

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

13 February 2019

**AUTHOR/S:** Joint Director of Planning and Economic Development

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**Application Number:** S/2439/18/FL

**Parish(es):** Longstanton

**Proposal:** The erection of a 3 bedroom bungalow with parking

**Site address:** Land rear of The Retreat, Fews Lane, Longstanton, Cambridge, Cambridgeshire, CB24 3DP

**Applicant(s):** Mr and Mrs G Caddoo

**Recommendation:** Approval

**Key material considerations:** Principle of development  
Impact on the character of the area  
Impact on residential amenity  
Highways Matters  
Other Matters

**Committee Site Visit:** 12 February 2019

**Departure Application:** No

**Presenting Officer:** Alison Twyford, Senior Planning Officer

**Application brought to Committee because:** Wider Public Interest

**Date by which decision due:** 21 August 2018

### Executive Summary

1. The application seeks planning permission to erect a 3 bedroom bungalow and associated parking. Concerns have been raised by neighbouring properties regarding the access to the site and the decision making process. An amended site plan and new ownership certificate were sought to address these concerns and a full re-consultation of the application was undertaken. In order to ensure that all parties feel that they have been able to fully engage in the decision making process the application has been referred to the Planning Committee.
2. The siting, design and scale of the proposed dwelling is identical to that allowed at appeal on 27 September 2018 but this application has an amended red line site plan to display access up to the Public adopted Highway. The previous application was refused on grounds of highway safety and was appealed successfully. In the light of that decision and the details submitted with the current application, officers are of the view that the proposed development is acceptable.

### Planning History

3. S/2937/16/FL- Proposed erection of a 3-bedroomed bungalow with parking.-Appeal allowed. A copy of this decision is attached as appendix A.  
S/1498/15/FL- Erection of 2 dwellings- Approved  
S/2561/12/FL – Erection of 2 bungalows – Approved  
S/0999/14/FL – Extension and alteration to existing bungalow to provide a house – Approved

**Commented [RP1]:** Please refer to the separate paragraph on the strong fallback position that im recommending be inserted in the planning assessment and which is a material planning consideration

### Planning Policies

4. National Planning Policy Framework 2018  
National Planning Practice Guidance (NPPG)

5. **South Cambridgeshire Local Plan 2018**

S/1 Vision  
S/2 Objectives of the Local Plan  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Framework  
S/10 Group Villages  
CC/1 Mitigation and Adaptation To Climate Change  
CC/3 Renewable and Low Carbon Energy  
CC/4 Water Efficiency  
CC/6 Construction Methods  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
HQ/1 Design Principles  
NH/2 Protecting and Enhancing Landscape Character  
NH/4 Biodiversity  
NH/8 Mitigating the Impact of Development in and adjoining the Green Belt  
H/8 Housing Density  
H/16 Development in Residential Gardens  
SC/7 Outdoor Play Space, Informal Open Space and New Developments  
SC/11 Land Contamination  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments  
TI/10 Broadband

6. **Supplementary Planning Documents (SPD)**  
District Design Guide – Adopted 2010

### Consultation

7. **Longstanton Parish Council -**  
Amended Information Comments:  
I am writing on behalf of Longstanton Parish Council regarding the new site plan, new ownership certificate and advertisement connected with the erection of a 3-bedroom bungalow with parking at land rear of the Retreat, Fewes Lane, Longstanton, Cambridge.

Having considered the plans under item 18-19/137a, at a planning meeting of the

Parish Council held on 26th November 2018, the council have recommended this development for Parish Council OBJECTION wishing to reiterate their objections raised in July 2018 which are still in effect as the application has not been decided. In addition, the change in land ownership includes the addition of the whole of Fewes Lane (which was not clear on a very small map on a larger map supplied by the applicant) and councillors raised concerns that with the number of homes down the lane, would the landownership not be shared between all properties.

Original Comments:

Having considered the plans under item 18-19/48g, at a meeting of the Parish Council held on 9th July 2018, Longstanton Parish Council have recommended this development for Parish Council OBJECTION (as per their previous objection from November 2016 to a similar application made). Their objection is as follows:

the development would be over development of the site in both density and layout. Considering the original number of dwellings that were down the private track (also a well used public footpath) this additional dwelling would effectively double the number of dwellings from 3 to 6. Longstanton Parish Council raised concerns on all applications for this area and continues to be concerned about the increase in traffic for this single track drive and the affect this will have on highway and pedestrian safety.

