

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 7 May 2008 at 2.00 p.m.

PRESENT: Councillor Mrs PS Corney – Chairman
Councillor CR Nightingale – Vice-Chairman

Councillors:	RE Barrett	Mrs PM Bear
	TD Bygott	Mrs SA Hatton
	SGM Kindersley	Mrs DP Roberts
	Mrs HM Smith	JF Williams

Officers in attendance for all or part of the meeting:

Nigel Blazeby (Team Leader), Gary Duthie (Senior Lawyer), David Grech (Principal Conservation Officer), David Hamilton (Landscape Design Officer), Gareth Jones (Corporate Manager, Planning & Sustainable Communities), Ray McMurray (Principal Planning Officer), Rob Mungovan (Ecology Officer), Melissa Reynolds (Team Leader), David Rush (Development Control Manager), Ian Senior (Democratic Services Officer) and Paul Sexton (Area Planning Officer)

Councillors JD Batchelor, A Riley and JH Stewart were in attendance, by invitation.

Apologies for absence were received from Councillors BR Burling, Mrs JM Guest, Mrs CA Hunt and RJ Turner.

195. GENERAL DECLARATIONS OF INTEREST

Councillor SGM Kindersley declared a personal interest as a Cambridgeshire County Councillor.

196. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 2 April 2008.

197. S/0312/08/F – LINTON (8A THE GRIP)

Patricia Perry (objector), Charmain Hawkins (applicant's agent) and Councillor John Batchelor (a local Member) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 7 May 2008. The Committee **APPROVED** the application, subject to the prior completion of a Section 106 Legal Agreement requiring that the building be used only for purposes ancillary to the domestic use of the main dwelling, including use as an annexe by family members, and to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

Councillor Mrs PM Bear declared a personal interest by virtue of her acquaintance with both the applicant and objector.

Councillor JD Batchelor declared a personal interest by virtue of his acquaintance with both the applicant and objector.

198. S/1881/07/RM – LINTON (LAND R/O NEWDIGATE HOUSE, HORSEHEATH ROAD)

Deborah O'Brien (objector), Philip Kratz (applicant's agent) and Councillor John Batchelor (a local Member) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 7 May 2008. The Committee **REFUSED** the application contrary to the recommendation in the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reasons for refusal as being the position of units 3-5 close to the east boundary of the site and their adverse impact on the amenity of the occupiers of dwellings in Dolphin Close by virtue of overlooking, overshadowing and overbearing impact and the inadequacy of the natural screening along this boundary.

Councillor RE Barrett declared a personal interest by virtue of his acquaintance with residents adjoining the application site.

199. S/1970/07/A21- LONGSTANTON (LAND WEST OF LONGSTANTON (HOME FARM))

Colin Hicks (objector), Tim Tucker (Parish Council) and Councillor Alex Riley (local member) addressed the meeting.

The Committee **APPROVED** the application for an increase from 500 to 546 dwellings, subject to the prior completion of a Section 106 Legal Agreement securing the provision of 35% affordable housing, education, if required, public open space contributions, the provision of fire hydrants, and also to transfer of the recreation ground extension to Longstanton Parish Council.

200. S/0376/08/F - WESTON COLVILLE (MINES FARM, WESTON GREEN)

Michael Hampton (objector) and Tom Emerson (applicant's agent) addressed the meeting.

Prior to considering this application, the Committee attended a site visit on 7 May 2008. The Committee **REFUSED** the application for the reasons set out in the report from the Corporate Manager (Planning and Sustainable Communities).

Councillor SGM Kindersley declared a personal and prejudicial interest by virtue of being related to the applicants, withdrew from the Chamber prior to the debate and did not vote.

201. S/1201/07/F – BOURN (SITE OF FORMER RUNWAY, BOURN AIRFIELD)

Neil Waterson (applicant's agent) withdrew his request to address the meeting.

The Committee **APPROVED** the application, as amended, subject to the prior completion of a Section 106 Legal Agreement requiring the carrying out of traffic works to prevent HGV vehicles turning left out of, and right into, the site and to Conditions securing a noise management scheme (including hours of work) to be agreed with the local Members for Bourn and Caldecote, details of landscaping, boundary treatment, lighting, location and type of any power driven plant or equipment, noise levels of vehicles accessing the site, a scheme of signage, a plan showing the area to be used for storage (no storage outside this area), and a restriction on storage heights to single storage containers only.

