

To: Cambridgeshire County Council acting as agent for the Local Planning Authority

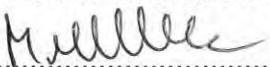
**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR AN ORDER TO PERMANENTLY DIVERT
A PUBLIC RIGHT OF WAY**

Name of applicant: Maciej Wojcik on behalf of Redrow Homes South Midlands Ltd
Address: Redrow House, 6 Waterside Way, The Lakes, Northampton, NN4 7XD

Tel. (work) 01604 601 115 Tel. (home): N/A

I hereby apply for the diversion of the footpath/bridleway* known as Hauxton [parish] Public Footpath no.1 [no.] under s.257 of the Town and Country Planning Act 1990 and undertake, if an order for the diversion of the path is made, to carry out such work on the diverted route of the path as may be required to bring the path into a fit condition for public use to the satisfaction of the County Council (the Highway Authority), prior to the confirmation of the order.

(*Delete the term that does not apply.)

Signed  Date: 24/05/2017.

Consent of other landowner/s and other requirements

Written consent of any other landowner/s affected by your proposed diversion (for both the existing line and proposed new line) must be obtained prior to submission.

A copy of the County Council's requirements for making diversion orders can be found at the end of this application form. The County Council will require all of these to be met. Please note in particular:

The requirement for pre-application consultations: The applicant must consult with the relevant Parish Council and local user groups, and must append copies of any correspondence to this application

The path to be diverted

Parish: Hauxton No: 5

From: See plan 2375-22-04-1 OS grid ref: X=543204.367E; Y=252506.543N

To: See plan 2375-22-04-1 OS grid ref. X=543223.605E; Y=252639.295N

General description of path: Application footway runs through a barren site that was formerly occupied by a chemicals company between A10 and a bridge crossing the Riddy Brook. Area around application footway offers no landscape value and is separated from the site by a temporary means.

Landowner – please provide a map showing landownership/other interests

Name: Harrow Estates Plc

Address: Bridgemere House, Chester Road, Preston brook, Cheshire, WA7 3BD

Lessee/tenant

Name: N/A

Address: N/A

Occupier

Name: As Above
Address: As Above

Reasons for the diversion

Local Planning Authority: South Cambridgeshire District Council

Planning application No: S/1911/14/RM and S/0410/15/RM

Date of Planning Permission: 13 November 2014 and 21 July 2015

Description of proposed development: Application for approval of reserved matters comprising: layout, scale, appearance and landscaping in respect of phase 1 (201 dwellings) of the development approved under outline planning permission reference: S/2308/06/O

Application for the approval of reserved matters comprising: layout, scale, appearance and landscaping in respect of part of phase 3 (14 dwellings) of the development approved under outline planning permission reference: S/2034/12/VC

The proposed new route of the path

Please enclose a signed and dated plan, preferably at scale of not less than 1:2,500 and based on an Ordnance Survey map.

From: See plan 2375-22-04-1 OS grid ref: X=543204.367E; Y=252506.543N

To: ...See plan 2375-22-04-1 OS grid ref. X=543223.605E; Y=252639.295N

General description of new path:

The proposed footpath diversion represents a change which will result in the footpath being extended by circa 70m. The diverted footpath will follow the road layout of new development, as per the planning approved drawings. This diversion route was chosen to ensure that the route of original footpath is followed as close as possible by the diverted route.

Landowner

Name: Harrow Estates Plc

Address: Bridgemere House, Chester Road, Preston brook, Cheshire, WA7 3BD

Lessee/tenant

Name: N/A

Address: N/A

Occupier

Name: As Above

Address: As Above

Other Legal Interests

Please give details of any other person(s) having a legal interest in the land over which the right of way is to be diverted, for example other landowners, mortgagees or other persons having an easement over the land:

N/A

Has the written consent of all such persons been obtained?

Yes/no [Delete as applicable]

The consents must accompany this application, together with a map showing all ownership and legal interests.

Pre-application consultations

Please append copies of all correspondence with user groups and the relevant Parish/Town/City Councils. Have any objections been raised?

.....
.....

Works

Following receipt of this application, if not already undertaken, the County Council's rights of way officer will contact you to arrange to meet you to inspect the proposed new route and to agree the works that will be needed to bring it into a fit condition for use as a public path. These works will be confirmed in writing following the site inspection. Please note that the Council will require a minimum width of 2m to be provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. The new path will be signposted and/or waymarked to the extent deemed necessary by the Council.

Coming into operation of an alternative route

Please note that the existing route of the path to be stopped up will **not** be extinguished until an officer of the Rights of Way Team acting on behalf of the Highway Authority (Cambridgeshire County Council) has certified that the new route of the alternative path has been provided on the ground to a suitable standard for use by the public. It is the applicant's responsibility to ensure that works to provide the new route of the path are completed.

Recovery of fees and costs

Under the 'Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 as amended by SI 1996 No 1978, the County Council may recover from the applicant the reasonable administrative costs of processing applications for, and making, public path orders. The County Council will invoice you for:

- the administrative costs of processing your application up to the making of a public path order, as set out in the Cambridgeshire Highway Records Guide which contains a Schedule of Charges that are available at www.cambridgeshire.gov.uk/highwaysearches;
- staff travelling expenses @ 45p per mile plus VAT;
- the cost of inserting one Public Notice in a local newspaper at the time of the making of the order, one Public Notice in a local newspaper at the time of the confirmation of the order and one Public Notice in a local newspaper at the time of the coming into operation of the order

The costs of taking an opposed order to a public inquiry will be met by the County Council or District Council, but the County Council will expect the applicant to provide their own legal representation at the inquiry. Please note that both Councils reserve the right to decline to proceed to a public inquiry for an opposed order.

For further information see the County Council's guidance:

- *Guidance and Check List for Public Path Order Applicants*
- *Public Rights of Way – A guide for planners and developers* available on our website at

<http://www.cambridgeshire.gov.uk/rights-of-way>

Statement

I hereby agree to put the new route(s) into a fit condition, as approved by the Council, for use by the public within 28 days of a request by the Council to do so.

I hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the order, and to pay in full the County Council's administrative costs of making the order and the costs of the public notices.

I also undertake with Cambridgeshire County Council to meet in full the requirements of any statutory undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which I am making this application. I understand that the consent of the statutory undertakers (i.e. gas, water, electricity, telecommunications, the Post Office and the Civil Aviation Authority) is required before the order can be confirmed by the council and that their consent may be conditional on my carrying out works to protect the statutory undertakers' apparatus and/or rerouting it. (The Council will consult with statutory undertakers on your behalf.)

Data Protection

Applicants' names and addresses will be held by the County Council and will be published in its decision report, which will remain as part of the legal record in the public domain. They may also be published on the County Council's website if regulations so require, but if exemptions are possible applicants will be contacted at that point for their consent.

I have read and understand this application and make my application acknowledging the conditions specified in it.

Signed.....Muller..... Date.....24/05/2017

Public Path Diversion Orders – Cambridgeshire County Council requirements for making an order

Diversions

- Pre-application consultations have been carried out with the prescribed bodies
- Where possible, a suitable alternative path is provided for every path that is to be stopped up under s257 Town & Country Planning Act 1990
- The proposed new routes of paths are reasonably convenient to the public when compared with the original routes
- The Parish Council does not object to the proposals
- No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal.
- The proposed new route is not less convenient for maintenance than the original
- The maintenance burden on the County Council of the new route is no greater than that of the original. If the maintenance burden is greater, the landowner may be required to enter into a maintenance agreement with the County Council as Highway Authority
- A minimum width of 2m is provided for the new route of a public footpath, and a minimum of 4m for the new route of a public bridleway. In exceptional cases, e.g. cross-field paths, it may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.
- That all works needed to bring the new route of the path into a suitable condition for use by the public are carried out at the expense of the landowner and to the Highway Authority's specifications, unless otherwise agreed.

Pre-application consultations

Applicants are advised that prior to formally submitting their diversion or extinguishment application to the Rights of Way & Access Team, they must complete informal consultations with the prescribed bodies (list attached). This will identify at an early stage whether the proposal is likely to be accepted by the public, and all responses received should be attached to the application form.

List of Statutory Consultees

NB Please select the relevant Ramblers Association Group for your area. Be aware that it may be appropriate to consult more than one group if your location is near one or more RA-represented areas.

