was likely to cause. Manhole 1502 is on the old Victorian 6” main, but does not have the capacity for demand and risks flooding the homes, village facilities, local environment, heritage buildings and Outstanding Conservation Area, which are all lower than manhole 1502. The condition requires connection to Manhole 7501 which is on the newer 375mm pipe which is further away and requires agreement with landowners to access.

These conditions were imposed to make an unacceptable scheme acceptable (NPPG 001). The submitted scheme reverses this by changing the principles stated in the conditions, which makes the RM submission unlawful.

The information submitted in the Design and Access Statement and on the submitted plans appears to vary the S106 Agreement, to provide less benefit, such as

- It omits the highways improvements at the A1307/Bartlow Road junction,
- It reduces the proposed play equipment (and locates them on a steeply sloping play site),
- It reduces the developer responsibility by making the contractor and individual householders responsible in the first instance, and
- It provides less certainty than at OL stage about the future holistic management and maintenance of the site, its facilities, drainage, pumping station, ecology, trees and landscape.

In addition, all these changes would give significantly less public benefit than the OL scheme and therefore they change the planning balance that was applied to S/1963/15/OL. A change this material would need a new planning application and not to be determined under RM.

The applicant has carried out unauthorised works which affect the statutorily protected environment, appearance of the site and viability of the approved scheme and its conditions:

1. Earth removal and re-engineering over the development area and near the river;
 2. A new vehicular access;
 3. Fencing; and
 4. Mounds
- There is no evidence there was approval for discharge of any of the pre-commencement conditions prior to carrying out the works;
 - The works caused a nuisance which was reported by neighbours, and was not in accordance with conditions of the approval;
 - The premature work is highly likely to have jeopardised pre-commencement conditions which required natural undisturbed topsoil to be present (e.g. to test porosity);
 - The earth moving at the river edge was within the banks of the Protected chalk stream and the habitat area for protected species. Work was carried out with a large digger, and there is no evidence of ecological supervision and wildlife protection. As a result, it is likely to have been detrimental to the protected habitats.
 - The excavations have exposed the chalk coating of the Protected Cambridge aquifer. Water level assessments previously taken indicate that this excavation was likely to have occurred within 1-2 metres of water level. It does not comply with Policy CC/7.
 - Initial ground moving appears to have been done without archaeological supervision and photographs of the edges of the excavation show the removal of upper chalk archaeological layers in the area of the anglo-saxon village, where evidence of round houses was likely to be only on the surface.
 - The site was not reinstated to its former condition once the archaeological works were complete.

The application shows the retention of the unauthorised mounds. These are spoil heaps ('alien landforms' in Local Plan Policy CC/6) next to the excavations, deliberately shaped as shown on the proposed levels plans. They are not characteristic of the local landscape and have deteriorated in the weather. As well as looking unsightly, runoff from the site goes directly into the Granta watercourse along the site boundary, which is a water source, a Protected chalk stream, and a Flood Management Area.

Once the rainy season starts, it is highly likely that earth from these unstable mounds will be washed into the river and surface water, putting ecology, water supply and the village flood defences at risk (NPPF170).

We therefore ask for Enforcement Action to be carried out urgently to deal with these unauthorised works and to reinstate the Site to its former condition.

5. Reserved Matters:

This section is to be read in conjunction with the accompanying letter from LPC and Appendix 1. Linton Parish Council will update this when the missing information is provided:

APPEARANCE

The proposed development is based on the maximum of 55 houses, and relies on a spread across and beyond the allocated development area in order to accommodate the houses and associated development. This is even though the lower third of the site is subject to river flooding (see below).

The proposed development substantially changes the physical profile of the site, and builds up to 2 metres above the existing topography. This would increase the prominence of the site in the landscape, and dominate the existing houses.

Landscape, townscape and relationship to the village

On the Southern site, the most prominent buildings are substantially built up, on the skyline of the development, to reduce the slopes and flooding into their properties. For the highest houses, the levels show a raised platform layer built out with terracing facing the river valley (Image 5a upper circle). There are other terraces and retaining structures built up at intervals down the slope. Some site sections have now been provided but only Site Section 3 shows a section through the terraced gardens, and this is not the steepest example. None of the Sections show the existing profile and the extent of raising ground levels, which is more than 2 metres in places on the prominent upper part of the site. Some of the Sections are inconsistent, in that some show the lower houses raised as well (probably because they are in the flooded area of the site).

None of the Sections provided show the relationship to the existing neighbouring houses.

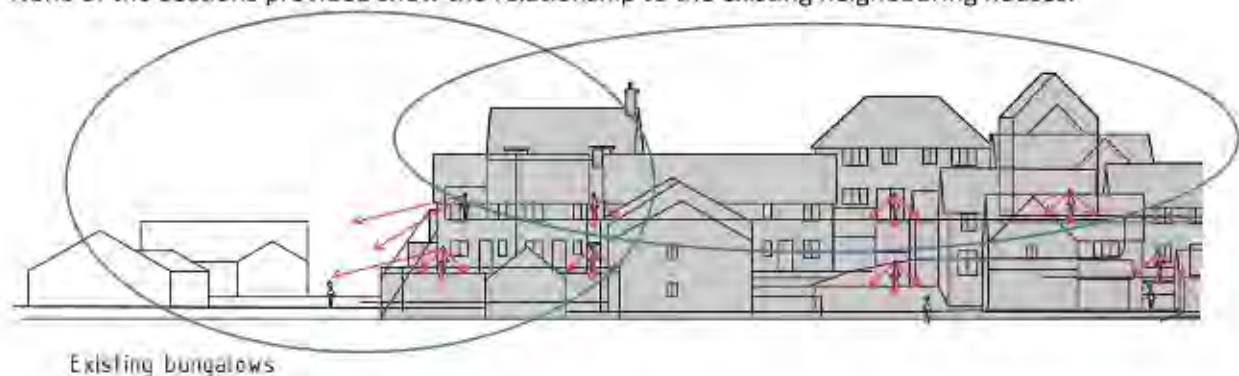


Image 5a. South Site Section FF showing the effect on existing houses and overlooking from the upper terraces. The upper circle shows the raised upper level of houses.

The terracing and building up the land profile results in a development that would dominate the existing houses, which are built into the slopes, and are predominately bungalows, as demonstrated in images 1-3 above.

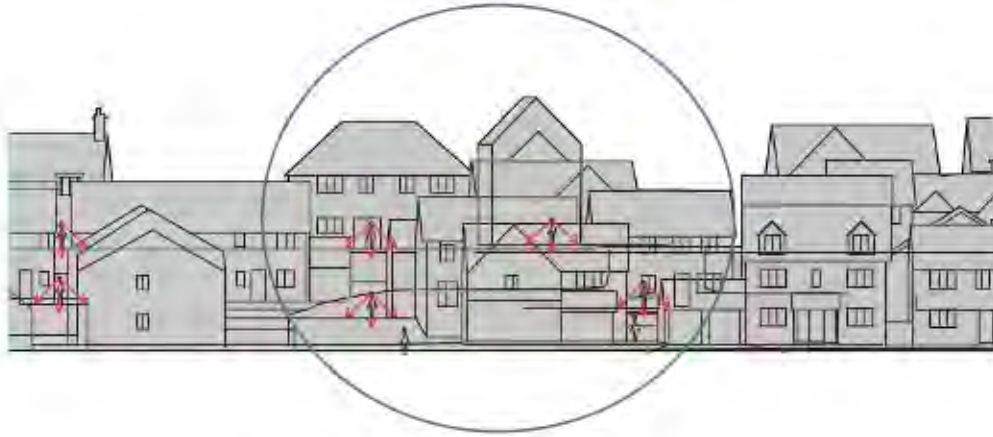


Image 5b. South Site Section FF continued, showing the relationship of upper terraces and the properties below, and the potential overlooking.

Whilst the differences in level are up to 8½ metres on the Southern Site, they are less on the Northern Site, but there are similar problems of dominance and overlooking from the higher terraces.

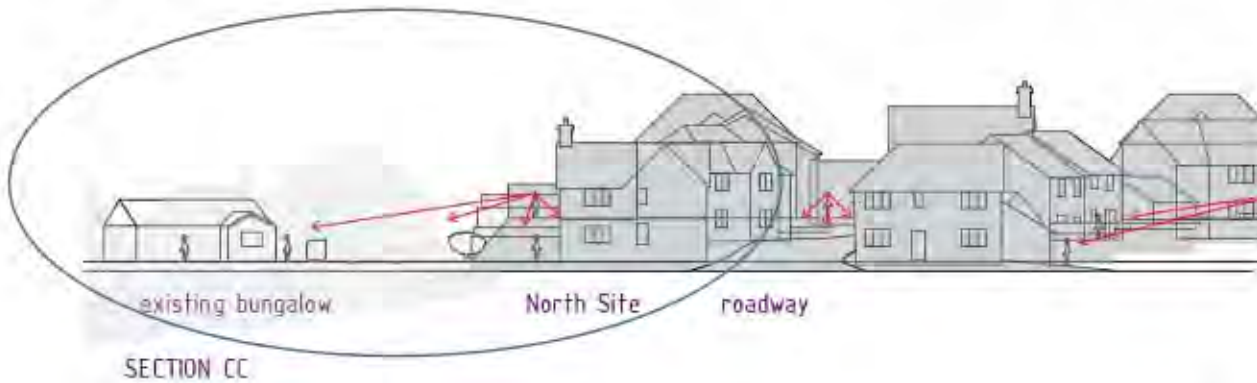


Image 6a. North Site Section CC, showing the effect on existing houses and overlooking from the upper terraces.

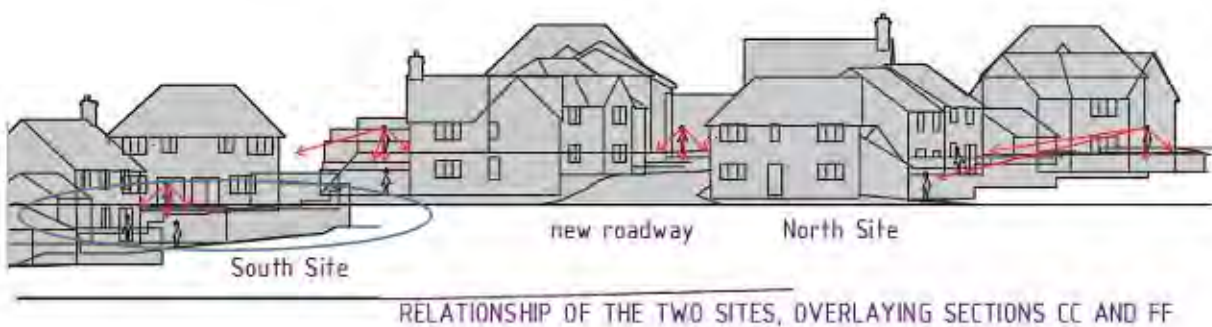


Image 6b. North Site Section CC showing the houses raised above Bartlow Road and the Southern Site. The boundaries on the left indicate how much build-up there is to provide platforms above the natural ground level.

(The images above have layered the sections on submitted drawings 1552-104H, 105E, 1007A and 1008A, to show the depth of the development and the comparative heights).



Image 7. South Site terracing, levels and slopes down the proposed development. The Levels Plan used as a base shows the three unauthorised mounds within the proposed scheme.



Image 7a. Google streetview shows the Victorian cottages, which are heritage assets; how modest they are, even though 2 storey, and how much the ground levels of the site would be raised to be level with Bartlow Road.

From the key views, the spread and height of the development is likely to have a substantial and harmful impact on the appearance of the area. The photograph below shows the existing mounds, which read in conjunction with Image 7 above, show the extent of spread of the proposed houses, terraces and fences across the Southern field.



Images 8a & 8b. Key view 1 showing the positions of the unauthorised mounds. Compare below.

These mounds and fence also show how close development would appear to the A1307 and how little of the original field separation would remain with the current design.



Image 9a. On the approach to the village, as before. Key View 1. The A1307 is separated from the village by the field, there are characteristic long views and the natural skyline, historic buildings and intermittent native tree planting contribute to the interest and rural character of the scene.



Image 9b. On the approach to the village, with the spread of the proposed scheme (indicative). Because of the elevation of A1307 causeway and spread of the development, little of the remaining 25% of the field can be seen, and the houses and platforms dominate the approach and skyline. The rural character and appreciation of the scale and heritage of the settlement is lost.



Image 10a. Before - Part of Key View 3 (Images 3a-3c above) showing the rural backdrop to the valley and public Leadwell Meadows area. Whilst there are existing houses across the left half of the photograph, they sit well into the landscape and do not intrude onto the skyline. Instead they contribute by adding scale and (in the case of the most visible cottage) historic interest.



Image 10b. After - The proposed development would intrude on the skyline and character of the area.



Image 10c. Part of Key View 3 showing the historic assets within the open rural backdrop.



Image 10d. After – There would be no appreciation of the heritage assets.

As Key Views 1 and 2 show, there is harm in principle in the loss of any part of the arable fields, which provide important separation between the village and the busy A1307, and loss of the open rural backdrop to the valley and public open space. It was exceptional that the OL gained consent.

However, the photographs also show existing development, and critically, that the existing houses at the edge of the village are subservient to the landscape and designed to respect its characteristics, rather than against them. They retain the distinctive intimate character of the river valley (Design Guide 3.16) and the long views and smooth rolling landscape characteristic of the area (Design Guide 3.17). They succeed in nestling into the slopes, and their layouts and designs (old and modern) are neutral or contribute positively to the environment.

In contrast, the proposed design fails to sit comfortably in its landscape, and intrudes upon the key views and the skyline, contrary to Design Guide 5.2. It does not preserve or enhance the character of the local area and respond to its context in the wider landscape (HQ/1a), does not provide a place-responsive design that is positive and respects local distinctiveness (HQ/1c), and is not compatible with its location and appropriate in terms of scale, density, mass, form, siting and proportion in relation to the surrounding area (HQ/1d).

The proposed design and layout of this scheme is inappropriate for this context, and causes visual harm, contrary to Policy HQ/1 and the District Design Guide.

Buildings and Materials

The D&A Statement 6.1 promises *“An architectural style which reflects the local vernacular particularly as found in the historic village centre and conservation area as well as a more rural approach for some of the larger boundary houses.”*

However, none of the proposed houses reflects the local vernacular in Linton’s historic village centre and conservation area:



*Image 11a. Landmark buildings in the CA
Are modest and enhance the surroundings*



*Image 11b. Proposed landmark building
No evidence it reflects the CA*



Image 11c. Modest detached houses in the CA



Image 11d. Smallest detached houses (double the span)



*Image 11e. Grandest merchant houses in CA (the exception).
Horizontal proportions, well-spaced openings.
High quality natural materials, handmade clay tiles
Roof pitches suit the vernacular materials.*



*Image 11f. Proposed large houses
Numerous 4 and 5 bed ensuite units.
Modern executive home types.
Exaggerated proportions, generally vertical
Similar footprints, but taller
“Indicative materials”, not typically local,
Different combinations for the same standard house type
Roof pitches based on maximum internal space, not on materials*



The taller houses have similar footprints to the existing bungalows, but instead of being one storey high, they are 2 and 3 storeys high. In general, the most prominent houses on this Site are proposed more than double the mass of the existing adjacent houses.





*Image 12a. Natural timber black tar weatherboarded barn
Typical in Linton's CA and the locality*



*Image 12b. Proposed black & grey
'weatherboard' houses, not typical
of CA and area*



Image 13. There are no buildings in the CA that resemble the FOGs, with homes over carparking and vehicle accesses.

The photos and a visit to Linton's (Outstanding) Conservation Area and historic village centre demonstrate that there is no evidence that the architectural styles "reflects the local vernacular particularly as found in the historic village centre and conservation area", and the evidence points to the designer having been looking elsewhere.

The policies and Design Guide makes clear distinction between the architecture of village contexts such as Linton, versus those of more urban environments and urban extensions. The proposed buildings include buildings such as FOGs that are typical of suburban or closely packed urban environments instead, and are what the Design Guide describes as "anywhere housing".

Nearly half the houses in the proposed scheme have excessive spans, most of them being 10 metres deep, which is double the depth of the houses characteristic of Linton. The excessive spans give very poor gable proportions compared to vernacular buildings (the roof looks too slack and the standard windows too small).



Images 12. Houses Type D3; 2A and C2 similar.

The gable is longer than the frontage, which makes the building look sliced and incomplete. It also makes the fenestration of the front and rear elevations look cramped and is contrary to the linear proportions of vernacular buildings in this locality (see above).

The carports also have poor proportions, with thin posts and again a truncated appearance because the ridge follows the short direction.

The terraces of deep-span houses create a block-like appearance in a band across the centre of the site, at odds with the generous spacing of existing houses in this part of the village and the rural character of the edge of the village. They are also cramped and leave insufficient space for the species-rich western boundary hedge to be retained and any replacement hedge to thrive.