202. S/0330/08/F – ICKLETON (RIVERSIDE BARN, 111 FROGGE STREET)

Stephen Cornwell (tenant supporter) addressed the meeting.

The Committee **APPROVED** the application contrary to the report from the Corporate Manager (Planning and Sustainable Communities). Members agreed the reasons for approval as being the lack of any adverse impact on the area, the lack of any need for additional buildings, the sustainable nature of the development, and the provision of local employment and affordable commercial opportunities. Members also noted that some units on the site already had the benefit of a Certificate of Lawful Existing Use or Development.

Councillor John Williams declared a personal interest by virtue of his acquaintance with both the objector referred to in the report and the applicant.

203. S/0297/08/F – GIRTON (HOTEL FELIX, WHITEHOUSE LANE)

The Committee was **MINDED TO APPROVE** the application, subject to it being referred to the Secretary of State in accordance with the Town and Country Planning (Green Belt) Direction 2005 and not being called in for decision by her, and to the Conditions referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

204. S/0307/08/F – HISTON (LAND AT BISHOPS CYCLES, 49 STATION ROAD AND LAND R/O 51- 55 STATION ROAD)

Justin Bainton (applicant's agent) addressed the meeting.

The Committee gave officers **DELEGATED POWERS TO APPROVE** the application, subject to the prior completion of a Section 106 Legal Agreement securing a financial contribution towards public open space, the submission of details relating to full visibility plays and tree works, and to the Conditions (as amended) referred to in the report from the Corporate Manager (Planning and Sustainable Communities).

205. PUBLIC SPEAKING AT PLANNING COMMITTEE

The Committee considered a report reviewing public speaking at meetings of the Planning Committee and the protocol introduced at the meeting in August 2007.

Members focused in particular on two areas of concern. In relation to the suggestion that local Members not on the Committee should also register to speak, the Chairman explained that, if the agenda order were changed, items without any non-Committee speakers would be moved to the later part of the meeting. Therefore, the suggestion made in the report, which was not an instruction, was intended to help local Members. In relation to the issue of the Committee asking questions of clarification of public speakers, Councillor Mrs DP Roberts proposed that such questions should include circumstances where Committee members wanted to raise new issues (not raised during public speaking). This proposal was seconded by Councillor Mrs PM Bear and, upon a vote being taken, was lost. The Senior Lawyer summed up by saying that questions of clarification should not be adversarial in nature and, by acknowledging the varying public speaking abilities of contributors, the Committee would be protecting the integrity of the Local Planning Authority's decision-making. The Chairman added that she could exercise her discretion should further questions of fact arise during the course of the Committee's debate on a particular planning application.

The Committee

RESOLVED that the revised public speaking protocol for meetings of the Planning

Committee be adopted, as displayed on the Council's website and referred to in the report from the Chief Executive, with immediate effect.

206. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee received a report on Appeals against planning decisions and enforcement action, and a decision summary relating to

- Circle Anglia – 76 affordable dwellings – Land off Cambridge Road, Great Shelford – Appeal dismissed.

207. APPEAL STATISTICS

The Committee **NOTED** that an information report on Appeal statistics had been published on the Council's website.

The Meeting ended at 5.50 p.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th March 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1881/07/RM - LINTON

Erection of 11 Dwellings

**Approval of Reserved Matters - Layout, Scale, Appearance, Access and Landscaping,
Land Rear of Newdigate House, Horseheath Road, for Beechdale Homes Ltd**

Recommendation: Approval

Date for Determination: 26 February 2008 (Major Application)

This Application has been reported to the Planning Committee for determination because the recommendation of the officers does not accord with the recommendation of the Parish Council.