The relevant Parish Council	
Ramblers Association 2 nd Floor Camelford House 87-97 Albert Bank LONDON SE1 7TW	Mrs Alysoun Hodges East Cambridgeshire Ramblers Group 88 West Fen Road, Ely CB6 3AA e-mail: paul@paulhodges.wanadoo.co.uk NB Except for the parishes listed under Newmarket Ramblers
Auto-Cycle-Union Auto-Cycle-Union House Wood Street RUGBY CV21 2YX	Steve Rossin Huntingdonshire Ramblers Association 6 De Beche Close Papworth Everard CAMBRIDGE CB23 3UP Email: steve.hel@btinternet.com
Open Spaces Society – Cambridgeshire Mrs Alysoun Hodges 88 West Fen Road Ely CB6 3AA e-mail: paul@paulhodges.wanadoo.co.uk	Dr R & Mrs J Moreton Joint Footpath Secretaries South Cambridgeshire Ramblers Association Group 23 Emery Street CAMBRIDGE CB1 2AX
Open Spaces Society 25A Bell Street HENLEY-ON-THAMES RG9 2BA	Mr G Thomas Fenland Ramblers Association Coach House 6 Chapel Road WISBECH PE13 1RH
Byways and Bridleways Trust 57 Bowers Mill, Branch Road, Barkisland, HALIFAX HX4 0AD e-mail: notices@bywayandbridleway.net	Paul Cutmore Cambridge City Ramblers Group 12 Topcliffe Way CAMBRIDGE CB1 8SH e-mail: ptcutmore@cix.co.uk
British Horse Society Stoneleigh Deer Park KENILWORTH CV8 2XZ	Phil Prigg Newmarket Ramblers Group 1 Edgeborough Close Kentford NEWMARKET CB8 8QY
Lynda Warth British Horse Society Access and Bridleways Officer for Cambs 53 Bar Lane Stapleford Cambridge CB22 5BJ e-mail: lyndawarth@hotmail.co.uk	Newmarket RG covers the following parishes in Cambs: <i>Ashley, Brinkley, Burrough Green, Cheveley, Chippenham, Dullingham, Kennett, Kirtling, Snailwell, Stetchworth, Westley Waterless and Woodditton</i>

Former Bayer Crop Science Site at Hauxton

Footpath Diversion – Supporting Statement

Location:

The former Bayer Crop Science Site is located approximately 6.5km to the south of Cambridge City Centre and to the west and north of the villages of Hauxton and Harston respectively.

Existing Rights of Way:

There are number of existing pedestrian access points leading to the site which cross the Riddy Brook at multiple crossing points, all of which are basic but adequate. There is also an existing path that follows the bank of the Riddy Brook at the North of the site. Application footway runs through a barren site that was formerly occupied by a chemicals company, and since had undergone a remediation process. Area around application footway offers no landscape value and is separated from the site by a temporary means.

Proposed Footpath Diversion:

The route of diverted footpath will provide a hard surface route through the new development for the use of general public. The proposed permanent diversion will start at the point where existing footpath enters the former Bayer Crop Science site next to the A10, and will terminate be the bridge where the existing path crosses the Riddy Brook.

From its starting point the diverted footpath will follow the South-Eastern direction for approximately 15 meters. Diversion than changes its direction to Eastern and enters the site of new development. From this point on the diverted footpath will use the new estates road layout to navigate through the new development. After entering the new development the route of the diverted footpath will turn around block A, as per the planning approved drawing, and continue in the North-Western direction. It then keeps on following the estate road layout and taking gentle turn to change its direction to North-Eastern. After navigating around the vehicle turning area the diversion arrives at its end and terminates before it reaches the bridge crossing the Riddy Brook. This diversion route was chosen to ensure that the diverted route follows as close as possible the route of original footpath.

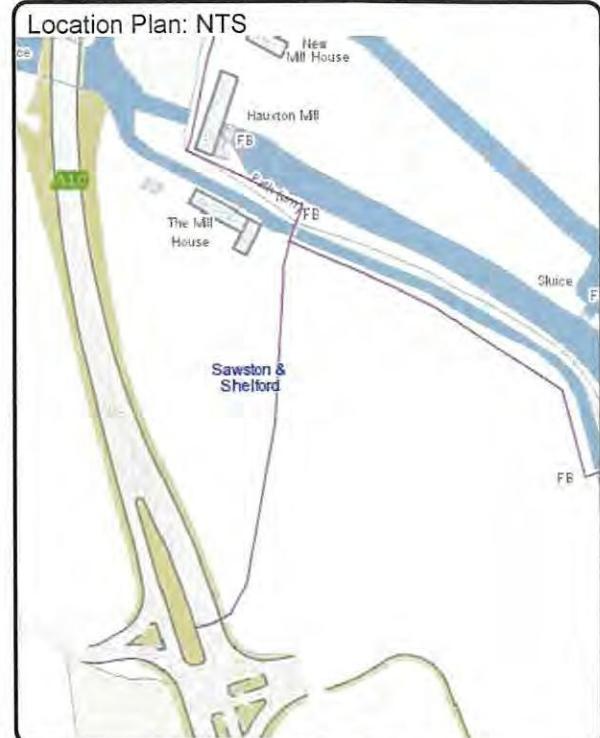
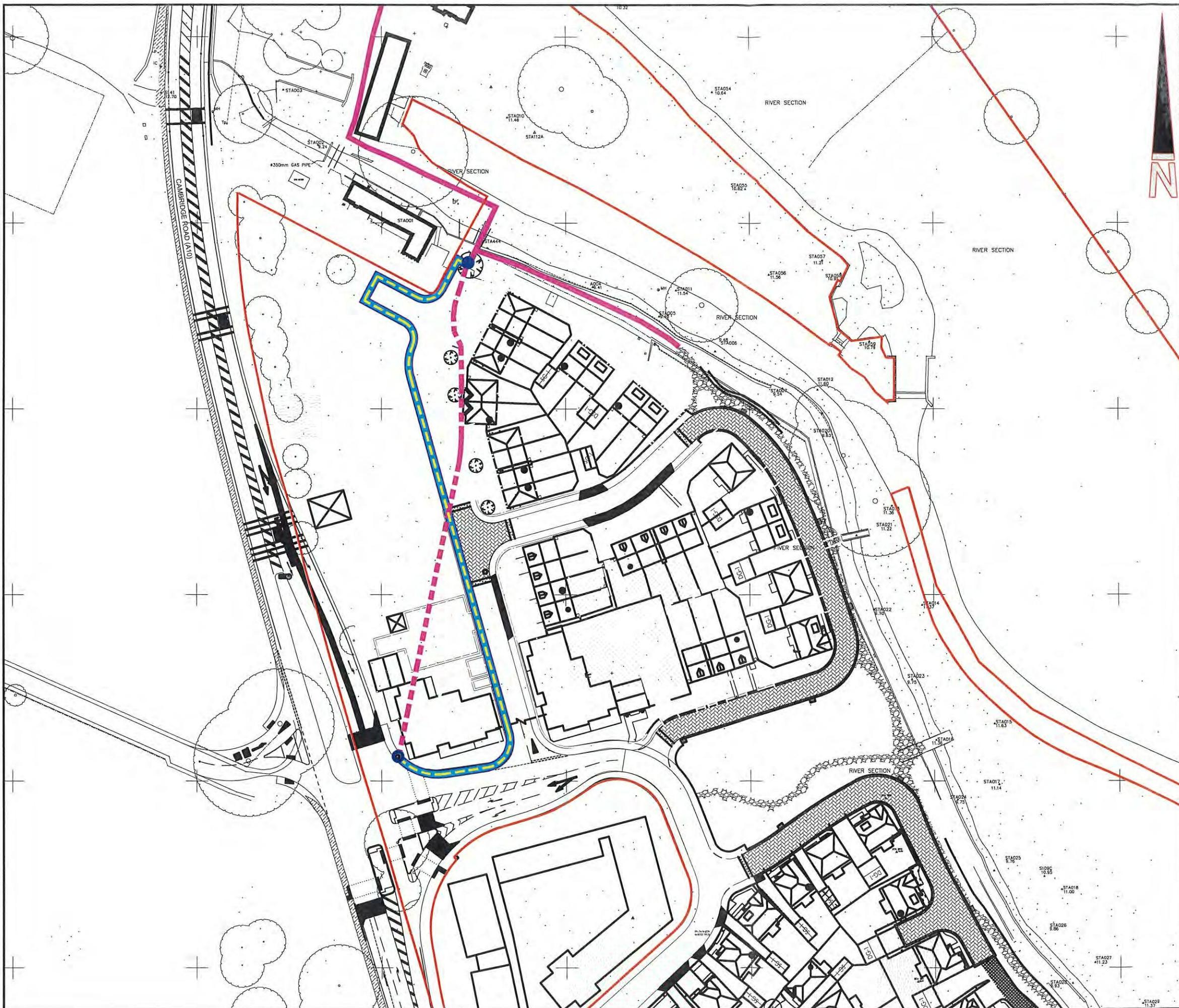
Extensive landscaping is being undertaken in order to improve the land to the north of the site which the diverted footpath will lead to. A habitat creation and management plan is to be implemented in order to enhance the ecological significance and also protect the biodiversity of the site, especially around the Riddy Brook and River Cam. This plan will include measures such as planting native plant species and the maintenance of new/existing flora. The existing treatment to the Riddy Brook will be significantly enhanced to create a picturesque corridor with new footways and seating areas, that will be easily reached using newly diverted footpath.

Please refer to enclosed plan 2375-22-04-01 for the route of proposed diversion.

Summary:

The footpath diversion subject of this application represents a variation to the existing route and does not deviate significantly from the existing right of way.

The visual outlook of the proposed route will offer an improvement to the historic route where the path was leading through a barren landscape and was separated from the former Bayer Cropscience site by a temporary means. The proposed diversion will also form part of a wider network of both new and existing paths to maximise the amenity spaces of the Riddy Brook and River Cam.