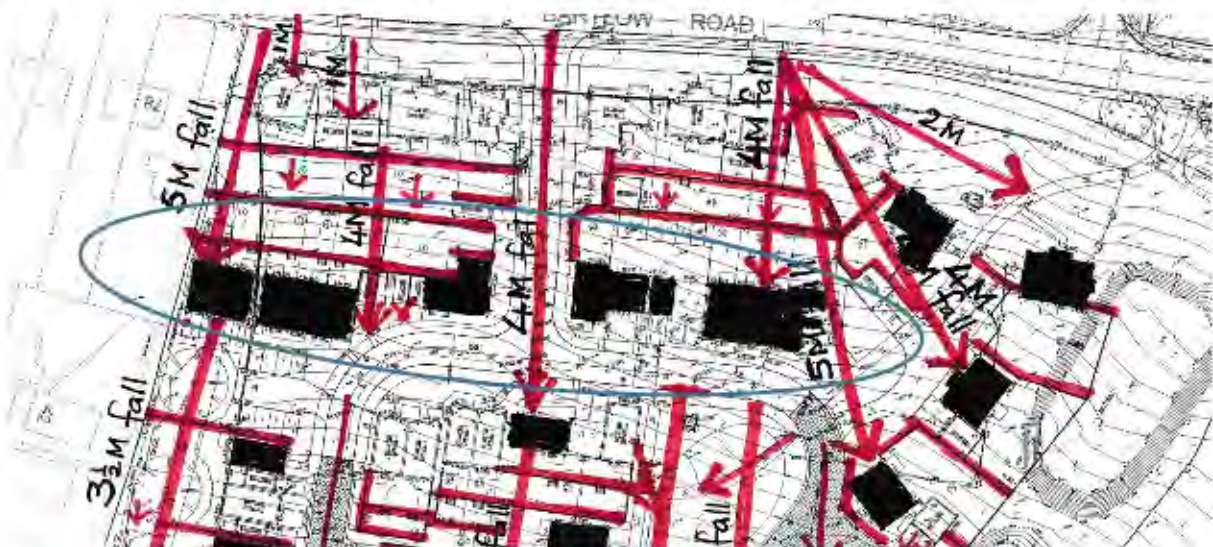
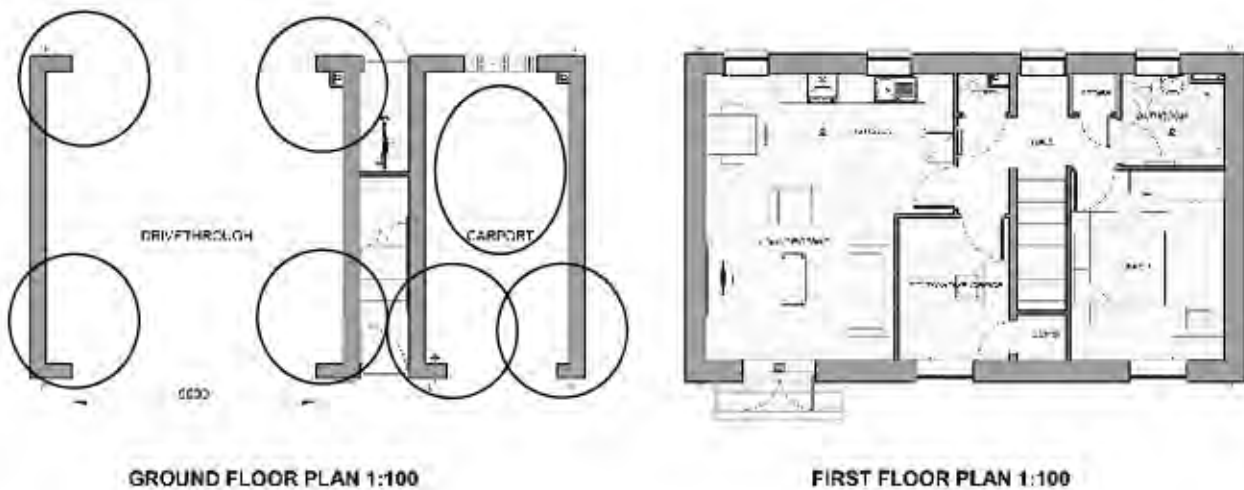


Image 14. Central bank of deep span houses.

The D&A 6.1 states that the design gives “Active frontages and natural surveillance”, but the poor quality environment of FOG units in particular, demonstrates an inactive frontage of tarmac and spaces that are difficult to supervise, which is likely to encourage crime.



Images 15a – 15b. Typical FOG unit, comprising a flat above car parking, or a flat above a parking courtyard access.



Images 15c – 15d. Typical FOG plan, with poor street presence at ground floor and many potential hiding places. Together with the bars on the openings, they create an inhospitable and poor street presence.

These FOG units are flats with very poor townscape appearance, dominated by vehicle provision. They are very urban in appearance and not typical of a rural village like Linton. They have top-heavy proportions, and at street level, where most people would experience them, the view would be dominated by cars, services, bins and barred openings. This is not high quality design as required by HQ/1.

The Tower house is 3 storeys high, which would dominate the scale and heights of the surrounding houses of the locality, which are single storey and a modest two storey. The dominance is increased by the vertical proportions of the design. Whilst 'landmark tower' buildings are advocated in the District Design Guide, that document makes clear that this is for urban contexts, not for rural villages. The large 'landmark tower' is not typical of Linton, where landmark buildings are often modest and become a landmark because of the quality of the streetscape (Image 11b).

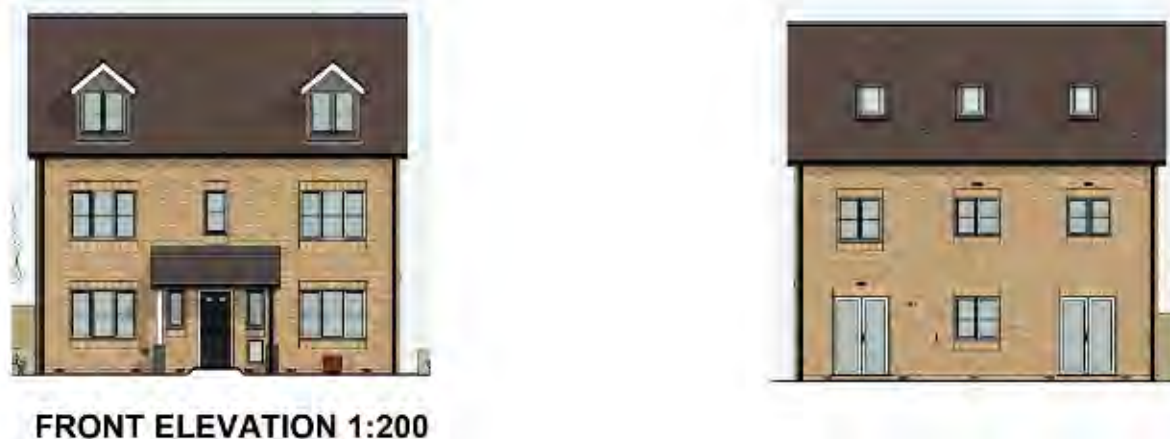


Images 16 a-c. Tower House showing proportions and dark un-fenestrated elevations.

The proportions and alignments of openings on the prominent elevation facing the entrance road are unsettling (because of duality and a mix of balance and unbalance), and there is an unfriendly blank black elevation facing the neighbours, where it would tower above a narrow pathway, rather than the green idyllic context indicated on the drawing.

There are numerous prominent examples of Type S25, a tall and large 5-bedroom house. This is significantly taller than vernacular Linton houses, even those that were grand houses in their time (see image 11c). In comparison, its elevations appear cramped.

These houses have 3 floors, each of which is similar to the whole floor area of the adjoining bungalows. The bulk is exacerbated by the vertical proportions and the height of the roof in order to provide another storey. Most of the Type S25 houses are on built-up platforms, increasing their apparent height. The porch posts are overly thin and its proportions overall do not have the quality of the existing vernacular buildings.



Images 17 a-b. Type S25 5 bedroom house.

HAF10 houses are similar to the 'back-to-back' houses characteristic of Victorian cities, where houses were crammed in against other houses, giving little space for windows. As a result, the windows are cramped on the front elevation, with none at the back, and no cross-flow possible in hot weather. The living conditions are also likely to be poor as rooms are deep and minimally lit from one end.



FRONT ELEVATION 1:100

Images 18 a-b. Type HAF Maisonette.

The D&A Statement 6.1 promises "An architectural style which reflects the local vernacular... as well as a more rural approach for some of the larger boundary houses." The large 'rural approach' houses also fail to resemble rural houses typical of this locality.

The 'Farmhouse' units look like large modern houses in inappropriate materials, with a modern car port rather than traditional farm groupings.

Typical farmhouses of the area –



Typical farmbuildings & sheds -



Images 19a-b.

Characteristics of Linton's farmhouses –

- Groupings of vernacular buildings
- Narrow spans
- Local vernacular materials
- Vernacular proportions and details derived from the materials of the area

Proposed 'farmhouse units -



FRONT ELEVATION 1:200



RIGHT SIDE ELEVATION 1:200

Images 20a-b.

- *They resemble no vernacular farmhouse in the locality*
- *Hierarchy is confused as it uses farmbuilding tarred materials for the farmhouse.*
- *Once the 'indicative' materials are removed, there is an 'anywhere' modern house*
- *Thin legged cartlodge proportions*
- *Non-vernacular colouring*
- *There are either no chimneys, or 'bolt-on' chimneys that are not reflected on plan.*

The proposed houses are from a range of house types designed previously for urban extensions rather than for the local village context. They do not respect the local distinctiveness of Linton (HQ/1c) and are not simple and small in scale (Design Guide 3.20).

Materials

The drawings are all annotated as "indicative" and the Design and Access Statement has omitted all mention of specific makes of materials, following LPC comments on the last RM that they were inappropriate for the context and amongst the cheapest materials available. The current application therefore does not demonstrate the materials are appropriate.

The DAS generalised descriptions still apply to the concrete tiles, fibre cement boards and the cheap bricks previously specified. The same textures and colours are being shown, so it is likely they are still the same materials and still of poor quality.

The "indicative" drawings still propose many of the houses in a brown brick and in black weatherboard, neither of which is characteristic of the identified materials of this locality. This is contrary to Chapters 3 and 4 of the District Design Guide. Para 3.49 notes that black (i.e. tar finished) boarding was used on outbuildings, not houses. Tar was a smelly waste material, unsuitable for use for domestic buildings, and its extensive proposed use for houses and 'farmhouses' in this development is therefore alien. The cover letter proposes that there is a positive change in that some of the boarding will be grey instead of black. Grey is not part of the character of the locality, as limewash and tar are incompatible, so would not mix.

Picking out of details such as verge boards, eaves, window heads and utility boxes in white is also not part of the character of the locality, again for practical reasons (e.g. maintenance). These houses are in some of the most prominent positions on site. References to upvc have been omitted, but the lack of clarity does not demonstrate they would be high quality and weather well.

It does not demonstrate high quality materials so does not comply with HQ/1.

Exterior of the Development

Very large houses are proposed on the most prominent edges of the development. As illustrated above, these would dominate this part of Linton and the entrance to the village.

The group of houses at the entrance are scattered about with no logical build line and the first view on the approach to this historic village and conservation area is an almost-blank side of unit 32 and the back of number 31, both of which are poor quality elevations.

There is insufficient information about how the changes of landform are to be treated along this most prominent elevation.

The new site section 2 on drawing 1552-1007A shows the front edge of the Site may comprise a brick retaining wall about 1.5 to 1.8 metres high, to retain the higher ground levels and terraces behind it. This is not characteristic of rural field edges of this locality and would give a hard urban edge to this development.

Part-way down the development, there is a gap in the wall, indicating roads and entrances behind, and making it likely that residential activities will spread into the remainder of the field, where they would be very prominent and conflict with the agricultural use of the field.

The section shows some "indicative" species planting that is typically uniformly some 10 metres high. Uniform growth this high is not part of the village edge character of Linton and blocks Key View 1. The ground has nominal depth of soil over solid chalk, and the lower part of the site floods from the river, so is unlikely to safely support such growth. The soft landscaping plan species show typically small tree types, confirming the large trees are unrealistic.

The supporting statements now state that the mature frontage hedge will be retained, but the drawings do not. The soft landscaping plan shows a coloured line some 2 metres wide, but there appears to be no annotation for existing hedges to be retained. The future of any tree or hedge is jeopardised by the design which has substantial earth movement and terracing close to the existing hedges and trees, as well as houses within approximately 1 metre of the western boundary.

The boundary retaining structures and pressure on existing mature boundaries indicates that the scheme for 55 houses is overdevelopment.

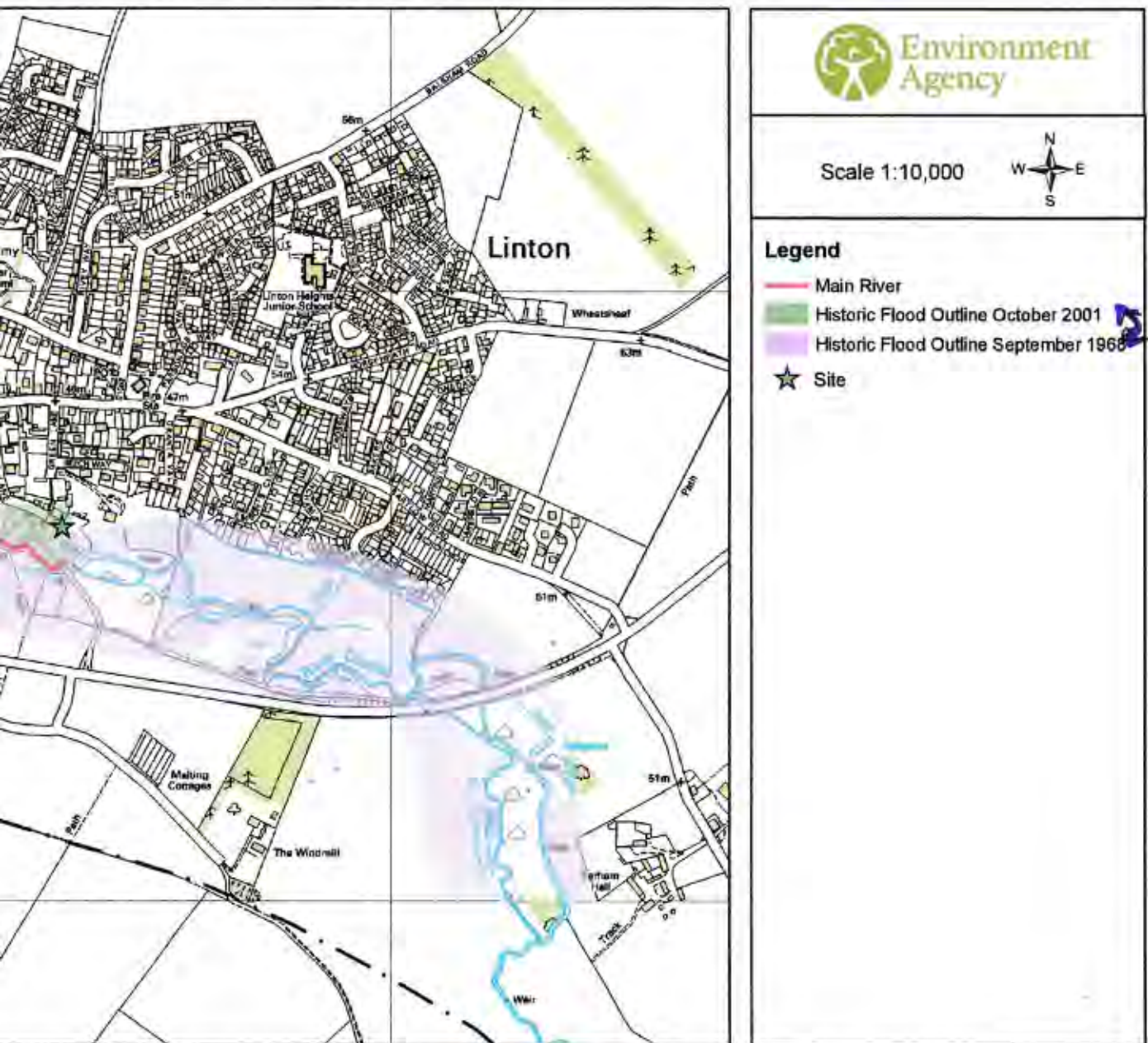
As the images above show, the development is denser than the housing it abuts, and that greater density will be evident from outside the Site.

The scheme is therefore not place responsive design and does not comply with Policy HQ/1 and Section 3 of the Design Guide (including 3.22).

Flood Protection

The Sections, including Site Section 1, show that all the houses are proposed on built up on platforms. The lowest part of the site does not slope, and therefore the new raised platforms are likely to be due to the fact that the site floods from the river.

**Centred on Mill Lane, Linton, Cambridgeshire.
Created on 16 January 2017.**



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Image 21. 2017 Environment Agency map data, showing an average of 50% of the site has flooded. The data is based from EA's own aerial surveys during the most extensive of the latest floods

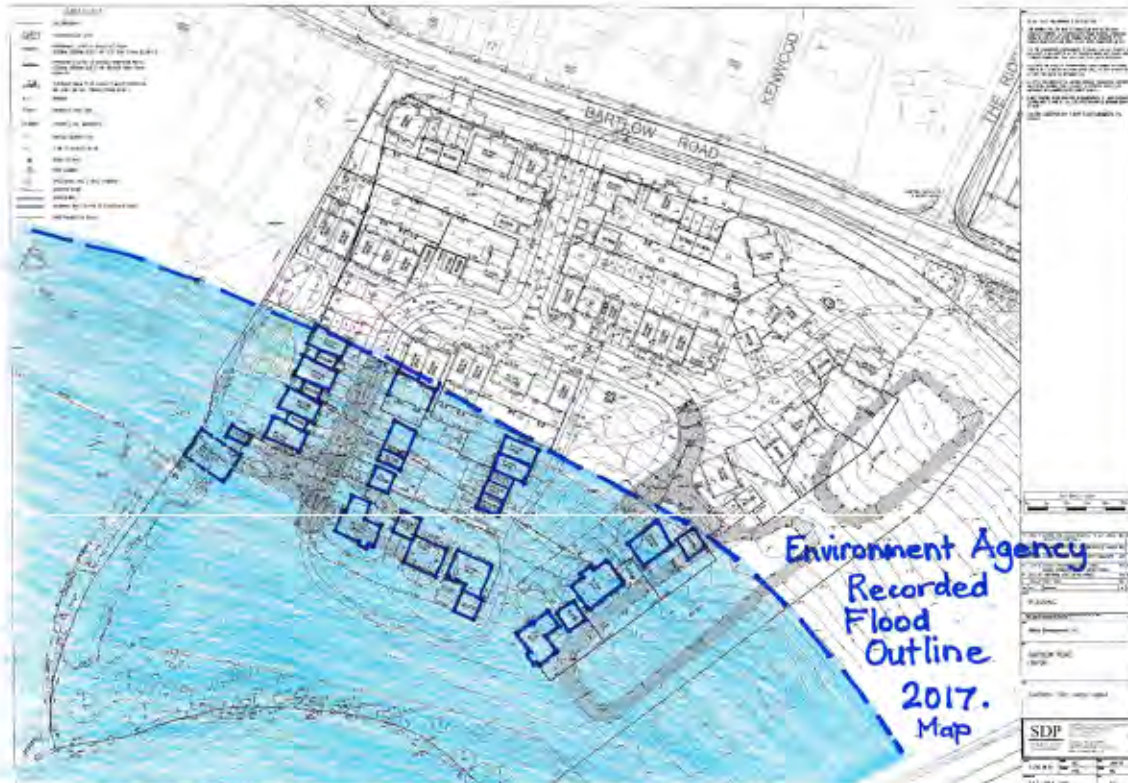


Image 22. An overlay of the Environment Agency flood map data over the proposed site layout.

These show that a significant number of houses are within an area that has flooded within the last two generations, and is therefore likely to flood again, and to a greater extent than before due to Climate change.