Site and Proposal

1. The application relates to 0.3ha rear garden area associated with a detached dwelling, Newdigate House, which takes vehicular access from Horseheath Road. The land slopes upwards to the north (rear). The northern boundary is marked by a small spinney of conifer trees. To the north and west, the site is adjoined by the playing fields and the swimming pool of Linton Heights Junior School. To the east, the site is overlooked from the rear elevations of two-storey dwellings Nos 23 to 31 (odd) Dolphin Close, and Nos 7 and 9 Horseheath Road. To the south west, the site adjoins the rear garden boundaries of Nos 25 and 27 Parsonage Way.
2. This reserved matters application, dated 21 September 2007, was amended by drawings date-stamped 27 November and 30 November 2007, and 18 February 2008. Details of layout, scale, appearance, access and landscaping have been submitted for the erection of eleven dwellings, sharing vehicular access with Newdigate House onto Horseheath Road. The amended proposal includes provision of three affordable terraced houses on Plots 3-5, each with two bedrooms. The remaining market housing is to have a mix of 38% of 2-bed, 12% of 3-bed and 50% of 4+-bed, as follows:

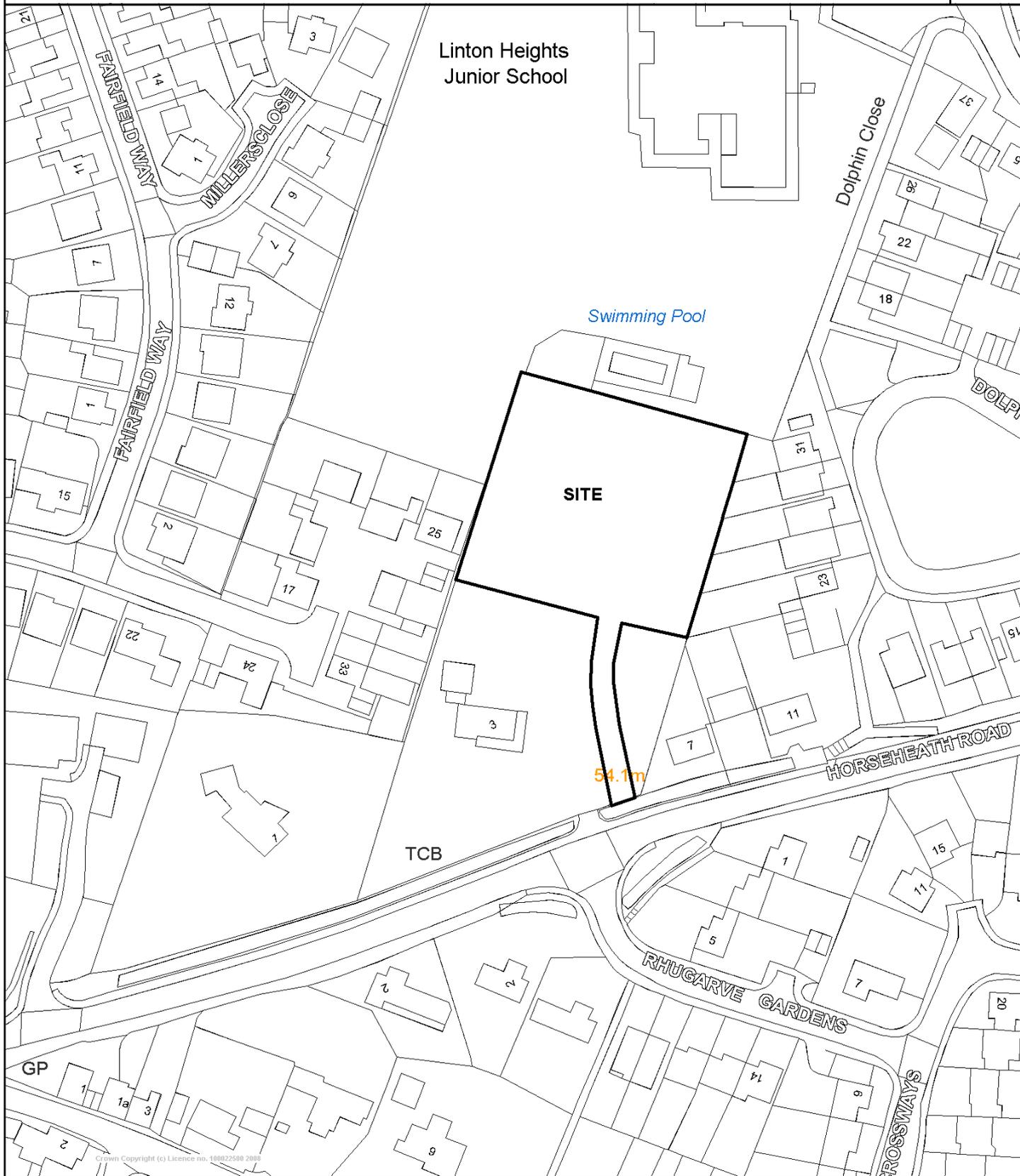
Plot	Type	Bedrooms
1	A	Semi detached 2
2	A	Semi detached 2
6	D	Detached 4
7	D	Detached 4
8	C	Detached 2.5 storey 4/5
9	C	Detached 2.5 storey 4/5
10	E	Linked 3
11	A	Semi detached 2

