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29 March 2016

To: Chairman – Councillor Lynda Harford  
Vice-Chairman – Councillor David Bard  
All Members of the Planning Committee - Councillors Brian Burling,  
Anna Bradnam, Pippa Corney, Kevin Cuffley, Sebastian Kindersley, Des O'Brien,  
Deborah Roberts, Tim Scott, Ben Shelton and Robert Turner

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 6 APRIL 2016 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution **in advance of** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

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## AGENDA

## PAGES

### **PUBLIC SEATING AND SPEAKING**

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol (revised June 2015) attached to the electronic version of the agenda on the Council's website.

### **PROCEDURAL ITEMS**

1. **Apologies**  
To receive apologies for absence from committee members.
2. **Declarations of Interest**
  1. **Disclosable pecuniary interests ("DPI")**  
A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under

consideration at the meeting.

**2. Non-disclosable pecuniary interests**

These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.

**3. Non-pecuniary interests**

Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

**3. Minutes of Previous Meeting**

**1 - 4**

To authorise the Chairman to sign the Minutes of the meeting held on 2 March 2016 as a correct record.

**PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

**4. S/1969/15/OL - Linton, (Horseheath Road)**

**5 - 36**

S/1969/15/OL – Linton, (Horseheath Road)

**5. S/2642/15/FL - Ickleton (Rectory Farm)**

**37 - 50**

Solar Farm and Associated Development

**6. S/2617/15/FL - Ickleton (Abbey Farm)**

**51 - 64**

solar farm and associated development

**7. S/2870/15/OL - Over (Land to the West of Mill Road)**

**65 - 88**

Construction of up to 58 dwellings with associated access, infrastructure, and open space (All matters reserved apart from access).

**8. S/3223/15/FL - Orchard Park (K1, Topper Street)**

**89 - 106**

42 low-energy cohousing dwellings plus ancillary facilities including a common house, workshop, car and cycle parking, refuse storage, relocation of an electricity substation, associated access and landscaping

**9. S/3202/15/FL - Thriplow (Bacon Farmhouse, Church Street)**

**107 - 116**

Erection of a new dwelling with new access from Church Street

**10. S/2512/15/FL- Little Eversden (Church Lane)**

**117 - 128**

Proposed erection of a live/work unit with associated parking and landscaping including the demolition of 7 silos

11.	<b>S/2396/15/PO - Willingham (Land South of Brickhills)</b>	<b>129 - 136</b>
	Discharge of Planning Obligations	
12.	<b>Pre-application and Technical Briefing Protocol</b>	<b>137 - 146</b>
13.	<b>Member Training and Development, and Technical Briefings</b>	<b>147 - 152</b>
14.	<b>Amendments to the current Scheme of Delegated Powers</b>	<b>153 - 170</b>
	<b>MONITORING REPORTS</b>	
15.	<b>Enforcement Report</b>	<b>171 - 176</b>
16.	<b>Appeals against Planning Decisions and Enforcement Action</b>	<b>177 - 182</b>

### **OUR LONG-TERM VISION**

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

### **OUR VALUES**

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

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#### **Disturbance by Public**

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

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## **EXCLUSION OF PRESS AND PUBLIC**

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) ..... in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) ..... of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

### **Notes**

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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# Agenda Item 3

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 2 March 2016 at 10.00 a.m.

**PRESENT:** Councillor David Bard – Chairman  
Councillor Des O'Brien – Vice-Chairman

**Councillors:** Val Barrett (substitute) Anna Bradnam  
Brian Burling Pippa Corney  
Kevin Cuffley Sebastian Kindersley  
Charles Nightingale Deborah Roberts  
(substitute)  
Tim Scott Robert Turner

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Julie Baird (Head of Development Management), Debra Bell (Planning Officer), Gary Duthie (Senior Lawyer), John Koch (Planning Team Leader (West)), Ian Lorman (Trees and Landscape Officer), Chris Morgan (Senior Planning Officer), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)), Charles Swain (Principal Planning Enforcement Officer) and Rebecca Ward (Senior Planning Officer)

Councillor Cicely Murfitt was in attendance, by invitation.

### **1. APOLOGIES**

Councillors Lynda Harford and Ben Shelton sent Apologies for Absence. Councillors Val Barrett and Charles Nightingale were their substitutes respectively.

In Councillor Harford's absence, Councillor Dr. David Bard took the Chair as Vice-Chairman.

The Committee agreed that Councillor Des O'Brien should act as Vice Chairman of the meeting.

### **2. DECLARATIONS OF INTEREST**

In respect of Application S/0002/16/FL in Over, Councillor Brian Burling declared a Disclosable Pecuniary Interest as a Director of the applicant company. Councillor Burling withdrew from the Chamber, took no part in the debate, and did not vote. By virtue of a separate investigation into a matter in Swavesey involving Councillor Burling and her husband, Councillor Pippa Corney agreed to withdraw from the Chamber during the entirety of this item, to take no part in the debate, and not to vote.

### **3. MINUTES OF PREVIOUS MEETING**

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 3 February 2016.

### **4. S/1527/15/FL - GULDEN MORDEN (THREE TUNS 30, HIGH STREET)**

John Koch (Planning Team Leader, West) was not present for this item.

The Senior Lawyer clarified the reason the Planning Committee was considering the matter. He reminded Members that, as the applicant had now lodged an Appeal on the grounds of non-determination, determination of the application was now the responsibility of a Planning Inspector. The Committee's view would help to inform the approach adopted by the Local Planning Authority, which was a party to the Appeal. The Senior Lawyer said that the process followed by the LPA had been a perfectly proper one. Referring to some very late representations received the day before the meeting, he said that consideration of such representations would have put the Council in a difficult position had the Committee been determining the application itself. However, the risk was less in a case like this, where an Inspector would make the decision. It was therefore safe for officers to assess the late material. The Senior Lawyer advised Members that, if there was new material evidence, including from public speakers, then they could either delegate to officers a decision on how to treat that evidence, or else instruct officers to report that evidence to the Committee at a future meeting.

The Chairman told Members that, in the fourth line of Paragraph 2 of the report from the Planning and New Communities Director, the word 'required' should be replaced with the word 'invited'.

Mrs. Dale Ingram (acting for the Three Tuns Action Group objecting to the proposal), Councillor Barry Holme (Guilden Morden Parish Council) and Councillor Cicely Murfitt (local Member) addressed the Committee. A statement from Kirk Saban (supporter of the application unable to attend in person) was read out to the Committee.

Mrs. Ingram highlighted the fact that the Three Tuns was a Listed Building warranting special interest, but pointed out that no Listed Building consent existed and no heritage statement had been submitted with the application. The King Edward VII pub in Guilden Morden provided for a different clientele. She stressed the Three Tuns' status as an Asset of Community Value, and that its loss as a public house would be detrimental to the village.

The Chairman read out a statement from Kirk Saban (supporter of the officer recommendation, and Licensee of The King Edward VII in Guilden Morden for the last 20 years). The statement said that if the Three Tuns re-opened as a pub, there could be consequences leading to the closure of the King Edward VII pub. The action group had listed The Three Tuns as an asset of community value. The statement argued that the King Edward VII also played a significant role within the community. As a committed licensee, Mr Saban said there was simply insufficient trade to support another pub in this village.

Councillor Barry Holme (Guilden Morden Parish Council) reiterated the Three Tuns' status as an Asset of Community Value.

Councillor Cicely Murfitt outlined the unique attraction and benefits of the Three Tuns. She urged the Committee to "give it a chance".

Committee members emphasised the considerable weight carried by the Three Tuns being registered as an Asset of Community Value. They also recognised that the Three Tuns and King Edward VII pubs catered for completely different markets and interest groups.

The Senior Lawyer reminded Committee members that, in reaching a decision, their starting point must be adopted policy. Against that policy, was the application considered to be "good enough"? He said that maintenance as a Listed Building was not a material consideration, but that the status of being an Asset of Community Value was material. It



was for Members to determine what weight should be given to that fact.

Having been invited to state what its resolution would have been, had it been determining the application itself, and in order to help inform the Council's representations to the Inspector at the forthcoming Appeal for non-determination, the Committee **indicated that the application should be refused**, contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reason for refusal as being the unacceptable diminution in the value to the community in contravention of Policy SF/1 of the South Cambridgeshire Local Development Framework 2007 (Protection of Village Services and Amenities).

#### 5. **TREE PRESERVATION ORDER 05/15/SC - THRILOW (9 THE GREEN)**

Members visited the site on 1 March 2016.

Jenny Lindop addressed the meeting. She explained that she worked from home and, while supporting the officer recommendation that the Committee confirm Tree Preservation Order 05/15/SC in a modified form omitting trees T1, T2 and T3 and only confirming T4, she highlighted the adverse impact the trees had on her property.

The Trees Officer read out an e-mail from Councillor Peter Topping (local Member). Councillor Topping endorsed the application for TPOs specified in the application. He said that the trees comprised part of the last copse in the village of Thriplow. They were healthy and should be preserved because they helped maintain the character of the copse. Councillor Topping said in his e-mail that the copse provided an amenity for the village and contributed to its general character and the quality of life of its residents. The trees could be better looked after, and this would negate the need for this scale of felling.

Councillor Deborah Roberts proposed, seconded by Councillor Sebastian Kindersley, that none of the trees should receive protection. The Committee **resolved** not to confirm Tree Preservation Order 05/15/SC, contrary to the recommendation in the report from the Planning and New Communities Director.

#### 6. **TREE PRESERVATION ORDER 07/15/SC - LINTON (1 HORSEHEATH ROAD)**

Members visited the site on 1 March 2016.

Councillor Beatrice Ward, Tree Warden for Linton Parish Council, addressed the meeting. She urged the Committee to protect this important visual village amenity.

There was some discussion relating to the eventual size of the trees, and their value in urban design terms. The Senior Lawyer said that any works proposed on a tree covered by a Tree Preservation Order would require an application to be made to the Local Planning Authority. Specifying maximum proportions at which works would be required could cause difficulty. He said there existed Regulations that would achieve what some Councillors had in mind, which was to prevent trees from becoming a hazard or nuisance by virtue of their height or spread.

The Committee **confirmed** Tree Preservation order 07/15/SC without modification.

#### 7. **S/2108/15/FL - WEST WICKHAM (THE MEADOW, STREETLY END)**

Members visited the site on 1 March 2016.

William Stone (applicant) attended the meeting to answer any questions there might be.

There was none.

Members considered the application in the context of adopted policies, and noted that the absence of a five-year housing land supply was only one factor to be taken into account. They also noted the potential for continued business use. West Wickham was defined as an infill-only village and, therefore, development of the proposed site was unsustainable, and there were no exceptional circumstances for deciding otherwise.

The Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reason for refusal as **being**

- The suitability of the site for continued employment use
- The status of the village and the unsustainable nature of the proposal

**8. S/2541/15/FL - LONGSTANTON (ST MICHAELS MOUNT, ST MICHAELS)**

Members visited the site on 1 March 2016.

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director.

**9. S/0002/16/FL - OVER (CHAIN FARM, OVERCOTE ROAD)**

Members visited the site on 1 March 2016.

The Committee **approved** the application subject to the Conditions referred to in the report from the Planning and New Communities Director.

**10. ENFORCEMENT REPORT**

The Committee **received and noted** an Update on enforcement action and, in particular, the current situation with regard to the Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road, Stapleford. They congratulated those officers involved with the Stapleford matter.

**11. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

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**The Meeting ended at 12.15 p.m.**

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# Agenda Item 4

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/1969/15/OL

**Parish(es):** Linton

**Proposal:** Residential Development of up to 50 Houses and 28 Allotments

**Site address:** Land South of Horseheath Road

**Applicant(s):** Ely Diocesan Board of Finance

**Recommendation:** Refusal

**Key material considerations:** Housing Land Supply  
Principle of Development  
Character and Appearance of the Area  
Density  
Housing Mix  
Affordable Housing  
Developer Contributions  
Design Considerations  
Trees and Landscaping  
Biodiversity  
Highway Safety and Sustainable Travel  
Flood Risk  
Neighbour Amenity  
Heritage Assets

**Committee Site Visit:** 5 April 2016

**Departure Application:** Yes

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** A Local Member is one of the applicants.

**Date by which decision due:** 2 November 2015

### Executive Summary

1. This proposal, as amended, seeks permission for a residential development outside the Linton village framework and in the countryside. This development would not normally be considered acceptable in principle as a result of its location. However, two recent appeal decisions in Waterbeach have shown that the district does not currently

have a 5 year housing land supply and therefore the adopted LDF policies in relation to the supply of housing are not up to date. The NPPF states that there is a presumption in favour of sustainable development and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2. This report sets out how a number of potential adverse impacts including landscape character harm, infrastructure needs, and highway safety issues can be addressed. However, an adverse impact that cannot be fully mitigated is the limited visual harm through the loss of openness to the countryside as a result of the development and the potential impact of the development upon significant features of archaeological interest. This is considered to demonstrably outweigh the benefits that consist of a contribution of 50 dwellings towards the required housing land supply including 20 affordable dwellings, 28 allotments for the local community, a location with good transport links and a range of services, and creation of jobs during the construction period that would benefit the local economy. Given the above balance, the application is recommended for refusal.

### **Planning History**

3. None.

### **National Guidance**

4. National Planning Policy Framework  
Planning Practice Guidance

### **Development Plan Policies**

5. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centres
6. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/17 Protecting High Quality Agricultural Land  
CH/2 Archaeological Sites  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact

7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments SPD - Adopted January 2009  
Biodiversity SPD - Adopted July 2009  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Affordable Housing SPD - Adopted March 2010  
District Design Guide SPD - Adopted March 2010

8. **South Cambridgeshire Local Plan Submission - March 2014**

S/3 Presumption in Favour of Sustainable Development  
S/4 Cambridge Green Belt  
S/5 Provision of New Jobs and Homes  
S/6 The Development Strategy to 2031  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
SS/5 Waterbeach New Town  
HQ/1 Design Principles  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
NH/14 Heritage Assets  
CC/1 Mitigation and Adaptation to Climate Change  
CC/3 Renewable and Low Carbon Energy in New Developments  
CC/4 Sustainable Design and Construction  
CC/6 Construction Methods  
CC/9 Managing Flood Risk  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open Space Standards  
SC/10 Lighting Proposals  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

**Consultation**

9. **Linton Parish Council** – Recommends refusal. Comments relate to matters including lack of community consultation, outside the village framework, provision of allotments, unsustainable location, traffic, landscape and visual impact, social cohesion, flood risk and archaeology. Full comments are set out in Appendix 1.
10. **Urban Design Officer** – Comments as amended that the revised layout has addressed the concerns about the outlook of the 8 units adjacent to the allotments by turning the units to face each other. However, this has the disadvantage of removing any opportunities for natural surveillance across the parking area.

11. A Local Area of Play has now been added to the development. This is central and adjacent to the main route to the site but could be better laid out to promote more natural surveillance and to address the open space more positively.
12. The back-to-back distances between the new housing and existing neighbouring houses and houses east of the new access road do not appear to meet the separation distances set out in the Design Guide which suggests that this number of units may not be able to be accommodated on the site.
13. The cul-de-sac development is not permeable and any opportunities to establish new connections to neighbouring streets should be pursued.
14. **Landscape Design Officer** – Comments as amended that the character on this edge of Linton comprises of an open and gently rolling landscape with long views available both over lower land and to hills featuring wooded tops. Set above the Granta valley, the village sits between the two. The eastern built edge, adjacent to the proposed site is made up of recent detached and semi-detached bungalows and houses at Lonsdale, Harefield Rise and Kenwood Gardens, forming a harsh edge to the village. However, the development site represents a potential opportunity to improve the eastern edge in this location if handled sensitively.
15. Whilst I am not content with the landscape structure and layout shown on the revised indicative masterplan, the site does have the potential to accommodate up to 50 dwellings. Hence, the proposal is accepted in landscape terms. However, to achieve the strong landscape structure required and as described in the LVIA, it would be necessary at the Reserved Matters stage to either adjust/amend the layout, the numbers or the type of some dwellings proposed.
16. Should the development be built as the illustrative layout suggests, it has the potential to cause unacceptable landscape and visual effects. The indicative layout proposed shows a more extensive and intrusive edge than presently formed by the dwellings at Lonsdale and the adjacent bungalows at Harefield Rise, Kenwood Gardens and The Ridgeway.
17. To achieve a strong rural edge and appropriate tree planting across the site, more space for planting will be needed. I suggest that a minimum of a 5 metre strip of Landscape will be required to allow a substantial native hedge, space for trees to achieve a reasonable spread without affecting the proposed dwellings or the existing power lines, and space for maintenance access. This planting should be set within communal or public space rather than within rear gardens to ensure that the planting is managed as a whole, and will continue to receive maintenance and protection after the standard condition for a five-year maintenance period has elapsed.
18. **Ecology Officer** – Comments that the application is supported by an ecological assessment that has not identified any significant constraints to the development of an area of arable land enclosed by species poor hedgerows and grass margins. Of note from the assessment is a habitat suitable for reptiles associated with field margins such as the common lizard. Requests a reptile survey and mitigation measures if any are present on the site. Also should trees with the potential for bat roosts be removed or badger setts identified, there should be bat and badger surveys with mitigation measures.
19. The Landscape Plan identifies new planting and allotments that will bring biodiversity gain. However, consideration should be given to a wildflower buffer adjacent the hedges to avoid future lowering of hedges and trees due to shading. The landscape

buffer along the boundary should be over 5 metres wide to deliver a greater variety of trees and shrubs. Questions whether the open plot in the south eastern corner could be planted as a community orchard. Requests conditions to control the removal of vegetation during the bird breeding season and ecological enhancement measures in accordance with the recommendations in the submitted report.

20. **Local Highways Authority** – Has no objections subject to conditions in relation to vehicular visibility splays and a traffic management plan. Requests a separate plan to show the visibility splays.
21. **Cambridgeshire County Council Transport Assessment Team** – Has no objections subject to widening of the footway on the south side of Horseheath Road in the vicinity of Lonsdale between its termination point opposite Wheatsheaf Way and the site boundary to 2m in width; the installation of dropped crossings with tactile paving at the crossing over Horseheath Road near to Wheatsheaf Way; the installation of dropped crossings with tactile paving at the crossings over Lonsdale, Wheatsheaf Way, Keene Fields and the Library access road; the installation of 10 cycle parking Sheffield stands at locations to be agreed with CCC and Linton Parish Council; and a condition for a full travel plan.
22. **Cambridgeshire County Council Historic Environment Team** – Comments as amended that the planning agents have been aware of the need for pre-determination evaluation of this land parcel since 2012, owing to the presence of Saxon cemetery evidence immediately south of the proposal area and other archaeological activity in the vicinity of the site.
23. The recent submission of geophysical survey evidence for this plot presents new information for a field within which no archaeological evidence was previously known, though suspected to be present. The survey has yielded important new evidence of a ring ditch of what can easily be attributed to a barrow, or burial monument in the south-east corner of the site, 100m north of the Saxon cemetery. These monuments are typically, though not exclusively, Bronze Age in date and contain inhumations and/or cremation burials usually within the enclosed space, and sometimes within their ditches. They are occasionally used as boundary markers or moots in later periods (typically in the Saxon period).
24. Further to this are a number of linear features, some of which have been described as relating to cultivation remains (eg ridge and furrow of Medieval and later date), and ephemeral linears, not easily attributable to any specific function, but supposed to be field drains and boundaries that conform to trends showing on an Enclosure map of 1838. Other traces of linear and discrete features are present but have not been discussed and remain untested.
25. Both CgMs Consulting, the applicant's archaeological consultant, and the geophysical specialist, Headland Archaeology, have concluded that this survey data represents the sum total of archaeological presence in the plot. To aid this interpretation, CgMs cite recent work at Bartlow Road (S/1963/15, Historic Environment Record ref ECB4331), where geophysical survey data had also asserted that the sum total of archaeological evidence at that site in Linton surmounted to a few linear ditches. Evaluation evidence amended and augmented this understanding in revealing the presence of at least one early Saxon house ('sunken floored building') and associated features in the north west corner of that development area (to the south of Bartlow Rd) as well as a series of undated features located on the edge of relict channels and ponds in the floodplain of the River Granta at the southern end of the site, though this went unreported in the agent letter of 15 December 2015 and other submissions.

26. It is disappointing to be presented once again with assertions that geophysical survey evidence is an accurate and true depiction of all the archaeological remains of an area, when there are so many cases that simply deny this as fact. For example, detailed geophysical surveys that have been undertaken across the landscape of the new settlement area of Northstowe in the north western area of South Cambridgeshire demonstrate this clearly as factually incorrect.
27. This is not to say that the geophysics data does not provide a certain level of archaeological understanding, indeed this office holds much store by this non-intrusive technique - but we advise that it is used as part of a suite of evaluation techniques that together provide the evidence required on which to base a sound planning decision. Excavations of part of the Phase 1 development area concluded at Northstowe in late autumn 2015, finding extensive Middle Bronze Age field systems (large ditched rectangular or square enclosures) and occupation evidence, Iron age and Roman settlement evidence and cemetery, and discrete areas of Saxon settlement, including a cemetery area of small barrows and flat graves. The Middle Bronze Age evidence, together with the Roman cemetery and all of the Saxon archaeology did not show in geophysical survey data at all - only late prehistoric and Roman settlement features, Medieval ridge and furrow and more recent field boundaries and drains.
28. In other words, robust linear features of the Iron Age and Roman settlement were evident (i.e. with 'dirty' humic fills with artefacts and charcoal present) on the survey plots but none of the discrete and ephemeral features that constitute settlement and funerary evidence (shallow cuts, usually non-humic), and interestingly not the huge, long-distance triple ditches of a Late Bronze Age/Early Iron Age boundary division ("territory marker"?).
29. It is unlikely that planning inspectors, when reading appellants' cases for commuting archaeological pre-determination recommendations, are aware of the scale, extent and significance of archaeological evidence found by post consent trench based evaluation and are unfamiliar with the viability tests then put in place by developers when needing to include hitherto unplanned archaeological investigation programmes and publications within their already constrained financial forecasts. It is not helpful, then, that CgMs Consulting and the applicant have presented results for planning cases for which archaeological programmes have been moved to being undertaken post-consent by a planning appeal, without also indicating what was later found on those sites and how this affected the financing and timetabling of the scheme.
30. This stance is neither helpful to applicant, developer or planning committees. Neither does it help this office in advising the LPA as to the best course for the management of the archaeological resource through the planning process. We are presently far away from understanding the character, complexity and significance of the new ring ditch/barrow and its broader landscape, let alone what the more ephemeral evidence on the geophysical survey actually represents and what more evidence the site may hold that would not be evident on a non-intrusive survey plot.
31. Lastly, and importantly, the suggested strategy of placing allotments over a burial site, surcharged or otherwise, is wholly inappropriate as this would not safeguard against future impacts, damage and destruction of human remains and funerary evidence. Allotments holders usually wish to have mains water supplies to their rented or owned holdings, and/or may 'double dig' as a horticultural device should soil improvement be needed. Where human remains can be expected on an archaeological site, as they would be within a barrow, they are to be treated with appropriate respect, an



exhumation licence being obtained and the area worked by professional excavators to lift, study and store or rebury any such remains as of if they are encountered. This is unlikely to occur in an allotment which would probably see a rotation of part-time/rented land holders without an appropriate signed legal document outlining for this to occur. Ignorance of the presence of human remains would not be a realistic excuse.

32. Given the potential for:
- \* Saxon settlement and/or further funerary evidence to be located in this plot;
  - \* the new barrow/funerary monument
  - \* the lack of evidence regarding soil depths over archaeological remains
  - \* the unknown condition, character and significance of the monument
  - \* unknown archaeological character of the rest of the site
- it is advised that the results of a trench-based field evaluation should be presented prior to a planning decision being reached so that unassailable evidence is used to provide the basis for both a planning determination and the design of an appropriate archaeological mitigation strategy.
33. **Cambridgeshire County Council Flood & Water Team** – Comments as amended that the applicant has now demonstrated that surface water can be dealt with on site by infiltration into the ground or discharge into the River Granta at a run off rate not greater than the existing by using SUDS features such as permeable paving, infiltration trenches and soakaways. The applicant has there met the minimum requirements of the NPPF and no objections are raised subject to a condition to agree a detailed surface water drainage scheme that includes a restriction run-off, infiltration testing and maintenance of the drainage scheme.
34. **Environment Agency** – Has no objections as amended subject to a condition in relation to a scheme for surface water disposal. Comments that although the site lies above a principal aquifer within source protection zone 2, the proposal is not considered to be high risk in relation to contamination. Requests informatives.
35. **Anglian Water** – Comments that the sewerage system at present has available capacity for foul drainage flows from the development. Further comments that the drainage of surface water to the public water system is not acceptable as it is the last option after firstly infiltration on site and secondly discharges to a watercourse. Requires a surface water drainage scheme condition to ensure the development would not result in an increase in the risk of flooding.
36. **Environmental Health Officer** – Has no objections subject to conditions in relation to the hours of construction works and construction related deliveries to and from the site, a programme of measures to minimise the spread of dust, external lighting and a waste management strategy.
37. **Contaminated Land Officer** – Comments that the site is being redeveloped into a sensitive end use (housing) and although the site does not appear to be high risk in terms of contamination, it is a large site and potential sources of contamination on agricultural land do exist. Requests a Phase 1 Study to determine whether the site is suitable for its proposed end use. This should include soil sampling in proposed garden areas. Requires a condition for the detailed investigation of contamination and remedial measures for the removal of any contamination found.
38. **Air Quality Officer** – Has no objections providing the source of energy to the site is not by biomass boiler.

39. **Environmental Health Officer** – Comments that the identification and assessment of the health impacts of the development are satisfactory in the revised Health Impact Assessment.
40. **Affordable Housing Officer** – Comments that the site is located outside the development framework, and should be treated as an exception site and developed for 100% affordable housing to meet the local housing need of Linton, in accordance with Policy H/10 of the Local Plan. However, if this site is not treated as an exception site, then 40% affordable housing should be provided as part of this development in accordance with policy H/9. Therefore, for this proposal of 50 dwellings, (up to) 20 affordable properties should be provided.
41. Our district wide policy for tenure split is 70/30 in favour of rented and not 50/50 as proposed by the developer. There are currently 1,600 applicants registered on the Homelink housing register in South Cambs who require good quality affordable housing, 65 of these applicants have a local connection to Linton. The highest demand both in Linton and across South Cambridgeshire is for 1 and 2 bedroom accommodation. Therefore, our preferred mix is:
- |            |                               |
|------------|-------------------------------|
| Rented     | Intermediate/Shared Ownership |
| 5 x 1 beds | 3 x 2 beds                    |
| 6 x 2 beds | 3 x 3 beds                    |
| 3 x 3 beds |                               |
42. **Section 106 Officer** – Comments as amended that a Local Equipped Area of Play has been provided on site to address the need for children’s play space and informal open space. Off-site contributions are required towards outdoor sports and indoor community space projects as identified by Linton Parish Council.
43. **Cambridgeshire County Council Growth Team** – Comments that there are sufficient early years, primary and secondary education places available to accommodate the development. Requires a libraries and life long learning contribution towards the reorganisation of the layout of Linton library to enable extra shelving and resources to serve the additional residents. Requires a strategic waste contribution towards an expansion in the capacity of the Thriplow Household Recycling Centre if 5 contributions have not been pooled.
44. **NHS England** – Comments that there is currently GP capacity in the Linton locality and is not requesting any contributions towards health.

### Representations

45. **90 letters of objection have been received from local residents** in relation to the application. They raise the following concerns: -
- i) Outside village envelope and in the countryside.
  - ii) Adverse impact upon landscape setting of village due to level changes in area.
  - iii) Visual impact on view approaching the village from the east.
  - iv) Impact upon historic character of village.
  - iv) Scale of development in a Minor Rural Centre where maximum allowance is 30 dwellings- suburban sprawl- smaller infill developments should be encouraged.
  - v) Cumulative impact of development with proposal at Bartlow Road.
  - vi) Would set a precedent for future developments around the village.
  - vii) Increase in traffic on to the A1307 at a dangerous junction and through the village.
  - viii) Access point on to Horseheath Road where traffic speeds are high.

- ix) Safety of pedestrians along footways in village.
- x) Distance from services in village and lack of parking.
- xi) Flood risk.
- xii) Impact upon sewers.
- xiii) Loss of agricultural land.
- xiv) High density development.
- xv) Design at odds with Linton traditions.
- xvi) Village infrastructure inadequate- schools, health centre, shops, public transport, employment.
- xv) Lack of on-site parking.
- xvi) Traffic pollution.
- xvii) Poor consultation – the whole village should have been notified of the development.
- xviii) The applicants would not develop the land and the plans could be different.
- xix) Inadequate reports supporting the application.
- xx) Glebe land cannot be sold for profit.

46. **Two letters of support have been received from local residents** in relation to the application. They raise the following points: -

- i) Retention of a green space between the village and the A1307.
- ii) Much needed market and affordable housing.
- iii) Allotments to serve the village.

47. The **Headteachers of Linton Heights Junior School and Linton Infants School** are concerned about the impact upon the schools. The Junior School is a tired and unsuitable building. There is not enough space to house the current pupils so for a number of years a temporary portacabin has been used as a classroom. Any increase in children would require significant improvements. The Infant School has had a number of alterations over the years and is at maximum capacity in terms of the hall and toilets and in order to offer a quality education, 4 of 6 classrooms are undersized. Neither school would be able to welcome new families moving into the area.

48. The **applicants** have outlined the following points in support of the application:

- i) The Diocese is a not-for-profit organisation, whose income is devoted to supporting its approx.180 priests in South Cambridgeshire and elsewhere in the Diocese who provide considerable community support alongside their religious activities.
- ii) In keeping with the community status, we aim to be responsible developers.
- iii) We propose the full 40% allocation to affordable housing.
- iv) We are proposing 30 allotments to meet the need we identified when we spoke to the village.
- v) We will build a mix of houses to suit local needs if approval is granted.
- vi) We have only had five comments from members of the public and two were enquiring how they could buy the houses.
- vii) The site is not in the Green Belt.
- viii) The current lack of a 5 year housing land supply justifies granting approval.

### **Site and Surroundings**

49. The site is located outside of the Linton village framework and in the countryside. It is situated to the north east of the village and is an L shaped parcel of arable land that measures approximately 2.88 hectares in area. There is currently landscaping along the majority of the northern, western and southern boundaries. The eastern boundary is open. Residential developments lie to the south and west. A dwelling lies to the

north. A public footpath lies to the north east. A hedge and public footpath lie to the east with open agricultural land and the A1307 road beyond.

50. The site is situated within the East Anglian Chalk Landscape Character Area on grade 3 (good to moderate) agricultural land. The site lies within Flood Zone 1 (low risk). No. 28 Horseheath Road is a grade II listed building that lies approximately 150 metres to the west of the site. The Linton conservation area lies 500 metres to the west.

### **Proposal**

51. The proposal as amended seeks outline permission for a residential development on the site of up to 50 dwellings and 28 allotments. The access, layout, design and external appearance, and landscaping are matters reserved for later approval.
52. 20 of the dwellings would be affordable in nature. The mix would be 2 x one bedroom houses, 8 x 2 bedroom houses and 10 x 3 bedroom houses. The tenure would be 50% social rented and 50% intermediate. The remaining 30 dwellings would be available for sale on the open market. The mix would be 10 x two bedroom houses, 10 x 3 bedroom houses and 10 x 4 bedroom houses (should the site be capable of accommodating 50 dwellings).
53. The development is intended to be predominantly two-storeys in height with a small number of single storey bungalows. There would be a range of detached, semi-detached and terraced properties arranged around a main spine road and offset. A Local equipped Area of Play has been provided within the northern part of the development and 30 allotments would be provided to the south east.
54. The allotments would be for community use.

### **Planning Assessment**

55. The site is located outside the Linton village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the emerging Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of up to 50 dwellings is not therefore considered acceptable in principle. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.
56. Linton is identified as a Minor Rural Centre under Policy ST/5 of the LDF and Policy S/8 of the emerging Local Plan where there is a reasonable range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms. The erection of up to 50 dwellings would exceed the amount of residential dwellings allowed in such locations and would not support the strategy for the location of housing across the district. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.

### **Housing Land Supply**

57. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
58. On the 25 June 2014 in two appeal decisions for sites in Waterbeach, the Inspector concluded that the Council cannot currently demonstrate a five-year supply of

deliverable housing sites. This is against the Strategic Housing Market Assessment figure for objectively assessed needs of 19,000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF which states that adopted policies which are "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Those policies were listed in the decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). These policies are the same in this instance.

59. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes land designated as Green Belt in adopted plans).

### **Scale of Development**

60. This proposal for 50 dwellings (along with the proposal under planning application S/1963/15/OL for 78 dwellings and which remains undetermined) would result in a total of 128 new dwellings within Linton. Given the current lack of a 5 year housing land supply and that policy ST/5 is out of date, it therefore needs to be determined whether the scale of the development is acceptable for this location in terms of the size of the village and the sustainability of the location.
61. The Services and Facilities Study 2013 states that in mid 2012 Linton had an estimated population of 4,530 and a dwelling stock of 1,870. It is one of the larger villages in the district. An additional 128 dwellings would increase the number of dwellings by 7%. This is not considered to be out of scale and character with the size of the village.
62. Whilst it is acknowledged that the most preferable location for development is first on the edge of the city of Cambridge and secondly in Rural Centres, it is difficult to state that Linton is not a sustainable location for increased housing development. The Services and Facilities Study 2013 identifies a wide range of services and facilities in the village that include a secondary school, junior school, infant school, health centre, dentist, post office, 4 food stores plus a small supermarket, other services such as hairdressers, florists etc., 3 public houses, a village hall and 3 other community centres, a recreation ground and a bus route to Cambridge and Haverhill with a service every 30 minutes during the day Mondays to Saturdays and hourly on Sundays.
63. The majority of the services and facilities are located on the High Street. The site is situated on the edge of the village at a distance of approximately 800 metres from the shops and 600 metres from the nearest bus stop. There is an existing public footway up to the western boundary of the site that would ensure that there is easy accessibility by walking and cycling to the centre of the village.
64. The village is ranked at jointly at No. 6 in the Village Classification Report 2012 in terms of access to transport, secondary education, village services and facilities and

employment. It only falls below the Rural Centres that have slighter better accessibility to public transport. Given the above assessment, the future occupiers of the development would not be wholly dependent upon the private car to meet their day-to-day needs and wider needs could be served by public transport. Linton is therefore considered a sustainable location for a development of this scale.

65. In contrast, it should be noted that Waterbeach has a significantly lower score and has been considered sustainable for a greater number of dwellings.

### **Character and Appearance of the Area**

66. The site is currently a piece of arable land that is located outside the Linton village framework and in the countryside. It forms part of the landscape setting to the village.
67. The site is situated within the East Anglian Chalk Landscape Character Area and the landscape character of the site and its immediate surrounding are typical of East Anglian Chalk comprising large agricultural fields separated by clipped hedges, set in an open and gently rolling landscape, with long views available both over lower land and to hills featuring wooded tops. The development would result in the introduction of development in an area that is currently undeveloped and lead to some visual harm and loss of openness to the countryside.
68. While the Landscape Design Officer is not content with the landscape structure and layout shown on the revised indicative masterplan, the site nonetheless does have the potential to accommodate up to 50 dwellings and improve the eastern edge of the village. As such, the indicative layout plan should be disregarded in favour of a revised layout with improved structural landscaping. This would have a much greater potential to minimise the impact on the landscape character of the area. The existing hard eastern edge to the village could be improved with new buffer planting along the external site boundaries and the pattern of existing arable fields adjacent to the A1307, hedges along the roads and public footpath and views over the village would be retained.
69. The development is therefore capable (with almost certainly a reduction in the number of dwellings) to comply with adopted policy NE/4 and not adversely affect the landscape character of the area.

### **Housing Density**

70. The site measures 2.24 hectares in area (net). The erection of up to 50 dwellings would equate to a maximum of 22 dwellings per hectare. Whilst this density would be below the requirement of at least 40 dwellings per hectare for sustainable villages such as Linton under Policy HG1 of the LDF, it is considered appropriate in this case given the sensitive nature of the site on the edge of the village and need for a landscape buffer along the eastern boundary.

### **Affordable Housing**

71. 20 of the 50 dwellings (or pro rata) would be affordable to meet local needs. This would comply with the requirement for 40% of the development to be affordable housing as set out in Policy HG/3 of the LDF and Policy H/8 of the emerging Local Plan to assist with meeting the identified local housing need across the district. However, the proposed mix of 2 x one bedroom houses, 8 x 2 bedroom houses and 10 x 3 bedroom houses and the tenure mix of 50% rented and 50% intermediate is not agreed. Given that the application is currently at outline stage only, it is considered that the exact mix and tenure of the affordable dwellings could be agreed at the

reserved matters stage.

### **Housing Mix**

72. The remaining 30 dwellings would be available for sale on the open market. The proposed mix of 10 x two bedroom houses (33.3%), 10 x 3 bedroom houses (33.3%) and 10 x 4 bedroom houses (33.3%) would comply with Policy HG/2 of the LDF that requires a mix of units providing accommodation in a range of types, sizes and affordability, to meet local needs and H/8 of the emerging Local Plan that requires market homes in developments of 10 or more homes will consist of at least 30% 1 or 2 bedroom homes, at least 30% 3 bedroom homes, at least 30% 4 or more bedroom homes with a 10% flexibility allowance that can be added.

### **Developer Contributions**

73. Appendix 2 provides details of the developer contribution required to make the development acceptable in planning terms in accordance with Policy DP/4 of the LDF band paragraph 204 of the NPPF.
74. Members will note that the Cambridgeshire County Council Growth Team consider there is sufficient early years, primary and secondary school capacity but that this is contested by the Headteachers of both the local Junior and Infants schools. Officers will update the Committee on this issue at the meeting. NHS England consider there is sufficient GP capacity to support the development.

### **Design Considerations**

75. The application is currently at outline stage only. All matters in terms of access to the site, the layout of the site, scale, external appearance and landscaping are reserved for later approval.
76. The amended indicative layout shows an L shaped cul-de-sac development with a linear pattern of dwellings together with small groups of two dwellings arranged around shared driveways on the western part of the site. 8 dwellings and 28 allotments for community use are shown on the south eastern part of the site. A Local Area of Equipped Play is provided alongside the main access road on the northern part of the site close to the entrance to the development. Whilst the comments of the Urban Design Officer in relation to the back-to-back distances and surveillance of the open space and allotments is acknowledged, the application is for up to 50 dwellings and the layout is considered satisfactory in principle. These reasons would not warrant refusal of the application given that the application is currently at outline stage only and would be considered in the final determination of the layout at the reserved matters stage.

### **Trees/ Landscaping**

77. The proposal would not result in the loss of any important trees and hedges that significantly contribute towards the visual amenity of the area. The majority of the trees and hedges along the northern, southern and western boundaries of the site that are in a good condition would be retained and protected and new landscaping would be provided to enhance the development.
78. The development is therefore capable of complying with adopted policies DP/2 and DP/3.

## **Biodiversity**

79. The site is dominated by arable land and is surrounded by species poor hedgerows/trees and grass margins. It is considered to have a low ecological value but the margins could provide habitats for reptiles and badgers and the trees could have bat roosts. Conditions would be attached to any consent for resurveying the site for reptiles, badgers and bats prior to the commencement of any development and ecological enhancements such as bird and bat boxes in accordance with the recommendations of the submitted report and the provisions of policy NE/6.