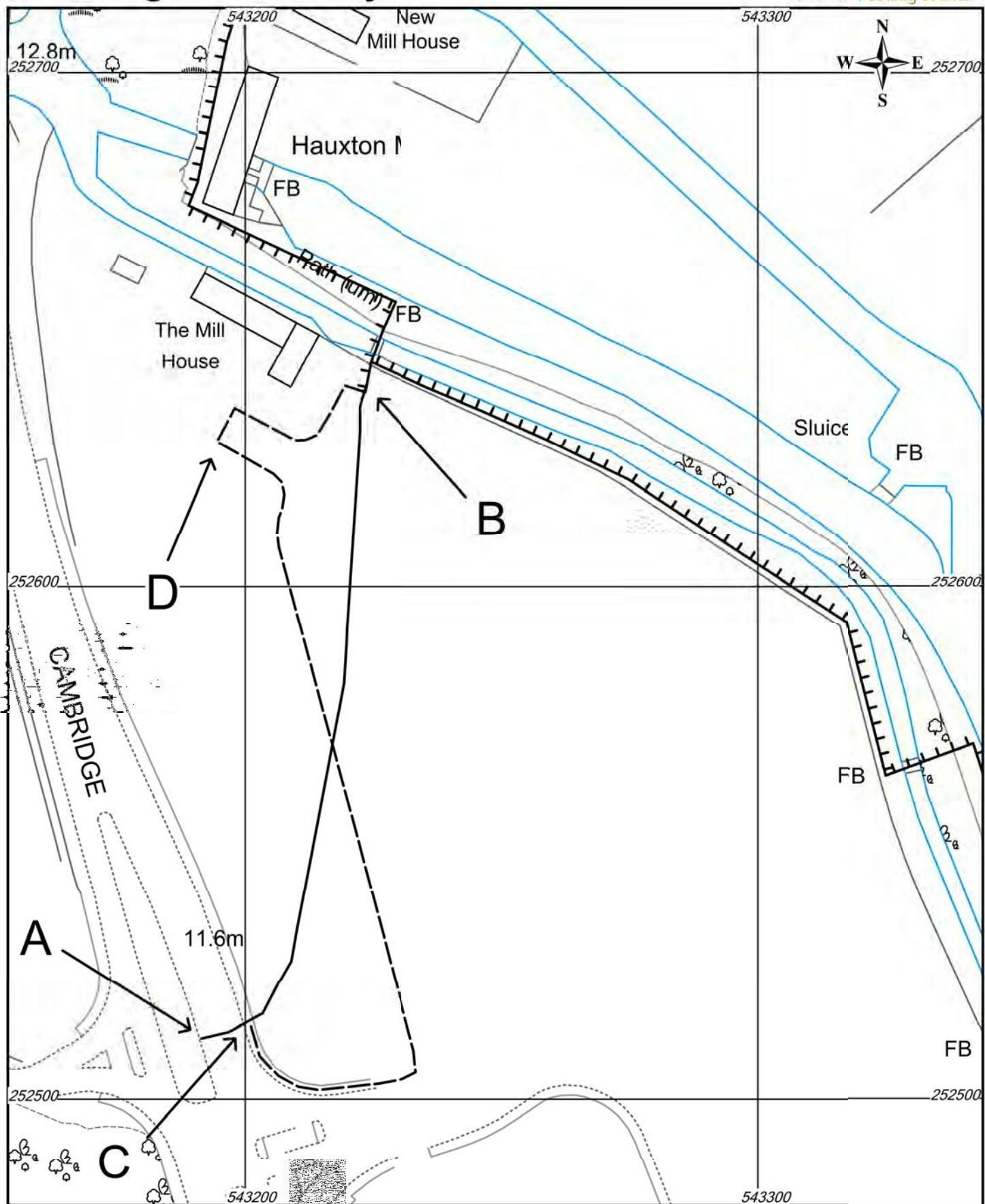


Site Address:
Former Bayer Cropscience
Cambridge Road
Hauxton, Cambridgeshire

Title: Footpath Diversion

Scale at A3: 1:1000
Dwg No: 2375-22-04-1
Rev: /
Drawn By: MW
Date of Issue: 23.05.17





Scale: 1:1000

Date: 21/07/2017

By: FN303

Key - Drawn from the Definitive Map

- | | |
|----------------------------------|-------|
| Public Footpath to be stopped up | — |
| New Route of Public Footpath | - - - |
| Unaffected Public Footpath | |



Appeal Decisions

Hearing held on 14 & 15 April 2016

Site visit made on 15 April 2016

by Lesley Coffey BA Hons BTP MRTPI

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

Decision date: 13 June 2016

Appeal Ref A : APP/W0530/W/16/3141984

Former Bayer Crop Science Site, Cambridge Road, Hauxton, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Redrow Homes South Midlands against the decision of South Cambridgeshire District Council.
 - The application Ref:S/0410/15/RM, dated 6 February 2015, sought approval of details pursuant to conditions No 3 of a planning permission Ref: S/2308/06/O, granted on 12 February 2010.
 - The application was refused by notice dated 21 July 2015.
 - The development proposed is the redevelopment of 8.7 hectares of previously developed land for a mix of uses including up to 380 dwellings, up to 4,000 sq metres of B1(A) office floorspace, no greater than 250 sq metres of A1 retail floorspace and the provision of open space and associated access engineering works.
 - The details for which approval is sought are: the layout, scale, appearance and landscaping in respect of part Phase 3 of the development.
-

Appeal B Ref: APP/W0530/W/16/3142753

Former Bayer Crop Science Site, Cambridge Road, Hauxton, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Redrow Homes South Midlands against the decision of South Cambridgeshire District Council.
 - The application Ref S/0409/15/RM, dated 9 February 2015, sought approval of details pursuant to conditions No 3 of a planning permission: S/2308/06/O, granted on 12 February 2010.
 - The application was refused by notice dated 22 July 2015.
 - The development proposed is the redevelopment of 8.7 hectares of previously developed land for a mix of uses including up to 380 dwellings, up to 4,000 sq metres of B1(A) office floorspace, no greater than 250 sq metres of A1 retail floorspace and the provision of open space and associated access engineering works.
 - The details for which approval is sought are: the layout, scale, appearance and landscaping in respect of parts of Phase 1 and Phase 3 of the development.
-

Decision

Appeal Ref A : APP/W0530/W/16/3141984

1. The appeal is allowed and the reserved matters are approved, namely the layout, scale, appearance and landscaping in respect of part of Phase 3 of the development submitted in pursuance of condition No 3 attached to planning permission Ref S/2308/06/O, dated 12 February 2010 subject to the conditions in the attached schedule.

Appeal B Ref: APP/W0530/W/16/3142753

2. The appeal is dismissed and approval of the reserved matters is refused, namely the layout, scale, appearance and landscaping in respect of parts of Phase 1 and Phase 3 details submitted in pursuance of condition 3 attached to planning permission Ref S/2308/06/O , dated 12 February 2010.

Preliminary Matters

3. As set out above there are two appeals. Both relate to reserved matters pursuant to outline planning permission granted in February 2010 for a mixed use development including up to 380 dwellings, up to 4000 square metres of office floorspace, up to 250 square metres of retail floorspace, open space and associated access engineering works. Permission for the demolition of the previous industrial buildings on the site and the remediation of the land was granted under Local Planning Authority reference S/2307/06/F. I have dealt with the appeals separately other than in the case of play space provision, where the relevant considerations in respect of both appeals are similar.
4. Reserved matters in relation to Phase 1 have been approved and construction of these dwellings has commenced. Phase 2 comprises the western part of the site south of the access road and it is intended that it will provide 70 extra care dwellings. An application in respect of this part site has been submitted to the Council, but has not yet been determined. The area to the west of the Phase 3 land is identified for employment purposes. Neither this, nor the Phase 2 land is owned by the appellant.
5. Appeal A relates to the northern part of the wider site adjacent to the Riddy Brook, and is known as Phase 3. It adjoins phase 1and proposes 14 dwellings. Appeal B includes some of the land within Phase 1 in addition to the land within Phase 3.
6. Both sites adjoin Old Mill House, a Grade II listed building. This forms part of a group of listed buildings, including Hauxton Watermill Bridge, Hauxton Watermill and the milestone at Hauxton Mill Bridge. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
7. In respect of Appeal B, the fifth reason for refusal, stated that there was insufficient information submitted to demonstrate that renewable energy measures would provide 10% of the energy requirements for the development

in accordance with condition 8 of the outline planning permission. During the course of the Hearing the Council accepted that the revised energy statement approved by the Council SCDC on 3 August 2015, provided sufficient information in relation to this matter and that this reason for refusal had been adequately addressed. I share this view.

