



Planning Committee Date	10 April 2024
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	23/02966/OUT
Site	Land Off Leaden Hill, Orwell
Ward / Parish	Orwell
Proposal	Outline application for the construction of 9 No. self build plots with access and associated infrastructure with some matters reserved except for access
Applicant	Hawkswren Ltd
Presenting Officer	Charlotte Spencer
Reason Reported to Committee	Called-in by Orwell Parish Council Departure Application
Member Site Visit Date	03 April 2024
Key Issues	<ol style="list-style-type: none">1. Principle of development2. Impact on visual amenity3. Residential amenity4. Highway Safety5. Environmental Impacts
Recommendation	APPROVAL subject to conditions and a Section 106 Agreement

1.0 Executive Summary

- 1.1 The application seeks outline planning permission for the construction of 9 No. self build plots, with all matters except access reserved.
- 1.2 The proposal represents a departure from the development plan and has been advertised as such. The site, with exception to the access, lies outside the Orwell Development Framework and is seeking the provision of 9 self build dwellings.
- 1.3 Additional information has been submitted to the Local Planning Authority during the course of the application. This includes further information regarding landscaping information, biodiversity net gain and a design code.
- 1.4 In terms of the overall planning balance, it is considered that whilst the proposal would not be in an unsustainable location it would constitute encroachment into the open countryside resulting in low to moderate harm on the visual amenity of the area. However, this harm would be outweighed by the benefits of the provision of 9 self-build dwellings.
- 1.5 The use of planning conditions and a Section 106 Agreement can secure appropriate detailing, technical information, and financial contributions such that the proposal would accord with the Local Plan policies in all other respects.
- 1.6 Taking all factors into consideration, Officers recommend that the Planning Committee **approves** the application subject to conditions and the completion of a Section 106 (legal) Agreement, the final wording of which are to be delegated to officers.

2.0 Site Description and Context

Outside Development Framework	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone	1
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Public Right of Way	X
Agricultural Land Class	2		

*X indicates relevance

- 2.1 The application relates to a plot of undeveloped land located to the north west of Leaden Hill at the end of the private road. The application boundary includes the road to show the access from the adopted highway. Leaden Hill is a private, unmade road that runs south west from the junction with Hurdleditch Road and Town Green Road.
- 2.2 The site is generally flat in nature, although there is about a 1 metre change in level between the north east and south west corners. The site is surrounded by tall hedges to the south east, south west and north west beyond which lie open fields. To the north east lies the garden areas of Nos.22-26 (evens) Leaden Hill.
- 2.3 Leaden Hill is semi-rural in character and appearance with built form being located to the north west side of the road with open views across the countryside. The buildings which line the road predominantly comprise single storey and one and a half storey dwelling houses which vary in design and scale.
- 2.4 The site lies outside, but adjacent to the Orwell Development Framework. The site lies within Flood Zone 1 (low risk) and whilst there are no surface water flood risks on the main part of the site, Leaden Hill which is the access road does have surface water flooding issues. A Public Right of Way runs along Leaden Hill.

3.0 The Proposal

- 3.1 The application is seeking outline planning permission for the construction of 9 No. self build plots with access and associated infrastructure with some matters reserved except for access.
- 3.2 The site plan shows 9no.detached dwelling houses located to the rear of the orchard that fronts the site to the south east, which is to be retained. The site would be accessed from Leaden Hill at the eastern most corner of the site.
- 3.3 During the determination process, additional information in regards to a Landscape Visual Impact Assessment and Biodiversity Net Gain Assessment have been submitted to address consultation responses and further consultations have been carried out as appropriate.

4.0 Relevant Site History

- 4.1 No planning history on this site.

Relevant Neighbouring Site History

Reference	Description	Outcome
S/2972/19/FL	Residential development containing one detached dwelling and a pair of semi-detached dwellings along with access car parking and associated landscaping and infrastructure following demolition of the existing barns.(Resubmission of S/4393/18/FL)	Permitted 31.10.2019

4.2 Nos.22-26 Leaden Hill which lie directly to the north east of the site were recently approved and have since been constructed.

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/5 – Provision of New Jobs and Homes

S/7 – Development Frameworks

S/10 – Group Villages

CC/1 – Mitigation and Adaption to Climate Change

CC/3 – Renewable and Low Carbon Energy in New Developments

CC/4 – Water Efficiency
CC/6 – Construction Methods
CC/7 – Water Quality
CC/8 – Sustainable Drainage Systems
CC/9 – Managing Flood Risk
HQ/1 – Design Principles
NH/2 – Protecting and Enhancing Landscape Character
NH/3 – Protecting Agricultural Land
NH/4 – Biodiversity
NH/14 – Heritage Assets
H/8 – Housing Density
H/9 – Housing Mix
H/10 – Affordable Housing
H/12 – Residential Space Standards
SC/4 – Meeting Community Needs
SC/6 – Indoor Community Facilities
SC/7 – Outdoor Play Space, Informal Open Space & New Developments
SC/9 – Lighting Proposals
SC/10 – Noise Pollution
SC/11 – Contaminated Land
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision
TI/8 – Infrastructure and New Developments
TI/9 – Education facilities
TI/10 – Broadband

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

- 5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Landscape in New Developments SPD – Adopted March 2010
District Design Guide SPD – Adopted March 2010
Affordable Housing SPD – Adopted March 2010
Open Space in New Developments SPD – Adopted January 2009
Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 Parish Council – Object

- 6.2 The development is outside the Development Framework and so is contrary to policy. It is not considered that Orwell is one of the more sustainable villages due to drainage issues, water supply and poor public transport links. The development would result in encroachment into the countryside. Proposal is contrary to Policies S/6, S/7 and S/10.
- 6.3 The drainage system is not sufficient. There is a traffic problem at the junction of Leaden Hill, Hurdleditch Road and Town Green Road at drop off/ pick up times for the school. Leaden Hill is unmade and private and not suitable for further development.
- 6.4 There are concerns regards to the ownership of the road and the lack of contact with any owners.
- 6.5 There are misleading statements in the application which cast doubt on the information provided.
- 6.6 Disturbance from the building of self-build plots.
- 6.7 Request that 40% of the plots be affordable in compliance with Policy H/10.
- 6.8 The Parish Council requested that the application go to Planning Committee – the application was taken to the Chair’s Delegation Meeting on 14 November 2023 and it was considered that the proposal should be referred to planning committee.
- 6.9 **County Archaeology – No Objection**
- 6.10 There is archaeological potential of the site therefore, a programme of investigation and recording is required in order to provide more information regarding the presence or absence, and condition of surviving archaeological remains within the development area and to establish the need for mitigation. This can be dealt with by way of condition.
- 6.11 **County Highways Development Management – No Objection**
- 6.12 No objection subject to conditions relating to future management and maintenance of proposed streets, the submission of a Traffic Management Plan (TMP) and restriction of large construction vehicles to outside school times.
- 6.13 **Definitive Map Officer – No Objection**
- 6.14 Public Footpath No.10, Orwell runs along the access road to the site. No objection, however the applicant should be aware of the presence of the public footpath, its legal alignment and width. The footpath must remain open and unobstructed at all times. Please add informatives.
- 6.15 **Ecology Officer – No Objection**