The submitted site sections show that the houses on the lower part of the site are built up above the natural ground level, giving them greater prominence in the landscape and key views, and providing barriers that do not absorb water and are likely to increase flood risk elsewhere.

The levels plan for the Southern site also shows a substantial slope down the primary road into the site, diverting water currently flowing down the Northern site and along Bartlow Road, directly into the affordable houses, as follows:



Image 23. Site Section 4. Note Bartlow Road is at 49.800 (so higher) according to the Levels Plan.

The surface water runoff calculations were based on a fall of 1:100 on this road, but it is much steeper. The calculations are also unlikely to have taken into account the lack of permeability of terraces and the disturbed ground conditions inherent in this scheme.

The drainage schemes have not been adequately resolved, as noted above, but cannot be left to condition because they potentially affect the appearance and design of the development.

For example:



Image 24. Indicative position of the aquifer.

The Site is directly on top of the Cambridge area aquifer. Surveys carried out as part of the OL consent (during a long period of dry weather), established the water table at one place only 1.7 metres below the development area. The recent excavations have reduced that clearance and exposed the solid chalk casing to the aquifer.



Image 25. Excavation down to solid chalk.

This casing is not permeable, so is unlikely to be suited to the proposed infiltration drainage scheme. It is also vulnerable to damage when installing the foundations, retaining structures, underground pumping station and drainage structures, which are designed to include underground concrete soakaway chambers.

If they cannot be installed below ground, they are likely to be installed above ground, or not at all, and the proposed pumping station position is very prominent in Key View 3.

The scheme has not demonstrated that the quality of ground, surface or water bodies will not be harmed. It has not demonstrated that flood risk from all sources has been avoided or managed and will not increase flood risk elsewhere.

It is therefore contrary to Policy HQ/1, CC/1 climate change, CC/7 and CC/9.

LAYOUT

The RM application has not demonstrated that the design and layout as proposed above ground will be viable on this site, and that 55 houses can be accommodated within the constraints.

Particular aspects of the layout have resulted in these problems, and include:

- The terracing;
- The building-up of other ground levels to a higher new level;
- Failing to design out noise, flooding, and overlooking at the outset;
- The numerous new accesses onto Bartlow Road;
- Building down the slope rather than along the contour lines;
- Building on the lower part of the site that floods;
- Locating a new pumping station in part of the site that floods, and in a prominent position when viewed from the valley.

Slopes

The slopes on the public pathways within the site do not provide a DDA accessible route into and out of the site and individual properties. The 'green route' proposed in the previous RM application has been omitted. Housing has been relocated into the space taken up by the green route, with an almost straight, and much steeper path, instead.

Only two units were designed over a single ground floor (Maisonettes) and these have internal arrangements that would not allow wheelchairs to access the rooms. They are also not accessible between the houses and Bartlow Road.

The scheme has therefore not been designed appropriately for the local housing need, nor is it in compliance with Building Regulations and DDA. It is not a permeable development with ease of movement and access for all users and abilities. Other than up or down the slope to the busy Bartlow Road, there is no linkage with the existing village, so it discourages connection with the existing settlement, and does not comply with HQ/1 1f, g, j and k.

Accesses

It is noted that the latest Sections still omit Bartlow Road to appreciate how steeply the accesses join the main road. The Sections still do not show the steepest slopes and at least one of them (Section 4) is inaccurate in that the road edge is shown lower than the levels on the Levels Plan E17-084-140, making the slope appear less steep than it is. In the case of Section 4, as noted above, the road level is 49.800 and the driveway is drawn about half a metre lower, making access to Bartlow Road potentially hazardous.

Insufficient information has been provided to establish the status and design of the new accesses onto Bartlow Road, which are likely to involve significant earth-moving.

These accesses would breach the mature species-rich hedge, but proposals to clarify how much of the hedge is needed for this are unclear. The hedge is missing from the section drawings and the junctions on section are unrealistic, such as Section 4 above. The design is not therefore place responsive and coherent, so is contrary to HQ/1 1c.

Ecology

The proposed layout, terracing and re-profiling is likely to put the existing ecology at significant risk, and the sections show no existing hedge or tree is likely to remain.

Density

The proposed development is located on the edge of the village, where the existing photographs above show that the houses are subservient to the landscape, and therefore have an appropriate density for their location. The density of this scheme for the maximum of 55 houses, in combination with the larger houses and the terraces and retaining structures, together make this development appear cramped. This is not appreciated within the submitted sections and elevations, as they are single depth or faded out, but the images above show that, once all the relevant layers are added, the development is too dense, urban and bulky for its sensitive location.

CONCLUSION

On the basis of the current submission and the most recent Design and Access Statement, this RM application does not exhibit good design and therefore does not amount to the effective use of land because of the harm which would be caused. It is therefore not sustainable development as defined by NPPF.

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LINTON PARISH COUNCIL



Clerk: Ms Kathryn Wiseman, The Village Hall, Coles Lane, Linton, Cambridge. CB21 4JS.

Email: enquiries@linton-pc.gov.uk

Telephone: [REDACTED]

Chairman: Ms. Merrie Mannassi

www.lintoncambridgeshire-pc.gov.uk

FAO Rebecca Ward
South Cambridgeshire District Council
Planning and New Communities
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

22nd August 2019

RE: Draft comments on Planning Application S/2501/19/RM – Land North and South of Bartlow Road, Linton.

Dear Ms Rebecca Ward,

Thank you for your consultation on the above application. This is our initial response and more detailed objections will follow when we have the missing documentation:

Holding Objection -

We respond with a holding objection for reasons including the following:

- The submission does not provide sufficient information to fully assess the impact of the development.
- The Design and Access statement has not been provided to Linton Parish Council in paper form, nor is it available on the website (up to the date of the LPC planning meeting)
- Several other reports and assessments are not available, which will be listed later.
- The reasons for refusal of the initial RM application have not been adequately addressed.

Comments

The OL plan s/1963/15/OL was approved when there was no extant Local Development Plan, the 5-year housing land supply was not confirmed and the planning balance was very different. Linton has not been allocated any housing in the current nor in the previous LDP, so should never have been subjected to that application.

The LDP has been reviewed by the Inspector twice and due to the hierarchy for development, this site was not included in the calculations for the land supply, and omitted as not being suitable for residential development. This was not an anomaly; the site was not allocated in the LDP, and the LDP takes precedence in current planning considerations.

Despite this, infill housing, replacement housing, conversions and applications in the pipeline will have added around 50 homes since the first OL (not including Bartlow Road and Horseheath Road applications) so Linton is doing its share to meet the 5-year housing supply.

This is the second RM application related to s/1963/15/OL, the first s/2487/18/RM having been refused by SCDC. The refusal of the first RM application has now been appealed, but with additional

amendments, of which LPC was not aware and had not commented upon. This application appears to be similar to the appeal submission with its amendments.

This application should not be considered acceptable as a result of its size (more than 30 houses in a minor rural centre), being outside of the village framework boundary, not considered suitable by SHLAA and not being an allocated site in the LDP. The application is within the scope of the emerging Linton and Hildersham Neighbourhood Plan and again not considered suitable; 2 drafts have already been submitted and should form part of the decision-making process. It is clearly not a sustainable development by the criteria applied in the NPPF and has not proved to be deliverable.

The decision by SCDC on the outline development was based only on the principle of some houses, two accesses and the promise of some alterations to the A1307. This application appears to be notably different to the scheme provided then, including the indicative site layout and generic housing design. The tree planting and landscaping bears little resemblance to the indicative plans. The extent of flooding had been underplayed and the requirement by condition that housing be above the known levels of flooding (and based on revised EA maps and the SCDC maps included in the 2010 LP) has not been heeded.

There is now a robust LDP in place. The 5-year housing land supply can be met without the inclusion of this site; there is no longer a presumption for approval of speculative development. The planning balance is very different and local concerns should be given their due weight.

Documents not available for consideration include:

Design and Access Statement - not supplied in hard copy and cannot be opened on the website

Landscape and Visual Impact Assessment

Flood Risk Assessment

Porosity and Infiltration Testing

Archaeological Evaluation - the findings of the investigation have not been submitted

Energy and Sustainable Design statement

Health Impact Assessment

Growth and Development Assessment

Noise Assessment

Geo-Environmental Assessment

Utility Assessment

Statement of Community Involvement

Reasons for refusal

The developer considers that they have addressed the reasons for refusal. LPC do not agree that these have been adequately covered. Here are a few reasons;

Reason 1 -

- The terraced nature of the dwellings has not been addressed - there are now more terraces (16 against 13 previously) along with retaining walls, platforms, steps and other engineering structures. The terraced nature remains as visible and intrusive features (although judicious shading of the illustrative drawings seeks to minimise this).
- The terraced nature of the dwellings does not impact on Bartlow Road nor from within the site, but on how the development will be seen in the landscape, over the wide views, across the river valley, and occupying the valley as seen from the A1307.
- Dropping slab levels creates difficult gradients for traffic between Bartlow Road and their drives - around a 1:10 slope.
- This slope also making flooding from the road into garages and homes much more likely.
- Lowering a few plots has minimal impact on a site that has a build-up to create these platforms - potentially up to 6.5m across the area where the platforms are most prominent.
- Lowering the slabs two plots by 400mm (not 400m, as in the submission...) will have little effect on the prominence of the housing in the landscape - they remain as 2¹/₂/3 storey

houses, out of character with the area and context and very visible in the wider landscape They would remain very obtrusive, including on the skyline from the village. This against the NPPF which states that buildings should not intrude upon the skyline except specifically agreed features - towering housing on rising ground would not meet this criterion

- The gradient of the gardens would not impact on the terracing. The gradients of public paths is more concerning for reasons of accessibility for pedestrians, the disabled and for road safety
- In this application, as before, the developer has failed to take into account our major objections to the design of this site - the houses are too high, prominent in the landscape and with designs insensitive to the nature of the rural site and entrance to the village.
- The effect of this development on the wider landscape, the surrounding fields and public open spaces, the setting of and views from the village, from across the river Granta, etc. has not been evaluated. There has still been no evaluation of the effect of housing on the northern site and no evaluation of the effects on the skyline from significant viewpoints.
- A "Green Link" is a path to the other site, not a feature to reduce impact, crossing the road in the 50mph zone and too near to the entrance to the GCP/City Deal transport hub

Reason 2 -

- The affordable housing remains clumped in the centre of sites.
- Those in the southern site are in the areas most affected by surface water run-off.
- The surface water flooding has been known since Mediaeval times following the removal of woodland up the slopes. This was revealed by the channels found in the Archaeological investigations. Housing in the centre of the site is most vulnerable to pluvial flooding.

Further Comments

Further comments will follow, including comments on the following:

Landscape and visual impact

Flooding and surface water drainage

Layout and Design

Housing Mix and Housing Needs Assessment

Archaeology

Ecological Assessment

Transport and roads

Sustainability


Health Impact

Community involvement

This is not a sustainable development, does not meet village needs, does not protect or enhance the valued landscape and does not to meet the criteria of the NPPF or the Design Guide.

The reasons for refusal remain sound and have not been addressed by the amendments to the previous application. It remains materially unchanged from the application that was refused.

Yours Sincerely,


Kathryn Wiseman
Clerk and RFO to Linton Parish Council

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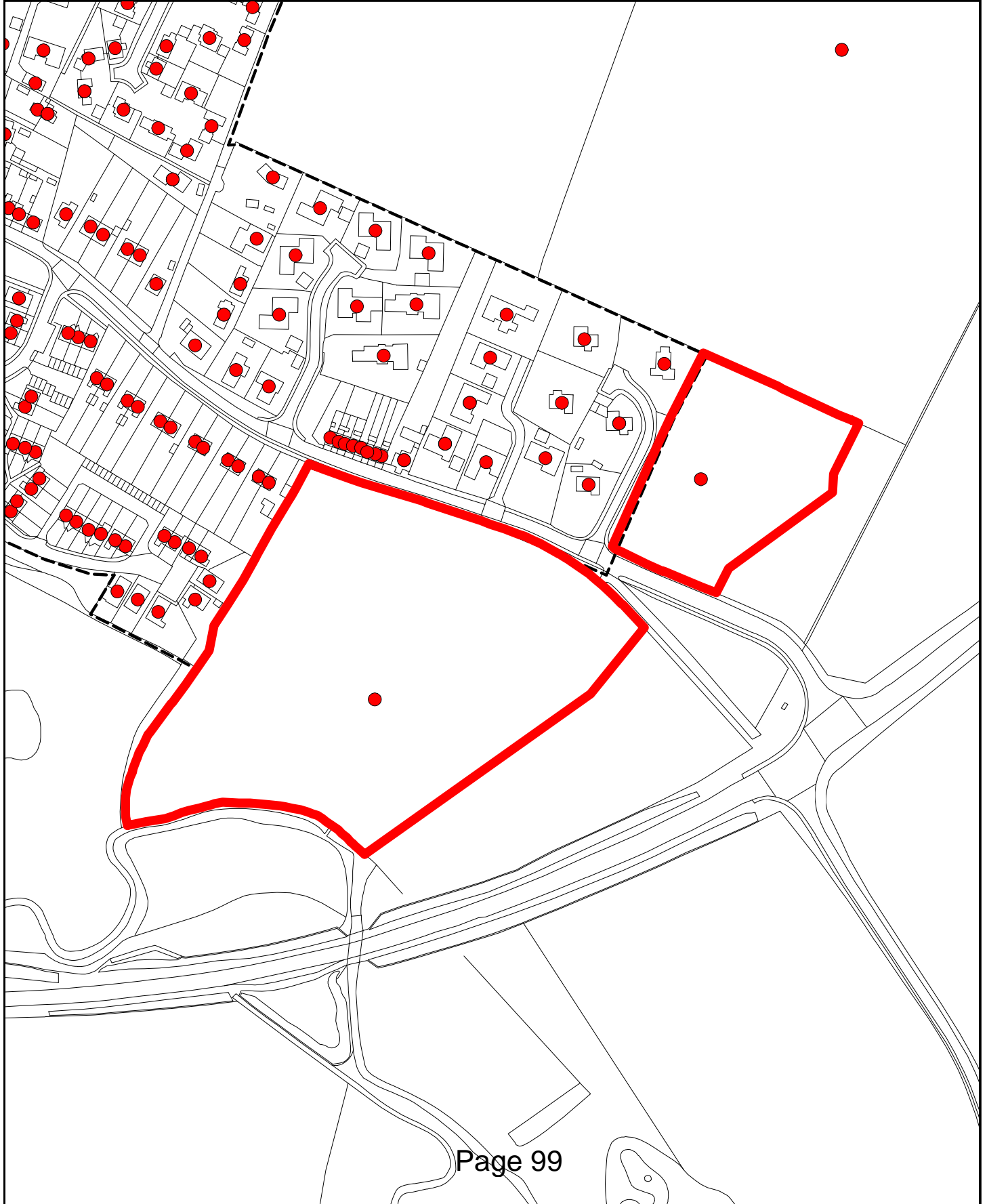
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Date of plot: 24/10/2019



**South
Cambridgeshire
District Council**

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Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13th November 2019
AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/4298/18/FL

Parish(es): Willingham Parish

Proposal: Demolition of existing garage and outbuildings and erection of new children's nursery with associated infrastructure and landscaping.

Site address: Rear of 74, Rampton Road, Willingham, Cambridge, CB24 5JQ

Applicant(s): Ms Morrice

Recommendation: Refusal

Key material considerations: Principle of Development
Highway Safety
Impacts to Residential Amenity and Noise Impacts

Committee Site Visit: 12th November 2019

Departure Application: No

Presenting Officer: Aaron Sands, Senior Planning Officer

Application brought to Committee because: As a matter of public interest.

Date by which decision due: 31st May 2019

Executive Summary

1. The application site is located on the edge of, but outside the Development Framework. The principle of development in this location is considered to be on balance acceptable, as there is sufficient need that policies S/7 and TI/9 provide support. However, in considering the detailed design of the proposal, officers consider the development would result in an adverse impact to highway safety and the residential amenity of neighbouring residential properties that could not be mitigated. The application is therefore recommended for refusal.

Planning History

2. None Relevant

Site Constraints

3. The application site comprises the residential garden of no. 74, with that property and the proposed access located within the Development Framework and the remaining garden are located outside. The site is on the edge of Willingham, with properties generally being single dwellings fronting the road, with some variety in setback but with wholly limited penetrative development. Some 200m to the south of the site is a Public Right of Way (PROW), which runs concurrently with a designated award watercourse.

Proposal

4. The application proposes the erection of a new children's nursery (Use Class D1), following the demolition of the garage to the site of no. 74, in order to facilitate an access, along with parking and turning areas and associated landscaping.
5. The nursery building is proposed in an approximate 'T' shape, measuring approximately 16.1m in overall depth, 36.1m in overall width, 3.7m in height at the ridge and 2.2m in height at the eaves.

Relevant Policy

6. National Guidance

National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

Noise Policy Statement for England (NPSE)

7. South Cambridgeshire Local Plan 2018

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in Favour of Sustainable Development

S/6 The Development Strategy to 2031

S/7 Development Frameworks

S/9 Minor Rural Centre

CC/1 Mitigation and Adaptation to Climate Change

CC/3 Renewable and Low Carbon Energy in New Developments

CC/4 Water Efficiency

CC/6 Construction Methods

CC/7 Water Quality

CC/8 Sustainable Drainage Systems

HQ/1 Design Principles

NH/2 Protecting and Enhancing Landscape Character

NH/4 Biodiversity

SC/9 Lighting Proposals

SC/10 Noise Pollution

SC/11 Contaminated Land

TI/2 Planning for Sustainable Travel

TI/3 Parking Provision

TI/8 Infrastructure and New Development

TI/9 Educational Facilities

8. Supplementary Planning Documents (SPD)

Cambridgeshire Flood and Water SPD – Adopted 2016

District Design Guide – Adopted 2010

Landscape in New Developments – Adopted 2010
Trees and Development Sites – Adopted 2009
Biodiversity – Adopted 2009

Consultees

9. **Parish Council** – No recommendation. Whilst the Parish Council supports additional nursery places within the village, it does have reservations about the site and traffic.
10. **Local Highway Authority (LHA)** – Objection. The access is unsatisfactory to serve the development be reason of its inadequate width, and the proposal would likely result in stopping and manoeuvring of vehicles on the highway, detrimental to highway safety.
11. **Environmental Health Officer (EHO)** – Objection. The proposal is extremely likely to cause a loss of amenity to nearby residents from noise from the passage of vehicles using the access.
12. **Landscape Officer** – Objection due to adverse effects on the landscape and on views and visual amenity. Recommended principles to be adopted to improve the landscaping and visual impact.
13. **County Transport Assessment Team** – Insufficient information provided to assess the proposed development.
14. **County Growth & Development Officer** – Recommend revisions to layout in accordance with Cambridgeshire County Council “Guide to the Location and Specification of New Build Nurseries and Pre-Schools”.
15. **Drainage Officer** – No objections subject to a condition requiring a detailed scheme for the disposal of foul and surface water.
16. **Ecology Officer** – No objection subject to a conditions requiring the submission of a construction ecological management plan, and a scheme for the enhancement of biodiversity.
17. **Tree Officer** – No objections subject to a condition requiring a detailed Arboricultural Method Statement and Tree Protection Strategy to be submitted to and approved by the Local Planning Authority.
18. **Contaminated Land Officer** – No objections subject to conditions requiring further contaminated land investigations and appropriate remediation and verification.