3. The layout shows the dwellings grouped in a courtyard, in similar fashion to the layout of the adjoining group in Parsonage Way. The external materials are to be facing brick and tile roofing, details to be agreed.

S/1881/07/RM Linton



Linton Heights Junior School



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Scale 1/1250 Date 22/2/2008

Centre = 556827 E 246912 N

March 08 Planning Committee

4. The application is supported by an arboricultural assessment, and a landscape and biodiversity statement. This indicates that the conifer spinney is in a generally poor condition, and some specimens are dying and should be removed. The proposal shown in drawings date-stamped 18 February is to remove these trees and to erect on the rear garden boundary of Plots 6 and 7 a 2.4m high close boarded fence, surmounted with 0.8m trellis, which would be planted with climbing plants. This would provide a visual barrier facing the swimming pool of 3.2m height. Eleven new trees would also be planted. These would be a mix of ornamental species, ultimate height 4 to 5m. Correspondence has been provided by the agent to indicate that discussions with the school representatives is taking place with a view to providing additional planting on the school's land between the developer's fencing and the swimming pool fence, to provide additional screening.
5. Remaining boundaries would be provided with 1.8m close board fencing or 1.2m post and rail fencing, as appropriate. Ornamental planting areas are shown within the courtyard area.
6. The vehicular access onto Horseheath Road is to be widened to 5.0m, which will entail some removal of earth banking on the eastern side. 2.4m x 90m visibility splays have been demonstrated in each direction along Horseheath Road. A single rumble strip is to be provided at the entrance. Evidence has been provided that the road has been designed to cater for the access and turning of emergency and refuse vehicles.

Planning History

7. Outline planning permission for the erection of eleven dwelling units was allowed on appeal reference **APP/W0530/A/06/2020762** dated 6 February 2007. A copy of this decision is attached at [Appendix 1](#). The appeal was lodged following the refusal of planning application **S/0348/06/O** under delegated powers on the grounds of harm to the amenity of neighbouring properties and the adjacent junior school swimming pool, and the insufficient provision of affordable dwellings to meet the 30% level required under former Policy HG7 of the Local Plan 2004.
8. The Inspector attached five conditions to the approval, including a requirement to provide three affordable dwellings (Condition 5). Details of the siting, design, external appearance of the buildings and the landscaping of the site were to be submitted for approval by the Local Planning Authority (Condition 1).

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

9. **P1/3** (Sustainable Design in Built Development) requires compact forms of development through the promotion of higher densities that responds to the local character of the built environment. A high standard of design and sustainability for all new development will be required.

South Cambridgeshire Development Control Policies Development Plan Document (2007):

10. **DP/2** (Design of New Development) requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.

11. **DP/3** (Development Criteria) sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
12. **HG/2** (Housing Mix) states that in developments of more than 10 dwellings, a mix of units will be sought providing a range of accommodation.