First Comment 15.08.2023

- 6.16 The submitted ecological assessment has not found any evidence that a protected species licence will be required. The report has recommended non-licensable avoidance measures. Agree with the document no further reports required.
- 6.17 It is noted within the ecological assessment that the area mapped as mixed scrub is mapped on Magic as traditional orchard but is scrub consisting of hawthorn and bramble. Bird and bat boxes could be integrated into the building.
- 6.18 Required submission of the Biodiversity Net Gain Calculations. Clarification regarding the scrub planting and if and how many trees from the orchard would be lost.

Second Comment 15.11.2023

- 6.19 Issues with the completed BNG metric. Concern that the other neutral grassland on site has been undervalued. The trading rules have not been satisfied and the area cross check has also failed. The LPA does not consider large trees to be a realistic proposal. Cannot agree an in-principle approach to the provision of biodiversity net gain.

Third Comment 29.02.2024

- 6.20 A BNG report has been submitted and for a measurable net gain 5.59 units of medium distinctiveness habitat would need to be provided offsite either by creation on another site or an off-site credit purchases.
- 6.21 Due to the presence of trees with low potential bat roost features on site, a Construction Ecological Management Plan (CEcMP) will be required, which can be submitted by way of condition.
- 6.22 A wildlife sensitive lighting scheme should be designed to reduce impacts on foraging and commuting bats. This can be dealt with by way of condition.
- 6.23 There is sufficient ecological information to determine the application.
- 6.24 **Environmental Health – No Objection**
- 6.25 No objection subject to conditions regarding construction hours and piling.
- 6.26 **Landscape Officer – Object**

First Comment 16.11.2023

- 6.27 A Landscape Visual Assessment has been submitted. Concern that it states that the sites use as a paddock and orchard that the site is more closely related to the village than to the open countryside, but officers considered that a paddock is still a countryside use regardless of adjacency to the village edge.

- 6.28 The LVA suggest views from Malton Road and the footpaths between Malton Road and the site do not benefit from views due to the topography, however, there are no photographs to demonstrate this.
- 6.29 The dwellings and gardens are intended to be located within a retained and enhanced buffer hedges, but it is not clear how this will be maintained and how any future pressures for removal in order to create views would be mitigated.
- 6.30 Concerns about the design code element of the Design and Access Statement.
- 6.31 Further information and clarification required.
- Second Comment 13.03.2024*
- 6.32 The LVA has been updated to provide the information requested.
- 6.33 The dwellings are intended to be located within a retained and enhance buffer hedge with additional vegetation and trees but it is not clear how this will be maintained. The surrounding hedge and enhanced planting should be excluded from the plot ownership boundaries and put into a communal management and maintenance programme.
- 6.34 There is some information within the Design and Access Statement that is contrary to the LVA and some details need to be tightened.
- 6.35 Recommend condition for hard and soft landscape details.
- 6.36 **Ramblers Association – Comment**
- 6.37 It is essential that safe access to the PROW is maintained throughout, and without damage to the PROW. Care must be taken with the design of the entrance so this provides vehicles with clear and unobstructed visibility in both directions.
- 6.38 **S106 Officer – Comment**
- 6.39 Planning obligations for public open space, indoor community space, green infrastructure, burial space contribution, indoor sports and monitoring fees sought.
- 6.40 **Sustainable Drainage Officer – No Objection**
- 6.41 The applicant has submitted a suitable drainage strategy. The proposals have not indicated a detailed surface water or foul water drainage scheme however, this can be sought by way of condition.
- 6.42 **Sustainability Officer – No Objection**

6.43 No objection subject to conditions relating to renewables and water consumption.

6.44 **Tree Officer – No Objection**

6.45 Trees within the redline boundary have no legal protection. An Arboricultural Impact Assessment has been submitted and this details the necessary information at this stage. The development requires the removal of 7 individual Malus trees and three tree groups of mixed species all categorised as C low value trees which line the east side of the site. These trees as a group contribute to the frontage of the site. To mitigate against the loss of these trees, the illustrative site plan shows new trees, however, there is no supporting landscape and aftercare plan. This detail can be secured by way of condition.

7.0 Third Party Representations

7.1 31 representations, including multiple responses from single addresses and a joint representation from a group of addresses, have been received.

7.2 Those in objection have raised the following issues:

- Outside Development Framework contrary to policy;
- 9 dwellings in Group Village contrary to policy;
- Self-build need queried
- Impact on visual amenity;
- Impact on health of neighbouring properties;
- Overlooking;
- Loss of view of open countryside;
- Increase in traffic and highway safety;
- Impact on Public Right of Way
- Condition of Leaden Hill;
- Insufficient parking;
- Ecology;
- Flooding;
- Sewage;
- Contamination;
- Height of hedge;
- Red line including Leaden Hill
- Errors in the LVIA;

7.3 Those in support have given the following reasons:

- Provision of self-build;
- Provision of housing.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

8.0 Assessment

8.1 Principle of Development

8.2 Policy S/7 of the Local Plan states that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.

8.3 Policy S/10 of the Local Plan identifies Orwell as a Group Village and residential development of up to 8 dwellings will be permitted within the Development Framework.

8.4 The site lies outside of the Orwell Development Framework and within the open countryside and the proposal is for 8 dwellings. As such, the proposal fails to comply with Policies S/7 and S/10 of the South Cambridgeshire Local Plan (2018) as a matter of principle.

8.5 The supporting text to Policy S/7 sets out the development frameworks define where policies for the built-up areas of settlements give way to policies for the countryside. This is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations.

Gradual Encroachment

8.6 The proposed site is adjacent to existing built form along the north western side of Leaden Hill, however, it is surrounded by open fields on three sides. The development would result in additional built form which would extend further into the countryside. Whilst further consideration of the visual impact will be discussed in more detail in the following sections, it is considered that due to the siting of the proposed development it would result in gradual encroachment and is therefore considered to be contrary to the first purpose of Policy S/7.

