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5 January 2021

To: Chair – Councillor John Batchelor
Vice-Chair – Councillor Pippa Heylings
All Members of the Planning Committee - Councillors Anna Bradnam,
Dr. Martin Cahn, Peter Fane, Dr. Tumi Hawkins, Judith Rippeth,
Deborah Roberts, Heather Williams, Dr. Richard Williams and Nick Wright

Quorum: 3

Substitutes Councillors Grenville Chamberlain, Mark Howell,
if needed: Dr. Shrobona Bhattacharya, Graham Cone, Sue Ellington,
Henry Batchelor, Dr. Claire Daunton, Eileen Wilson, Geoff Harvey,
Brian Milnes and Dr. Douglas de Lacey

Dear Councillor

You are invited to attend the next meeting of **Planning Committee**, which will be held as a **Virtual meeting - Online** on **Wednesday, 13 January 2021 at 10.00 a.m.** **A weblink to enable members of the press and public to listen to the proceedings will be published on the relevant page of the Council's website , normally, at least 24 hours before the meeting.**

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
Liz Watts
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

Agenda

1. **Chair's announcements**

2. **Apologies**

To receive apologies for absence from committee members.

Pages

3. **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.

4. **Minutes of Previous Meeting**

To authorise the Chairman to sign the Minutes of the meeting held on 9 December 2020 as a correct record.

1 - 6

5. **20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)**

7 - 48

Hybrid planning application consisting of full planning permission for Phase 1 and outline planning permission with all matters reserved except access for Phase 2 of the redevelopment of the former Gestamp Factory site at Bourn Airfield for up to 26,757sqm/288,000sqft of commercial floorspace purposes (use class B1c light industry, B1b research and development and B8 warehouse and distribution with supplementary use classes A3 restaurant and cafe, D1 day nursery/creche, D2 gym), associated car parking and service yards, external earthworks, attenuation basins and landscaping. This application is subject to an Environmental Impact Assessment.

6. **S/3290/19/RM - Fulbourn (Land East of Teversham Road)**

49 - 94

Approval of matters reserved for appearance landscaping layout and scale following outline planning permission S/0202/17/OL for the development of 110 dwellings with areas of landscaping and public open space and associated infrastructure works The outline was screened and confirmed not to be Environmental Impact Assessment (EIA) development.

7. **S/3215/19/DC - Longstnnton (The Retreat, Fews Lane)**

95 - 242

Discharge of Conditions 4 (Foul Water Drainage) and 5 (Surface Water Drainage) of planning permission S/2937/16/FL

8.	20/02453/S73 - Longstanton (The Retreat, Few's Lane)	243 - 378
	Variation of Condition 7 (Traffic Management plan) pursuant to planning permission S/0277/19/FL to reflect the proposals in the Traffic Management Plan to substitute the current wording in Condition 7 with "The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019" (Re-submission of 20/01547/S73)	
9.	Planning Advisory Service Review of Planning Committee	379 - 400
10.	Enforcement Action: 146 Cambridge Road, Wimpole	401 - 406
11.	Enforcement Report	407 - 414
12.	Appeals against Planning Decisions and Enforcement Action	415 - 422

GUIDANCE NOTES FOR MEMBERS OF THE PUBLIC FOR REMOTE MEETINGS

Members of the public are welcome to view the live stream of this meeting, except during the consideration of exempt or confidential items, by following the link to be published on the Council's website.

Any person who participates in the meeting in accordance with the Council's procedure rules, is deemed to have consented to being recorded and to the use of those images (where participating via video conference) and/or sound recordings for webcast purposes. When speaking, members of the public should not disclose any personal information of any individual as this might infringe on the rights of that individual and breach the Data Protection Act.

For more information about this meeting please contact democratic.services@scams.gov.uk

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'.

Agenda Item 4

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 9 December 2020 at 10.00 a.m.

PRESENT: Councillor John Batchelor – Chair
Councillor Pippa Heylings – Vice-Chair

Councillors: Anna Bradnam Dr. Martin Cahn
Peter Fane Dr. Tumi Hawkins
Deborah Roberts Heather Williams
Dr. Richard Williams Nick Wright

Officers in attendance for all or part of the meeting:

Sharon Brown (Assistant Director (Planning Delivery)), Christopher Carter (Delivery Manager - Strategic Sites), David Norris (Principal Planning Officer), Kate Poyser (Principal Planner), Stephen Reid (Senior Planning Lawyer), Ian Senior (Democratic Services Officer) and Jonathan Tully (Internal Audit)

1. Chair's announcements

For the benefit of members of the public viewing the live webcast of the meeting, the Chair introduced Committee members and officers in attendance.

He explained that this meeting of the Planning Committee was being held virtually and asked for patience bearing in mind the challenges posed by the technology in use and by the new meeting skills required.

The Chair confirmed that the Planning Committee would continue with the practice of recording votes unless a resolution could be reached by affirmation. He explained the process he would follow in a virtual meetings environment.

He confirmed that the meeting was quorate but informed members of the public that, if a Committee member was absent for any part of the presentation of or debate about an agenda item then that member would not be allowed to vote on that item.

