

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

24 April 2018

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/3787/17/FL

Parish: Barrington

Proposal: Demolition of the existing single storey dwelling, the erection of 2 new dwellings and works to the existing access road.

Site address: 7 Back Lane, Barrington

Applicant(s): Jamie Wardley

Recommendation: Approval

Key material considerations: Principle of Development
Impact on the Conservation Area, Protected Village Amenity Area and setting of Listed Buildings
Trees
Ecology
Parking, access and highway safety
Residential Amenity
Other Matters

Committee Site Visit: 23 April 2018

Departure Application: No

Presenting Officer: Alison Twyford, Senior Planning Officer

Application brought to Committee because: The recommendation of officers conflicts with that of the Parish Council

Date by which decision due: 25 April 2018

Executive Summary

1. The proposal seeks planning permission for construction of two new dwellings within the village framework of Barrington and to the rear of a number of Listed Buildings. Works to the existing access road are also proposed.
2. In principle the erection of the dwellings complies with policy ST/6 of the Local Development Framework Core Strategy DPD 2007 and policies DP/2, DP/3, CH/4, CH/5 and CH/6 and the Development Control Policies DPD 2007.
3. Some harm is recognised in respect of the impact upon the surrounding area. However this harm is not considered to be of a level that would constitute significant

and demonstrable harm and which could not be satisfactorily mitigated by way of conditions. No technical objections have been raised from consultees in respect of all other matters. The application is therefore recommended for approval.

Site Planning History

4. S/3126/16/TC- Tree Management by Parish Council- Approved
SC/0210/73/F- Extension To Dwelling - Approved

Planning Policies

National Guidance

5. National Planning Policy Framework (NPPF) 2012
Planning Practice Guidance (PPG)

6. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**
ST/6 Group Villages

South Cambridgeshire LDF Development Control Policies, adopted July 2007

7. DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
CH/4 Development Within the Curtilage or Setting of a Listed Building
CH/5 Conservation Areas
CH/6 Protected Village Amenity Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/15 Noise Pollution
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD)

8. Trees and Development Sites SPD – adopted March 2010
Biodiversity SPD – adopted 2009
Landscape in New Developments SPD – adopted March 2010
Open Space in New Developments SPD – adopted January 2009
Cambridgeshire Flood and Water SPD- adopted November 2016
Listed Buildings: Works to or affecting the setting of SPD (Adopted July 2009)
District Design Guide SPD (Adopted March 2010)
Development Affecting Conservation Area SPD (Adopted January 2009)

Submission Local Plan 2014

9. 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
HQ/1 Design Principles
H/7 Housing Density

H/15 Development of Residential Gardens
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
CC/1 Mitigation and Adaption to Climate Change
NH/4 Biodiversity
NH/14 Heritage Assets
SC/11 Noise Pollution
TI/3 Parking Provision

Consultation

10. **Barrington Parish Council – “Please see attached. Request to go to Full Committee. Material considerations:- Effect on Listed Buildings, Effect on Conservation Areas, Layout and Density, Loss of Privacy.”**

No attachment was received although previous comments had contained an attachment which read:

“At its meeting on 21st November BPC voted to object to this application and would urge S.C.D.C. to reject. The application is an undesirable development in a unique area of Barrington. There is no road frontage, and there are issues relating to privacy, visual interference, light pollution and noise from traffic movements during and after construction.

Access, highway safety and traffic

The plot is reached from the main highway i.e. High Street, across Barrington Green firstly via a “permitted way” and then off a private road. Both of these are very narrow and only one vehicle in width. There is no footway. The “permitted way” leads to Back Lane which is a bridleway and footpath so any vehicles would need to use this for access. The construction of “permitted ways” does not conform to highway standards and is not tarmacked. The top surface is sprayed with bitumen only. Passing places are not provided, so two vehicles wishing to pass would necessitate at least one of them using Barrington Green which is likely to cause significant damage, especially in winter. The section of “permitted way” which leads to this proposal, already provides vehicular access to 8 properties.

Application for vehicular access to a second property on this plot would need to be made to the Green Charity, Barrington.

Construction traffic and movement of materials to the site would cause disruption to the residents of Back Lane. There is no room for parking so all construction traffic and storage of materials would need to be on the applicant’s property.