8. At the Hearing the appellant submitted additional information in relation to the sixth reason for refusal. This stated that there was insufficient information to demonstrate that the proposal would accord with the previously approved remediation strategy for the site. The evidence was of a technical nature and the Council was provided with an opportunity to seek professional advice on this matter. The Council subsequently confirmed, by letter dated 25 April 2016, that this matter could be addressed by way of a suitably worded condition. In the light of the evidence submitted to the Hearing I have no reason to reach a different conclusion.
9. The appellant submitted a number of additional plans and documents prior to, and at, the Hearing. The Council was concerned the late submission of some of these documents could be prejudicial to its case. The matters addressed in the Heritage Statement were directly relevant to the matters in dispute between the parties. It provided an assessment of the impact of Appeal B on the setting of the listed building, and aside from some historic maps, did not include any substantive new evidence. The matters addressed within it were matters that the Council would reasonably be expected to address at the Hearing, namely the significance of the setting of the heritage asset and the effect of the proposal on that asset. Therefore I do not consider that the Council would be prejudiced by the submission of this document.
10. The appellant submitted three street elevations, namely plans number: 15006 (B) 505 rev A, 5006 (B) 510 rev A and 15006 (B) 500 rev A 1. These show the proposals in context and views through the proposal towards Old Mill House. I appreciate that the elevations in relation to the extra care housing are based on an application which has yet to be determined.. Notwithstanding this, the plans were submitted for illustrative purposes and do not alter the nature of the submitted scheme, as such they are not prejudicial to the Council. I have taken all of the above information into account in reaching my decision.
11. Further information was submitted in relation to the open space and play areas on the appeal site, including details of the landscape management proposals (approved by the Council on 6 November 2015). This information had all previously either been submitted to, or seen by the Council and therefore it would not be prejudicial to the Council.

Main Issues

Appeal A

12. I consider the main issues to be :

- Whether the proposal would provide the high quality public realm sought by development plan and national planning policies, with particular regard to the layout of the site and views of Old Mill House;
- Whether the proposal would provide satisfactory living conditions for future occupants with particular regard to privacy and overlooking; and

- Whether the proposal would make satisfactory provision for children's play space.

Appeal B

13. I consider the main issues to be:

- The effect of the proposal on the setting of Old Mill House;
- Whether the proposal would deliver the high quality design sought by development plan and national planning policies, and its effect on the character and appearance of the surrounding area;
- Whether the proposal would provide satisfactory living conditions for future occupants with particular reference to outlook, sunlight and amenity space;
- Whether the proposal would make satisfactory provision for parking; and
- Whether the proposal would make satisfactory provision for children's play space.

Reasons

Appeal A

Design

14. The site is located towards the north western part of the site, adjacent to Riddy Brook and to the west of Old Mill House. The proposal is for two storey dwellings similar in style to the dwellings under-construction on Phase 1. It is a roughly triangular site and fronts the main estate access road, Riddy Brook, and an internal estate road. Dwellings 9 & 10 would face towards the main estate road and are situated forward of the building line of the proposed dwellings on plots 5-8.
15. The proposed estate road and footpath show a uniform alignment along the majority of their length and this is reflected by the proposed dwellings at plots 39-42 and 5-8. The proposed dwellings 9 and 10 would be no closer to the highway than the previously permitted apartment block B which is situated immediately to the south of unit 39. Due to the alignment of the road Old Mill House would be a focal point in views from the south. The proposed dwellings on plots 9 and 10 would not obstruct these views.
16. The flank elevation of dwelling 9 would be noticeable in views from along the length of the access road. Dwellings 9 and 10 would be of an Arts and Craft style design, with a varied roof form. The flank elevation would be relieved by the proposed windows, and brick detailing to the ground floor, as well as the porch area to dwelling 9. The arrangement of the buildings would be consistent with the masterplan submitted at the time of the outline application. This shows a varied building line along this part of the access road in a manner that is not dissimilar from the proposed layout.
17. The proposed parking would be located to the side and rear of dwellings 9 and 10 and would allow a more substantial area of landscaping to the front of these dwellings. It would therefore provide some visual relief from the frontage parking which characterises the proposed dwellings to the south. The Council

suggest that this arrangement is inconsistent with the Design and Access Statement (DAS) which accompanied the outline application. Amongst other matters this sought to ensure that Old Mill House could be viewed from central locations within the development and that proposals respected the alignment of Mill Lane and the access to the Mill and Riddy Brook Bridge.

18. The alignment of the access road is similar to that shown on the masterplan within the design and access statement. The principal difference is that the turning head and access to the employment site has enabled the most northern part of the access road to align with Riddy Brook Bridge. The alignment of the access road would permit views of Old Mill House from the central part of the overall site in a similar manner to that shown on the masterplan.
19. The flank elevation of dwelling 14 would face towards Riddy Brook. This boundary would be enclosed by way of a brick wall and the submitted landscape scheme indicates substantial landscaping in this area. The Council approved a similar arrangement in respect of dwelling 103 which forms part of Phase 1. In my view this dwelling would not contribute to a poor urban environment.
20. The vehicular access to dwellings 1-4 would also extend along the boundary with the public open space adjacent to Riddy Brook. The parking spaces and garages associated with these dwellings would be set back behind the dwellings. An area of landscaping would separate the access from the footpath by a distance of between 3 and 6 metres. The submitted landscape scheme includes planting to this frontage and would separate it from the wildflower area adjacent to the brook. Therefore whilst the access road and parking areas may be noticeable from the footpath, it would not be unduly dominant. Moreover, I note that the Council has approved a similar arrangement in several other locations throughout the development, including at units 15-19.
21. The Council consider that the parking spaces and garage between units 4 and 5 are not well integrated with the street scene. The boundaries between the rear gardens of these properties and the street would be enclosed by a brick wall. The proposed landscaping adjacent to unit 5 would be modest in extent. Notwithstanding this, these dwellings would be situated opposite a terrace of 4 dwellings, and when viewed in the context of the street scene as a whole, including the area of landscaping adjacent to dwelling 15, I consider that the proposal would provide a satisfactory public realm.
22. I conclude that the proposal would provide the high quality public realm as sought by policy DP/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted 2007) which seeks a high quality of design in all new development, and the National Planning Policy Framework(NPPF).

Living Conditions

23. The Council is concerned that future occupants of the proposed dwellings would be subject to an unacceptable degree of overlooking and poor levels of privacy due to inadequate back to back distances between some of the dwellings.
24. Amongst other matters, policy DP/3 requires proposals to avoid harm to residential amenity. More detailed guidance is provided by paragraph 6.68 of the *District Design Guide: High Quality and Sustainable Development in South*

Cambridgeshire Supplementary Planning Document (SPD) (adopted 2010) specifies a minimum distance of 25 metres between rear or side building faces containing habitable rooms. It explains that this distance can be reduced where the alignment of opposing windows is significantly off-set.

25. The distance between dwellings 10 and 1 would be about 21 metres. Whilst this falls short of the requirement specified within the SPD, these dwellings are significantly off-set from each other and direct views would be mitigated to some extent by the intervening garage to unit 1. Dwellings 8 and 2 would be separated by a distance of about 23 metres, but would be significantly off-set from each other, and would therefore comply with the guidance within the SPD. I am satisfied that there would be sufficient separation to ensure that the future occupants of these dwellings would enjoy an acceptable standard of privacy.
26. The SPD specifies a minimum separation of 12 metres between any blank walls and any neighbouring windows that are directly opposite. Dwelling 11 would face towards the end of the rear garden of number 1, whilst dwelling 12 would be separated from the flank elevation of the single storey garage of the same property by a distance of 10.4 metres. Whilst this falls short of the standard within the SPD, having regard to the pitched roof of the garage there is no evidence to suggest that this arrangement would give rise to any significant loss of privacy to the occupants of either dwelling.
27. Whilst in some instances the proposal would fail to achieve the separation distances recommended by the SPD, the proposed dwellings would nevertheless accord with its aim in that future occupants would benefit from an acceptable level of privacy. I therefore conclude that the proposal would provide satisfactory living conditions for future occupants and would not conflict with policy DP/3.

Appeal B

28. Appeal B is put forward as an alternative to part of phase 1 and phase 3. Together with the dwellings in the remainder of Phase 1 there would be a total of 285 dwellings.

Effect of the proposal on the setting of the listed building

29. Old Mill House dates from about 1700. It is a two storey, L-shaped building with an attic. The significance of the building is derived from its 18 century vernacular architecture and its historical interest as part of the group of buildings which include the mill race and river. It is these buildings and features that make the greatest contribution towards the setting of the building.
30. Historically the Mill House would have been viewed in the context of the farmhouse and farm buildings on the site, and it is probable that these would have screened views of the building from the south. These buildings were replaced by the chemical works which were in place from about the 1940s until recently. Based on historical photographs, it would seem that the chemical works included a number of large buildings, many of which had the appearance of industrial sheds. A tarmac parking area extended up to the main elevation of the listed building. Whilst these buildings would have replaced the historic

setting building and would have has a considerable negative effect on its setting, they have been removed as part of the redevelopment of the site.