2. Apologies

Councillor Judith Rippeth sent Apologies Absence.for

3. Declarations of Interest

Councillor Deborah Roberts declared a non-pecuniary interest in Minute 6 (S/4252/19/FL - Fowlmere (Cherry Tree Field, Shepreth Road)). As a member of Fowlmere Parish Council, Councillor Roberts had been present at meetings at which this application had been discussed but was considering the matter afresh.

The Chair added that all those Committee members at the current meeting who had previously considered this application on 11 November 2020 should be deemed as considering the matter afresh. The only Member present who had not been present at the meeting in November was Councillor Pippa Heylings.

Councillor Dr. Tumi Hawkins declared a non-pecuniary interest in Minute 5 (20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)), Councillor Dr. Hawkins had been present at meetings where this application had been discussed but was considering the matter afresh.

Councillor Nick Wright declared a non-pecuniary interest in Minute 5 (20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)), Councillor Wright knows the farming family which owns Bourn Airfield.

4. Minutes of Previous Meeting

By affirmation, the Committee authorised the Chair to sign, as a correct record, the Minutes of the meeting held on 11 November 2020, subject to the following:

Minute 11 – Enforcement Report

Add “Councillor Heather Williams had concerns about the year-to-date figures and open and close dates being out of kilter with previous years.”

Councillor Pippa Heylings had not been present at the meeting on 11 November 2020 and was therefore not part of the affirmation.

5. 20/02568/FUL - Bourn (Former Gestamp Factory, Bourn Airfield)

The Delivery Manager (Strategic Sites) outlined the circumstances that had led to there now being an additional period of consultation ending on 29 December 2020.

Upon the proposal of Councillor Heather Williams, seconded by Councillor Nick Wright, and upon the Chair’s casting vote, the Committee resolved not to defer the application but, instead, to debate the issues and give officers delegated authority to determine the application, in accordance with the Committee’s wishes, subject to no issues being raised during the additional consultation period ending on 29 December 2020. Should such issues be raised, the application would be referred back to Committee for reconsideration.

(Councillors Bradnam, Roberts, Heather Williams, Richard Williams and Wright voted to defer, Councillors John Batchelor, Cahn, Fane, Hawkins and Heylings voted to determine the application. Councillor Batchelor, as Chair, cast his vote in favour of determining the application at the current meeting.)

The case officer reported that the Local Highways Authority had withdrawn its objection. Accordingly, Members should consider Condition 1 in the report as deleted and the remaining Conditions to be renumbered accordingly.

Jeremy Aitchison (applicant’s agent), Mike Beadman (applicant) and Councillor Des O’Brien (Bourn Parish Council) addressed the meeting. In response to a

question of clarification from Councillor Deborah Roberts, Councillor O'Brien said that Bourn Parish Council would be raising issues before the end of the public consultation period.

After taking advice from the Senior Planning Lawyer and Delivery Manager (Strategic Sites), the Chair proposed, seconded by Councillor Anna Bradnam, that the application be deferred. By affirmation, the Committee **deferred** the application until after the end of public consultation on 29 December 2020.

6. **S/4252/19/FL - Fowlmere (Cherry Tree Field, Shepreth Road)**

The Chair announced that, since the committee report had been written, letters had been received from solicitors acting on behalf of Fowlmere Parish Council in respect of the 'fallback' position namely, the previously agreed Class Q for two dwellings. Members had considered that issue to be crucial in approving the application on 11 November 2020. In reply to these letters, the applicant's solicitor had submitted responses that were completely contrary to the views expressed by the Parish Council's legal advisor. The detailed legal arguments in this correspondence required further consideration to enable Members to make a robust, informed decision. Officers therefore recommended that the application be deferred to the committee meeting in January 2021, to allow officers to provide Members with a report that fully considered the new points that had been raised.

In response to concern raised by Councillor Heather Williams, the Delivery Manager (Strategic Sites) said that, deferral would give rise to a technical risk of an appeal for non-determination, he was aware that the applicant was keen that this application should be determined by the Planning Committee.

Upon the proposal of Councillor John Batchelor, seconded by Councillor Pippa Heylings, and despite some Members' reservations about process, the Committee by affirmation **deferred** the application to enable officers to provide Members with a report that fully took into account all of the new points raised.

7. **Decision Notices - Process Review**

The Committee **received and noted** a report on the outcome of an Internal Audit investigation into the planning decision-making process.

The Head of Shared Internal Audit highlighted key aspects of the Internal Audit report contained in Appendix A.

Councillor Heather Williams said that, prior to being presented to the Planning Committee, the report had been shared with leaders of the Council's Liberal Democrat, Conservative and Labour Groups, and with the Convenor of the Independents. Her principal concerns related to those instances where public consultation periods had been extended in error, and the apparent need for training in the use of the new planning computer system.

The Assistant Director (Delivery) made a statement publicly apologising for the sequence of events that had culminated in the Internal Audit report. She made the

following points:

- A review of the decisions process had been instigated and was on-going
- Additional user-prompts had been added into relevant screens on the computer software
- Specific and general issues encountered in issuing notification letters had been addressed
- There was a need for officers to understand the implications of their actions
- A 'Service Champions' Group had been established
- Staff training had already taken place but regular refresher training would be essential in the future
- There needed to be a clear process for authorising systems changes. In future, this ultimately would be the responsibility of the Assistant Director (Delivery) or Delivery Manager (Development Management).