Representations

19. 16no. objections received incorporating the following summarised points;
 - The noise generated from children outside would adversely impact the residential amenity of neighbouring property, particularly as the nursery is a forest school, that specifically encourages children to be outside.
 - Noise levels shown in the noise impact assessment are indicated as being “noticeable and intrusive” and would prevent enjoyment of garden areas by neighbouring residents.
 - The noise mitigation measures would not be sufficient to protect neighbouring amenity.

- The proposal would result in general noise pollution, impacting the tranquillity of the local area.
 - There would be a loss of privacy from staff and children being able to look into neighbouring private rear gardens.
 - There are alternative locations where the nursery could be located that would be less impactful to neighbours.
 - There will be unacceptable traffic congestion and associated noise and pollution during drop-off and pick-up times.
 - The width of the entrance is not sufficient to allow vehicles to move freely and will lead to obstructions on the road.
 - Promoting alternative modes of transport is unlikely to be successful, as public transport connections are not close to the site and parents will drop children off on the way to work.
 - The existing footpath and cycle links to the centre of Willingham are lacking, and would not be attractive for children.
 - There is insufficient car parking provided to accommodate staff and drop-off and pick-ups and people will be forced to park on the road, restricting traffic flow.
 - There is no shortage of childcare/nursery places in Willingham.
 - There is insufficient evidence to support that there would be a future shortage, and Northstowe New Town.
 - Rampton Road is a busy thoroughfare where there are frequent accidents.
 - The site is outside the Development Framework.
 - The existing road floods during heavy rain, and if this is not resolved it will exacerbate access issues.
 - Insufficient information regarding whether the foul network would be able to cope with additional demands.
 - The applicant has not carried out public consultation with local residents.
 - There are insufficient details for managing waste collection.
20. The following matters have been raised that are not material planning considerations. Officer notes have been *italicised* where relevant for information.
- The developer's motivation for submitting the application.
 - Motivations of people who have made representations.
 - The submission of the application and subsequent amendments is causing distress.
 - Risk of fires from "campfire cooking".
 - The proposal would set a precedent.
 - The proposed accommodation, in terms of the internal space and facilities to serve users of the site. *This would be a matter covered by other legislation.*
 - The application does not mention signage for the nursery. *This would require a separate advertisement application.*
 - The design and access statement includes photos that have been labelled incorrectly.
 - Whether the applicants are local to the area.
 - Impacts to private views.
 - Impacts to property value.

Planning Assessment

21. The key considerations in this application are;
- Principle of Development
 - Design and Character
 - Highway Safety

- Parking Requirements
- Impacts to Residential Amenity and Noise Impacts
- Drainage
- Contaminated Land
- Ecology and Biodiversity

Principle of Development

22. The application site is located outside, but adjacent to, the Development Framework, where policy S/7 provides for certain forms of development. It would fall to a test of whether any other policies support the principle of the development in this location in this instance.
23. Policy TI/9 sets out the policy tests for new education facilities, including early years placements (EYP), and applies to such proposals anywhere within the district, not just those within the development framework. The applicant has provided details of alternative facilities in the area and information in respect of future need. Officers do not consider need should be limited to just Willingham, as there is every likelihood the site would be used by parents on their way to work, and residents of surrounding villages would likely utilise additional provision. The submitted details indicate that there are surrounding villages with a shortfall in provision that may benefit from this proposal, and officers note future growth in and around the area that might benefit from the proposal, such as Northstowe New Town.
24. Officers note the details provided in respect of other nurseries in the area and the services they offer, which indicates there is one other full time nursery, and one that provides term time cover. Officers note that neither appears to represent the same type of nursery as that proposed, as the application is explicitly for a forest school, and policy TI/9 provides some support for the increase in range of education provision. Details have been provided in respect of the benefits this type of EYP facility, and how they differ from other provisions, such that officers consider this proposal would be supported by that policy. The development is accessible, located along a main thoroughfare into Willingham, and the County Growth and Development Officer has raised no objection to the amended scheme.
25. Officers consider the principle of the development is therefore on balance acceptable and would accord with the spirit of policies S/7 and TI/9, in promoting the accessibility and range of services within villages to reinforce the wider sustainability of the village and surroundings.

Design and Character

26. This area of Willingham is an edge of village location, characterised by a linear, regular form of development of primarily residential dwellings, in a wide range of styles. Officers note some limited at depth development, though it appears there is a mix of uses, including agriculture, equine uses and residential outbuildings. There are a range of glasshouses in the surroundings, and officers note a PROW and a well established tree belt to the south.
27. The application proposes an at depth development, demolishing the existing garage to the side of the dwelling with an access to the side. While the limited at depth development is noted, officers also note the form of the proposed building would blend well with the verdant site, utilising natural facing materials and a low height that would reduce its visual prominence in the locality. The retention of the majority of the

well established trees in the site, as part of the forest school ethos, would provide further screening, better reflecting the prevalent character.

28. There would be a notable side access, which would clearly lead to something to the rear of the front dwelling. However, officers noted other properties in the area that had side accesses, such that this in itself would not create a notable departure from the area. The parking and manoeuvring area within the site would be screened from public views by vegetation and the existing physical development, such that it would not appear visually intrusive. On the whole, therefore, officers consider the proposed design would appropriately preserve the character of the area, in accordance with policies HQ/1 and NH/2.

Highway Safety

29. The application proposes to alter the existing access to provide parking along the frontage for the existing dwelling and a driveway to the side of the property, following the demolition of the existing garage, which would serve the parking and manoeuvring space to the rear. Rampton Road is a well provisioned and heavily trafficked thoroughfare into and out of Willingham. The road is reasonably straight, and with a 30mph speed limit.
30. The submitted transport technical note indicates that some 5 to 7 vehicle movements are expected to occur during the peak periods. Officers note that the County Transport Assessment Team have not commented on the revised details but consider there is a likelihood that users of the site would look to drop children off before the full peak. The details provide indicate approximately 29 vehicle movements in each peak, utilising the access.
31. The proposed access measures approximately 5m in width for 10m from the edge of the footpath, and would enable two cars to pass each other. However, the access then narrows to 3.7m where it passes no. 74, and would prevent 2 cars comfortably passing each other, though the 10m includes the beginning of a bend that may restrict a second car. Due to the form of the access, its length and the intervening screening and built form, officers consider it likely that there would not be such clear visibility between vehicles entering the site and those seeking to leave from closer to the nursery that they would be able to avoid all conflicts.
32. The result would be that vehicles would wait, and would queue on the highway, adding to the congestion along this stretch of the road. Officers note comments have been received that indicate there are existing congestion and traffic issues, and at the time of a number of site visits noted that a number of vehicles queued on the road, despite being well outside peak times.
33. The Local Highway Authority has objected on the basis of the width of the access being insufficient to enable unrestricted vehicle movements, and the limited visibility would result in rapid stopping movements. Vehicles seeking to enter the site are likely to be forced to stop either access the pedestrian footpath if turning left or across the road if turning right. The intensity of use would be such that the proposal would lead to a deterioration of the efficiency of the highway as a traffic carrier, to the detriment of highway safety.
34. While the application has been accompanied by some indicative details in respect of a travel plan, officers consider that alternative forms of transport are unlikely to be attractive over the private car, as parents would most likely drop off and pick up children on the way to and from work. As such, officers have little comfort that there

could be measures to mitigate the high increase in the intensity of private cars using the access such that the development could be made safe.

35. On the whole, officers consider the insufficient width of the access, coupled with the substantial increase in the intensity of what would be predominantly private car movements along an already heavily trafficked road, would lead to an unacceptable impact to highway safety that could not be mitigated through conditions. The proposal would fail to provide a safe and suitable access to the site for all users, and would undermine the efficacy of the highway, increasing the scope for conflict between vehicles and other users of the highway. It would fail to accord with policy TI/2 and paragraphs 108 and 110 of the NPPF.

Parking Requirements

36. The proposal includes 10no. parking spaces overall, with 6no. spaces for staff and 4no. drop-off spaces, as well as an area of cycle storage. Policy TI/2 sets out indicative parking standards, requiring 1.5 spaces per 2 staff, which would be exceeded by the proposed provision.
37. In considering parking requirements, officers are mindful of the above identified harm in relation to the width of the access and the need to wait for vehicles to pass along its length, resulting in delay and limiting free flow of vehicles. It is considered this is likely to result in parking on the road as the time delay will mean parents feel they need to park along the unrestricted Rampton Road.
38. However, this is not a matter that arises from lack of parking specifically, but due to other impacts of the development. The proposal exceeds the required parking space requirements of by policy TI/2, and officers therefore consider the proposal would provide a suitable level of parking sufficient to meet the needs of the development. In light of the heavily trafficked road, it is considered a condition would be necessary to ensure the area was kept free for parking and manoeuvring at all times. Subject to that condition, it is considered the proposal would accord with policy TI/2 in terms of parking requirements.

Impacts to Residential Amenity and Noise Impacts

39. The application site is located in close proximity to a number of residential properties, notably nos. 70, 74 and 78 Rampton Road. Officers understand the applicant's father lives at no. 74, and the applicant therefore has control over that property. There is likely to be significant impact to that property, but, in discussion with the applicant, officers consider the impacts to no. 74 specifically could be dealt with by condition that ties the property to occupation by owners, employees or relatives of the business, who would be less affected by the impact due to the relationship with the operational matters.
40. In terms of overshadowing, overbearing or overlooking impacts, officers consider the buildings are of too low a scale, and appropriate boundary treatments would be required by condition, to result in an adverse impact to the residential amenity of surrounding property from those specific matters.
41. Nos. 70 and 78 are sited either side of the property, and officers note that both properties have objected on the basis of noise, particularly noise from the children outside the site. The EHO has raised an objection on the basis of noise impacts and amenity, and notes that the submitted report does not provide sufficient comfort in applying mitigation measures. In this instance, there are two specific sources of noise

to be considered, the noise from vehicle movements using the access, and the noise from the operation of the nursery, namely from children playing outside.

42. Officers would wish to make clear the specific distinction at this point between noise impacts in terms of harm to health, and those that might give rise to a loss of amenity. The latter is more subjective and harms to amenity may arise at much lower levels, and the EHO has explicitly objected on the grounds of amenity impacts, as opposed to health impacts. Officers do not consider the proposal to be adverse in terms of its health impacts but have referred to standards that assess the impact of noise on health for completeness.
43. The EHO has noted that there is no specific good practice guidance as to how to assess and consider noise originating from nurseries. The noise assessment has been based on BS4142, which applies specifically to the assessment of industrial and commercial noise. However, while the practice has been effective in assessing such forms of noise, the EHO has specifically noted that the noise likely to arise from the proposed use would be variable, and the assessment therefore provides no comfort that noise could be appropriately mitigated from.
44. In addition, officers note that the submitted diagrams demonstrate a noise level of approximately 54dB at the first floor window of no. 70 to the north from the passage of vehicle movements. For comparison, the World Health Organisation (WHO) Noise Guidelines recommends not exceeding 55dB, as prolonged exposure of such levels leads to adverse health impacts. Noise generated from the proposal would be variable in its type and in the main points of origin throughout the day, alternating between vehicle movements and noise from children.
45. Table 2 of the submitted noise assessment has provided indicative level of noise intrusiveness based on the levels included within the NPPG. Noise becomes noticeable and intrusive at 46dB at sensitive receptors, which would include residential buildings. Noise that that level would represent the Lowest Observed Adverse Effect Level (LOAEL) in accordance with the NPSE and the point at which health and behavioural impacts may be observed. At 51dB, noise becomes noticeable and disruptive, and falls into the Significant Observed Adverse Effect Level (SOAEL). The NPPG (para. 005 ref. ID: 30-005-20190722) indicates that, at LOAEL, effects should be mitigated and reduced, and at SOAEL, effects should be avoided.
46. With regards to the impact of noise from the traffic, officers would note, as set out above, that the access is not of sufficient width to accommodate free-flow of traffic. There is limited parking and manoeuvring space, which would require waiting, and the point of narrowing is the closest area to neighbouring property, particularly no. 70 to the north, given the tie that would be required to no. 74. The transport assessment indicates that much of the vehicle movements would take place outside typical rush hours, and officers consider this likely to be prior to 8am as parents drop children off on their way to work. The EHO considers it likely that there would be a spike in vehicle movements as parents arrive, and officers agree that this is likely to be the case. While officers consider there is a likely noise levels would be reduced by the existing built form of no. 70, vehicle movements would still be high intensity, and outside of typical rush hour where such noise could reasonably be expected. It would be closer to neighbouring property, and at a very different point of origin in comparison to the road noise.
47. As a forest school, by its very nature children would spend the majority of time outdoors, where there would be significantly less mitigation from built form than if children were predominantly indoors. The EHO has noted that, in assessing noise

from children, there is no recognised standard that could be applied (i.e. such as there would be for assessing noise from industrial processes), and as such it is not certain what, if any, impact noise mitigation measures would have. Officers also note that noise from children explicitly cannot be the subject of noise complaints, and as such there are not other legislative regimes in place that would enable the council to respond to impacts.

48. Unmitigated, officers note the noise assessment indicates the noise level generated would be noticeable and intrusive, and as children would predominantly be outside, officers consider this would likely be the more common levels of noise generated. While the noise report predicts a 5dB reduction through the use of fencing, the EHO has serious concerns with the potential that has to satisfactorily mitigate the impacts. The submitted noise assessment has done its best to assess the proposal, but the lack of recognised appropriate methodology to assess such noise impacts, and the uncertainty around the efficacy of noise mitigation measures does not overcome concerns that there would be an impact to amenity of neighbouring property.
49. In conclusion, the significant alteration in the type, level and position of the noise that would be spread throughout the day, would result in an adverse impact to the residential amenity of neighbouring residential properties with no comfort that satisfactory mitigation could come forward. The proposal is therefore contrary to policies HQ/1 and SC/10.

Drainage

50. The application site is located in Flood Zone 1, at the lowest risk of flooding, and while there are areas of identified as being at risk of surface water flooding in the surroundings, there are no significant areas within or immediately adjacent to the site that would be likely materially impacted. The drainage officer has raised no objection to the proposal, that considers a condition could adequately deal with the provision of drainage infrastructure. Officers note the application indicates the proposed development would utilise sustainable drainage systems and seek to connect to the mains sewer and consider there is ready opportunity for these elements to be included to a satisfactory level within the site, but consider, in light of the increase in areas of hardstanding, details should be required by condition, to ensure the development would adequately protect the water environment in accordance with policies CC/7 and CC/8.

Contaminated Land

51. The proposed use of the site would be considered a sensitive use, particularly in light of the nature of the school, where it would be expected that children would interact with the land, potentially including digging or close interaction with soils. The contaminated land officer notes the historic uses of the site, including a garage and outbuildings and considers there is some risk that the site could be contaminated such that further works are required. They recommend this could be dealt with by condition, with appropriate remediation and verification being carried out in the event contamination is identified. As the risk of contamination is low, officers consider a condition could appropriately deal with this matter, in accordance with policy SC/11.

Ecology and Biodiversity

52. The application has been accompanied by a Preliminary Ecological Appraisal (PEA) that has been reviewed by the ecology officer, who raises no objections subject to conditions. The report suggests there are ecological constraints within the site, such

that the recommendations within the PEA are not considered sufficiently detailed to ensure no adverse impacts would arise from the carrying out of the development. However, it is considered that appropriate methods could be readily achieved, and a construction ecological management plan could be required by condition.

53. There is ready opportunity within the site to provide biodiversity enhancements, both in the building and amongst the trees being maintained. A condition would also be necessary to ensure a scheme of biodiversity enhancement is submitted. Subject to those conditions, the proposal would accord with policy NH/4.

Recommendation

Officers recommend that the Committee **refuse** planning permission for the following reasons:

Reasons:

1. While there is space to enable limited passing of cars at the very entrance to the site, there is limited longer visibility along the access serving the proposed nursery and the access is of insufficient width along a significant portion of its length to allow vehicles to freely pass each other. Vehicles would therefore be forced to make rapid stops once they identify there would be insufficient space, including within the highway itself. The proposal would therefore lead to a detrimental impact to highway safety through increased unsafe interactions between all users of the highway. It would be contrary to policy TI/2 of the South Cambridgeshire Local Plan 2018 and the provisions of the National Planning Policy Framework, notably paragraphs 108 and 110.
2. While the application has been accompanied by a noise assessment, there are no recognised standards appropriate for measuring the impacts of noise from a nursery. The proposal would result in a substantial change in the form and position of prevalent noise sources and a significant increase in the level of activity within the site. While a recognised standard has been adapted in the assessment of the proposal, there is no comfort the mitigation measures recommended would result in any material change in the level of noise generated from the proposal. The development would therefore result in an adverse impact to the residential amenity of surrounding dwellings, contrary to policies HQ/1 and SC/10 of the South Cambridgeshire Local Plan 2018 and the provisions of the National Planning Policy Framework, notably paragraphs 170 and 180.