Unsustainable Locations:

8.7 The site lies outside of, but immediately adjacent to, the development framework boundary. Orwell is a Group Village and it benefits from a primary school, post office and shop, pub, churches, village hall and recreation ground. There is also a bus stop serving Hurdleditch Road providing services, albeit limited, to and from Cambridge. As such, some of the day-to-day basic requirements can be met without the need to travel outside the village.

8.8 The site is in close proximity to the services that Orwell provides and the entrance to the primary school is less than 400 metres away from the main part of the site with the shop/post office and pub being located approximately 650 metres away. As such, it is considered that the

proposal would be in a sustainable location and not contrary to the second purpose of Policy S/7.

8.9 Settlement Strategy

8.10 Policy S/2 of the Local Plan sets out how the vision for the Local Plan will be secured through the achievement of six key objectives including to ensure that all new development provides or has access to a range of services and facilities that support healthy lifestyles and well-being for everyone, including shops, schools, doctors, community buildings, cultural facilities, local open space, and green infrastructure (criterion e).

8.11 Policy S/6 of the Local Plan sets out the Council's development strategy and a hierarchical approach to new housing in the district, with a descending order of preference given to on the edge of Cambridge, at new settlements and only limited development at Rural Centres and Minor Rural Centres.

8.12 Policy S/6(4) sets out that development in the rural area will be limited, with allocations for jobs and housing focused on Rural Centres and Minor Rural Centres, and rural settlement policies providing for windfall development for different categories of village consistent with the level of local service provision and quality of public transport access to Cambridge or a market town.

8.13 Orwell is a Group Village and would only provide some of the day-to-day needs of residents without the need to travel outside of the village. As such, Policy S/10 only allows for residential development up to an indicative maximum scheme size of 8 dwellings or up to about 15 dwellings where this would make the best use of a single brownfield site.

8.14 The proposal is for 9 dwellings on land which is not considered to be brownfield and so contrary to Policy S/10. However, it is noted that the maximum scheme size of 8 dwellings is indicative only and the supporting text in paragraph 2.62 states that 'Development will not be permitted on sites capable of accommodating scheme sizes significantly larger than 8 or exceptionally 15 dwellings in Group Villages'.

8.15 It is considered that one additional dwelling above the indicative maximum allowance is not considered to be significantly larger than what the Policy S/10 allows and would not result in an unacceptable level of additional pressure on the local services than what would be created by the permitted 8 units that is referenced. Notwithstanding this, the proposal would result in a departure from the Local Plan.

8.16 As the proposal would conflict with the first purpose of Policy S/7 and Policy S/10 it needs to be determined whether there are other material considerations that would warrant a departure from the Local Plan.

8.17 Loss of Agricultural Land

- 8.18 Policy NH/3 of the Local Plan states that planning permission will not be granted for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless: a) land is allocated for development in the Local Plan; b) sustainability considerations and the need for development are sufficient to override the need to protect the agricultural value of the land.
- 8.19 The land is classed as Grade 2 agricultural land which is considered best and most versatile and the proposal would result in its irreversible loss. The land is not allocated for development within the Local Plan and no sustainability considerations have been put forward to argue against the need to protect agricultural land.
- 8.20 Notwithstanding that the proposal is contrary to Policy NH/3, it is noted that the land is currently used as a paddock rather than for crop growing. It is also noted that the size of the site is relatively small and so the loss of this area would have a very minimal impact on food production in the area. The degree of conflict with Policy NH/3 is therefore limited.
- 8.21 Self Build Need
- 8.22 Paragraph 63 of the National Planning Policy Framework (NPPF) (2023) highlights the need for different groups in the community to be assessed and reflected in planning policies, including “people wishing to commission or build their own homes”.
- 8.23 Whilst the recommendations of the Bacon report are noted and this includes a Custom and Self Build Delivery Unit, these have not yet been agreed and translated into national policy.
- 8.24 South Cambridgeshire District Council is a Right to Build Vanguard Authority with a statutory duty under section 2A of The Self Building and Custom Housebuilding Act 2015 which requires the Council give suitable development permission in respect on enough serviced plots of land to meet the demand for self build and custom housebuilding in the Authority’s area. Therefore, weight needs to be given to the delivery of self-build dwellings should the Council have a shortfall in delivery.
- 8.25 The level of demand is established by reference to the number of entries added to an Authority’s register during a base period. At the end of each base period, authorities have 3 years in which to permit an equivalent number of plots of land which are suitable for self-build and custom housebuilding, as there are entries for that base period.
- 8.26 The table below shows the number of people added to the register for each base period and the number of planning permissions granted within 3 years from the end of each base period.

Assessment Period	Number of people added to register (within base period)	Permissions Granted (3 years following base period)
Base Period 1: 01/04/16 to 30/10/16	69	69
Base Period 2: 31/10/16 to 30/10/17	89	89
Base Period 3: 31/10/17 to 30/10/18	135	14
Base Period 4: 31/10/18 to 30/10/19	204	64
Base Period 5: 31/10/19 to 30/10/20	157	86
Base Period 6: 31/10/20 to 30/10/21	189	-
Base Period 7: 31/10/21 to 30/10/22	130	-
Base Period 8: 31/10/22 to 30/10/23	82	-

- 8.27 The table shows that the number of applicants on the register from 2016 up to the end of base period 5 on 30 October 2020 was 654. To comply with the Act, suitable permissions should have been granted for 654 self-build dwellings by 30 October 2023. Only 322 dwellings have been granted permission, which results in a shortfall of 332 plots. It is noted that the provision of 9 self-build dwellings would make a limited contribution to the demand identified on the Council's register.
- 8.28 There have been a number of appeal decisions relating to applications for self-build properties within the District.
- 8.29 The applicant has referred to APP/W0530/W/21/3282234, which was allowed in March 2022 at land at St Peters Street, Caxton for 9 dwellings. In this instance, the Inspector gave significant weight to the undersupply of self and custom building housing as a material consideration to warrant a departure from the development plan. The Inspector allowed 9 self build plots at Firs Farm, St Peters Street in Caxton where it was considered that despite being outside of the development framework, the site was closely linked to the village and there would be no significant harm to the character or appearance of the village or countryside and therefore, the provision of self-build would outweigh any harm.
- 8.30 More recently, an appeal for 9 self-build dwellings at Land South of the Causeway, Kneesworth was allowed in September 2023 ref APP/W0530/W/23/3322754. Similar to the Caxton appeal, the Inspector considered that the proposal was considered to be sustainable with an

acceptable visual impact and the self-build provision outweighed the harm created by departure from the development plan.