**8 Environmental Health Officer –**

Amended information comments: I note the additions to the application to read: *New site plan, new ownership certificate and advertisement connected to the ownership certificate received.*

Please refer to attached memo for which should still apply to this application.

Should consent be granted, in addition to the attached, I would also request the informative below:

In the event of an air source heat pump being proposed, prior to the commencement of development, a noise impact assessment and insulation scheme detailing the technical details and sound power/noise output of the air source heat pump and any mitigation measures in order to minimise the level of noise emanating from the said plant and or equipment shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

Original Comments:

I would advise that the following conditions/informatives should be attached to any planning consent granted;

Conditions:

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

*Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.*

There shall be no burning of any waste or other materials on the site, without prior

consent from the environmental health department.

*Reason: To ensure nuisance is not caused to local residents.*

#### **Informatives**

The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

#### **9 Archaeology Officer -**

Amended information comments:

We have reviewed the above referenced planning application and I am writing to advise that the additional information received does not affect the advice previously issued by this department on 10/07/2018, namely that we have no objections or requirements for development within the redline area indicated (see attached).

Original comments:

I am writing to confirm that this site has previously been subject to an archaeological evaluation carried out in conjunction with earlier planning approval S/1498/15/FL (Cambridgeshire Historic Environment record reference ECB4360) and that consequently we have no further objections or requirements for development within the boundary of the evaluation area.

#### **10. Scientific Environmental Health Officer**

I wish to confirm that I have received a copy of the above application, and have considered the implications of the proposals in relation to potential risks from contaminated land. I have also reviewed the relevant sections of the Design and Access Statement submitted in support of the application.

The site is being developed into a sensitive end use (housing) and appears low risk in terms of contamination. The site does not appear to have previously been developed where the information provided within the design and access statement indicates that it served as a contractor's compound for the construction works of the adjacent plots in 2017. On this basis it is possible that some made ground may be present at the surface which does not meet the quality standards of modern domestic gardens.

As such I would advise that a Phase I Environmental Desk Study is required to determine whether the site is suitable for its proposed end use. It is likely that some spot-check confirmatory soil sampling in any proposed garden areas should also be employed to ensure the quality of soils are suitable for modern domestic gardens.

Unless this information is made available prior to determination of the planning application, please attach the following condition to the subsequent decision notice.

a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.

b) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

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

d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

e) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007

#### 11. **Local Highway Authority –**

(comments received 25.01.2019) The Highway Authority requests that the application be refused in its present format on the grounds of highway safety for the following reason:

Point 3.2.3 page 5 paragraph 2 – The delivery timings as proposed include for one of the busiest times for pedestrian movements along this street which is likely to increase conflict between the most vulnerable highway users and motor vehicles.

This request can be overcome if the applicant undertakes the following amendments: The Highway Authority would also require that no deliveries be made to the site/removals from site between the hours of 9.30 and 15.30.

Other comments:

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the existing Public Right of Way be constructed using a bound material, for the first ten metres from the back of the footway along High Street. Reason: in the interests of highway safety

In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

Original Comments:

The Highway Authority requests that the application be refused in its present format on the grounds of highway safety for the following reason:

The proposed Traffic Management Plan is insufficient to substantially guarantee the safety of highway users.

This request can be overcome if the applicant undertakes the following amendments: 3.2.5 : Details of the parties that the contractor will contact should be provided.

3.2.2 – reinstatement Paragraph 2:

Details of the length/street names of where the condition survey is to take place should be provided. The contractor must contact the Local Highway Officer for Longstanton to arrange a suitable time for a joint inspection of the adopted public highway.

Paragraph 6 – Please could the applicant clarify where the proposed wheel wash will drain?

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

No contractor/visitor motor vehicle parking will be permitted within the public adoptable highway at any time during the construction period

In accordance with the previous requests of the Highway Authority in connection with the development of this land (application numbers S/2561/12/FL,S/1498/15/FL and S/2937/16), please add the following condition to any planning permission the Planning Authority is minded to grant in respect of this proposal.

The access to Few's Lane from High Street shall be widened to a minimum width of 5m from a distance of not less than 5m from the boundary of the adopted public highway (in this case the back of the footway), to enable two domestic cars to pass each other with ease while both are off the adopted public highway. Reason: For the safe and effective use of the public highway.