Consultations

13. **Linton Parish Council:** Recommendation of refusal on the grounds of:
 - a) “The access road should not be higher up Horseheath Road than had been previously approved and there should only be one access road, including the access to Newdigate House.
 - b) The proposed development was contrary to Policies SE2 and HG10 as referred to by the Planning Inspectorate in the previous decision notice and would have a serious impact on the amenities of 29 and 31 Dolphin Close.
 - c) The trees on the northern boundary should be retained because of the impact of the proposed development on the school and the existing trees should be strengthened by additional tree planting.
 - d) The shrub land on the eastern boundary should be retained to maintain biodiversity.
 - e) All dwellings should be restricted to 2 storeys in height.
 - f) A full biodiversity survey should be undertaken prior to any development commencing.
 - g) No properties on the northern and eastern boundaries of the development should be allowed any permitted development rights.
 - h) The proposed rumble strip was unnecessary and liable to cause a noise nuisance.
 - i) There should be a requirement that any landscaping undertaken by the developers should be maintained thereafter by the householders”.
14. **Local Highway Authority:** Additional speed reduction features are needed on the shared driveway. The drawing should include highway dimensions, including radius curve. The comments of the LHA on the amended plans are awaited.
15. **Cambridgeshire Fire and Rescue:** Recommends a condition to require provision of fire hydrants.
16. **Council’s Landscape Officer:** To the amended plans, concern that insufficient land is provided for tree planting to the front of Plots 6 and 7, and a request for final details of plant species to be submitted for agreement.

Representations

17. Letters of objection have been received from the occupiers of Nos. 25, 27, 31 Dolphin Close, 12 Fairfield Way, 7 Horseheath Road, 21 Balsham Road, 33 Rivey Way, Greenditch Hill Barn and 21 Balsham Road, and from the Head teacher and Governor of Linton Heights Junior School. Issues raised are:

18. Landscaping
 - a) Loss of buffer zone on eastern boundary;
 - b) Loss of trees on northern boundary;
 - c) Lack of landscaped areas.
19. Scale and layout
 - a) Height of dwellings;
 - b) Density of development too high;
 - c) Not in keeping with the character of the area;
 - d) Lack of 2-bed market housing;
 - e) House Type A is 2-bed with a first floor study, so is 3-bed in effect.
20. Amenity
 - a) loss of privacy to the school pool;
 - b) noise disturbance to future occupiers when the school pool is in use;
 - c) loss of privacy to Nos.27 and 31 Dolphin Way
 - d) overshadowing of Nos.27 and 31 Dolphin Way
 - e) loss of outlook to No.31 Dolphin Way
21. Other
 - a) Unacceptable re-siting of access position on Horseheath Road.
22. The comments of objectors in response to the amended plans date-stamped 18 February will be reported verbally to Members.

Planning Comments

Amenity

23. The concerns of the occupiers of dwellings in Dolphin Way are noted. The amended plans have reduced the impact due to overshadowing and overbearing impact on Nos 29 and 31, by virtue of the addition of a hipped gable end to Plot 3, and the resiting of the dwelling to provide a 3.0m distance to the side garden fence. The distance of the proposed gable to the windows in the rear of Nos 29 and 31 is 14.0m, and set due west of them, which I consider to be acceptable. The dwelling on Plot 3 nearest to the rear garden of No.31 is shown to have a bathroom window closest to the boundary. The first floor bedroom window in its rear elevation is located 6m from this boundary, but at a minimum angle of 30 degrees to it, so any views over the rear garden of No.31 will be oblique. I do not consider that the development will result in serious overlooking of this dwelling.
24. The distance between rear bedroom windows in Plots 1 and 2 to the rear garden boundary with Nos 8 Horseheath Road, and 23/25 Dolphin Close, has been increased in the amended layout plan to 8.1m. The window-to-window distances are between 25 and 31m, which is acceptable. The development will result in a degree of overlooking of these gardens and rear elevations, but as the gardens are already overlooked from existing dwellings, I do not consider that the additional overlooking is so serious as to warrant a refusal of planning permission.

25. The boundary to the school pool is to be provided with a fence of 3.2m in height. Such a fence would be sufficient in my opinion to prevent overlooking of the pool area, but screening could be further improved with intermediate planting within the adjacent school land. This intermediate land does not lie within the applicant company's ownership/control, but I consider that sufficient screening will be achieved by the fence, and it is encouraging that the school is participating in discussions with the applicant company to this end. I recommend that an additional condition is attached to any consent issued to ensure that fencing of this height is retained in perpetuity on the rear boundaries of Plots 6 and 7.