- 8.31 However, conversely there have been appeal decisions where the Inspectors have concluded that the self build provision does not outweigh the harm.
- 8.32 An appeal for 5 self-build dwellings Land North of West Croft, Orwell was dismissed in September 2023 ref: APP/W0530/W/23/3320454. The Inspector considered that 'the appeal site is beyond the edge of the village, and most facilities and services would be a substantial walk away, which would likely result in many journeys to and from the site being by car. Therefore, the site would not be in a wholly sustainable location'. In addition, the Inspector considered that it would be harmful to the character and appearance of the open countryside due to its siting. In this case whilst the Inspector gave substantial weight to the provision of self-build dwellings, it did not outweigh the harm in this instance.
- 8.33 When comparing this appeal decision to the current case, the distances to the village's services are noted above and officers consider that the development would be within walking distance of the services reducing the reliance on cars.
- 8.34 This appeal outcome in Orwell was similar to an appeal for a proposal for 9 self-build dwellings in Thriplow (APP/W5030/W/22/3313661) on 2nd October 2023. Whilst the Inspector considered that the shortfall in self-build should be given significant weight, it did not outweigh the significant harm due to its unsustainable location and impact on the countryside.
- 8.35 What the contradicting appeal decisions identified above demonstrate is that each proposal needs to be considered on its own merit and the benefit of the provision of self-build needs to be considered against the level of harm created by the development. This is demonstrated by comments made by the Inspector for the Orwell appeal outlined above who stated 'I note in relation to local cases within South Cambridgeshire, in addition to the Inspectors attributing substantial weight to the benefit of providing self/custom build houses within the district, that also found other contributing factors to allow the appeals'.
- 8.36 Comments which query the need for self-build from third party representations are noted. However, officers can only consider the need as outlined within the Council's published numbers which are district wide.
- 8.37 The applicants are happy to enter a legal agreement to secure the units as self-built. Subsequently, it is considered that substantial weight can be given to the provision of self-build dwellings.,
- 8.38 In conclusion, Officers acknowledge that the proposal would be contrary to Policies S/7, S/10 and NH/3 and so it represents a departure from the Local Plan. However, substantial weight can be given to the provision of

self-build dwellings. As such, an on-balance view would need to be taken as to whether the harm can be outweighed by this benefit. This balance will be considered in more detail in the concluding parts of this report.

8.39 **Housing Provision**

8.40 Density

8.41 Policy H/8 requires housing density in new settlements and urban extensions to achieve a housing density of 40 dwellings per hectare (dph) and in Rural Centres, Minor Rural Centre villages and Group Villages to achieve a density of 30dph. The policy states that density may vary where justified by the character of the locality, the scale of the development, or other local circumstances.

8.42 The site measures approximately 1 hectares in area. The provision of 9 dwellings on the site would equate to a density of approximately 9 dwellings per hectare. Whilst this is lower than the recommended 30dph, the majority of the houses along Leaden Hill benefit from very large plots. As such, it is considered that it would not appear out of keeping with the locality and would accord with Policy H/8 in this instance given the sites edge of village location.

8.43 Affordable Housing

8.44 Local Plan Policy H/10 requires 40% affordable homes on development sites of 11 dwellings or more, or on development sites of less than 11 units if the total floorspace of the proposed units exceeds 1,000 sqm, except where it can be demonstrated unviable in light of changing market conditions, individual site circumstances and development costs, in which case a revised mix of affordable house types and tenures and then a lower level of affordable housing provision may be negotiated. The NPPF paras 60 – 67 and Annex 2 Glossary are relevant.

8.45 The final design and size of the dwellings would be decided at Reserved Matters stage. However, due to the number of the dwellings and housing density proposed it is considered that it is likely that the proposal would exceed 1,000sqm of floorspace in total which would trigger the need to provide affordable homes.

8.46 However, the proposal would result in the provision of self-build of which the Council has a shortfall of. In addition, as the final occupiers would build the dwelling that would be necessary for their needs it would be difficult to control the affordability and it is unlikely that a housing provider would be in the position to take control of these units.

8.47 Given the scheme seeks to deliver self-build housing, no conflict with Policy H/10 is identified in this instance.

8.48 **Design, Layout, Scale and Landscaping**

- 8.49 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 8.50 Policy NH/2 is relevant to the landscape and visual impacts of a proposal, which seeks to permit development only where it respects and retains or enhances the local character and distinctiveness of the local landscape and its National Character Area.
- 8.51 Policy SC/9 seeks to support development where external lighting does not result in an unacceptable adverse impact on the surrounding countryside.
- 8.52 The District Design Guide SPD (2010) and Landscape in New Developments SPD (2010) provide additional guidance. The NPPF provides advice on achieving well-designed places and conserving and enhancing the natural environment.
- 8.53 The site comprises undeveloped land on a low gradient hill. The site is currently surrounded by hedgerows to the south east, south west and north west. As explained above, due to its positioning it is considered that the development would result in encroachment into the open countryside.
- 8.54 A Landscape and Visual Appraisal (LVA) has been submitted by the applicant in support of their application which has been reviewed by the Council's Landscape Officer, who following the submission of amendments has no objection to the detail and methodology provided within the LVA.
- 8.55 View 1 within the appendix shows the height of the hedge along the farm track and PRoW to the south east. View 2 shows this boundary from further along the public footpath. From View 2, you can see the existing properties along Leaden Hill and it demonstrates that the hedge mostly shields the view of the new two storey dwelling houses at Nos.22 and 24 with only the top of the roof being visible. The applicant has confirmed this is currently approximately 6-7 metres. Therefore, it is considered that the hedge would limit the views of the new development, with a small section being visible due to the gap in the hedge to create the access way.
- 8.56 Notwithstanding that the final design and scale of the dwellings are a matter to be reserved, a Design Code has been submitted outlining the rules that the new houses shall be designed against. This states that the two storey elements, which would be limited to the area closest to Leaden Hill would be no higher than 7 metres, which would be lower than the dwellings at Nos.22 and 24. Subject to conditions ensuring new buildings comply with this Design Code and that the hedge will be kept at the same height as it is now, it is considered that there would be only limited views

from View 2 which would have a minimal visual impact on the public views from the south east. As the retention of the hedge is also an important factor, it is considered reasonable to add a condition requesting tree protection plans for this hedge.