The bridleway/footpath has to have open access, with walkers, horse riders taking precedence. The area is very tranquil and a favourite walk for many people, residents and visitors alike. The redevelopment of the CEMEX site (of 220 properties) allows for a pedestrian link to the village and school joining FP3 – adding to the footfall.

The proposal allows for widening of the track to take two way traffic. This will involve removal of tree screening and orchard which will have a detrimental impact on the Conservation Area.

Effect on Listed Building and Conservation Area

The plot is within the conservation area of Barrington and surrounded by 12 houses, 6 of which are listed. The applicant has not provided evidence that the proposal would not adversely impact on conservation and the neighbouring listed buildings – most of which do not have foundations and which are affected by vibration of traffic and construction works. The proposal breaks the precedent that all of the more recent development in this part of Back Lane has been single storey.

Overlooking/Privacy

Plot 2 is very close to the boundary and hence the gardens of the Listed properties at 14, 16 and 18 High Street. There is no space for a green screen.

Residents of 14, 16, and 18 High Street would suffer visual intrusion and loss of a sense of privacy. The proposed large houses will be seen from 16 other properties. There are no plans to show how the ridge of the 2.5 and 2 storey buildings compares with the neighbouring properties.

Should approval be granted any widening of the access road within the Applicants ownership would be intrusive for no. 3 Back Lane which has rooms close to the boundary.

Parking

As already mentioned there is a very narrow access to the applicant's property and all construction traffic and materials would need to be stored on his property. Parking is not allowed on Barrington Green, indeed sewage and water pipes run close to the surface for a fairly long stretch of the permitted way closest to No, 7.

Noise

Residents from Nos. 36a, 34, 32, 28, 26, 22/24, 2, 18, 14, 12, 10, 8, 6, 2 High Street together with Greenwood, 1 and 3 Back Lane will all be affected by noise and disturbance relating to the demolition of one property, the construction of three new properties (including that proposed for No 9) together with the extension and refurbishment of No. 9 Back Lane.

Add to this the proposal already submitted, and yet to be agreed, for a further dwelling in the rear of Greenwood. Further noise, disturbance and disruption.

Sewage

11. It is the intention to use the existing sewer. BPC wish to point out that Back Lane is renowned for sewage problems including odours and backwash. The main sewer in the vicinity also serves part of Orwell. Some relining has been undertaken but additional properties will exacerbate the problems."

In accordance with the Council's scheme of delegation the above matters were considered by the Chair of the Planning Committee and the Head of Development Management on 27 February 2018. It was agreed that the application should be referred to the District Council's Planning Committee for consideration

12. **Local Highway Authority** - No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission as Back Lane is not public adoptable highway.
13. **County Council Definitive Map Officer** - Please note Public Bridleway No. 8

Barrington runs along the private road (Back Lane) that the applicant proposes to utilise to form the vehicular access to the new dwelling. We have concerns that the proposed development along Back Lane will result in increased use of the Bridleway by motorised traffic which has potential to degrade the surface condition of the route, which could have an adverse effect on the public's ability to exercise their rights over it. There is also likely to be an increase conflict between those exercising their public right on foot, bicycle or horse and motorised vehicles. The development is likely to have a negative impact on the character of both the Public Bridleway as well as the Village Green. The County Council's Definitive Map Team does not support a proposal that is considered to harm the character of Rights of Way network and Village Green through intensification of the adjacent land. Informatives recommended for attachment.

14. **Ecology Officer** - No objection - conditions recommended.
15. **Trees Officer** - Recommends conditions for attachment
16. **Drainage Officer** - The development proposed is acceptable subject to the imposition of a condition.
17. **Contaminated Land Officer** - Recommends conditions and informatives for attachment
18. **Anglian Water**- No objection