Scale and Layout

26. The dwellings are of conventional two-storey height, being 8.3m to ridge, and the larger two-and-a-half storey dwellings on the western end of the site adjacent to the playing field being 8.7m to ridge. This scale is similar to dwellings in adjacent Parsonage Way, for example. The courtyard layout is typical of newer development in the vicinity, and subject to final details of soft landscaping and tree planting, as required by the Landscape Design Officer. I consider this to be acceptable.

Housing Mix

27. LDF Policy HG/2 (Housing Mix) sets out firm guidelines for the required house size in development of up to ten dwellings, but in larger schemes such as this more flexibility is provided for. The amended scheme includes 38% 2-bed market housing, which I consider to be acceptable in this context. I do not consider that the shortfall in 3-bed housing, and more than expected provision of 4-bed dwellings to be a sustainable reason for refusal of planning permission in a scheme of this size.

Access

28. The comments of the Local Highway Authority are noted, and any further comments received will be reported verbally to Members. The LHA accepted an identical access configuration in the outline application, although this was not finally a matter determined by the Inspector. I consider that the amended plan, with the corrected access position and necessary design details provided, is acceptable in highway safety terms.

Inspector's comments

29. The Inspector, in allowing the appeal and granting outline planning permission on 6 February 2007, made comments about the suitability of the site for development, and in particular the need to safeguard the amenity of the school swimming pool from overlooking (Paragraph 15). She did not discount the possibility of the spinney being replaced (Paragraph 7).
30. The Inspector noted the potential for serious overlooking between Nos 29 and 31 Dolphin Close and the new development (Paragraph 10). She referred to the desirability of a buffer zone between the developments in this vicinity, with a different mix and layout of dwellings from the illustrative plan, so as to reduce the harm to residents' outlook and minimise any dominating effect of loss of daylight. The layout plan that the Inspector was commenting upon showed a pair of semi-detached dwellings with rear elevations facing directly towards Nos 29 and 31 Dolphin Close. The layout currently proposed is much different, and for the reasons explained above in paragraph 23, I consider that the amenity issues identified by the Inspector have been satisfactorily addressed without provision of a buffer strip.

Recommendation

31. In accordance with the application dated 21st September 2007, as amended by drawings date-stamped 27th November and 30th November 2007, and 18th February 2008: Approval of reserved matters – layout, scale, appearance, access and landscaping in accordance with outline planning permission reference and APP/W0530/A/06/2020762 (LPA reference S/0348/06/O) dated 6th February 2007.

Additional Conditions

1. SC22 (no additional windows) 'inserted at first floor level in the eastern elevation of Plot 3' - (RC22).
2. SC23 (obscured window) 'first floor bathroom window in the rear elevation of Plot 3' (RC23 'adjoining property at 31 Dolphin Close').
3. SC21 Plots 1, 2 and 3 (Withdrawal of permitted development rights) Part 1 Classes A and B (extensions and roof alterations). (RC23 'properties').
4. SC51 (landscaping). (RC51).
5. SC52 (Implementation and maintenance of landscaping). (RC52).
6. SC5 (external materials). (RC5).
7. SC59 (Provision and retention of fencing) '3.4m', 'northern boundary Plots 6 and 7', add at end 'and thereafter retained'.
(Reason: To protect the privacy of users of the adjoining school swimming pool.)
8. Development shall not begin until a scheme for the provision and location of Fire Hydrants to serve the Development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved by the Local Planning Authority; no Development shall take place otherwise than in accordance with the approved scheme.
(Reason - To ensure adequate provision is made for fire hydrants.)

Informatives

The applicant's attention is drawn to Condition No 5 of the outline planning permission APP/W0530/A/06/2020762 (LPA reference S/0348/06/O) dated 6th February 2007 relating to the provision of affordable housing.

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

- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File ref APP/W0530/A/06/2020762 (LPA reference S/0348/06/O)

Contact Officer: Ray McMurray – Acting Area Officer
Telephone: (01954) 713259

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Appeal Decision

Site visit made on 30 January 2007

by Sue Glover BA (HONS) MCD MRTPI

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

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Date: 6 February 2007

Appeal Ref: APP/W0530/A/06/2020762

Land rear of Newdigate House, Horseheath Road, Linton, Cambridge, CB1 6LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D Fairey against the decision of South Cambridgeshire District Council.
- The application (Ref S/0348/06/O), dated 1 February 2006, was refused by notice dated 24 May 2006.
- The development proposed is eleven dwelling units.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.