- 8.57 View 3 is from the south west and demonstrates that the site would be partially shielded by the existing soft vegetation. The hedge along this boundary is not as tall as the hedge along the farm track, however, along this edge the indicative plan and the Design Code demonstrates that there would be a 5m wide enhanced landscape buffer.
- 8.58 A landscape buffer would also be installed along the north west boundary which has been shown in View 5 (Hurdleditch Road). Similar to View 3, the existing and proposed enhanced landscaping should limit the views to roof tops only being visible. This would be aided by the dwellings close to this boundary being limited to single storey in height with a maximum height of 4 metres as specified within the Design Code.
- 8.59 Officers note the Landscape Officer's concerns regarding how the landscape buffer would be maintained to ensure that future residents do not remove this landscaping to improve their view. However, landscaping is a reserved matter and it is considered that a lot of these details are not to be considered under this outline application. Nonetheless, the 5 metre buffer is important to limit the level of visual impact of the proposal and so it is considered that it is reasonable to add a condition that one is provided along the south west and north west boundaries. In addition, a landscaping condition which specifies the long term management of the communal areas, boundary hedges and trees can be added. It is also noted that the Design Code specifies that this buffer would be managed under a management control company.
- 8.60 Longer views from public footpaths on or near Malton Road have also been submitted. These demonstrate that views of the site from further afield would not be visible or would not be discernible from the existing built form of Orwell.
- 8.61 Officers have had further discussions with Landscape Officers who have stated that subject to strong landscaping conditions, the impact of the proposal on wider views from the open countryside would be low to moderate in the short term, moving to negligible to low in the long term when proposed planting has matured.
- 8.62 Notwithstanding that the size, scale and bulk are reserved matters. The applicant has submitted a design code. Officers are in agreement that this design code would be suitable for this location.
- 8.63 Subsequently, it is considered that the proposal would have a limited impact on the visual amenity of the surrounding area, with final details to be agreed at reserved matters stage. The proposal is compliant with

Policies HQ/1, NH/2 and SC/9 of the South Cambridgeshire Local Plan (2018).

8.64 Trees

8.65 Policies NH/2, NH/4 and HQ/1 seek to preserve, protect and enhance existing trees and hedges. Para. 136 of the NPPF seeks for existing trees to be retained wherever possible.

8.66 The application is accompanied by an Arboricultural Impact Assessment which has been reviewed by the Council's Tree Officer, who raises no objection to the proposals.

8.67 None of the trees on site have legal protection. The proposed development requires the removal of 7 individual trees and three tree groups of mixed species categorised as C low value trees. In terms of amenity value these trees as a group contribute to the frontage of the site. It is noted that the illustrative site plan shows proposed new trees to mitigate this loss although it is noted there is no supporting landscape and aftercare to support this. Landscaping is a reserved matter and so this can be dealt with at a later stage although it would need to confirm the tree planting plan. This can be secured by way of condition.

8.68 Subject to conditions as appropriate, the proposal would accord with policies NH/2, NH/4 and HQ/1 of the Local Plan.

8.69 Carbon Reduction and Sustainable Design

8.70 The Councils' Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change as required by policy CC/1.

8.71 Policy CC/3 'Renewable and Low Carbon Energy', requires that proposals for new dwellings and new non-residential buildings of 1,000m² or more will be required to reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy and low carbon technologies.

8.72 Policy CC/4 'Water Efficiency' requires that all new residential developments must achieve as a minimum water efficiency to 110 litres pp per day and for non-residential buildings to achieve a BREEAM efficiency standard equivalence of 2 credits.

8.73 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal subject to conditions relating to carbon reduction technologies and water efficiency.

8.74 Subject to conditions, the proposal is compliant with Local Plan policies CC/1, CC/3 and CC/4 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

8.75 **Biodiversity**

8.76 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) require development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with policy NH/4 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.

8.77 At the time of the Planning Committee this item is to be reviewed at, the requirement for 10% biodiversity net gain requirement should have come into force (02 April 2024). In November 2023 the Government published advice in regards to exemptions from the Biodiversity Net Gain requirements of the Environment Act. Proposals for self-build dwellings were included within the list of exemptions to this provision but only if the area is no larger than 0.5 hectares. However, the application was submitted prior to 02 April 2024 and so the proposal is exempt from 10%, however, to be in accordance with the Council's Biodiversity SPD, a measurable net gain is required.

8.78 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal and biodiversity net gain assessment which sets out that 5.59 units of medium distinctiveness habitat would need to be provided offsite either by creation on another site or an off-site credit purchase to get an equivalent increase of 15.84% which would meet the requirements of the Environment Act and the Biodiversity SPD.

8.79 Concerns have been raised in terms of the impact on wildlife. The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal and recommends several conditions in relation to the submission of a Construction Ecological Management Plan (CEcMP), ecological enhancement and biodiversity net gain and a lighting design scheme to ensure the protection of species and the estimated biodiversity net gain is delivered.

8.80 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development complies with policy NH/4 of the Local Plan, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

8.81 **Water Management and Flood Risk**

- 8.82 Policies CC/7, CC/8 and CC/9 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 8.83 The site is in Flood Zone 1 and is therefore considered at low risk of flooding. The majority of the site is not at risk of surface water flooding, however, Leaden Hill which has been included within the red line is. It is also noted that numerous representations have raised concerns with the surface water flooding that occurs along the road.
- 8.84 The applicants have submitted a Flood Risk Assessment and Sustainable Drainage Strategy. The Council's Sustainable Drainage Engineer has advised that the submitted document has demonstrated a suitable drainage strategy. The proposals have not indicated a detailed surface water or foul drainage scheme, however, it would be acceptable to obtain this information by way of conditions.
- 8.85 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.
- 8.86 **Highway Safety and Transport Impacts**
- 8.87 Policy HQ/1 states that proposals must provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with impairment such as sight or hearing.
- 8.88 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.
- 8.89 Para. 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.90 Access is a matter to be considered under this application. Access to the site would be from Leaden Hill which is a private, unmade road. The Local Highways Authority have been consulted on the proposal and have raised no objection subject to conditions relating to future maintenance and management of the proposed streets, submission of a traffic management plan (TMP) and restriction of heavy vehicles visiting the site during school pick up and drop off times.
- 8.91 Due to the proximity of the site to the primary school these conditions are considered reasonable to ensure the safety of the public highway.