Members welcomed the thorough nature of the Internal Audit investigation but recognised that further issues might yet come to light. Of immediate importance was to address the situation in which the computer software automatically allowed an additional consultation period.

The Head of Shared Internal Audit acknowledged the need to strike a balance between risk and efficiency. The Assistant Director (Delivery) confirmed that officers considered that to be significant in concluding the process review successfully.

8. **Enforcement Report**

The Committee **received and noted** an Update on enforcement action.

Councillor Nick Wright regretted the fact that Smithy Fen, Cottenham did not feature in the report. He requested that the lawyer responsible for the legal aspects of the enforcement action there should attend the next meeting of the Planning Committee and that update reports should be received at each Committee meeting thereafter until the matter was resolved.

Councillor Heather Williams had ongoing concerns about the year-to-date figures and open and close dates being out of kilter with previous years.

Councillor Anna Bradnam requested that the details of the matter at Fen Road, Milton be updated to reflect that this site is in Milton and not Chesterton. Further, Councillor Bradnam sought clarity in respect of the requirements of the enforcement notice and when they would take effect. The Delivery Manager (Strategic Sites) advised that this information would be provided by the Enforcement Officer outside the meeting.

The Assistant Director (Delivery) outlined the steps being taken to strengthen both staffing levels and process within the enforcement team.

9. **Appeals against Planning Decisions and Enforcement Action**

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

Councillor Heather Williams requested information relating to the two appeals listed for an Informal Hearing at Sawston. The Delivery Manager (Strategic Sites) undertook to provide copies of the relevant appeal statements.

The Meeting ended at 12.20 p.m.

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Agenda Item 5



13 January 2021

Report to: South Cambridgeshire Planning Committee

Joint Director of Planning and Economic Development

Lead Officer: Kate Poyser

Ref. no. 20/02568/FUL

Site address – Former Gestamp Factory Site, Bourn Airfield

Proposal: Hybrid planning application consisting of full planning permission for Phase 1 and outline planning permission with all matters reserved except access for Phase 2 of the redevelopment of the former Gestamp Factory site at Bourn Airfield for up to 26,757 sqm/288,000sqft of commercial floorspace purposes (Use Class B1c – light industry, B1b – research and development and B8 – warehouse and distribution with supplementary Use Class A3 – restaurant and café, D1 – day nursery/creche and D2 – gym), associated car parking and service yards, external earthworks, attenuation basins and landscaping. This application is subject to an Environmental Impact Assessment.

Applicant: Diageo Pension Trust Ltd

Key material considerations: The key material planning considerations relate to:

- the principle of the development in this location;
- whether the development meets the requirements of Policy SS/7 – New Village at Bourn Airfield and Supplementary Planning Document (SPD) – Bourne Airfield New Village.
- highway and transport matters;
- impact on landscape, design and appearance;
- sustainability and drainage;
- ecology,
- living conditions of local residents.

Date of Member site visit: -

Is it a Departure Application? No

Decision due by: An extension of time has been agreed until 15th December 2020. The applicant has not responded to a request to agree a further extension of time.

Application brought to Committee because: This is a major application.

Presenting officer: Kate Poyser

Up-Date

Reason for deferral

1. This application was deferred at the meeting of the Planning Committee on 9th December. The reason for the deferment was due to a technical administrative error. This occurred when letters, giving notification of the consideration of the application at the 9th December Meeting, were sent out. Inadvertently, a further consultation period was generated on the public access website which did not expire until 29th December 2020. It was decided that for legal reasons, a decision could not be made until the further consultation period expired.
2. Consideration was given to debating the issues at the 9th December Meeting and delegating authority to Officers to determine the application, in accordance with the Committee's wishes, subject to no issues being raised during the additional consultation period.
3. However, when Cllr O'Brien of Bourn Parish Council addressed the meeting, he confirmed that parish council would be raising issues before the end of the additional public consultation period. Following legal advice Members decided to defer consideration of the application until the end of the additional public consultation period.
4. Further comments have been received from Bourn Parish Council, which are copied in full below.

"Bourn Parish Council object to Planning Application 20/02568/FUL on the following grounds:

1. The application's Transport Assessment heavily promotes sustainable modes of transport for the site. This promotion, on multiple occasions, makes very specific reference to the Cambourne to Cambridge HQPT system. In light of the continuing significant uncertainty around the delivery of a High-quality Public Transport on the A428 corridor, these plans must be reviewed. Page 7 of the Transport Assessment document contains numerous references to the HQPT scheme proposed for the A428 corridor.

2.25. Known as the Cambourne to Cambridge Corridor, plans for a dedicated off-road public transport route between Cambourne and Cambridge have been put forward by the Greater Cambridge Partnership (GCP). It is proposed this segregated bus route would also include new walking and cycling routes as well as a new travel hub at Scotland Farm.