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the amended access way be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway. The use of permeable paving does not provide sufficient long term surety of drainage and as such the Highway Authority will still seek positive measures to prevent private water entering the adopted public highway. Reason: for the safe and effective operation of the highway

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the amended access be constructed using a bound material, for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading onto the adopted public highway. Reason: in the interests of highway safety

In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

## **Representations**

12. 9 Letters of representation have been received in connection with the planning merits of the application which make the following points/raise the following concerns:

- Proposal not considered to be in character with surrounding pattern of development and therefore considered contrary to Policies (S/7a) (H/16 i), (H/16 iii) and sections 5.19-5.28 of the District Design Guide SPD
- Unacceptable levels of overshadowing, loss of privacy and loss of direct sunlight to the back gardens of both neighbouring dwellings contrary to Policy (H/16 ii) and the District Design Guide SPD. No daylight or sunlight analysis has been submitted as is required by the District Design Guide SPD
- No provision of adequate infrastructure for safe access contrary to Policies S/7c and H/16 iv

- Concerns traffic management plan will not give sufficient safety provision for neighbouring properties or users of Fews Lane
- The application also does not comply with the minimum requirements stated by the Cambridgeshire Fire and Rescue Service for access to dwellings. Specifically, the application does not provide sufficient carriageway width (minimum kerb-to-kerb width of 3.7 metres) or turning area for a fire appliance to approach within 45 metres of the dwelling as is required by the fire and rescue service and as is stated in the *Manual for Streets*.
- Suggestion that permitted development rights should be removed if approval recommended in order to protect residential amenity
- The application does not comply with Policy S/7 of the Local Plan, which requires that “development is of a scale, density and character appropriate to the location, and is consistent with other policies in the Local Plan”.
- The proposed development would create an increased and unacceptable risk to the safety of users of the public highway and users of the public footpath that extends through the application site.
- Concerns regarding noise that may be created by the development
- Concerns regarding possible smells and fumes if proper provision is not made to exhaust them
- More screening may be lost through the additional development to the original plot which has already lost habitat for wildlife
- There is no need to the additional property given the provision of new homes just up the road at Northstowe

### **Planning Assessment**

13. *Principle of Development*  
Policy S/2 of the South Cambridgeshire Local Plan sets out the Plan objectives based on principles of sustainable development. Policy S/3 provides a presumption in favour of sustainable development. In locating new residential development, policy S/6 sets out the development strategy based on a sequential approach to development.
14. Policy S/7 states that development and redevelopment of unallocated land and buildings within development frameworks will be permitted provided that:
  - a. Development is of a scale, density and character appropriate to the location, and is consistent with other policies in the Local Plan; and
  - b. Retention of the site in its present state does not form an essential part of the local character, and development would protect and enhance local features of green space, landscape, ecological or historic importance; and
  - c. There is the necessary infrastructure capacity to support the development;”
15. It is noted that representations have been raised which state the proposal is not considered to comply with this Policy on basis of criterion 1a. Officers have considered this point but do not agree that it would be contrary to Policy S/7 as the application is considered to of a scale, density and character appropriate to its location, and is consistent with other policies in the Local Plan.

16. Policy S/10 classifies Longstanton as a group village where residential development will be permitted of up to 8 dwellings. Therefore the principle of a new dwelling within the village framework as proposed would be considered acceptable subject to other material planning considerations discussed below.
17. Concerns have been raised by the Parish Council in relation to the density of the scheme. The site has an area of approximately 0.05 hectares and the proposed dwelling would have a density of 20 dwellings per hectare which is below the 30 dwellings per hectare usually sought by Policy standards. Given the constraints of the site adjacent to the other residential properties and the surrounding pattern of development a lower density is considered acceptable in this instance. Neither would the erection of an additional dwelling result in an excessive density of housing in the wider area. The proposal is considered to comply with the aims and objectives of Policy H/8.

#### *Design and Character*

18. Policy HQ/1 of the adopted Local Plan states that all new developments should preserve or enhance the character of the local area and be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportions and materials.
19. Policy HQ/1 also states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character.
20. Policy H/16 relates to development in residential gardens and states that:  
The development of land used or last used as residential gardens for new dwellings will only be permitted where:
  - a. The development is for a one-to one replacement of a dwelling in the countryside under Policy H/14 and/or:
  - b. There would be no significant harm to the local area taking account of:
    - i. The character of the local area;
    - ii. Any direct and on-going impacts on the residential amenity of nearby properties;
    - iii. The proposed siting, design, scale, and materials of construction of the buildings;
    - iv. The existence of or ability to create a safe vehicular access;
    - v. The provision of adequate on-site parking or the existence of safe, convenient and adequate existing on-street parking;
    - vi. Any adverse impacts on the setting of a listed building, or the character of a conservation area, or other heritage asset;
    - vii. Any impacts on biodiversity and important trees;
    - viii. Ensuring that the form of development would not prevent the development of adjoining sites
21. Concerns have been raised within the representations that the proposals are not considered to comply with the above policies.
22. The surrounding area has a mix of styles and designs of residential properties but is generally characterised by compact residential properties set within close proximity of one another. The character of this part Longstanton also comprises mainly detached dwellings which sit within modest plots. The proposal would comprise a single storey dwelling of a similar scale to that of the host dwelling at The Retreat. The new