Procedural Matter

1. From the information provided, it is clear that all matters are reserved for subsequent approval. However, the application is for 11 dwellings, the type and size of which are unspecified. An illustrative layout has been provided.

Main Issues

2. I consider that the main issues are the effect of the proposal on the:
 - character and appearance of the street scene and the area in general;
 - living conditions of nearby residents in respect of privacy, daylight and outlook;
 - and whether there would be sufficient affordable housing.

Planning Policy

3. The development plan includes the *Cambridgeshire & Peterborough Structure Plan 2003, Planning for success* (SP) and the *South Cambridgeshire Local Plan* (LP), adopted in 2004. SP Policy P1/3 indicates that a high standard of design for all new development will be required. Amongst other things, it should provide a sense of place which responds to the local character of the built environment.
4. LP Policy SE2 indicates that residential development will be permitted on unallocated land within the village framework provided that, amongst other matters, that it would be sensitive to the character of the village and the amenities of neighbours. It also says that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dwellings per hectare (dph).

5. LP Policy HG7 sets out the Council's policy on providing affordable housing within village frameworks for residential development of more than 10 dwellings. In settlements such as Linton, the policy indicates that approximately 30% of the total number of dwellings should be affordable unless local circumstances, such as the proximity to local services, dictate otherwise. LP Policy HG10 also requires a mix of units in a range of types and sizes and affordability. The design and layout of schemes should be informed by the wider character and context of the local townscape and landscape.

Reasons

Character and appearance

6. The appeal site is positioned to the rear of Newdigate House and dwellings that front Dolphin Close. It also adjoins a new housing development to the rear of no. 1 Horseheath Road, so it is surrounded on 3 sides by housing. At the northern end of the site there is a spinney about 6m deep. This adjoins the school playing fields and the school's outdoor swimming pool. There are distant views of the appeal site and its spinney from public viewpoints across the playing fields and closer views from nearby dwellings and the school grounds.
7. I noticed that the dense spinney comprises for the most part thin specimens spaced close together and heavily overgrown with ivy. Whilst the spinney is in a poor condition, nevertheless it does have visual amenity value as a group of trees providing a soft feature in an otherwise built or open grassland landscape. Its retention, in part at least, would provide an effective break or buffer between the proposed housing and the playing fields beyond. Given its poor condition, I consider that it should be managed and/or replaced with appropriate landscaping.
8. I have considered whether 11 dwelling units could be constructed on the appeal site without impinging significantly on the spinney site. Whilst there is some mix of units indicated on the illustrative plan, there are a significant proportion of units with a more generous footprint and with a garage. I consider that there is ample scope for providing a higher proportion of smaller units, thus allowing the retention of a landscaped buffer to the north. LP Policy HG10 in particular encourages a range of types and sizes including 1 and 2 bedroom dwellings.
9. I am satisfied that the management and/or replacement of the spinney could be controlled by the reserved matters, and there would therefore be no harm to the character and appearance of the street scene or the area in general. The proposal complies in this respect with SP Policy P1/3 and LP Policies SE2 and HG10.

Living conditions

10. The illustrative layout indicates proposed dwellings in close proximity to the rear of nos. 29 and 31 Dolphin Close where there would be potential for serious overlooking into rear windows and private garden areas both into and from Dolphin Close. Other adjoining dwellings are positioned further from the appeal site boundary or, as the case of plot 6 of the new development, sideways to it. I consider that the retention of a buffer zone adjoining the boundary of nos. 29 and 31 Dolphin Close, with a different mix of dwellings and layout from the illustrative plan, would protect residents' living conditions in respect of their privacy. Such a buffer would also ensure that the proposed dwellings would not appear

overly dominating and therefore harm residents' outlook, or restrict significant levels of daylight.