2.26. The proposed route uses existing roads through Cambourne before joining a dedicated section of new road through the planned Bourn Airfield

development before continuing south along the A428 and A1303. In the long-term, it is expected that this scheme will form part of the Cambridgeshire Autonomous Metro (CAM).

2.27. These improvements will provide better connections between the site and existing settlements along the A428 corridor, providing future employees of the site with alternative travel options. This in turn will assist in reducing congestion along the corridor.

Page 12 features references to the Transport Strategy and HQPT specifications for the site.

3.13. The Long-Term Transport Strategy sets out all of the long-term development to the transport network within Cambridgeshire County over the plan period and forms part of the LTP3. Within the Long-Term Transport Strategy, it sets out two improvements associated with the adjacent development at Bourn Airfield;

- Bourn Airfield Bus Links—A segregated bus link from Cambourne to Bourn Airfield, and on through the new Bourn Village to the junction of St Neots Road with Highfield Road;
- Bourn Airfield to A428/ A1303 junction bus links – Any measures necessary to ensure that a bus journey between Highfields and the junction of the A428 and the A1303 is direct and unaffected by any congestion suffered by general traffic.

3.22. There are several infrastructure improvement proposals set out within Policy SS/7 which will benefit the proposed development. These include:

- Provision of a segregated bus link from Cambourne to Bourn Airfield new village across the Broadway, and on through the development to the junction of the St Neots Road with Highfields Road;
- Any measures necessary to ensure that a bus journey between Caldecote/ Highfields and the junction of the A428 and the A1303 is direct and unaffected by any congestion suffered by general traffic;
- Provision of high quality bus priority measures or busway on or parallel to the A1303 between its junction with the A428 and Queens Road, Cambridge.

It's clear that the Vectos Transport Assessment is using the Cambourne to Cambridge busway as a means of justifying its sustainability credentials stating that '(the busway) will provide future employees of the site with alternative travel options'. Given the debate and revisions associated with the HQPT system, its ability to provide employees of the site with an alternative transport option can no longer be taken as read. We must insist that plans for this key infrastructure must be completed, and a delivery date confirmed, before this planning application can be determined.

2. We are concerned that no cumulative traffic assessment appears to have been completed and we are left with 2 transport assessments - the Gestamp Factory application and the Bourn Airfield new settlement application - and no real attempt to assess the cumulative effect on the local network of both applications.

3. We would also like to point out the discrepancy between vehicle trips into the site in the morning rush hour 7.30 to 8.30 (124) and the proposed number of car parking spaces - 434 for Phase 1 and a further 190 for Phase 2. That's a total of 624 car parking spaces.

The number of car parking spaces would appear to be far in excess of the number of spaces needed if we accept the Transport Assessment's projections for vehicle trips into the site in the morning rush hour. At the original Planning Committee Meeting in December 2020 the applicant informed the committee that they were anticipating approximately 800 people to be employed on site. Cambridgeshire's own modal shift figures (referenced as table 5.11 in the applicant's Transport Assessment) points to a mode split of 82.8% for car drivers. Based on 800 employees that would be 662 vehicle trips. This figure would help justify the 624 car parking spaces.

Table 5.11: South Cambridgeshire 010 MSOA Workplace Population Mode Split

Travel Mode	Mode Split
Public Transport	3.5%
Taxi	0.1%
Motorcycle	0.9%
Car Driver	82.8%
Car Passenger	3.3%
Bicycle	3.9%
On Foot	5.5%
Total	100%

However, the same Transport Assessment suggests in Table 5.12 that the number of arriving vehicles in the morning peak (between 7.30am and 8.30am) would only be 124.

Table 5.12: Multi Modal Trip Generation

Ca ap sp:		AM Peak (0730-0830)			PM Peak (1700-1800)		
		Arr	Dep	Tot	Arr	Dep	Tot
	Public Transport (Bus)	5	3	8	1	4	5
	Taxi	0	0	0	0	0	0
	Motorcycle	1	1	2	0	1	1
	Car Driver	124	62	185	34	92	126
	Car Passenger	5	2	7	1	4	5
	Bicycle	6	3	9	2	4	6
	On Foot	8	4	12	2	6	8
	Total	149	74	224	41	112	152

*Note errors due to rounding

Bourn Parish council would like to see:

- Further analysis on the impact of the delay to, and uncertainty around, the Cambourne to Cambridge HQPT system.
- An assessment of the cumulative traffic impact for both of the airfield applications.
- Clarification on morning traffic movements and the provision of car parking spaces.”

5. **County Transportation** comments can be found in Paragraph 47 below. In addition to this, further advice is given which is copied below.

“ The assessment is based on the standard TRICS approach, which looks at the typical number of trips associated with the types of land use proposed (the TA also highlights that there is an extant consent for the site).

It’s not clear where the 800 jobs figure came from. This wasn’t included in the transport information submitted. Rather – the approach was land use based and assumes typical observed trips at B1/B8 sites from the TRICS database.

Note that the table refers to the number of trips in the peak hour only, not the total number of employee trips.

The level of parking provision is a matter for the LPA.”