dwelling will sit within a plot of a similar size to its direct neighbours and will sit in a rear position of what was originally one site, adjacent to other properties that have recently been built which have divided to the original plot now into 4.

23. The materials for the dwelling will consist of a natural slate roof with brick walls using Ibstock Ivanhoe cream buff multi-facing Brick with cream render finish to two sections of walling. Officers consider that such materials will be in-keeping with the surrounding buildings and contrary to the views provided in the representations consider that the proposals will be appropriate in terms of scale, mass, form, siting, design, proportions and materials.
24. The proposed dwelling is not considered to cause harm to the character of the area and is considered to comply with policies HQ/1 and H/16 of the adopted Local Plan 2018.

#### *Highway Matters*

25. A number of concerns have been raised in respect of Highways concerns from both the Parish and in local representations. The Highway Authority has also objected to the application stating "Point 3.2.3 page 5 paragraph 2 – The delivery timings as proposed include for one of the busiest times for pedestrian movements along this street which is likely to increase conflict between the most vulnerable highway users and motor vehicles.
26. This request can be overcome if the applicant undertakes the following amendments: The Highway Authority would also require that no deliveries be made to the site/removals from site between the hours of 9.30 and 15.30". Officers have considered the objection and have also considered if a condition which prohibits deliveries and site/removals could be applied to any application that may be granted to overcome this concern and ensure that there is no compromise to Highway safety.
27. In considering this Officers have also had due regard to the recent appeal decision relating to the same application site. Within the decision the Planning Inspector considered whether the construction of one additional dwelling would lead to an unacceptable impact upon highway safety. He concluded that it would not. The hours specified in the above paragraph were not specifically controlled through any condition and it was stated that "The application site is not unduly constrained. Traffic on the High Street is relatively light. None of these circumstances indicates a need for any particular requirements regarding construction traffic."
28. Considering the above material planning considerations of the consultee view, the previous planning history and the Planning Inspector's decision it is considered on balance that a reason for refusal of the application relating to highway safety grounds would not be reasonable in this instance.
29. Officers have also considered the recommended conditions relating to the levels and materials of the proposed driveway and the widening of the access to Few's Lane. In considering the proposed conditions Officers have again looked at the planning history for the application site, the planning history of adjacent sites and the Planning Inspector's decision of the recent planning appeal for the application site. It is noted that the appeal inspector imposed a surface water drainage condition controlling run-off from the new dwelling's driveway and accordingly, a surface water drainage condition is proposed. No other highway related conditions were attached to the Inspector's decision, and the previous request from the Local Highway Authority to widen the access at the top of Few's Lane was not attached to previous planning

decisions for other dwellings built adjacent to the application site.

30. In accordance with paragraph 55 of the NPPF, the Local Authority can only impose conditions which are reasonable. Officers note that a number of dwellings use the access off Fewes Lane and the addition of 1 no. dwelling to this access is not considered likely to have a significant impact that would warrant a change to the existing access onto the High Street. On balance, the proposed conditions are not considered to pass the reasonable or necessary tests of Paragraph 55 and are therefore not proposed for attachment in this instance.
31. The proposal accords with the adopted parking standards, and the level of vehicle movement is unlikely to be so significantly above the existing level that could realistically arise from the site that it would cause material harm above the proposal. On the whole, the proposal is considered to accord with policies HQ/1, TI/2 and TI/3 with regards to parking and highway matters.