## **Highway Safety and Sustainable Travel**

80. Horseheath Road leads from the centre of the village to the A1307 (Cambridge to Haverhill Road). It has a speed limit of 30 miles per hour from the village to the point at the entrance to the site where it changes to 60 miles per hour.
81. The development would result in a significant increase in the level of traffic in the area. However, no objections have been raised by Cambridgeshire County Council Transport Assessment Team in relation to the impact of the development upon the capacity and functioning of the public highway. The proposal would not therefore be detrimental to highway safety.
82. The access width of the main road into the site at 5.5 metres would accommodate two-way traffic into the site and would be acceptable. The 2.0 metres footpaths on each side are adequate and would provide safe pedestrian movements. The proposed vehicular visibility splays of 2.4 metres x 90 metres to the west and 2.4 x 215 to the west are acceptable. The access would therefore accord with Local Highways Authority standards.
83. There is a bus stop on the High Street approximately 600 metres to the west of the site. This gives direct public transport access to Cambridge and Haverhill by a 30 minute service Monday to Saturdays. This is accessible by walking via a public footpath along the southern and northern side of Horseheath Road. A Section 106 legal agreement would be required to secure the provision of a 2 metre wide footway along the south side of Horseheath Road to connect to the existing footpath and dropped crossings with tactile paving across Horseheath Road and Lonsdale, Wheatsheaf Way, Keene Fields and the library access road. It is also accessible by cycling and has cycle parking available. A section 106 legal agreement would be required to secure further cycle parking in the village.
84. The Transport Statement commits to the provision of a travel plan to encourage the use of alternative modes of transport other than the private motor vehicle for occupiers of the new dwellings prior to occupation. Measures include the appointment of a travel plan co-ordinator and the provision of information packs to new residents. However, further details are required and a full travel plan would need to be submitted following first occupation of the dwellings. These would be conditions of any consent.
85. The development therefore has the potential to comply with the requirements of adopted policies DP/3, DP/4, TR/1, TR/2 and TR/3

## **Flood Risk**

86. The site is located within Flood Zone 1 (low risk). The River Granta is the most significant watercourse in the area that is located 350 metres to the south of the site. There are no other notable watercourse within the vicinity of the site. A small part of



the south western corner of the site is subject to surface water flooding (low risk). There would be no material conflict with adopted policy NE/11.

87. The surface water drainage system would comprise SUDS in the form of infiltration systems such as soakaways to accommodate surface water from a 1 in 100 year storm event plus climate change. The design of the surface water drainage system would be agreed through a condition attached to any consent along with the management and maintenance of the system.

### **Neighbour Amenity**

88. Whilst it is acknowledged that there would be a change in the use of the land from an open field to residential dwellings, the development is not considered to result in a significant level of noise and disturbance that would adversely affect the amenities of neighbours. A condition would be attached to any consent in relation to the hours of use of power operated machinery during construction and construction related deliveries to minimise the noise impact upon neighbours.
89. The impact of the development itself on neighbours in terms of mass, light and overlooking will be considered at the reserved matters stage. It is noted that the land falls southwards. As such the development is capable of being in compliance with policy DP/3.

### **Heritage Assets**

90. The County Council's Historic Environment Team has provided an in depth consultation response. The site is located within an area of high archaeological potential due to the number of heritage assets in the area recovered from previous developments. A geophysical survey has been submitted that provides new evidence from the development site where no evidence was previously known but was suspected to be present. This shows that the site may have important archaeological features such as a Saxon settlement and/ or further funerary evidence and a new barrow/ funerary monument that need to be protected.
91. A trench based field evaluation is required to investigate this matter further and gain evidence of soil depths over archaeological remains, details of the condition, character and significance of the monument and archaeological character of the rest of the site to ensure that an appropriate mitigation strategy is planned that would ensure that any important archaeological features are not destroyed.
92. Critically, the view is taken that this is required prior to the determination of the application in case there are any areas that need to be retained in situ that may affect the number of dwellings that could be accommodated on the site.
93. Archaeological sites need to be protected in accordance with adopted policy CH/2. The NPPF further states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that their conservation can make to sustainable communities. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be subject to the policies for designated heritage assets.

94. The County Council's concerns are considered to be real and the significance of the archaeological potential of the site has been spelled out. There is no suggestion at present that field evaluation at this stage will prevent development in principle and its objection appears to be entirely reasonable. This objection weighs significantly against the proposal at the present time.
95. The site is located 150 metres from the nearest listed building at No. 28 Horseheath Road. The development is not considered to harm the setting of the listed building as it is limited to its immediate surroundings of existing residential development.
96. The site is located 500 metres from the boundary with the conservation area. The development is considered to preserve the setting of the conservation area given that there are no views of the site from the conservation area or views from the site to the conservation area and the increase in traffic through the village is not considered significant when taking into consideration the size of the village.
97. Thus the statutory requirements in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respect of listed buildings and conservation areas would be met as would compliance with adopted plan policies CH/4 and CH/5.

#### **Other Matters**

98. The development is not considered to result in a risk of contamination providing a condition is attached to any consent to control any contamination identified during the development.
99. The site is located on grade 3 (good to moderate) agricultural land. The development would result in the permanent loss of this agricultural land contrary to policy NE/17. However, this policy does not apply where land is allocated for development in the LDF or sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural use of the land. In this case, this is considered satisfactory given the absence of up-to-date policies for the supply of housing in the district.
100. The lack of any employment within the proposal is not a planning consideration in this particular case as the site is not located within any designated employment area.
101. Whilst the need for allotments in the village is noted, there is no policy requirement for the provision of allotments within developments. The provision of 28 allotments would, however, make some contribution to the identified need. Any application for development of the allotments in the future would be determined upon its own merits.
102. The documents submitted with the application are sufficient to determine the application. A heritage statement is not required as the development is not considered to affect the setting of the conservation area or listed buildings. A summary of public consultation is satisfactory. The application form has been corrected.
103. The lack of consultation with the local community is regrettable as this is encouraged by the Council but would not warrant refusal of the application.
104. The ownership of the land is not a planning consideration that can be taken into account in the determination of the application.

## Conclusion

105. In considering this application, adopted development plan policies ST/5 and DP/7 are to be regarded as out of date while there is no five year housing land supply. This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
106. This report sets out how a number of potential adverse impacts including landscape character harm, infrastructure needs, and highway safety can be addressed. However, an adverse impact that cannot be fully mitigated is the limited visual harm through a loss of openness to the countryside as a result of the development and the potential impact of the development upon significant features of archaeological interest.
107. These adverse impacts must be weighed against the following benefits of the development:
- i) The provision of up to 50 dwellings towards housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector (NB the developer would still need to show the scheme would be deliverable so as to directly meet that need).
  - ii) The provision of up to 20 affordable dwellings towards the need across the district.
  - iii) The provision of 28 allotments for community use.
  - iv) Developer contributions towards public open space and community facilities in the village.
  - v) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
- Improvement of footpath along southern side of Horseheath Road This report sets out how a number of potential adverse impacts including visual and landscape harm, infrastructure needs, and highway safety can be addressed. However, an adverse impact that cannot be fully mitigated is the potential impact of the development upon significant features of archaeological interest.
108. This adverse impact must be weighed against the following benefits of the development:
- i) The provision of up to 50 dwellings towards housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector (NB the developer would still need to show the scheme would be deliverable so as to directly meet that need).
  - ii) The provision of up to 20 affordable dwellings towards the need across the district.
  - iii) The provision of 28 allotments for community use.
  - iv) Developer contributions towards public open space and community facilities in the village.
  - v) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
  - vi) Improvement of footpath along southern side of Horseheath Road
  - vii) Upgrade of crossing points
  - viii) Employment during construction to benefit the local economy.
  - ix) Greater use of local services and facilities to contribute to the local economy.

- x) While the archaeological concern is a single impact, the adverse impacts of this development are still considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole, which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. Planning permission should therefore be refused.
- xi) Upgrade of crossing points
- xii) Employment during construction to benefit the local economy.
- xiii) Greater use of local services and facilities to contribute to the local economy.

While the archaeological concern is a single impact, the adverse impacts of this development are still considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole, which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. Planning permission should therefore be refused.

### **Recommendation**

109. It is recommended that the Planning Committee refuses the application for the following reason: -

Insufficient information has been submitted in relation to the impact of the proposal upon features of archaeological interest to demonstrate that the proposal could be accommodated on the site without harm to heritage assets. The proposal cannot be supported until the results of a trench-based field evaluation have been carried out prior to approval being granted. The proposal is therefore contrary to Policy CH/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states archaeological sites will be protected in accordance with national policy and paragraph 135 of the National Planning Policy Framework 2012 that states the effect of the proposal upon the significance of a non-designated heritage asset should be taken into account when determining an application having regard to the scale of any harm or loss and the significance of the heritage asset.

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/1969/15/OL and S/1963/15/OL

### **Report Author:**

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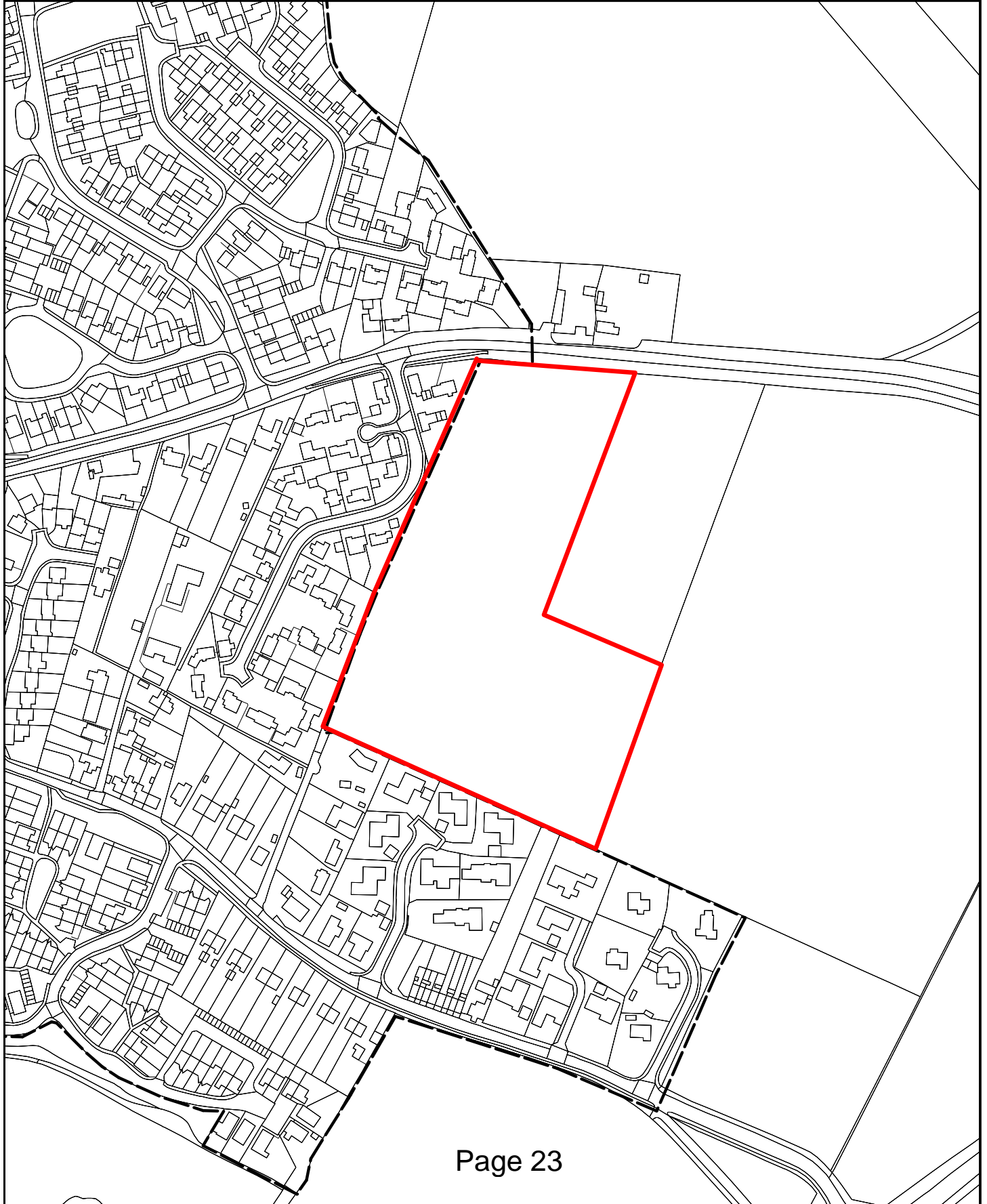
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District Council**

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## LINTON PARISH COUNCIL

Clerk: Mrs Marilyn Strand The Village Hall, Coles Lane, Linton, Cambridge. CB21 4JS.

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Chairman: Mrs Enid Bald.



S/1969/15/OL Mr J. Green, Ely Diocesan Board of Finance, 1 Horseheath Road – outline planning application with all matters reserved for up to 50 houses and 30 allotments. Amendment: Corrected application form, archaeological report, revised flood risk assessment, revised transport statement, health assessment & revised layout.

### **PC Decision: To NOT support:**

In response to the recent reports and assessments, we have the following comments:

- PC comments submitted as objections and holding objections we now confirm to be full objections to the planning applications at Horseheath Road (S/1969/15/OL) and Bartlow Road (S/1963/15/OL).
- The site is outside of the village envelope and was rejected in the Strategic Housing Land Availability Assessment (SHLAA) as having no developmental potential. This view is further confirmed by the recent amendments.
- The number of allotments would not meet the recognised village needs. We have lost several allotment areas in the past. The allotments and adjacent parking would need to be granted Freehold to the village i.e. owned by the village in perpetuity.
- The children's play space (LEAP) would require ongoing maintenance and would cater for a small number and age-range, soon to be outgrown. It would potentially end up as a liability for the parish rather than an asset. Children from other parts of the village are unlikely to use the LEAP due to the distance to reach it. Linton is deficient in sports and leisure space and a small space in a distant part of the village does little to meet these needs.
- The pedestrian route would be a short additional length of pavement in an area of heavy traffic with a 50mph speed limit. The site remains over ¾ mile or 1km from the village centre and almost 2km from the recreation facilities and Village College so walking is unlikely to be the first option for access to these.
- The provision of good quality bungalows and small or affordable housing does not sufficiently reflect the expressed needs of the village as discussed with the applicant.
- This development contains no potential for employment within the village and would only attract incoming commuters, adding to the burden on the infrastructure. In the construction phase we have few local builders who are in need of work so the potential for local employment is limited.
- The site is 1km from the village centre and its shops meaning it is unlikely these will be accessed on foot and therefore add to the traffic and parking problems within the village. Residents might find it easier to shop on their way home from work, or in local towns, rather than park in the village centre thus giving little new trade to our existing businesses.
- The junction with the A1307 is difficult and dangerous and traffic from the site would potentially leave by the safer route through the village and Conservation Area. Traffic from the site would add to problems on Horseheath Road where new developments have already been built with insufficient parking.
- The site will be affected by the ever-increasing traffic on the A1307 with noise and pollution affecting residents. Tree and hedge barriers take a long time to effective.
- The Transport Assessment is inaccurate and does not reflect actual volume of traffic on the A1307.
- The impact on the landscape has been emphasised in previous comments. Hedging and tree buffer zones will take a long time to establish leaving neighbouring properties with reduced privacy and amenity. The maintenance of these will become another parish responsibility.
- Social cohesion: the effect of this development would be negative especially at envisaged prices, as local needs for bungalows, small and affordable homes would not be met. Another tranche of commuters isolated at the edge of the village is the expected result should this go ahead.
- Public services: we note that this does not address the utilities of water, sewage and other physical aspects. The infrastructure is already at or near capacity for schools and medical centre, water,

sewage and roads. The other infill developments being built in the village will absorb any current capacity.

- Nothing in the amendment mitigates the negative impact of the development on the village as in our previous objections. We note the comment on flood risk. Recent wet weather has made it clear that expected flooding resulting from this development is a threat to neighbouring houses and onto the Bartlow Road. The reserved area at the south west corner of the site is particularly wet. **The development remains unsustainable and undeliverable.**
- The archaeological statement confirms that this site has significant archaeological potential; we expect this to be the site of a Saxon cemetery with funeral remains. A cemetery site with 104 Saxon skeletons is known nearby on Linton Heath. We understand that the geophysical data might indicate further interesting finds. We are promoting Linton as an historic area and this statement supports the extent and antiquity of the site and our village. It is required that full field evaluation should take place prior to a determination being made owing to the presence of funerary evidence and other evidence that is present in geophysical survey data. The extent of archaeological evidence at the site and its conditions and significance has not been given sufficient weight in this application.
- The development means the loss of arable land.

The PC will also be submitting professional comments which are ~~being drafted~~ attached .



N2016 03 04 S/1969/15 HORSEHEATH ROAD

S/1969/15/OL Horseheath Road Linton. Mr J Green, Ely Diocesan Board of Finance. Outline planning application with all matters reserved for up to 50 houses and 30 allotments. Amendment: Corrected application form, archaeological report, revised flood risk assessment, revised transport statement, health assessment & revised layout.

**PC decision: TO NOT support:**

We have the following comments in response to the recent reports and assessments:

- **The PC holding objections of September 2015 are now full objections as they have not been addressed.**
- **The community was not consulted on either of the submitted proposals and the identified community concerns were not taken into account.**
- **The site is outside the village envelope and was rejected in the Strategic Housing Land Availability Assessment (SHLAA) as having no development potential. This view is further confirmed by the recent amendments.**
- **The scheme would still have a damaging impact on the archaeology, landscape, appearance and character of the locality and its Outstanding Conservation Area.**
- **The proposal still does not meet the identified needs of the village and the scheme would still exacerbate existing infrastructure, traffic and flooding problems for the community.**

**Consultation**

No developer consultation took place on the application schemes. As previously described by LPC, limited consultation took place on another scheme, but the application did not comply with the relevant Localism Act Section 122.

**Changes**

The changes do not address community concerns about the scheme and the lack of clarity about the scheme's benefits to outweigh harm. The amended plan shows fewer identified needs are met than they were in the previous scheme.

The play area missing in the original scheme has been provided on the amended plan, but the layout has become more cramped, housing types have changed and two of the allotments have been lost. The application description and relevant reports have not been updated. Stated benefits such as 30 allotments no longer apply.

There is no clarity about the new possible LEAP and whose responsibility it would be to maintain it. It is also too far from existing houses to benefit the existing community. Without a clear scheme for the LEAP and its ongoing maintenance at the decision-making stage, it fails to definitively deliver future community benefit, and potentially leaves the Parish with unbudgeted costs for the new development. It therefore does not comply with Policy NPPF 70 nor with the objectives of the Open Space SPD.

The proposed housing is more cramped than the previous scheme, with more large market houses and fewer bungalows. This edge of village location and mix will encourage commuters instead of local people and does not provide the types of housing identified as being needed by Linton. These

were predominately 1-bedroom houses and bungalows. As a result, the scheme still does not comply with Policies HG/1 and NPPF 50.

The road layout has been changed so the road leads directly to the allotments, so is more likely to lead to friction between the various uses and residents parking at the allotments.

The plan also shows more housing and less open land along the southern boundary where the site floods.

### **Flooding Assessment**

The site is subject to surface water flooding as shown on the Environment Agency map. The most visible part of this is where the flooding from the upper field to this lower field crosses Horseheath Road, and this is not a 1-in-1000-year event; it occurs regularly after periods of prolonged rainfall. After heavy rainfall there is also flooding along the rest of the southern boundary and this run-off affects the existing properties below this southern part of the site.

The Flooding Assessment has not been updated to reflect the proposed layout of the site. It still proposes that the existing flood water will be able to run off into the allotments in the south west corner, but the plan does not show any allotments there. It also does not consider how viable allotments would be if also used as flood catchment areas.

The rate of failure of 3 out of 4 of the percolation tests shows that the field does not adequately absorb water, and therefore in principle relying on a reduced area of the field to absorb the flood water that the whole field already fails to do, is unrealistic. Additionally, this small undeveloped part of the south west corner is described as 'reserved' so any flood mitigation works there would be unenforceable.

Development and hard surfacing will significantly reduce the ability of this site to absorb rainfall once it is no longer an open field. The position and orientation of the proposed access makes it worse. This proposed central roadway meets Horseheath Road midway along the Environment Agency's identified road flood position. Instead of continuing along the road to the existing road drains, the floodwater would divert down the new roadway, following its slope and orientation to flood into the new houses at the bottom of the site and onto the existing houses on the lower land below this site.

In order to reach the mains drains at Lonsdale, the proposed foul drain would go through private property owned by third parties, and the application fails to demonstrate that the necessary consent has been given to make this deliverable in principle.

The village has minimal infrastructure capacity and where limited spare capacity was identified in the SHLAA, it has already been substantially used by recent infill developments. The proposed development of 50 houses and its cumulative impact with the 78 houses in the current application at Bartlow Road is expected to significantly exceed much of the available infrastructure, including mains drainage. Both developments are proposed to connect to the eastern edge of the village, where the existing demand on the minimal local mains pipe already exceeds capacity and where the drainage is defective.

The report still assumes that the drains at Lonsdale run to a separate and adequate surface water drain discharging to the River. But the large scale drainage maps for this part of Linton show that this is not the case and the Lonsdale surface water is also taken to the foul drain, adding to risks of blockages. The maps show that the houses on this edge of the village all go to a 1970s foul main

drain that was designed for the approx. 50 houses at Finchams Close, and is the smallest main drain size possible. It is currently serving double its designed capacity and the map shows significant defects along the route. The main route is also lower than the treatment works but has no pumps to discharge it, and the map unusually records internal floor levels alongside the pipe, indicating that problems with this main drain already affect people's homes.

Jointly the numbers of houses in the two current applications would take it to about 5 times the designed capacity of the pipe. Despite this, there is no assessment and no proposal to upgrade the infrastructure to deal with the additional loading, as should have been carried out to avoid making conditions worse for the existing community.

The Environment Agency notes the ground conditions on the site are inadequate for soakaways to deal with surface water. The report proposes alternatives of private soakaways (it calls sustainable SuDS drainage) and mains. It proposes possibly soakaways would work if dug into a chalky layer below the clay, but percolation tests into this chalky layer still failed. Any SuDS water retaining system suitable for 50 houses would be extensive and on the high ground immediately above the existing houses. Residents are aware that SuDS storage systems do fail and there is no good practice safety backup proposed, and therefore the existing housing would be at risk. In the other alternative, the report suggests that surface water could be diverted to the main drain at Lonsdale. This is not sustainable drainage and would increase the problems of the main drain, the issues of ownership and deliverability, and the risk to existing homes.

The proposals put existing housing at significant risk of surface water and foul water flooding. The scheme therefore fails to comply with Policies DP/3, DP/4 and DP/5, the Technical Guidance to the NPPF and Policies 100-103 of the NPPF.

### **Archaeological Report**

Linton is promoted as an historic area and this character is an important part of its tourist economy. Although the Archaeological report is incomplete, and the report on above-ground Heritage assets is still missing, the findings are already significant and support the sensitivity and antiquity of the site and village.

The north-eastern side of Linton contains a group of barrows excavated during the 1850s by Sir Richard Cornwallis Neville (Lord Braybrooke), which reflected the barrows on the other side of the river at Bartlow Hills. The finds at Linton and Little Wilbraham formed the basis of his authoritative research and collection, which now form an important part of the Museum of Archaeology and Ethnology, at Cambridge University. Professor Howard Williams, a leading national authority on the period and on cemeteries, confirms:

“From their discovery to the present day, the collections and publications of Neville’s excavations at Little Wilbraham and Linton Heath have persistently and fundamentally informed scholarship regarding the early Anglo-Saxon period in the Cambridge region.”

He was provided with a copy of the Archaeological report and confirmed that the barrow found on the application site is part of the Linton Heath group, which are highly significant on numerous counts, including for their history as barrows, their history as community cemeteries, their importance as a complementary group; and also for their role in the history of archaeology.

Clearly there is typical funerary evidence and other significant evidence in the geophysical survey data, so a full field evaluation should be provided before determination. The site in Winchester was not one in which findings of the quality of a barrow had been discovered, so is not comparable.

The minimal survey and minimal protection being proposed for the archaeology on this site clearly does not reflect and respect its likely importance. The scheme as it stands is contrary to Policies ST/J, CH/2 and NPPF 128, 135 and 141.

### **Transport Assessment**

The amended report does not address the previous concerns. It still does not reflect the actual traffic volume evidence on the A1307 and the impact on the existing village centre.

The proposed pavement and access to the site is still designed to suit a 30 mph speed limit, whereas the part of the road it is in, is within the 50 mph area. There is insufficient visibility for the speed of the road and that is reduced further by parked cars along this section of road.

Still no provision is made for sustainable travel. There is no public transport provision close by and the proposals still rely on an unlikely assumption residents will walk to the village facilities. All the houses on this site are beyond the IHT guidance for maximum walking distances to local shops and facilities. The measurements are still taken from the closest corner of the site, rather than from the actual houses to the village shops, so are unrealistic. The residents of this site are over 1 km from the village centre and almost 2 km from the recreational facilities and Village College. As a result, they would rely on cars, which adds to the existing identified traffic and parking problems in the village. The position of the site and the added congestion in the centre of the village will encourage out-of-town shopping further afield and discourage the use of local shops.

Together with the other application proposal for 78 houses, this major development proposal will add significantly to existing problems such as traffic congestion and parking on Horseheath Road and the High Street, accidents and difficulties in accessing the A1307 from the village, and the problems of traffic volumes, congestion, noise and pollution of the A1307 itself.

The existing Horseheath Road junction with the A1307 is difficult and dangerous, with poor visibility and traffic hazards such as local vehicles travelling at low speeds joining and crossing heavy commuter traffic travelling at much higher speeds. The limited proposed hatchings on the existing A1307 junction will not improve visibility, safety or any of the identified issues with this junction proportionate to the problems caused by the additional traffic from 50 new houses. It will also not deal with the traffic from this site using the High Street as a safer access onto the A1307 and more direct route to Cambridge, exacerbating the identified problems there. The scheme therefore does not comply with DP/3 (including 1b and 1f), and NPPF 35.

### **Summary of objection**

The original concerns have not been overcome and we update our holding objection to a Full Objection on the following basis:

- 1. The site is outside the development Framework of the village;**
- 2. The proposal is not economically sustainable as it would not provide the infrastructure and growth in the right place at the right time for Linton;**

3. **The proposal is not socially sustainable as it would not provide the mix of housing identified as necessary for the community, does not provide housing in combination with accessible local services, and produces a serious drain on local infrastructure that would damage the existing community; and**
4. **The proposal is not environmentally sustainable as it does not preserve the character of the village and the archaeology on the site, and adds significantly the identified traffic, environmental and flooding problems, which would affect the well-being of the existing community.**
5. **The stated benefits in providing housing on this site are not deliverable.**

Taking each issue in turn:

**1. Framework:**

**The site is outside the development Framework of the village;**

The existing village envelope and restrictions on numbers of houses in the village are defined for planning reasons that all remain valid.

The Village Capacity Study and the SHLAA assessments both confirmed that the Linton sites outside the existing village envelope were not appropriate in principle. The SHLAA Assessment rejected the site in principle on numerous grounds which still apply, including traffic, character, landscape and infrastructure issues. The Village Capacity Study noted that Linton had limited environmental capacity for development and was only capable of absorbing very low levels of change, of a limited type and then only if it was sympathetic to the existing village character.

A proposal showing 50 houses is not a very low level of change and the submitted proposal is not sympathetic to the existing village amenity and character.

Whilst the NPPF directs that 'out of date' Local Development Frameworks are outweighed by the desirability of providing deliverable sustainable development, the application does not fulfil the basic NPPF principles of sustainable and deliverable development:

**2. The scheme is not economically sustainable:**

The site is a highest quality arable field in the open countryside. Its loss from farming would be a permanent loss to the farmstead and the wider agricultural economy of this rural area.

The existing quality, scale, character and tranquillity of the historic village, its Outstanding Conservation Area, large numbers of Listed buildings, history, archaeology and rural surroundings provide valuable tourism that benefits the local economy and local shops.

The local economy and local shops are reliant on the infrastructure and facilities of the village, and on adequate levels of access and parking in the village centre. Linton already has identified problems of traffic congestion and a shortage of car parking in the village centre, and of inadequate infrastructure.

The proposed development would not provide infrastructure in the right place to benefit the existing village and its economy. It is too remote from the existing village centre and is uphill from the existing village facilities. This distance and easier access to shops and facilities elsewhere would encourage the use of cars and greater reliance on out-of-village supermarkets rather than village

shops. The proposed development does not provide necessary strategic infrastructure upgrades such as school building and services that would be needed. They are not deliverable within the existing capacity, so will put an additional burden on the existing community.

The additional traffic needs from residents of 50 more houses will incrementally damage the character, tourism and accessibility of the centre of the village, without bringing proportionate benefits to the community.

As a result, the development does not comply with NPPF Policies 7, 17, 21, 23, 27, 28, 112, 131, 159 and 160, so is not economically sustainable.

### **3. It is not socially sustainable:**

Linton's needs have been identified in local and District Housing Needs assessments as 1 and 2-bedroom starter homes and bungalows. No provision has been made in the application for 1-bedroom starter homes, there are few affordable 2-bedroom homes and the bungalows have been reduced. The majority of houses are large family market homes, which are likely to be unaffordable for local people. They are located on the edge of the village in an isolated cul-de-sac design which will discourage social cohesion and appeal instead to commuters. The scheme would therefore not provide the benefit and housing mix that Linton needs.

The proposed houses do not have accessible local services, because of their distance from the existing shops and facilities and because the village has an identified under-provision of facilities and open spaces. The LEAP now possibly being provided does not provide for older children and is too remote from the rest of the village to add significantly to open space provision for the existing community.

The additional demand of 50 new houses and the distance from existing facilities would provide a serious drain on the existing limited infrastructure. The infrastructure is already at and beyond capacity and the SHLAA identified that significant reinforcements and additional provision would be needed at least to the existing electrical, water and gas supplies, the sewerage network, health care facilities and schools for any of the major developments like this around Linton to be viable. Where limited spare capacity was identified in the SHLAA, it has already substantially been absorbed by the numerous current infill developments being built in the village.

The limited scope of S106 contributions or possible conditions will not be able to provide the strategic investment that is required to provide for the new houses in the two current applications and it cannot be provided in the short term to make these two major schemes deliverable. Neither the application nor the very short S106 list with the application provide assurance that the proposed development would be carried out, funded and phased not to result in hardship to the existing community.

As a result, the development does not comply with Policy HG/1 and NPPF Policies 7, 17, 50, 55, 58, 159 and 162, so is not socially sustainable.

### **4. It is not environmentally sustainable.**

The application does not contribute to protecting and enhancing our natural, built and historic environment, as follows:

The landscape and rural approach to Linton and its Conservation Area, especially from the east, is an important part of the character and interest of the area. The long views across that countryside are identified as a significant part of that distinctiveness and include locally distinctive historic hedgerows with occasional deciduous trees. The proposed development would be on a prominent open part of the countryside on the most sensitive approach to the village and its location, spread and loss of rural character would be damaging. The proposed permanent screening of the eastern boundary would be uncharacteristic of the existing hedgerows and would take a long time to provide effective barriers to views and noise. We also do not believe the proposed development would provide a landscape benefit by being hidden by planting.

The application still fails to follow SHLAA direction, and consider the impact on the settings of Linton Outstanding Conservation Area and Listed Buildings. The visual and historic relationship between the historic assets and their countryside setting is strong. It is particularly visible in conjunction with the farmland to the east of the village. The proposed development does not preserve this.

The assessment and proposals for in-situ archaeology do not ensure their survival, as above.

The indicative plan of the development with its cul-de-sac layout emphasises the lack of social cohesion of this site and weakens the linear character of the village. This layout does not follow the design principles set out for the area in the Design Guide.

The additional traffic from these additional 50 houses, together with the further 78 houses in the current application for Bartlow Road, would add significantly to the volume of traffic and traffic problems of the A1307 and in Linton, as the site is well outside the specified walking distances to local shops and local facilities. Traffic noise already badly affects much of the village and is reverberated by the valley's topography. Houses at the Grip and near the High Street A1307 junction already experience traffic noise that is accepted by SCDC as persistently exceeding the maximum noise limits for viable outside amenity space. This incremental traffic, pollution and noise is at odds with the historic, tranquil, rural character of the village and damages its amenity, character and economy.

The proposed access has insufficient visibility to be safe, and adds to conflicts between traffic and cyclists and pedestrians.

The application does not deal with flooding issues on this site, and the development of the site, its access and roadway and proposed drainage schemes makes them worse. This will put the existing community and existing and proposed housing on lower lying land at greater risk of flooding.

As a result, the development does not comply with NPPF Policies 7, 17, 55, 58, 109, 113, 120, 126, 128, 129, 131, 132 and 159, so is not environmentally sustainable.

#### **5. The development and stated benefits are not deliverable.**

The heritage assessments including the setting of the Outstanding Conservation Area and the pre-application archaeological full field evaluation on the barrow and funerary remains have not been carried out and therefore the application and proposals should not be determined.

The site is under multiple ownership and involves development that is not deliverable without the agreement of further private landowners.

The documentation is inconsistent when describing critical elements of the development and stated benefits. The numbers and positions of houses and allotments on indicative plans do not correspond with the documentation, and the latest changes to the indicative plan show that the scheme does not include the benefit of the stated number of allotments. There is no certainty about the housing mix, none of the bungalows are shown on the eastern edge where the Design & Access Statement says they are located to reduce landscape problems, and none of the allotments are located in the south west corner where the Flooding Assessment says they are located to reduce flooding problems. If there are allotments being used as flood relief areas and archaeological screening areas, there is no assurance that they will also be deliverable for allotment use.

The drainage proposals are not deliverable, because the proposals consist of alternatives, flood relief areas are shown and described inconsistently, and those alternatives put existing houses and residents as well as new residents at risk of flooding. They are also not deliverable because the foul water proposals require the agreement of other land owners who have not agreed.

Upgrading the existing strategic infrastructure and schools that are at capacity is not assured and not deliverable in the short term to deal with the impact of the proposed development. In the meantime the existing problems of capacity for existing residents would become much worse.

The Transport Statement and access to the site relies on a 30 mph speed limit that does not currently exist and there is no assurance it would do so in future.

The Planning Obligations are unclear and there is no detail to establish how deliverable they are, in order to balance any benefit against harm when making a planning decision. For example, the Parish has consistently asked for permanent public allotments to cover the identified shortfall, but there is no assurance on numbers or permanence. Linton PC has been asked to provide a wish-list of potential S106/CIL items without any details and without any certainty these would be provided as needed and in the timescale when needed. Without detail and Heads of Terms being available as part of the decision, these are not deliverable, and fail on similar grounds to the Hauxton Appeal provided with the application.

As a result of the land ownership issues, strategic infrastructure issues, specific proposals and omissions within the application, there is no reasonable prospect that planned infrastructure and mitigation is deliverable in a timely fashion to ensure the development goes ahead quickly, without harm to the existing community and residents. The application therefore fails NPPF 176 and 177.

**In summary:**

The application is premature because it still does not provide the necessary pre-application heritage assessments.

The application would significantly harm the character, appearance and amenity of the existing area, and therefore fails the strategic policies of the Local Plan and the principles of the NPPF.

The application provides significant adverse impacts across all three NPPF principles of sustainable development, and therefore does not comply with the Core Strategy (including 1.14) and overriding NPPF Policies, including 7, 17, 151 and 152.

It does not comply with the strategic policies of the Local Plan and therefore also does not comply with NPPF 156.



It does not comply with the assessment and conclusions of the SHLAA and therefore also does not comply with NPPF 159.

The stated benefits and planning obligations are not sufficiently certain nor deliverable for decision-makers to balance against the unacceptable elements of the development. They do not comply with basic strategic planning obligation policies including NPPF 176.

The applicant has not demonstrated that the scheme is deliverable. Critical barriers to the short term delivery of the scheme include multiple site ownership, lack of consent from necessary landowners, lack of necessary pre-application evaluation, and failure to provide certainty about necessary critical infrastructure such as drainage, flood protection, open space and facilities to make the scheme practical and avoid significant harm to the existing community.

As a result there is no reasonable prospect that the scheme and its infrastructure and mitigation is deliverable in a timely fashion and sustainable way to meet the overarching principles of the NPPF. The NPPF directs that development that is not sustainable should be refused.

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# Agenda Item 5

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/2642/15/FL

**Parish(es):** Ickleton

**Proposal:** Solar Farm and Associated Development

**Site address:** Rectory Farm, Grange Road

**Applicant(s):** Push Energy Ltd.

**Recommendation:** Refusal

**Key material considerations:** Renewable Energy  
Countryside  
Agricultural Land Classification  
Landscape Character  
Heritage Assets  
Archaeology  
Ecology  
Biodiversity  
Trees and Landscaping  
Flood Risk  
Highway Safety  
Neighbour Amenity

**Committee Site Visit:** 5 April 2016

**Departure Application:** No

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** Major Application of Local Interest

**Date by which decision due:** 14 January 2016

### Executive Summary

1. This proposal, as amended, is for a 5 MW solar farm with associated equipment covering an area of approximately 6 hectares of grade 3a agricultural land to the north of Grange Road, Ickleton and south of Grange Road, Duxford. It has been submitted concurrently with an application on adjoining land for a solar farm at Abbey Farm. The two proposals are intended to be viewed as a single scheme and the impacts have been considered both individually and collectively where appropriate.

2. The Government has set a target for 15% of the UK's national electricity production to be derived from renewable sources by 2020. Support for solar pv should deliver genuine carbon reductions to help meet that target.
3. However, national planning guidance states that in the case of large scale ground mounted solar photovoltaic farms, they should be located on brownfield land or lower grade agricultural land (grades 5, 4 and 3b) and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays unless compelling evidence has been submitted to justify the use of the best and most versatile agricultural land (grades 1, 2 and 3a).
4. This proposal would result in the development of a greenfield site of the best and most versatile agricultural land. It has not been adequately demonstrated that there are no other sites of brownfield land or lower grade agricultural land in the region that could accommodate the development. Notwithstanding the above in principle objection, the proposal also has the potential to damage features of significant archaeological interest.
5. Therefore, on balance, whilst the public benefits of the scheme in relation to the contribution of renewable energy technologies towards the production of electricity and subsequent carbon reductions are acknowledged, they are not considered to outweigh the harm from the loss of the best and most versatile agricultural land and potential loss of features of significant archaeological interest.

### **Planning History**

6. **Site**  
S/2120/15/E1 - Request for Screening Opinion for Solar Farm - EIA not required

### **Adjoining Site**

S/2617/15/FL- Solar Farm and Associated Development- Pending Decision

### **National Guidance**

7. UK Solar PV Strategy Part 1: Roadmap to a Brighter Future 2013  
UK Solar PV Strategy Part 2: Delivering a Brighter Future 2014

National Planning Policy Framework 2012- Paragraph 98

Planning Practice Guidance - Renewable and Low Carbon Energy What are the particular planning considerations that relate to large scale ground-mounted solar photovoltaic Farms? (Paragraph: 013 Reference ID: 5-013-20150327)

Written Ministerial Statement – Solar Energy: Protecting the Local and Global Environment – 25 March 2015

Speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013

### **Development Plan Policies**

8. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria

DP/7 Development Frameworks  
NE/2 Renewable Energy  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/11 Flood Risk  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/17 Protecting High Quality Agricultural Land  
CH/2 Archaeological Sites  
CH/4 Development Within the Setting of a Listed Building  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards

9. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010

10. **South Cambridgeshire Local Plan Submission - March 2014**

S/7 Development Frameworks  
HQ/1 Design Principles  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
NH/14 Heritage Assets  
CC/2 Renewable and Low Carbon Energy Generation  
CC/9 Managing Flood Risk  
SC/10 Lighting Proposals  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

**Consultation**

11. **Ickleton Parish Council** - Recommends approval.
12. **Duxford Parish Council** - Has no objections.
13. **Landscape Design Officer** - Comments that the site is situated in a wide rolling chalkland landscape but on a plateau with limited visibility from public roads or the few public footpaths on lower ground or from the higher areas to the south. However, there will be some views from the east and lesser views to the north and south as the site drops by 12 metres west to east.
14. Although landscape and visual effects would be limited, the development is of large scale and some negative effects would be evident. Therefore, mitigation of these effects is required in the form of planting on adjacent to the development and on other land under the control of the applicant.
15. The revised landscape plan has taken into consideration previous comments and is now acceptable. However, additional planting is suggested to complete the landscape structure and aid establishment of planting. A condition would be attached to any consent to agree the precise details.