11. Given my conclusions about the scope for increasing the proportion of smaller units, I am satisfied that 11 dwelling units could be built within the appeal site without causing harm to the living conditions of nearby residents or to the future occupiers of the proposed units. In this respect the proposal therefore complies with SP Policy P1/3 and LP Policies SE2 and HG10.

Affordable housing

12. The appellant has offered 2 affordable dwelling units out of the total 11. However, LP Policy HG7 makes it clear that the number should be approximately 30%, which would therefore require 3 units to be affordable. The Council has indicated that there is a clear proven need for affordable housing in Linton. I have been provided with evidence from the Linton Parish Housing Needs Survey undertaken in 2003 and Housing Register information from November 2006. The appellant has not disputed this need. I therefore conclude that 3 affordable dwelling units should be provided out of the total of 11 in accordance with LP Policy HG7.
13. Whilst there is no unilateral undertaking, there would be a significant benefit by the provision of affordable housing in Linton and the appellant has stated a willingness to provide 3 affordable dwellings if indicated to do so. Since the alternative would be to dismiss the appeal on these grounds, I shall therefore impose an appropriate condition in order to meet the requirements for affordability as set out in LP Policy HG7.

Conditions

14. I have had regard to those conditions put forward by the Council. In addition to conditions requiring the provision of 3 affordable housing units, the submission of the reserved matters, and the standard time conditions, I shall also impose a condition requiring details of trees and hedgerows to be retained and of proposed landscaping and boundary treatment to be submitted as part of the matters reserved in order to protect the character and appearance of the area. However, I am satisfied that unacceptable noise and disturbance from construction activities may be dealt with under other legislation. The wording of the conditions I will impose is consistent with the advice in *Circular 11/95, The Use of Conditions in Planning Permissions*, and the thrust of the wording requested by the local planning authority.

Other Matters

15. Concern has been raised about overlooking of the school swimming pool, which is used by pupils and families. I note that the playing fields are bounded by houses and are already substantially overlooked. However, the retention or replacement of the spinney, as indicated in the first issue, would prevent overlooking of the pool and any unwanted attention at close quarters. With regard to matters of highway safety, I have taken into account the views of the highway authority about detailed requirements and I consider that there would be no harm in this respect.
16. The Council indicates that a contribution is required for education provision. Whilst LP Policy CS10 sets out where financial contributions are required for local schools, the Council did not reject the proposal for this reason and I note that the appellant disputes the

information supplied by the education authority. I have not been provided with a copy of the supplementary planning guidance referred to in the text of the policy, if it exists, which sets out the way the policy would be applied. For these reasons, I consider that there is significant doubt about whether such a contribution is necessary to make the development acceptable in planning terms, and it would therefore be contrary to the advice in *Circular 5/05, Planning Obligations*.

Conclusions

17. Given that all matters are reserved for subsequent approval, I consider that there is adequate space within the appeal site, taking account the position of the spinney and the proximity to some nearby houses, to design an acceptable scheme with 11 units without harm to the character and appearance of the street scene or the area in general, or to the living conditions of nearby residents. For the reasons given above and having regard to all other matters raised including those by the Parish Council and local residents, I conclude that the proposal is acceptable.

Formal Decision

18. I allow the appeal, and grant planning permission for eleven dwelling units at land at the rear of Newdigate House, Horseheath Road, Linton, Cambridge, CB1 6LU in accordance with the terms of the application, Ref S/0348/06/O dated 1 February 2006, and the plans submitted therewith, subject to the following conditions:
- 1) Details of the siting, design, external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) The details of landscaping required by condition 1) shall include indications of all existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection during the course of development, and the specification of proposed trees, hedgerows and shrubs including details of species, density and size of stock, and details of all proposed boundary treatment.
 - 3) Application 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.
 - 4) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
 - 5) The development shall not begin until a scheme for the provision of 3 affordable dwelling units as part of the development has been submitted to and approved in writing by the local planning authority. The affordable dwellings shall be provided in accordance with the approved scheme. The scheme shall include:
 - the type, and location on the site, of the 3 affordable dwelling units;
 - the timing of the construction of the 3 affordable dwelling units;
 - the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the 3 affordable dwelling units; andthe occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Sue Glover
INSPECTOR