#### *Residential Amenity*

32. The building would have an overall height of 5.1 m and an eaves height of 2.3 m. The site is bordered by residential properties on either side and a dwelling to the rear. Concerns have been raised in the representations regarding the possible and perceived impacts upon neighbouring residential amenity. Officers have considered the impacts in respect of residential amenity and have given particular weight to the findings of the Planning Inspector from the recent appeal decision.
33. This states (at paragraph 19) "The proposed dwelling would be single storey, and therefore would not cause any overlooking or overshadowing to other nearby properties. The site is in a residential area, where other properties are quite close to each other, and hence there is no reason to think that one more dwelling would be likely to add unacceptably to the level of noise, nor create unacceptable odours from cooking or refuse bins. In none of these respects is there any apparent likelihood of any significant adverse effects on neighbouring properties."
34. Officers generally agree with the view of the Planning Inspector. There would likely be a very small level of overshadowing to a small part of the rear garden of The Elms in the early part of the day and similarly a small amount of overshadowing to the rear garden area of 6 Mitchcroft in the latter part of the day. Nonetheless, officers are satisfied that the proposal would protect the health and amenity of neighbours and thus comply with Policy HQ/1 in this regard.
35. The internal layouts of the proposal have been assessed against the provisions of policy H/12 and are considered to provide a good standard of amenity that would allow the long term usability and sustainability of the proposed dwellings in accordance with policy H/12.
36. The Environmental Health Officer has recommended conditions for attachment in respect of working hours and burning of waste. The working hours condition is considered reasonable for attachment in accordance with Policy CC/6 but the burning of waste is not considered to pass the necessary or reasonable tests of paragraph 55 of the NPPF and is therefore not proposed for attachment.
37. The informative relating to an air source heat pump is considered reasonable for attachment.
38. Officers have considered the request in the representations that permitted

development rights are removed. A restriction on additional single-storey extensions so far as they amount to permitted development are not considered necessary or necessary or reasonable in order to protect concerns such as overlooking, overshadowing and loss of light. Similarly, the roof space is relatively shallow and the insertion of dormer windows or rooflights would result in oblique overlooking to the rear the Elms or have a back to back distance of approximately 22 metres with The Retreat. These relationships are not considered harmful enough to warrant the removal of permitted development rights in this regard.

#### *Drainage and Flood Risk*

39. It is noted that comments have been provided in respect of drainage. While limited information has been submitted in respect of surface water and foul water drainage, officers note the indication the proposal would include soakaway measures and a sustainable drainage system in respect of surface water would be satisfactory. Nonetheless, as stated above, a surface water drainage condition is recommended. Foul water drainage is detailed to be connected to the existing system and can be addressed through building regulation requirements.

#### *Other Matters*

40. Officers have considered the request of a condition relating to possible contamination from the Scientific Officer but do not consider that this would be reasonable for attachment in this instance as, and noted within the consultee comments, there is no history of contamination on the site, and the possible risk is considered to be low.
41. The concerns relating to the guidance of Manual for Streets in respect of emergency vehicle access have been considered, however Few's Lane is noted to serve a number of residential properties, and other dwellings have been recently approved on the same wider plot. It would therefore not be considered reasonable to refuse the application on these grounds.
42. Comments in the representations that there is no need for a dwelling in this location given the proximity of the Northstowe development is not a matter that can be afforded significant weight within the consideration. Officers must consider the application before them in line with the National and Local Plan policies, which support development within the development framework boundaries.
- Concern was also raised in the representations relating to the loss of screening and vegetation that may serve as habitat for existing wildlife. During the site visit to the application site, and site visits made to the most adjacent neighbouring properties it was noted that there is some existing boundary planting. There was no evidence of protected species on the application site or within the site constraints. Officers note that the submitted plans detail the existing boundary hedging is to be retained and added to. As such, Officers are satisfied that this issue will not lead to harm from the development both in respect of residential amenity and in relation to biodiversity.
43. Concern was also raised in the representations relating to the loss of screening and vegetation that may serve as habitat for existing wildlife. During the site visit to the application site, and site visits made to the most adjacent neighbouring properties it was noted that there is some existing boundary planting. There was no evidence of protected species on the application site or within the site constraints. Officers note that the submitted plans detail the existing boundary hedging is to be retained and added to. As such, Officers are satisfied that this issue will not lead to harm from the development both in respect of residential amenity and in relation to biodiversity.
44. Conditions are required in respect of a scheme for renewable energy, water efficiency measures and broadband provisions to accord with newly adopted Plan policies CC/3, CC/4 and TI/10 respectively. These were not imposed by the appeal inspector given that the appeal was determined having regard to policies as part of the former Local Development Framework and not the current Local Plan.
45. Concerns of land ownership and the validation of application have been made by third parties. Officers are unable to attach any weight to these concerns and are satisfied

that the correct ownership certificates have been submitted and procedural regulations in terms of advertising and site notices have been followed.