- 8.92 Leaden Hill is a Public Right of Way (PRoW). The County's Definitive Map Team has been consulted on the proposal and have confirmed they have no objection subject to informatives reminding the applicant of their legal duty to ensure the public footpath remains open and unobstructed at all times along with other legal duties.
- 8.93 The Ramblers Association have also commented repeating the importance that safe access to the PRoW is maintained throughout.
- 8.94 To ensure the safety of pedestrians who use the PRoW, it is considered reasonable to add a condition that a pedestrian visibility splay is provided and kept clear of obstruction at the point where the estate road meets Leaden Hill.
- 8.95 Many concerns regarding the suitability of Leaden Hill have been raised by objectors. Leaden Hill is a private road and so the Local Highways Authority have no jurisdiction over this. It is for the private owners of the road to maintain the road and any damage done to Leaden Hill and potential recovery of costs would be a civil matter which is not for the Local Planning Authority to arbitrate. It is also a civil matter in regards to any future ownership or rights of way along Leaden Hill.
- 8.96 A representation was received stating that the surface of Leaden Hill results in inconvenient access for those with mobility issues contrary to Policy HQ/1 (g). Whilst officers note that the gravel road would not be beneficial for those with lower levels of mobility, as Leaden Hill is private, the Local Planning Authority cannot control this. As the road already serves 18 dwellings, it is considered it would be unreasonable to refuse the application for this reason alone.
- 8.97 Other concerns have been made about the junction between Leaden Hill and the adopted highway at Town Green Lane and Hurdleditch Road. The Local Highways Authority are able to comment on this as the red line extends to the adopted highway and have raised no concerns subject to the conditions which would be imposed. Further conversations with the Highways Authority have been had and they have confirmed that the accident history data shows no 'personal injury accidents' have occurred at that junction in the last 5 years.
- 8.98 Concerns have been raised regarding Leaden Hill being included within the red outline and that this would allow this area to be included as part of the construction site. Leaden Hill has been included to demonstrate the access from the adopted highway. A Traffic Management Plan has been requested by the Highways Authority and within this, measures can be put in place to ensure no parking or deliveries take place along Leaden Hill. The details will be confirmed when the condition is discharged.
- 8.99 Subject to conditions the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.

8.100 **Cycle and Car Parking Provision**

8.101 Policies HQ/1 and TI/3 set out that car and cycle parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 of the Local Plan. Cycle parking should be provided to at least the minimum standards.

8.102 Concerns regarding the level of parking have been raised, including the lack of visitor parking.

8.103 As the proposal is at Outline stage, parking details are not finalised, however, it is considered that there would be sufficient space for each dwelling to benefit from two parking spaces in compliance with Policy TI/3 of the Local Plan. The provision of visitor parking would be considered once the details have been submitted within the Reserved Matters Stage. One cycle parking space would be required per bedroom per dwelling to accord with Policy TI/3. Details on secure cycle parking would be required at the Reserved Matters stage.

8.104 Subject to conditions, the proposal is considered to accord with policies HQ/1 and TI/3 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

8.105 **Amenity**

8.106 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.

8.107 Nos.22-26 (evens) Leaden Hill lie to the north east of the site, however an open gap would be retained between the proposal dwellings and these neighbouring properties. The access from the adopted highway runs past other properties along Leaden Hill.

8.108 The size, scale, layout and design of the dwellings are reserved matters. However, it is noted that the illustrative site plan demonstrates that 9 units can be provided on the site with a sufficient distance from neighbouring properties to limit the level of impact on these neighbours. This would be fully considered at Reserved Matters stage.

8.109 Subject to conditions, it is considered that the proposal would have an acceptable level of impact on the residential amenity of neighbouring properties and is compliant with Policy HQ/1 of the South Cambridgeshire Local Plan (2018).

8.110 Future Occupants

- 8.111 Policy H/12 of the Local Plan states that new residential units will be permitted where their gross internal floor areas meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standard (2015) or successor document.
- 8.112 The internal design of the dwellings is not to be determined as part of the application, however, Policy H/12 requires that new dwellings meet the minimum space standards and provide private amenity space to accord with the policy. This can be secured by way of condition if approved.
- 8.113 In terms of private garden areas, notwithstanding the reserved matters the illustrative site plan demonstrates that 9 dwellings can fit on the site whilst benefitting from large gardens.
- 8.114 Construction and Environmental Health Impacts
- 8.115 The land contamination, air quality and noise and vibrational impacts associated with the construction and occupation of the site are addressed by Local Plan policies CC/6 'Construction Methods', CC/7 'Water Quality', SC/9 'Lighting Proposals', SC/10 'Noise Pollution', SC11 'Contaminated Land', SC/12 'Air Quality' and SC/14 'Odour'. Paragraphs 183 - 188 of the NPPF are relevant.
- 8.116 Concerns have been raised regarding the impacts during construction.
- 8.117 The Environmental Health Officer has reviewed the proposals and raised no concerns subject to conditions regarding construction hours piling which would protect people living nearby during the construction phase. Building works are temporary and whilst they can result in disruption to nearby residents it would not be reasonable to refuse the application for this reason.
- 8.118 Concerns have been raised regarding potentially contaminated land. Due to the historic use of the site as a paddock/agricultural and the sensitive end use it is considered reasonable to request contaminated land information by way of condition.
- 8.119 Summary
- 8.120 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010.
- 8.121 The associated construction and environmental impacts would, subject to conditions, be acceptable in accordance with policies CC/6, CC/7, SC/9, SC/10, SC/12 and SC/14 of the Local Plan.
- 8.122 **Third Party Representations**

8.123 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Principle contrary to policy	Considered in paras 8.2-8.18 Considered as part of the balance in 8.118 – 8.127
Queries over Self-build need	Considered in paras 8.19-8.31 Considered as part of the balance in 8.118 – 8.127
Impact on visual amenity	Considered in paras 8.40 – 8.51 Considered as part of the balance in 8.118 – 8.127
Impact on neighbours	Considered in paras 8.89 – 8.92
Highway safety including the condition of Leaden Hill and PRow	Considered in paras 8.75 – 8.83
Parking	Considered in paras 8.85 – 8.87
Ecology	Considered in paras 8.63 – 8.67
Flooding	Considered in paras 8.69 – 8.72
Loss of view	The loss of a view is not a planning matter
Sewage Capacity	This is an issue that would be dealt with under Building Control
Missing consultation letters	Nos.2a, 4, 6, 8a and 8b were not consulted by letter. As these properties are not immediately adjacent to the site outline as per the location plan it is not a requirement for them to be directly consulted. A site notice was also displayed to allow members of public who were not consulted by letter to be made aware of the application.
Red line plan	Concerns have been raised regarding the inclusion of Leaden Hill within the red outline. This has been included to show the access from the adopted highway. The red outline does not necessarily define ownership and the applicants have signed Certificate of Ownership C which demonstrates that the applicant does not own the whole site.
Ownership	The Parish Council had raised that owners of Leaden Hill had not been informed of the planning application. The applicants have signed Certificate of Ownership C which states that not all owners could be given appropriate notice and all reasonable steps have been taken to find out the names and addresses of the owners. Officers checked with the Agent who confirmed that Leaden Hill is unregistered and which is why they put a Notice in the Cambridge News. They also confirmed some residents have extended

	their ownership to include the road and understands that those people had been served notice.
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8.124 Planning Obligations (S106)