16. **Trees and Landscapes Officer** - Comments that no substantial trees would be affected as the site is in agricultural fields with perimeter hedgerows that do not contain large trees.
17. **Ecology Officer** - Comments that the development is generally welcomed and could give notable biodiversity benefits if greater consideration was given to design elements. Specific areas that need to be considered are the spacing of the panels, screening of the security fence by a hedge and the means to facilitate the movement of small animals across the site. States that although badger activity has been identified in the area, no setts have been recorded. The provision of 10 metre buffer strips adjacent to the hedges, wildflower seed mixes between the panels and bird and bat boxes are welcomed. Requests conditions in relation to a Biodiversity Management Plan and badger surveys prior to the commencement of development.
18. **Conservation Officer** - Comments that given the location of the solar farm, it would have limited impacts upon the setting of heritage assets in the area.
19. **Local Highways Authority** – Comments that the methodology of transporting staff to the site needs to be reviewed and requests a condition for the submission of a travel plan. Also requires a condition for the route for construction vehicles and a condition survey of Grange Road.
20. **Cambridgeshire County Council Historic Environment Team** – Comments that the site lies in an area of high archaeological potential situated approximately 200m to the north of a known Roman settlement. In addition, an archaeological investigation to the north revealed evidence of an Iron Age field system. There is also cropmark evidence of enclosures, linears and ring ditch to the north and multi-period remains to the south east. Recommends that further information is necessary in the form of a geophysical survey and archaeological trench based evaluation prior to the determination of any application. These results would allow fuller consideration of presence/absence and extent of archaeological remains to ensure an informed judgement to whether any consent needs to include provisions of archaeological works.
21. **Cambridgeshire County Council Flood Team** – Requires a condition to ensure that the development is carried out in accordance with the mitigation measures in the submitted Flood Risk Assessment.
22. **Environment Agency** - Requests informatives in relation to surface water.
23. **Natural England** – Has no comments.
24. **Environmental Health Officer** - Comments that the development would be unlikely to cause any noise and nuisance.
25. **Contaminated Land Officer** - Comments that the site is being redeveloped into a low-sensitivity commercial end use (in terms of contamination) with no obvious potentially contaminative former land uses and it is not considered necessary to require any further assessment or remediation of contamination. However, suggests a condition if any contamination is found on site during the development.

### **Representations**

26. **Duxford Imperial War Museum** – Has no comments.

## **Site and Surroundings**

27. The site is located outside of any village framework and in the countryside. It measures approximately 6 hectares in area and consists of part of a larger field of arable land. Hedges align the northern (some newly planted), eastern and southern boundaries. The western boundary is open. There is a belt of trees to the north of the site.
28. The site is situated within the East Anglian Chalk Landscape Character Area on grade 3a (very good to moderate) agricultural land belonging to Rectory Farm. It lies on land at the top of a ridge and the land falls significantly to the east and south. The site falls west to east by 12 metres.
29. The village of Ickleton with its conservation area and listed buildings lies 1.2km to the east of the site. The site is situated 1.3km to the south of Duxford Airfield that falls within a conservation area and comprises a number of listed buildings. Two Scheduled Ancient monuments lie 1.5km to the north west of the site and 1.9km to the south east of the site.
30. The Chrishall Grange County Wildlife Site is located 1.7km to the west of the site. The site is situated in Flood Zone 1 (low risk). There is a reservoir located to the south east. There are no public rights of way in close proximity to the site. The nearest residential properties are Rectory Farmhouse, Stockton Lodge and The Heath situated 800 metres to the south west.

## **Proposal**

31. This full planning application, received on 15 October 2015 as amended, proposes the installation of 5MW of solar photovoltaic farm for a temporary period of 25 years. The development would include the erection of the arrays of photovoltaic panels along with 2 transformers, 4 inverters, 1 substation, 1 grid connection building, 1 comms cabinet, 1 mount cabinet, an access track, security fencing and pole mounted CCTV cameras. Access would be from Grange Road, Ickleton via Rectory Farm.
32. The photovoltaic panels would be mounted on steel frames that are angled at 15 degrees to face south. There would be arrays of panels running east to west across the site that each measure 20 metres in length. They would have a maximum height of approximately 1.84 metres and be set 3 metres apart.
33. The transformers would be located centrally within the arrays and measure 2.7 metres in length, 2.4 metres in width and 2.77 metres in height. The inverters would be located immediately adjacent the transformers and measure 3.5 metres in length, 1 metre in width and 2.3 metres in height.
34. The substation, grid connection building, comms. cabinet and mount cabinet would be located to the north west of the arrays. The substation would measure 3.5 metres in length, 2.5 metres in width and 3 metres in height. The grid connection building would measure 8.3 metres in length, 5.75 metres in width and 3.5 metres in height. The comms. cabinet would measure 2.7 metres in length, 2.4 metres in width and 2.6 metres in height. The mount cabinet would measure 1.1 metres in length, 1 metre in width and 1.1 metres in height
35. The track would lead from Rectory Farm and would measure 4 metres in width within the site. A security fence that measures 2 metres in height and consists of timber posts with steel deer fencing would surround the site. A number of CCTV poles at a

height of 2.5 metres would be erected around the perimeter of the site. A temporary construction compound would be provided for the loading/unloading of materials, storage of materials, parking and ancillary facilities for construction workers.

### **Planning Assessment**

36. The key issues to consider in the determination of this application are whether the general support for a renewable energy development is acceptable in this countryside location, along with its upon the best and most versatile agricultural land, character and appearance of the area, the setting of heritage assets, biodiversity, ecology, archaeology, flood risk, highway safety and neighbour amenity.

### **Principle of Development in the Countryside**

37. The proposal represents a major development for the generation of renewable energy. It would save 2150 tonnes of carbon dioxide per annum and generate electricity for 1515 homes per annum.
38. The Government's commitment to electricity generation by renewable sources is set out in the Renewable Energy Strategy, and in particular the target that 15% of national electricity production should be derived from renewable sources by 2020.
39. Nationally the NPPF has as one of its 12 core principles the requirement to support renewable resources. Reference is made throughout the NPPF to the support of sustainable development and renewable energy. Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable unless material considerations indicate otherwise.
40. The latest national guidance in a Ministerial Statement dated March 2015 that reflects guidance in the National Planning Practice Guidance emphasises that the strategy for solar energy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land. Where a proposal involves agricultural land, it should be clear that it is necessary and that poorer quality land is used in preference to land of a higher quality. Any solar farm involving the best and most versatile agricultural land would need to be justified by "the most compelling evidence".
41. Locally, the development plan comprises the adopted Core Strategy and Development Control Policies DPD. The Core Strategy has as two of its four objectives the effective protection and enhancement of the environment, and the prudent use of natural resources. Policy DP/7 of the Development Control Policies DPD states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. Policy NE/2 relates to renewable energy and advises the district council will support proposals to generate energy from renewable sources subject to compliance with general sustainable development principles and additionally be able to connect efficiently to existing infrastructure and for provision to be made for the removal of facilities from site should the facility cease to be operational.



42. The installation of a solar farm is considered to represent appropriate development within the countryside providing that the most compelling evidence has been submitted to demonstrate that there are no suitable sites available on previously developed land or lower grade agricultural land in the area of the scale required and the proposal would not result in the permanent loss of high quality agricultural land.

### **Best and Most Versatile Agricultural Land**

43. The site covers approximately 6 hectares of arable land. An Agricultural Land Classification Report has been submitted following soil sampling that states the site has an agricultural land classification of grade 3a (good to moderate).
44. The applicant has submitted a Site Selection report as part of the application that considers if there are any potentially more suitable sites situated on previously developed/non-agricultural land; or lower grade agricultural land (i.e. Grade 4 and below). This takes into account the advice in the PPG and Ministerial Statement.
45. Commercial rooftops are not considered because of the vast area of roof space required for up to 10MW this is not reasonably practical, given the number of constraints in terms of building structure and orientation to be south facing.
46. The methodology utilised to carry out the assessment comprises two parts:-  
i) definition of the search area;  
ii) analysis of previously developed / non-agricultural land;  
iii) analysis of lower grade agricultural land;  
iv) create a short list of sites for further analysis; and  
v) assessment of the short-list.
47. The search area is based on the requirement to connect the solar farm to the local electricity distribution network. UK Power Networks, has provided a point of connection approximately 3.5km to the north west of the site.
48. An assessment of connection costs against possible output were undertaken. This determined that a connection anywhere along the overhead line up to a distance of 5 km (from the overhead line) would be commercially viable. This is defined as the search area.
49. The search area covers land in South Cambridgeshire. Sites were assessed in relation to their constraints and size. This commenced with the identification of any brownfield land, the identification of any lower grade agricultural land and if not available an assessment of constraints including ecological designations, heritage assets, landscape designations, land availability, access, topography, flood risk and availability on sites of the best and most versatile agricultural land. This determined whether there were any feasible alternatives.
50. Within the search area, there are no brownfield sites.
51. The majority of the agricultural land is grade 2 with a limited area to the east and south being grade 3. South Cambridgeshire has just 2% grade 4 agricultural land and 0% grade 5 agricultural land. The northern and western areas were excluded.
52. There are a number of sites with ecological designations such as Sites of Special Scientific Interest and County Wildlife Sites around Fowlmere and Whittlesford that were excluded. There is a concentration of heritage assets in the villages of Ickleton, Duxford and Thriplow along with Scheduled Ancient Monuments close to the villages

that were excluded. The northern and central part of the search area is designated as Green Belt land and was excluded.

53. Access that is not close to a major roads and has restrictions along with sites with more than two public rights of way were excluded. The area surrounding the River Cam in the high risk flood zone to the east of the site area was excluded.
54. Taking into account all of the above constraints, the site subject of this application was chosen subject to the availability of the land.
55. Whilst the use of brownfield or previously developed land is considered more appropriate and the preference for the development of solar farms rather than greenfield land as per the application site, it is difficult to find such land available. The whole of the district comprises predominantly grade 2 and 3 agricultural land so it would be difficult to contribute to renewable energy in the area without the use of some of this land.
56. However, although it is noted that the grid connection is viable, it has not been demonstrated why brownfield sites or sites on lower grade agricultural land site outside the district and in the region were not considered prior to the selection of this particular grid connection. No evidence has been submitted that shows the grid capacity in the area and no information has been provided to rule out other possible connection points in terms of viability.
57. The proposal is not considered to result in the irreversible and permanent loss of the best and most versatile agricultural land given that it could be returned to its original agricultural use when there is no further need for the development and that the land could be laid to grass on the site and used for sheep grazing. The development would also result in biodiversity gain.
58. Officers have also had some regard to the decision taken by the Planning Committee in February 2016 when it considered this issue in refusing a solar farm elsewhere in the district. That site was considerable larger and as such the loss of best and most versatile agricultural land was more significant in that instance.
59. When taking all the above factors into account, it is considered there is still a lack of compelling evidence to justify the use of even a small area of the best and most versatile agricultural land for a substantial period of time. This weighs against the proposal.

#### **Character and Appearance of the Area**

60. The site currently consists of open arable land. Whilst it is noted that the introduction of a significant scale arrays of solar panels and buildings would substantially change the character and appearance of the landscape from being open and rural in character to being industrialised in character, it is unlikely to have adverse visual impact from the main public viewpoints surrounding the site. This is as a result of the low height of the development and new planting that is proposed to screen the development and mitigate its impact upon the landscape from long distance views.
61. The site is located within the East Anglian Chalkland Landscape Character Area. The distinctive features of this area are a distinctive landform of smooth rolling chalk hills and gently undulating chalk plateau; a mostly large-scale arable landscape of arable fields, low hedges and few trees, giving it an open, spacious quality; remnant of chalk grassland occurs on road verges and along tracks; small beech copses on the brows

of hills, and occasional shelterbelts, are important features; a wealth of historic and archaeological features, including; ancient trackways, earthworks, small chalk pits and pre-nineteenth century enclosures; and mostly strong rural character, though this is disrupted immediately adjacent to major roads such as the A505 and the M11.

62. Although the development is not necessarily compatible with the existing landscape qualities of the area as the open arable landscape would be lost, the development would retain some of the characteristic features and provide additional planting that would be designed to ensure it is in keeping with the visual qualities of the area. The development is not therefore considered to have an unacceptable impact upon landscape character and complies with adopted policies NE/4, DP/2 and DP/3.
63. The adjoining solar farm under application reference S/2617/15/FL has been taken into consideration in the comments from the Landscape Officer. The nearest solar farms to the site where the cumulative impact of the development needs to be taken into consideration are at Great Wilbraham and Fowlmere. The proposed solar farm would not be visible from the same viewpoints or sequentially along the same public rights of way or roads within close proximity of each other. The cumulative landscape and visual impact of both this and the proposed adjoining solar farm are also considered to be acceptable

### **Heritage Assets**

64. The site is located a significant distance away from the conservation area and listed buildings in the village of Ickleton and Duxford Airfield. The proposal is not considered to damage the setting of these heritage assets. Thus the statutory requirements in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respect of listed buildings and conservation areas would be met as would compliance with adopted plan policies CH/4 and CH/5.
65. The site is located within an area of high archaeological potential due to the number of heritage assets in the area and the development may destroy important archaeological features. A desk based assessment has been carried out but a geophysical survey and trench based archaeological evaluation of the site are required prior to approval of the application to demonstrate that the proposal would not result in the loss of any significant features of archaeological interest.
66. This approach has been taken consistently across the district for solar farms when required. Whilst it is noted that float foundations are suggested so that the ground would not be disturbed, this would not take into account any exclusion zones that may be required to accommodate any significant findings that need to be completely protected from development. The lack of any such investigation is contrary to policy NE/2 and the advice in the NPPF and weighs against the proposal.

### **Biodiversity**

67. The habitats on the site and immediately adjacent the site comprise a mixture of arable land, trees, hedgerows and grassland. They are considered of low ecological value.
68. Whilst the Ecology Officer has some concerns in relation to the close spacing of the panels and the lack of landscaping immediately adjacent the security fence, the overall development is considered to provide substantial biodiversity enhancements to the site given that its current use is arable land. In line with policy NE/6, this would not therefore warrant refusal of the application on these grounds.

69. Conditions would nonetheless be attached to any consent to secure a badger survey to be carried out prior to the commencement of development to assess the site for setts and determine whether any mitigation measures are necessary, a Biodiversity Management Plan and positions of gaps in the fence to allow the movement of small animals across the site.
70. The development would not adversely affect the interest features of the nearby County Wildlife Site due to the distance from the site.

### **Landscaping/Trees**

71. The development would be unlikely to result in the loss of any important trees or hedges that contribute to the visual amenity of the area providing a condition is attached to any consent for protection purposes. A significant landscaping scheme would also be attached as a condition of any consent in order to mitigate the impact of the development upon its surroundings along with a Landscape Management Plan.

### **Highway Safety**

72. The Traffic and Construction Management Plan shows the access route to the site during construction and decommissioning. Vehicles would access the site from the M11, along the A505, through the village of Duxford and along Grange Road.
73. During the 14 to 16 week construction period, the traffic generation is estimated at a maximum of 130 HGV/LGV deliveries. There would also be movements from site personnel that would be a maximum of 60 trips per day.
74. Whilst it is acknowledged that there would be a significant number of traffic movements during the construction period, the development is not considered to result in a level of traffic generation to and from the site that would be detrimental to highway safety given the position of the access and visibility and the management of the traffic to the site. The number of traffic movements during decommissioning would be lower than during construction and the number of movements for maintenance during operation of the solar farm would be very low. Conditions would be attached to any consent to agree a staff travel plan, condition survey of Grange Road.
75. The development therefore complies with policies DP/3, TR/1 and TR/2.

### **Flood Risk**

76. The site is located within Flood Zone 1 (low risk) and not within close proximity of any watercourses.
77. The Flood Risk Assessment submitted with the application sets out the surface water drainage strategy for the site that includes panels with gaps at regular intervals to allow a more even distribution to the ground beneath the panels and swales at the bottom of the land where it slopes. The development is therefore unlikely to increase the risk of flooding to the site and surrounding area and complies with policy NE/11.

### **Residential Amenity**

78. The nearest residential properties to the site are located approximately 800 metres away at Rectory Farm. The development would not result in a significant increase in noise and disturbance from the development given the distance from the site.

79. The construction and decommissioning access would run past Rectory Farm. The development would not result in an unacceptable increase in the level of noise and disturbance to these properties given that the construction period would be for a limited time only and delivery times would be between 08.00 hours and 18.00 on weekdays and 08.00 hours and 13.00 hours on Saturdays.

#### **Other Matters**

80. The development would be located a significant distance away from Duxford Airfield, and would not have an adverse impact upon its operation.

#### **Conclusion**

81. The benefits of providing renewable energy provided by this scheme need to be weighed against the identified harm arising from the use of the best and most versatile agricultural land and the lack of archaeological investigation.
82. Officers conclude that the benefits arising from this scheme are currently outweighed by the lack of the most compelling evidence in respect of the use of the best and most versatile agricultural land and the lack of archaeological investigation. Whether taken individually or collectively, these adverse impacts justify refusal of the application. While each application should be treated on its merits, the adjoining proposal for land at Abbey Farm is intended to be viewed as a single scheme and thus the extent of the overall harm is intensified.

#### **Recommendation**

83. Officers recommend that the Committee refuses the application for the following reasons:
- i) The most compelling evidence has not been submitted to demonstrate that the development of the proposed solar farm is justified on the best and most versatile agricultural land as opposed to brownfield or lower quality agricultural land. The proposal is therefore contrary to the Written Ministerial Statement on Solar Energy: Protecting the Local and Global Environment 2015.
- ii) Insufficient information has been submitted to demonstrate that the development would not result in the loss of significant features of archaeological interest. The proposal is therefore contrary to paragraph 135 of the National Planning Policy Framework 2012 that states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### **Background Papers:**

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

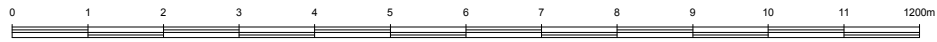
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)

- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/2642/15/FL and S/2617/15/FL

**Report Author:**

Karen Pell-Coggins  
Telephone Number:

Principal Planning Officer  
01954 713230



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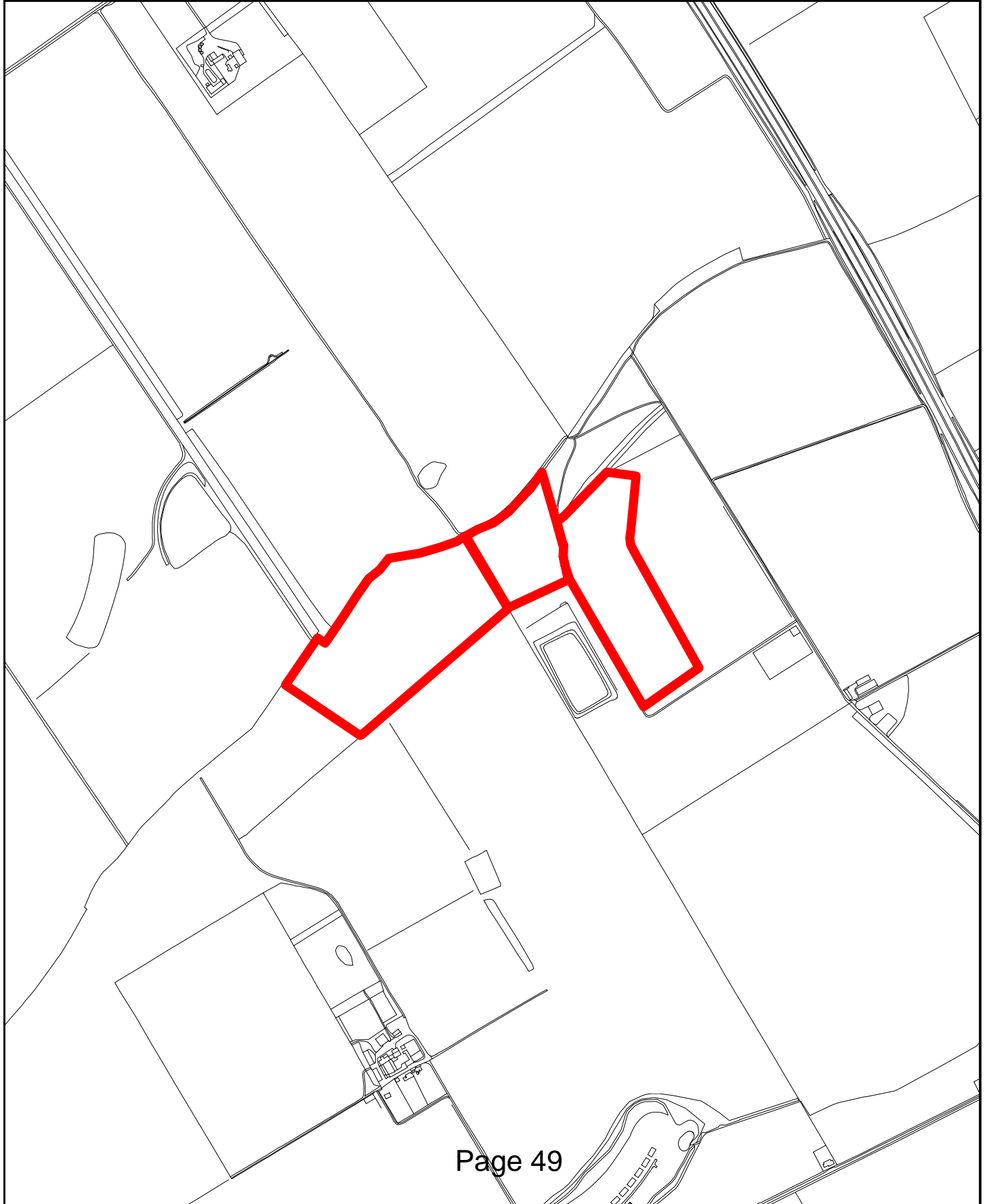
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Date of plot: 17/03/2016



**South  
Cambridgeshire  
District Council**

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# Agenda Item 6

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/2617/15/FL

**Parish(es):** Ickleton

**Proposal:** Solar Farm and Associated Development

**Site address:** Abbey Farm, Grange Road

**Applicant(s):** Push Energy Ltd.

**Recommendation:** Refusal

**Key material considerations:** Renewable Energy  
Countryside  
Agricultural Land Classification  
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Heritage Assets  
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Ecology  
Biodiversity  
Trees and Landscaping  
Flood Risk  
Highway Safety  
Neighbour Amenity

**Committee Site Visit:** 5 April 2016

**Departure Application:** No

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** Major Application of Local Interest

**Date by which decision due:** 14 January 2016

### Executive Summary

1. This proposal, as amended, is for a 5 MW solar farm with associated equipment covering an area of approximately 11 hectares of grade 3a and 3b agricultural land to the north of Grange Road, Ickleton and south of Grange Road, Duxford.
2. The Government has set a target for 15% of the UK's national electricity production to be derived from renewable sources by 2020. Support for solar pv should deliver genuine carbon reductions to help meet that target.

3. However, national planning guidance states that in the case of large scale ground mounted solar photovoltaic farms, they should be located on brownfield land or lower grade agricultural land (grades 5, 4 and 3b) and the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays unless compelling evidence has been submitted to justify the use of the best and most versatile agricultural land (grades 1, 2 and 3a).
4. This proposal would result in the development of a greenfield site of the best and most versatile agricultural land. It has not been demonstrated that there are no other sites of brownfield land or lower grade agricultural land in the region that could accommodate the development. Notwithstanding the above in principle objection, the proposal also has the potential to damage features of significant archaeological interest.
5. Therefore, on balance, whilst the public benefits of the scheme in relation to the contribution of renewable energy technologies towards the production of electricity and subsequent carbon reductions are acknowledged, they are not considered to outweigh the harm from the loss of the best and most versatile agricultural land and potential loss of features of significant archaeological interest.

### **Planning History**

6. **Site**  
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SC/10 Lighting Proposals  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

**Consultation**

11. **Ickleton Parish Council** - Recommends approval.
12. **Duxford Parish Council** - Has no objections.
13. **Landscape Design Officer** - Comments that the site is situated in a wide rolling chalkland landscape but on a plateau with limited visibility from public roads or the few public footpaths on lower ground or from the higher areas to the south. However, there will be some views from the east and lesser views to the north and south as the site drops by 12 metres west to east.
14. Although landscape and visual effects would be limited, the development is of large scale and some negative effects would be evident. Therefore, mitigation of these effects is required in the form of planting on adjacent to the development and on other land under the control of the applicant.
15. The revised landscape plan has taken into consideration previous comments and is now acceptable. However, additional planting is suggested to complete the landscape structure and aid establishment of planting. A condition would be attached to any consent to agree the precise details.
16. **Trees and Landscapes Officer** - Comments that no substantial trees would be affected as the site is in agricultural fields with perimeter hedgerows that do not contain large trees.

17. **Ecology Officer** - Comments that the development is generally welcomed and could give notable biodiversity benefits if greater consideration was given to design elements. Specific areas that need to be considered are the spacing of the panels, screening of the security fence by a hedge and the means to facilitate the movement of small animals across the site. States that although badger activity has been identified in the area, no setts have been recorded. The provision of 10 metre buffer strips adjacent to the hedges, wildflower seed mixes between the panels and bird and bat boxes are welcomed. Requests conditions in relation to a Biodiversity Management Plan and badger surveys prior to the commencement of development.
18. **Conservation Officer** - Comments that given the location of the solar farm, it would have limited impacts upon the setting of heritage assets in the area.
19. **Local Highways Authority** - Comments that the methodology of transporting staff to the site needs to be reviewed and requests a condition for the submission of a travel plan. Also requires a condition for the route for construction vehicles and a condition survey of Grange Road.
20. **Cambridgeshire County Council Historic Environment Team** - Comments that the site lies in an area of high archaeological potential situated approximately 200m to the north of a known Roman settlement. In addition, an archaeological investigation to the north revealed evidence of an Iron Age field system. There is also cropmark evidence of enclosures, linears and ring ditch to the north and multi-period remains to the south east. Recommends that further information is necessary in the form of a geophysical survey and archaeological trench based evaluation prior to the determination of any application. These results would allow fuller consideration of presence/absence and extent of archaeological remains to ensure an informed judgement to whether any consent needs to include provisions of archaeological works.
21. **Cambridgeshire County Council Flood Team** - Requires a condition to ensure that the development is carried out in accordance with the mitigation measures in the submitted Flood Risk Assessment.
22. **Environment Agency** - Requests informatives in relation to surface water.
23. **Natural England** - Has no comments.
24. **Environmental Health Officer** - Comments that the development would be unlikely to cause any noise and nuisance.
25. **Contaminated Land Officer** - Comments that the site is being redeveloped into a low-sensitivity commercial end use (in terms of contamination) with no obvious potentially contaminative former land uses and it is not considered necessary to require any further assessment or remediation of contamination. However, suggests a condition if any contamination is found on site during the development.

### **Representations**

26. **Duxford Imperial War Museum** – Has no comments.

### **Site and Surroundings**

27. The site is located outside of any village framework and in the countryside. It measures approximately 11 hectares in area and consists of one small field of arable land and part of a larger field of arable land. Hedges align the northern, western and

part of the eastern boundary of the smaller field. The southern boundary is open. Woodland aligns the northern boundary and hedges align part of the western boundary of the larger field. A field margin and a raised landscape bund around a reservoir forms the western boundary. The eastern boundary is open. There is woodland to the south east.

28. The site is situated within the East Anglian Chalk Landscape Character Area on grade 3a (very good to moderate) and 3b (moderate) agricultural land belonging to Abbey Farm. It lies on land at the top of a ridge and the land falls significantly to the east and south.
29. The village of Ickleton with its conservation area and listed buildings lies 1.2km to the east of the site. The site is situated 1.3km to the south of Duxford Airfield that falls within a conservation area and comprises a number of listed buildings. Two Scheduled Ancient monuments lie 1.5km to the north west of the site and 1.9km to the south east of the site.
30. The Chrishall Grange County Wildlife Site is located 1.7km to the west of the site. The site is situated in Flood Zone 1 (low risk). There is a reservoir located to the south. There are no public rights of way in close proximity to the site. The nearest residential properties are Rectory Farmhouse, Stockton Lodge and The Heath situated 800 metres to the south west.

### **Proposal**

31. This full planning application, received on 15 October 2015 as amended, proposes the installation of 5MW of solar photovoltaic farm for a temporary period of 25 years. The development would include the erection of the arrays of photovoltaic panels along with 2 transformers, 4 inverters, 1 substation, 1 grid connection building, 1 comms cabinet, 1 mount cabinet, an access track, security fencing and pole mounted CCTV cameras. Access would be from Grange Road, Ickleton via Abbey Farm.
32. The photovoltaic panels would be mounted on steel frames that are angled at 15 degrees to face south. There would be arrays of panels running east to west across the site that each measure 20 metres in length. They would have a maximum height of approximately 1.84 metres and be set 3 metres apart.
33. The transformers would be located to the west of the arrays within the larger field and measure 2.7 metres in length, 2.4 metres in width and 2.77 metres in height. The inverters would be located immediately adjacent the transformers and measure 3.5 metres in length, 1 metre in width and 2.3 metres in height.
34. The substation, grid connection building, comms. cabinet and mount cabinet would be located to the south east corner of the small field. The substation would measure 3.5 metres in length, 2.5 metres in width and 3 metres in height. The grid connection building would measure 8.3 metres in length, 5.75 metres in width and 3.5 metres in height. The comms. cabinet would measure 2.7 metres in length, 2.4 metres in width and 2.6 metres in height. The mount cabinet would measure 1.1 metres in length, 1 metre in width and 1.1 metres in height.
35. The track would lead from Abbey Farm and would measure 4 metres in width within the site. A security fence that measures 2 metres in height and consists of timber posts with steel deer fencing would surround the site. A number of CCTV poles at a height of 2.5 metres would be erected around the perimeter of the site. A temporary construction compound would be provided for the loading/unloading of materials,

storage of materials, parking and ancillary facilities for construction workers.

### **Planning Assessment**

36. The key issues to consider in the determination of this application are whether the general support for a renewable energy development is acceptable in this countryside location, along with its upon the best and most versatile agricultural land, character and appearance of the area, the setting of heritage assets, biodiversity, ecology, archaeology, flood risk, highway safety and neighbour amenity.

### **Principle of Development in the Countryside**

37. The proposal represents a major development for the generation of renewable energy. It would save 2150 tonnes of carbon dioxide per annum and generate electricity for 1515 homes per annum.
38. The Government's commitment to electricity generation by renewable sources is set out in the Renewable Energy Strategy, and in particular the target that 15% of national electricity production should be derived from renewable sources by 2020.
39. Nationally the NPPF has as one of its 12 core principles as the requirement to support renewable resources. Reference is made throughout the NPPF to the support of sustainable development and renewable energy. Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable unless material considerations indicate otherwise.
40. The latest national guidance in a Ministerial Statement dated March 2015 that reflects guidance in the National Planning Practice Guidance emphasises that the strategy for solar energy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land. Where a proposal involves agricultural land, it should be clear that it is necessary and that poorer quality land is used in preference to land of a higher quality. Any solar farm involving the best and most versatile agricultural land would need to be justified by "the most compelling evidence".
41. Locally, the development plan comprises the adopted Core Strategy and Development Control Policies DPD. The Core Strategy has as two of its four objectives the effective protection and enhancement of the environment, and the prudent use of natural resources. Policy DP/7 of the Development Control Policies DPD states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. Policy NE/2 relates to renewable energy and advises the district council will support proposals to generate energy from renewable sources subject to compliance with general sustainable development principles and additionally be able to connect efficiently to existing infrastructure and for provision to be made for the removal of facilities from site should the facility cease to be operational.
42. The installation of a solar farm is considered to represent appropriate development within the countryside providing that the most compelling evidence has been submitted to demonstrate that there are no suitable sites available on previously

developed land or lower grade agricultural land in the area of the scale required and the proposal would not result in the permanent loss of high quality agricultural land.

### **Best and Most Versatile Agricultural Land**

43. The site covers approximately 11 hectares of arable land. An Agricultural Land Classification Report has been submitted following soil sampling that states the site has an agricultural land classification of grade 3a (good to moderate).
44. The applicant has submitted a Site Selection report as part of the application that considers if there are any potentially more suitable sites situated on previously developed / non-agricultural land; or lower grade agricultural land (i.e. Grade 4 and below). This takes into account the advice in the NPPG and Ministerial Statement.
45. Commercial rooftops are not considered because of the vast area of roof space required for up to 10MW this is not reasonably practical, given the number of constraints in terms of building structure and orientation to be south facing.
46. The methodology utilised to carry out the assessment comprises two parts:-
  - i) definition of the search area;
  - ii) analysis of previously developed / non-agricultural land;
  - iii) analysis of lower grade agricultural land;
  - iv) create a short list of sites for further analysis; and
  - v) assessment of the short-list.
47. The search area is based on the requirement to connect the solar farm to the local electricity distribution network. UK Power Networks, has provided a point of connection approximately 3.5km to the north west of the site.
48. An assessment of connection costs against possible output were undertaken. This determined that a connection anywhere along the overhead line up to a distance of 5 km (from the overhead line) would be commercially viable. This is defined as the search area.
49. The search area covers land in South Cambridgeshire. Sites were assessed in relation to their constraints and size. This commenced with the identification of any brownfield land, the identification of any lower grade agricultural land and if not available an assessment of constraints including ecological designations, heritage assets, landscape designations, land availability, access, topography, flood risk and availability on sites of the best and most versatile agricultural land. This determined whether there were any feasible alternatives.
50. Within the search area, there are no brownfield sites.
51. The majority of the agricultural land is grade 2 with a limited area to the east and south being grade 3. South Cambridgeshire has just 2% grade 4 agricultural land and 0% grade 5 agricultural land. The northern and western areas were excluded.
52. There are a number of sites with ecological designations such as Sites of Special Scientific Interest and County Wildlife Sites around Fowlmere and Whittlesford that were excluded. There is a concentration of heritage assets in the villages of Ickleton, Duxford and Thriplow along with Scheduled Ancient Monuments close to the villages that were excluded. The northern and central part of the search area is designated as Green Belt land and was excluded.

53. Access that is not close to a major roads and has restrictions along with sites with more than two public rights of way were excluded. The area surrounding the River Cam in the high risk flood to the east of the site area was excluded.
54. Taking into account all of the above constraints, the site subject of this application was chosen subject to the availability of the land.
55. Whilst the use of brownfield or previously developed land is considered more appropriate and the preference for the development of solar farms rather than greenfield land as per the application site, it is difficult to find such land available. The whole of the district comprises predominantly grade 2 and 3 agricultural land so it would be difficult to contribute to renewable energy in the area without the use of some of this land.
56. However, although it is noted that the grid connection is viable, it has not been demonstrated why brownfield sites or sites on lower grade agricultural land site outside the district and in the region were not considered prior to the selection of this particular grid connection. No evidence has been submitted that shows the grid capacity in the area and no information has been provided to rule out other possible connection points in terms of viability.
57. The proposal is not considered to result in the irreversible and permanent loss of the best and most versatile agricultural land given that it could be returned to its original agricultural use when there is no further need for the development and that the land could be laid to grass on the site and used for sheep grazing. The development would also result in biodiversity gain.
58. Officers have also had some regard to the decision taken by the Planning Committee in February 2016 when it considered this issue in refusing a solar farm elsewhere in the district. That site was considerable larger and as such the loss of best and most versatile agricultural land was more significant in that instance.
59. When taking all the above factors into account, it is considered there is still a lack of compelling evidence to justify the use of even a small area of the best and most versatile agricultural land for a substantial period of time. This weighs against the proposal.

### **Character and Appearance of the Area**

60. The site currently consists of open arable land. Whilst it is noted that the introduction of a significant scale arrays of solar panels and buildings would substantially change the character and appearance of the landscape from being open and rural in character to being industrialised in character, it is unlikely to have adverse visual impact from the main public viewpoints surrounding the site. This is as a result of the low height of the development and new planting that is proposed to screen the development and mitigate its impact upon the landscape from long distance views and close views from the public rights of way that cross and surround the site.
61. The site is located within the East Anglian Chalkland Landscape Character Area. The distinctive features of this area are a distinctive landform of smooth rolling chalk hills and gently undulating chalk plateau; a mostly large-scale arable landscape of arable fields, low hedges and few trees, giving it an open, spacious quality; remnant of chalk grassland occurs on road verges and along tracks; small beech copses on the brows of hills, and occasional shelterbelts, are important features; a wealth of historic and archaeological features, including; ancient trackways, earthworks, small chalk pits and



pre-nineteenth century enclosures; and mostly strong rural character, though this is disrupted immediately adjacent to major roads such as the A505 and the M11.

62. Although the development is not necessarily compatible with the existing landscape qualities of the area as the open arable landscape would be lost, the development would retain some of the characteristic features and provide additional planting that would be designed to ensure it is in keeping with the visual qualities of the area. The development is not therefore considered to have an unacceptable impact upon landscape character and complies with adopted policies NE/4, DP/2 and DP/3.
63. The adjoining solar farm under application reference S/2642/15/FL has been taken into consideration in the comments from the Landscape Officer. The nearest solar farms to the site where the cumulative impact of the development needs to be taken into consideration are at Great Wilbraham and Fowlmere. The proposed solar farm would not be visible from the same viewpoints or sequentially along the same public rights of way or roads within close proximity of each other. The cumulative landscape and visual impact of both this and the proposed adjoining solar farm are also considered to be acceptable

### **Heritage Assets**

64. The site is located a significant distance away from the conservation area and listed buildings in the village of Ickleton and Duxford Airfield. The proposal is not considered to damage the setting of these heritage assets. Thus the statutory requirements in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respect of listed buildings and conservation areas would be met as would compliance with adopted plan policies CH/4 and CH/5.
65. The site is located within an area of high archaeological potential due to the number of heritage assets in the area and the development may destroy important archaeological features. A desk based assessment has been carried out but a geophysical survey and trench based archaeological evaluation of the site are required prior to approval of the application to demonstrate that the proposal would not result in the loss of any significant features of archaeological interest.
66. This approach has been taken consistently across the district for solar farms when required. Whilst it is noted that float foundations are suggested so that the ground would not be disturbed, this would not take into account any exclusion zones that may be required to accommodate any significant findings that need to be completely protected from development. The lack of any such investigation is contrary to policy NE/2 and the advice in the NPPF and weighs against the proposal.

### **Biodiversity**

67. The habitats on the site and immediately adjacent the site comprise a mixture of arable land, trees, hedgerows and grassland. They are considered of low ecological value.
68. Whilst the Ecology Officer has some concerns in relation to the close spacing of the panels and the lack of landscaping immediately adjacent the security fence, the overall development is considered to provide substantial biodiversity enhancements to the site given that its current use is arable land. This would not therefore warrant refusal of the application on these grounds.
69. Conditions would be nonetheless be attached to any consent to secure a badger

survey to be carried out prior to the commencement of development to assess the site for setts and determine whether any mitigation measures are necessary, a Biodiversity Management Plan and positions of gaps in the fence to allow the movement of small animals across the site.