Background Papers:

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

- South Cambridgeshire Local Plan 2018
- Planning File Ref: [S/4298/18/FL](#)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

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Date of plot: 24/10/2019



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Agenda Item 7

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13 November 2019
AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/0913/19/VC

Parish(es): Fowlmere

Proposal: Variation of condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F and variation of condition 2 (The site shall not be used other than as a touring caravan site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1155/92/F

Site address: Apple Acre Park, London Road, Fowlmere

Applicant(s): Park View Group Ltd

Recommendation: Support for Appeal Position: Part Approval (approve variation to S/1156/19/F (Site D) and refuse variation to S/1155/19/F (Site A))

Key material considerations: Principle of Development
Character and Appearance of the Area
Housing Density
Affordable Housing
Developer Contributions
Design Considerations
Biodiversity
Parking
Highway Safety
Neighbour Amenity
Water Quality
Contaminated Land
Renewable Energy
Flood Risk

Committee Site Visit: 12 November 2019

Departure Application: Yes

Presenting Officer: Julie Ayre

Application brought to Committee because: Departure and in the wider public interest

Date by which decision due: 14 August 2019 (Appeal made for non-determination)

1. Executive Summary

2. The Applicant has appealed against non-determination of the planning application. The appeal has not yet been scheduled and no start date has been provided by the Planning Inspectorate. As such, a Statement of Case, outlining the Council's position at appeal, has not yet been submitted to the Planning Inspectorate. Planning Officer's request that the Committee supports the position outlined within this report and the Statement of Case will subsequently be prepared and submitted on this basis. Given that the appeal has been made against the Council's non-determination of this planning application, it is not possible for the Council to issue a decision as the decision now rests with the Planning Inspector.
3. The application sites are located at Appleacre Caravan Park which is situated on the south western edge of the village of Fowlmere. The caravan park comprises a mix of 21 no. static caravans, which are occupied as Park Homes, two fields for the siting of 23 no. touring caravans and use of part of the site for the storage of 20 no. touring caravans.
4. The current application seeks to amend conditions attached to two different planning permissions associated with two different sites. The sites are shown at Appendix B. Historically, for ease of reference, these sites have been referred to as Area A (Adjacent to London Road) and Area D (Adjacent to Chrishall Road).
5. The Site falls within countryside in planning terms, however the park is contiguous with the framework, which runs along the eastern boundary of the park.
6. This application is made under Section 73 of the Town and Country Planning Act (TCPA) (1990) to vary condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F (Area D) AND condition 2 (The site shall not be used other than as a touring caravan site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1155/92/F (Area A).
7. The application proposes the removal of planning conditions limiting the type of caravan which the two respective sites (Area A and D) can be used for. The effect of this will be that mobile homes could be located on the sites instead of, or in combination with touring caravans. The current wording of the conditions does not allow for the siting of mobile homes.
8. The number of units would be controlled by the existing planning conditions attached to the original consents. No variation is proposed to these conditions. These conditions restrict the number of units on each site as follows:
 - Area A - 15 touring caravans
 - Area D - 5 touring caravans
9. This application relates solely to the use of the site for siting of mobile homes.

10. In considering and determining an application submitted under Section 73 of the TCPA (1990) the Council may consider imposing, removing or amending planning conditions other than those to which the application specifically relates.
11. Matters such as (but not limited to) design, layout, orientation, drainage and landscaping are controlled under a separate regulatory regime, the Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013.
12. Fowlmere Parish Council object to this application. There have been no other objections from consultees. 22 letters of support have been received from members of the public, including residents of Appleacre Caravan Park. 4 letters of objection have been received from members of the public.
13. An Appeal Decision was made in April 2018 (APP/W0530/W/17/3183813) for an identical application under Section 73 of the TCPA (1990). That appeal was dismissed. In their consultation response, the Parish Council, make reference to the conclusions reached by the Planning Inspector in the previous appeal.
14. The appeal decision and the conclusions reached by the Planning Inspector are material considerations in the determination of this current application. However, the conclusions reached by the Planning Inspector must be read alongside the change in circumstances since that decision was made. The most significant change since the appeal occurred in February 2019 when the Council granted a certificate of lawful use in respect of the two sites (A and D).
15. This certificate of lawful use means that the two sites (A and D) benefit from a lawful use for permanent residential use. On the basis that this certificate has been issued, there is no limit in terms of the number of days that the caravans can be occupied for. Therefore, each of the two sites can be occupied for permanent residential use. Any permission issued on this current application would need to reflect this situation through the removal of the existing conditions restricting the number of days which the caravans can be occupied.
16. Planning Officers consider that it is clear that when the Inspector considered and determined the appeal, he was doing so in a materially different set of circumstances, where the use of the sites was restricted to not more than 28 days in total in any one calendar year. The existing lawful use of the site is a significant material consideration when considering the principle of development and is hereafter referred to as '*the fallback position*'.
17. It is considered that whilst there would be a conflict with Local Plan Policy S/7 (Development Frameworks) in approving the proposed use on Area D, this conflict is outweighed by other material considerations. Namely that the proposed use would not result in any conflict with the specific purposes of Local Plan Policy S/7 (Development Frameworks). Planning Officers consider that the proposed use of Area D would accord with all other relevant Local Plan Policies.
18. With regard to Area A it is considered that there would be a conflict with Local Plan Policy S/7 and that this conflict is not outweighed by other material considerations. There would also be a conflict with Local Plan Policy HQ/1 given that the use of site D for the siting of mobile homes would have a harmful impact and would not conserve the existing character of the site and surrounding area.

19. Officers recommend that the Committee supports a split decision, with Area A and Area D the subject of separate positions at appeal as follows.

Area A

20. Officers recommend that the Committee resolves to support an officer position in support of dismissing the appeal against non-determination in respect of Area A for the following reason:

'The use of Area A for the siting of mobile homes would have an adverse impact upon the character of the surrounding area. In particular, the urbanisation of this part of the site, with the stationing of up to 15 mobile homes, would result in encroachment in an edge of village location. This part of the site is currently relatively open, with glimpsed views available from the northern boundary. The development of this part of the site would have a negative impact upon the transition between the countryside to the west and the urban development along Chrishall Rd and north towards Fowlmere. The proposed use would therefore be contrary to adopted South Cambridgeshire Local Plan Policies S/7 (Development Frameworks) and HQ/1 (Design Principles).'

21. For clarity if this position were to be supported by the Planning Inspector at Appeal the decision notice reference S/1156/92/F would remain extant and permission to vary that decision under Section 73 of the Town and Country Planning Act would be refused.

Area D

22. Officers recommend that the Committee resolves to support an officer position of allowing the appeal against non-determination in respect of Area D. For clarity, if the Planning Inspector were to agree with the Council and allow the appeal, condition 2 of planning permission S/1155/92/F would be removed and a new planning permission would be issued subject to the conditions set out in this Committee Report.

23. **Planning History**

The site has an extensive planning history, as follows:

S/3048/18/LD - Application for lawful development certificate for existing use not complying with Condition 4 of S/1155/92/F or Condition 4 of S/1156/92/F (occupation restriction). Certificate Granted

S/3324/17/LD - Lawful development certificate for the proposed siting of eight static caravans. Certificate Granted

S/1385/17/VC - Variation of Condition 2 of S/1155/92 & Condition 2 of 1156/92/F) to allow the siting of 15 and 5 static caravans for permanent residential occupation on areas of the caravan park restricted to touring caravans only. Appeal Dismissed

S/2449/16/LD - Certificate of Lawfulness for the siting of fifteen static caravans for the purposes of permanent residential occupation. Appeal dismissed.

S/2738/15/LD - Certificate of Lawfulness for the change of function of the site (within the caravan park) from garaging, storage and ancillary uses to the siting of 6 caravans for the purposes of human habitation. Approved 7 September 2016.

S/1635/06/F- 3 Touring Caravan / Tent Plots – Approved 03 Oct 2006.

S/1031/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1158/92/F) - 6 Permanent Caravans – Approved 25 June 2003.

S/1030/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1157/92/F) - Storage for 20 Caravans – Approved 27 June 2003.

S/1029/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1156/92/F) – 5 Touring Caravans and Tents – Approved 27 June 2003.

S/1028/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1155/92/F) – 15 Touring Caravans – Approved 27 June 2003.

S/1027/03/F - Removal of Personal Occupancy Condition (Condition 1 of Planning Permission S/1194/87/F) – 1 Mobile – Approved 27 June 2003.

S/1026/03/F - Removal of Personal Condition (Condition 1 of Planning Permission S/1302/75/F) – 4 Mobiles – Approved 27 June 2003.

S/1155/92/F - 15 Touring caravans – Approved 17 August 1993.

S/1156/92/F - 5 Touring caravans or tents – Approved 17 August 1993.

24. **Planning Policies**

National Planning Policy Framework 2019

South Cambridgeshire Local Plan 2018

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in favour of sustainable development

S/7 Development Frameworks

S/10 Group Villages

CC/3 Renewable and low carbon energy in new developments

CC/4 Water Efficiency

CC/7 Water Quality

CC/8 Sustainable Drainage Systems

CC/9 Managing Flood Risk

HQ/1 Design Principles

NH/4 Biodiversity

H/8 Housing Density

H/9 Affordable Housing

H/12 Residential Space Standards

E/20 Tourist Accommodation

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

TI/3 Parking Provision

TI/10 Broadband

Consultation

25. Fowlmere Parish Council- The Parish Council's response dated 25th April 2019 can be summarised as follows:

The key matters of fact which are significant in this application:

- The whole of the application site lies outside the village envelope, and in the open countryside;
- The application offers no element of Affordable Housing as required by policies of the South Cambridgeshire Local Plan, which specify 40%;
- The application offers no open space provision, not the provision of leisure equipment;
- The application offers no S106 contribution; and
- The application contains no landscaping provision.

(A full copy of the Parish Comments is attached as Appendix A)

A subsequent e-mail from the Parish Council, dated 23rd August 2019, addresses the possibility of a split decision on this planning application. It states:

'Thank you for coming back to us with an update on the situation regarding when the Appleacre application may go to the SCDC planning committee.

The Chairman of Fowlmere Parish Council and I have now met with Councillor Deborah Roberts and we have discussed the proposal you put to her to address the situation. Our understanding is that you are considering a possible split decision in which you might concede to remove condition 2 from Area D (Ref S/1156/92/F) but not Area A (Ref S/1155/92/F).

Whilst the timing has not allowed us to discuss this with all colleagues in a Parish Council Planning Committee Meeting, we have nonetheless reviewed your proposal alongside the background to the planning history of the site, and with the agreement of our fellow councillors have sought and are receiving independent advice from a consultant solicitor specialising in planning law.

As we have stated previously, we place very significant weight in the appeal decision of the Planning Inspectorate of 6th July 2018. We feel this needs to be taken as an up-to-date and definitive consideration of the balance of the possible benefits against the adverse impacts. The case for relaxing condition 2 on both areas of the site was considered in detail under Appeal B (Ref APP/W0530/W/17/3183813).

In his appeal decision, the inspector concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. In considering the adverse impacts he put significant weight on the character and appearance of the site (specifically for Area A), but also the conflict with Policy DP/7, and the failure to comply with Policy HG/3. He also identified that there would correspondingly be conflict with Policies S/7 and H/9 under the now adopted local plan. Although we note that in practice HG/3 is now superseded by H/10 which would also need consideration.

Whilst we recognise that Area D did not have the same emphasis placed on the importance of character and appearance, the inspector still found that there were strong grounds for rejection on the basis of conflicts with the policies within the development plan. In fact, he explicitly considered the possibility of a split decision and concluded in paragraphs 72 and 73 of his report (reproduced below) that on

balance “it would not be appropriate to grant planning permission for up to five mobile homes on Area D” [our emphasis].

72. *In view of my finding that the stationing of up to five permanently stationed mobile homes on Area D would not unacceptably harm the character and appearance of the wider area, I have considered whether a split decision would be appropriate. In this respect, the number of mobile homes would be below the threshold set out in the Ministerial Statement, such that an obligation would not be required to secure affordable housing. The reduction in the number of units would also reduce the extent to which the development would be inconsistent with the objective of promoting sustainable development in rural areas set out in the Framework. Nonetheless, Area D is still outside of the village framework of Fowlmere and would therefore still conflict with Policy DP/7. In view of the statutory force that applies to the development plan, I attach substantial weight to this conflict with Policy DP/7. [our emphasis]*

73. Having regard to the above, I conclude that the adverse impacts of granting planning permission for up to five mobile homes on Area D would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, such that the presumption in favour of sustainable development does not apply. There are no material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. Accordingly, it would not be appropriate to grant planning permission for up to five mobile homes on Area D, such that issuing a split decision is not be open to me. [our emphasis]

From a Parish perspective we have also considered the pros and cons of a split decision. We understand that there are some residents unfortunately occupying static mobile homes that are in breach of the current condition in Area D and are mindful of their concern regarding the uncertainty of their situation. They have expressed these concerns to us and we have suggested to them that they should seek their own legal advice on this.

However, we note that the unsatisfactory situation of the residents currently occupying static mobile homes in breach of condition 2 could be addressed by the applicant by relocating these homes to areas of the wider site where the applicant already has permissions in place that are not yet fully utilised.

We feel it would be dangerous to remove condition 2 from this area. We understand the argument that the inspector placed less importance on the character and appearance of Area D. However, if the Local Planning Authority were to offer to remove condition 2 from this area, it would be effectively disregarding the other conflicts that have been identified with the policies within the adopted local plan.

Being mindful of the need to maintain consistency in planning determinations we fear that offering a split decision would reduce the weight that could be placed on these aspects in resisting any future re-application to remove condition 2 from Area A. An argument might be made in the future by an applicant that if these issues were not believed by the Local Planning Authority to be material in considering Area D then they should also be disregarded for Area A too. Then the only aspect of harm to be challenged would be the character and appearance of Area A (which we note they have already significantly altered over recent months through their unpermitted development of this part of the site).

We must therefore request that the Local Planning Authority respects the planning inspector's recent conclusions when he made a determination on exactly the split decision proposal that we understand is currently being considered. In the inspector's concluding remarks he clearly stated that "it would not be appropriate to grant planning permission for up to five mobile homes on Area D". Given the circumstances a refusal is the only possible line to take. For the reasons outlined above, we would have significant concerns if proposals counter to this guidance were put to the applicant as a position that might be considered by the Local Planning Authority.

The Parish Council therefore supports and requests the consideration of this application at the October planning meeting as you have suggested should occur, and requests a recommendation of refusal on both areas. We would wish to further make our own representations to defend these conditions at the upcoming appeal, and would not want a compromise arrangement with the applicant to withdraw the appeal as this would significantly weaken the position of both this case and the wider enforcement of the adopted policies within the local plan.'

26. Environmental Health Officer – No objection. The response states in part:

'Appleacre Park is currently with SCDC under the Caravan Sites and Control of Development Act 1960, should this application be approved then the site owners will need to apply for a variation to their licence. The site is also required to comply with conditions of the licence.'

27. Drainage Officer – No objection: No flood risk or drainage issues

28. Lead Local Flood Authority (Cambridgeshire County Council) – No objection

29. Affordable Housing – No comments (response received)

30. Contaminated Land – No comments (response received)

31. Local Highway Authority – No response received (out of time)

32. Environment Agency – No response received (out of time)

33. Landscape Officer – No response received (out of time)

34. Urban Design - No response received (out of time)

35. S106 Officer – No response received (out of time)

Representations

36. **22 letters of support were received which made the following summarised points:**

- As a resident of the park the unit was purchased on the understanding the whole site would be park homes
- To allow the application will add to community spirit the whole site contributes to
- The units are allowed to be used as main residences anyway

- Support the proposals
- Previous conditions have been removed which restricted these parts of the site and these are very similar so should also be removed
- A caravan has the same meaning as a mobile home or park home as stated in section 29 CSDA 1960, as confirmed by the Caravan Sites Act 1968, Mobile Homes 1983 and further confirmed by the Mobile Homes Act 2013, meaning a touring caravan is, designed or adapted for human habitation composed of not more than two sections separately constructed and designed to be assembled by means of bolts clamps or other devices, it's dimensions can be up to 60' x 20' with living space 10' high (not including drain pipes and gutters etc.). Park homes are modern ecological properties that are playing a role in solving the countries crisis
- The mobile homes resemble a bungalow and have little impact as single storey
- The gated entrance that has been objected to is no difference to other gated properties in the community
- Site is well shielded by planting
- Although outside of village framework all residents contribute to the village
- There is a clear demand for this type of housing
- It appears as though a single party has an issue with the site
- Touring caravans have caused more problems
- Occupants purchased properties on the understanding the whole park would be static units.
- The new owners have made improvements to the site and should be allowed to continue to do so
- These units provide an “affordable” home
- Security concerns if touring caravans permitted
- Touring caravans cause more noise smells and fumes than static homes
- Some parties consider certain individuals as “undesirables” and this is being applied to the situation.
- The park is age restricted to members who are over 45 years of age which will have no impact on village schools or nurseries but would support the village social club and pub.
- The proposed units allow an opportunity for people to downsize which a lot of people cannot do and frees up larger homes in the district for families
- Touring camping is available at the village hall

- *“Appleacre Park is NOT a housing estate - it does NOT need to have open spaces for recreational use, its does NOT need Education Facilities (EVERYONE on the site is either retired or semi-retired and all over the age of 45) There are a variety of PARK rules (as this is a retirement park) which includes limitation on the number of cars allowed on the park. Subsequently there is NOT a parking issue within Appleacre park unlike the Parking issues brought up in the Annual Village Meeting by various residents of Fowlmere”*

4 letters of objection were received which made the following summarised points:

- Would lead to further urbanisation of Appleacre Park
- Would have a negative visual impact
- Increase in the size of units would lead to overlooking
- The site is owned by people who have had issues in East Herts
- Traffic increase concerns

Site and Surroundings

37. The application site is located at Appleacre Caravan Park which is situated on the south western edge of the village of Fowlmere. The caravan park comprises a mix of 21 no. static caravans, which are occupied as Park Homes, two fields for the siting of 23 no. touring caravans and use of part of the site for the storage of 20 no. touring caravans.
38. The current application seeks to amend conditions attached to two different planning permissions associated with two different sites. The sites are shown at Appendix B. Historically, for ease of reference, these sites have been referred to as Area A (Adjacent to London Road) and Area D (Adjacent to Chrishall Road).
39. The Site falls within countryside in planning terms, however the park is contiguous with the framework, which runs along the eastern boundary of the park.
40. The B1368 London Road bounds the caravan park to the north and Chrishall Road bounds the park to the east.
41. There are currently 2no. mobile homes on Area D. There are not any mobile homes within area A at present.

Proposal

42. This application is made under Section 73 of the Town and Country Planning Act (TCPA) (1990) to vary condition 2 (The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission S/1156/92/F (Area D) AND condition 2 (The site shall not be used other than as a touring caravan site and shall not be occupied by mobile homes used either for seasonal use or permanent residential accommodation) of planning permission

S/1155/92/F (Area A).