6. **The applicant** has offered further advice, which is copy below:
“The ‘disparity’ noted by Bourn Parish Council is due to the fact that not all employees will arrive at the site during the AM peak hour. For example, the trip generation assessment shows that there are also 131 arrivals between 08:30 – 09:30, and a further 92 arrivals between 09:30 – 10:30. The level of car parking spaces has been proposed to accommodate workers and visitors throughout the day and to reduce the risk of overspill on-street parking which would have a detrimental effect on the operation of the site.”

7. **Planning considerations**

It is relevant to be aware of the most recent developments relating to the delay of the C2C busway service, referred to in the Transport Assessment and in the above comments of Bourn Parish Council. The Greater Cambridge Partnership has been considering the route for the proposed Cambourne to Cambridge (C2C) scheme, which will provide a high-quality busway service. Progress was delayed in February 2020 as a result of the Cambridgeshire and Peterborough Combined Authority’s concern about the scheme and a suggestion for an alternative, north route. The alternative route was considered on 4th November. Officers confirmed that the alternative route would be more expensive and perform less favourably than the initial GCP recommended preferred route and had limited technical appraisal. It was also

considered that the CPCA had no mandate to progress further with the alternative proposal. The GCP's Cambourne to Cambridge proposals are therefore now being brought back to the Executive Board. It is estimated that the scheme will not be complete until 2024.

8. With regard to the second objection, the cumulative effect of the proposed Bourn New Village and the Gestamp scheme has been taken into account, as mentioned by the County Transportation unit in paragraph 46 below.
9. Bourn Parish Council questions the methods for calculating traffic and for car parking space provision. The TRICS method for calculating trip generation is a nationally recognised method based on land uses. The car parking figures are locally adopted figures for South Cambridgeshire, under Policy T1/3 in the South Cambridgeshire Local Plan 2018 and is based on land use. The figure of 800 jobs is a maximum estimation of the applicant and the method of calculation is not given.
10. The above objections of Bourn Parish Council have not materially changed from the objections raised in its previous representation. The officer advice remains unchanged and the recommendation still stands that there are no sustainable planning objections to raise to the proposed development.

11. Other matters for up-dating

The applicant withdraws their support for Condition 1, which is copied below.

Condition 1 - Footway

No units shall be occupied until such time as the footway on the west side of Highfields Caldecote, between Bosserts Way to Clare Drive has been widened to 2 metres wide, in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason – In the interests of highway safety and sustainable travel, as required by South Cambridgeshire Local Plan 2018 Policies T1/2, T1/8 and HQ/1.

12. The reason they now object to the condition is explained below.

“...my Client's position on this Condition has now changed and that they object to the imposition of this Condition in any form.

My Client commissioned a report to identify what utility infrastructure may be present below the footpath, which has revealed that there is power, gas, telecoms and 2 lots of statutory water utilities under the pavement. A copy of the Report is attached for your information.

As a consequence the costs associated with either the re-routing or disruption to the utility infrastructure will be such that the proposed works cannot be regarded as fairly and reasonably related in scale and kind to the development, and as such fails to meet the statutory tests set out in Regulation 122 of the CIL Regulations.

As you know my Client's considered that the Condition failed the statutory tests in any event given that the works are not necessary to make the development acceptable in planning terms as there is already a footpath on both sides of the road, and that it is not directly related to the development being some 1.5km from the site.

For the reasons set out above, my Client no longer supports the imposition of Condition 1 which should be deleted."

13. The County Highway Authority has been consulted on this matter. Whilst initially expressing a preference to seek the widening of the path under this application, further consideration has resulted in the objection being withdrawn.
14. It is therefore recommended that the condition be omitted from the recommendation. The recommendation below has been altered accordingly and the conditions re-numbered.
15. Cllr Anna Bradnam kindly noticed that an urban design condition had been omitted from the recommendation of the previous report. The condition is recommended by the Urban Design Officer and is copied below. It has now been included within the list of conditions (Condition 4) in the recommendation below.

"Prior to the occupation of any of the buildings, hereby approved, details, to include dimensions, materials and appearance, of the following shall first be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented as approved.

- a) Cycle stands and cycle shelters.
- b) The feature fence adjacent to Unit 1.
- c) Handrails.
- d) Freestanding external lighting.
- e) Wayfinding signage.
- f) Any café kiosk.
- g) Substation enclosures.

Reason: In the interests of the appearance and function of the completed scheme."

Executive Summary

16. The application is a third attempt to redevelop a redundant industrial site which lies towards the north east corner of the Bourn Airfield. There is an extant planning permission for a new building of 17,720 square metres for Class B2 – general industrial use, with a subordinate Class B1 Use – office and light industrial and Class B8 – warehouse and distribution. This has been partly implemented by the former factory buildings being levelled to the ground.