70. The development would not adversely affect the interest features of the nearby County Wildlife Site due to the distance from the site.

### **Landscaping/Trees**

71. The development would be unlikely to result in the loss of any important trees or hedges that contribute to the visual amenity of the area providing a condition is attached to any consent for protection purposes. A significant landscaping scheme would also be attached as a condition of any consent in order to mitigate the impact of the development upon its surroundings along with a Landscape Management Plan.

### **Highway Safety**

72. The Traffic and Construction Management Plan shows the access route to the site during construction and decommissioning. Vehicles would access the site from the M11, along the A505, through the village of Duxford and along Grange Road.
73. During the 14 to 16 week construction period, the traffic generation is estimated at a maximum of 130 HGV/LGV deliveries. There would also be movements from site personnel that would be a maximum of 60 trips per day.
74. Whilst it is acknowledged that there would be a significant number of traffic movements during the construction period, the development is not considered to result in a level of traffic generation to and from the site that would be detrimental to highway safety given the position of the access and visibility and the management of the traffic to the site. The number of traffic movements during decommissioning would be lower than during construction and the number of movements for maintenance during operation of the solar farm would be very low. Conditions would be attached to any consent to agree a staff travel plan, condition survey of Grange Road.

75. The development therefore complies with policies DP/3, TR/1 and TR/2.

### **Flood Risk**

76. The site is located within Flood Zone 1 (low risk) and not within close proximity of any watercourses.
77. The Flood Risk Assessment submitted with the application sets out the surface water drainage strategy for the site that includes panels with gaps at regular intervals to allow a more even distribution to the ground beneath the panels and swales at the bottom of the land where it slopes. The development is therefore unlikely to increase the risk of flooding to the site and surrounding area and complies with policy NE/11.

### **Residential Amenity**

78. The nearest residential properties to the site are located approximately 800 metres away at Rectory Farm. The development would not result in a significant increase in noise and disturbance from the development given the distance from the site.

79. The construction and decommissioning access would run past Rectory Farm. The development would not result in an unacceptable increase in the level of noise and disturbance to these properties given that the construction period would be for a limited time only and delivery times would be between 08.00 hours and 18.00 on weekdays and 08.00 hours and 13.00 hours on Saturdays.

#### **Other Matters**

80. The development would be located a significant distance away from Duxford Airfield, and would not have an adverse impact upon its operation.

#### **Conclusion**

81. The benefits of providing renewable energy provided by this scheme need to be weighed against the identified harm arising from the use of the best and most versatile agricultural land and the lack of archaeological investigation.
82. Officers conclude that the benefits arising from this scheme are currently outweighed by the lack of the most compelling evidence in respect of the use of the best and most versatile agricultural land and the lack of archaeological investigation. Whether taken individually or collectively, these adverse impacts justify refusal of the application. While each application should be treated on its merits, the adjoining proposal for land at Rector Farm is intended to be viewed as a single scheme and thus the extent of the overall harm is intensified.

#### **Recommendation**

83. Officers recommend that the Committee refuses the application for the following reasons: -
- i) Compelling evidence has not been submitted to demonstrate that the development of a solar farm is justified on the best and most versatile agricultural land as opposed to brownfield or lower quality agricultural land. The proposal is therefore contrary to the Written Ministerial Statement on Solar Energy: Protecting the Local and Global Environment 2015.
- ii) Insufficient information has been submitted to demonstrate that the development would not result in the loss of significant features of archaeological interest. The proposal is therefore contrary to paragraph 135 of the National Planning Policy Framework 2012 that states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### **Background Papers:**

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

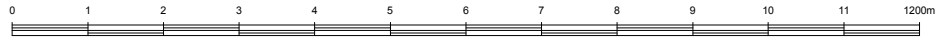
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014

- Planning File References: S/2617/15/FL and S/2642/15/FL

**Report Author:**

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Principal Planning Officer  
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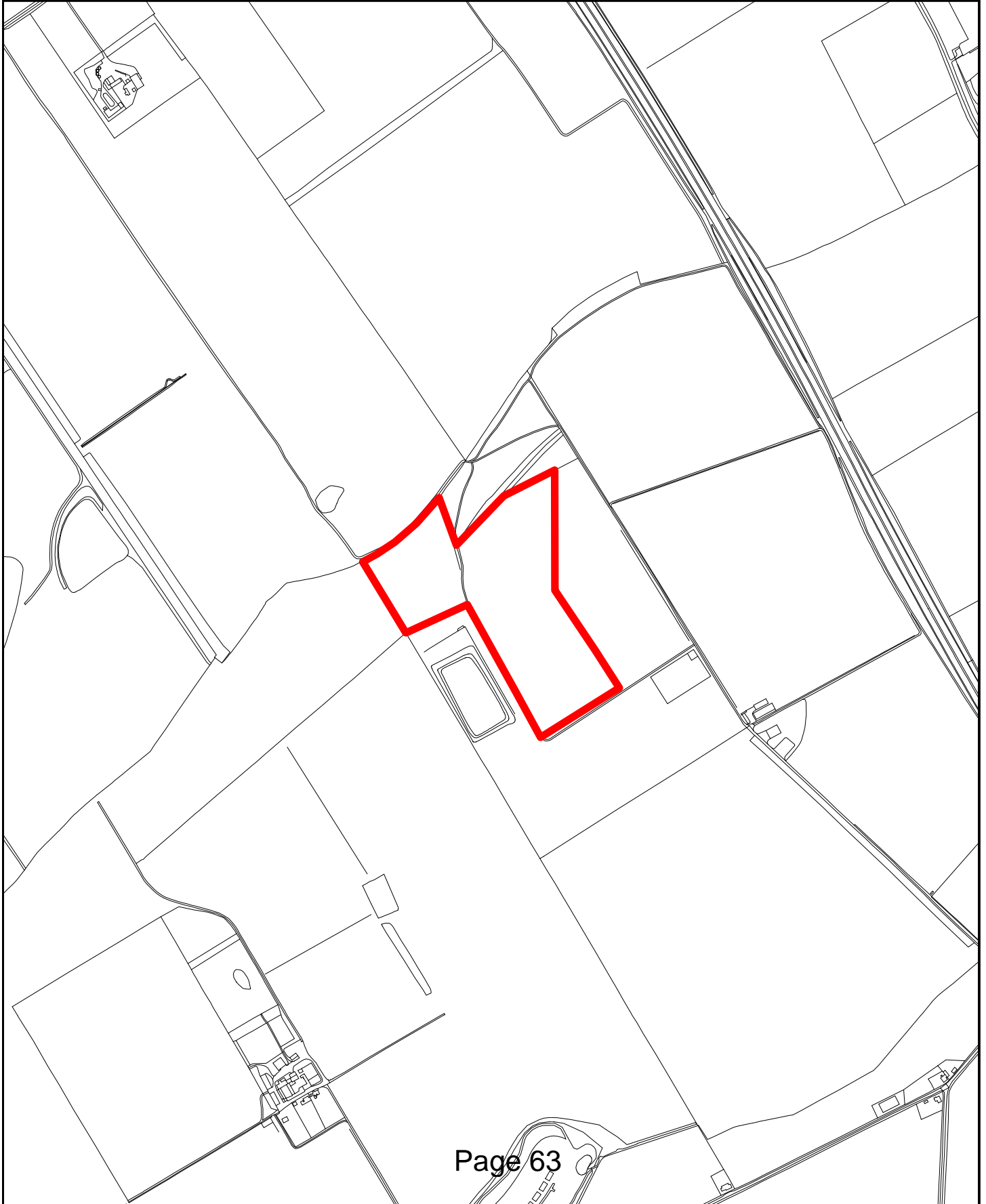
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District Council**

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# Agenda Item 7

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/2870/15/OL
<b>Parish(es):</b>	Over
<b>Proposal:</b>	Construction of up to 55 dwellings with associated access, infrastructure, and open space (All matters reserved apart from access).
<b>Site address:</b>	Land to the west of Mill Road, Over
<b>Applicant(s):</b>	Bloor Homes (Eastern) and Cambridgeshire County Council
<b>Recommendation:</b>	Refusal
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply, scale of development and impact on character and landscape, drainage issues, services and facilities, access and transport, heritage assets and ecology.
<b>Committee Site Visit:</b>	5 April 2016
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Paul Sexton, Principal Planning Officer
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest.
<b>Date by which decision due:</b>	8 April 2016

### Executive Summary

1. This proposal, as amended, seeks outline permission (access only for approval) for a residential development of up to 55 dwellings outside the adopted village framework and in the countryside on a greenfield site. The development would not normally be considered acceptable in principle as a result of its location. However two appeal decisions on sites in Waterbeach have shown that the district does not currently have a 5 year housing land supply, and therefore the adopted LDF policies in relation to the supply of housing are not up to date. The NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2. In this case, given the scale and location of the development, officers are of the view, in the light of the conclusions of a Planning Inspector in dismissing an appeal in February 2013 for 26 dwellings on another site in Over, that the harm resulting, in terms of the unsustainable location, significantly and demonstrably outweighs the benefits that include a contribution of up to 55 dwellings towards the required housing land supply, including 40% affordable dwellings.

### **Planning History**

3. S/1556/88/O – Erection of new primary school – Approved
4. Although not for development on the same site, an appeal against the refusal of planning permission for the erection of 26 dwellings on a site at 7 Station Road, Over was dismissed in February 2013 (S/0440/12/FL). This appeal decision is a material consideration in the determination of the current application.
5. The Inspector accepted that the Council could not demonstrate that it had an up to date 5-year housing land supply, and that as a result Policies DP/7 (Development Frameworks) and ST/6 (Group Villages) should be considered out of date. He accepted that the appeal fell to be considered against the tests in paragraph 14 of the National Planning Policy Framework, specifically whether the site was in a sustainable location for the proposed housing, and, if not, whether any harm would significantly and demonstrably outweigh the benefits of the development.
6. He concluded that whilst Over was well served by local community and social facilities, it was deficient in three functions which were considered likely to generate regular journeys; there was no indication of significant sources of employment in the vicinity, there being an especially low ratio of local jobs to the working age population (Village Classification Report 2012); the nearest secondary school is Swavesey Village College, about 2.9km from the appeal site; and anything other than the most basic shopping trip could not be fulfilled locally. Journeys out of the village would be a regular necessity for the majority of residents.
7. The Inspector recognised that some of these journeys might be made by bicycle or bus, but noted that census (2001) figures indicated a preponderance of use of private vehicles for work journeys. He noted that these figures pre-dated the Guided Bus, but stated that the stop was not especially convenient, being 1.5km from the appeal site. The frequency of the bus service restricted its usefulness.
8. He concluded that the site was not in a sustainable location for the scale of housing development, whether assessed in terms of the special strategy set out in the Core Strategy and the application of Policy ST/6, or on the basis of the particular circumstances of the village of Over and the level of facilities and accessibility. This lack of sustainability was considered both significant and demonstrable, and the harm arising from it equally so. The Inspector noted the clear objective in the NPPF to minimise the generation of greenhouse gases, to which private transport contributes, in order to diminish the effects of climate change. He stated that there was a need to actively manage patterns of growth to make the fullest possible use of alternative means of travel, which the development proposed would not achieve.

### **Planning Policies**



9. *National Planning Policy Framework  
Planning Practice Guidance*
10. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted  
January 2007*  
ST/2 Housing Provision  
ST/6 Group Villages
11. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
SF/6 Public Art and New Development  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Drainage – Alternative Drainage Systems  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/14 Light Pollution  
NE/15 Noise Pollution  
NE/17 Protecting High Quality Agricultural Land  
CH/2 Archaeological Sites  
TR/1 Planning for More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact  
TR/4 – Non-motorised Transport
12. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*  
Open Space in New Developments SPD - Adopted January 2009  
Affordable Housing SPD - Adopted March 2010  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010  
Health Impact Assessment – Adopted March 2011
13. *Draft Local Plan*  
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  
S/12 Phasing, Delivering and Monitoring

CC/1 Mitigation and Adaptation to Climate Change  
 CC/3 Renewable and Low Carbon Energy in New Developments  
 CC/4 Sustainable Design and Construction  
 CC/6 Construction Methods  
 CC/7 Water Quality  
 CC/8 Sustainable Drainage Systems  
 CC/9 Managing Flood Risk  
 HQ/1 Design Principles  
 HQ/2 Public Art and New Development  
 NH/2 Protecting and Enhancing Landscape Character  
 NH/3 Protecting Agricultural Land  
 NH/4 Biodiversity  
 NH/6 Green Infrastructure  
 NH/14 Heritage assets  
 H/7 Housing Density  
 H/8 Housing Mix  
 H/9 Affordable Housing  
 SC/8 Open space standards  
 SC/11 Noise pollution  
 T/1 Parking provision

**Consultations (all responses are currently in respect of the application as originally submitted for up to 58 dwellings)**

14. **Over Parish Council** - Recommends refusal.

- i. Viability – Within SCDC’s Village Classification Report (June 2012) the villages around Cambridge are ranked according to their scores on a variety of sustainability factors relating to their services and facilities. Over, already placed in the lowest category of ‘Group Village’ comes equal bottom in the ranking table of 23 classified villages, scoring a grand total of 0 points. Indeed, Over fails to score a single point in every one of the assessed factors, indicating that it is one of the least sustainable locations in the area for housing development.
- ii. Suitability – The site was considered during the preparation of the local plan and was considered unsuitable for residential development. The SCDC officers has this field in the original call for sites project looking for building land to go in the first draft of the new local plan. They argued to re-classify Over as a “guided busway village”, changing its status from a Group Village, however in view of the fact that the Planning Inspector for a recent development which had been granted stated that the guided busway had not been taken into account at arriving at his decision because it was too far away, the Council then voted to remove that field from the plan. The field was considered not to be suitable for development in a group village, and had not been brought forward in the emerging plan now out at consultation.
- iii. Surface water – This is also a problem as Dockerel Brook, running into Willingham Lode is over capacity and in need if maintenance.
- iv. Village framework – The site in question is outside the village development area.
- v. Village status – Over, as noted above, remains a Group Village, deemed unsuitable for developments of more than 8 houses (or 15 on a brownfield site).
- vi. Footpath – The proposal information accompanying the application notes that it

is proposed that a 2m footpath be constructed to run around the perimeter of the development. However along the Willingham Road frontage the hedge currently overhangs the road in places so the proposed footpath is very unlikely to fit in the space available. The lack of a footpath to service such a development would make journeys on foot to and from the area very dangerous as Willingham Road is one of the main roads into and out of the village.

- vii. Amenity-Education – Planning Policy CH/6 draws attention to the effect on the amenity and function of the village. There would be a number of primary school aged children likely to inhabit such a development and the Primary School is currently full. There are currently two mobile classrooms in order to be able to accommodate the current anticipated pupils, the use of mobile classrooms is contrary to Government recommendations. We note that again the proposal information accompanying the application states that financial provision will be made to provide for the expansion of Swavesey Primary school, however this will result in children being needed to be driven to and from school in the neighbouring village. The area around Swavesey Primary School already suffers extreme congestion at school times and this will exacerbate this issue and compromise further the safety of both Swavesey residents and children attending the School here. The nearest secondary school is also located at Swavesey.
  - viii. Amenity-Employment and shopping – As highlighted in the recent appeal decision, APP/W0530/A/12/2180704 in relation to an application for the erection of 26 dwellings on land at Station Road, the Planning Inspector stated that “there is little employment in the vicinity, there being an especially low ratio of local jobs to the working age population (village classification report 20120 and anything but the most basic shopping trip could not be fulfilled locally. Whilst the use of internet shopping is likely to be more popular in less accessible locations, the evidence falls short of proving that it plays a significant role in meeting local needs. Journeys out of the village would be a regular necessity for the majority of residents.” This view was echoed by the senior Planning Officer at the District Council.
  - ix. Our overall feeling is that this site is not a sustainable location for this scale of housing development on the basis of the level of facilities and accessibility within the village. There are also clear objectives which have been incorporated into legislation to minimise the generation of greenhouse gases, to which private transport contributes, in order to diminish the effects of climate change and actively manage patterns of development and growth to make the fullest possible use of alternative means of transport which this development would not achieve.’
15. **Cambridgeshire County Council Highways Development Control** – recommends refusal of the application in its current format as the site does not provide adequate connectivity for non-motorised traffic. The submitted drawing shows the width of the proposed pedestrian route to Willingham Road as 2m. This should be widened to at least 3m to adequately provide for primary non-motorised users. It should also be explicitly stated that the new footway extension will join the existing footway on the southern side of Willingham Road.
16. Subject to the above no objection is raised. Conditions should be included that require submission of a Traffic Management Plan, kerb radii to Mill Road, and the width of the access road.

17. **Cambridgeshire County Council Transport Assessment Team** – has lodged a holding objection and highlights issues in the Transport Statement which need to be addressed before the transport implications of the development can be fully assessed.
18. It requires additional information in respect of local traffic patterns, accident records, bus usage, distance to bus stops, existing facilities at bus stops, suitability of route from site to guided busway (and mode of transport referred to), actual distances to local services, distribution and assignment of trips, footpath link south along Mill Road. A Travel Plan should be secured by condition.
19. **SCDC Urban Design** - The site is currently an arable field with a field access at the south east corner of the site, and a substantial hedgerow along the northern and eastern boundaries.
20. Although an outline application, the information submitted does not offer sufficient comfort that this density/number of dwellings can be accommodated within this site whilst complying with the standards set out in the District Design Guide SPD, and therefore an objection is raised. The following comments are provided.
21. The units along the southern edge of the site appear very close to the site boundary. The existing houses along Cox's End are close to their boundary, and development such as that suggested would negatively impact the neighbouring houses, and not meet the minimum separation distances required.
22. Several of the proposed units are too close to each other which will cause overlooking issues, and several plots appear not to meet the suggested 15m distance to boundary guide. The Design and Access Statement mentions possibility of houses incorporating more open aspect with elevations set back behind more traditional front gardens, but it is unlikely that this will be achievable with this number of units.
23. The site forms a gateway at the approach to Over from the East. There is a fairly substantial hedgerow at this corner, but the development has been set back from this prominent corner which is appropriate given the open landscape character of the land to the east. However, this corner is not considered to be the correct location for a LEAP. It is not well integrated into the development, and the very poor arrangement of parking between the houses with trees between parking spaces will limit the opportunities for natural surveillance as well as providing an unattractive edge to the open space. The crescent shape of the development is not appropriate and will appear very alien within Over, at this exposed edge of village location. The LEAP should be relocated within a more central location and could help improve the "node" at the centre of the development, which has the potential to be a very unattractive and hard space, full of parking. The relocation of this LEAP would put further pressure on the housing numbers.
24. There is already a pedestrian desire line through the site between the south east and north west corners and no footpath along the road edge, so a pedestrian route through this site is essential to allow residents to access the village amenities. This would also increase connectivity.
25. Although the suggested density is policy compliant, this is a sensitive village location, which requires meaningful space for landscaping, and should not compromise the amenity of the existing neighbouring houses, or the character of Over. This will require a lower density, and therefore the number of units needs to be reduced.
26. **SCDC Landscape Officer** – has no objection and welcomes the positive landscape

features that the applicant has indicated within the outline plan. These include new dwellings being set back from the retained and protected boundary hedgerow; the development is located on the high ground of the Fen Islands, avoiding incremental development on the flat, low-lying fen; the development is on the edge of Over and integrated by the existing thick hedgerows; the existing boundary hedgerows are conserved, an important landscape feature; the inclusion of a pond for biodiversity.

27. Additional landscape opportunities and design guides are outlined for consideration in any detailed scheme. Conditions requested include a full landscape scheme, and the retention and protection of the existing boundary hedgerow inclusive of height and width.
28. **SCDC Ecology Officer** - has no objection. The application is supported by an ecological assessment which does not identify any significant constraints to development.
29. Conditions should be used to secure the control of vegetation removal during the bird breeding season; repeat badger survey within 30 days of commencement of development; new boundary planning to include fruit bearing shrubs so as to provide foraging for badgers, and a scheme for ecological enhancement that accords with the recommendations in the Extended Phase 1 Habitat Survey Report.
30. **SCDC Trees Officer** – The vast majority of the area is devoid of trees. There are some hedgerows around the site, and a small number of hedgerows within the site but they are weak and lack continuity. Despite this, it is desirable to at least retain some of the hedgerows at the perimeter. Occasional trees are dotted about within hedgerows, but on a site of this scale it is difficult to justify making robust provision for the protection of sporadic trees, which are likely to be of poor to moderate quality.
31. As a long-term aim this represents an opportunity for substantial enhancement of green infrastructure and open space in the form of strategic landscaping to include a considerable component of trees which grow to a large size at majority.
32. Provision needs to be made for conditions to ensure that reserved matters applications come forward with protection for retained hedgerows in the appropriate phasing.
33. **Cambridgeshire County Council - Education**
34. (i) *Early Years need:*
35. The development is expected to generate a net increase of 15 early years aged children, for which Section 106 contributions would be sought for 8 children. In terms of early year capacity County education officers have confirmed that there is sufficient capacity in the area for the next 3 years to accommodate the places being generated by this development.
36. Therefore no contribution is sought for early years.
37. (ii) *Primary need*
38. The development is expected to generate around 12 primary education aged children. The development lies within the catchment area of Over Primary School, where it is confirmed that there is sufficient capacity in the next 5 years to accommodate the places generated by this development.

39. Therefore no contribution is sought for primary education.
40. (iii) *Secondary need*
41. The development is expected to generate a net increase of 7 secondary education aged children. The catchment school is Swavesey Village College. County education officers have confirmed that at present there is insufficient capacity at the Village College to accommodate the secondary places generated by this development.
42. The project that has been identified to accommodate this additional demand is to increase the capacity of Swavesey Village College from 8FE to 9FE, providing space for an additional 150 pupils. This work is costed at £2,650,000. Contributions are sought on the basis of £17,667 per place (£2,650,000/150).
43. Therefore a contribution of £123,669 is sought towards secondary education. It confirms that there have not currently been 5 or more pooled contributions towards this project.
44. (iv) *Libraries and Lifelong Learning*
45. The village is currently served by two mobile stops. County Council officers have confirmed that the 132 new residents arising from this development (2.27 average household size x 58 new dwellings) can be served adequately by the existing library provision.
46. Therefore no contribution is sought for libraries and lifelong learning.
47. (v) *Strategic Waste*
48. This development is within the Bluntisham HRC catchment area for which Section 106 contributions are not currently sought.
49. **Cambridgeshire Archaeology** – comments that the site is located in an area of high archaeological potential, situated within the medieval village of Over. Within the site is a post-medieval mill, and archaeological investigations 160m to the west of the site have revealed evidence of medieval and post-medieval occupation. In addition, to the south east is a cropmark enclosure. It is likely that this relates to the extensive prehistoric and Roman landscape evident in cropmarks to the north and the west of the modern village and includes ring ditches, trackways and enclosures
50. It is therefore recommended that the site is subject to an archaeological evaluation to be carried out prior to the granting of planning permission. The results should allow for fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains in the development area. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ*.
51. **Cambridgeshire County Council - Flood and Water** – comments that the applicant has demonstrated that surface water can be dealt with on site by using a combination of permeable paving, underground storage and an attenuation pond. Post development runoff will be restricted to a rate of 4.1 l/s in up to the 1 in 100 annual probability (plus a 30% allowance for climate change) critical storm event.

52. The applicant is considered to have met the minimum requirements of the NPPF and therefore there is no objection in principle provided conditions are imposed in respect of the detailed design, implementation, maintenance and management of a surface water drainage scheme.
53. **Environment Agency** – No objection to the proposed development in isolation. However, connection of foul drainage into the recipient Water Recycling Centre (WRC) may prejudice other allocated development sites which have been identified for connection into the WRC.
54. Standard informatives are provided in respect of surface water drainage, potential ground contamination, and pollution prevention.
55. **SCDC – Drainage Manager** - Lodges a holding objection on the grounds that the illustrative layout plan does not show an undeveloped minimum 5m maintenance strip on the west boundary for the Award drain. The strip shown appears to be in the rear gardens. An approximate sum of £25,000 is sought as a maintenance contribution towards future works to the award drain.
56. There is no objection in principle of surface water drainage grounds as the design proposes improvements to the local award drain system, and is likely to reduce the risk of flooding.
57. **Anglian Water** – states that the foul drainage from this development is in the catchment area of Over Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.
58. **Environmental Health (Contaminated Land Officer)** – has no objection in respect of air quality and does not consider it necessary to require any further air quality impact assessment thorough planning conditions.
59. As this is a large development, for the purposes of ensuring that people in the vicinity of the development are not affected by the negative impact of construction work, as well as ensuring that the applicant complies with the Council's Low Emission Strategy, conditions are recommended. These relate to the submission of a Construction Waste Management Plan and Electric Vehicle Charging points.
60. **Environmental Health Officer** – states that on balance there is no objection in principle so long as the following issues are considered and effectively controlled by condition: Noise/Vibration and Dust during the construction phase; Off site traffic noise generation; Artificial lighting; Control of any noise generated by potential renewable energy technologies employed.
61. **Environmental Health (Public Health Specialist)** – states that the submitted Health Impact Assessment (HIA) has been assessed as Grade B, which meets the required standard of the HIA SPD.
62. **NHS England** – states that the development is likely to have an impact on the services of 1 GP Practice within the locality, Over Surgery. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment has been prepared to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.
63. The development would give rise to the need for improvements by way of extension,

refurbishment or reconfiguration at the existing practice, a proportion of which would be met by the developer.

64. In this case a contribution of £19,060 to mitigate the capital cost to NHS for the provision of additional healthcare services is sought, to be secured through a planning obligation. The sum should be payable before the development is first occupied/
65. **Housing Development Officer** – supports the application as it will provide much needed affordable housing in the village of Over, and go toward meeting some of the housing need in South Cambs.
66. If the site is not treated as an exception site for 100% affordable housing, it should provide 40% affordable housing. The application accords with this. There are currently around 1,700 applicants registered on the home link housing register in South Cambridgeshire who are in need of good quality affordable housing. Of these applicants 38 applicants have a local connection to the village of Over. There is little doubt of the great need for affordable housing both in Over and the whole of South Cambs.
67. There is a high demand for both 1 and 2 bedroom properties in South Cambs. The applicant has proposed a mix which is accordance which is reflective of the need both in Over and the rest of South Cambs. The district wide tenure split for developments in South Cambs is 70/30 in favour of rented.
68. Therefore the mix and tenure for this scheme should be: rented 6 x 1-bed flats, 9 x 2-bed houses, 1 x 3-bed house; and shared ownership 6 x 2-bed houses, 1 x 3-bed house.
69. A registered provider should be appointed to take forward the affordable housing. The applicant has indicated in the design and access statement about the possibility of gifting the affordable housing to the council and has indicated that further discussions would be required to establish the basis on which this could be an option.
70. Properties should be built in accordance with the DCLG National Technical Housing Standards. Properties should be available to all applicants who have a local connection to South Cambs.

### **Representations**

71. 14 letters have been received from the occupiers of 24, 28, 30, 32, 34, 63 and 83 Cox's End, 35, 63 and 83 Mill Road, 4 Pippin Close and 18, 33 and 63 Willingham Road objecting/commenting in respect of the application as originally submitted:
  - i. Site is outside the village framework.
  - ii. Over is classified as a Group Village and does not have the infrastructure to support a development like this, and is therefore not a sustainable location for this scale of building. This view was supported by a Planning Inspector in 2013. There is little employment in the village.
  - iii. The school is full, with some classes over size and mixed year classes. There is not space for quality expansion.
  - iv. The Doctors Surgery is fully subscribed, with currently a 2-week wait for an appointment.
  - v. Will add traffic to narrow roads. Access should not be from Mill Road. Impact on safety of access to existing properties. Lack of visibility on Willingham Road. Access should not be close to junction.



- vi. Needs to be proper footpath completed on Mill Road down to King Street, and ideally a cycle path, to form a route to the busway. Doubt as to whether the 2m footpath around the perimeter of the development will fit in the space available.
- vii. Transport Assessment is unrealistic, being based on travelling times outside of those within which many people will leave the village for work and return to it.
- viii. Will create an uneven density of housing towards the eastern end of the village, detracting from quality of village life.
- ix. Density (37.5 dwellings per hectare) too high given edge of village setting. 2.5 or 3-storey houses will create an urban feel.
- x. Concern regarding change of ownership of existing water course running north-south along the western boundary of the site, and that neglect might lead to increased risk of flooding.
- xi. Concern about additional surface water run-off, and impact on Dockerill Brook.
- xii. Little attention to protection of privacy to adjoining dwellings in Cox's End and Pippin Close due to proximity of proposed dwellings and parking areas. Does not conform to Design Guide criteria. Doubts as to whether the number of dwellings proposed can be properly accommodated.
- xiii. Loss of peace and quiet, sunlight and overshadowing of adjoining properties.
- xiv. Impact on existing wildlife. There are bats in the orchard to the left of Pippin Close.
- xv. There is enough local development at Northstowe, without speculative schemes such as this.
- xvi. Concern about removal of hedge within grounds of 83 Mill Road.
- xvii. Concern that new planting shown will overshadow existing properties.
- xviii. Validity of applicant's Statement of Community Involvement document is questioned.

### **Site and Proposal**

- 72. The site comprises 1.59ha of paddock land on the north east side of Over, south of Willingham Road and west of Mill Road. To the south and west the site adjoins existing residential properties in Cox's End and Pippin Close. There is also residential development on the north side of Willingham Road, opposite the site. To the east of Mill Road is open countryside.
- 73. There are existing hedgerows and trees on all boundaries of the site, with an award ditch along the west boundary. There is an existing field access to the site from Mill Road in the south east corner.
- 74. As amended, the outline application, with all matters reserved with the exception of access, proposes development of the site by up to 55 dwellings with associated access, infrastructure and open space. Vehicular access is from Mill Road by upgrading the existing field entrance. Approval of access is sought in this outline application. The application proposes 40% affordable housing (22 dwellings), and an area of open space adjacent the north boundary of the site.
- 75. The application includes an illustrative masterplan and is accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Assessment, Transport Assessment, Travel Plan, Sustainability Assessment, Ecological Report, Arboricultural Report, Phase 1 Site Investigation Report, Flood Risk Assessment, Statement of Community Involvement, and Archaeological Desk Based Assessment.

### **Planning Assessment**

*Housing Land Supply*

76. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
77. On the 25 June 2014 in two appeal decisions for sites in Waterbeach the Inspector concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. He identified either a 3.51 or 3.9 year supply (each appeal was judged on its own evidence and slightly different conclusions reached). This is against the Strategic Housing Market Assessment figure for objectively assessed needs of 19,000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Those policies were listed in the decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policy ST/6, but as a logical consequence of the decision this should also be policies "for the supply of housing".
78. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes land designated as Green Belt in adopted plans).

*Principle of development*

79. The site is located outside the Over village framework, although adjacent to it on its north, west and south boundaries, and in the countryside, where Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of up to 55 dwellings would therefore not under normal circumstances be considered acceptable in principle. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.
80. Over is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan. These are generally less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing only some of the day-to-day needs of residents to be met without the need to travel outside the village. Development in Group Villages is normally limited to schemes of up to 8 dwellings, or in exceptional cases 15, where development would make best use of a single brownfield site. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.

*Deliverability*

81. There are no known technical constraints to the site's delivery. Officers are therefore of the view that the site can be delivered within a timescale whereby significant weight

can be given to the contribution the proposal could make to the 5 year housing land supply.

*Sustainability of development*

82. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental. The aspects are considered in the assessment of highlighted issues below.

Economic.

83. The provision of 55 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social.

*Provision of new housing*

84. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to 55 residential dwellings. 40% of these units will be affordable (22 units). The applicant indicates that the mix of housing will be in accord with Policy HG/2. The affordable housing can be secured through a Section 106 Agreement. Officers are of the view the provision of up to 55 houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process.

85. Public open space is shown on the indicative layout plan, and this will need to be secured through a Section 106 agreement, along with off-site and maintenance contributions where appropriate. It will be mainly utilised by occupiers of the proposed development, and is not likely to become used by the wider population of the village, given its location at the edge of the village.

86. Paragraph 7 of the NPPF states that the social dimension of sustainable development includes the creation of a high quality built environment with accessible local services. The Urban Design Officer has expressed concerns about the proposed development of the site for 58 dwellings, in terms of the resultant form of development. Comments on the revised illustrative layout for 55 dwellings will be reported.

87. The matter of the sustainability of the site in terms of access to local services is discussed further below.

Environmental.

*Impact on character of the village and landscape*

88. The application proposes new housing at a density of approximately 35 dwellings per hectare (dph).

89. Paragraph 58 of the NPPF states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.

90. Policy DP/2 of the LDF states that all new developments should preserve or enhance the character of the local area; conserve or enhance important environmental assets

of the site; and be compatible with its location in terms of scale, mass and form.

91. Policy DP/3 of the LDF states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character, the countryside and landscape character.
92. The site is sensitively located on the edge of Over, but benefits from existing screening on all boundaries. The Urban Design Team, whilst accepting that layout is a reserved matter, objected to the illustrative layout plan for up to 58 dwellings as originally proposed, as it did not demonstrate that the site could accommodate that number of dwellings in a manner which would produce an appropriate form of development for this site.
93. It was suggested that the open space was located more centrally within the site, with improved natural surveillance. The approach of setting development back from the prominent north east corner was supported.
94. The amended illustrative layout for 55 dwellings shows the proposed area of open space adjacent the north boundary of the site, and built development close to the prominent north east corner. The area of open space has not been located more centrally within the development as suggested, with natural surveillance remaining limited. Development close to the north east corner, as now shown, will detract from the rural edge to the village.
95. Comments on the revised illustrative layout will be reported. Although officers are of the view that it is possible to develop this site in a manner which would not materially detract from character of the village or the surrounding landscape, further revision is likely to be required, and at present the applicant has not demonstrated that the site is capable of providing the proposed number of dwellings, having regard to the constraints of the site.

#### *Residential amenity*

96. The application is in outline only and therefore the layout plan submitted is for illustrative purposes only. However, officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of occupiers of adjacent properties.
97. As originally submitted for up to 58 dwellings, the illustrative layout plan did not comply in a number of areas with the minimum back to back distances, and distance to rear garden boundaries, specified in the District Design Guide SPD. The submitted drawing therefore did not demonstrate that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact.
98. The revised illustrative layout for up to 55 dwellings shows a layout which is compliant with the minimum separation distances in the Design Guide, however this element needs to be assessed against the wider impacts of the layout referred to above, before a view is taken as to whether the site can accommodate the up to 55 dwellings proposed.
99. The development of the site for residential purposes will result in the loss of outlook for some existing properties, and will significantly alter the current quiet and tranquil nature of the site. However, this in itself would not be a reason to object to the

application.

#### *Services and Facilities*

100. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising *'housing should be located where it will enhance or maintain the vitality of rural communities'*, and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
101. Over village is served by relatively few services and facilities but includes a Primary School, Public House, Church, Village Hall, shop, mobile post office (4 mornings a week), hairdressers and some formal sporting facilities, along with an extensive area of public open space. However, residents are required to commute outside the village to access many day-to-day services. There are limited employment opportunities within the village.
102. This relative lack of services is reflected in Over being designed a 'Group Village' in the Core Strategy settlement hierarchy. Group villages are described as *'generally less sustainable locations for new development than Rural Centres and Minor Rural Centres, having fewer services and facilities allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village'*, and new housing proposals are restricted to limited development which will help maintain remaining services and facilities.
103. In dismissing the appeal for 26 dwellings in the village the Inspector identified 3 key areas where he considered Over to be deficient in terms of meeting the requirements for a sustainable location. These are outlined in paragraphs 6-8 above, and are not rehearsed here. Whilst the appeal decision pre-dated the Waterbeach decisions referred to in paragraph 77 above, the Inspector considered the appeal under paragraph 14 of the NPPF, and concluded that the resultant harm significantly and demonstrably outweighed the benefits of the development proposed. Officers are of the view that there has been no material change in circumstance within Over to warrant coming to a different conclusion in terms of the sustainability of the location for the scale of development proposed.
104. The current application site is located approximately 3.5km from Swavesey Village College and 2.5km from the Guided bus stop. There is a bus stop on Mill Road, opposite the junction with Cox's End. The Primary School is 530m from the site.

#### *Access and Transport*

105. The additional information requested by the Transport Assessment Team in respect of local traffic patterns, accident records, bus usage, distance to bus stops, existing facilities at bus stops, suitability of route from site to guided busway (and mode of transport referred to), actual distances to local services, and distribution and assignment of trips, has been provided by the applicant, and is currently being assessed by the County Council.
106. The details of access to Mill Road have been accepted in principle, however these are subject to the wider assessment of access and transport under the preceding paragraph. Officers are of the view that it is unlikely that an objection will be raised to the proposed level of development in principle, however issues such as improvements to existing footpaths, bus stops etc need to be considered. It is likely that the County Council will request financial contributions towards improvements to local transport facilities, and officers will have to consider these to ensure that they are CIL

compliant.

107. A footpath should be provided from the proposed access southwards to join up with the existing footpath which currently ends just north of Cox's End, and west along Willingham Road from any footpath entrance to link with the existing footpath.

*Surface water drainage*

108. The site lies in Flood Zone 1. The Lead Local Flood Authority has not raised an objection and is of the view that surface water drainage from the site will not be an issue, subject to suitable conditions being included in any consent.
109. The Council's Drainage Manager accepts that the application demonstrates that surface water from the proposed development can be dealt with, and that the scheme may bring forward improvements to the local award drain system.
110. Officers have asked the Drainage Manager to provide details in respect of the requested maintenance contribution towards future works to the award drain to ensure it is CIL compliant.

*Foul water drainage*

111. Anglian Water has stated although there is currently capacity to deal with foul drainage flows from the development.

*Heritage Assets*

112. The archaeological investigation of the site, requested by the County Council, has been undertaken, and the results submitted for further consideration. The further comments of Cambridgeshire Archaeology will be reported, but the applicant indicates that there were no significant findings, although the evaluation confirmed the presence of an historically documented windmill on the east boundary.

*Ecology*

113. The application is accompanied by an Ecological Report. The Ecology Officer has raised no objection, subject to safeguarding conditions and the submission of an ecological enhancement scheme.

*Renewable Energy*

114. The applicant has indicated that the scheme will comply with the need to provide renewable energy generation technology to comply with Building Regulation targets, plus the additional 10% reduction and 10% on-site energy generation targets, but has stated that this can only be resolved at the detailed stage as further design and layout information becomes available.
115. Officers are of the view that this matter can be dealt with by condition, however the detailed layout and orientation of dwellings should seek to maximise energy saving possibilities.
116. The applicant indicates that the detailed scheme will comply with national housing standards in respect of water conservation.