43. The application proposes the removal of planning conditions limiting the type of caravan which the two respective sites (Area A and D) can be used for. The effect of this will be that the mobile homes could be located on the sites instead of, or in combination with touring caravans. The current wording of the conditions does not allow for the siting of mobile homes.
44. The number of units would be controlled by the existing planning conditions attached to the original consents. No variation is proposed to these conditions. These conditions restrict the number of units on each site as follows:
 - Area A - 15 touring caravans
 - Area D - 5 touring caravans
45. This application relates solely to the use of the site for siting of mobile homes.
46. In considering and determining an application submitted under Section 73 of the TCPA (1990) the Council may consider imposing, removing or amending planning conditions other than those to which the application specifically relates.

Procedural Background

Appeal Against Non-Determination

47. The Applicant has appealed against non-determination. The appeal has not yet been scheduled, no start date has been provided by the Planning Inspectorate and as such a Statement of Case, outlining the Council's position at appeal, has not been submitted. Planning Officer's request that the Committee supports the position outlined within this report and the Statement of Case will subsequently be prepared on this basis. Given that the appeal has been made against the Council's non-determination of this planning application, it is not possible for the Council to issue a decision as the decision now rests with the Planning Inspector.

Caravan Sites and Control of Development Act 1960 as amended by the Mobile Homes Act 2013

48. This application relates to the use of the land. If planning permission is granted then the Site Operator will be required to apply to the Local Authority for a new site licence, as highlighted by the Council's Environmental Health Officer.
49. Under this current planning application, the Council have the power to modify, remove or add other planning conditions. This application seeks removal of condition 2 of each consent, which would allow for mobile homes to be installed on the site. However, given that the site already has a lawfully established use for permanent residential use, any planning permission granted should also include the removal of the occupation time restrictions conditions included on the original consents. This is discussed in further detail in relation to 'conditions' later in this report. The effect of that change would be that the site would become defined as a 'relevant protected site' under the Caravan Sites and Control of Development Act 1960. This Act and any conditions imposed by the Local Authority upon the existing or any new licence will control many aspects of the site.

50. The Caravan Sites Act 1968, as amended in England 2006 and Wales 2007 has several criteria for what constitutes a 'caravan' which includes touring caravans and mobile homes. The maximum dimensions as prescribed are as follow:
- Length (excluding any drawbar) 20 m
 - Width 6.8 m
 - Overall height (internally, from the floor at its lowest to the ceiling at its highest) 3.05 m
51. The Council may impose additional conditions on a site licence under Section 5 of the Caravan Sites and Control of Development Act 1960, which states in part:
- 'A site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large; and in particular, but without prejudice to the generality of the foregoing, a site licence may be issued subject to conditions—*
- (a)for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;*
- (b)for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;*
- (c)for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;*
- (d) for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;*
- (e)for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;*
- (f)for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.*
- (2) No condition shall be attached to a site licence controlling the types of caravans which are stationed on the land by reference to the materials used in their construction'*
52. The design, layout, orientation and size of the mobile homes is therefore controlled under a separate regulatory regime to the planning system. As previously noted, the number of units would still be controlled by the existing planning conditions restricting the number of units on each site. Planning Officers advise that these conditions should remain unaltered through any grant of planning permission.

Planning Assessment

Principle of Development

Local Plan Policy S/7 (Development Frameworks)

53. The application site is located wholly outside of any defined development framework

boundary. The settlement boundary of Fowlmere is immediately adjacent to the site, albeit located to the east on the opposite side of Crishall Rd. Part two of adopted South Cambridgeshire Local Plan Policy S/7 (Development Frameworks) sets out the relevant considerations for development located outside of development frameworks. It states:

'2. Outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted'

54. Planning Officers consider that none of these exemptions apply and that there are no policies in the plan which indicate that the use should be permitted in principle. However, it is necessary to consider whether there are any material considerations which indicate that a decision should be made other than in accordance with the development plan.
55. In considering whether there are material considerations which indicate that a departure should be made from the development plan, it is logical to consider the purpose of Policy S/7. Local Plan Paragraph 2.50 sets out the purpose of Policy S/7 which can be summarised as having two strands:
 - 1) To ensure that the countryside is protected from gradual encroachment on the edges of villages
 - 2) To help safeguard against incremental growth in unsustainable locations
56. These two considerations were both addressed in the Appeal Decision made in April 2018 (APP/W0530/W/17/3183813). In their consultation response, the Parish Council, make reference to the conclusions reached by the Planning Inspector in the previous appeal.
57. The appeal decision and the conclusions reached by the Planning Inspector are material considerations in the determination of this current application. However, the conclusions reached by the Planning Inspector must be read alongside the change in circumstances since that decision was made. The most significant change since the appeal occurred in February 2019, when the Council granted a certificate of lawful use in respect of the two sites (A and D).
58. This certificate of lawful use means that the two sites (A and D) benefit from a lawful use for permanent residential use. On the basis that this certificate has been issued, there is no limit in terms of the number of days that the caravans can be occupied for. Therefore, each of the two sites can be occupied for permanent residential use.
59. Therefore, when the Inspector considered the appeal, he was doing so in a materially different set of circumstances, where the use of the sites was restricted to not more than 28 days in total in any one calendar year. The existing lawful use of the site is a significant material consideration when considering the principle of development and is hereafter referred to as *'the fallback position'*.
60. With the fallback position taken into account, Planning Officers address each of the purposes of Policy S/7 as follow.
 - 1) To ensure that the countryside is protected from gradual encroachment on the edges of villages

61. Appleacre Park is located to the south of the settlement of Fowlmere. Approaching from the South along Chrishall Road there is a transition from open agricultural land to a slightly more enclosed character, which is still rural but characterised by tall hedgerows and trees interspersed with occasional residential development. Upon reaching Appleacre Park there is existing linear residential development to the east on the opposite side of Chrishall Road. Area D of the application site is directly adjacent to Chrishall Road and is not read as being of open character. This area is surrounded by other parts of the site comprising mobile homes, touring caravans and other operational development.
62. Approaching towards Fowlmere from the west, along London Road, the surrounding landscape is characterised by open agricultural land with a transition to a more enclosed character, albeit still rural. As approaching the Appleacre Park entrance (adjacent to Area A) there are limited views into the site which appear open, with touring caravans visible through the site entrance. Conifers line much of the site's northern boundary. The first sense of urban development is appreciated a hundred metres further along London Road from the junction with Chrishall Road.
63. Given the different character of the two parts of the site it is useful to consider them separately, as the Planning Inspector did in relation to the previous appeal.

Area A

64. The Planning Inspector's conclusions at paragraphs 34-37 were as follows:

'34. The part of the appeal site most visible from the highway, and therefore the most important in terms of affecting the transition between rural and built form, is Area A. It is this area that sits directly behind the close boarded fence, and which is glimpsed in views between the trees in front of that fence. The effect of removing Condition No 2 attached to planning permission Ref S/1155/92/F would be that the touring caravans in Area A could be replaced by static mobile homes. The character and appearance of this area would therefore change from the generally open area at present to a character that was essentially sub-urban, in which the mobile homes could be closely spaced and with the attendant paraphernalia associated with a domestic environment similar to that in Areas B, C and E at present.

35. I recognise that, at present, only glimpsed views are possible between the trees in front of that close-boarded fence in front of the site. Nevertheless, even in these glimpsed views the generally open character of Area A is readily apparent. It follows that closely-spaced mobile homes would not be equally visible from outside the appeal site in those glimpsed views, such that the transition between rural and built form when approaching Fowlmere from the south-west would be apparent. This would be significantly harmful to the generally open character of the countryside.

36. Moreover, should the line of trees die or be removed, the change in the character of Area A would be even more apparent. I have considered whether the visual impact of mobile homes in this area could be mitigated by additional landscaping, but it would not be prudent to rely on landscaping to screen a development that would itself be intrinsically harmful to the character of the area should the landscaping fail to take hold or subsequently die back.

37. I therefore conclude that, in respect of Area A, Condition No 2 attached to planning permission Ref S/1155/92/F remains necessary in order to minimise the visual upon the area of permanently stationed mobile homes.'

65. Planning Officers concur with those conclusions and consider that they apply equally to this current planning application. It is considered that the introduction of mobile homes in Area A would result in an urbanising impact upon what is considered to be a currently rural character. This part of the site is part of the rural character of the area. The transition to the built form of Fowlmere when travelling east along London Road does not begin to come to fruition until the junction with Chrishall Rd. It is therefore considered that in relation to Area A there would be a conflict with this purpose of Policy S/7.

Area D

66. Similarly, the Planning Inspector in considering the previous Appeal assessed the impact upon the character of Area D in relation to the surrounding area. Paragraphs 38 to 39 of the Appeal Decision state as follow:

'38. I am not, however, persuaded that the same applies to Area D. Although visible from the properties that front Chrishall Road, this part of the site does not play the same role in terms of affecting a transition between rural to built form as does Area A. This is partly because the built form of Fowlmere village extends further south than Area D, partly because the mobile homes in Areas B and C already extend to the southern boundary of the site and partly because Area D is to some extent adjoined by the static mobile homes in Areas C and E.

67. *39. In this context, the although the stationing of up to five permanently stationed mobile homes would significantly alter the character and appearance of this part of the site, I consider that this change would not unacceptably harm the character and appearance of the wider area. I therefore conclude that, in respect of Area D, Condition No 2 attached to planning permission Ref S/1156/92/F is no longer necessary.'*

68. Planning Officer's concur with that assessment and consider that it applies equally in the case of this current application. Area D has a far less open character than Area A and development of this part of the site would not have the effect of appearing as 'gradual encroachment' on the edge of a village. For these reasons Planning Officers consider that there would be no conflict with this purpose of Policy S/7 should permission be granted for Area D. It is also relevant to note that this part of the application site is restricted to 5 units and would remain restricted to 5 units if consent is granted in accordance with the Officer Recommendation set out in this report.

2) To help safeguard against incremental growth in unsustainable locations

69. The Planning Inspector considered the locational sustainability of the site in relation to the previous appeal. It is important to note that the conclusion was reached in a materially different context, where the caravan park (areas A and D) did not benefit from lawful permanent residential use, as is now the case. Paragraphs 63 to 66 of the Inspectors Report state as follow:

'36. Fowlmere is categorised as a Group village in the Core Strategy, a status that it would retain in the emerging Local Plan. The Council defines Group villages as providing some services to accommodate the day-to-day needs of its residents. In terms of facilities, there is a primary school but no secondary school. There are no medical facilities in the village, no food store and no post office. There are two public houses and a restaurant. There is a village hall close to the appeal site and there two recreation grounds in the village.

64. I have been provided with a copy of the current bus timetable for route 31, which shows that there are up to six services on Mondays to Fridays and on Saturdays that stop at Fowlmere. There are no bus services on Sundays and Public Holidays. Route 31 serves Cambridge, Barley and Thriplow, the latter being the closest village to Fowlmere with a convenience store. The bus stop is located at the junction of London Road with Chrishall Road, close to Appleacre Park. The nearest railway stations are at Shepreth and Foxton, with halfhourly connecting services to Cambridge from both.

65. Taking into account the facilities within Fowlmere itself and the lack of employment opportunities in the village, the occupiers of the 20 mobile homes that could be stationed on Applecare Park should condition 2 on planning permissions S/1155/92/F and S/1156/92/F be removed would be heavily reliant upon the private car for most day-to-day activities, including to reach the railway stations at Shepreth and Foxton.

66. The Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. I am also mindful that the appeal site adjoins a Group village that does provide some services to accommodate the day-to-day needs of its residents. Nevertheless, for the reasons given above, it seems to me that the scale of the development that would result from the removal of condition 2 on planning permissions S/1155/92/F and S/1156/92/F would not be consistent with the objective of promoting sustainable development in rural areas set out in the Framework.'

70. Fowlmere is still defined as a 'Group Village' under Local Plan Policy S/10 (Group Villages). This policy sets out maximum parameters for residential development within the defined development frameworks. These parameters do not apply in this case given that the site is wholly located outside of the development framework. Furthermore, when taking into account the fallback position, the proposed use would not result in any net increase in the number of units on the application site.
71. Since the appeal was dismissed the Council has granted a certificate of lawful use for areas A and D which means that they can be lawfully used for the stationing of up to 20 touring caravans for permanent residential use (all-year-round). This fallback position is a material consideration when considering the sustainability of this location for permanent residential development.
72. Planning Officers conclude that the grant of planning permission on either site A or D would not result in any increase in the number of permanent residential units in this location. Therefore, there would be no additional harm associated with the proposed use, in locational sustainability terms.

Conclusion

73. Planning Officers consider that there would be a clear conflict with Development Plan Policy S/7 as a result of the proposed use. However, it is necessary to consider whether material considerations indicate that a decision should be made other than in accordance with this policy. In doing so, Planning Officers have set out and considered the particular purposes of Policy S/7.
74. The use of Area A for the siting of mobile homes would result in the encroachment of urban development on the edge of the village of Fowlmere and the change in character would be noticeable and would result in an unacceptable harmful impact. This is consistent with the findings of the Planning Inspector in considering the

previous appeal.

75. In relation to Area D, there would be no harmful impact in terms of encroachment on an edge of village location. This is consistent with the findings of the Planning Inspector in relation to the previous Appeal.
76. With regard to both area A and D, the second purpose of Policy S/7, to ensure that development is located in sustainable locations, would not be conflicted with. This is because the fallback position allows for permanent residential use of the site for up to 20 units at present. The grant of planning permission in this instance would not result in any increase in the number of units and would therefore not result in any increased harm.
77. In considering a split decision with reference to the previous Appeal, the Planning Inspector concluded that the erection of mobile homes on Area D of the site would not result in unacceptable harm. However, he concluded that there remained a conflict with Policy DP/7 (now replaced by S/7). In reaching that conclusion, he clearly took into account his own conclusions on locational sustainability. These conclusions were made in a different context where the use of the sites was restricted to 28 days. In essence, new residential units were being proposed in that instance. In the current instance, there will be no net increase in units.
78. On this basis, taking into account relevant material considerations, Planning Officers consider that the principle of Development on Area D is acceptable. Planning Officers consider that the principle of development on Area A would not be acceptable and would conflict with Local Plan Policy S/7.

Impact upon character of the countryside and surrounding area

79. The impact of the proposed use on the character and appearance of the countryside and surrounding area is described above in relation to the principle of development and the first 'purpose' of Local Plan Policy S/7.
80. Planning Officers consider that the use of Area A for the siting of mobile homes would have an adverse impact upon the character of the surrounding area. In particular, the urbanisation of this part of the site, with the stationing of up to 15 mobile homes, would result in encroachment in an edge of village location. This part of the site is currently relatively open, with glimpsed views available from the northern boundary. The development of this part of the site would have a negative impact upon the transition between the countryside to the west and the urban development along Chrishall Rd and north towards Fowlmere. Part A of Local Plan Policy HQ/1 (Design Principles) states that development proposals must preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape. Planning Officers consider that the proposed use of Area A for the siting of mobile homes would conflict with Local Plan Policy HQ/1 for the reasons outlined above.
81. With regard to Area D adjacent to Chrishall Road, as explained in relation to the principle of development, this site is more urban in appearance and is surrounded by other parts of Appleacre Park which generally comprise a more urban character, with mobile homes and associated development present. In addition, this part of the site is opposite the linear residential on Chrishall Road and does not extend any further south than this neighbouring residential development. Furthermore, as opposed to the fifteen units proposed on Area A, Area D would accommodate a maximum of five mobile homes. Planning Officers consider that the use of Area D for the siting of

mobile homes would preserve the character of the local urban and rural area and would therefore accord with part A of Local Plan Policy HQ/1.

Design and Landscaping

82. This application relates to the use of the site for the siting of mobile homes. The fallback position is that areas A and D can already be used for the siting of touring caravans and tents. As explained earlier in this report, the design, layout and orientation of caravans on site, including the mobile homes proposed in this instance, would be controlled under a separate regulatory regime. There would be no increase in the number of units above that specified in the existing planning conditions (five for Area D and fifteen for Area A). For these reasons it is not considered that there would be any conflict between the proposed use and Local Plan Policy HQ/1 (Design Principles).
83. It is not considered necessary to impose new conditions requiring landscaping and planting details to be submitted to the Local Planning Authority. Landscaping and planting are dealt with under the separate regulatory regime of the Caravan Sites and Control of Development Act (1960).

Density

84. Area A is approximately 0.38ha and the existing consent allows for up to 15 touring caravans. The use of this part of the site for the siting of 15 mobile homes would result in a density of approximately 39 dwellings per hectare. Area D is approximately 0.21ha and the existing consent allows for up to 5 touring caravans. The use of this part of the site for the siting of 5 mobile homes would result in a density of approximately 23 dwellings per hectare.
85. Local Plan Policy H/8 (Housing Density) seeks a net density of 30 dwellings per hectare in Group Villages, such as Fowlmere. Part 2 of the policy states that density may vary from this figure depending upon the character of the locality and other local circumstances. In the case of the currently proposed use, the densities proposed are considered to be in keeping with the density of the existing consented mobile home development within the caravan park and also with the neighbouring residential development on Chrishall Road. The proposed use would therefore comply with Local Plan Policy H/8.

Neighbour and Occupier Amenity

86. With regard to amenity, it is not considered that the introduction of mobile homes on the application site would have any detrimental impact in terms of overlooking, loss of light or loss of privacy to neighbouring residential development. The nearest neighbouring dwellings are located to the east on the opposite side of Chrishall Road. Caravans are also single storey by their very nature. In addition, the application site already has consent for up to 20 touring caravans.
87. In terms of amenity impacts between the units themselves, these will depend upon the layout and orientation of the dwellings which is controlled under the separate regulatory regime of the Caravan Sites and Control of Development Act 1960.
88. For these reasons it is considered that the proposed development would comply with Part N of Local Plan Policy HQ/1 (Design Principles) which seeks to safeguard amenity of occupiers and surrounding uses.

Biodiversity

89. The site is already in use as a caravan park. Planning Officer's are not aware of any records indicating that protected species are present or likely to be present on the application site and there are no sites of ecological importance (national or local) within close proximity to the Application Site. The proposed use is therefore considered to comply with the requirements of Policy NH/4 (Biodiversity).

Access and Parking

90. Local Plan Policy TI/3 (Parking Provision) states that car parking provision should be provided through a design-led approach in accordance with the indicative standards set out at Local Plan Figure 11. Figure 11 states that residential dwellings should accommodate 2 car parking spaces per dwelling. There would be up to 20 units proposed which would result in an indicative requirement for 40 parking spaces. However, this current application relates to the use of the site. The layout and orientation will be determined and controlled by the Site Licence under a separate regulatory regime. In any case, Planning Officer's consider that it is likely that the site could accommodate the indicative parking requirements, albeit these are not considered directly applicable to the type of development proposed. For these reasons the proposed development is considered to comply with the provisions of Local Plan Policy TI/3.
91. There would be no alteration to the access as a result of the proposed use. The application relates to the use of the site and does not include any operational development. There would be no increase in the number of permanent residential units permitted on the site. For these reasons it is considered that there would be no adverse impact in terms of highway safety.