17. The application site lies within land identified as a strategic site for the New Bourn Airfield Village within South Cambridgeshire Local Plan 2018. The strategic site would provide 3,500 homes with associated services, facilities and infrastructure. The application site is referred to in the Supplementary Planning Document (SPD) "Bourn Airfield New Village" as being for employment purposes. The scheme would a significant number of jobs.
18. As required by the SPD, the submitted scheme would enable good connectivity to be provided with the new village, for when the development of both this site and the new village is complete. The former factory site would be developed in 3 phases and the first 2 phases are the subject of this application. There is an existing vehicular access serving the site from the Caldecote roundabout on St Neots Road. Initially this would remain but would be realigned and improved with the addition of pedestrian and cycling facilities as part of the Bourn Airfield New Village scheme.
19. The development itself would provide units of varying sizes, including small units suitable for local employers. The largest unit has a nominated occupier – Cambridge Design Partnership. One of the main design features of the site is a long green corridor running north/south through its centre. This would provide a swale for surface water drainage with a shared pedestrian/cycle path running a serpentine curve along and across it. This would provide pedestrian access to the fronts of several units.
20. Negotiations have taken place to improve the scheme. There has been a revised drainage scheme; confirmation that the Caldecote roundabout can accommodate the additional traffic; the traffic would not have a significant impact on the existing highway network; there would be an increase in biodiversity and there would be no harm to nearby living conditions in terms of noise etc. Following the receipt of amended information, initial objections from consultees have been overcome, subject to conditions. An exception to this is that the County Highway Authority require pedestrian and cycle improvements linking the site to Highfields Caldecote. This will be provided, but as part of the wider Bourn New Village scheme, as the relevant land is beyond the control of the applicant. The planning balance is such that the recommendation is for permission to be granted for both the full and outline applications, subject to conditions.

Relevant planning history

21. S/1020/13/FL – Demolition of existing buildings and replacement buildings for uses falling with Class B1, B2 and B8 – approved.
22. PRE/0263/18 - Phased redevelopment for range of B1c/B2/B8 uses totalling circa (393,350sqft)
23. S/3440/18/OL – Outline planning permission for a new mixed use village comprising residential development of approximately 3500 dwellings mixed uses comprising employment retail hotel leisure residential institutions

education community facilities open space including parks ecological areas and woodlands landscaping engineering for foul and sustainable urban drainage systems footpaths cycle ways public transport infrastructure highways including a principal eastern access from the roundabout on St Neots Road and western access with Broadway including first section of strategic public transport route associated infrastructure groundworks and demolition with all matters reserved except for the principal highway junctions from the St Neots Road roundabout and onto Broadway with some matters reserved except for access. This application is subject to an Environmental impact assessment. - This is a current application yet to be determined and relates to land surrounding the application site.

24. S/1031/19/OL - Outline application for the redevelopment of the site for up to 24620 sqm (265000sqft) of commercial floorspace for B1c – light industry and B8 – warehouse, car parking and associated works - withdrawn.
25. S/4080/19/E2 – Environmental Impact Assessment Scoping Option.

Planning policies

National Guidance

26. National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG)

South Cambridgeshire Local Plan 2018

27. 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/12 Phasing, Delivery and Monitoring
 - SS/7 New Village at Bourn Airfield
 - CC/1 Mitigation and Adaptation to Climate Change
 - CC/3 Renewable and Low Carbon Energy in New Developments
 - CC/4 Water Efficiency
 - CC/6 Construction Methods
 - CC/7 Water Quality
 - CC/8 Sustainable Drainage Systems
 - HQ/1 Design Principles
 - E/10 Shared Social Spaces in Employment Areas
 - E/13 New Employment Development on the Edges of Villages
 - E/17 Conversion or Replacement of Rural Buildings for Employment
 - S/2 The Development Strategy to 2031
 - SC/2 Health Impact Assessment

SC/9 Lighting Proposals
SC/10 Noise Pollution
SC/11 Contaminated Land
SC/12 Air Quality
SC/14 Odour and Other Fugitive Emissions to Air
NH/2 Protecting and Enhancing Landscape Character
NH/4 Biodiversity
NH/6 Green Infrastructure
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/10 Broadband

South Cambridgeshire Supplementary Planning Documents (SPD)

- 28. Sustainable Design and Construction – Adopted January 2020
- District Design Guide – Adopted 2010
- Maintenance of Sustainable Drainage Systems – Adopted 2016
- Bourn Airfield New Village – Adopted 2 October 2019

Other Material Planning Considerations

- 29. Cambridgeshire and Peterborough Local Enterprise Partnership (LEP)
Strategy: Strategic Economic Plan (2014)

Cambridge and Peterborough Strategic Spatial Framework, Towards a Sustainable growth Strategy to 2050, March 2018

Government Guidance – Cycle Infrastructure Design (Local Transport Note 1/20)

Consultation

- 30. Full detailed comments of those consulted and of local residents are available to read on the Council's public access website. The following is largely summarised.
- 31. **Bourn Parish Council** – “Bourn Parish Council object to Planning Application 20/02568/FUL on the grounds the promotion of sustainable modes of transport for the site have been dealt a critical blow by the uncertainty around the delivery of a High Quality Public Transport on the A428 corridor. The Vectos Transport Assessment that accompanies the planning application states that the 'Cambourne to Cambridge busway is seen as a keyway of encouraging further sustainable travel' and 'will provide future employees of the site with alternative travel options'. This is no longer the case. We must insist that plans for this key infrastructure must be completed, and a delivery date confirmed, before this planning application can be determined. In addition, we are concerned that no cumulative traffic assessment appear to have been completed and we are left with 2 transport assessments - the Gestamp

Factory application and the Bourn Airfield application - and no attempt to assess the cumulative effect on the local network of both applications.