*Planning Obligations*

117. From 6 April 2015, the use of 'pooled' contributions toward infrastructure projects has been restricted. Previously, LPAs had been able to combine planning obligation contributions towards a single item or infrastructure 'pot'. However, under the Community Infrastructure Levy Regulation 123(3), LPAs are longer be able to pool more than five planning obligations together if they were entered into since 6 April 2010, and if it is for a type of infrastructure that is capable of being funded by the CIL. These restrictions apply even where an LPA does not yet have a CIL charging schedule in place.
118. The Council can confirm that there have been 5 Section 106 agreements in respect of developments in the village of Over since 6 April 2010 contributing towards (i) offsite open space and (ii) offsite indoor community space improvements. As such the CIL Regulations prevent the LPA from lawfully securing further tariff style contributions towards unidentified offsite open space improvements in accordance with development control policies and the open space in new development SPD.
119. The LPA recognises that the Planning Practice Guidance requires that 'In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'. It goes on to say that 'Planning obligations must be fully justified and evidenced' and as such the LPA take the view that a project should be identified in order to ensure CIL compliance.
120. The application involves significant financial contributions to be secured by way of a Section 106 Agreement, which are referred to in the report. Planning obligations which are directly relevant to the application, proportionate and absolutely necessary for the scheme to be acceptable and so meet the CIL Reg. 122 test are:
- Education £123,669 (Swavesey Village College) where insufficient capacity is confirmed. The County Council has confirmed that there have not been 5 or more pooled contributions to this project.
  - Health care provision – Contribution of £19,060
  - Provision and maintenance of on-site open space – sum to be agreed at reserved matters stage
  - Transport infrastructure (to be confirmed by Cambridgeshire County Council)
  - Award drain maintenance contribution
121. Over Parish Council has been contacted view a view to identifying projects in respect of off-site recreation, open space and community facilities, towards which a contribution might be justified arising from the increased demands of the proposed development. These discussions are ongoing and any update will be reported. If no off-site need is identified, which is deemed to be CIL compliant, then a contribution should not be sought.

### **Conclusion**

122. Comments on the revised scheme will be reported.
123. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply:

124. ST/6: Group Villages – indicative maximum scheme size of 8 dwellings  
DP/7: Village Frameworks
125. This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
126. Officers have identified in the report the areas where they consider that significant and demonstrable harm will result from proposal, in terms of the unsustainable location for a development of the scale proposed. Officers have based this conclusion on the specific circumstances of Over, having considered the 2013 appeal decision for 26 dwellings on another site, where the Inspector came to that view, as outlined in paragraphs 4-8 above.
127. The applicant has submitted appeal decisions from other areas, and refers to officer reports for other sites in South Cambridgeshire, where the same degree of concern has not been expressed as to the sustainability of development in Group Villages. The view is also expressed that Government advice since the previous Over appeal decision places increase weight on the demand for housing.
128. Officers are of the view that there has been no material change in circumstances as they relate to the village of Over to warrant coming to a different view from that of the Inspector in 2013. Officers are considering whether the reduction in the maximum number of dwellings proposed from 58 to 55 addresses concerns about the scale of development in terms of being able to provide a scheme which respects the sensitive location of the site at the edge of the village, and residential amenity. An update on this point will be given at the meeting.
129. These adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
130. In this case the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. Although the scale of development now proposed offers greater benefits from that of the appeal site, in that there would be a larger number of dwellings provided to meet the identified shortfall in supply, this increase would equally compound the concerns that Over is not a sustainable location for the scale of development proposed.
131. Planning permission should therefore be refused because material considerations do not clearly outweigh the substantial harm identified, and conflict with out of date policies of the LDF.

### **Recommendation**

132. That the application is refused for the following reason. Officers will advise at the meeting whether a further reason for refusal is required based on the impact of the revised scale of development proposed on the character of the village and surrounding landscape:
1. Over is identified as a Group Village in the Adopted Core Strategy DPD 2007, where Policy ST/6 states that development is normally restricted to groups of a maximum scheme size of 8 dwellings within the village framework. The proposed site is outside the village framework of Over where DP/7 of the adopted Development Control Policies DPD development restricts



development to uses which need to be located in the countryside. The Council recognises that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, unless the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this case the scale of the development proposed is not considered to represent a sustainable form of development as Over has been identified as not being a sustainable location for the scale of development proposed. Although it is well served by local community and social facilities, it has been found deficient in three areas, which are likely to generate regular journeys, which are not likely to be made other than by the private car. These are the lack of significant sources of employment in the vicinity, the nearest secondary school being Swavesey Village College, and that anything other than the most basic shopping trip not being able to be fulfilled locally. On this basis the proposal is considered to materially and demonstrably conflict with the aims of the NPPF as it fails to meet the environmental role of sustainable development and Policies DP/1, DP/7 and ST/6 of the adopted Local Development Framework 2007. Any benefits arising from the development are considered to be significantly and demonstrably outweighed by the identified harm.

#### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/2870/15/0L and S/0440/12/FL

**Report Author:**

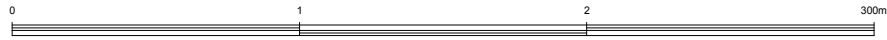
Paul Sexton  
Telephone Number:

Principal Planning Officer  
01954 713255









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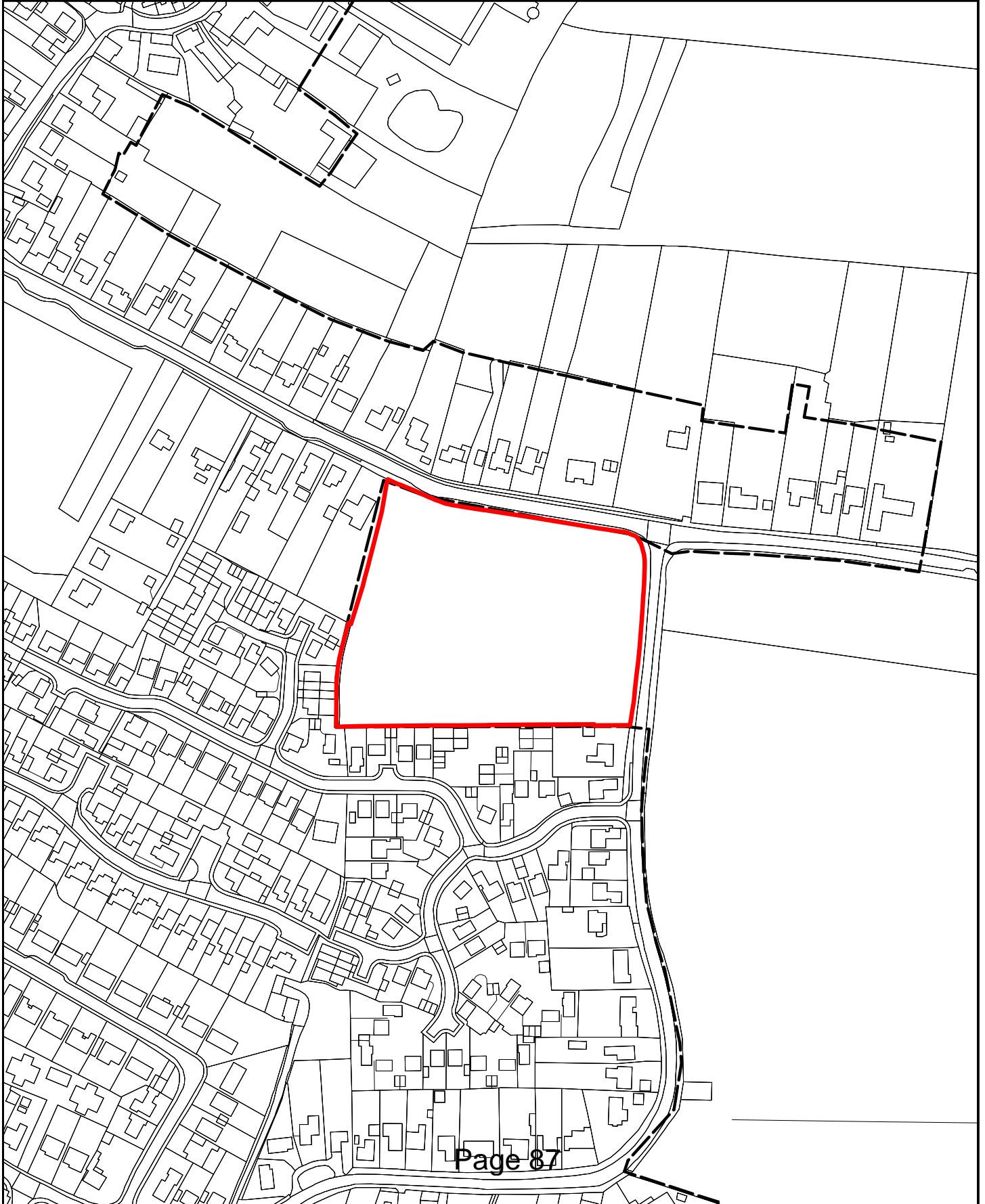
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District Council**

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# Agenda Item 8

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/3223/15/FL

**Parish(es):** Orchard Park

**Proposal:** 42 low energy, co-housing dwellings, common house and workshop

**Site address:** K1 Site, Topper Street

**Applicant(s):** Mr Neil Murphy, TOWNhus

**Recommendation:** Delegated Approval

**Key material considerations:** Visual Impact  
Neighbour Amenity  
Noise

**Committee Site Visit:** 5 April 2016

**Departure Application:** No

**Presenting Officer:** Katie Christodoulides, Senior Planning Officer

**Application brought to Committee because:** The recommendation of Orchard Park Community Council conflicts with the Officer recommendation.

**Date by which decision due:** 22 March 2016

### Planning History

1. **S/2725/14/OL-** 38 Passivhaus Dwellings and Ancillary Facilities Including Common House and Communal Gardens- Current Application, Awaiting S106 to be completed.  
**S/2379/01/O-** Development Comprising Residential, Employment, Retail, Leisure, Social/Community Uses, Open Space, Educational Facilities and Associated Transport Infrastructure- Approved.

### Planning Policies

2. **National Planning Policy Framework**
3. **Local Development Framework, Core Strategy 2007, Development Plan Document**
4. **Local Development Framework, Site Specific Policies, 2012, Development Plan Document**

SP/1 Cambridge Northern Fringe West (Orchard Park)

5. *Local Development Framework, Development Control Policies DPD, 2007:*

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
NE/1 Energy Efficiency  
NE/2 Renewable Energy  
NE/3 Renewable Energy Technologies in New Development  
NE/6 Biodiversity  
NE/7 Sites of Biodiversity or Geological Importance  
NE/8 Ground Water  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Water - Alternative Drainage Systems  
NE/15 Noise Pollution  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
TR/1 Planning for More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact

6. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*

District Design Guide SPD  
Open Space in New Developments SPD  
Landscapes in New Developments SPD  
Development Affecting Conservation Areas SPD  
Biodiversity SPD  
Trees and Development Sites SPD  
Public Art SPD  
Orchard Park Design Guidance-SPD

7. *Draft Local Plan*

S/2 Objectives of the Local Plan  
S/3 Presumption in Favour of Sustainable Development  
S/5 Provision of New Jobs and Homes  
SS/1 Orchard Park  
HQ/1 Design Principles  
HQ/2 Public Art and New Development  
H/7 Housing Density  
H/8 Housing Mix  
NH/4 Biodiversity  
NH/5 Sites of Biodiversity or Geological Importance  
NH/6 Green Infrastructure  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Play Space, Informal Open Space and New Developments  
SC/8 Open Space Standards  
SC/13 Air Quality



CC/1 Mitigation and Adaption to Climate Change  
CC/3 Renewable and Low Carbon Energy Generation in New Development  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments  
TI/9 Education facilities  
T1/10 Broadband

### **Consultation**

8. **Orchard Park Community Council-** Recommends refusal. The Parish are supportive of the green credentials and innovative planning opportunity for Orchard Park however the segregation and lack of openness for all residents was against the Design Code for cohesiveness within Orchard Pak.
9. **Air Quality Officer-** The submitted AQ report is satisfactory, requests conditions are added in regard to air quality construction, renewable energy and electric vehicle charging.
10. **Contaminated Land Officer-** Requests a condition is added to any consent granted in regard to contamination found on the site.
11. **Tree Officer-** Supports the proposal however raises concerns regarding the hard surface located between T1 and the end of the proposed building and finished floor levels. Requests a condition is added to require a plan view and section of the DPC on the building and protected tree and that the tree protection measures are implemented prior to any works starting on site. Following Amended Plans received 15/02/2016, the Tree Officer recommends a condition is added in regard to finished floor levels and surfaces.
12. **Landscape Officer-** Objects to the proposal and requests a number of changes are required to the landscape. Following Amended plans, some of the landscape concerns have been addressed, with elements in regard to grass areas and mounding in the lane remaining. Requests this is dealt with by a landscape condition.
13. **Local Highways Authority-** Raises no objections. Requests conditions are added to any consent granted in regard to no unbound material of the access way, the vehicle accesses being constructed in accordance with the construction specification, the access shall be constructed with adequate drainage, manoeuvring areas retained, accesses retained, a traffic management plan and informatives in regard to no works to the highway, no structure overhanging the highway and public apparatus agreements.
14. **Archaeology Officer-** No objections or requirements.
15. **Ecology Officer-** Supports the retention of the treeline and hedgerow and habitats. Requests a condition is added to any consent granted in regard to securing bird and bat box erection. Comments that there is space to grow trees and a hedge along the eastern boundary and the swale sound be seeded with wetland wildlife mix with additional planting.
16. **Affordable Housing Officer-** Supports the proposal subject to the proposed affordable housing being detailed and agreed in the Section 106 Agreement,

17. **County Education-** The proposal is for 6 additional dwellings. The County would not require additional contributions on the basis that 5 contributions towards a project have already been pooled and the proposed increase in dwellings would be too small to justify a project that would be CIL compliant.
18. **County Transport-** The development will contribute to a small number of additional trips to the highway network. The development is shown to result in fewer trips of the network compared to the April 2015 Outline application. A contribution has not been sought towards wider mitigation schemes. Requests a condition is added to any consent granted to require a Sustainable Travel Information Pack is available to all residents on occupation.
19. **Urban Design Officer-** Concerns raised regarding the pedestrian access and it being fronted by a bin and cycle store, the proposed parking and bin store and cycle stores being prominent, the lack of planting and boundary treatment along the eastern boundary and the design of the eastern block in line with the comments from the Design Workshop and Design Enabling Panel.
20. **Noise Officer-**Raises concerns regarding noise levels from Kings Hedges Road and the Cambridge Guided Busway to the private gardens and outside amenity areas. The communal amenity area is in exceedance of 55dB limit suggested by the World Health Organisation and related guidance.
21. **Fire Service-** No comments received.
22. **Architectural Police Liaison Officer-** Requests a condition is added to any consent granted in regard to all ground floor doors and windows and accessible first floor level windows meeting PAS 24 standard and be glazed with laminated glass.
23. **National Grid-** No comments received.
24. **Waste Officer-** No comments received.
25. **Anglian Water-** No comments received,
26. **Cambridge Water-** No comments received.
27. **Lordsbridge-** No comments received.
28. **Drainage Manager-** No comments received.
29. **Guided Bus Manager-** No comments received.
30. **Renewable Energy Officer-** The proposal will go over and above the energy carbon policy requirements.
31. **Network Rail-** No observations to make.
32. **Highways Agency-** No objections.
33. **Health Impact Assessment Officer-** The scheme has been assessed as Grade D and fails to meet the required standard of the HIA SPD policy.

## **Representations**

34. None received.

### **Planning assessment**

35. The site known as the K1 land parcel is located on the eastern end of Orchard Park. Immediately to the south of the site lies The Guided Busway and further along Kings Hedges Road. To the west, north and east lies three storey housing off Granham Road, land parcel L2 off Topper Street and three storey flats off Starr End.
36. The site is 0.96 hectares in area and forms open scrub land with a ditch and mature belt of trees which runs diagonally across the site. Two of the oak trees are subject to Tree Preservation Orders (TPO). An electricity substation lies to the north of the site. The site is located within the Air Quality Management Zone (AQMZ), by virtue of its proximity to the A14.
37. The application is made on behalf of K1 Cambridge Cohousing Ltd. Cambridge Cohousing Ltd was set up and is managed by the K1 co-housing residents, to create Cambridge's first cohousing scheme (K1), a development which will provide sustainable infrastructure and accommodation to benefit the residents and wider Orchard Park community.
38. The planning application, registered on the 22 December 2015 seeks full consent for the erection of 42 low energy dwellings and ancillary facilities including a common house, workshop, car and cycle parking, refuse storage and relocation of the electricity substation and associated access and landscaping.
39. The application has been accompanied by a number of supporting statements including a Design & Access Report, Landscape Report, Arboriculture Report, Ecological Appraisal, Services Report, Flood Risk Assessment and Drainage Statement, Sustainability Report, Transport Assessment Report, Air Quality Assessment, Waste Strategy Plan, Noise Impact Assessment, Design Boards and Travel Plan.

### **Principle of development**

40. The principle of development has been established under the original outline consent (S/2379/01/O) for Orchard Park and the current application is considered acceptable subject to other material considerations below.

### **Affordable Housing**

41. The Affordable Housing Officer commented on the previous Outline Application S/2725/14/OL for 38 dwellings that no contributions for affordable housing will be required given the specialist self-build nature of the site and affordable housing being accommodated on adjacent sites. For this application which seeks a net increase of four dwellings, the Affordable Housing Officer has commented that two affordable units should be provided. Two affordable units are proposed and this will be detailed in a proposed Section 106 Agreement.

### **Housing Mix**

42. The proposal is for 42 dwellings comprising of 7 x 1 bedroom flats, 14 x 2 bedroom flats, 5 x 2 bedroom houses, 9 x 3 bedroom houses and 7 x 4 bedroom houses. The proposal would comply with Policy HG/2 of the LDF and the need of the proposed residents forming part of the Co-Housing Group.

## **Visual Impact**

43. The proposal would conform with the Orchard Park Design Guide SPD in regard to active street frontages, strong positive streetscapes and active integrated, secure car parking.
44. The proposed layout of the scheme would allow for an active street frontage along Granham Road and Topper Street with buildings, with a central common house and large community garden to the south with parking sited to the east. A lane runs from Granham Road to the site entrance off Starr Lane allowing for a gateway for pedestrians and cyclists.
45. The scale of the development confirms with the Design Guide with mainly two storey dwellings with a room in the roof and three storey buildings in the centre of the site and at the western point of the site a landmark building. The proposed scale would fit appropriately with the adjacent dwellings.
46. The design and appearance of the proposal seeks to conform with the Orchard Park Design Guide and design qualities of buildings within Cambridge historic core.
47. The proposed materials for the dwellings would allow for four different brick types with boarding proposed on the eastern terrace, a rain screen cladding on the common house and one roof tile. The range of brick types allows for residents to choose their material and replicate a terrace of dwellings with varying materials.
48. The Urban Design Officer raised a number of concerns regarding the lane and the lack of visual interest when arriving from the east and west with bin and cycle stores terminating the vistas, the lack of soft landscaping within the parking area and the design of the eastern terrace. Amended plans have been received dated 16/03/2016 in which the bin and cycle stores have been sited within the lane rather than beyond the building line. A condition will be added to require details of proposed soft and hard landscaping to be submitted which will address the Urban Design Officers concerns regarding a lack of landscaping. On balance, the proposed design of the eastern terrace is not considered to result in harm to the area, with the design being acceptable.
49. A condition shall be added to any consent granted to remove permitted development rights for classes A,B,C,D or E to protect the visual amenity of the area.

## **Neighbour Amenity**

50. The proposal is not considered to result in any harm to adjacent neighbouring amenity through loss of light, loss of privacy or overbearing impact.
51. Conditions will be added to ensure the proposal does not result in harm to surrounding properties in regard to lighting, operational waste, noise and odour.
52. Concern is raised in regard to the overbearing visual impact and loss of light to the rear patio doors of the end two dwellings and garden areas along the proposed southern terrace. The proposed north side gable on the west terrace would be 10.2 metres in height, 7.8 metres to the eaves level and sited 7 metres from the proposed patio doors of the adjacent properties, being contrary with the Design Guide which requires a 12 metre distance between a blank elevation and neighbouring room. A Daylight Assessment Study was undertaken and the two dwellings would have high

levels of daylight and sunlight to the internal rooms and external amenity space. 3D computer generated views have been undertaken from the windows and the end dwelling would have a triple aspect from the rear, side and front elevations with the second dwelling having open views past the blank side gable. The proposal on balance given the above, and the nature of the scheme being for co-housing is considered acceptable in terms of amenity.

### **Access/Highway Safety**

53. The Orchard Park Design Guide states that vehicular access should be from Granham Road and Topper Street. The proposed access is from Starr End with an internal road and The Lane for mainly pedestrian access and disabled parking. The Local Highways Authority have raised no objections subject to conditions being added to any consent granted in regard to no unbound material for the access way, the vehicular access where it crosses the highway shall be in accordance with Cambridgeshire County Council construction specification, a scheme for drainage of surface water runoff for the access, retention of manoeuvring areas, the access being free from obstruction, a traffic management plan and informatives.

### **Traffic and Parking**

54. The proposed parking level of 1 space per dwelling with a provision of 1 space per 4 dwellings for visitor car parking is considered acceptable given the site's location on the edge of Cambridge, adjacent to the Guided Bus Way and proposed measures of a car club and car sharing for the group. As part of the proposed Section 106 Agreement, this level of car parking provision will be detailed as above and a fall back scheme of proposed parking within the garden will be required if this number cannot be met.

### **Trees/ Landscape**

55. The proposal will retain the majority of the tree belt which runs across the site. The tree belt and two protected oak trees will be retained and protected during the construction. The Tree Officer has raised concern regarding the proposed hard landscaping sited between the protected oak tree T1 and the east terrace building without leading to harm to the tree and root protection area and resulting in conflicting finished floor levels. The Tree Officer has requested conditions are added to any consent granted to require the tree protection measures and recommendations as set out in the Arboricultural Report to be implemented and installed prior to any works, remaining until completion and a condition requiring a section plan of the hard surface between the Oak T1 tree and proposed building.
56. The Landscape Design Officer has raised a number of concerns regarding the proposed layout and requests alterations are made to soft and hard landscaping. A condition shall therefore be added to require details of landscaping to be agreed prior to any works on site.

### **Ecology**

57. The site comprises overgrown shrub grass land with two protected trees forming a tree belt which runs from the south east to the north west. The proposal seeks to retain the majority of the tree belt and two protected trees with the creation of a swale for surface water run-off. The Ecology Officer has raised no objections to the proposal subject to a condition being added to secure a scheme of bird and bird box erection and landscaping to allow further trees and hedge planting along the eastern boundary

and a wetland mix of planting within the swale.

### **Air Quality**

58. The site is located in an area of high sensitivity for local air quality as it is within the Air Quality Management Area. An Air Quality Assessment was submitted as part of the application in which the Environmental Health Officer has raised no objections and requests conditions are added to any consent granted in regard to air quality construction, renewable energy and electric vehicle charging. An informative shall be added in regard to air quality construction. The proposal complies with Policy NE/1 NE/2 and NE/3 of the LDF and the proposed renewable condition is not considered necessary and therefore a condition in regard to electric vehicle charging will be added.

### **Noise**

59. The site lies adjacent to the Guided Bus Way and Kings Hedges Road. The Environmental Health Officer has raised concern regarding the private gardens and communal outside garden amenity area in regard to the exceedance of noise levels above the recommended 55dB stated in World Health Organisation Guidance and BS8233 2014. A 2 metre high acoustic fence is proposed along the southern boundary of the site, adjacent to the Guided Bus Way with proposed landscaping. The noise levels in the communal garden at the highest would be 60Db. Cass Allen Associates who undertook the Noise Assessment have confirmed that to reduce the noise levels to a satisfactory level, a 7 metre high acoustic fence would be required, which would result in harm to the visual amenity of the area. Other options of reconfiguring the layout of the site or acoustic fences provided to private gardens would defeat the key principles of co-housing by providing physical and visual separation. It is acknowledged that noise levels within the communal garden would be higher than the required levels, however on balance given the semi-urban location of the site, it is not considered significant to warrant refusal on these grounds. A condition would be added requiring details of noise insulation scheme and rapid/purge type ventilation are submitted.

### **Contamination**

60. The site is not considered to have a history of contamination and a condition shall be added to any consent granted by the request of the Contaminated Land Officer to require development to stop and a remediation strategy to be submitted if contamination not identified is present on the site.

### **Archaeology**

61. The site has been investigated for archaeology and is not considered to have any archaeological significance.

### **Sustainability**

62. The proposal will seek to achieve 70% passivhaus and a 25% reduction in carbon emissions. The proposed heating solution will be an Air Source Heat Pump system, with solar thermal and solar PV, with proposed potable water consumption being 105ltrs per day or less.
63. The proposal will reduce energy use and carbon emissions in line with Policies NE/1 and NE/3 of the LDF.

## **Public Art**

64. A condition would be added to any consent granted to request details of public art in line with Policy SF/6 of the LDF which requires the provision of publicly accessible art, craft and design works.

## **Section 106 Agreement**

65. The Section 106 Agreement provides contributions to education, waste recycling, waste receptacles and an obligation in regard to a reduction in car parking based on a car club and provision of parking if required. In line with Paragraph 204 of the National Planning Policy Framework, planning obligations should only be sought where they meet the tests of being necessary, directly related and fairly and reasonably related in scale and kind to the development

## **Other Matters**

66. The proposal has been reviewed in regard to the Council's SPD on Health Impact Assessment (HIA) and was assessed as a Grade D. An HIA is only acceptable if it meets Grade's A or B.
67. Orchard Park Parish Council in their comments recommended refusal as the segregation and lack of openness for all residents was against the design code for cohesiveness within Orchard Park. The site is private however the co-housing group intend to adopt a management plan in which they may invite the wider community to make use of the shared facilities comprising the garden and common house.
68. The Police Architectural Liaison Officer in their comments requested a condition is added to any consent granted in regard to ground floor doors, windows and accessible first floor windows meeting the PAS 24 standard which will be requirement at the end of 2016. It is not considered necessary to add this condition and an informative shall be added to make the applicant aware of this requirement.

## **Conclusions**

69. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

## **Recommendation**

70. Officers recommend that the Committee recommend delegated approval subject to:

### **Requirements under Section 106 of the Town and Country Planning Act 1990**

- (a) Education
- (b) Waste recycling & waste receptacles
- (c) Affordable housing
- (d) Obligation in regard to reduced car parking based on a car club and provision of parking if required

## **Conditions**

- (a) The development hereby permitted shall be begun before the expiration of 3

years from the date of this permission.

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

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 1502-P-002, 1502-L-100 Amended 16/03/2016, 1502-L-107, 1502-L-108, 1502-L-109, 1502-L-112, 1502-L-113, 1502-L-114, 1502-L-300, 1502-L-304, 1502-L-305, 1502-L-306 & 1502-L-307.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (d) No development shall take place until full details of both hard and soft landscape works hard surface between the oak tree T1 and proposed building comprising a plan view, section and position of the Damp Proof Course on the building forming the southern end of the eastern terrace have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area, enhances biodiversity and protects trees to be retained in accordance with Policies DP/1, DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (e) All hard and soft landscape works shall be carried out 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. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (f) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before that dwelling is occupied in accordance with the approved details and shall thereafter be retained.  
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)



- (g) No development shall take place until the tree protection measures and recommendations as stated in the Arboricultural Assessment by Chris Shortis of TOWNhus December 2015 have been implemented including the installation of the physical tree protection measures and shall remain in place until substantial completion of the works.  
(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
- (h) No development shall begin until a scheme for the provision of bird and bat boxes has been submitted to and approved in writing by the Local Planning Authority; the dwellings shall not be occupied until the nest boxes have been provided in accordance with the approved scheme.  
(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- (i) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (j) Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust or fumes from the building(s) but excluding office equipment and vehicles and the location of the outlet from the building(s) of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.  
(Reason - To protect the occupiers of adjoining buildings (dwellings) from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
- (k) Prior to commencement of any residential development, a detailed noise mitigation / insulation scheme for the residential units, to protect future occupants internally from Kings Hedges Road and the Cambridge Guided Busway traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. The detailed noise attenuation / insulation scheme shall demonstrate that the internal noise levels recommended in British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of Practice" will be achieved. With regard to internal noise levels the scheme shall have regard to the noise insulation of the composite building fabric, glazing areas, including the provision of sound attenuated alternative mechanical ventilation systems (or similar) to facilitate rapid / purging ventilation and thermal comfort / summer cooling requirements if the "reasonable" indoor ambient noise levels in BS 8233 cannot be achieved with a partially open external window (assuming a -13dB(A) external to internal reduction for a partially open window). The traffic noise attenuation / insulation scheme as approved shall be fully implemented prior to occupation and shall

be retained thereafter and not altered without prior approval.

(Reason: To ensure that sufficient noise attenuation / mitigation is provided to all residential properties to protect future occupiers internally from the impact of traffic noise and safeguard the health, amenity and quality of life of future residents in accordance with paragraphs 109, 123 of the National Planning Policy Framework 2012 and Policy NE/15 Noise Pollution of the adopted Local Development Framework 2007.)

- (l) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D or E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - In the interests of visual amenity in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (m) If during the development contamination not previously identified is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.  
(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).
- (n) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
- (o) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- (p) Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To reduce the risk of pollution to the water environment and to

ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

- (q) In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228-2:2009 - Code of practice for noise and vibration control on construction and open sites. The development shall be carried out in accordance with the approved details.  
(Reason – To protect the amenities of nearby residential properties in accordance with the adopted Local Development Framework Development Control Policies 2007, Policy NE/16- Emissions & DP/6- Construction Methods.)
- (r) No construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle 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)
  - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on the street.
  - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).
  - 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.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (s) The proposed accesses shall be provided as shown on the approved drawings thereafter retained free from obstruction.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (t) The proposed manoeuvring areas shall be provided as shown on the approved drawings thereafter retained free from obstruction.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (u) No unbound material shall be used in the surface finish of the access way.  
(Reason - To avoid displacement in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (v) The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (w) No buildings shall be occupied until a Sustainable Travel Information Pack has

been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in accordance with the approved details.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TR/3 of the adopted Local Development Framework 2007.)

- (x) Prior to the commencement of works on the development hereby permitted, full details of an electric vehicle charging infrastructure strategy and implementation plan that include details of the number, location, installation and management of the electric vehicle charging points having regard to parking associated with various planning class uses with the provision of electric vehicle cabling infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be implemented prior to occupation and maintained in accordance with the approved strategy plan and details.  
(Reason - In the interests of reducing carbon dioxide emissions in accordance with Policies NE/1, NE/2 and NE/3 of the adopted Local Development Framework 2007.)
- (y) The development hereby permitted shall not be occupied until all 53 car parking spaces have been physically laid out and completed on the site, comprising of one car parking space per dwelling and one car parking space per four dwellings for the use of visitors and the laying out and completion of such provision shall be strictly in accordance with the approval of the details reserved by condition application which includes the location, size and surface material(s) for each of the 53 car parking spaces. This number, as hereby permitted is a minimum provision and shall be subject to the review as detailed in the agreed Section 106 Agreement. The car parking spaces shall be reasonably remain available at all times for parking of domestic road vehicles and (i) no permanent parking shall occur on the spaces for individual dwellings such that the resident/occupier of a particular dwelling automatically seeks to park on a visitor space and (ii) no resident/occupier shall park on any of the visitor spaces and (ii) no visitor shall park their vehicle on a visitor space for more than 24 hours in a 36 hour period.  
(Reason - To ensure the provision of car parking and promote alternative modes of travel in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
- (z) Prior to occupation of the first dwelling, details of a scheme for the provision of public art, to meet the needs of the overall development in accordance with adopted Local Development Framework Policy SF/6, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.  
(Reason - To ensure a contribution is made towards public art in accordance with Policy SF/6 of the adopted Local Development Framework 2007)

### **Informatives**

The application should be read in conjunction with the Section 106 Agreement.

The applicant is advised that all commercial road vehicles used on the construction project shall meet the European Emission Standards (commonly known as Euro standards) of Euro 3 during any works that take place from the Appearance, layout and scale have been removed from the outline application and will be

considered under a reserved matters application. It is expected that any reserved matters application will bring forward a high quality development which accords with the Orchard Park Design Guide SPD in regard to active street frontages, strong positive streetscapes and active integrated, secure car parking date of this consent and Euro 4 for any works that takes place from 1 January 2008. In the event of any new European Emission Standards being introduced after 2006 the standards shall be applied to all road vehicles serving the construction project within a period of 2 years after the date of introduction contained within the relevant EU Directive.

All non-road mobile vehicles with compression ignition engines used within the site must comply with emission standards set in EC directive 97/68/EC. Vehicles must meet Stage II limits from the start of contract and from 1 January 2012, meet Stage IIIa and b emission limits.

Exemptions to the above standards (for road and non-road vehicles) may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Any diesel powered machines used on, or otherwise serving the site, must be run on ultra-low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590.

This development involves the work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

No part of any structure may overhang or encroach under or upon the Public Highway unless licensed by the Highway Authority and no gate, door, ground floor windows shall open outwards over the public highway.

Public Utility apparatus may be affected by the proposal. Contact the appropriate utility service to reach agreement on the necessary alterations, the cost of which must be borne by the applicant.

The applicant should be aware that to the end of 2016, it will be a requirement for all ground floor doors and windows and those easily accessible at first floor to meet PAS 24 standard and be glazed with laminated glass.

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- S/2725/14/OL

**Report Author:**

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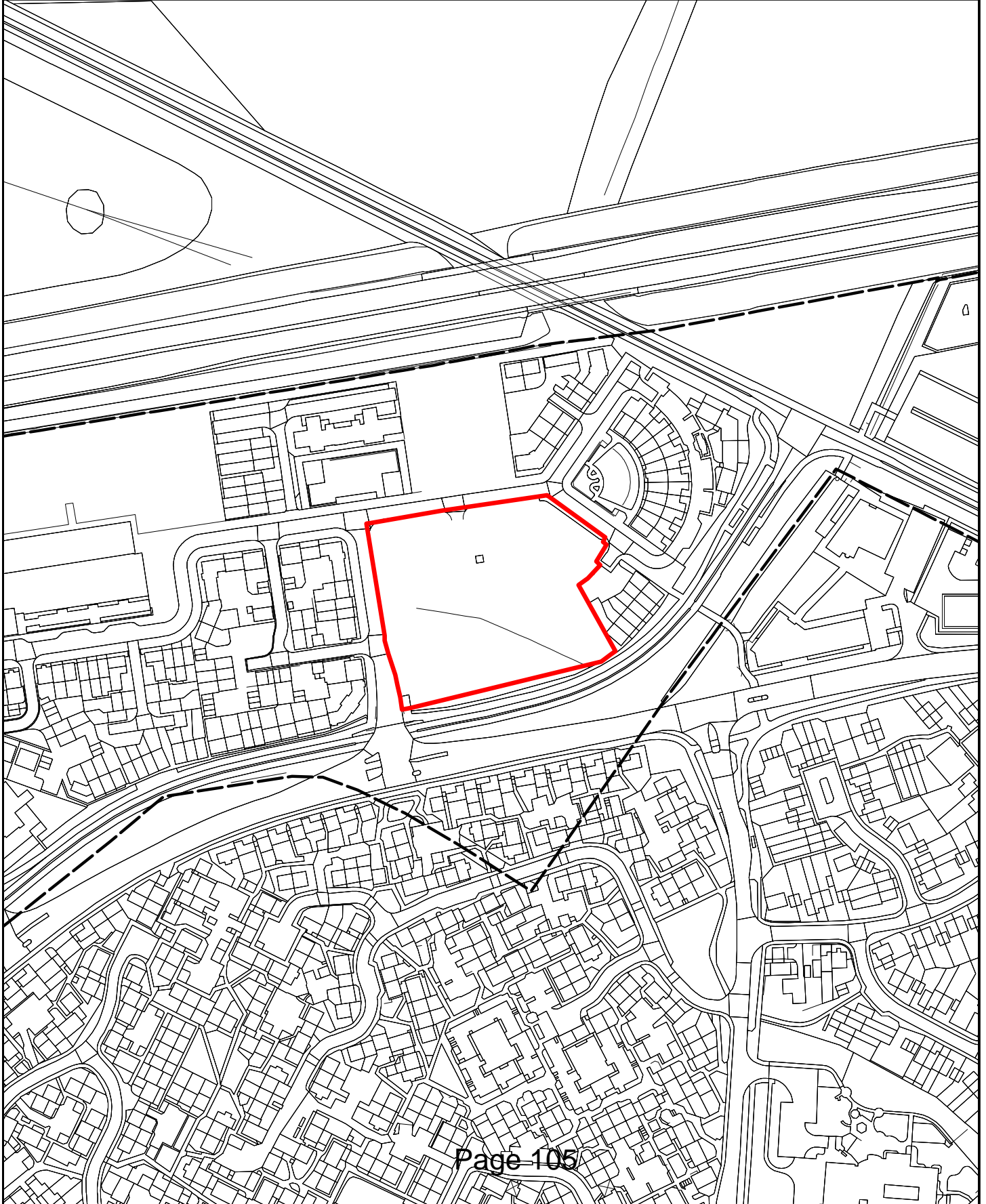
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# Agenda Item 9

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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**Application Number:** S/3202/15/FL

**Parish(es):** Thriplow

**Proposal:** Erection of new dwelling and access

**Site address:** Bacon's Farmhouse, Church Street

**Applicant(s):** Mr Chris Anderson

**Recommendation:** Approval

**Key material considerations:** Principle, impact upon the adjacent listed buildings and impact upon the Conservation Area

**Committee Site Visit:** 5 April 2016

**Departure Application:** No

**Presenting Officer:** Katie Christodoulides, Senior Planning Officer

**Application brought to Committee because:** The recommendation of Thriplow Parish Council conflicts with the Officer recommendation.

**Date by which decision due:** 10 March 2016

### **Planning History**

1. No recent relevant planning history.

### **Planning Policies**

2. National Planning Policy Framework (NPPF)  
Planning Practice Guidance

3. **South Cambridgeshire Core Strategy DPD, 2007:**  
ST/6 Group Villages

4. **Local Development Framework, Development Control Policies (Adopted July 2007)**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
GB/3 Mitigating the Impact of Development Adjoining the Green Belt

HG/1 Housing Density  
 NE/1 Energy efficiency  
 NE/6 Biodiversity  
 NE/9 Water and Drainage Infrastructure  
 NE/10 Foul Drainage  
 NE/15 Noise Pollution  
 CH/4 Development Within the Curtilage or Setting of a listed Building  
 CH/5 Conservation Areas  
 TR/1 Planning for more Sustainable Travel  
 TR/2 Car and Cycle Parking standards  
 SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
 SF/11 Open Space Standards

**South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

5. District Design Guide - Adopted March 2010  
 Open Space in New Developments - Adopted January 2009  
 Trees and Development Sites-Adopted January 2009  
 Landscape in New Developments-Adopted March 2010  
 Development Affecting Conservation Area-Adopted January 2009

**Proposed South Cambridgeshire Local Plan**

6. S/1 Vision  
 S/2 Objectives of the Local Plan  
 S/3 Presumption in favour of sustainable development  
 S/10 Group Villages  
 HQ/1 Design Principles  
 NH/4 Biodiversity  
 NH/8 Mitigating the Impact of Development in and adjoining the Green Belt  
 NH/14 Heritage Assets  
 H/7 Housing Density  
 TI/2 Planning for Sustainable Travel  
 TI/3 Parking Provision  
 TI/8 Infrastructure and New Developments  
 TI/9 Education Facilities  
 SC/6 Indoor Community Facilities  
 SC/7 Outdoor Play Space, Informal Open Space and New Developments  
 SC/8 Open Space Standards  
 CC/1 Mitigation and Adaption to Climate Change  
 H/7 Housing Density

**Consultation**

7. **Thriplow Parish Council-** Recommends refusal. The Parish objects to the proposal on the grounds of poor and lack of design, and the design being out of keeping with the area. The proposal would not sustain or enhance the character of the area. There is a disagreement that the design is outstanding and raises the standard in the area. The hedge is not as high as the proposal and in some places does not exist. It would be difficult to control this hedge, if the hedge is to be removed or reduced in height, leaving the dwelling open to view. The development is totally inappropriate near a Grade II listed building, with the flat roof being inappropriate and building appearing sterile.
8. **Local Highways Authority-** Raises no objections and requests conditions are added to any consent granted in regard to pedestrian visibility, the falls and levels of the driveway, the driveway being constructed of a bound material, a traffic management

plan and an informative in regard to no works to the public highway without permission from the Highway Authority.