Representations

19. Residents of the following properties have made comments in connection with this application: 2 High Street, 6 High Street, 7 High Street, The Old Chapel, 10 High Street, 14 High Street, 18 High Street, 20 High Street, 22-24 High Street, 34 High Street, 53 High Street, 2 Boot Lane, 16 Challis Green, 3 Back Lane. These can be summarised as:
 - Detrimental impact on conservation area
 - Two houses will dominate the backdrop to the Listed cottages
 - Not in keeping with character of area
 - The existing bungalow could be redesigned without significant increase in height preserving the integrity of the historic view
 - The two new dwellings do not sustain or enhance the significance of the heritage assets
 - Other houses are being built on the Cemex site and there is no wider public benefit from these dwellings to the maintenance of the vitality of the village.
 - The buildings will have a significant impact on the Protected Village Amenity Area.
 - The construction phase could cause damage to the nearby cottages and surrounding land and access
 - Impact of proposal on existing infrastructure
 - Other properties have recently been granted permission in the vicinity which will cumulatively impact the levels of noise in the area.
 - The access is not designed or constructed to deal with heavy construction traffic
 - Concerns for the Bridleway
 - Problems with sewerage
 - Anomalies shown on previous decisions in the vicinity
 - Loss of privacy and overlooking to adjacent properties
 - Change in ground levels will increase the impact to adjacent properties
 - Trees and hedges will be destroyed having an effect on wildlife habitat
 - This is not the type of housing which is required in the area

- Undesirable form of back-land development without road frontage

20. The Green Charity - Object to the application. The application is an undesirable development in a unique area of Barrington. There is no road frontage and there are issues relating to privacy, visual interference, light pollution and noise from traffic movements during and after construction. Access, traffic and highway safety concerns, effect on the listed buildings, overlooking and privacy, parking and noise concerns. Specific reference drawn to Policy CH/7 (Important Countryside Frontages.)

Site and Proposal

21. The application site comprises a bungalow dwelling, ancillary outbuildings and garden land. It is served by a vehicle access from Back Lane to the North which also serves No. 9 Back Lane which is situated to the immediate north of the site. The site is enclosed by a mixture of mature trees and younger trees. The site is located within the Barrington Conservation Area and a number of the dwellings whose gardens back onto the site are Listed Buildings, including No's 12, 14, 18, 20/20A, 22/24, and 26 High Street to the South, No. 4 to the east and No. 36 High Street to the south west. Part of the site access is also located within a Protected Village Amenity Area, designated under the Local Plan. The proposed dwelling however, will not be within the area designated as a Protected Village Amenity Area.
22. The application seeks full planning permission for the erection of two dwellings and works to the existing access road.

Planning Assessment

Principle of development

23. The site is located within the development framework of Barrington which is a Group Village and, as such, developments up to a maximum scheme size of 8 dwellings are acceptable in principle. The proposed erection of two dwellings is therefore acceptable under the terms of policies ST/6 and DP/7. The site is approximately 7602m² and the provision of two new dwellings would result in a net density of approximately 26 dwellings per hectare. This is below the minimum density of 30 dwellings per hectare required by policy HG/1, however given the constraints of the site, the proposed density is considered acceptable in this case.

Impact on the Conservation Area, setting of listed buildings and Protected Village Amenity Area

24. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special regard shall be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With respect to local policy, Policy CH/4 of the Local Development Framework, Development Control Policies Document and NH/14 of the emerging Local Plan restricts proposals which would have an adverse effect on the curtilage or setting of a listed building.
25. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
26. Policy CH/5 of the Local Development Framework Development Control Policies Document (2007) requires proposals within the Conservation Area to be determined

in accordance with legislative provisions and national policy. Policy NH/14 of the emerging Local Plan requires development within Conservation Areas to sustain or enhance the character and distinctiveness of those areas.