31. At the present time the appeal site is a cleared site. Whilst it permits views towards the listed building, it does not contribute to its architectural or historic significance.
32. The appeal scheme proposes 4 blocks of flats, each 3 storeys high and arranged either side of the access road. The proposed apartments would be located between 40 -60 metres to the south of the building. The intervening area to the east would be occupied by an area of open space, whilst to the west the area would be occupied by employment land. The arrangement of the buildings would provide a vista towards Old Mill House.
33. Due to the position of the blocks and their size, the open space would not form part of the vista and would only be apparent in closer views. The scale of the buildings would greatly exceed that of Old Mill House. Due to the height, length and massing of the proposed buildings they would dominate views from Old Mill House.
34. Notwithstanding this, due to the trees adjacent to the Riddy Brook and those of the north side of the brook, the proposed flats would not have a significant effect on the setting of the listed mill building. The open space and the footpath to the south east of Old Mill House would considerably enhance views of the listed building from the proposed footpath adjacent to the brook and from the existing public footpath adjacent to Riddy Brook.
35. Whilst the proposed buildings would not be sympathetic in scale to the listed buildings, they would represent a significant enhancement by comparison with the building previously on the site and the site at the present time. It would not harm the historic or architectural significance of the building. Having regard to the proposed open space and the distance of the flats from the listed buildings, I consider that overall the proposal would enhance the setting of the listed buildings by comparison with the existing situation, or the previous chemical works. I therefore conclude that the proposal would not harm the setting of Old Mill House.

Design

36. The proposal would comprise 4 'L-shaped' blocks arranged in a rectangular formation thereby forming a semi-enclosed courtyard area which the Council describe as a 'hollow square'. Blocks A and B would be separated from C and D by an estate road which would provide access to the future employment land. A footpath would provide a pedestrian link with Riddy Brook Bridge. The blocks would be located to the north of the access road and would extend from Cambridge Road (the A10) up to the proposed public open space adjacent to Riddy Brook.
37. The blocks would be 3 storeys high with curved aluminium roofs and brick and render elevations. They would incorporate projecting balconies and roof detailing at the corners which would provide visual interest and reduce the bulk of the buildings. Parking would be located within a semi-basement area. A single storey cycle storage building would be used to link blocks A and B and a further cycle store would link blocks C and D. The cycle stores would screen

- views of the access to the parking area and the surface parking from outside of the development.
38. The proposal would be substituted for part of Phase 1, the remainder of which comprises predominantly 2 and 3 storey detached houses. The appeal site would be separated from these dwellings by the play area and ecological area, and would be located to the north of the access to the site. It would be adjoined by phase 2, which it is intended would provide extra care housing.
39. There is an application before the Council in relation to this part of the site, which shows a part 3/part 4 storey high, linear building, similar in style to the appeal scheme. Whilst the weight to be afforded to this current application is limited, in that there is no certainty that it will be approved, given the nature of the proposed use, the outline permission for the site, and the requirement within the s106 to provide 70 extra care dwellings, I consider that it is probable that any scheme in relation to the extra care housing is likely to be 3 or more storeys high.
40. The Council consider that the appeal site occupies a sensitive rural location close to the Green Belt, and due to the contemporary style of proposed apartments would not relate to Phase 1 or the existing development within Hauxton Village. Policy DP/2 seeks a high quality of design in all development, including a good interrelationship between buildings, routes and spaces. I consider this approach to be consistent with paragraph 57 of the NPPF which confirms that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Whilst amongst other matters paragraph 58 states planning decisions should aim to ensure that developments should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; and are visually attractive as a result of good architecture and appropriate landscaping.
41. Whilst the wider site extends close to the village boundary, the appeal site is separated from the village by a considerable distance. Having regard to the intervening dwellings which comprise part of Phase 1, I consider that the proposal would have no appreciable impact on the character or setting of Hauxton Village and therefore in this regard it would not conflict with policy DP/3. Having regard to the previous development on the site, and the DAS I do not consider that the appeal site occupies a particularly sensitive location. It would be separated from the houses to the south by the play area and access road. I therefore consider that a change in the scale and form of development on this part of the site is not unacceptable in principle, provided it delivers the high quality design sought by policy DP/2 and the NPPF.
42. Although blocks A and B would have a combined length of 85 metres, in views from the A10, due to the separation provided by the cycle store, they would appear as two distinct blocks. The splayed corner feature to each block would reduce the apparent length of the blocks as perceived from the A10.
43. The corner of Block C would extend almost up to the footpath adjacent to Riddy Brook. The ground floor of this block would be elevated above the ground level, nevertheless, I consider that the height and proximity of block C to the footpath would provide an uncomfortably close relationship for both the occupants of these dwellings and those using the footpath. Through the

creation of a pinch point block C would interrupt the natural flow of the surrounding open space, and would appear as a cramped form of development. It would significantly impair the quality of the proposed public open space adjacent to Riddy Brook.

44. The arrangement of the blocks would provide external elevations towards Old Mill House, Riddy Brook, the A10 and the housing development to the south. The area enclosed by the blocks would provide the amenity area for future occupants, and would be bisected by the estate road. This arrangement would provide views towards Old Mill House and the future employment area. Whilst these views would add interest, access to the car parks, the courtyard parking and bin stores would detract from these views. These elements appear to be unrelated to the form or layout of the proposal rather than an integral part of the design. Overall, the proposal by virtue of scale and arrangement of the blocks the proposal would provide a poor quality public realm and amenity space.
45. I therefore conclude that and would fail to deliver the high quality public realm sought by the NPPF and policy DP/2.

Living Conditions

46. The opposing north-south windows within this courtyard would face towards each other, but would be separated by a distance of about 50 metres, whilst the east –west windows would be separated by a distance of about 68 metres. In both cases this would considerably exceed the separation distance specified by the SPD and occupants of these flats would not be subject to overlooking from windows opposite. Due to the form of the individual blocks there is potential for some overlooking between flats, however, the internal the arrangement of the flats and the interruption to views provided by balconies would avoid any casual overlooking between dwellings.
47. The floor level of the ground floor flats would be elevated above the courtyard level by about half a storey. Therefore anyone approaching the flats on foot would not have a view into the ground floor dwellings.
48. The majority of the proposed flats would be single aspect. A number of the flats within Blocks A and B would face towards the A10. However beyond the A10 the occupants of these dwellings would overlook open land. The outlook from these dwellings would be comparable with some of the previously approved dwellings in Apartment block A and would provide an acceptable level of amenity.
49. The flats facing towards the courtyard would be separated from the proposed parking area by a distance of between 7 metres and 16 metres, although in some cases there would be intervening refuse storage buildings. The access to the potential employment land would also pass between the proposed blocks.
50. A number of the proposed dwellings would be north facing, with an outlook towards the courtyard, employment land or open space. Due to the height of the proposed buildings, some of the amenity areas and dwellings would be overshadowed for a significant amount of the day.
51. Overall, the scheme would fail to provide an adequate visual or recreational amenity area for future residents. I acknowledge that north facing dwellings are not unacceptable in principle. Nonetheless, many of the proposed

dwellings are single aspect, and the poor outlook and aspect of some of these dwellings, and together with the overshadowing to the amenity areas would combine to provide unsatisfactory living conditions.

52. For the most part there would be sufficient space around the outer elevations of the proposed buildings to provide an adequate standard of privacy for those wishing to use their balconies, although in some instances it may be necessary to modify the landscape scheme in order to provide an appropriate buffer. However, the corner of Block C would extend very close to the proposed public footpath and the pinch point created by the footprint of the building would be likely to significantly impair the privacy and amenity of the occupants of these flats.
53. I therefore conclude that the proposal would fail to provide satisfactory living conditions for future occupants and would conflict with NPPF paragraph 57 which seeks a high quality and inclusive design for all development, including public and private spaces.

Parking

54. DPD Policy DP/3 requires car parking appropriate to the nature, scale and economic viability of the proposal to be kept to a minimum. Policy TR/2 requires parking to be provided in accordance with maximum standards, which in the case of the appeal scheme would require an average of 1.5 spaces per dwelling and would equate to 198 spaces as against the 170 currently proposed.
55. The Council consider that the site is poorly located in terms of services and facilities and does not benefit from good transport links. Therefore it submits that provision should be made for 183 parking spaces together with an additional allowance for visitors.
56. The appeal site is situated on the edge of a village, a short distance from the Trumpington Park and Ride. The appeal scheme includes provision for a cycle route to the Park and Ride. In addition, the s106 Agreement in relation to the outline permission provides for a subsidised shuttle bus service from the appeal site to the Park and Ride site. The service will operate until late evening Monday to Saturday. There is a shop and primary school within the village, and provision for a potential shop within the appeal scheme. There will also be future employment opportunities on the wider site, within the employment land area and also within the extra care housing. I therefore do not consider the site to be particularly isolated from services, facilities or employment. The location of the site, together with the shuttle bus service will promote sustainable patterns of travel and future residents will not be reliant on the use of a car for their journeys.
57. The proposal would not provide the maximum level of parking sought by policy TR/2, however, paragraph 29 of the NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. In my view the location of the appeal site, together with the shuttle bus, would provide future residents with a range of sustainable travel choices. I therefore conclude that the proposal would make adequate provision for parking and would be consistent with the aim of policy DP/3 and the NPPF.