9. **Environmental Health Officer-** Raises no objections and requests conditions are added to any consent granted in regard to hours of work, burning of waste, driven pile foundations and an informative in regard to noise and dust.
10. **Conservation Consultancy-** Recommends approval. The dwelling is single storey with a flat roof. The design has been developed to minimise views of it along Church Street. The roof is largely obscured by existing hedges. The dwelling is positioned to the north to provide as much of a gap between itself and the curtilage listed barns. Requests conditions in regard to hard surfacing, materials and window and door details.
11. **Tree Officer-** Recommends approval as the proposal will not result in significant loss or detriment to amenity. Requests conditions are added to any consent granted to require the trees to be protected in accordance with the recommendations of the Trees in Planning TIP 15 269 Report as submitted with the planning application.

### **Representations**

12. None received.

### **Planning Assessment**

13. The site lies within the Thriplow Village Framework and Conservation Area. To the north and west of the site lies the village boundary and Green Belt. To the north west of the site lies an important countryside frontage. Bacon's Farmhouse is a Grade II listed building, with the barn lying to the west being Grade II listed. The site currently forms a tennis court to the north west of Bacon's Farmhouse, with curtilage listed barns lying to the south east. The application seeks Full Planning Permission for the erection of a dwelling.

### **Principle of development**

14. The site lies within the village framework of Thriplow which is classed within the Core Strategy as a Group Village ST/6 and Policy S/10 Group Village of the Proposed Local Plan. Residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within the village frameworks of Group Villages. The Council cannot demonstrate a 5 year housing land supply, notwithstanding this, the principle of one dwelling is acceptable subject to other material planning considerations and would make a small contribution to housing supply.
15. The site has an area of 0.8 hectares and the proposed dwelling would have a density of 12 dwellings per hectare. Whilst this would be significantly below the required density of 30 dwellings per hectare of Policy HG/1 of the LDF, the proposed density is considered acceptable given the character of the area.

### **Visual Amenity/Conservation Area & Listed Building Impact**

16. The proposed design of the dwelling is contemporary with the flat roof and modern design and appearance. The proposed dwelling as a result would be sufficiently visually different to separate it from the setting of the listed buildings within the site and to not appear as part of this setting. The dwelling would be sited back from the

public highway, partly in line with the curtilage listed outbuilding, but slightly further back within the site. The character of development in the area is mainly a linear development form with dwellings set at varying distances from Church Street, with no set pattern. The proposed siting of the dwelling is considered acceptable. The size and scale of the dwelling would be appropriate with the low height resulting in minimal visual harm or prominence from Church Street, preserving the Conservation Area.

17. The proposed dwelling given its minimal height, distance from the listed buildings and partial obscuring by the curtilage listed barns is not considered to result in harm to the setting of the Grade II Listed Buildings at Bacons Farmhouse and the listed barn. The proposed dwelling would be sited 4 metres from the curtilage listed barns, with an overhang extending out reducing this to 3 metres. Given this distance and the hedgerow which is proposed, it is considered that the proposed dwelling would not result in significant harm to the setting of these barns. A condition would be added to remove permitted development rights to protect the setting of the listed buildings.
18. The proposal would comply with Sections 66 and 72 of the Planning (Listed Building & Conservation Areas) Act 1990 by preserving the setting of the listed buildings and Conservation Area.

#### **Neighbour Amenity**

19. The proposal has been assessed in regard to neighbour amenity and impact from loss of light, loss of privacy and overbearing impact and would not result in any adverse harm and complies with Policy DP/3 of the LDF.

#### **Trees & Landscape**

20. A Tree Survey and Proposed Landscape Plan were submitted with the application. The proposal will not result in the loss of any important trees or hedges. A condition shall be added to any consent granted to ensure that the proposal accords with the submitted landscape plan and protection details.
21. Thriplow Parish Council in their comments raised concern regarding the dwelling being evident in street scene views above the existing hedgerow to the side and visual impact if the hedge is to be removed. The height of the proposed dwelling would be level with the height of the hedge and the proposed green roof would not be excessively evident in street scene views. A condition would be added to any consent granted to ensure the hedgerow along the side (northern) is retained to reduce any visual impact on the open countryside and Green Belt in accordance with Policy DP/2 of the LDF.

#### **Highway Safety & Parking Provision**

22. The proposal would not result in any harm to highway safety subject to conditions in regard to pedestrian visibility, the falls and levels of the driveway, the driveway being constructed of a bound material, a traffic management plan and the access and turning area being provided prior to the dwelling being occupied and retained thereafter and an informative in regard to no works to the public highway without permission from the Highway Authority.
23. Two car parking spaces are proposed within the driveway of the dwelling, with sufficient space to manoeuvre and turn to ensure that vehicles leave the site in a forward gear. The proposal would comply with Policy TR/2 of the LDF.

### **Impact on adjacent Green Belt**

24. The Green Belt lies immediately to the side (north) and rear (west) of the site, with a field lying in between the site and the Green Belt. Given the established hedgerows on the northern and west boundaries are to remain, as detailed in the landscape plan, the proposed dwelling with its flat roof and low height would not have an adverse impact on the Green Belt in accordance with Policy GB/3 of the LDF.

### **S106 Contributions**

25. Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.
26. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.
27. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance "When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy". The pooling is counted from 6 April 2010.
28. More than five planning obligations have been entered into for developments in the village of Thriplow since that date. As such, officers are not satisfied that the Council could lawfully enter into a Section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11 should the application be approved.
29. In addition, no specific projects for either outdoor or indoor community facilities have been identified that are directly related to the development; fairly and reasonably related in scale and kind to the development; or necessary to make the development acceptable in planning terms (as per the requirements on paragraph 204 of the NPPF). As such, no request for such contributions should be sought in the event the application was to be approved.

### **Conclusions**

30. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

## **Recommendation**

31. Officers recommend that the Committee approve the application, subject to:

### **Conditions**

- (a) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 15/903/FE02 Rev A, 15/903/PL01, 15/903/PL02 & TIP15269.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) The materials to be used for the development, hereby permitted, shall accord with the specification in the application form and approved plans, unless otherwise agreed in writing by the Local Planning Authority. (Reason – To ensure the appearance of the development is satisfactory in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
- (d) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (e) All hard and soft landscape works shall be carried out 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. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- (f) The existing hedge on the side (northern) boundary of the site shall be retained; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
(Reason - To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area

in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- (g) Before work commences on site, details of the following items shall be submitted for the prior, written approval of the Local Planning Authority:
  - (a) Windows and door details including opening arrangements, manufacture and finish to a scale of 1:50 or 1:100. The works shall be carried out in accordance with the agreed details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- (h) Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (i) The proposed driveway shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (j) The proposed driveway shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (k) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
  - i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway)
  - ii. Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
  - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway.
  - iv. Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (l) The proposed access and turning area shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (m) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, or C of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason - In the interests of visual amenity in accordance with Policy DP/2 and CH/5 of the adopted Local Development Framework 2007.)

- (n) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (o) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer.  
(Reason - To minimise disturbance for adjoining residents in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)

### **Informatives**

- (1) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.
- (2) The applicant shall not burn any waste or other materials on the site, without prior consent from the environmental health department.

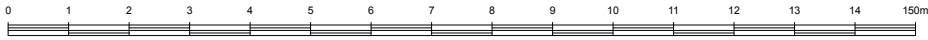
### **Background Papers:**

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

South Cambridgeshire Local Development Framework Development Control Policies  
DPD 2007  
South Cambridgeshire Local Development Framework Supplementary Planning  
Documents (SPD's)  
South Cambridgeshire Local Plan Submission 2014

**Report Author:** Katie Christodoulides Senior Planning Officer  
Telephone Number: 01954 713314





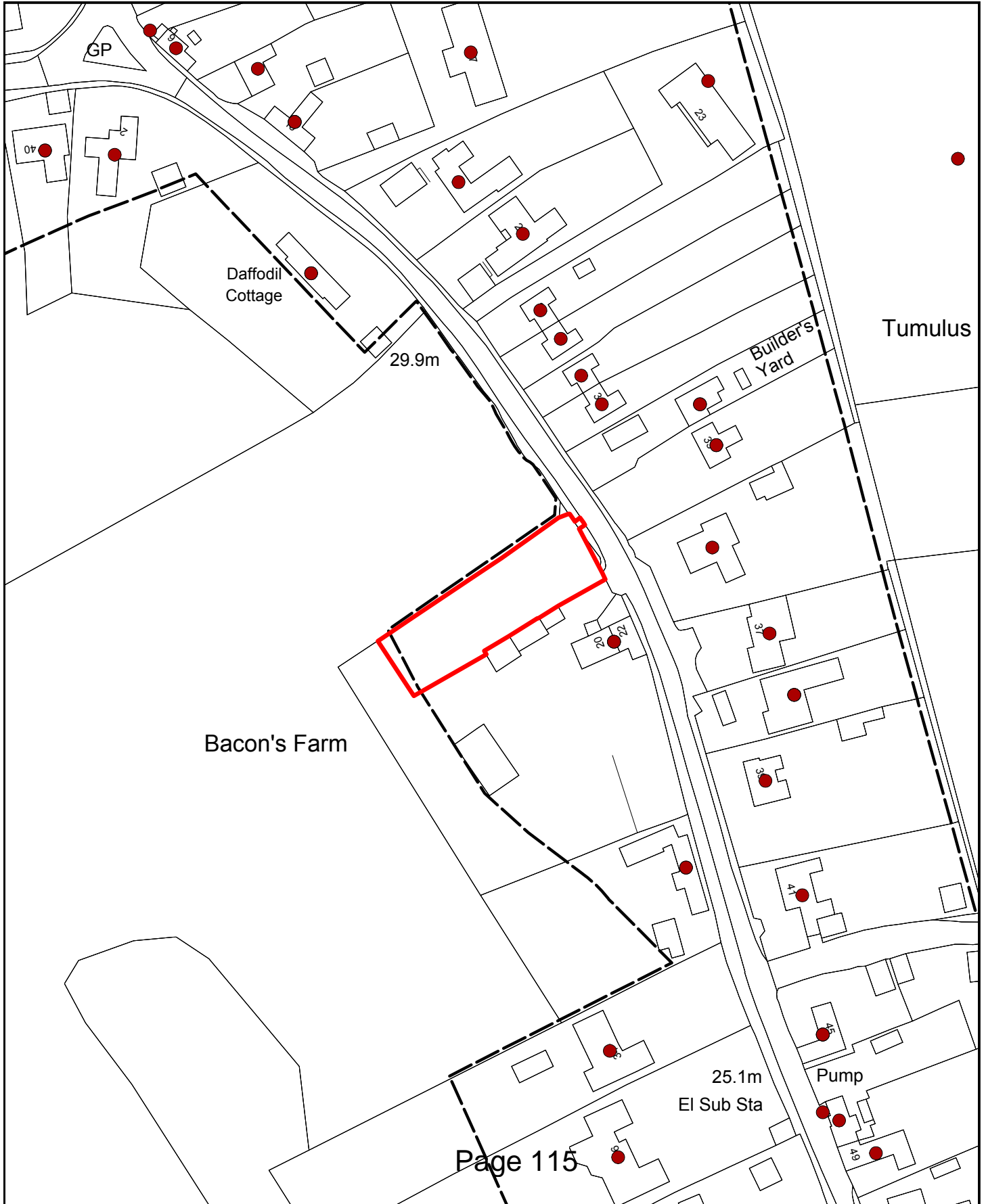
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# Agenda Item 10

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/2512/15/FL
<b>Parish(es):</b>	Eversdens
<b>Proposal:</b>	Erection of live work unit with associated parking and landscaping following demolition of 7 silos.
<b>Site address:</b>	Land east of 12 Church Lane, Little Eversden
<b>Applicant(s):</b>	Mr T Banks
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Principle of development Residential amenity Setting of adjacent listed building Character of the surrounding area and setting of Green Belt Highway Safety and parking Trees/landscaping
<b>Committee Site Visit:</b>	5 April 2016
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	David Thompson, Principal Planning Officer
<b>Application brought to Committee because:</b>	The officer recommendation of approval conflicts with the recommendation of Eversdens Parish Council
<b>Date by which decision due:</b>	08 April 2016 (extension of time agreed)

### Executive Summary

1. The proposal, as amended, is considered to be acceptable in principle. Whilst the proposal does include residential accommodation, this would be tied to the employment space to ensure that a dwelling would not become the sole use of the site. The amended siting and design of the scheme is considered to represent an improvement to the setting of the adjacent grade II\* listed St. Helens Church located to the north as it would replace the existing group of silos and open up the majority of the site. The revised scheme is considered to preserve the amenity of neighbouring properties, maintain highway safety, represent an improvement on the existing nature of the site which is immediately adjacent to the Green Belt and provide adequate on site parking.

## **Planning History**

2. S/2147/03/F – conversion of silos to dwellings - refused  
S/2117/98/F – roofing over existing grain silos – refused  
S/1674/95/F – erection of 2 dwellings following demolition of silos withdrawn

## **National Guidance**

3. National Planning Policy Framework 2012 (NPPF)  
Planning Practice Guidance

## **Development Plan Policies**

4. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/7 Infill Villages
5. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
GB/3 Mitigating the Impact of Development Adjoining the Green Belt  
CH/2 Archaeological Sites  
CH/4 Development Within the Setting of a Listed Building  
ET/8 Replacement Buildings in the Countryside  
NE/1 Energy Efficiency  
NE/2 Renewable Energy  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
Trees & Development Sites SPD - Adopted January 2009  
Listed Buildings SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010
7. **South Cambridgeshire Local Plan Submission - March 2014**  
S/1 Vision  
S/2 Objectives of the Local Plan  
S/3 Presumption in favour of sustainable development  
S/7 Development Frameworks  
HQ/1 Design Principles  
NH/4 Biodiversity  
NH/8 Mitigating the Impact of Development in and adjoining the Green Belt  
NH/14 Heritage Assets  
CC/2 Renewable and Low Cost Carbon Energy Generation  
E/13 New Employment Development on the Edges of Villages  
E/17 Conversion of Replacement of Rural Buildings for Employment  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

## Consultation

8. **Eversdens Parish Council** - Recommends refusal (to original and amended schemes) for the following reasons:
  - The site appears to be outside of the permitted development line for the village as outlined in the SCDC Development Plan
  - The garden area is large but the proposed development is along the western edge of the site only, which raises a number of concerns;
  - The build position is too close to nos 10 and 12 opposite, this could be rectified by putting the house to the east of the site and the garden to the west. The wall can be left in tact and the turning/parking space altered
  - Shared turning and parking areas will be insufficient for traffic to the Church and to the existing properties. This is important as the proposal for work and offices assumes increased traffic
  - The proposed two storey dwelling will overlook nos 10 and 12 opposite
  - Church Lane is narrow and yet more traffic is undesirable for present occupiers including worshippers and visitors to St. Helens Church
  - The proposed developments will enclose St. Helens Church by housing on 3 sides
  - The wall on the western boundary of the site should be retained
  - It is believed that there may be a right of way/ownership track, to a third party property through the north of the site close to the southern church wall
  - English Heritage (Historic England) we assume will be consulted
9. **Historic England** – the revised scheme preserves the setting of the adjacent grade II\* listed church
10. **Local Highway Authority** – no significant adverse impact on the public highway should result from this proposal should planning permission be granted.
11. **District Council Landscape Design Officer** – raised concerns relating to the siting of the building in its original proposal and first amended scheme. The northern gable would sit forward of the silos and the existing western boundary wall to an extent that would block views of the countryside looking southwards and the western and southern facades of the listed church. The western boundary treatments should align through with the wall on the western boundary of the church. The garage and driveway associated with the living accommodation would be within the root protection areas of the trees on the southern boundary and the 'no dig' method should be employed. The car parking associated with the business use should be located to the rear of the building.
12. **District Council Conservation Officer** – objected to the original design due to a projecting gable element to the rear of the building, which would have obscured views of the adjacent listed church. The revisions to the proposals have overcome these concerns.
13. **District Council Ecology Officer** – no objections as limited planting on the site and the silos and hardstanding ensure that the site is currently of low biodiversity value. There are records of bat activity at the adjacent church but it is considered that there would be no impact on that site or the nearby pond resulting from the proposals.
14. **District Council Environmental Health Officer (EHO)** – no objections subject to the imposition of conditions relating to the hours during which power operated machinery should be used during the construction process and no burning of waste or other materials on the site.

15. **County Council Archaeology** – no objection to the development but a condition should be added to any planning permission requiring a programme of investigation being submitted to and approved in writing prior to the commencement of development. The site is adjacent to the 14<sup>th</sup> century St. Helen's Church, which is an entry on the Historic Environment Record.

### **Representations**

16. 10 letters of objection have been received from local residents (total received in relation to the original submission and the amended plans). The issues raised are summarised as follows:
- The proposal does not adequately cater for the potential impact of traffic volumes and congestion along Church Lane associated with the employment element of the scheme
  - Access to public transport in Little Eversden is limited. This ensures that there will be reliance on travelling to the site by car, increasing levels of congestion in the locality
  - Visibility from the site access is restricted by the bend in Church Lane adjacent to the church, this is a road safety hazard which will be made worse by the additional traffic on the road resulting from the proposed use
  - 4 of the 8 spaces would appear to be allocated to the residential element of the use, leaving just 4 to serve the business use and this would appear insufficient
  - The building would be located close to the existing properties at 10 and 12 Church Lane and this would restrict the turning space which currently exists at the northern end of the site – servicing and delivery vehicles currently use this area to turn
  - The site is outside the village envelope and residential development on the site has previously been rejected
  - If the silos are no longer in use they should be demolished and the land returned to agricultural use
  - The development would have an adverse impact on the setting of the grade II\* listed church
  - Church Lane is restrictive in terms of its width, with few passing places, there is limited access for emergency vehicles
  - The site is located in a historic part of the village, which borders the conservation area and is adjacent to a number of historic buildings (Members should be aware that the site is not within or adjacent to a conservation area)
  - The proposal will result in a cramped form of development when viewed alongside the existing modern dwellings on the western side of Church Lane
  - There is a risk that the residential accommodation could be split off from the business use, resulting in the creation of an independent dwelling
  - The building should be moved eastwards further into the site to allow retention of the existing wall on the western boundary of the site
  - The previous planning application for residential development on the site was refused partly due to the lack of access for emergency vehicles
  - The position of the development on the plot will result in difficulties for vehicles accessing the garage of the residential element of the proposals and conflict with the accesses to 10 and 12 Church Lane
  - A live/work unit in this location will disrupt the tranquillity of this part of the village
  - The adjacent church hold a number of events which attract large number vehicles which currently park along the right of way which runs along the northern boundary of the site, immediately adjacent to the southern boundary wall of the church

## **Site and Surroundings**

17. The application site is located immediately east of the village framework of Little Eversden in the north eastern corner of the village and is located in the open countryside. The site is currently occupied by 7 silo units which have previously been used as part of a wider farm business and are now redundant. The site is bordered by the Green Belt to the south and east but is not within the Green Belt itself. There is a right of way in the northern part of the site which leads to a field to the east of the site but it is not a Public Right of Way (PRoW). St. Helens Church, a grade II\* listed building, is located to the north of the site.

## **Proposal**

18. The applicant seeks full planning permission for the erection of a live/work unit following the demolition of the existing silo structures on the site. The scheme has been amended to remove the rear 'wing' element which extended eastwards from the rear of the office space in the original submission, following concerns relating to the impact of the development on the setting of the grade II\* listed church.
19. In the revised scheme, the office space would be 90.5 square metres, the residential space would be 138 square metres. The main building would have a span of 22.3 metres. The recessed garage attached to the southern elevation of the building would be 5.5 metres wide. The building would be 7.75 metres to the ridge at the highest point, with the office element to the north and the garage to the south set below this height, with the eaves lowered by the commensurate amount. The building has been extended closer to the northern boundary of the site in the revised scheme, with the 4 parking spaces associated with the business use relocated to the grass verge to the south of the boundary wall of the church.

## **Planning Assessment**

20. The key issues to consider in the determination of this application are the principle of development, the impact on the residential amenity of neighbouring properties, the setting of the adjacent grade II\* listed building, the character of the surrounding area and setting of the adjacent Green Belt, highway safety and trees/landscaping.

## **Principle of Development**

### **Residential Amenity**

21. The principal elevation of the building would be approximately 13 metres east of the corresponding elevation of 12 Church Lane. All of the residential element of the scheme lies south of the eastern elevation of the property on the opposite side of the road and faces a canopy which provides vehicular access to the two properties on that plot. The proposed residential accommodation would not result in unreasonable overlooking or overshadowing of the habitable room windows in the northern element of that range of buildings, given the oblique relationship between the corresponding elevations. The separation distance to be retained (across the highway) would offset the modest height of the proposed development, particularly when taking into account the fact that the office element would sit below the height of the main section of the building.
21. There would be windows in the western elevation of the proposed office accommodation (including 2 dormer windows within the roof space). These would

overlook the northern end of the garage link area associated with the adjacent properties and would not allow unreasonable overlooking into or overshadowing of any habitable room windows of the neighbouring properties. Given that the work element is to be an office use (to be restricted by condition) and that the habitable accommodation of the properties on the opposite side of the road are set back by the depth of the link garage element, it is considered that any noise generated by the proposed use would not have a detrimental impact on the residential amenity of those properties. This also applies to noise from vehicles as the parking area for the business use would be contained to an area adjacent to the church wall.

22. The proposal will therefore accord with adopted policy DP/3.

#### **Setting of the adjacent grade II\* listed building**

23. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decision-makers to pay “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The amended proposal is considered to represent an enhancement to the setting of the listed church in comparison to the existing silo structure which would be removed. The new building would be aligned down the western boundary of the site, allowing open views of the listed building from the south. This is considered to be a significant benefit of the scheme as the existing arrangement of the silos fully obscures direct views of the southern elevation of the building from the Green Belt to the south of the site. Historic England is supportive of the amended scheme, as is the District Council conservation officer. This aspect carries significant weight in the determination of the proposal.
24. Comments from the Parish Council and neighbouring residents have raised the prospect of pulling the building further off the western boundary and into the site. Whilst officers have considered this option, moving the building eastwards would start to restrict views of the church and not result in the conservation gain of the current proposals. Given that the location of the building is considered not to result in a detrimental impact on the residential amenity of the neighbouring properties, the proposed location is considered to achieve a more beneficial scheme than the alternative suggestion.
25. The proposal therefore accords with adopted policy CH/4 and the Listed Buildings SPD 2009.

#### **Character of the surrounding area and setting of the Green Belt**

26. The amended scheme is considered to be of a scale, siting and detailed design that would result in an enhancement of the appearance of the site given that the existing silos are to be removed. The building would take a long narrow form, with the massing of the development reduced by the lowering of the ridge height of the office accommodation in the northern section and the single storey garage at the southern end of the building.
27. The amended design includes pitched roof dormer windows which are considered to be proportionate to the scale of the host building and are not an alien feature, with other examples of similar dormers evident on properties on Church Lane. The fenestration would be regular in form and would emphasise the relatively plain character of the building.
28. It is considered necessary to condition the submission of the details of solar panels to



be installed on the building, to ensure that these installations do not have an adverse impact on the setting of the adjacent listed building. Subject to this being the case, the renewable energy generated by the proposed panels would contribute to the environmental sustainability of the scheme in accordance with policy NE/1.

29. The front building line of the proposal would sit behind the line of the western boundary wall of St. Helen's Church, in accordance with the comments from the Landscape Design Officer's comments. The position of the building would sit forward of the western elevation of the church but given that space would be retained between the front of the building and the western boundary of the application site, this relationship would not be detrimental to the character of the streetscene and views of the setting of the Church on the approach to the site along Church Lane.
30. The objections received from neighbours and the Parish Council suggest that the existing wall on the western boundary of the site should be retained, with the building recessed behind it. It is considered that the conservation benefit of opening up the setting the church from views to the south, whilst also preserving views of the listed building from the north is of greater value than retention of the boundary wall. The existing wall is a modern structure which is incongruous with the stone boundary wall of the church and therefore it is considered not to be of merit that is worthy of retention with the streetscene.
31. In relation to the impact on openness and rural character of the adjacent Green Belt, it is considered that the proposed development would result in an enhancement through the opening up of the majority of the site and concentrating development on the western edge.
32. The proposal therefore complies with adopted policies DP/2, DP/3 and GB/3. Nonetheless, details of both hard and soft landscaping shall be conditioned to ensure that the treatment in the eastern portion of the site is appropriate, in line with the Landscape Design Officer's comments.

### **Highway safety and parking**

33. The Parish Council and neighbours have raised concerns regarding the congestion on Church Lane and the issue of turning space which is currently provided due to the open nature of the site. It is acknowledged that the existing highway is narrow and that space along the northern boundary of the site is likely to be used for parking and turning by people attending church services/events. However, this is an unregulated situation which could be prevented by the applicant installing a means of enclosure across the access, which could be achieved without requiring planning permission. There is currently insufficient space to turn within the confines of the highway in the existing situation, this would not be made any worse by the proposed development.
34. The proposal would include a driveway to serve the garage associated with the residential space and cars parking in association with the business space would be able to turn within the confines of the site entrance, before entering Church Lane. As such, it is considered that the proposal makes adequate provision for the traffic generated by the proposed use to access and egress the site without relying on turning within the highway. It is therefore considered that the proposal would not result in a detrimental impact on highway safety. The Local Highway Authority has not objected to the application although it is important to note that Church Lane is not part of the adopted highway network.
35. The proposal would provide 4 parking spaces for the office use. The LDF parking

standards indicate that for an office use, 1 space per 25 square meters should be provided. Given that the office space would be just less than 100 square metres, the scheme would meet the required standard. The provision of 2 spaces for the residential element is also considered suitable given the size of the accommodation to be provided. As such, the proposal accords with adopted policies DP/3, TR/1 and TR2.

**36. Trees/Landscaping**

The proposal would involve the creation of new hard surfacing at the southern end of the site (to provide access to the proposed garage) and at the northern end where car parking is to be provided for the business use. Both of these areas are currently grassed verges and will be in close proximity to trees. The Landscape Design Officer has raised concerns with regard to the use of resin bound surfaces in such close proximity to the trees. The officer has recommended that a 'no dig' method of construction be used in those locations.

37. It is considered that a suitable surfacing material and details of the construction method can be secured by condition to overcome these concerns. Additional planting on the southern boundary shall also be secured to provide a biodiversity enhancement through the proposals, in accordance with policy NE/6 of the LDF and the NPPF.

**Other Matters**

38. The Council's Ecology Officer has raised no objections to the proposals, subject to the landscaping conditions to secure the biodiversity enhancements referred to above.
39. The EHO has raised no objections to the proposals, subject to the imposition of a condition relating to noise during construction which can be attached to the decision notice. The reference to no burning of waste shall be added as an informative as opposed to a condition as this is a matter which can be dealt with through Environmental Health legislation.
40. The applicant has indicated that foul sewage is to be disposed of via a package treatment plant. It is considered necessary to condition details of this means of drainage are submitted and agreed prior to installation and this can be dealt with by condition. The plans indicate the location of soakaways to deal with surface water drainage and subject to a condition requiring their installation prior to the occupation of the development, these measures are considered adequate to mitigate the impact of surface water run off.
41. Objection responses have referred to the refusal of planning permission for residential development in 2003. A decision notice was issued in January 2004 which refused planning permission for the conversion of the silos into dwellings. This current application proposes one unit in place of the silos and therefore, in terms of cumulative impact, this proposal would have less of an impact in terms of sustainability. In addition, this scheme would result in the conservation benefit of removal of the existing structures, resulting in an improvement in the setting of the grade II\* listed building. The conversion scheme would not have resulted in this benefit. The Council's inability to demonstrate a five year supply of housing land is also a material change in circumstances and the live/work proposal in this case is considered to achieve the definition of sustainable development.
42. The suggested archaeology condition is considered necessary in light of the

comments received.

43. Any concern regarding rights of way through the site are not a planning matter.

### **Conclusion**

44. The proposed live/work unit is considered to meet the definition of sustainable development in line with policy DP/1 due to the environmental and economic benefits that would be achieved by the proposal. There is policy support for the replacement of buildings in the countryside with new development for employment purposes and the proposal is considered to comply with this policy as the occupation of the residential accommodation will be tied to the office space.
45. The revised proposal would enhance the setting of the adjacent grade II\* listed church and would respect the character of the surrounding area, in terms of its bulk, scale and mass. The proposal is considered to preserve the amenity of neighbouring residents, would not be detrimental to highway safety or environmental health. Landscaping enhancements are to be secured by condition and it is considered that any impact on existing trees can be mitigated through specific construction techniques.
46. It is therefore considered that the adverse impacts of any identified harm would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### **Recommendation**

47. Officers recommend that the Committee grants planning permission, subject to the following

### **Conditions**

- 48.
- (a) 3 year time limit
  - (b) In accordance with the approved plans
  - (c) Details of materials
  - (d) Details of boundary treatments to be approved
  - (e) Details of tree protection, including 'no-dig' method
  - (f) Details of landscaping scheme
  - (g) Maintenance of landscaping scheme
  - (h) Car parking for employment use to be laid out prior to first occupation of any part of the building
  - (i) Details of cycle storage to be approved
  - (j) Details of refuse storage to be approved
  - (k) Foul water drainage details to be approved
  - (l) Surface water drainage to be installed as indicated on the approved plans
  - (m) Limit on use of power operated machinery during construction
  - (n) Management plan relating to construction materials and traffic
  - (o) Occupier of residential space to be restricted to occupier/relative of occupier of the office space
  - (p) Residential space to be occupied only once office space has been completed and made available for occupation
  - (q) Removal of permitted development rights for extensions
  - (r) Removal of permitted development rights for office use and change of use therefrom

49. **Informatives**

(a) Burning of waste

**Background Papers:**

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/2512/15/FL

**Report Author:**

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Principal Planning Officer  
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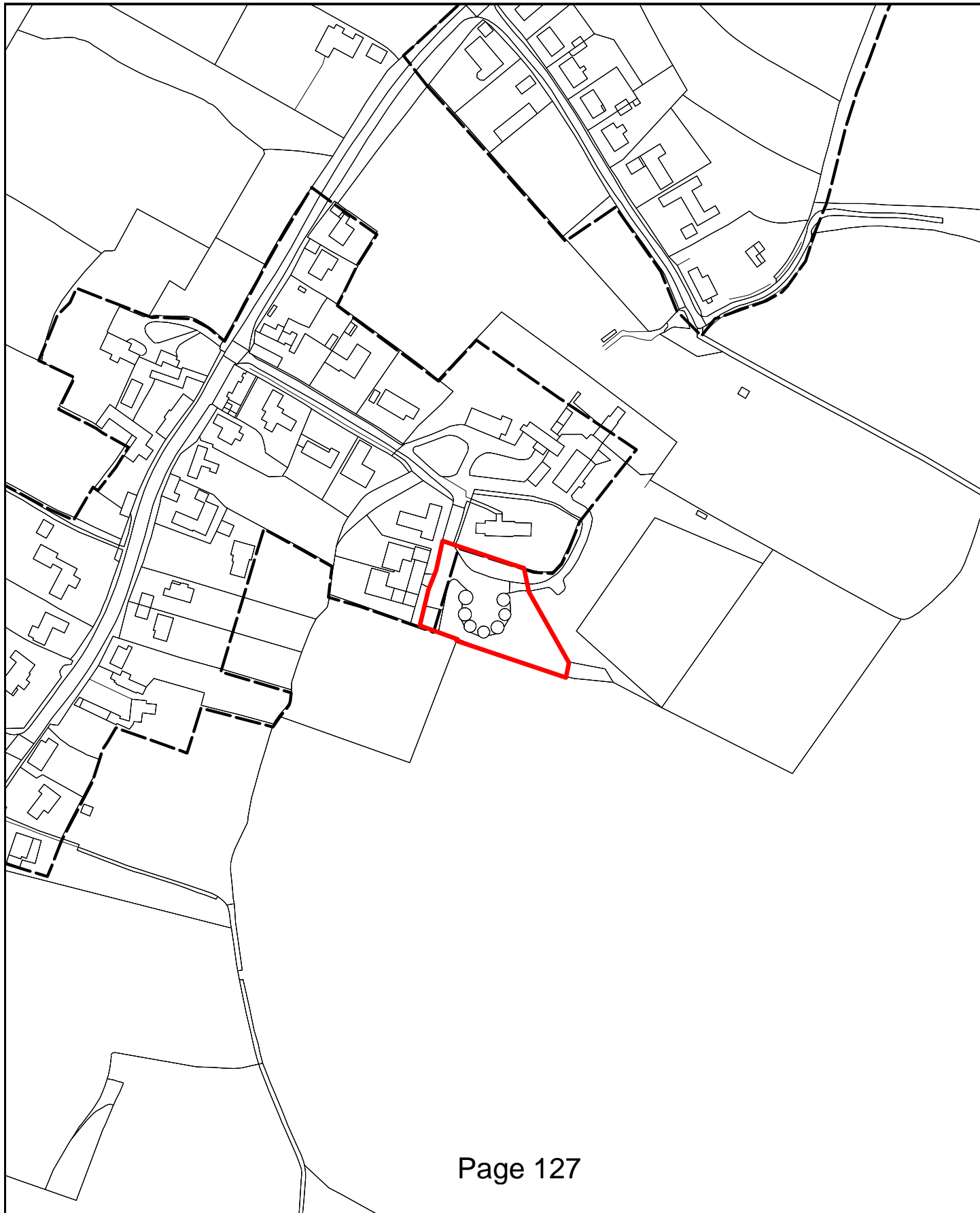
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# Agenda Item 11

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/2396/15/PO
<b>Parish(es):</b>	Willingham
<b>Proposal:</b>	Modification of the planning obligation attached to planning permission S/0733/11 to allow an additional property within the affordable housing provision to be available for affordable rent (application under Section 106A of the Town and Country Planning Act 1990.)
<b>Site address:</b>	Land to the South of Brickhills, Willingham
<b>Applicant(s):</b>	Hundred Housing Society Ltd
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Affordable housing mix
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	David Thompson, Principal Planning Officer
<b>Application brought to Committee because:</b>	The original application for the 19 dwellings on the site was refused by planning committee (appeal allowed) and therefore it is considered to be in the public interest that this modification application is determined by Members.
<b>Date by which decision due:</b>	11 November 2015

### Executive Summary

1. The revision to the tenure mix within the affordable housing element of the scheme is considered to be acceptable on the basis of national and local planning policy in cases where viability appraisals justify a variation. The modification would not reduce the amount of affordable units below the number approved in the original application and there are no other changes to the extant permission. The proposed modification is considered to accord with policy HG/3 of the LDF, policy H/9 of the emerging Local Plan and the NPPF.

### Planning History

2. S/0733/11 – erection of 19 dwellings – approved on appeal following refusal at planning committee

S/0014/10/F – erection of 19 dwellings – refused and appeal dismissed

S/2196/06/F – erection of 9 dwellings following demolition of existing dwelling and outbuilding at 37 Rockmill End – approved

### **National Guidance**

3. National Planning Policy Framework 2012 (NPPF)  
Planning Practice Guidance (PPG)  
Letter from Secretary of State for Communities and Local Government entitled 'Impact of social rent changes on the delivery of affordable housing.'

### **Development Plan Policies**

4. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**  
DP/1 Sustainable Development  
HG/3 Affordable Housing
5. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
Affordable Housing SPD - Adopted March 2010
6. **South Cambridgeshire Local Plan Submission - March 2014**  
S/1 Vision  
S/2 Objectives of the Local Plan  
S/3 Presumption in favour of sustainable development  
H/9 Affordable Housing

### **Consultation**

7. For clarification, as the application is for the modification of the section 106 agreement only and does not affect the principle of the development or alter the number of units (either in total or the number of affordable units), Willingham Parish Council were sent details of the application for information purposes only.
8. **District Council Head of Housing Strategy** – supports the application on the basis of the viability information submitted and recommends that the tenure mix be revised so that the affordable units are provided on site.
9. **District Council Housing Development Officer** – the 1% reduction in rents required of Registered Providers as a result of the 2015 Budget announcement will worsen the viability of the tenure mix approved in the original Section 106 Agreement. As such, this modification application and the revised tenure mix should be supported.
10. **District Council Section 106 Officer** – no objection to the application following the submission of additional information with regard to viability, which has been verified by the Head of Housing Strategy.

### **Representations**

11. No representations received.



## **Site and Surroundings**

12. The application site is located within the Willingham development framework. The existing residential area on Brickhills is located to the north, Rockmill End to the east and Church Street is located to the south. The southern boundary of the site is adjacent to the Willingham conservation area.

## **Background to this request to modify the legal agreement**

13. Planning permission for 19 dwellings was approved at appeal on 16 January 2012.
14. The planning permission was subject to a section 106 agreement completed on 18 November 2011 which required the provision of 6 affordable dwellings (i.e. 32%) on the grounds of limited viability for the scheme. The requisite number of affordable dwellings was 4 x 2 bed affordable rent and 2 x 2 bed shared ownership.
15. The section 106 agreement does not include a local connection criteria.
16. Development commenced in the autumn of 2014 but stopped for a time during 2015 as the original housebuilder went into liquidation. It is understood that the affordable housing properties are due to be occupied in May 2016.
17. An application made by Hundred Houses Society Ltd under section 106A of the Town and Country Planning Act 1990 was validated on 17 September 2015. The application seeks to vary the section 106 agreement such that the requisite number of affordable units will be amended to reflect one unit changing tenure from affordable rent to shared ownership.
18. It was announced by national government in the summer of 2015 that housing associations will have to cut social housing rents by 1 per cent each year for the next four years from April 2016 in a move the government says will help reduce the country's housing benefit bill.

## **Planning Assessment**

19. The key issue to consider in the determination of this application is whether the proposed revision in the tenure mix within the affordable housing element would remain policy compliant and whether sufficient information has been submitted by the applicant to demonstrate that the existing requirement is no longer viable.

## **Planning policy**

20. At paragraph 173, the NPPF states that 'to ensure viability, the costs of any requirements for affordable housing.....when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.'
21. In relation to viability PPG states that 'When an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations....' Specifically in relation to affordable housing, the PPG states that 'These contributions should not be sought without regard to the individual scheme viability.'
22. The Council received a letter from Brandon Lewis MP on 9 November 2015 (see

appendix A) in which the Minister urges planning authorities to take a pragmatic and proportionate approach to viability. Furthermore the Minister says that where the overall affordable housing contribution remains the same, it is his view that this is unlikely to justify reopening viability by either side. This letter is a material planning consideration and should be given weight in the decision making process.