27. Policy CH/6 of the Development Control Policies DPD sets out the policy in relation to Protected Village Amenity Areas and states that development will not be permitted within or adjacent to Protected Village Amenity Areas if it would have an adverse impact on the character, amenity, tranquillity or function of the village.
28. Concerns have been raised by the Parish and third parties in respect of the impact of the proposals on the character of the area and the surrounding Listed Buildings.
29. The site is located to the rear of several of the garden areas of dwellings which front the High Street and Back Lane which curves around the site. It is currently occupied by a single storey dwelling and is well screened from the existing gardens by mature boundary planting and from wider views by a combination of the boundary planting and the dwellings fronting High Street and Back Lane.
30. At its highest point, plot 1 (which is set furthest back) will be 2 storey with a ridge height of approximately 9.1m. Plot two will have a lower ridge height of 8.4m. Both properties were reduced in scale during the application process. At the reduced proposed height and based on the reduced massing, it is not considered that it would be out of scale with neighbouring dwellings, or unduly prominent in public views from elsewhere in the Conservation Area such that harm would be caused to the Conservation Area. It is considered that further planting would aid the assimilation of the dwellings into the area which has been demonstrated on the submitted landscaping scheme. The application specifies high quality materials and appropriate hard and soft landscaping proposals which will all be secured by condition. Subject to such conditions it is considered that the proposed development is acceptable in terms of its impact on the Conservation Area and therefore complies with Policy CH/5 of the adopted LDF.
31. The dwellings have been sited to follow the linear form of other dwellings recently approved and are considered to sit relatively comfortably on the plot and to be sufficiently well separated from adjacent listed buildings that it would not substantially harm their setting. The proposal therefore accords with policy CH/4 of the adopted LDF.
32. It is also considered reasonable to remove permitted development rights for extensions and alterations of the dwellings to ensure that the impact of such alterations which could harm the Conservation Area and setting of Listed Buildings is assessed through the planning process.
33. Part of the access to the site is located within a Protected Village Amenity Area (PVAA). The proposed dwelling however, will not be within the area designated as a Protected Village Amenity Area. The Council's Development Control Policies DPD define Protected Village Amenity Areas as 'important to the amenity and character of villages and should be protected for their own sake' and that they have been 'designated on sites within village frameworks in order to safeguard those areas of undeveloped land within villages which are important to retain.' A condition which restricts permitted development rights for additional outbuildings that could impact upon the PVAA area is considered reasonable for attachment to ensure the area remains undeveloped. Subject to such a condition it is considered that the proposal is compliant with the aims and objectives of Policy CH/6 of the adopted LDF.
34. It is considered reasonable to attach a condition that requires full implementation

of the landscaping and boundary details in accordance with Policies DP/2 and DP/3 of the adopted LDF.

36. An objection has been received from the Definitive Maps Officer in which it is considered that the proposal would cause harm to the character of the Rights of Way network and Village Green as a result of the intensification of the use of the site. Officers do not consider that the use by two additional houses would be so significant to cause demonstrable harm in this regard that would warrant a reason for refusal of the scheme. The issues raised in respect of liabilities and authority to use the land with vehicles are considered to constitute civil legal issues that the applicant would need to resolve. Officers are satisfied in planning terms that the access would be acceptable for the purposes of this application. The recommended informatives would be suitable for attachment to ensure that the concerns raised in the representation are adequately brought to the applicant's attention.

Trees

37. Third party concerns were raised in relation to the loss of trees on the site. The Council's Trees Officer has assessed the submitted tree survey and arboricultural report. She has no objections to the proposed development in principle but recommends conditions to secure the proposed tree protection measures on site which Officers consider reasonable for attachment in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.

Ecology

38. The site is currently occupied by a dwelling which would be demolished and garden land primarily to grass with boundary planting. This boundary planting would be retained and supplemented through further native planting. It is not considered that the proposed development would result in any significant impacts from an ecological perspective provided that the recommended conditions from the consultee were attached. Subject to conditions the development in terms of its impact on ecology is considered to be compliant with Policy NE/6 of the adopted LDF.

Parking, access and highway safety

39. Concerns have been raised regarding the proposed access for the development by consultees, the Parish and third parties.
40. The site is currently served by a vehicle access from a private track that runs southwards from Back Lane. This track is owned by the applicant. As part of the proposed development the private track will be widened, and this will be consistent with the widening proposed under the application at No.9. The new width will vary between 6.5m – 7.3m along its length and the track will be resurfaced in ultracolour coloured asphalt. The potential harm resulting from two vehicles meeting on the access is also considered to be limited and mitigated by the extra width proposed.
41. Despite the concerns raised by the Parish and third parties Officers do not consider that there is sufficient demonstrable harm to warrant a reason for refusal in this regard. The use of the access by pedestrians and Back Lane by other vehicles and as a bridleway are similarly not considered to present such a significant hazard that the application should be refused, given the limited additional impact of vehicles accessing two new dwellings in place of an existing single dwelling. The potential for disruption and inconvenience from construction vehicles is noted, however it is considered that this can be acceptably mitigated by the a condition requiring a

Construction Traffic Management Plan to be produced and approved prior to the commencement of development in accordance with Policy DP/3 of the adopted LDF.

42. The proposals include 2 car parking spaces within the garages for each property. Cycle parking can also be accommodated within the sheds in the gardens. The proposal is therefore considered compliant with Policy TR/2 of the adopted LDF.
43. On the basis of the above, the proposed development is considered to be acceptable in terms of its impact on parking, access and highway safety.