Play Space

58. The Council considers that neither proposal makes adequate provision for children's play space. Policy SF/11 and *Local Development Framework Open Space in New Developments SPD* (Adopted 2009) both set out requirements for the provision of open space. Policy SF/11 requires the provision of 0.8 hectares of children's play space per 1,000 people, whereas the requirement within the SPD is based on the size of the dwelling and gives rise to a higher overall requirement by comparison with policy SF/11.
59. An SPD can be used to provide further guidance on particular issues, such as the provision of open space. It is therefore capable of being a material consideration in planning decisions. Nevertheless, an SPD is not part of the development plan and the policies and guidance within it should not conflict with the development plan. Therefore the open space requirements within the SPD cannot replace those within the adopted Local Plan.
60. The Council's play space requirement is based on the size of the proposed dwellings, whereas the appellant's calculations are based on the level of provision set out at Local Plan policy SF/11. For the reasons given above, I prefer the appellant's calculations.
61. The appellant's calculations indicate that Appeal A would require the provision 0.268 hectares of children's play space in respect of the 14 dwellings proposed. When taken together with the previously permitted dwellings on the wider site the requirement would increase to 0.4303 hectares. Appeal B would require the provision of 0.1422 hectares for the proposed flats. Together with the 153 dwellings on Phase 1 there would be an overall requirement for 0.4938 hectares.
62. The open space plans submitted by the appellant indicate that a total of 0.5636 hectares would be provided in the case of scheme A and 0.98 hectares in the case of scheme B. In both cases the level of provision exceeds that required by the development plan.
63. The Council is also critical of the quality of the play space provided. The play area within scheme A is located adjacent to Riddy Brook and adjoins the play space provided within Phase 1. It is overlooked by family dwellings and is linked by a footpath to the equipped play area (LEAP) and the kick-about area.
64. In terms of scheme B, the play area would wrap around the proposed flats. I agree with the Council that the areas adjacent to blocks A and B would not provide good quality play space due to their size, proximity to the A10, the access road to the development and the employment land. Nonetheless, even if these areas are excluded from the appellant's calculations the proposed play space would still substantially exceed the requirements of policy SF/11.
65. The majority of the play space would wrap around blocks C and D. They would be generous in size and would include an informal beach area adjacent to Riddy Brook. It would relate well to the play space provided within Phase 1 and other recreational land close to the appeal site. The Council suggest that the area is not overlooked by family dwellings, however the proposal includes a number of two bedroom flats and the proposed play space would meet the needs of children within these flats as well as other children within the development.

66. Overall, I conclude that both schemes would make satisfactory provision for children's play space and would comply with Local Plan policy SF/11.

Overall Conclusion - Appeal A

67. I have found the appeal proposal to be acceptable in terms of design and layout, living conditions for future occupants. The proposal would also make acceptable provision for children's play space. I conclude that the proposal would comply with the development plan as a whole and would be consistent with the outline permission. I therefore conclude the appeal should be allowed.

Overall Conclusion - Appeal B

68. The proposal would not harm the setting of Old Mill House. It would also make adequate provision for car parking and children's play space. As acknowledged by the Council, it would make satisfactory provision for renewable energy. The proposal would also deliver benefits in terms of additional housing and would permit the completion of development on a site that requires substantial remediation. These considerations add weight in favour of the proposal.
69. However, the proposal would fail to deliver the high quality design sought by national and local planning policies and would not provide satisfactory living conditions for future residents. Furthermore, the delivery of housing and the remediation works could be provided by an alternative scheme which would not give rise to the harm identified above.
70. The NPPF sets out a presumption in favour of sustainable development. Paragraph 6 explains that regard must be had to the Framework as a whole in determining what the concept of sustainability means in practice. The appeal site is accessible to a range of services and facilities, and residents would not be unduly reliant on the use of their cars. The proposal would also allow the completion of development on a site which requires remediation, and would contribute to the supply of housing.
71. Economically, the development would bring short-term advantages in respect of jobs. In the longer term it would increase household spending in the area, and would support economic growth through the provision of housing and the creation of jobs in local services to meet the additional demands arising from the development.
72. The proposal would contribute to the social role of sustainability through the provision of open space. Notwithstanding this, the NPPF is clear that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. For the reasons given above, the proposal would fail to deliver a high quality public realm sought by local and national planning policies.
73. The Council acknowledges that it is unable to demonstrate a five year supply of housing land. In these circumstances paragraph 49 of the NPPF states that the relevant policies for housing should not be considered up to date. However, in the case of the appeal proposal, the principle of the residential development of the site is acceptable and there is no alleged conflict with policies for the supply of housing.
74. The NPPF is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character

and quality of an area and the way it functions. Looked at in the round, I conclude that the proposal does not represent sustainable development. Therefore the presumption in favour of sustainable development at paragraph 14 of the NPPF does not apply.

75. Taking account of all relevant material considerations, including that the housing land supply situation, I conclude that the appeal should be dismissed.

Conditions Appeal A

76. I have considered the suggested conditions in the light of discussions at the Hearing, the advice at paragraphs 203 and 206 of the NPPF and the PPG. I agree that the parking and turning areas should be provided before the dwellings associated with them are occupied in order to ensure adequate parking provision within the development. In the interests of sustainability I agree that the cycle parking should be provided prior to the occupation of the dwellings. A Construction Method Statement is required in order to limit the impact of the proposed construction works on the surrounding area, including the highway network.
77. Plan numbers 15006(D) 048 rev B, 15006(D) 073 rev B and 15006(D) 075 do not reflect the changes to the layout of the site. Therefore with the exception of plan number 15006(D) 048 rev B, which is a coloured version of the layout, a condition is necessary to require the elements shown on these plans, namely the boundaries plan and the parking plan to site to accord with the revised layout.
78. Details of the proposed materials are shown on the submitted plans therefore as separate condition requiring the submission of these details is not necessary. I have included a condition specifying the relevant drawings as this provided certainty.

Conclusion

Appeal Ref A : APP/W0530/W/16/3141984

79. For the reasons given I conclude that the appeal should succeed.

Appeal B Ref: APP/W0530/W/16/3142753

80. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Peter Goatley	Of Counsel
David Bainbridge	Planning Partner Bidwells
Julian Buttel	Coles Architect
Rob Bourn	Orion Heritage
Melissa Balk	Planner Bidwells

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Ballantyne Way	SBW
Stuart Reid	Solicitor South Cambridge District Council

INTERESTED PERSONS:

Juliette Wilson

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter dated 6 March 2016 notifying interested parties of arrangements for the Hearing
- 2 Committee Reports dated August and December 2009 submitted by appellant
- 3 Heritage Statement submitted by appellant
- 4 Modification to Planning Obligation dated 10 March 2016 submitted by appellant
- 5 Modification to Planning Obligation dated 24 November 2014 submitted by appellant
- 6 Front cover to Planning Statement dated November 2008 submitted by appellant
- 7 Schedule of open space requirement submitted by appellant
- 8 Energy Statement Rev C submitted by appellant
- 9 Forest of Dean DC v SoSCLG and Gladman Developments Ltd submitted by appellant

DOCUMENTS

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

- 1 List of suggested planning conditions submitted by Council
- 2 Email dated 25 April 2016 regarding play space submitted by Council
- 3 Letter dated 27 April 2016 regarding play space submitted by appellant
- 4 Email dated 13 May 2016 regarding play space submitted by Council
- 5 Email dated 13 May 2016 regarding play space submitted by appellant

PLANS

- A Plan no 15006(D)0055 Back to Back distances (Appeal A)
- B Plan No 15006(D) 056A Back to Back distances (Phase 1)

Appeal Ref A : APP/W0530/W/16/3141984

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 15006(D) 040 Rev B, 15006(D) 041, 15006(D) 047 Rev F, 15006(D) 074 Rev B, 15006(D) 077 Rev D, 15006(D) Rev, 15006(D) 078 Rev D, 15006(D) 080 Rev D, 15006(D) 200 Rev C, 15006(D) 1050 Rev A, 15006(D) 1053 Rev A, 15006(D) 1054 Rev A, 15006(D) 3127 Rev A, 15006(D) 3131 Rev A, 15006(D) 3140 Rev A, 15006(D) 3141 Rev A, 15006(D) 3142 Rev A, 15006(D) 4080 Rev A, 15006(D) 4081 Rev A, 15006(D) 4082 Rev A, 11-0515/INF/85 Rev P2 and 11563
- 2) The buildings, hereby permitted, shall not be occupied until parking and turning space has been laid out within the site in accordance with Plans ref: 15006(D)047 Rev F.
- 3) No development shall commence until a method statement has been submitted to and approved in writing by the Local Planning Authority detailing the process for construction and any effects this may have on the adopted public highway. Details shall include:
 - A scheme for the control, of mud, debris, dust on the adopted highway;
 - Pedestrian and vehicle movements and the control of contractors parking;
 - A routing agreement for site deliveries;
 - Timing of deliveries to the site;
 - Location of storage materials; and
 - Point of access to the site (for construction purposes).

The development shall thereafter be constructed and completed in accordance with the approved method statement unless otherwise agreed in writing with the Local Planning Authority.

- 4) Notwithstanding the details shown on plans 15006(D) 073 Rev B and 15006(D) 075, the layout of the scheme shall accord with layout shown on plan number 15006(D)047 Rev F.
- 5) The buildings, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with Plan refs: 15006(D) 047 Rev F and 15006(D) 1054 Rev A

**HIGHWAYS
MEMORANDUM**

To : James Stringer
Asset Information Definitive Map Officer
From : Richard Lumley
Assistant Director, Highways
Date : 12/09/18
Reference : P079
SUBJECT : Proposed diversion of Public Footpath No. 5 Hauxton

With reference to your report of 11th September, I agree with your recommendation that the proposed diversion of Public Footpath No. 5 Hauxton is acceptable to Cambridgeshire County Council as Local Highway Authority.