23. In relation to this proposal, Hundred Houses as the provider of the affordable housing have indicated that if the viability of that element of the scheme reduces further, the scheme would not be deliverable and that is the motivation behind the proposed revision to the tenure mix. From the above, it is clear that national policy is guiding planning authorities to take a supportive approach to requests to modify affordable housing provision where it can be demonstrated that a scheme would no longer be viable.
24. Policy HG/3 of the LDF was the policy against which the original application was assessed. The policy states that the amount of affordable housing sought should be a minimum of 40%. The policy does however include a caveat at criteria 3 which states that 'within individual developments the proportion and type of affordable housing will be the subject of negotiation with applicants. Account will be taken of any particular costs associated with the development.....(including) viability considerations.' The level of affordable housing was negotiated down below the 40% threshold on the basis of the viability of the development as a whole, as is possible under the this provision.
25. In relation to the mix of tenure types within the affordable housing element of a scheme, the Affordable housing SPD sets a District wide target for tenure mix in new affordable housing of 70% social rent and 30% intermediate housing. As approved, 4 of the 6 units of affordable housing in this scheme would be affordable rent, 2 would be shared ownership, a mix which complies with the SPD. The amended tenure mix proposed is 3 units in each category, which is contrary to guidance within the SPD.
26. However, policy HG/3 also states at criteria 4 that 'the appropriate mix in terms of housing tenures and house sizes of affordable housing within a development will be determined by local circumstances at the time of planning permission, including....development costs (and) the availability of subsidy.'
27. It is considered that, subject to the provision of a robust viability assessment, there is flexibility within the policy to allow for the housing tenure to be revised, in line with the applicant's proposal, should it be demonstrated that the approved tenure mix is no longer feasible.
28. Policy H/9 of the emerging Local Plan is being given weight in the determination of applications, in accordance with the guidance contained within paragraph 216 of the NPPF, due to the fact that none of the objections received to the emerging policy are seeking to retain the lower threshold at which the requirement for affordable provision is sought contained within policy HG/3 (schemes of 2 or more as opposed to 3 or more in H/9).
29. This policy states that the provision of affordable units on developments of this scale should be 40% of the total number but includes a number of exceptions. One of these exceptions is criteria d which states that where '...the level of affordable housing sought would make a development 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.'

30. In this case, the variation would not reduce the overall number of affordable units to be provided on the site and therefore, subject to a robust viability appraisal, the applicant would be following the principle of this policy by seeking a revision to the tenure mix first.

#### **Assessment of supporting information on viability of the affordable provision**

31. In accordance with Section 106A of the Town and Country Planning Act 1990, the Local Planning Authority must make an assessment as to whether (criteria relevant to this application):
- (a) the planning obligation shall continue to have effect without modification; or
  - (b) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
32. The element of the planning obligation that is the subject of this application is the tenure mix within the affordable housing element of the scheme. The tenure mix is required to be specified in the obligation to ensure that it complies with relevant national and local planning policies and therefore would continue to have effect whether modified or not. It is considered that, subject to sufficiently robust evidence being provided, the proposed revision to the tenure mix would allow the affordable housing element of the development to remain policy compliant, ensuring that the modified obligation would continue to serve the original purpose of the obligation equally well.
33. Previously the housing association would be assumed rental increase based on CPI inflation plus 1%. In real terms this Government policy has the effect of reducing rents by 12% by 2020/21. Members will be aware that the impact of this policy has effectively resulted in a rethink of the Council's own affordable housing programme.
34. The applicant has informed the Housing Development Officer verbally that prior to the rent reduction policy the scheme worked with nil subsidy.
35. As part of this application the housing association has provided viability appraisals for:
- (i) the scheme comprising 4 x 2 bed affordable rent and 2 x 2 bed shared ownership (as per the section 106 agreement) and,
  - (ii) the scheme comprising 3 x 2 bed affordable rent and 3 x 2 bed shared ownership (as per the amendment being sought)
36. Both appraisals show a negative value due to the impact of the rent reduction.
37. The Council has enquired with the applicant as to whether recycled capital grant funds could be used to subsidise the development. The applicant has advised that as the scheme is already on site, and the HCA regulations do not allow retrospective grant claims, there is no other form of subsidy available to assist with viability other than the RP's own reserves.
38. The District Council's Head of Housing Strategy has indicated that the Housing section is satisfied that the numbers upon which the viability appraisal is based are sound. The figures indicated that the original scheme was not actually viable but that the extent of the deficit would have been offset in part had the 1% rent reduction policy not been introduced at the national level. As the Head of Housing Strategy points out, as one would reasonably expect rent levels to rise in real terms year on year and therefore the level of loss without the revision to the tenure mix would in

reality be far greater than the 1%, making the scheme even less viable.

### **Conclusion**

39. It is considered that the proposed modification to the affordable housing tenure mix has been justified through the submission of robust evidence indicating that the originally approved mix is no longer viable. The modification is considered to comply with the relevant national and local planning policies and therefore meets the tests in Section 106A of the Town and Country Planning Act, ensuring that it would still serve a useful planning purpose if modified.

### **Recommendation**

40. Officers recommend that the Committee grants the modification to the legal agreement so that the approved tenure mix in the affordable element of the scheme (6 units) is divided as follows:

3 x affordable rent (50% of the affordable units)  
3 x shared ownership (50% of the affordable units)

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References: S/2396/15/PO

### **Report Author:**

David Thompson  
Telephone Number:

Principal Planning Officer  
01954 713250



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Scale - 1:2500

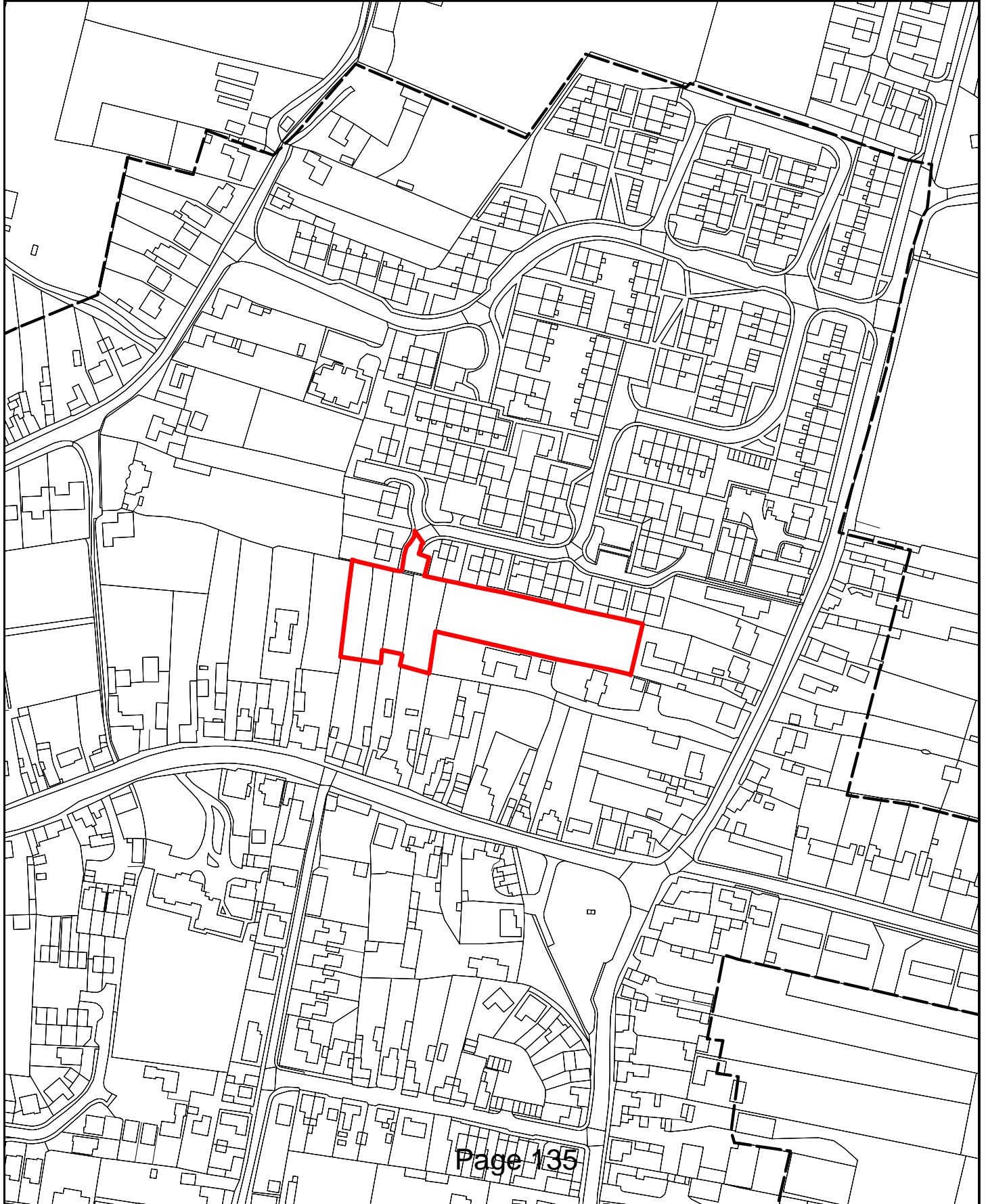
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District Council**

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# Agenda Item 12

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6<sup>th</sup> April 2016.

**LEAD OFFICER:** Director of Planning and New Communities.

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### **Pre-application and Technical Briefing Protocol**

#### **Purpose**

- To provide guidance to all parties on how to manage Pre-application and Technical Briefings

#### **Recommendations**

- That Members agree the pre-application and technical briefing practice and protocol

- **Reasons for Recommendations**

#### **Background**

The Planning Committee has an increasing number of complex and major planning applications to consider. This is due to a range of factors including planning applications arising from the lack of a five year land supply and also from applications from allocated strategic sites. This guidance is intended to provide additional advice to all parties in the light of these circumstances.

In order to assist the Planning Committee and local Members, it has been agreed that briefings will be arranged to allow presentation and exploration of planning proposals at pre-application stage, and also post-submission to consider specific technical aspects as they relate to particular applications.

#### **Pre-application Engagement**

South Cambridgeshire has encouraged planning applicants to seek pre-application advice for over five years. The advice is provided by planning officers, a number of options are offered within this service and costs are recouped through fees.

National guidance strongly encourages this practice and in addition for major applications advises applicants to engage with the local community. This practice is established in the district.

The benefits of pre-application engagement have been widely promoted by central government and national guidance.

*'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.'* (NPPF)

And

*"The Engagement of local Councillors as leaders and representatives of the community of vital in the delivery of the positive outcomes from the planning process"* (LGA: positive engagement a guide for planning councillors)

### **Technical issues**

Sometimes applications presented to Committee raise complex technical issues. It has been felt in the past that the time allowed to present the technical elements of some applications at the Committee meeting has not always been sufficient. This in some instances has resulted in applications being deferred for further information. The subsequent delay reduces the level of service to applicants but also impacts on the efficiency of the planning team.

### **Proposals**

Members are being asked to agree two practice and procedure protocols. The first relates to the holding of pre-application briefings for all Members, including particularly planning committee Members, attended by applicants/developers and pre-application engagement with the local community. The second relates to Technical briefings for Planning Committee, Members and the public, prior to the determination of planning applications where there are complex technical issues requiring clarification before a decision at Planning Committee is made.

### **Pre-application Practice and Protocol**

The Pre-application Practice and Protocol is included in Appendix A this sets out the local authority's approach to pre-application engagement with Members including planning committee and also with Members of the Public.

It provides the opportunity for developers to present a scheme to local Members and the public at an early stage in the process. Allowing the environment for them to raise any questions and concerns and also positively shape development prior to it being presented as a planning application.

Planning Committee Members who will ultimately make decisions on planning applications can take part in pre-engagement meetings; the protocol provides advice on what they should and should do during pre-application engagement. This should be read with the LGA guidance *"Positive engagement a guide for planning Councillors updated version"* (See Appendix C)



Local Members and Parish Councils can also attend pre-application briefings for planning Committee and there will be an opportunity for them all to ask the developer questions, following a presentation of the scheme. The meeting will also be a public meeting in accordance with good practice in terms of transparency.

In addition we currently encourage developers to liaise with the case officers and parish council to agree how best to engage with the local community. This usually involves attendance and presentations at parish council meetings and local exhibition or drop-in, or public forums. We encourage planning officers attendance to ensure that everyone has a shared understanding of issues. It is also useful for Planning committee members to also attend these meetings and when they wish ask questions of clarification to the developer. Committee members should not express a view on whether an application would be supported or not prior to the application being considered at committee.

### **Technical Practice and Protocol**

Committee Members will be provided with an ongoing training programme, which will include technical matters. In addition certain applications may present complex technical issues, which require specific briefings as there would not be sufficient time to fully explore the depth of the issues at normal planning committee meetings.

In these instances a separate briefing on the issue will be organised prior to planning committee. Whilst these meetings are open to the public, the focus will purely be on providing the opportunity for committee Members to ask any questions of officers following a presentation of the technical issue. Given the nature of the meeting no debate or discussion on the merits of the case should take place. (See Appendix B)

### **Financial Implications**

Officer and member time to attend the meetings, which can be met from within existing budgets.

### **Legal Implications**

Section 25 of the Localism Act 2011 makes it clear that Councillors can both campaign and represent the views of their constituents without compromising their ability to take part in the actual decision-making process should they form part of a Planning Committee determining planning applications. As such there are opportunities for Members to get involved at the pre-application stage through the formal planning process.

## **Appendix A: Pre-application Practice and Protocol**

This Protocol aims to ensure an open and transparent process by clearly outlining the arrangements in place and how presentations will be conducted, ensuring there is a consistent approach and setting out actions and behaviours to be adhered to by all parties

### **Members Responsibilities**

Existing responsibilities for Members involved in the planning process may be found in the Council's Constitution. Additionally, Members may refer to other national publications including:

- Member Engagement in Planning Matters (Local Government Association)
- Positive Engagement – a guide for Planning Councillors (CLG, PAS, POS, LGA)

### **Why we have Pre-Application Briefings:**

- Improve Members' awareness of forthcoming proposals
- Can result in better quality applications
- Ensure that community views are represented
- Improves decision making.

### **The Process**

Developers will be provided with the opportunity to brief Members before an application is submitted for the following:

- Major applications (1000 m<sup>2</sup>, 10 or more houses)
- Other applications raising contentious, significant and unusual issues as agreed by the Head of Development Management and Chair of Planning Committee.

Pre-application briefings are not compulsory and developers do not have to agree to one. However, officers will actively encourage them to do so where a pre-application submission has been made.

### **Briefings**

Pre-application briefings will be public meetings generally lasting 45-60 minutes, and will be attended by Members of Planning Committee, Local Members and Parish representatives as well as two senior Planning Officers (one to chair the meeting) and the Applicant/Agent/ Developer and their associates.

### **Roles & Responsibilities of Members**

The briefing will generally be chaired by the Head of Development Management or other appropriate senior planning officer who will explain the role of Members at the briefing.

The objective is for all Members to learn about the emerging development proposal by asking the developer or case officer questions and identifying any outstanding issues to be dealt with.

**Planning Committee Members should not** indicate any view in relation to the prospective grant or refusal of any planning application. When the application is considered at planning committee this is the time they need to balance all material considerations before reaching a view on the application.

Non Planning Committee Members (i.e. local members) can express initial views on behalf of communities.

### **Notification and Format of meetings**

Members of the public can attend the pre-application briefings so they can listen to questions.

The meetings will be held on the same day as planning committee and will be advertised five days in advance with the committee agenda.

The meeting will be chaired by the Head of Development Management or an appropriate senior planning officer, who will remind Members of the protocol and roles and responsibilities and introduce the developer and the scheme.

The applicant/agent/developer will present the scheme and explain any constraints which have influenced the design process to date and when appropriate their timelines for bringing forward the application. They may also decide to summarise how they have address any concerns raised by the community to date in their proposal.

Committee Members can then ask the applicant/agent/developer any questions. Local Members and Parish Councils will then be invited to ask questions and raise any concerns or views. The applicant/agent/developer should only answer questions raised.

This order is to draw the distinction between the ability of local Members and Parish Councils to ask questions on behalf of the local community and express views on the scheme. Whereas Planning Committee members questions should be on points of clarification relating to the proposals.

The senior planning officer will conclude the meeting and at this point may also clarify or comment on particular aspects or draw a consensus on important issues which may help the developer on how to proceed.

Notes of the Questions and Answers and views raised will be taken. This will be circulated to all attendees and published on the Councils website. Officers may write separately to the developer following the meetings giving their professional advice on planning policy and the weight that may be given to different matters.

We will actively encourage Developer participation in the Members pre-application

and preferably this should be undertaken in addition to actively public engagement at a similarly early stage.

### **When and frequency of pre- application Member briefings**

The pre- application Briefings can take place at any time prior to planning committee. However there are advantages to these taking place as early in the process as possible to maximise the potential for community engagement and proposals to reflect local views.

In some instances it may be useful to have more than one Member pre-application briefing to inform Members how a scheme has evolved during the pre-application stage and the applicant/agent/developer has responded to public engagement.

### **Pre-application Engagement at Public Forums**

We encourage developers to engage with Parish Councils and where possible arrange to present schemes at an early stage. The operation of this meeting is at the discretion of the parish Council. It is preferable for the planning officer to attend this meeting in order to take notes of questions and views expressed so this can be put on the pre-application case file. Where a planning officer is not present it would be useful for the parish Council to make notes and provide them to the planning authority.

In addition for some large and/or complex applications a developer in consultation with the case officer may feel it appropriate to carry out further and wider public consultation prior to an application being submitted. In this instance a public forum could be held.

No decision on proposals will be taken at a public forum, this is the role of the planning committee following submission of an application.

Process:

The senior planning officer in consultation with the Chair of Planning committee will generally make a recommendation to the Developer where pre-applications might benefit from a public forum. These could include:

- Applications which involve more than 10 residential units or over 1,000 sq m of floor space;
- Those applications that involve a departure from the Council's planning policy; or
- Applications which have significant local interest and material planning reasons.
- Applications where there will be a recommendation for refusal.

Pre-application briefings are not compulsory and developers do not have to agree to one.

## **Who can attend?**

Meetings are open to all Members, stakeholders, local businesses and residents.

## **Format of meeting**

- The meeting is chaired by the Chair of Planning Committee
- A senior planning officer will remind those attending of the protocol and there should be no debate on the merits of the case. They will introduce the case officer to summarise the application process to date and key planning considerations.
- The applicant/agent/developer is invited to make a presentation of the proposal
- Local residents and organisations have an opportunity to present their views either for or against the proposal.
- The applicant/agent/developer responds to questions from Members the Parish Council, stakeholders, local businesses and residents.
- The senior officer will summarise issues raised
- An attendance record is kept, the discussion is recorded and a note of the meeting is made which is reported to the Planning Committee when any subsequent proposal is submitted for determination. The record will also be put on the Councils website.

## **Roles and responsibilities of Members**

As above Members should adhere to the code of conduct as outlined in the Councils constitution. And may also wish to refer to the relevant LGA guidelines referred to above.

Planning Committee Members can attend public forums and ask questions but should not express a view in relation to the likely acceptability or not of a proposal

Local Members can use the meeting to understand the development, the issues important to local people and to the developers,

## **Role and responsibilities of others attending**

There is an opportunity for Members of the public who wish to submit questions to raise at the forum.

In addition, Local residents, businesses, stakeholders and parish Councils can Use the meeting to understand the development, the issues important to local people and to the developers, and how the relevant policies are being applied by asking questions;

It is important that all those attending the meeting should conduct themselves in a respectful manner. The meeting will be stopped if there are any instances of repeated unacceptable behaviour and/or comments

### **Advertising/notification of the Public Forum**

The parish chair and local members will be notified of the meeting as well as immediate neighbours surrounding the site, there will also be a site notice advertising the meeting. Notification will be undertaken at least 10 days prior to the meeting.

## **Appendix B: Protocol for Technical Briefings**

This Protocol aims to support high quality decision making on applications by providing additional briefings for Members on specific technical matters. It will also increase knowledge of important issues for members of the public who attend the briefing, supporting them in contributing to the process at subsequent committee meetings.

These are normally issues, due to their complexity, where there would not be sufficient time at committee to explore the detail of the issue alongside other matters and other committee items.

### **Members Responsibilities**

Existing responsibilities for Members involved in the planning process may be found in the Council's Constitution. Additionally, Members may refer to other national publications including:

- Member Engagement in Planning Matters (Local Government Association)
- Positive Engagement – a guide for Planning Councillors (CLG, PAS, POS, LGA)

### **Process**

The opportunity to brief Planning Committee Members on specific technical issues before an application is considered at Planning Committee will be provided for applications raising significant technical issues as agreed by the Senior Planning officer and Chair of Planning Committee.

Briefings will consist of a session of up to 60 minutes, and attended by Members of Planning Committee. At least two senior Planning Officers (one to chair the meeting and the Applicant/Agent/ Developer will also attend.

This is a public meeting therefore the following may attend to listen to the Briefing. Local Members and the Parish Council will also be given the opportunity to ask any questions.

- Local members (including members from neighbouring wards if the development affects those)
- Parish Council representative
- Members of the public

### **Meeting Format**

- The meeting will be chaired by the senior planning officer who will confirm the purpose of the meeting and protocol. That is to understand specific technical issues raised by the application, which would be best dealt with in advance of the Planning Committee meeting

- The case officer will provide Members with an overview of the facts relating to the technical issue and may defer to an SCDC or County Council colleague with specific technical expertise for further explanation if required
- The applicant/developer will be asked to provide details of the technical aspects of the scheme including any specific mitigation measures proposed.
- Planning committee members will be provided the opportunity to ask questions in relation to the technical matter. These will be responded to by the senior planning officer and/or applicant/developer.
- The senior officer will then ask other Members and parish Council whether they wish to ask any questions. These will be responded to by the senior planning officer and/or applicant/developer.
- The senior planning officer will then summarise issues raised and will close the meeting
- A Planning Officer will record the briefing and take a note of all persons present, the issues discussed and the follow up actions. This will be placed on the file by the officer involved, and a copy will be made available on the Council's website.
- The involvement of members will be recorded in any subsequent Committee Report.

### **Roles and Responsibilities**

- Technical briefings are not compulsory and applicants/developers do not have to attend. Should this be the case the case officer only will present the technical facts of the application.
- The Applicant/developers presentation will focus purely on the facts associated with the technical detail of the application and will not include a general presentation of the application
- Planning Committee Members should not enter into any debate on the application or indicate any view in relation to the subsequent grant or refusal of Planning permission at Planning Committee.
- Planning Committee Members must maintain an impartial listening role.
- Planning Committee Members should restrict themselves to questions of clarification in respect of the technical aspects of the application only and not more general questions on other aspects of the application.
- The briefing will be open to the public, to enable them to gain as much knowledge about the technical elements of the application as the Planning Committee Members.

Other Useful guidance

[http://www.local.gov.uk/c/document\\_library/get\\_file?uuid=1e064236-6ba6-4ea5-8e96-db4a07c226f7&groupId=10180](http://www.local.gov.uk/c/document_library/get_file?uuid=1e064236-6ba6-4ea5-8e96-db4a07c226f7&groupId=10180)

<http://www.rtpi.org.uk/media/6312/Good-Practice-Guide-to-Public-Engagement-in-Development-Scheme-High-Res.pdf>



# Agenda Item 13

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6<sup>th</sup> April 2016.

**LEAD OFFICER:** Director of Planning and New Communities.

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### **Member Training and Development, and Technical Briefings**

#### **Purpose**

1. To consider the proposed Member Training and Development Programme for Planning Committee for 2016-7.
2. To seek Members' suggestions for future items for inclusion within the Programme and the proposed Technical Briefings sessions.

#### **Recommendations**

3. That Planning Committee APPROVES the programme and make suggestions for future topics for technical briefings.

#### **Reasons for Recommendations**

4. To ensure that the Programme provides for mandatory training for the Planning Committee, addresses Members' development needs and includes topics which are pertinent to nature and scale of planning proposals to help inform Planning Committee decision making.

#### **Background**

5. The Council's Constitution requires that all Members and Substitute Members on regulatory committees such as Planning Committee receive training before they are able to serve on that body.
6. Traditionally this has comprised a single half day session in late May/early June (following the Annual Council meeting and prior to the first Planning Committee of the municipal year). In the past it has provided an introduction for new members to the Planning Committee and a refresher for serving members. There has also a bi-annual coach tour around the district to look at recent developments with an emphasis on design review and an opportunity to reflect on the outcome of planning policies and decisions made.
7. An earlier agenda items sets out the protocol for the proposed pre-application and technical briefings.

## **Considerations**

8. The Council's planning function is both important and different from other functions. It has been recognised that Members must have training in planning matters to help ensure good quality decision making which is less susceptible to successful legal challenge. The planning applications decided by Committee (rather than by officers under delegated powers), are generally the most complex and contentious ones that the Council receives.
9. Given the number, range and complexity of proposals now facing the Council, and following requests from a number of members who have identified areas where they would welcome further training and discussion, a wider programme is proposed.
10. In addition to the half day annual planning training in late May/early June and bi-annual tour round the District to review recent developments in September, two further half day sessions are proposed. It is suggested that these focus on any important changes in planning policy, guidance and practice as well as reviewing milestone appeal decisions which have a bearing on the decisions that are likely to be made by the Planning Committee.
11. A programme of non-mandatory technical briefings is also proposed. Mindful of Member's time, it is suggested that these take place ahead of each Planning Committee meeting. This follows good practice adopted elsewhere, including the Cambridge Fringes Joint Development Control Committee. It will provide an opportunity for Members to receive more detailed guidance and debate particular topics, which they might not otherwise have sufficient time to do within the meeting itself.
12. Later this year, Planning Committee will also be considering a number of applications from the strategic growth sites, for example Cambourne and Northstowe. The promoters of Waterbeach and Bourn are also preparing Development Framework Documents. Appropriate briefings and site visits will be added to the programme.
13. An initial draft programme is set out in Appendix 2, and Member's suggestions for further topic would be welcome.
14. In parallel, planning training is also planned to support Parish Councils, where appropriate joint training will be arranged.

## **Options**

15. The Member Planning Training and Development could remain in its current form, however that would not respond to identified needs nor the growing demands on the service and Planning Committee, in particular.

## **Consultations**

16. The proposed Member Planning Training and Development Programme and technical briefings have been discussed with and are supported by the Chairman and Vice Chairman of Planning Committee, the Planning Portfolio Holder and the Strategic Planning and Transportation Portfolio Holder.
17. It is presented as a draft programme for Planning Committee to consider. A draft programme of future technical briefings is also attached for consideration.

## **Conclusions**

18. Member feedback is welcomed on the proposed programme for Planning Training and Development Programme and Technical Briefings.
19. The Programme will ensure that the mandatory training for the Planning Committee, as required by the constitution, is delivered. The programme and technical briefings between them aim to address Members' development needs and includes topics which are pertinent to nature and scale of planning proposals to help inform Planning Committee decision making.

## **Implications**

20. **Financial**  
The programme and briefings will largely be provided by Officers from South Cambridgeshire District Council or Partner Authorities. As such any costs will be minimal.

### **Legal**

21. The Member Development Training Programme is mandatory to Members of Planning Committee and Substitute Members

### **Staffing**

Officers will be given sufficient time to prepare and deliver the programme. Discussing key topics and sharing knowledge and experience between officers and members will encourage closer working and a stronger service.

### **Equality and Diversity.**

The member development programme will be open to all members.

## **Environmental Implications**

24. There are no environmental implications arising from the proposals.

## **Appendices**

Appendix 1 – Proposed Training and Development Programme.

Appendix 2 – Proposed Programme of Technical Briefings

**Report Author:** Jane Green – Head of New Communities

Telephone: (01954) 713164.

## **Appendix 1 Proposed Draft Member Development Programme (Mandatory)**

Date	Meeting	Venue and Programme Lead
<p>June</p> <p>Date/time tbc</p>	<p>Annual Planning Refresher Training (and Introduction for new members) to cover:</p> <ul style="list-style-type: none"> <li>• Role of Planning Committee and Probity.</li> <li>• National Planning Policy Framework and Practice guidance</li> <li>• The Local Plan</li> <li>• Development Management</li> <li>• Material Considerations</li> <li>• S106 agreements</li> <li>• Appeals</li> <li>• Monitoring and Enforcement</li> </ul>	<p>South Cambridgeshire Hall</p> <p>Head of Development Management and Head of New Communities and Colleagues</p>
<p>Friday 15<sup>th</sup> July</p> <p>10am – 1pm</p>	<p>National Planning Policy and Guidance (including any recent changes) and milestone appeal decisions</p> <p>Joint Event with SCDC Parish Councils</p>	<p>South Cambridgeshire Hall</p> <p>John Williamson (Cambridgeshire Spatial Planning Unit and Planning Inspector)</p>
<p>September</p> <p>Date/Time tbc</p>	<p>Tour round the District reviewing recent developments.</p>	<p>Coach Tour</p> <p>Head of Development Management and Head of New Communities and Colleagues</p>
<p>Wednesday 23<sup>rd</sup> November</p> <p>1.30-4.30pm</p>	<p>National Planning Policy and Guidance (including any recent changes) and milestone appeal decisions</p> <p>Joint Event with Parish Councils</p>	<p>South Cambridgeshire Hall</p> <p>John Williamson (Cambridgeshire Spatial Planning Unit and Planning Inspector)</p>

**Appendix 2 Proposed Draft Programme of Technical Briefings ( Non Mandatory)**

Date	Topic
6 <sup>th</sup> April	Cumulative Impact
22 <sup>th</sup> April	Pre-application Proposals - Bannold Road Waterbeach
11 <sup>th</sup> May	Drainage
1 <sup>st</sup> June	Sustainable Development
July- March	Topics to be confirmed

**All briefings will held at 9-10am in the Council Chamber before Planning Committee**

**Suggested Future Topics:**

- Northstowe and Cambourne (ahead of considering any applications)
- Viability

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# Agenda Item 14

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6<sup>th</sup> April 2016.

**LEAD OFFICER:** Director of Planning and New Communities.

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### **Amendments to the current Scheme of Delegated Powers**

#### **Purpose**

1. To make a decision on the proposed changes to the Scheme of Delegation, taking into consideration the recommendation of the Planning Portfolio Holder to endorse the proposed changes to the scheme of delegation following consideration of consultation responses.
2. The scheme of delegation and functions for planning decisions form part of the Council's Constitution.

#### **Recommendations**

3. That the Planning Committee APPROVES the following changes to the current scheme of delegation:
  - i) to allow to all decisions to be delegated other than those listed in Appendix A
  - ii) that the time given for District Councillors to request an application be considered by Planning Committee is extended from 21 to 28 days,
  - iii) that the automatic referral to Planning Committee is removed when an officer recommendation of approval conflicts with representations by the Parish Council and these cannot be substantially addressed by planning condition. Instead this is replaced by the right of the Parish Council to request an application is considered by Planning Committee. The request must be supported by material planning reasons and the final decision on whether the application is considered by Planning Committee will be taken by the Chairman of Planning Committee in consultation with the Designated Officer (Head of Development Management or Head of New Communities)
4. That the Revised Scheme of Delegation should be given at least a year to bed in, and a formal review process involving Parish Councils should take place within 24 months.

#### **Reasons for Recommendations**

5. This proposal forms part of a programme of changes to improve processes within the Planning Service to ensure it is providing an efficient and effective service to all its customers. In this new format, The Scheme can readily accommodate any future changes in national regulation and policy, e.g. new types of application or prior notifications.
6. It will allow Planning Committee to focus on the most significant and/or contentious planning applications and support closer working between Parish Councils and their District Councillors.

### **Background**

7. All Councils are encouraged to keep their policies and procedures under review. It is some time since this Council has done this, save for changes in November 2014 which were of a technical nature and were made in response to government additions to the planning system. These did not materially affect the level of delegation.
8. At present approximately 90% of the Council's planning decisions are delegated to officers. Even so its Planning Committee still has lengthy agendas, regularly including matters of a minor nature. The number of planning applications received by the Council remains high, as does the nature and complexity of planning proposals.
9. To address this, the Portfolio Holder at his meeting on 8<sup>th</sup> September 2015 agreed to review the current scheme of delegation, and consult on a revised scheme. At his meeting on 17<sup>th</sup> November 2015, having listened to the responses received and the ensuing debate, the Portfolio Holder asked officers to look again at the scheme of delegation of planning decisions, and deferred making a recommendation for a period of up to six months
10. The Scheme now proposed has been developed in response to wide consultation with and comments of Parish Councils (September/October 2015, and January/February 2016) and discussions at a District Councillor Workshop on 22<sup>nd</sup> October, the Parish Planning Forum 22<sup>nd</sup> October 2015 and the Planning Portfolio Holder Meeting on 17<sup>th</sup> November 2015.

### **Considerations and Options**

#### **Proposed Scheme of Delegation**

11. The first proposed change relates to how The Scheme is set out.
12. At present The Scheme lists all the matters to be delegated. The proposed Scheme allows for all decisions to be delegated other than those set out in Appendix A and as such is a more flexible format which can readily accommodate changes in national regulation and policy, for example the introduction of new application types such as notification of prior approval.
13. The second change relates to the automatic referral of both minor and major applications where an officer is recommending approval and this would conflict with the representations of a Parish Council and where that representation would not substantially be satisfied through the use of planning conditions. Instead it is recommended that be replaced with a request by Parish Councils. So when a Parish



Council is consulted on a planning application it would be asked at that stage not only to comment on the merits of the proposal, but to also consider whether this was an application that it felt should be referred to Planning Committee and the reasons for this view. These requests would be referred to the Chairman of Planning Committee in consultation with the Head of Development Management for final decision.

14. This corrects the current anomaly in the process whereby Parish Councils have an automatic referral, whereas District Councillors, who form part of the Council, can only refer through designated officers and the Chairman of The Planning Committee. Under the proposed scheme they will both have the same opportunity to request an application be considered by Planning Committee so long as they set out the material planning reasons for doing so.
15. All District Councillors would retain the ability to call in at the end of the consultation period any application to the Planning Committee, subject to the Chairman's agreement upon the planning reason for doing so. The period for doing this is proposed to be extended from 21 days to 28 days, to allow the District Councillor to talk with and take account of the Parish Council formal responses. This should enable local district and parish council members to work more closely together in representing local community views and would still allow a referral to committee if a particular scheme was felt to be particularly controversial locally.
16. The consultation form for Parish Councils would be amended as set out in Appendix B. It includes the specific question about whether the Parish Council wishes to refer the application to Planning Committee, and if so to set out the reasons why. The form lists typical material considerations and those which are not. It reminds Parish Councils of the value and importance of attending Planning Committee to support it comments. This draft form has been sent to Parish Councils for comment. A number commented that it was an improvement and that additional of information about material considerations was helpful.
17. Where a Parish Council or District Councillor request for referral is not supported, the Chairman of the Planning Committee will set out the reasons why in writing, taking into account the following criteria:
  - Relevant material planning considerations raising significant planning concerns
  - Significant implications for adopted policy
  - The nature, scale and complexity of the proposed development.
18. This revised Scheme has been developed in response to comments by Parish Councillors, District Councillors and CPRE. All comments received in the most recent consultation are set out in Appendix C, together with a response to each point made
19. During this consultation a number of points were raised and these are addressed in the following paragraphs.
20. The final clause within the January Version of proposed Scheme of Delegation (Appendix D) was queried by two Parish Councils. Both asked for this to be reviewed to ensure that departures from the Local Plan will be presented to Planning Committee (unless the application is to be refused). In this final version (Appendix A), the wording has been amended to address this comment.

21. Two consultees raise queries about the criteria by which the Chairman in consultation with the Designated Officer will make the judgement on whether applications will be referred to Planning Committee. These are set out in paragraph 17 above. In addition, if a request for referral to committee is declined, a written response will be given setting out the reasons for the decision. Over time it is envisaged that all parties will become more familiar with the process and reasons. Feedback on this mechanism will form part of a future review.
22. Several Parish Councils ask for more notice of applications that are going to Planning Committee, so that they can make arrangements for representatives to attend. At present Parish Councils are notified five working days in advance when the agenda papers are publicly available. Increasing this will certainly be possible on the larger schemes which have Development Delivery Agreements in place with agreed timescales, (usually including a Planning Committee date as a key milestone). For the other applications, we will see what we can do to bring this forward. We are currently reviewing our planning process, and will aim to increase this to ten working days.
23. The Chairman of Fowlmere Parish Council attended the Planning Portfolio Holder Meeting on 14<sup>th</sup> March. He reiterated the Parish Council's earlier comments. In addition he highlighted that Parish Councils were becoming disillusioned with the entire planning process, feeling like their views were not being heard. He also said that Parish Councils would like to see planning decisions taken by a show of hands at committee meetings.
24. In responses the Chairman of Planning Committee confirmed the intention of the Council in its role as planning authority to work closely with parish councils and local communities, listening and, wherever possible responding to, the views, concerns and suggestions that they express. The Chairman of the Planning Committee recognised that one of the issues that Parish Councils have consistently raised is the method of voting that is currently used at planning committee i.e. electronic voting. This is not a method used by other planning committees in which the Council participates. Both the Joint Development Control Committee - Cambridge Fringes and the former Northstowe Joint Development Control Committee requires/required members to vote by show of hands. It is therefore proposed that this method should be adopted by this Planning Committee from the start of the new municipal year.
25. Implementation of the revised Scheme of Delegation will be kept under review. Given the length of time it takes for planning applications to go through the process, and given the wide range of other improvements being introduced in the Planning Service, it is recommended that the proposed Scheme of Delegation be given at least a year to bed in. As such it is recommended that it should be formally reviewed within 24 months, with Parish Council input into the review

### **Options**

24. The earlier scheme which was discussed and consulted In September/October included replacing the automatic referral for Parish Councils with one by District Councillors only, with the aim of encouraging Parish Councils and District Councillors to work more closely together to represent local community views. A large number of Parish Councils were concerned by this approach which left District Councillors as gate keepers.

25. Following discussions with both District- and Parish Councillors at the Parish Planning Forum on 14<sup>th</sup> October 2015, the current proposals emerged and gained considerable support. These were the subject of further consultation in January/February 2016.
26. Extending the current referral arrangement of Parish Councils to one of full delegation for decision upon certain types of applications was outlined in an earlier Portfolio Holder report but not taken forward. This has been explored in the past by a few Councils, notably Cornwall and Chelmsford but has been rejected in order for the District Council to retain its integrity and responsibility as the Local Planning Authority. The desire to make planning decisions at a more local level has resulted in area planning committees in various authorities. These are however expensive to run and can be complex in operation.
27. Leaving the Scheme of Delegation unchanged is not an option given the current high number of planning applications and the need to ensure that Planning Committee is able to focus on the more significant and controversial applications as well as having time to prepare by way of briefings and training.

### **Consultations**

28. There has been wide consultation on these proposed changes to The Scheme of Delegation. The second round of consultation ran from 14 January until 19 February 2016.
29. All Parish Councils were consulted on the proposed changes, and a reminder sent out on 10 February 2016.
30. Responses were received from 14 Parish Councils ( Lt Abington, Cottenham, Fowlmere, Girton, Granchester, Hatley, Hauxton, Histon and Impington, Milton, Sawston, Stapleford, Swavesey, Thriplow, Whaddon) and the CPRE
31. All comments received are set out in Appendix C together with a response to each point made.
32. In summary there is broad support from those Parish Councils that responded to the consultation. Of 14 Parish Councils that commented, 11 either support or raise no objections to the proposed Scheme. Two request an amendment in respect of the final clause, which is accepted. In addition several have asked for the length of notice of applications going to Planning Committee to be extended; this is acknowledged and has been addressed in Paragraph 25 above. Two consultees express concern about the mechanism by which requests will be considered.
28. An update on the Scheme of Delegation will be included within the agenda for the next Parish Planning Forum (22 March 2016).

### **Conclusions**

34. The proposed changes aim to increasing efficiency, and to support closer working between District Councillors and Parish Councils. It will allow Planning Committee to

focus on the more significant and/or contentious cases, having regard to any that are felt to be particularly controversial locally.

35. The revised Scheme has been developed following wide consultation and in response to comments made by Parish Councils and District Councillors.
36. For these reasons it is recommended that proposed amendments to the scheme of delegation are supported.