8.125 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

8.126 The applicant has indicated their willingness to enter into a S106 planning obligation in accordance with the requirements of the Council’s Local Plan and the NPPF.

8.127 Policy TI/8 ‘Infrastructure and New Developments’ states that Planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. The nature, scale and phasing of any planning obligations and/or Community Infrastructure Levy (CIL) contributions sought will be related to the form of the development and its potential impact upon the surrounding area.

8.128 Policy SC/4 states all housing developments will include or contribute to the provision of the services and facilities necessary to meet the needs of the development. Paragraph 9.11 of the supporting text of this policy states ‘Reflecting Planning Practice Guidance, the Council will not seek tariff style S106 contributions for general off site infrastructure improvements from sites under 10 dwellings (and which have a combined gross floor space of no more than 1,000m2).

8.129 Whilst the application has been submitted in outline, it is clear to officers from the illustrative site plan and the number of proposed dwellings that the proposed floorspace will exceed 1,000 sqm meaning that Section 106 contributions are required in accordance with the South Cambridgeshire Local Plan.

8.130 Heads of Terms

8.131 The Heads of Terms (HoT’s) as identified are to be secured within the S106 and are set out in the summary table below:

Obligation	Contribution / Term	Trigger
Open Space: - Provision - Management	£21,635.26 – towards sports facilities and infrastructure	Pre-Commencement

- Access - Sports pitches - Allotments - Drainage management	£33,716.37 – towards new play equipment £3,175.86 – towards the improvement and upkeep of Chapel Orchard £1,596 – towards improving local allotments	
Health	£1,470 towards provision of burial space	Pre-Commencement
Indoor community facilities	£9,822.41 towards improvements to indoor meeting space including the village hall and pavilion £5,683 towards Melbourn Sports Centre £6,337 towards indoor swimming pool improvements at Melbourn Sports Centre	Pre-Commencement
Green Infrastructure	£10,353.42 towards the upgrade of green spaces including Hurdleditch Green, Fishers Land and Clunch Pit SSSI	Pre-Commencement
S106 Administration, Monitoring and Compliance	£2,220	N/A
Self Build	To secure the provision of the dwellings as self-build	Compliance

8.132 The planning obligations are necessary, directly related to the development, fair and reasonable in scale, and kind to the development and therefore the required planning obligation(s) passes the tests set by the Community Infrastructure Levy Regulations 2010 and are in accordance with Policy TI/8 of the South Cambridgeshire Local Plan (2018).

8.133 **Other Matters**

8.134 LP policy TI/10 'Broadband' requires new development to contribute towards the provision of infrastructure suitable to enable the delivery of high-speed broadband services across the District. A condition is proposed to ensure this provision.

8.135 Archaeological investigations and earthwork surveys towards the historic core of Orwell have identified a number of medieval works. Due to the

archaeological potential of the site a programme of investigation and recording in order to provide more information regarding the presence or absence and condition, of surviving archaeological remains within the development area. This can be dealt with by way of condition to ensure compliance with Policy NH/14 of the Local Plan.

8.136 **Planning Balance**

8.137 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).

8.138 Summary of harm

8.139 The proposal is contrary to the development plan as it lies outside of the Orwell Development Framework and is for 9 dwellings. However, as explained above, officers consider that the site is not in an unsustainable location but it does constitute encroachment into the countryside.

8.140 Notwithstanding the spatial encroachment into the countryside, it is considered that the proposal would result in low to moderate harm on the visual amenity taking into account views from the countryside and over time with the maturity of landscaping, this can be improved to negligible to low harm.

8.141 The proposal is for 9 dwellings which is one above the policy requirements of Policy S/10. However, it is considered that the uplift of one dwelling would only result in limited harm.

8.142 The proposal would result in the loss of Grade 2 agricultural land which is considered to be best and most versatile land. However, the land is not currently being farmed and is limited in size. As such, the harm is considered to be low.

8.143 Summary of benefits

8.144 The proposal would result in the provision of 9 self-build dwellings. As explained above, the Council currently has a shortfall of 332 self build plots as of 30 October 2023. Within appeal decisions, Inspectors have given significant weight to the provision of self-build dwellings and whilst 9 is somewhat limited in number it would help address the Council's shortfall. As such, officers considered that the provision of self-build dwellings should be given significant weight.

8.145 Conclusion

8.146 In summary, it is considered that as the visual impact of the proposal on the open countryside is low to moderate at worst, the uplift of one dwelling above policy requirements is low and the loss of agricultural land is low,

the provision of self-build dwellings outweighs the harm created by the proposal.

- 8.147 As officers consider that the provision of self-build tips the balance in favour of development, it is considered reasonable that a legal agreement is made to ensure that the dwellings would meet the definition of self/custom-build. This will be included within the Section 106 Agreement.
- 8.148 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.
- 8.149 All conditions which are required to be discharged prior to commencement have been agreed with the applicant.

9.0 Recommendation

9.1 Approve subject to:

- The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.
- Satisfactory completion of a Section 106 Agreement which includes the Heads of Terms (HoT's) and agreement for the plots to be self-build as set out in the report with minor amendments to the Heads of Terms as set out delegated to officers.

10.0 Planning Conditions

1. No development shall commence until details of the appearance, landscaping, layout and scale, (hereinafter called the 'reserved matters') have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: This is an Outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Plans to be listed

PL(01)01 – Location Plan

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

4. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principal areas of concern that should be addressed are:
 - i. Movements and control of muck away Lorries (all loading and unloading should be undertaken off the adopted public highway and Leaden Hill)
 - ii. Contractor parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway and Leaden Hill)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Works shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 and paragraph 115 of the NPPF 2023.

5. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

6. No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include the following.
 - a) Risk assessment of potentially damaging construction activities.

- b) Identification of biodiversity protection zones.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timings of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that before any development commences appropriate construction ecological management plan has been agreed to fully conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

7. No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. The statement of significance and research objectives;
- b. The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. The timetable for the field investigation as part of the development programme;
- d. The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2021).

Informatives: Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all

elements have been fulfilled in accordance with the programme set out in the WSI.

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

Reason: To satisfy the Local Planning Authority that trees and hedges to be retained will be protected from damage during any construction activity, including demolition, in order to preserve arboricultural amenity in accordance with section 197 of the Town and Country Planning Act 1990 and Policy HQ/1 of the South Cambridgeshire Local Plan.

9. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and in accordance with South Cambridge District Council local plan policies, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied. The scheme shall include:
 - a) Details of the existing surface water drainage arrangements including runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with a schematic of how the system has been represented within the hydraulic model;
 - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers, details of all SuDS features;
 - d) A plan of the drained site area and which part of the proposed drainage system these will drain to;
 - e) Full details of the proposed attenuation and flow control measures;
 - f) Full details of the maintenance/adoption of the surface water drainage system;
 - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water
 - h) Formal agreement from a third party if discharging into their system is proposed, including confirmation that sufficient capacity is available.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

10. No development (or phase of) shall take place, unless otherwise agreed, until:
- a) The application site has been subject to a detailed Phase 1 Desk Study, to be submitted to and approved in writing by the Local Planning Authority.
 - b) The application site has been subject to a detailed scheme for the investigation and recording of contamination, based on the Phase 1 Desk Study, and remediation objectives have been determined through risk assessment. The resulting Phase 2 Intrusive Site Investigation Report is to be submitted to and approved in writing by the Local Planning Authority.
 - c) A Remediation Method Statement containing proposals for the removal, containment or otherwise rendering harmless any contamination, based upon the Phase 2 Intrusive Site Investigation, has been submitted to and approved 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 identified and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors as well as to controlled waters, property and ecological systems in accordance with Policies CC/7 and SC/11 of the adopted South Cambridgeshire Local Plan 2018.

11. The development (or each phase of the development where phased) shall not be occupied until the works specified in the approved Remediation Method Statement are complete and a Verification Report demonstrating compliance with the approved Remediation Method Statement has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable for approved use in the interests of environmental and public safety in accordance with Policy SC/11 of the South Cambridgeshire Local Plan

12. If, during development, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the development hereby approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy SC/11 of the South Cambridgeshire Local Plan 2018, National Planning Policy Framework (NPPF), paragraphs 174, 183, 184 and relevant Environment Agency Groundwater Protection Position Statements.

13. No building hereby permitted shall be occupied until foul water drainage works have been detailed and approved in writing by the local planning authority.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development in accordance with Policies CC/7 and CC/8 of the South Cambridgeshire Local Plan 2018.

14. Prior to the commencement of development above slab level, a scheme for biodiversity enhancement shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of bat and bird box installation, hedgehog connectivity, habitat provision and other biodiversity enhancements, including how a measurable net gain in biodiversity will be accomplished, when it will be delivered and how it will be managed. The biodiversity net gain scheme shall include details of any purchasing and monitoring of any offsite biodiversity units, costings and appropriate legal agreements to guarantee third party delivery of ongoing habitat management requirements. The approved scheme shall be fully implemented within the agreed timescale following the substantial completion of the development unless, for reasons including viability or deliverability, it is otherwise agreed in writing by the local planning authority.

Reason: To conserve and enhance ecological interests in accordance with South Cambridgeshire Local Plan 2018 policies HQ/1 and NH/4, the Greater Cambridge Shared Planning Biodiversity SPD 2022 and the NPPF paragraphs 8, 180, 185 and 186.

15. Prior to occupation a "lighting design strategy for biodiversity" features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To conserve ecological interests in accordance with South Cambridgeshire Local Plan 2018 policies HQ/1 and NH/4, the Greater

Cambridge Shared Planning Biodiversity SPD 2022 and the NPPF paragraphs 8, 180, 185 and 186.

16. No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

b) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. Any tree planting plans should adhere to BS 8545:2014 Trees: from nursery to independence;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas. This shall include the management of all communal areas, boundary hedges and trees.

All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

17. No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local

planning authority. The Statement shall demonstrate that a minimum of 10% 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 approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised Energy Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure an energy efficient and sustainable development in accordance with Policy CC/3 of the adopted South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

18. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction in accordance with Policy CC/4 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

19. In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites.

Development shall be carried out in accordance with the approved statement.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

20. Notwithstanding the reserved matters and condition 1, the scale of the dwellings and, landscaping areas shall comply with the 'Design Code and

Plot Passports' documents by Twenty Nine Architecture and Planning submitted 19.03.2024.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

21. No demolition or construction vehicles over 7.5t shall service the site between the hours of 08.30 - 09:00 and 15:00 -15.30hrs, Monday to Friday (during term times) due to the sites proximity to Orwell Primary School.

Reason: in the interests of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 and paragraph 115 of the NPPF 2023.

22. Pedestrian visibility splays of 2m x 2m shall be provided each side of the vehicular access at the junction with Leaden Hill measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the Leaden Hill.

Reason: In the interests of highway safety for the users of the Public Right of Way in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018 and the NPPF 2023

23. No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

24. The hedge along the south east boundary shall be retained, other than the section to be removed for the access as shown on drawing P1301-2-ASP02 within the Arboricultural Impact Assessment by Ligna Consultancy, and maintained at a minimum height of 6 metres unless otherwise agreed in writing with the Local Planning Authority.

Reason: To retain adequate screening to protect the character and appearance of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

25. The dwellings hereby approved shall not be occupied until the dwelling has been made capable of accommodating 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 or other emerging technology, 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.

26. Details of the layout of the dwelling(s) as required by condition 1 above, shall demonstrate that the dwelling(s) meet or exceed the Government's Technical Housing Standards - Nationally Described Space Standard (2015) or successor document.

Reason: To ensure a reasonable level of residential amenity and quality of life and the long-term sustainability and usability of the dwelling(s) in accordance with policy H/12 of the South Cambridgeshire Local Plan 2018.

Informatives:

1. Public Footpath No. 10, Orwell must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
2. Public Footpath No. 10, Orwell must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)
3. No alteration to the footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
4. Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
5. The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
6. Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them
7. The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard.

Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

Background Papers:

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

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework SPDs