This approval should be reported to South Cambridgeshire District Council as Local Planning Authority for a final decision.



Stringer James

From: Kumar, Krishnaraj <Krishnaraj.Kumar@atkinsglobal.com>
Sent: 16 May 2018 05:38
To: Stringer James
Subject: No Objection: Proposal to Divert Public Footpath No. 5 Hauxton
Attachments: 1133990-517299.pdf; 2017-07-21 Hauxton 5 Plan.pdf; 2018-05-15 Consultation - Utilities.pdf

Dear Sirs,

New Roads and Street Works Act 1991 Stopping Up Order / Footpath Diversion / Extinguishment / Gating Order

No Objection

We refer to the below or attached order and confirm that we have no objections

Please email Stopping Ups to osm.enquiries@atkinsglobal.com

To enable us to process your application as quickly as possible, please ensure you include Grid References.

A copy of the Cable and Wireless process 4461 'Special Requirements relating to the external plant network of Cable and Wireless UK Services Ltd' is available on request. The process provides guidance on working in the vicinity of Cable and Wireless's apparatus.

IMPORTANT - PLEASE READ = Your Next Step?:

Where apparatus is affected and requires diversion, please send all the scheme related proposals that affects the Vodafone Network to c3requests@vodafone.com with a request for a 'C3 Budget Estimate'. Please ensure you include a plan showing proposed works. (A location plan is insufficient for Vodafone to provide a costing). These estimates will be provided by Vodafone directly, normally within 20 working days from receipt of your request. Please include proof of this C2 response when requesting a C3 (using the 'forward' option). Diversions may be necessary if the existing line of the highway/railway or its levels are altered.

Plant Enquiries Team
T: +44 (0)1454 662881
E: osm.enquiries@atkinsglobal.com

ATKINS working on behalf of Vodafone: Fixed 

This response is made only in respect to electronic communications apparatus forming part of the Vodafone Limited electronic communications network formerly being part of the electronic communications networks of Cable & Wireless UK, Energis Communications Limited, Thus Group Holdings Plc and Your Communications Limited.

PLEASE NOTE:

The information given is indicative only. No warranty is made as to its accuracy. This information must not be solely relied upon in the event of excavation or other works carried out in the vicinity of Vodafone plant. No liability of any kind whatsoever is accepted by Vodafone, its servants, or agents, for any error or omission in respect of information contained on this information. The actual position of underground services must be verified and established on site before any mechanical plant is used. Authorities and contractors will be held liable for the full cost of repairs to Vodafone's apparatus and all claims made against them by Third parties as a result of any interference or damage.



Please consider the environment before printing this e-mail

From: Stringer James [mailto:James.Stringer@cambridgeshire.gov.uk]

Sent: 15 May 2018 17:04

Subject: Proposal to Divert Public Footpath No. 5 Hauxton

Dear Sir or Madam,

Cambridgeshire County Council is consulting on a proposal to divert Public Footpath No. 5 Hauxton. This proposal is being considered under section 257 of the Town and Country Planning Act 1990. Please find attached a consultation letter and proposal plans.

Please let me know any comments by 12th June 2018. If this timescale causes you difficulty then please contact me.

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon,
PE29 6PY

Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



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James Stringer
Cambridgeshire City Council
Stanton Way Depot
Huntingdon
PE29 6PY

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 22/05/2018

Our Ref: EA_TE_Z5_3FWP_041304

Your Ref: P079 (cjb)

RE: Formal Enquiry, CB22 5HT, The Mill House, Off A10, Hauxton

Thank you for your enquiry which was received on 15/05/2018.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Cadent and/or National Grid therefore formally objects to these activities pending further consultation.

Cadent and/or National Grid objects to the Order on the grounds that the level of protection currently afforded to the apparatus it has in the subject land may be diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act, 1980.

See Assessment section below for details of how to deal with Cadent and/or National Grid's objection.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does **NOT** include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

How to deal with Cadent and/or National Grid's objection

There are two ways of removing this objection for Gas Apparatus:

1. By granting Cadent and/or National Grid an easement over the affected main(s). To do this you must send a cheque for £1,000 + VAT to cover the internal assessment costs. In addition, you will also be responsible for paying for the legal fees in connection with completing our standard Deed of Easement. Please inform us of your solicitor's contact details. Your solicitor will be advised of Cadent and/or National Grid's legal fees and will be required to provide a solicitors undertaking for costs. Please make the cheque payable to Cadent Gas Ltd and send to the address above. Upon receipt I will forward your Notice and a copy of this letter to our Easement Service Provider who will arrange for the easement to be processed. **The objection will only be lifted upon completion of the easement.**
2. Alternatively you can request that the affected main(s) are diverted or isolated. These works will be fully chargeable. Please send through your development plans so that we can send these off to our diversion team to issue you the budget estimate for any necessary works. **The objection will only be lifted upon completion of these works.**

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

Excavating Safely - Avoiding injury when working near gas pipes:

http://www.nationalgrid.com/NR/rdonlyres/2D2EEA97-B213-459C-9A26-18361C6E0B0D/25249/Digsafe_leaflet3e2finalamends061207.pdf

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

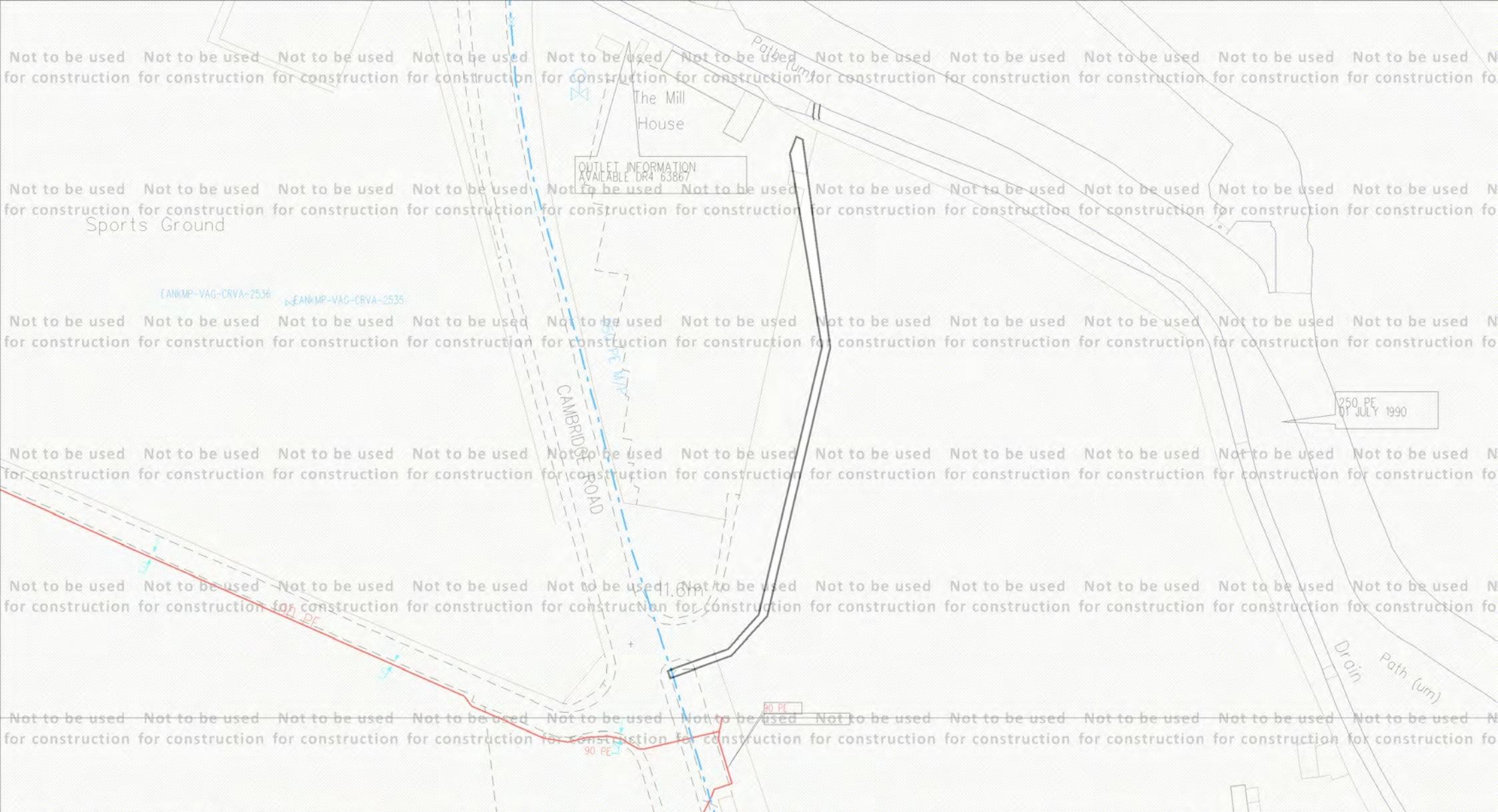
<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the National Grid Website:

<http://www.nationalgrid.com/uk/Gas/Safety/work/downloads/>



ID: EA_TE_Z5_3FWP_041304	View extent: 361m, 196m	Cadent and/or National Grid object(s) to this application	Map 1 of 1 (GAS)
USER: Carly.Bower DATE: 22/05/2018 DATA DATE: 21/05/2018 REF: P079 (cjy) MAP REF: TL4352 CENTRE: 543211, 252575	<p>LP MAINS </p> <p>MP MAINS </p> <p>IP MAINS </p> <p>LHP MAINS </p> <p>NHP MAINS </p> <p>0m 25m Approximate scale 1:1250 on A4 Colour Landscape</p> <p>Some examples of Plant Items: Valve Depth of Cover Syphon Diameter Change Material Change Out of Standard Service </p>	<p>This plan shows those pipes owned by National Grid Gas plc in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Gas plc or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.</p>	MAPS Plot Server Version 1.9.0 Your Gas Network Requested by: Cambridgeshire City Council This plan is reproduced from or based on the OS map by National Grid Gas plc, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024886

ENQUIRY SUMMARY

Received Date

15/05/2018

Your Reference

P079 (cjb)

Location

Centre Point: 543211, 252575

X Extent: 40

Y Extent: 131

Postcode: CB22 5HT

Location Description: CB22 5HT, The Mill House, Off A10, Hauxton

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 1250

Actual Scale: 1:1250 (GAS)

Real World Extents: 361m x 196m (GAS)

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Cambridgeshire City Council

Contact Name: James Stringer

Email Address: James.Stringer@cambridgeshire.gov.uk

Telephone: 0345 045 5212

Address: Stanton Way Depot, Huntingdon, PE29 6PY

Description of Works

SU. Town & Country Planning Act, Section 257. DB

Enquiry Type

Formal Enquiry

Activity Type

Highways

Notice Types

Notice Type: Section Notice (Town & Country Planning Act, Section 257)

Stringer James

From: >Plant Enquiries Team <PlantEnquiriesTeam@virginmedia.co.uk>
Sent: 30 May 2018 15:33
To: Stringer James
Subject: RE: Proposal to Divert Public Footpath No. 5 Hauxton VM.1106771
Attachments: VM.1106771.pdf; AFFECTED TEMPLATE VM.1106771.doc

Dear Sir/Madam,

Thank you for your recent enquiry regarding the above location.

The Plant Enquiries Team has now completed your search, and the results are attached. Please note that we try to provide maps where ever available. On occasions where our records show the area is not affected, you may receive a map showing apparatus in the close proximity.

Should you require any further assistance in this matter, please email - plant.enquiries.team@virginmedia.co.uk or call: 0870 888 3116 (Option 2)



Alason Jennifer Nathan | Field Service Administer
Virgin Media | **Plant Enquiries** |
Mayfair Business Park, Broad Lane, Bradford, BD4 8PW
T 0870 888 3116 Opt 2
Plant.enquiries.team@virginmedia.co.uk

From: Stringer James [mailto:James.Stringer@cambridgeshire.gov.uk]
Sent: 23 May 2018 16:07
To: >Plant Enquiries Team
Subject: RE: Proposal to Divert Public Footpath No. 5 Hauxton VM.1106771

Dear Steph,

The nearest grid reference is TL 43199 52659, post code CB22 5FP.

Please note that this consultation is regarding the legal diversion of a Public Right of Way. It is not a consultation of any physical works or construction. Therefore your response should note whether the diversion will impact you in terms of access to underground cables/pipes and whether easements and/or wayleaves are affected.

Thanks,

James Stringer
Asset Information Definitive Map Officer
Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon,
PE29 6PY
Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



From: >Plant Enquiries Team [mailto:PlantEnquiriesTeam@virginmedia.co.uk]

Sent: 21 May 2018 11:53

To: Stringer James <James.Stringer@cambridgeshire.gov.uk>

Subject: RE: Proposal to Divert Public Footpath No. 5 Hauxton

Hi,

Many thanks for your email,

Would you please help us with the post code and grid reference for the below enquiry, so that it will be helpful for us to send you the results.



Stephy Jaison

Virgin Media | **Plant Enquiries** |
Mayfair Business Park, Broad Lane, Bradford, BD4 8PW
T 0870 888 3116 Opt 2
Plant.enquiries.team@virginmedia.co.uk

From: Stringer James [mailto:James.Stringer@cambridgeshire.gov.uk]

Sent: 15 May 2018 12:34

Subject: Proposal to Divert Public Footpath No. 5 Hauxton

Dear Sir or Madam,

Cambridgeshire County Council is consulting on a proposal to divert Public Footpath No. 5 Hauxton. This proposal is being considered under section 257 of the Town and Country Planning Act 1990. Please find attached a consultation letter and proposal plans.

Please let me know any comments by 12th June 2018. If this timescale causes you difficulty then please contact me.

Kind Regards,

James Stringer

Asset Information Definitive Map Officer

Asset Information, Box No. STA2101, Cambridgeshire County Council, Stanton Way Depot, Huntingdon,
PE29 6PY

Direct Dial: 01223 715520 / Contact Centre: 0345 045 5212



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Hauxton FP5 – Current Route



Photo A – Point B looking south-west towards Point A.



Photo B – Looking towards Point A and egress onto Cambridge Road

Non-Motorised User Routes Adoption Criteria - Public Path Diversion Applications under S119 Highways Act 1980 and S257 Town and County Planning Act 1990

Subject area	Criteria		Maximum available score	Scheme	Notes
	No.	Item (SOA = Statement of Action in ROWIP)		Hauxton 5	
Consultations	1	Pre-application consultations have been carried out with the prescribed bodies.	Pass or Fail	Pass	Pre-app undertaken in June 2017
Consultations	2	The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Director Highways & Access as to whether or not that is appropriate.	Pass or Fail	Pass	The existing route is current open and available for public use. Redrow have erected fencing along the route to keep users out of the adjacent building site
Consultations	3	No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal. If the County Council consider the objection to be irrelevant, this will class as a pass.	Pass or Fail	Pass	A objection was received from the British Horse Society to the proposed route. However following a site meeting between Redrow and the BHS, their objection was withdrawn
Width	4	A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, the County Council may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.	Pass or Fail	Pass	The proposed route will be 2 metres wide throughout
Maintenance & Financial	5	If maintenance liability is significantly greater than existing, the landowner has agreed to undertake or fund future maintenance.	Pass or Fail	Pass	The proposed route will be constructed to the County Council Highway Specification
Equalities impact - Gaps & Gates	6	The proposed route would have no stiles or gates, or allows for access for people with mobility issues.	Pass or Fail	Pass	No gates or stiles are proposed
Equalities impact	7	Significant negative impact on a class of user - Equalities Act	-2	0	There are no gates, stiles, large gradients or any other impediment proposed
Equalities impact	8	Significant increase in accessibility - Equalities Act	2	1	The proposed route will be of a bound construction. This will provide a smooth surface which would be an improvement on the unbound surface of the existing route
Maintenance & Financial	9	Resolves long-term maintenance problems	3	0	There is no known maintenance issues with the existing route that would be resolved by this proposal
Maintenance & Financial	10	The proposed new route is not less convenient for maintenance than the original.	2	2	The proposal built to the County Council's Highway Specification should provide the County Council with a route with a lifespan of several decades. It is envisaged that minimal maintenance
Use of Land	11	The effect the order would have on the land served by the existing path and also the land across which the new path would run.	2	2	This diversion is required to allow Redrow to deliver approved planning permission
Connectivity	12	The proposed new route is substantially as convenient to the public as the original.	3	3	The proposed route would follow broadly the same route to the existing plan. The two termination points would remain unchanged
Connectivity	13	User enjoyment is similar to the existing route or is enhanced by the proposal	3	3	The existing route previously run adjacent to an industrial chemical site. The route would follow the adopted footway around the residential and commercial development. It is therefore not considered that user enjoyment will be affected by this proposal.
Connectivity	14	There are no other reasonable or viable alternatives	2	2	The approved planning layout does not allow for any reasonable or viable alternative route
Connectivity & Enjoyment	15	A suitable alternative path is provided for every path that is to be diverted.	1	1	
Connectivity & Enjoyment	16	The proposal maintains or improves usefulness of the Rights of Way Network	2	1	The alignment is broadly unchanged as our the termination points.
	Total Score out of 20 (Pass mark 70% ie 14)		20	15	

Scoring notes: A scheme must reach the threshold of 70% of maximum score in order to be adopted. However, schemes will still have to undergo their relevant legal process e.g. Public Path Orders through the formal consultation process, and may later be abandoned in accordance with the Council's Public Path Order Policy.

There are six Pass/Fail criteria relating to County Council requirements that must be met in order for an application to be considered. If an application fails one of these criteria, it fails regardless of its numerical score. Officers will then revert to the applicant to discuss their options.

For the numerically scored criteria, a 70% threshold must be met in order for an application to be taken forward. If an application passes the Pass/Fail criteria but fails the 70% numerical threshold, it will not proceed and officers will revert to the applicant to discuss their options.

If the maintenance liability incurred would be significantly greater than the existing, an application may still pass if a solution is agreed, such as a commuted sum or an agreement for a third party to maintain the route instead.