We would also like to point out the discrepancy between vehicle trips into the site in the morning rush hour 7.30 to 8.30 (124) and the number of proposed parking space in Phase 1 (434). Bourn Parish council would like to see: - Further analysis on the impact of the delay to, and uncertainty around, the Cambourne to Cambridge HQPT system - An assessment of the cumulative traffic impact for both of the airfield applications - Clarification on morning traffic movements and the provision of car parking”

32. **Caldecote Parish Council** – “Caldecote Parish Council support this application in principle and recognises the opportunities this development will bring to the community. However, there are concerns.
 1. There will be a significant impact on the roundabout at the access and egress to the site. Members are concerned that the present design of the roundabout and junction is inadequate to cope with the increase in traffic movements, particularly that there are a number of significant developments planned for the village.
 2. Regarding the B8 development, concerns about 24 hour working.
 3. Night-time working will increase light pollution”
33. **Cambourne Parish Council** – No comments received.
34. **Childerly Parish Council** – No comments received.
35. **Hardwick Parish Council** – No comments received.
36. **Ecology** – following lengthy negotiations and the submission of amended information the Council’s Ecologist advises the following.

“Although the site has not achieved a measurable net gain in area biodiversity, it has achieved a significant increase in hedgerows, and provided significant non-measurable biodiversity enhancements. I believe this will provide a net positive biodiversity outcome for this site: therefore I can remove my objection on these issues.”
37. **Natural England** – Raises no objections – “Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.” Further advice is offered relating to ecological mitigation and biodiversity enhancement.
38. **Landscape Architect** – “Generally the landscape proposals are acceptable, but there are areas where amendments and additional information is required – particularly with tree removal and landscape treatment to the northern boundary design and layout of the areas of open space/SuDS areas, Suggest that these amendments can be achieved through suitable conditions.”

The suggested conditions are included within the recommendation below.

39. **Urban Design** – “Officers are supportive of the proposals in urban design terms. Most of the previously raised concerns in relation to the sense of arrival, the elevation designs and pedestrian route layout are adequately addressed. However, Officers have some minor concerns most of which can be dealt with via conditions.”
40. **Environmental Health (noise and vibration)** – Following the receipt of further information, no objections are made, subject to conditions as set out in the recommendation below.
41. **Environmental Health (land contamination)** – Following the receipt of further information, no objections are raised, subject to the conditions below. The requested condition has been amended following the receipt of yet further information.
42. **Environmental Health (lighting)** – Consideration is given to the impact of artificial lighting on residential amenity. Sufficient information is given for Phase 1 of the development and it is considered that there would be no unacceptable impacts. A condition is recommended for Phase 2, which is reflected in the officer recommendation below.
43. **Environmental Health (air quality)** -no objections are raised, subject to two conditions, the requirements of which are included within the conditions below.
44. **Planning Policy, Strategy and Economy** – Although an Economic Development Strategy has been prepared, an assessment of employment land demand prepared by Savills has been included, which demonstrates that there is a need for this type of floorspace in the area. It is recommended that permitted development rights should be restricted to ensure a large amount of A1 retail floorspace is not provided that could prejudice the aspirations for a small supermarket within the village centre.
45. **Highways England** – No objections.
46. **County Highways** – “The Highway authority seeks the provision of a pedestrian refuge on the Wellington Way arm of the Caldecote Roundabout in order to facilitate the safe crossing of pedestrians across Wellington Way.

Whilst the Highway Authority accepts that the Wellington Way arm of the Caldecote Roundabout will ultimately be reconfigured as part of the wider development in the area, there is no guarantee that this will be delivered in a timely manner as it forms part of a separate planning application, which is yet to be decided.

Reason: this will be required to mitigate the impact of the increase in vehicular movements to and from the proposed development.”

Although none of the site will be adopted by the highway authority, advice relating to the internal layout has been requested. Detailed recommendations

are made specifically relating to footpath/cycleway provision. Following the receipt of swept path analysis, no objections are raised.

47. **County Transportation** – negotiations have proceeded throughout the consideration of the application. Additional or revised information has been submitted by the applicant in response to concerns raised. Below is a list of the matters considered by the County Transportation unit and the final comments.

No objection (7th October) – Traffic generation - relating to additional information received from the applicant.

“The latest submitted information illustrates the predicted combined traffic demand associated with the Bourn New Village development scheme. This is agreed. It has been also noted that the main site access is being altered as part of the Bourn Airfield development and GCP C2C proposals. The proposal adds a net increase of 108 two-way vehicle trips during the AM peak hour and 63 two-way vehicle movements during the PM peak and it is not considered to have a significant impact of the current operation of the junction. The trips from this development are also being taken into account within the wider Bourn Airfield redevelopment where changes to the junction will be made.”

No objection (7th October) – Capacity of the existing highway – relating to additional information received from the applicant.

“The St Neots Road / Highfields Road / Wellington Way roundabout will be approaching practical operating capacity during the PM peak in the future year scenario with development for the St Neots Road east arm. During the PM peak period, the RFC will rise from 0.46 to 0.86 and max queue from 0.9 to 5.9 vehicles on St Neots Road east arm. No queueing issues are predicted for the rest of the arms of the roundabout. This is not considered to be a severe impact. The junction is predicted to operate within capacity during the AM period.”