### **Implications**

#### **Financial**

37. There are no direct financial implications arising from the proposals

#### **Staffing**

38. There will be benefits arising from the proposals, in terms of reducing the amount of time that officers spend on the preparation of Committee reports and agendas.

#### **Equality and Diversity.**

39. It is not considered that an Equality Impact Assessment is required in relation to the proposals in this report as it relates to amendments to existing procedures. The amended Scheme of Delegation still allows for individual planning applications that would normally be delegated to officers for a decision, but that may raise sensitive issues/ have equal opportunities implications, to be referred to Committee by Members or at the discretion of officers.

#### **Environmental**

40. There are no environmental implications arising from the proposals.

### **Appendices**

Appendix A - Proposed Scheme of Delegation (March 2016 Version)

Appendix B - Revised Consultation Form for Parish Councils.

Appendix C – Consultee Responses.

Appendix D - January Version of Proposed Scheme of Delegation.

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Telephone: (01954) 713164.

## **Appendix A**

### **Proposed delegation of planning decisions in South Cambridgeshire (March 2016)**

South Cambridgeshire District Council operates an adopted scheme of delegation which sets out the range of decisions that designated officers can make on behalf of the Council. Decisions on the majority of planning proposals and associated applications are delegated to designated officers without the need for them to be decided by members at Planning Committee

Delegated decisions are carefully considered by the case officer who outlines their recommendations, and reasons behind the recommendations, in a balanced delegated report, which is checked by a designated officer before a decision is agreed and issued.

By operating a scheme of delegation, decisions are made in good time, in line with statutory target dates, and the Planning Committees can concentrate on the most contentious and significant proposals.

#### **Applications will be dealt with under delegated powers unless:**

a) A Local Member or Parish Council writes, or emails a request for a particular application to be considered by Planning Committee, sound planning reasons are given for why this is considered necessary and the request is accepted by the Chairman of Planning in consultation with designated Officers.

The request by Parish councils should be made within 21 days of the date of registration and by Local Members not later than 28 days of the date of registration of the application, or within 14 days of receipt of any subsequent significant amendment to a current proposal. If the Chairman declines a request, a written explanation will be given to the Parish Council and copied to the Local Member.

b) An application is made by an elected Member or an officer of the Council, or a household member of either of such persons, and representations objecting to the application have been received (delegation is still permitted if the application is refused);

c) If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the application is to be refused). Significant departures will include but are not limited to development which requires referral to the Secretary of State;

d) Any 'Major' or 'Minor' application relating to the Council's own land or development where representations have been received against the proposal;

e) The application is for the demolition of a listed building or a Building of Local Interest or

f) The application is one that in the opinion of officers, in consultation with the Chairman and Vice-Chairman, should be determined by Committee because of special planning policy considerations, the complexity of the application, the application is significant and/or strategic importance to an area beyond both specific site and parish.

**Note:**

For the purposes of considering requests under clause a The Chairman in consultation with designated officers will have regard to the following criteria:

- Relevant material planning considerations raising significant planning concerns
- Significant implications for adopted policy
- The nature, scale and complexity of the proposed development.

**Appendix B Amended Consultation Letter to Parish Councils  
on Planning Application.**

<Name, Address>

*This letter (with no plans attached) has been emailed to the Parish Council prior to sending out in the post, and for information to Ward Members. Details, plans and documents relating to the application below can be viewed by the following link <planningwebpage address>. Please use, whenever possible, the online form for your Council's response.*

Date: <current date>

Dear Sir/Madam,

**Proposal:**  
**Application Ref:**  
**Location:**  
**Applicant:**

We welcome any comments your Parish Council wishes to make, but ask that they are made using either the online web form available, or on the form below and returned **no later than 21 days from the date of this letter**. After the expiry of this period, the District Council may determine the application without receipt of your comments.

Should you wish to request that the application be considered by the District Council's Planning Committee, please state the material considerations and planning reasons. Examples of material considerations can be found below. The Chairman of the District Council Planning Committee will respond to all reasonable requests.

**The Parish Council: - (Please delete appropriately)**

**Supports**

**Objects**

**Has no recommendation**

**Comments:**

**The Parish Council *does/does not*\* request that the application be referred to the District Council Planning Committee \*(please delete)**

## Planning reasons:

**Note:** *Where a Parish Council requests that an application is determined by Planning Committee there is real value and importance in Parish Council representatives attending Planning Committee to support their comments. Please note that the Parish Council can be represented at Planning Committee by any of its Councillors or the Parish Clerk (with the approval of their Parish Council).*

Signed.....Date.....  
Clerk to the Parish Council or Chairman of the Parish Meeting

### What are Material Considerations?

A material consideration is a matter that should be taken into account in deciding a planning application or appeal against a planning decision.

Examples of material considerations can include (but are not limited to).

- Overlooking /loss of privacy
- Loss of light/overshadowing
- Highway Safety
- Traffic
- Parking
- Noise
- Layout and density
- Design, appearance and materials
- Effect on listed Building and Conservation Areas
- Nature Conservation and or impact on protected trees or the landscape.
- Disabled Person's access
- Government Policy
- Compliance with the Local Plan.

The following are **not normally** issues that can be taken into account:

- Loss of property value
- Issues of market competition
- Loss of a view
- The applicant's motive, character or personal circumstances
- Matters covered by other legislation including restrictive covenants
- Issues relating to landownership/property boundaries.
- Moral or religious Issues.



**Appendix C Responses Received Following Consultation on Changes to Proposed Scheme of Delegation Jan/Feb 2016**

<b>Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
<b>Lt Abington PC</b>	<p>1.The Parish Council was broadly in support of the updated proposals.</p> <p>2.It reiterated their request for the establishment of better and closer working relationships with officers in the planning team. Whilst recognising that this may be easier in large communities SCDC should consider the option of pairing representatives with groups of communities which often have similar interests. As you may be aware applications for housing developments in both Great and Little Abington are anticipated in the near future and it would be helpful to have a consistent link to the planning team .</p> <p>3.The parish council would welcome opportunities for further training and to improve their understanding of planning processes.</p> <p>4I have accessed the planning map <a href="https://www.scams.gov.uk/content/planning-applications-map">https://www.scams.gov.uk/content/planning-applications-map</a> to which you refer. It does need further explanation. For example I searched on a recent planning application where I know the property has trees with TPOs yet they did not seem to be shown on the map.</p>	<p>1.Support noted and welcomed.</p> <p>2. We are always looking at ways to improve our working relationships. We have dedicated officers/single point of contacts for the growth sites and are looking to introduce this for larger sites or parishes where a number of applications have been received e.g. Waterbeach and Cottenham. We will talk with Gt &amp; Lt Abington directly about what arrangements they would like to have.</p> <p>3. Last year 8 training sessions were held across the District. The programme for 2016/7 is currently being prepared.. More information will be available shortly.</p> <p>4. we will look into this further.</p>
<b>Cottenham PC</b>	<p>This proposed scheme is generally acceptable to Cottenham Parish Council and we thank the Planning portfolio Holder and SCDC staff for listening and responding to our criticism of the earlier version. In particular, this version:</p> <p>1.outlines much more clearly how these delegated decisions are made and the internal review processes involved to maintain standards; an obscure process has become a little more transparent;</p> <p>·2.removes any front-end gate-keeper role by District Councillors; this avoids risks of delay or obstruction and minimises uncertainty;</p>	<p>1 – 4 Support noted and welcomed.</p>

	<p>·3. introduces clearer communication of a Parish Councils' concerns about possible delegated approvals and wishes for referral; local knowledge is important;</p> <p>4. requires clearer justification of a refusal for a decision to be referred to Planning Committee; trust will only be maintained by transparency.</p> <p>We remain concerned by:</p> <p>5.the uncertainty over whether or not a PC's recommendations have been received; this could easily be rectified.</p> <p>6.the limited notice given of Planning Committee referrals; few Parish Councils can guarantee to make someone familiar with a particular application available with only a few days notice.</p>	<p>5 We encourage Parish Councils to submit their comments via the website. We will explore an automatic acknowledgement for these.</p> <p>6. At present agenda papers go out to Parish Councils 5 days in advance, when the papers are publicly available. As part of our current review of planning procedures we will look to do their earlier and hope to be able to give 10 working days notice.</p>
<p><b>Fowlmere PC</b></p>	<p>1.Fowlmere Parish Council (FPC) is grateful that SCDC has taken account of the concerns clearly expressed in the last consultation on this matter, and has revised the proposals.</p> <p>2.FPC supports the principle that planning applications with material planning considerations should be considered by SCDC Planning Committee where there is a difference of opinion between SCDC planning officers and the SCDC Local Member or relevant Parish Council, based on those material planning considerations.</p> <p>3.FPC welcomes the draft application letter for referral of an application to the Planning Committee setting out examples of material planning considerations as being very helpful. It notes that the lists given are not claimed to be comprehensive.</p> <p>4.FPC notes that new proposal is that such requests will be considered by the Chairman of Planning in consultation with designated Officers. There is a major flaw in this. The system</p>	<p>1Comments noted and welcomed.</p> <p>2.This does not form part of the proposed scheme. Whether or not there is a difference between Officer sand Parish Councils/ Members will no longer be a criteria on which a decision will be made whether applications go to Planning Committee.</p> <p>3. Support for revised consultation letter is noted and welcomed.</p> <p>4-5.The final decision about which applications go to Planning Committee will rest with the Chairman of the Planning Committee – a Councillor, not an</p>

proposed will be biased in favour of planning officers. Planning officers have every incentive to recommend that planning applications are handled under delegated powers, which reduces the number of applications where the planning officer's recommendation is rejected by the Planning Committee. It would also make it easier to meet targets, which is not the proper objective of the planning system.

5. There is a second aspect that is equally problematic. The consultation between the Chairman of the Planning Committee and planning officers will be a closed session, not an open meeting subject to democratic scrutiny. No minutes will be produced and made public. This is wholly inconsistent with the principles of open government.

6. Finally, the proposal reduces the opportunities for elected Members to appraise the performance of planning officers. Elected members are responsible for the appointment and performance of planning officers, and need to have as much opportunity as possible to discharge those responsibilities effectively.

7. FPC considers that it is a proper purpose of the Planning Committee to reflect on disputed interpretations of material planning considerations which arise where there is a difference of opinion between planning officers and the Local Member/Parish Council.

8. FPC does not support the right to refer planning applications to the Planning Committee where there are not material planning considerations at issue, but a more robust and unbiased system needs to be devised.

9. FPC notes the definition of a 'significant departure from the approved policies of the Council' is that the application represents 'a development which requires referral to the Secretary of State'. This is a very big hurdle indeed. There are many applications which are

Officer.

Officers and the Chairman of Planning Committee recognise the balance that needs to be struck when making decisions, including the timeliness of decisions.

Any request will be assessed against the following criteria:

- a) Relevant material planning considerations raising significant planning concerns
- b) Significant implications for adopted policy
- c) The nature, scale and complexity of the proposed development.

If a request is declined, a written explanation will be sent to the relevant Parish Council/District Councillor.

6. The performance of the Planning Service is reported regularly to the Planning Portfolio Holder which gives opportunity to scrutinise and debate performance.

7-8 Comments noted.

9 The last clause of the Revised scheme has been further amended to clarify this point, to acknowledge that Significant departures include but are not limited to those referred to the Secretary of State. (refer Appendix A)

	in contravention of SDCDC's Local Plan, but would not be called in by the Secretary of State. A better and less demanding definition which responds better to local conditions, is required	
<b>Girton PC</b>	Girton PC is broadly in agreement with the proposed changes to the Scheme Of Delegation	Support noted and welcomed.
<b>Granchester PC</b>	Grantchester Parish Councillors discussed the proposed changes at a recent meeting and have no further comments to make.	Comments noted and welcomed.
<b>Hatley PC</b>	<p>1.The Parish Council approves the new proposal which maintains direct communication between the Parish Council and the Planning Team regarding referrals to Planning Committee.</p> <p>2. The draft consultation letter is also useful in giving Parish Councils an opportunity to request for certain planning cases to be escalated to Planning Committee whilst ensuring that clear material reasons can be accounted for.</p> <p>3.Hopefully the proposed changes will achieve the desired efficiencies within the planning department whilst retaining good communication with Parish Councils on contentious planning applications.</p>	<p>1Comments noted and welcomed.</p> <p>2 Support for revised consultation letter is noted and welcomed</p>
<b>Hauxton PC</b>	Hauxton PC welcomed the proposed changes.	Support noted and welcomed.
<b>Histon &amp; Impinton PC</b>	<p>1.Additional comments:</p> <p>1.Access to case officers for Parish Councils requires significant improvement.</p> <p>2In order for this form of delegation to be effective, Parish Councils need to know as soon as possible whether applications that they would recommend refusal for are getting Officer approval so that the necessary case can be made.</p> <p>2 Operation of the scheme should be reviewed, with Parish Council input, after 12 months</p>	<p>Comments noted and welcomed.</p> <p>1We are looking at ways to improve our working relationships with all stakeholders including Parish Councils.</p> <p>2. Parish Councils need to consider this at the outset for all applications, setting out their comments and any concerns, and considering whether they would like to request the application to go to Planning Committee and if so the reasons for doing this. This should be done irrespective of the officer recommendation.</p>

	<p>3.Comment on the appendix 1 proposals:</p> <p>- bullet point 3 ie:</p> <p><i>If approved, the application would represent a significant departure from the approved policies of the Council (officer delegation is still permitted if the departure from policy would not conflict substantially with the aims and objectives of the policy or the application is to be refused). For these purposes significant departures are defined as a development which requires referral to the Secretary of State;</i></p> <p>Strike: "the departure from policy would not conflict substantially with the aims and objectives of the policy or"</p> <p>Reason: planning committee should be made aware, and agree, where a planning application is to be approved that represents a significant departure from approved policies</p>	<p>3. A timely review is recommended including Parish Councils in the process.</p> <p>3.Comment noted and accepted – refer Appendix A.</p>
<b>Milton PC</b>	No comments to make on the proposal; it will put a copy of the new procedures in their 'bible' once everything has been agreed.	Comments noted and welcomed.
<b>Sawston PC</b>	This was discussed at our full parish meeting and the Parish council would like to reiterate their previous objection to the changes to the planning procedures as the Council was more than happy with the process in place now.	Comments noted.
<b>Stapleford PC</b>	Stapleford Parish Council support the changes to make the system more comprehensive	Support noted and welcomed.
<b>Swavesey PC</b>	<p>1.Swavesey Parish Council has no further major comments to add to its previous ones, other than it is now pleased to see that Parish Councils can directly request that applications be referred to Planning Committee.</p> <p>2.The one comment that was mentioned was that Planning Committee agendas are often very long. With Cllrs often having to</p>	<p>1Comments noted and welcomed.</p> <p>2. It is very difficult to predict the time that items will be held within a Committee Meeting. Parish Councils can speak with the case officer who will try and estimate it judging ny the preceeding</p>

	<p>take time away from work to attend they can be waiting for some considerable time to speak at their relevant item. If it was possible to give a time indication it would be helpful.</p> <p>3.The other comment we made earlier was the possibility of Planning Committee being split into regions, thereby making the meetings shorter.</p>	<p>items on the specific agenda. It will always be an estimate.</p> <p>3. The Council is not currently considering area committees.</p>
<b>Thriplow PC</b>	<p>Whilst Thriplow Parish Council has no objection in principle to the proposals.</p> <p>1.There is a problem with the timescales proposed. This is especially so given that most planning applications are sent to us in 2nd Class Post giving what is often a narrow window for consideration. Most of our councillors like to see the hard copy documents. It would be helpful if the maximum time allowed for consideration (21 days) were in fact the time actually provided for consideration. This is especially so in contentious applications. Unfortunately the timing for proposed amended applications being changed to 14 days makes the situation even more impractical.</p>	<p>Comments noted and welcomed.</p> <p>1If an extension of time is required to consider an application, the Parish Council should contact the case officer who will grant it whenever possible.</p> <p>A preference for hard copies is noted; however over the coming year (s), the Planning Service will be moving towards a more 'paperless system' . We will discuss with Parish Councils how we can best achieve this together.</p>
<b>Whaddon PC</b>	<p>Whaddon Parish Council are much happier with these proposals.</p> <p>1We are pleased that SCDC has taken on board so many of the viewpoints expressed by Parish Councils in the earlier consultation exercise.</p> <p>2We also like the draft consultation letter that would go to Parish Councils, giving them the option to seek referral to the Planning Committee, and find the examples of Material Considerations very helpful.</p> <p>3.We would like to make one further request regarding Planning Committees. Would it be possible for SCDC to amend its procedures</p>	<p>1.Support noted and welcomed.</p> <p>2 Support for revised consultation letter is noted and welcomed</p>

	<p>so that Parish Councils are notified when a referral has been made to a Planning Committee, if possible with the date and time of that meeting? At the moment we are not informed if applications are going to Planning Committee. Changing this, so that Parish Council's are informed as a matter of process might also address the issue of low Parish Council representation at Planning Committee meetings. Hopefully more Parishes would send representatives if they knew that a meeting was taking place. We would ideally like to be informed of all applications within our Parishes that are going to a Planning Committee but would hope, at a minimum, to be informed of those where the Parish Council has requested this referral. We understand that there is to be a review of Planning Committee procedures undertaken in 2016.</p>	<p>3 At present agenda papers go out to Parish Councils 5 days in advance, when the papers are publicly available. As part of our current review of planning procedures we will look to do their earlier and hope to be able to give 10 working days notice.</p>
<p><b>CPRE</b></p>	<p>CPRE notes the amendments following the last consultation</p> <p>1. We support the principle that material planning considerations need to be identified by the local councillor or parish council when they disagree with recommendations from officers of the District Council and a referral to Planning Committee is requested. Equally we have no issue with the list of material planning factors set out in your latest version.</p> <p>2. However, we remain concerned that the final decision, based on an interpretation of whether there is a valid material planning consideration, rests not with the local councillor or parish but within the District Council by the Chairman of the Committee in consultation with officers. You will be well aware that there can be many interpretations of the factors listed. For example "parking" - the parish may consider this to be inadequate but the officers do not. In such a case, would referral succeed?</p> <p>3. Whilst we understand the drive to determine as many applications as possible through delegated powers in order to speed up decision making, we feel that this should not be at the expense of referring contentious applications to Committee where a full and open</p>	<p>1. Support for this approach welcome and noted.</p> <p>2. The Chairman of Planning Committee will have regard to the following criteria when considering</p> <ul style="list-style-type: none"> <li>a) Relevant material planning considerations raising significant planning concerns</li> <li>b) Significant implications for adopted policy</li> <li>c) The nature, scale and complexity of the proposed development.</li> </ul> <p>If for, example parking, was a concern it would depend on the degree of the problem. Inadequate parking is a material consideration and if it was a significant under provision it is likely to be concern to both Officers and Parish Council alike.</p> <p>3. The aim of the Revised Scheme is to allow sufficient time at Planning Committee for the larger, and more contentious applications.</p>

democratic debate can take place."



# Agenda Item 15



**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and New Communities Director

6 April 2016

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## Enforcement Report

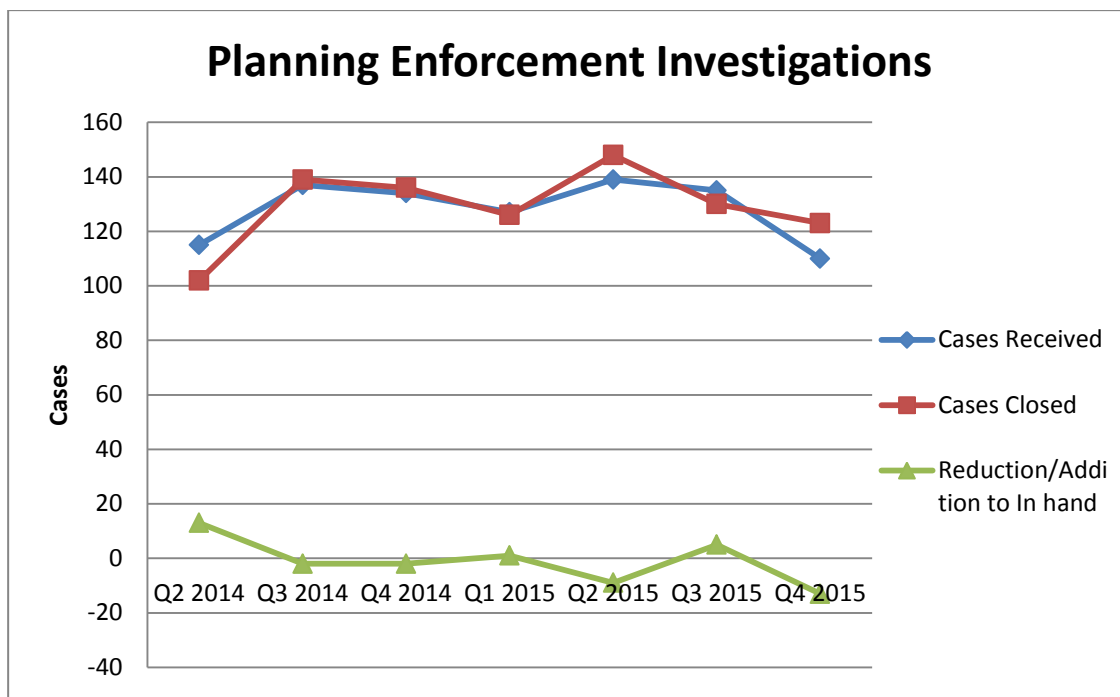
### Purpose

1. To inform Members about planning enforcement cases, as at 17<sup>th</sup> March 2016  
Summaries of recent enforcement notices are also reported, for information.

### Enforcement Cases Received and Closed

2. 

Period	Cases Received	Cases Closed
January - 2016	43	41
February - 2016	45	42
1 <sup>st</sup> Qtr. 2015	127	126
2 <sup>nd</sup> Qtr. 2015	139	148
3 <sup>rd</sup> Qtr. 2015	135	130
4 <sup>th</sup> Qtr. 2015	110	123
<b>2015 YTD</b>	<b>511</b>	<b>527</b>
<b>2014</b>	<b>504</b>	<b>476</b>



**Enforcement Cases on hand:**

- 3. Target 150
- 4. Actual 83

**Notices Served**

5.

Type of Notice	Period	Year to date
	February 2016	2016
Enforcement	2	3
Stop Notice	0	0
Temporary Stop Notice	0	0
Breach of Condition	0	0
S215 – Amenity Notice	0	0
Planning Contravention Notice	0	0
Injunctions	0	0
High Hedge Remedial Notice	0	0

**Notices issued since the last Committee Report**

6.

Ref. no.	Village	Address	Notice issued
SCDC ENF009602	Shingay Cum Wendy	Monkfield Nutrition Sunavon	Enforcement Notice
SCDC ENF009256	Gt Abington	45 North Road	Enforcement Notice

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7. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.

8. **Updates on items that are of particular note**

**a. Stapleford: Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road.**

Work still in progress regarding legal action relating to the current breach of enforcement. Additional concern noted since the March report regarding the stationing of a mobile home on the nursery land section and the importation of brick rubble to form a track to link the upper field to the main residence. Assessment to the Planning Contravention response and the site inspection 10<sup>th</sup> May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. A report to the planning committee was prepared and submitted. The Committee authorised officers to apply to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307

The draft statements supporting the proposed proceedings have now been considered by Counsel with further information and authorisations being requested in order that the Injunction application can be submitted.

In May 2014, Committee resolved to give officers the authority sought and further work on compiling supportive evidence undertaken since. Periodic inspections of the land have been carried out, most lately in April 2015 (confirming occupation has not ceased, and that breaches of control are continuing and consolidating). Statements accordingly being revised and finalised to reflect; injunction proceedings still appropriate and proportionate to pursue

A claim against the occupier of the land in which the Council is seeking a planning injunction has now been issued in the High Court. A Defence has since been lodged to the Council's proceedings, and an attempt is being made to issue Judicial Review proceedings challenging the resolution to seek an injunction.

Following consideration of the documents lodged by the Claimant and Acknowledgement of service filed by the defendant, permission was refused; the application was considered to be totally without merit. Order by Rhodri Price Lewis QC, sitting as a Deputy High Court Judge - Injunction application, has been listed for an initial hearing at the High Court on 24 September; Hearing postponed due to the health of the defendant, hearing re-listed for 17 November 2015.

The Judicial Review application was rejected by Mr Justice Lindblom at the Court of Appeal. His Honour Mr Justice Park QC further dismissed an adjournment application made by the occupier of the land, and preceded with the Injunction hearing. The Order being sought was granted in full with an Order for the Councils costs to be paid. An Injunction now exists that restrains the occupier of the land

in respect of the unauthorised development at Hill trees represented by the commercial storage, car sales, and non-consented operational works that have occurred there. The injunction requires the defendant to i) cease by no later than 26<sup>th</sup> January 2016, the use of the land for any trade, business, commercial, industrial, storage or sales use (Including any use in connection with motor vehicles, their storage, sale or repair); ii) removes from the land, by no later than 26<sup>th</sup> January 2016, all vehicles, vehicle parts, plant machinery, equipment, materials, containers, mobile homes, caravans or trailers connected with uses described in (i); removes from the land, by no later than 26<sup>th</sup> January 2016, the material forming the roadway on the land. The time for filing an appellants notice to seek permission to appeal to the Court of Appeal is the 4<sup>th</sup> January 2016. The site will now be monitored for compliance.

An Appellant's Notice seeking to make an appeal against the injunction ordered on 17 November 2015 has been lodged with the Court of Appeal

25<sup>th</sup> January 2016 Rt. Hon. Lord Justice Lindblom on consideration of the Appellants notice and accompanying documents in respect of an application to appeal was refused, as being totally without merit.

An inspection of the land on the 26<sup>th</sup> January 2016 revealed that the unauthorised motor vehicles, trailers, caravans etc. had along with the unauthorised track been removed from the land as required by the Injunction.

The displaced vehicles have now been moved onto land at Little Abington owned by the occupier of Hill Trees and onto land adjacent to Hill Trees that belongs to Gonville and Caius College, Cambridge. Both parcels of land are the subject of extant enforcement notices. Currently advice has been sought through Counsel on the most effect route in dealing with this displacement and on balance it is felt that a High Court injunction, particularly given the recent successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches.

**b. Plot 11, Orchard Drive – Smithy Fen**

Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018.

The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.

Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. The Judicial review which was set for 29<sup>th</sup> October 2015 has taken place at the High Court of Justice, Queens Bench division, Planning Courts before The Honourable Mr Justice Lewis. The judgement was handed down on the 22<sup>nd</sup> January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant had lodged an application for permission to appeal but this was refused 25<sup>th</sup> January 2016. Notwithstanding the refusal of permission to appeal by the Planning Court at first instance, the claimant has now applied to the Court of Appeal for permission to appeal the Judicial Review outcome from January

**c. Land at Arbury Camp/Kings Hedges Road**

Failure to comply with planning conditions at land known as Parcel H1, B1 and G Under planning references S/0710/11, S/2370/01/O, S/2101/07/RM, 2379/01/O and S/1923/11

Notices part complied, remaining items under review  
Further six breach of conditions notices issued relating to landscaping  
A Site inspection with local parish, landscaping, planning and representatives from persimmon homes has now taken place, and that appropriate steps are being taken to remedy the identified breaches of Conditions – Works now underway to comply with the planning conditions previously identified.  
Further meeting with Officers and Persimmon Homes to take place in January 2016 to review progress

**d. 113b High Street Linton – Winners Chinese Take-Away**

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19<sup>th</sup> February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3<sup>rd</sup> September 2015 Cambridge Magistrates Court – The defendant was found guilty and fined £1000.00p + costs. Works to be carried out to ensure compliance with approved drawings – Further Non-material application received relating to other works on site. The changes were considered to be material and therefore a variation of condition application has been submitted - S/0263/16/VC Monitoring continues

**e. Sawston Football Club**

Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received and subsequently approved for conditions 3, 4 and Boundary Treatment – Conditions, 6,7,14,22,23,25,26,27,28,29,30,31,32 and 33 have now also been discharged. Following an application for a Judicial Review regarding the stadium, the Judicial review has taken place at the High Court of Justice, Queens Bench division, Planning Courts. The judgement was handed down and reported on the 15th January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed.

**Summary**

9. As previously reported Year to date 2014 revealed that the overall number of cases investigated by the team totalled 504 cases which was a 1.37% decrease when compared to the same period in 2013. The total number of cases YTD 2015 totalled 511 cases investigated which when compared to the same period in 2014 is a 1.4% increase in the number of cases investigated. The number of cases for February 2016 versus the same period in 2015 shows an overall increase of 4.6% and a year to date figure of 13.75% over the same period in 2015
10. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation, including Environment Health, Planning, Housing, Anti-Social behaviour Officers, Vulnerable Adults and Safeguarding Children Teams. Strategic Officer Group, dealing with traveller related matters

**Effect on Strategic Aims**

11. This report is helping the Council to deliver an effective enforcement service by

**Engaging with residents, parishes and businesses to ensure it delivers first class services and value for money**

**Ensuring that it continues to offer an outstanding quality of life for its residents**

**Background Papers:**

The following background papers were used in the preparation of this report:       None

**Report Author:**       Charles Swain – Principal Planning Enforcement Officer  
Telephone:       (01954) 713206

# Agenda Item 16



**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and New Communities Director

6 April 2016

## Appeals against Planning Decisions and Enforcement Action

### Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 23<sup>rd</sup> March 2016. Summaries of recent decisions of importance are also reported, for information.
2. **Decisions Notified By The Secretary of State:**

Ref.no	Address	Detail	Decision & Date
S/1195/15/FL	30 High Street Cottenham	Replace existing garage with 3 bay oak frame garage	Allowed 18/02/2016
S/3017/14/FL	22 Pipers Close Fowlmere	Siting of Static Mobile Home in rear garden & rear extension to dwelling	Allowed 19/02/2016
PLAENF 1647	22 Pipers Close Fowlmere	Enforcement Notice Breach of planning control – stationing of mobile home for residential purposes	Appeals: A, B, C & D Allowed Enforcement Quashed 19/02/2016
S/2761/14/FL	Horse and Groom Baldock Road Therfield Litlington	Demolition of Horse and Groom building and erection of 2 detached dwellings	Dismissed 19/02/2016
S/1441/15/FL	4 Caribou Way Teversham	Erection of dwelling	Dismissed 23/02/2016
S/2079/15/VC	The Travellers Rest Caravan Park Ely Road Chittering	Variation of Conditions 2 (Approved Plans) & 3 (Use of Areas)	Dismissed 24/02/2016
S/2079/15/VC	The Travellers Rest Caravan Park Ely Road Chittering	Application for costs by the appellant	Dismissed 24/02/2016
S/0642/15/FL	23 The Doles Over	Change of Use of land (landscaped area ) to being part of the curtilage of No. 23 The Doles, enclosed by a	Allowed 26/02/2016

		fence	
S/1539/15/FL	43 High Street Harston	Erection of dwelling following demolition of existing building	Allowed 01/03/2016
S/0227/15/FL	47 London Road Stapleford	Proposed Valeting Bay	Dismissed 01/03/2016
S/0920/15/FL	11 Finch's Field Little Eversden	New two bedroom single storey dwelling	Allowed 15/03/2016
S/0684/15/FL	22 Crossways Linton	Erection of dwelling.	Dismissed 22/03/2016

3. **Appeals received:**

Ref. no.	Address	Details	Appeal Lodged
S/1265/15/FL	37 Bisley Crescent Cambourne	Conversion of garage to habitable accommodation	04/02/2016
S/1527/15/FL	The Three Tuns 30 High Street Guilden Morden	Change of Use from A4 (Drinking Establishment) to C3 (Single Residential Dwelling House)	12/02/2016
ENF/128/15	45 North Road Abington	Enforcement Notice – without planning permission the erection of 1.96m fence adjacent to & within 1m of highway	17/02/2016
S/1944/15/FL	The Grange Old Road North Bassingbourn Cum Kneesworth	Development of one Eco-house	17/02/2016
S/2896/15/FL	9 Meadow Lane Linton	Extension to existing glazed link & insertion of 7 roof lights	18/02/2016
S/1442/15/OL	Land north of Lanthorn Stile Fulbourn	Residential Development – 50 houses and associated infrastructure	19/02/2016
S/2244/15/OL	Orchard Cottage Bury Lane Meldreth	Erection of Timber framed eco- friendly detached House	22/02/2016
S/2868/15/FL	Land at Babraham Road Fulbourn	Erection of Agricultural workers dwelling	23/02/2016
S/2434/15/AD	Cambridge Canteen Hills Farm Road Whittlesford	Display of 2 advertisements, 1 on main building and 1 roadside sign	26/02/2016
ENF/0473/13	Monkfield Nutrition Ltd Church Farm Barns Shingay Cum Wendy	Enforcement Notice – the erection of 3 buildings without planning permission	04/03/2016
S/2803/15/FL	13 Huntingdon Road	Erection of new two storey dwelling following demolition of existing single	13/03/2016



	Sawston,	storey side extension	
S/3113/15/FL	29 High Street Waterbeach	Two Storey Rear Extension following demolition of single storey extension	14/03/2016
S/2201/15/FL	Barnsbury House Coxs Drove Fulbourn	Conversion of Residential Annex to form New Dwelling	16/03/2016
S/3027/15/FL	119 Hay Street Steeple Morden	Erection of single storey dwelling	17/03/2016
S/1549/15/OL	18 Hall Drive Hardwick	Erection of a single dwelling within the curtilage of 18 Hall Drive	18/03/2016
ENF/0127/14	Monkfield Nutrition Ltd Church Farm Barns Shingay Cum Wendy	Enforcement Notice – Commercial breeding of reptiles and the siting of a mobile home for residential occupation	18/03/2016
S/2630/15/VC	46 North Road Great Abington	Removal of Conditions 2 (Landscape) and 3 (Landscape Implementation) of Planning Consent S/0699/15/FL for Polytunnels	21/03/2016
S/3250/15/FL	158 High Street Harston	Erection of 2 No. detached dwellings, together with hard and soft landscaping and associated infrastructure.	21/03/2016

4. **Local Inquiry and Informal Hearing dates scheduled:**

Ref. no.	Name	Address	Hearing/Inquiry
S/2409/14/FL	Sawston Solar Farm Limited	Land North of Dales Manor Business Park, Sawston	Hearing 22/03/16–23/03/16 Confirmed
S/1451/14/FL S/1476/13/LD S/2097/14/VC	Mr T Buckley	The Oaks Willingham	Inquiry 05/04/16–06/04/16 Confirmed
S/0410/15/RM S/0409/15/RM	Redrow Homes South Midlands	Land east of Cambridge Rd, Former CropScience site Hauxton	Hearing 14/04/2016 Confirmed
S/1248/15/FL	Aspire Residential Limited	Land north west of 14 Ivatt Street Cottenham	Hearing 19/04/2016 Confirmed
PLAENF.1663	Mr B Arliss	Riverview Farm Overcote Road Over	Enforcement Inquiry 26/04/16 Confirmed

PLAENF.1671	Mr Andrew Kyprianou	34 Mingle Lane Stapleford	Enforcement Hearing 11/05/16 Confirmed
S/0677/15/OL	C H Neal & Sons	Land south of Kettles Close Oakington	Hearing 21/06/2016 Confirmed
S/0892/15/LD	Mr M Dwyer	Managers Accommodation Enterprise Nurseries Waterbeach	Inquiry 05/07/16–06/07/16 Confirmed
S/2791/14/OL	Endurance Estates Strategic Land Ltd	East of New Road Melbourn	Inquiry 12/07/16–14/07/16 Confirmed
S/2273/14/OL	Mr D Coulson	Land at Teversham Road Fulbourn	Inquiry 13/09/16-16/09/16 & 20/09/16-21/09/16 Confirmed

## 5. Summaries of recent decisions

### **Mr and Mrs Wren – Change of use from common ground to garden land and erection of 1.8 m high close-boarded fence – 23 The Doles, Over – Appeal allowed.**

1. This application was refused by the Planning Committee at its meeting on 3 February 2016. The main issue was the effect of the proposed fence on the character and appearance of the informal open space and its surroundings. The appeal was considered by way of written representations.
2. The appeal site currently forms part of a larger landscaped public amenity space at the junction of The Doles and Drings Close, immediately adjoining 23 The Doles. It is characteristic of the local area. However, while properties to the south of Drings Close have generally open front gardens and a uniformity in the layout of this small estate, the houses in The Doles demonstrate greater variety in form as do the boundary treatments with a range of hedges, walls and fences of varying heights.
3. The inspector found the existing open landscaped space provides a contrast to the built form of the dwellings behind, when approached from the west. Together with other areas of informal landscaping nearby and the wide road junction, the area at the junction of The Doles and Drings Close has an open character. However, he found that the proposal to enclose part of the landscaped open space with a closely boarded wooden fence would not, in my view, adversely affect the open character of the locality. The area of land to be enclosed would be small in comparison with the landscaped area as a whole and the experience of openness would not be greatly reduced as a result of the enclosure.

4. Over Parish Council had commented that the proposed fencing would not be in keeping with the existing walls surrounding the green but whilst walls are more common than fences in the immediate vicinity the inspector found that there are examples of fences nearby. In addition, a fence as a means of enclosure would soften the hard backdrop to the open space which is currently provided by the boundary wall to the appeal site.
5. The proposal was found to accord with Policy DP/2 of the adopted LDF which requires new development to be of a high quality and to preserve or enhance the character of the local area. The appeal was therefore allowed.

**Mr J Page - Seasonal use of touring caravan site without complying with conditions attached to planning permission Ref S/2420/13/VC – Chittering Park, Ely Road, Chittering, Waterbeach – Appeal dismissed and costs claim by the appellant dismissed.**

6. This appeal sought permission for the existing seasonal use to occur all year round. The relevant part of the site in question is currently used for camping and touring caravans from 1 April – 30 September during any one year. The main issue in this appeal was the effect of allowing the use of the site for the additional months of October to March on the living conditions of occupiers of nearby dwellings taking particular account of noise and disturbance. The appeal was dealt with through written representations.
7. The inspector concluded that it is not uncommon for residents to experience some noise from nearby activities. In this case sources of noise for residents on School Lane which abuts the site include a children's play area near the site access, the Traveller's Rest public house, traffic noise from the nearby A10 Ely Road and the existing use of Chittering Park. Activities associated with Chittering Park include vehicles coming and going on School Lane and within the site, manoeuvring of vehicles and caravans onto pitches, children playing, playing of music, conversations between adults including from outdoor dining and socializing and use of the amenity facilities such as the kitchen/laundry area. At present the scale of such activities and any associated noise is limited by the restrictions of times that parts of the site can be used.
8. As such, it was considered to be appropriate to provide some respite for residents from noise and disturbance. The use of an increased number of pitches would increase the activities described above. This would have a greater impact on the living conditions of nearby houses than exists at present. No hard evidence had been provided in relation to actual noise levels from the use of Chittering Park. More visitors would result in a more intensive use of the facilities blocks than at present. In his judgement the inspector concluded that material harm through noise and disturbance would be caused to occupiers of nearby houses. The current arrangements provided a good balance between the appellant's desire to expand his business with the reasonable expectations of existing and future occupiers of nearby houses to enjoy peace and quiet and a good standard of amenity.
9. The appeal was therefore dismissed. In seeking an award of costs, the appellant asserted that the Council did not properly take account of recent changes in circumstances, particularly the new facilities built close to the boundaries with gardens; had given no appropriate weight to the enterprise/wider economic benefits

arising from the proposal; that the Council failed to substantiate its view and that third parties and consultees did not support the Council's view.

10. Nonetheless, the inspector found that the Council was entitled to come to the conclusion it had and had not acted unreasonably. The claim for costs was dismissed.

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