Affordable Housing

92. The proposed use would not result in any increase in the number of residential units on either site. The existing consents (planning permissions and lawful development certificate) allow for five permanent residential units (in the form of touring caravans) on Area D and fifteen permanent residential units (in the form of touring caravans) on Area A.
93. Local Plan Policy H/10 (Affordable Housing) requires that all developments of 11 units or more provide 40% affordable housing. Given that there would be no net increase in the number of residential units on site, i.e. no new dwellings, it is not considered that the threshold set out under Policy H/10 is surpassed. On this basis Planning Officers consider that the proposed use would not generate an affordable housing requirement.
94. Furthermore, the exact number of units itself is controlled by existing planning conditions which will be transposed to any planning permission granted. These conditions set a maximum number of dwellings. The removal of condition 2 as proposed would mean that any combination of tents, touring caravans and mobile homes up to the maximum thresholds set out in the conditions is possible. On this basis it is not possible to determine whether or not there would be an increase or reduction in the number of units on site. Even taking a worse case scenario position the number of residential units would not exceed that which can already lawfully be implemented on site.

Developer Contributions

95. For the same reasons as outlined above in relation to 'affordable housing' Planning Officers do not consider it necessary to require any contributions in respect of the proposed use.
96. The number of permanent residential units on site would not increase above the number lawfully permitted at present. On this basis there would be no increased burden on local infrastructure as a result of the proposed use.

Flood Risk and Drainage

97. The site is located in flood zone 1 at low risk from flooding. The EA have not objected to this application and the drainage officer has commented that there are no flood risk or drainage issues associated with the proposed use.

Water Quality, Broadband and Renewable Energy

98. Policy TR/10 (Broadband) requires that new development requires that new development includes infrastructure to enable delivery of high speed broadband. However, in the case of the proposed use this policy is not considered to be applicable given that the units are constructed of site, by their very nature as caravans, and they would move around the site within the provisions of the existing or any subsequent site license.
99. Policy CC/7 (Water Quality) sets out requirements in relation to water quality including ensuring adequate water supply, sewerage and land drainage. These issues are all controlled under the site license under a separate regulatory regime and it is therefore considered that it would be unnecessary to impose a condition requiring these details to be submitted in respect of this current application.
100. Policy CC/3 (Renewable and Low Carbon Energy in New Developments) requires that proposals for new dwellings reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy. Any mobile home units are constructed off site, often to standard specifications. Furthermore, the number and type of units on site can change at any time within the parameters of the planning permission (up to 20) and the site licence. On this basis it is not considered reasonable or necessary to impose a condition requiring details of on-site renewable energy.

Conclusion

101. Planning Officers consider that a split decision should be supported, and this position should form the basis for the Council's case at the subsequent appeal hearing.
101. It is considered that whilst there would be a conflict with Local Plan Policy S/7 (Development Frameworks) in approving the proposed use on Area D, this conflict is outweighed by other material considerations. Namely that the conflict is in principle and the proposed use would not result in any conflict with the specific purposes of Local Plan Policy S/7 (Development Frameworks). Planning Officers consider that the proposed use of Area D would accord with all other relevant Local Plan Policies.
102. With regard to Area A it is considered that there would be a conflict with Local Plan Policy S/7 and that this conflict is not outweighed by other material considerations. There would also be a conflict with Local Plan Policy HQ/1 given that the use of site D for the siting of mobile homes would have a harmful impact and would conserve the existing character of the site and surrounding area.

Recommendation

103. Officers recommend that the Committee supports a split decision, with Area A and Area D the subject of separate positions at appeal as follows.

Area A

104. Officers recommend that the Committee resolves to support an officer position in support of dismissing the appeal against non-determination in respect of Area A for the following reason:

'The use of Area A for the siting of mobile homes would have an adverse impact upon the character of the surrounding area. In particular, the urbanisation of this part of the site, with the stationing of up to 15 mobile homes, would result in encroachment in an edge of village location. This part of the site is currently relatively open, with glimpsed views available from the northern boundary. The development of this part of the site would have a negative impact upon the transition between the countryside to the west and the urban development along Chrishall Rd and north towards Fowlmere. The proposed use would therefore be contrary to adopted South Cambridgeshire Local Plan Policies S/7 (Development Frameworks) and HQ/1 (Design Principles).'

105. For clarity if this position were to be supported by the Planning Inspector at Appeal the decision notice reference S/1156/92/F would remain extant and permission to vary that decision under Section 73 of the Town and Country Planning Act would be refused.

Area D

106. Officers recommend that the Committee resolves to support an officer position of allowing the appeal against non-determination in respect of Area D. For clarity, if the Planning Inspector were to agree with the Council and allow the appeal, condition 2 of planning permission S/1155/92/F would be removed and a new planning permission would be issued subject to the conditions set out below.

Consideration of planning conditions for Area D

107. Under Section 73(2)(a) of the Town and Country Planning Act (1990) if the Council decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly. It is therefore necessary to consider whether the conditions attached to planning permission reference S/1156/92/F (Area D) should be included on any new decision issued. These are considered in turn as follows.

*(1) The use hereby permitted shall be carried out only by Mrs A M C Jackson
(Reason – The permitted use would not normally be granted in the absence of the personal circumstances in this particular case)*

108. This condition was removed under application reference S/1029/03/F granted 27th June 2003 .

(2) The site shall not be used other than as a touring caravan site and/or tent site and shall not be occupied by mobile homes use either for seasonal use or

permanent residential accommodation (Reason – To satisfy a need for touring caravan sites and/or tent sites and to minimise visual impact upon the area of permanently stationed mobile homes)

109. This is the condition to which this application relates and Planning Officers consider that it should be removed for the reasons set out within this committee report.

(3) The number of caravans and/or tents which shall be stationed on the site shall not exceed 5. (Reason – To prevent the overdevelopment of the site)

110. Planning Officers consider that this condition should remain. The definition of a caravan includes mobile homes and therefore this condition would also control the number of mobile homes allowed on the site. The 'reason' should be revised to refer to the following: *'To prevent the overdevelopment of the site and ensure that the use of the site would be inkeeping with the character of the local area in accordance with adopted South Cambridgeshire Local Plan Policy HQ/1.'*

(4) Any caravan and/or tent shall not be occupied on this site for more than 28 days in total in any one calendar year (Reason – To ensure that the site is retained for seasonal/tourist use only and is not used for permanent residential accommodation which would be contrary to 'Approved Structure Plan Housing and Settlement Policies)

111. The lawful use for permanent residential use (all year round) has been established under the grant of a certificate of lawful use under reference S/3048/18/LD. Taking into account this fallback position, it is not considered necessary or reasonable to include this condition on any planning permission issued.

(5) No additional discharge, in excess of that generated by the current planning proposals, shall be directed to the existing foul drainage system (Septic Tank) (Reason – To ensure satisfactory drainage of the site and to prevent water pollution)

112. Planning Officers consider that this planning condition is not necessary given that drainage is controlled under a separate regulatory regime (site license). In addition, the Council's drainage officer has commented that there are no drainage issues associated with this application.

(6) The one way traffic flow arrangement identified on plan no. 2806/10B shall be laid out to the satisfaction of this Local Planning Authority within 2 months of the date of this consent. (Reason – To ensure the proper development of the site and to effect adequate highway safety provisions)

113. Planning Officers consider that it is unnecessary to impose this condition on any consent granted. The 'one way' system referred to is not actually indicated on plan reference 2806/10B. Furthermore, the Local Highway Authority have not objected to the application or commented on the 'one way system'. In addition, the layout is determined and controlled under the site license, a separate regulatory regime.

114. There is no clear condition referring to approved plans attached to the original consent, with the site plan referred to in the first paragraph of the decision notice. It is recommended that a plan condition, to include reference to this plan, is introduced in any new consent granted.

115. Any planning permission in respect of area D should therefore include the following

conditions.

116. Proposed Conditions (Area D)

- (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 2806/10B (as approved under planning permission S/1156/92/F)

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

- (2) The number of caravans and/or tents which shall be stationed on the site shall not exceed 5.

(Reason - To prevent the overdevelopment of the site and ensure that the use of the site would be inkeeping with the character of the local area in accordance with adopted South Cambridgeshire Local Plan Policy HQ/1)

Background Papers:

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

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework SPDs
- Planning File reference S/0913/19/VC

Report Author:

Luke Simpson
Telephone Number:

Consultant Senior Planning Officer
01954 713251

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Fowlmere Parish Council
P.O. Box 273
Royston
SG8 1ES

Fowlmere Parish Council

Planning and New Communities
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

25th April 2019

Dear Mrs Twyford,

S/0913/19/VC APPLEACRE, LONDON ROAD, FOWLMERE

Fowlmere Parish Council met on 16 April 2019 to consider the above application.

There are key matters of fact which are significant in this application:

- ! The whole of the application site lies outside the village envelope, and in open countryside;
- ! The application offers no element of Affordable Housing, as required by the policies of the South Cambridgeshire Local Plan, which specify 40%;
- ! The application offers no open space provision, nor the provision of leisure equipment;
- ! The application offers no Section 106 contribution;
- ! The application contains no landscaping provision;
- ! The application offers no education provision.

The applicant's Supporting Statement states in the first paragraph "The land all relates to a single planning unit..." We do not agree. We do agree with the statement in the penultimate paragraph of the first page: "The site is made up by a number of different permissions and in order to describe the different areas these have been described as areas A-E." The planning history of the site clearly demonstrates that the different areas have been considered individually for planning purposes.

The applicant refers to the Planning Appeal references APP/W050/X/17/3183811 and APP/W050/X/17/3183813 and the decision dated 6 July 2018. Paragraph 30 of the Decision Letter is descriptive of the area around the application site, which is undulating open countryside, a general absence of enclosure resulting in long vistas and a sense of openness.

Paragraph 31 states that Appleacre Park occupies an important position within this landscape context.

On page 5, second paragraph, the applicant's Supporting Statement claims: "The Inspector's comments in respect of the openness of the site no longer apply. There would be nothing to stop partition fencing separating the plots of the touring caravans and a parking space adjacent to each unit. The different type of caravan would not have any different visual impact and it is noteworthy that the LPA did not raise any visual concerns themselves in the previous appeal." We disagree, and accept the Inspector's assessment set out in detail in paragraphs 30-37 of the Decision Notice. In paragraph 33 the Inspector specifies the difference in visual impact between touring caravans and mobile homes.

The penultimate paragraph of the applicant's Supporting Statement states: "However this application is not for the provision of new residential development." The key point is that the application does involve development. In paragraph 43 of the Decision Notice, the Inspector points out that granting the application would result in the stationing of up to 20 mobile homes on the site. The Inspector explains that this is not one of the uses that need to be located in the countryside contemplated in Policy DP/7 of the South Cambridgeshire Local Plan.

In the third paragraph of page 4 of the Supporting Statement, the applicant states: "The number of residential caravans on the site will not increase in fact it is likely to decrease." Particularly in the light of what the Inspector has said in paragraph 43, we very much doubt this statement.

In the first paragraph of page 4 of the Supporting Statement, the applicant states: "In the previous appeal the issue of affordable housing was considered by the Inspector. The principle of the provision of affordable housing was considered but not in any details." Far from not considering detail, the Inspector covers the matter of affordable housing in paragraphs 44-52. The Inspector identified the relevant policy as Policy HG/3 of the South Cambridgeshire Local Plan, and concluded in paragraph 52: "... the development fails to comply with Policy HG/3 of the DPD."

Page 4, final paragraph of the Supporting Statement says: "The Inspector was concerned with the visual appearance of Area A." We agree. Paragraph 67 of the Decision Notice states: "I have found that the change in the character of Area A would be significantly harmful to the generally open character of the countryside outside of Fowlmere. The Framework (NPPF) specifically recognises the intrinsic character and beauty of the countryside. The removal of condition 2 on planning permissions S/1155/92/F and S/1156/92/F would not be consistent with that core planning principle."

Since September 2018 South Cambridgeshire has had a formally adopted local plan and a five year supply of land for housing. Therefore all the LPA's planning policies are considered up-to-date, and in full force and effect.

Page 4, penultimate paragraph of the Supporting Statement says: "The previous appeal decision identified, even without the fallback position that the touring caravans could be permanently occupied that area D if developed for static mobile homes would not have an unacceptable visual impact (sic)." We disagree. The Inspector was categorical in paragraph 73: "... I conclude that the adverse impact of granting planning permission for up to five

mobile homes on Area D would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, such that the presumption in favour of sustainable development does not apply. There are no material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan. Accordingly, it would not be appropriate to grant planning permission for up to five mobile homes on Area D, such that issuing a split decision is not open to me.”

Fowlmere Parish Council has unanimously agreed to recommend refusal of this application. The area as identified by the Inspector occupies an important position in this rural vista and serves as a transition between the open countryside and the built form of the village. Older dwellings on the other side of the site, and leading into the village, are linear in layout, well-spaced, and in large plots which give views into the countryside beyond. This therefore reduces their prominence on the street scene, and provides a sense of relative openness, which contributes to the spacious and rural character in this location. The proposed layout would have an enclosed and dominant impression due to the proposed number of dwellings. The proposal would result in a substantial intensification of the site due to the increase of dwellings, their scale and close proximity to each other. The perception of spaces would consequently be minimal, rendering the development out of keeping with the existing pattern of development. The resulting cramped appearance would cause harm to the rural and generally spacious character.

The Inspector found the application contrary to policy in July 2018, before the formal adoption of the South Cambridgeshire Local Plan. Now that the Local Plan has been adopted, very considerable weight can be given to the Inspector's analysis and conclusions. We hope that the LPA concurs.

In the event that this application is refused, Fowlmere Parish Council requires that the site is fully reinstated to its former condition. This will, inter alia, require the removal of concrete bases that have been installed for units in excess of the authorised numbers.

Should the view of Planning Officers be contrary to that of Fowlmere Parish Council, the Council requests that the application be decided by the Planning Committee.

Yours sincerely

Kerry Byrne
Fowlmere Parish Clerk
On behalf of Fowlmere Parish Council

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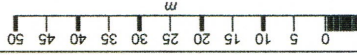
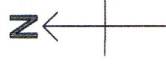
**South
Cambridgeshire
District Council**

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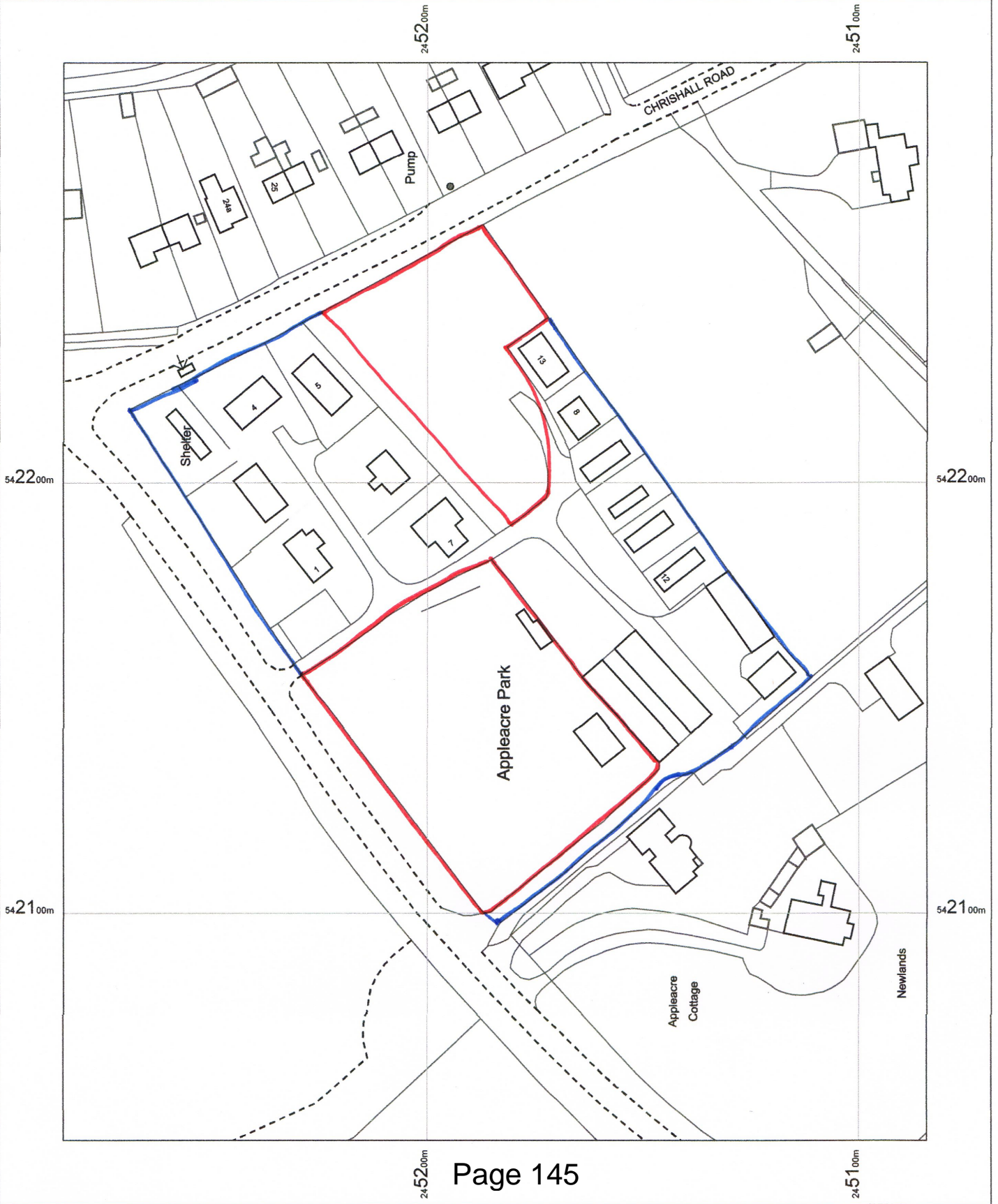
Applecare Park
Royston, Cambridgeshire,
SG8 7RU



OS MasterMap 1250/2500/10000
scale
08 September 2016, ID:
CIM-00565924
www.centremapslive.co.uk
1:1250 scale print at A4, Centre:
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Applecare Park



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Agenda Item 8



REPORT TO: Planning Committee

13 November 2019

LEAD OFFICER: Joint Director of Planning & Economic Development

Enforcement Report

Purpose

1. To inform Members about planning enforcement cases as at 04 November 2019. Summaries of recent enforcement notices are also reported, for information.