Fallback **Position**

46. In considering all of the relevant material planning considerations it is important that members acknowledge the fallback position.
47. Having paid due regard to the submission of an amended red line site plan to display access up to the public adopted highway and revised ownership certificates, the proposed development is essentially the same as originally approved. It has been submitted as the appeal decision was delayed and had not been made until after the current application had been submitted.
48. The appeal decision confirms that the applicant already has planning permission to erect a dwelling on this site. The proposed size, siting, layout and design of the dwelling are identical to that allowed on appeal. The means of access is also identical to that allowed on appeal. The adoption of the Local Plan in September 2018 does not contain any new or additional policies that militate against the proposed development. In essence, therefore, officers do not consider there is any material difference between the two proposals in this respect.
49. The appeal decision is clearly a strong material planning consideration in considering the merits of the application.

**Conclusion**

50. In conclusion, the principle of the development is considered to accord with adopted national and local policy and the proposals are not considered to cause harm that would be sufficient to warrant a reason for refusal of the scheme.

**Recommendation**

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

**Conditions**

- (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: and FLL-NB2-01 Rev C and FLL-NB2-02  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).
- (c) 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.

**Commented [RP2]:** I suggest here you provide a brief summary of what the Applicant can choose to implement without this permission and highlight the fact this is a material planning consideration

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018).

- (d) No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling. (Reason – In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and paragraphs 148, 151 and 153 of the National Planning Policy Framework 2018 that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.)
- (e) The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.  
(Reason – To improve the sustainability of the dwelling and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the South Cambridgeshire Local Plan 2018.)
- (f) No development above slab level shall be commenced until full details of the proposed arrangements for surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to and approved in writing by the local planning authority. The new dwelling shall not be occupied or brought into use until the surface water drainage has been installed and made operational, in accordance with the approved details.  
(Reason – To ensure a satisfactory means of drainage in accordance with policy CC/8 of the South Cambridgeshire Local Plan 2018.)
- (g) The dwelling hereby approved shall not be occupied until the dwelling has been provided with sufficient infrastructure, including sockets, cabling and connection points, sufficient to enable Wi-Fi, and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling, unless otherwise agreed in writing with the Local Planning Authority.  
(Reason – To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.)

### **Informatives**

- (a) In the event of an air source heat pump being proposed, prior to the commencement of development, a noise impact assessment and insulation scheme detailing the technical details and sound power/noise output of the air source heat pump and any mitigation measures in order to minimise the level of noise emanating from the said plant and or equipment shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior

approval.

**Background Papers:**

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

- South Cambridgeshire Local Plan (adopted September 2018)
- Planning File Ref:S/2439/18/FL
- Inspector's appeal decision dated 27 September 2108
- Documents referred to in the report including appendices on the website only and reports to previous meetings

**Report Author:**

Alison Twyford

Job title: Senior Planning Officer

Telephone Number:

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APPENDIX A:



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## Appeal Decision

Site visit made on 6 September 2018

by **John Felgate BA(Hons) MA MRTPI**

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

Decision date: 27 September 2018

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**Appeal Ref: APP/W0530/W/18/3197008**

**Land at rear of 'The Retreat', Few's Lane, Longstanton, Cambs CB24 3DP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gerry Caddoo against the decision of South Cambridgeshire District Council.
  - The application Ref S/2937/16/FL, dated 28 October 2016, was refused by notice dated 4 September 2017.
  - The development proposed is the erection of a 3-bedroomed bungalow with parking.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3-bedroomed bungalow with parking, on land at the rear of 'The Retreat', Few's Lane, Longstanton, Cambs CB24 3DP, in accordance with the terms of the application, Ref S/2937/16/FL, dated 28 October 2016, subject to the conditions appended hereto.

### Preliminary Matters

2. The Council's decision to refuse planning permission cited two reasons. One of these related to affordable housing. Subsequently, in an email dated 6 September 2018, the Council has confirmed that it no longer wishes to pursue that refusal reason.
3. During the course of the appeal, in July 2018, the revised version of the National Planning Policy Framework (the NPPF) came into effect. The appellant and the Council were given the opportunity to comment on any implications for the appeal.
4. An application for costs has been made by the appellant against the Council. That application is the subject of a separate decision.

### Procedural Matters

5. A neighbouring occupier, Mr D Fulton, questions the validity of the appeal, and raises issues of procedural fairness. In this connection, my attention is drawn to various provisions in the Town and Country Planning (Development Management Procedure) Order 2015 (the DMPO), and also to the Planning Practice Guidance (PPG), and the Council's own local validation requirements. Amongst other things, the 'red line' around the application site should include all the land necessary to carry out the proposed development. As examples, this may include land required to access the site from a public highway, and visibility splays.