Residential Amenity

44. Concerns have been raised by the Parish and third parties in respect of the impact of the proposal on the amenity of nearby properties.
45. The dwellings would be sufficiently distanced from the nearest dwellings so as not to cause any significant harm to neighbouring dwellings in terms of overshadowing or being overbearing to their windows. The dwellings would be visible from the rear elevations and gardens of the surrounding properties, however it is considered to be far enough from the dwellings themselves and the garden areas immediately associated with the dwellings that it would not be visually intrusive or overbearing generally.
46. Given the separation of the proposed dwellings from neighbouring dwellings, there would not be any window to window overlooking which would result in a significant loss of privacy. It is considered that there could be a minor level of overlooking of the rear properties on the High Street from Plot 2. The windows at first floor level serve a bathroom and a secondary bedroom window. In order to mitigate this concern a condition requiring these windows to be obscure glazed is considered reasonable for attachment.
47. The impact of the use of the access from Back Lane has also been considered in terms of the impact on neighbouring amenity. The relatively tranquil nature of the area has been taken into consideration in this assessment, as has the fact that existing vehicle movements along the access already occur to the existing dwelling on the site. While some additional vehicle movements would result from the use of the access for an additional dwelling on the site. It is not considered that the associated disturbance from noise or headlights would significantly impact on the amenity of neighbours.
48. Officers consider that a condition relating to working hours would be reasonable for attachment in accordance with Policy DP/3 of the adopted LDF.
49. On the basis of the above, the proposed dwelling is considered to be acceptable in terms of its impact on the residential amenity of occupants of the neighbouring properties.

Other matters

50. Concern has been expressed by residents regarding the current foul water capacity in the locality. Foul and surface water drainage is controlled by Building Regulations Approved Document H. The application states it is intended to connect to a mains sewer in respect of foul water and a soakaway drainage system would be used for surface water. These details are considered sufficient to serve the additional dwellings and as such the recommended consultee conditions are not proposed for attachment.

51. The Environmental Scientific Officer has commented that a Quarry is located to the north of the site which is a potential source of ground gas. A condition has been recommended in this respect which Officers consider would be reasonable for attachment to ensure that the health of the future occupiers is not adversely affected in accordance with Policy DP/3 of the adopted LDF.
52. Third party representations have commented that a large number of houses have already been approved in the village and it is not considered that this proposal will help to address the Councils current housing shortage and does not relate to an affordable home. Officers note the concerns but are unable to attach significant weight to these points as the principle of a dwelling in this location is acceptable in policy terms and it does not relate to an affordable scheme or a site outside of the village framework.
53. Concerns have also been raised that an adjacent site has applied which magnifies the impacts of the proposals. Each application has to be considered on its merits and it is not considered that there would be a significant cumulative impact in this instance.
54. Finally Officers note the third party concerns regarding the impact on further dwellings to current infrastructure. The addition of two further dwellings is not considered sufficient to qualify as significant and demonstrable harm and therefore could not be given significant weight in the considerations.

Recommendation

55. Approval subject to:

Conditions and Informatives

Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

(a) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

(Reason – To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

(b)The development hereby permitted shall be carried out in accordance with the following approved plans:Location Plan: 746/A3/100 B, Site Plan Proposed: 746/A1/305 E, Plot 1 Ground Floor Plan Proposed: 746/A3/310 B, Plot 1 First Floor Plan Proposed: 746/A3/311 B, Plot 1 Second Floor Plan Proposed: 746/A3/312 B, Plot 1 Roof Plan Proposed: 746/A3/313 B, Plot 2 Ground Floor Plan Proposed: 746/A3/314 B, Plot 2 First Floor Plan Proposed: 746/A3/315 B, Plot 2 Roof Plan Proposed: 746/A3/316 B, Plot 1 East and West Elevation Proposed: 746/A3/320 B, Plot 1 North and South Elevation Proposed: 746/A3/321 B, Plot 2 East and West Elevation Proposed: 746/A3/322 B, Plot 2 North and South Elevation Proposed: 746/A3/323 B, SOFT LANDSCAPE WORKS SPECIFICATION (To be read in conjunction with drawing No 441-01H) August 2017 Revised Oct 2017 Revised Jan 2018 by The Huck Partnership Ltd, Detailed Landscape proposals 441-01H, Haydens Tree Survey, Arboricultural Impact Assessment

Preliminary Arboricultural Method Statement & Tree Protection Plan In Accordance with BS 5837:2012 Dated 25/01/2018 Revision C, Southern Plot at Back Lane, Barrington, Cambridgeshire 5995-D Rev:C.