Executive Summary

2. There are currently at the end of August 2019, 100 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
4. Statistical data is contained in Appendices 1, and 2 to this report.

Updates to significant cases

5. Updates are as follows:

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

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

Following a full survey of the site, including Needs assessments preparation was made for the issue of twenty two (22) Breach of Condition Notices

covering five plots in Water Lane, one plot in Orchard Drive, four plots in Pine Lane, three plots in Park Lane, and nine plots in Setchel Drove, who have been found to breach their planning permission.

A compliance inspection carried out after the 31 July 2017 confirmed that 54% of the plots previously identified as being in breach of their planning permission in relation to planning conditions are now complying with them. Work is currently underway to identify the persons continuing to breach planning and to instigate prosecution proceedings against them. Investigation now complete and prosecution files relating to ten (10) plots, which are still in breach of the notice have been submitted to the council's legal team for summons. Cambridge Magistrates Court are now currently processing the application for Summons. All cases have now been heard and where breaches were identified Cambridge Magistrates levied fines totalling £72,566.57p – A further inspection and survey of the site has now been carried out on the 26th June 2018 which revealed that 12 plots are currently in breach of planning control. Further prosecutions will now be considered /carried out in addition to two further breaches of Condition Notices issued and one prosecution in the High Court for breaching the current site Injunction. A further application to the High Court for an Injunction is to be made at the earliest opportunity. Barrister identified; detailed chronology compiled next steps agreed - Work in progress 04 November 2019 further site visit and aerial photographs.

(b) **Whaddon – 9A Bridge Street**

Without planning permission, the erection of a six-metre-high pole for CCTV equipment. Enforcement Notice SCD-ENF-094/17/A was issued with a compliance date of 25th November 2017 to remove the pole and CCTV equipment. The notice has not been complied with and a file was submitted to the Councils Legal office to issue a Summons. The date of the summons was set for 10am 15th March 2018 however the accused did not attend, and the Court issued a Warrant for his arrest. Case continues - No further information at this time – Legal office have liaised with the Court and have been informed that the Arrest Warrant is live and waiting to be executed by Police. Referred to Legal as Police have no current knowledge of the Warrant – No further details are available at this time. Councils Legal and Planning department to review next steps including Injunctive action to remove unauthorised Pole and CCTV camera. Report to be submitted to Planning Committee seeking approval for direct action – Costings now obtained, and it is proposed to take direct action for the removal of the unauthorised pole and cctv equipment

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

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

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

Following reports that the amenity of the above property including the main building which was a Public House known as the Lamb Inn and had been closed for many years a s215 Notice was issued to address the unacceptable amenity issue. The compliance period given was to complete the works by no later than 19th June 2018 however the building caught fire during the early hours of Friday 8 June 2018 before works had commenced and the building was destroyed leaving only the outer walls standing. The site has been fenced off to prevent access to unauthorised persons. The owners have submitted an application to demolish the building due to its condition and safety to the Public. Separate planning application to be submitted to develop the whole site. Situation continues to be monitored. Further s215 Notice to be considered. Information received that the Landowner has sadly passed away and the estate is currently being dealt with by the executors of the estate. The family have submitted a “Pre-Application” for planning advice regarding this property under reference PRE/0090/19. Situation to be monitored. The point of clarification previously requested by the case officer in relation to the site has now been provided and found to be acceptable. A planning application will now be submitted to the Planning department.

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

A fire which took place several years ago and severely damaged the building on the site and although heavily screened by high hedging has remained unrepaired and a general eyesore to the neighbouring properties and the general Public passing the site. The owner of the land who has stated that he will demolish the building however the Neighbouring business unit has not given its authority for the National Grid to disconnect the live main gas supply which it shares with number 147 St Neots Road. Given the time that has elapsed and opportunity for the parties concerned to resolve the Gas termination to no 147 the Council is reviewing its powers under s79 in order that arrangements can be made with the relevant statutory undertakers for the disconnection of the gas supply, electricity and water as applicable, and the building demolished. The gas governor was due to be disconnected by the

end of September 2018 however the company carrying out the work was again refused access and turned away. Local Parish informed of current impasse. Work continues to resolve access issues. Possible April 2019 date was given to resolve however work still not commenced. Case review to be carried out regarding next steps. The owners of the land are still waiting for a date from Cadent/Triio for the gas works on site and are actively chasing them for a date to carry out the work. It is understood that insurance details prior to commencement have been requested and once received and satisfactory work will commence. Report received that permission has still not been given in respect of the gas diversion works and that the window of opportunity may have been missed with works now likely to commence next March 2020 subject to authorisation being obtained.

(f) **19 Bandon Road Girton**

Not built in accordance with approved drawings relating to visibility splays Breach of Condition Notice issued 22 February 2018 with 28-day compliance period. Despite compliance discussions with the builder works still not carried out. Prosecution file has been raised, waiting issue of summons, still with legal Legal case officer now allocated waiting for further information as to timings

(g) **14 Church End Rampton – Grade2 Listed Building**

The above property is a thatched cottage that has fallen into disrepair, in particular the thatch and woodwork. The owners have failed to engage with the Council and as a result an Amenity Notice s215 was served on the owners 11th October 2018 to carry out urgent repairs to the building. The compliance date was 6 months in order to allow specialist contractors to carry out the work. The owners have decided to challenge the Council which is their right and their appeal will be heard at Cambridge Magistrates Court on the 10th January 2019 The owner attended the Court but was unrepresented or in a position to make his appeal therefore in the circumstances the Court adjourned the case until the 8th May 2019. Due to the owners age it was agreed that we would assist the Court and the owner by preparing the evidence bundles.

The appeal was heard on the 8th May 2019 and was based on the notice being unlawful and if it wasn't then the compliance period of 6 months was insufficient to arrange for the works to be carried out? Having listened to the evidence from both sides the Court upheld the notice as lawful but decided to allow the appellant more time to arrange for the works to be undertaken. The compliance period is now 18 months from the date of the appeal hearing i.e. 8th November 2020

(h) **Burwash Manor Farm**

Without planning permission, the erection of children's play equipment within land designated as Green Belt. A retrospective planning application, reference S/3494/18/FL had been refused. The size, scale and height of the development is contrary to paragraph 144 of the National Planning Policy Framework (NPPF) 2019. The enforcement notice issued requires the owners to cease the use of the play equipment specifically the adventure tower and remove the play equipment from the land. The compliance period is one (1) month from the date it takes effect on the 21 May 2019 – A Planning Appeal has been

submitted to the Inspectorate on the 20th May 2019 – Date to be advised

Cottage Nursery, Cardinals Green, Horseheath

(i)

Without planning permission (Advert Consent) displaying advertising signs measuring 6ft x 4ft for Cardinal Barns Kitchen and Blooms @ the Barn. On the junction of Howards Lane and the A1307 and a further smaller sign at the entrance to the nursery advertising Caravan Site which is approximately 1 metre square. Although the owner of Cottage Nursery was informed of the breach and asked to remove them by the 14 March 2019. The owner of the site failed to remove the signs and when interviewed under caution stated that “Do what you want I am not going to remove them” As a result of a criminal offence being committed by displaying unauthorised signs a prosecution file has been raised.

||||

Investigation summary

- 6 Enforcement Investigations for September 2019 reflect a decrease in the number of cases investigated when compared to the same period in 2018. Forty-one (41) cases in total for the September period versus forty-eight (48) cases in 2018.

The year to date comparison 2019 versus 2018 revealed a reduction of 35 cases less for the same period.

A review of the thirty-three (33) cases closed in September 2019 revealed that 15 cases were found not to be in breach of planning control or were permitted development, 7 cases complied, and 2 cases were not expedient to enforce. The remaining 9 cases were as a result of awaiting further instruction, retrospective planning applications submitted, referred to County Council or Environmental Health.

It should be noted that whilst investigations carried out so far this year are less than 2018, they exceed the 2017 results for the same period – Plus 31 cases.

Improvements in guidance to the Public relating to permitted development via the Councils website and the Government’s Planning Portal, have seen a reduction in cases being reported.

Effect on Strategic Aims

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

Background Papers:

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

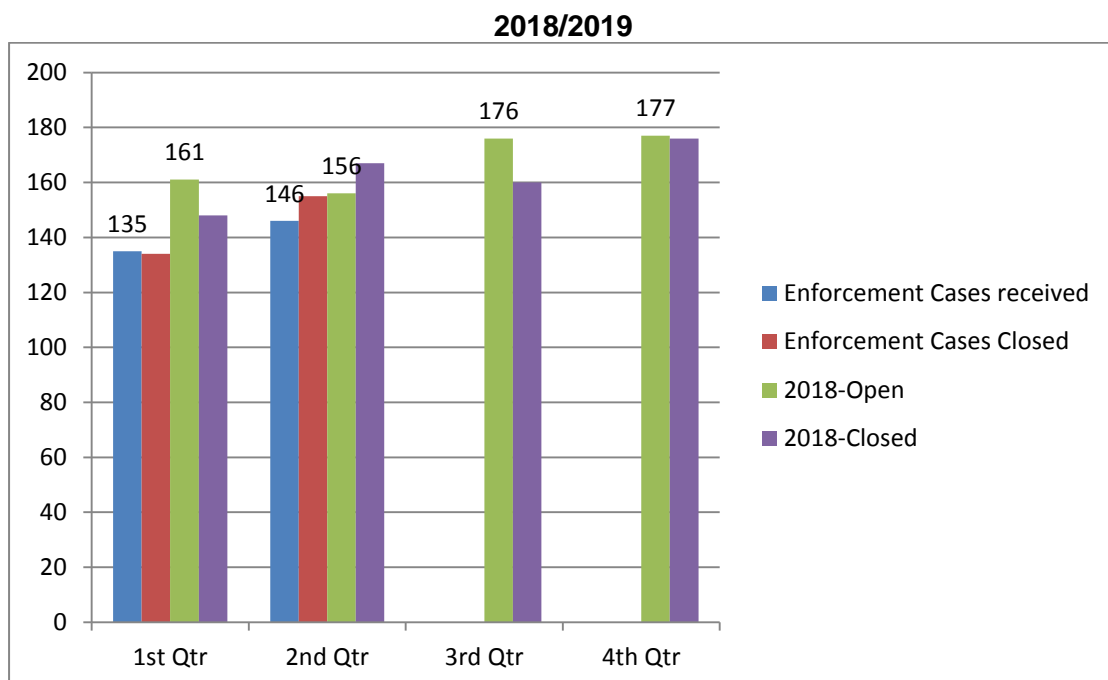
- **Appendices 1 and 2**

Report Author: Alistair Funge Acting Principal Enforcement Officer
Telephone: (01954) 713092

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Enforcement Cases Received and Closed

Month – 2019	Received	Closed
July 2019	68	56
August 2019	68	65
September 2019	41	33
1 st Qtr. 2019	135	134
2 nd Qtr. 2019	146	155
3 rd Qtr. 2019	177	154
1 st Qtr. 2018	161	148
2 nd Qtr. 2018	156	167
3 rd Qtr. 2018	176	160
4 th Qtr. 2018	177	176
1 st Qtr. 2017	122	122
2 nd Qtr. 2017	157	165
3 rd Qtr. 2017	148	118
4 th Qtr. 2017	175	158
2019 - YTD	537	437
2018 - YTD	670	651
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
	September 2019	2019
Enforcement	4	7
Stop Notice	0	0
Temporary Stop Notice	0	1
Breach of Condition	1	16
S215 – Amenity Notice	0	2
Planning Contravention Notice	0	2
Injunctions	0	1
High Hedge Remedial Notice	0	1

2. Notices served since the previous report

Ref. no.	Village	Address	Notice issued
SCD-ENF-212-19 Unauthorised change of use of land from agricultural to residential	Great Wilbraham	1 Mill Road	Enforcement Notice
SCD-ENF-213-19 Unauthorised change of use of land from agricultural to residential	Great Wilbraham	Rookery Farm Barns Frog End	Enforcement Notice
SCD-ENF-441-19 Failure to comply with Condition 2 Ref S/0110/11/FL Habitable room in Garage occupied other than ancillary to main dwelling	Sawston	11 Princess Drive	Breach of Condition Notice

SCD-ENF-418-19 Unauthorised change of use of land from agricultural to caravan site and storage	Histon	Land to north of Moor Drove	Enforcement Notice
SCD-ENF-169-19 Unauthorised change of use from garage to dwelling	Over	4A Willingham Road	Enforcement Notice

3. Case Information

Thirty-three (33) of the forty-one (41) cases opened during September were closed within the same period which represents a 75% closure rate.

A breakdown of the cases investigated during September is as follows

Low priority - Development that may cause some harm but could be made acceptable by way of conditions e.g. Control on hours of use, parking etc.
One (1) case was investigated.

Medium Priority -Activities that cause harm (e.g. adverse affects on residential amenity and conservation areas, breaches of conditions)
Thirty-Seven (37) 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)
Three (3) cases were investigated.

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

Adverts	x 02
Amenity	x 02
Breach of Condition	x 11
Breach of Planning Control	x 07
Built in Accordance	x 03
Change of Use	x 04
Conservation	x 00
High Hedge	x 01
Conditions	x 00
Listed Building	x 00
Other	x 08
Unauthorised Development	x 01

Appendix 2

Unauthorised Demolition	x 00
Permitted Development	x 02
Monitoring	x 00
<u>Total Cases reported</u>	<u>41</u>

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Agenda Item 9



REPORT TO: Planning Committee

13 November 2019

LEAD OFFICER: Joint Director for Planning and Economic Development

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 1st November 2019. Summaries of recent decisions of importance are also reported, for information.

Statistical data

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

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

Telephone Number: 01954 713350

Report Author: Ian Papworth Technical Support Officer (Appeals)

Telephone Number: 01954 713406

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Appendix 1

Decisions Notified By The Secretary of State

Reference	Address	Details	Decision	Date	Planning Decision
S/0408/19/FL	36 South End, Bassingbourn, Royston, SG8 5NJ	Demolition of Existing Caretakers Home and Erection of 4 Dwellings utilising previously approved access on neighbouring site	Dismissed	27/09/2019	Delegated Refusal
S/1227/18/FL	36 South End, Bassingbourn, Royston, SG8 5NJ	Demolition of Existing Caretakers Home and Erection of 4 Dwellings and New Access	Dismissed	27/09/2019	Delegated Refusal
S/4241/18/DC	Land Off New Road, Melbourn, New Road, MELBOURN, SG8 6BY	Discharge of condition 9 (foul sewage capacity scheme) of appeal decision APP/W0530/W/3131724 for outline planning application (including approval of access) for residential development of up to 199 dwellings plus a care home of up to 75 beds, new vehicular and pedestrian accesses from New Road, public open space and a	Dismissed	16/09/2019	Delegated Refusal

Appendix 1

		landscape buffer			
S/3756/18/FL	WM Morrisons Supermarkets Plc, Broad Street, Cambourne	Erection of a Use Class A1 / A3 drive thru' coffee shop (167 sq.m) with car parking, drive thru' lane, hard and soft landscaping, refuse area, and associated works	Dismissed	07/10/2019	Delegated Refusal
S/0641/19/FL	36 Newton Road, Whittlesford	Two Storey Side Extension and Single Storey Rear and Front Extensions	Allowed	08/10/19	Delegated Refusal
S/4604/18/DC	Land South of Villa Road, Histon	Discharge of Conditions application 3 (Finished floor levels) , 4 (Contractors management plan), 5 (External materials), 6 (Details of hard and soft landscaping), and 7 (Scheme for ecological enhancements) relating to S/1992/18/FL for a redesigned 3 bed dwelling previously approved (S/0241/16/FL)	Dismissed	09/10/19	Delegated Refusal
S/0866/19/PA	Land at rear of St Johns Church, Station	Prior approval for a proposed change of use	Dismissed	16/10/19	Delegated Refusal

Appendix 1

	Road, Waterbeach, Cambridge, Cambridgeshire, CB25 9HT	of agricultural building to a dwellinghouse (class C3) and for associated operational development			
S/1727/19/FL	1 Greenfields, Eltisley	Two storey front extension, single storey side and rear extension - amended resubmission of planning application S/4805/18/FL	Dismissed	01/11/2019	Delegated Refusal

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Appeals Received

Reference	Address	Details	Date Appeal lodged
ENF/0418/19	Becmoorgardens, Moor Drive, Land Off Cottenham Road, Histon	Unauthorised Travellers Site	07/10/2019
S/2705/19/FL	68 Horningsea Road, Fen Ditton	First floor side extension	28/10/2019
S/1151/19/DC	45 Church Street, Haslingfield	Discharge of Conditions 3 (Materials), 4 (Arboricultural Method Statement), 6 (Surface Water Drainage), 7 (Traffic Management) of Planning Application S.3622.16.FL - Demolition of existing bungalow and construction of 2no. two storey detached houses	30/10/2019

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Appendix 3

Local Inquiry and Informal Hearing dates scheduled

- **Local Inquiries**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
NONE				

- **Informal Hearings**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
S/3873/17/OL	Mr A Ashley	Land at Mill Lane, Sawston	Planning Decision	TBC
S/1625/18/OL	Mr A Ashley	Land at Mill Lane, Sawston	Planning Decision	TBC
S/2141/17/OL	Mr Peter Williams, Countryside Properties Plc	Land to the west of Cambridge Road, Melbourn	Planning Decision	12/11/2019
ENF/0587/17	Mr Barry Arliss	Riverview Farm, Overcote Road, Over	Enforcement	TBC
S/1279/18/FL	D & R Rolfe, Abbey Properties Cambridge Ltd	30 New Road, Over	Planning Decision	29/11/2019
S/3485/18/RM	Mr Chris Gatland	Barrington Cement Plant, Haslingfield Road, Barrington	Non-Determination	26/11/2019
S/1502/17/FL	Station Yard Meldreth Ltd	Former GoCold Building, Station Yard, High Street, Meldreth	Planning Decision	13/11/2019

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S/0868/19/FL	John Hedges - C/O WS Planning & Architecture	Carefield, Button End Harston	Planning Decision	TBC
S/4780/18/FL	Mr Middleton	The Milking Parlour, High Street, Fen Ditton, Cambridge, CB5 8ST	Planning Decision	19/11/2019 & 20/11/2019
S/0913/19/VC	Mr J Hart	Apple Acre Park, London Road, Fowlmere	Non determination	TBC