6. However, these examples are not necessarily relevant in all cases. In the present case the application site, as defined on the submitted Location Plan, encompasses the proposed new dwelling and its garden area. Although access to the site is via an unadopted road (Fews Lane) and a shared private driveway, no alterations are proposed to either of these, nor to their visibility splays, and for reasons that I shall explain, I do not consider that any such alterations are reasonably required. In addition, whilst land outside the red line might be needed for parking and other purposes during construction, these are not part of the development itself. No development is therefore proposed or required outside the application site, and on this basis, I consider that the boundary as defined meets the necessary statutory requirements. In this respect the development now proposed is clearly distinguishable from the appeal case cited by Mr Fulton<sup>1</sup>.
7. The application and appeal were each accompanied by an ownership Certificate under DMPO Article 14. As far as I am aware, there is no challenge to the accuracy of those certificates. With regard to Fews Lane and the shared driveway, there was no requirement for notice to be served on the owners of these areas, because they are outside the application site. In any event, it is evident that adjoining occupiers were notified by the Council, and a notice was placed in a local newspaper. There is no evidence that any owner has been denied the opportunity to comment, or otherwise disadvantaged.
8. The local validation requirements, and the PPG, also ask for any adjoining land owned by the applicant to be outlined in blue. In the present case, no such land was identified. It is not clear whether this was an error, bearing in mind the potential for ownership to be split between related individuals and companies, but to my mind nothing turns on the point. It is clear that the Council was aware that the applicant either owned or controlled the existing property 'The Retreat', and took this into account. There is nothing to suggest that any other land outside the application site could or should have been identified as blue land. Consequently any failure in this respect cannot have affected the Council's decision, and nor is there any apparent reason why it should affect the outcome of this appeal.
9. In addition, Mr Fulton requests that a decision on the appeal be held back for four weeks, to allow him further time to comment, because of difficulties in accessing some of the documents via the Council's website. However, I note that the documents are also available to inspect at the Council's offices, and Mr Fulton acknowledges that he has been aware of the appeal since March of this year. Comments were initially requested by 8 August 2018, but in Mr Fulton's case, this was extended up to 18 September. In the circumstances, I see no compelling reason to delay my decision further.
10. In view of all the above matters, and having regard to the particular facts of this case, I am satisfied that the appeal is valid, and that there is no evidence of any procedural unfairness to any interested party. I have therefore proceeded to determine the appeal on this basis.

### **Main Issue**

11. In the light of all the above matters, there is one main issue in the appeal. This concerns the proposed development's effects on highway safety.

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<sup>1</sup> APP/K1128/W/17/3187008, land at Venn farm, Brixton, Devon

### Reasons for decision

12. The Council's remaining refusal reason relates to highway safety issues, during the construction period only. The refusal notice suggests that construction vehicles could cause disruption of the highway and interference with the passage of through vehicles, on a road where the principal function is said to be carrying traffic freely and safely between centres of population. To my mind this paints a picture which is at odds with reality.
13. On my visit I saw that the village of Longstanton lies close to the B1050, which is a local road running from the A14 at Bar Hill to Earith, and thence providing access to a network of smaller roads and settlements in the Fens. At one time, the B1050 evidently ran through the centre of Longstanton, along the High Street, but some years ago the village was by-passed, so that the signposted route now skirts its western edge. This new by-pass is a high-standard modern road, which appears to have ample capacity for the likely volume of through traffic. In contrast, the old route through the village centre and the High Street, which is now unclassified, is a slower alternative with no discernible advantage. At the time of my visit, despite being around 9am on a school day, the level of traffic in the High Street appeared quite low. There is no evidence before me to suggest that these conditions were in any way unusual.
14. Fews Lane is an unmade road with a gravel surface. The lane does not meet modern highway standards in terms of its geometry or its construction, but it serves only five existing dwellings, including two recently built adjacent to the appeal site. There is sufficient width in the lane for two cars or light vans to pass each other, and for either of these to pass a pedestrian or cyclist. When a larger vehicle is involved, there will be a need for some care, but that is not an unusual situation, and nor does it mean the lane is dangerous. Visibility at the junction with the High Street is slightly restricted, but not unduly so. There is no evidence of any accident record. The proposed development would add only one further dwelling, of no more than average size. Apart from construction traffic, the Council does not dispute that the traffic generated by the new dwelling can be accommodated safely. In all these respects, the proposed development would provide safe and appropriate access, complying with the relevant provisions of Policy DP/3<sup>2</sup>.
15. With regard to the construction phase, the appellant has submitted a Traffic Management Plan (TMP)<sup>3</sup>. The Council considers that this is insufficient to guarantee the safety of all highway users, and this view reflects the advice of the Highway Authority (HA), whose consultation response identifies various detailed criticisms of the TMP. But the HA acknowledges that what it sees as defects in the TMP could be overcome by relatively minor amendments. The Council has made no further comment, and therefore appears to accept the HA's advice on these points. I note that an earlier TMP was agreed with the same applicant in connection with the adjoining development. It is therefore quite clear that, were I to agree that some form of management plan for construction traffic was necessary, an acceptable plan could be secured by condition.