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

(c) No development shall above slab level take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason – To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

(d) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays or before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason – To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

(e) No deliveries or construction works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall address:

- i. Movements and control of muck away lorries;
- ii. Contractor parking, for both phases and all such parking shall be within the curtilage of the site;
- iii. Movements and control of all deliveries;
- iv. Control of dust, mud and debris in relationship to the operation of the adopted public highway

(Reason: in the interests of highway safety in accordance with policy DP/3 of the adopted Local Development Framework 2007)

(f) No deliveries, construction works or any works to existing trees shall commence on site until a detailed Arboricultural Method Statement and Tree Protection Strategy has been submitted to and approved in writing by the Local Authority. The submitted information shall include details of protective fencing, ground protection measures, method for installing garage foundations and installing services and comply with BS5837 and industry good practice. The measures detailed in the Tree Protection Strategy shall be fully implemented prior to any deliveries or construction works commencing and shall be retained in situ until all construction works have been completed.

(Reason – In the interests of the visual amenity of the area, the Conservation Area and setting of Listed Buildings and the impact on trees on site in accordance with policies DP/2, DP/3, CH/4, CH/5 and NE/6 of the adopted Local Development Framework 2007)

(g) All hard and soft landscape works and boundary treatments as detailed on the approved plans shall be implemented in accordance with the approved details prior to first occupation. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and

size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason – To ensure the development is satisfactorily assimilated into the area and enhances biodiversity and in the interests of neighbouring amenity in accordance with Policies DP/2, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- (h) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – In the interests of residential amenity and ensuring that the character of the area is not adversely affected in accordance with Policy DP/2, DP/3, CH/4 and CH/5 of the adopted Local Development Framework 2007.)
- (i) Apart from any top hung vent, the proposed first floor windows in the south elevation of Plot 2, hereby permitted, shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut. The development shall be retained as such thereafter.
- (j) (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)(j) No development approved by this permission shall be commenced until:
 - i) The application site has been subject to a detailed scheme for the investigation and recording of contamination through possible ground gas and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - ii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - iii) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - iv) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).
- (k) 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. The CEMP (Biodiversity) shall include the following:
 - i) Risk assessment of potentially damaging construction activities.
 - ii) Identification of “biodiversity protection zones”.
 - iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - iv) The location and timings of sensitive works to avoid harm to biodiversity

features.

v) The times during which construction when specialist ecologists need to be present on site to oversee works.

vi) Responsible persons and lines of communication.

vii) The role and responsibilities on site of an ecological clerk of works (EcoW) or similarly competent person.

viii) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

(l) Prior to the commencement of the development a scheme of biodiversity enhancement with a timescale for its implementation shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented in accordance with the approved details unless otherwise agreed in writing.

(Reason: To ensure that the proposed benefits to the local biodiversity are implemented on site in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)

Informatives

(a) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

(b) The applicant is advised that 1)Public Bridleway No. 8, Barrington must remain open and unobstructed at all times. Building materials must not be stored on the Public Right of Way and contractors' vehicles must not be parked on it (it is an offence under it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).

(c) No alteration to the Bridleway's surface is permitted without our consent (it is an offence to damage the surface of a public bridleway under s 1 of the Criminal Damage Act 1971).

(d)Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

(e)Members of the public on foot, horseback and pedal cycle have the dominant right of passage along the public byway; private vehicular users

must 'give way' to them.

(f)The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980). If the surface of the Bridleway is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Bridleway standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

(g)The Public Bridleway must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Bridleway without lawful authority).

(h)The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

(i) Town and Village Greens are protected by section 12 of the Inclosure Act 1857 and section 29 of the Commons Act 1876. Section 12 makes it a criminal offence to do any act which injures a green or interrupts its use as a place for recreation. Section 29 makes it an offence to permanently encroach upon or inclose a green, or to build upon or disturb the soil of a green otherwise than with a view to its better enjoyment.

(j) If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development is advised until the applicant has contact the Local Authority and obtained advice for a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Background Papers:

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

South Cambridgeshire Local Development Framework Core Strategy (adopted Jan 2007)

South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)

Planning File Ref: S/3787/17/FL

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