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<sup>2</sup> Of the South Cambridgeshire Development Control Policies, adopted July 2007

<sup>3</sup> The document referred to here is the Traffic Management Plan submitted with the application; subsequently, on 6 September 2018 the appellant submitted a Construction Transport Management Plan by SLR Consultants, but this was ruled inadmissible because it was outside the usual appeal deadlines, and I have paid no regard to it

16. However, having regard to all the above matters, that is not my view. The proposed development is only a single dwelling, and the construction period envisaged in the TMP is fairly short. The appeal site is not unduly constrained. Traffic on the High Street is relatively light. None of these circumstances indicates a need for any particular requirements regarding construction traffic. Many small developments are able to take place without any specific or detailed conditions relating to construction traffic, and there seems no reason why the appeal scheme should be any different. It follows that the Council's refusal reason is not justified.
17. Returning briefly to Mr Fulton's contentions, the suggestion seems to be that if the red line had included Few's Lane, and the theoretical visibility splays, then the Council could have imposed conditions relating to these, possibly requiring widening, resurfacing, or clearance of vegetation. But in the light of my findings above, such works are not necessary on safety grounds, and I note that this view is also shared by the Council. Indeed, the Council comments that their effect would be visually damaging, and I agree.
18. I therefore conclude that the appeal proposal would not have any significant effects on highway safety. In this respect the scheme accords with the relevant policy requirement under Policy DP/3.

#### **Other Matters**

19. The proposed dwelling would be single storey, and therefore would not cause any overlooking or overshadowing to other nearby properties. The site is in a residential area, where other properties are quite close to each other, and hence there is no reason to think that one more dwelling would be likely to add unacceptably to the level of noise, nor create unacceptable odours from cooking or refuse bins. In none of these respects is there any apparent likelihood of any significant adverse effects on neighbouring occupiers.

#### **Conclusions**

20. For the reasons explained above, I conclude that that the proposed new dwelling would have no significant adverse effects on highway safety, and in this respect it would accord with the development plan. No other material considerations have been demonstrated that justify withholding planning permission. The appeal is therefore allowed.
21. In granting permission, although I have found that conditions relating to traffic management or road improvements are unjustified, I agree that a number of others are needed. In particular, conditions relating to foul and surface water drainage are necessary, to prevent flooding, and these need to take effect prior to commencement, to ensure an orderly sequence of works. A restriction on the hours of noisy operations is reasonable, during construction, to protect living conditions in the area. A condition requiring adherence to the approved plan is needed, in the interests of certainty. These conditions are set out in the attached schedule. However, a specific condition controlling run-off from the new dwelling's driveway is unnecessary, as this can be controlled by the condition that I have imposed relating to surface water drainage.

*J Felgate*

INSPECTOR

## SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plan, Drawing No. FLL-NB2-02.
- 3) During the period of the construction of the development, no power-operated machinery shall be operated in connection with the development, and no deliveries of materials or equipment shall be either received or despatched from the site outside the following hours:  
Weekdays: 08.00 – 18.00 hours  
Saturdays: 08.00 – 13.00 hours  
Sundays and Bank Holidays: none
- 4) No construction work shall be commenced until full details of the proposed arrangements for foul water drainage have been submitted to the local planning authority and approved in writing. The new dwelling shall not be occupied or brought into use until the foul water drainage system has been installed and made operational, in accordance with these approved details.
- 5) No construction work shall be commenced until full details of the proposed arrangements for surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to the local planning authority and approved in writing. The new dwelling shall not be occupied or brought into use until the surface water drainage system has been installed and made operational, in accordance with these approved details.