No objection (25th November) – Travel Plan – relating to amendments received from the applicant.

“Travel Plan - The applicant has provided an updated Travel Plan including the provision of bus taster tickets for the employees to encourage to use non car modes, addressing the outstanding point mentioned in the previous Transport Assessment team comments. As a result, the Transport Assessment Team are satisfied with the updated Travel Plan.

Holding objection – sustainable links to the surrounding villages – the applicant has been unable to overcome this concern.

“We also support requests from Highways DM for pedestrian and cycle improvements in the vicinity of the site with links to Highfields Caldecote as mitigation for this development.”

48. **Lead Local Flood Authority** – Following the receipt of an amended Flood Risk Assessment and Drainage Assessment, earlier objections have been overcome, subject to conditions as set out in the recommendation below.
49. **Drainage Engineer** – requires additional information. This has been submitted and is considered by the LLFA, Environment Agency and Anglian Water.
50. **Environment Agency** – Following the submission of an amended Flood Risk & Drainage Report, recommend that their earlier objection can now be withdrawn. Conditions are recommended as set out below.
51. **Anglian Water** – Following the receipt of an amended scheme for foul water drainage, no objections are made, subject to a condition as set out in the recommendation.
52. **Sustainability Officer** – In conclusion, the Council's Principal Sustainability Consultant advises the following. "Taking the above into account, and subject to the submission of a revised detailed site layout plan showing the location of the air source heat pumps, the proposed scheme is supported in sustainable construction terms." Four conditions are recommended, as set out in the recommendation below.
53. **Fire Authority** – request either a condition or S106 agreement to secure fire hydrants.

Representations from members of the public

54. Comments from 4 residents have been received. The occupiers of 14a, 19 West Drive, 22 Camside and 138 Sturton Street, Cambridge object to the proposal and the reasons are summarised below.
 - Piecemeal development as details of Phases 2 and 3 are not included.
 - B8 warehouse usage 24/7 would adversely affect local residents due to noise and light nuisance.
 - The existing access and roundabout are not capable of taking the additional traffic.
 - The increase in traffic on the Caldecote roundabout would be hazardous to pedestrians and cyclists.
 - The cycling and pedestrian access to the site is inadequate and contrary to LTN 1/20 Cycle Infrastructure Design.
 - The lack of a clear transport plan is unsustainable.

The site and its surroundings

55. The former Gestamp factory site (also known as Thyssenkrupp) is located within the disused Bourn Airfield site, which is a former World War 2 airfield. Vehicular access is gained from Wellington Way, which is a spur off the Caldecote Highfields roundabout on St Neots Road. The site lies to the west

of Highfields Caldecote and to the south of the St Neots Road and the A428. To the north and part of the east of the site lie agricultural fields. There is a woodland to much of the eastern boundary, part of which is protected by a Tree Preservation Order and is located between the site and the village of Highfields Caldecote. The cement and sand processing business of the David Ball Group, lies to the north west of the application site

56. The site lies within the boundary and forms part of the strategic site of Bourn Airfield New Village. A separate outline planning application is currently under consideration for this new settlement, under planning reference number S/3440/18/OL, which has been submitted by Countryside Properties and The Taylor Family. The outline application site effectively surrounds the Gestamp factory application site. It is anticipated at this stage that land to the north would be developed for mixed development and the field to the east would remain as open space for informal recreational purposes. The land to the west and south will be for residential development as part of the new village. An exception to this is the David Ball site which is expected to remain.
57. The site is approximately 10.1 hectares in size and all former buildings have been removed down to ground level. The site is largely rectangular in shape, with a small limb projecting from the south east corner. It is relatively flat. Three metres high soil bunding exists to the eastern edge, which was used to reduce noise disturbance from the former factory to residents of Highfield Caldecote. A Leylandii hedgerow of approximately 7 metres high runs the length of the northern boundary. A 2 metres high security fence marks the boundary with the David Ball Group to the west. The site is mostly covered by what remains of the floor of the former factory.

The proposal

58. The former Gestmap factory site is planned to be developed in 3 phases. This is a hybrid application: Phase 1 is in full and Phase 2 is in outline only with all but the access reserved. The proposal is for commercial floorspace falling within Classes B1(c) – light industrial, B1(b) – research and development, and B8 – warehouse and distribution. The number of jobs created will depend upon the Use Class of the future occupiers, but the applicant has estimated that the scheme could provide 800 fulltime jobs. Phase 3 does not form part of the application site and is not currently the subject of any development proposals. It is, however, proposed to use this land for the storage of soil and stone for a temporary period, during the construction process of Phase 1 and 2.
59. **Phase 1**
Phase 1 is in detail and is for 15 units of varying size, adding up to a total of 16,074 square metres. The buildings would vary in height from 10.5 metres high to 14 metres high. There would also be supplementary uses for A3 – restaurant and café, D1 – day nursery/creche and D2 – gym. The applicant has an occupier interested in Unit 3 – Cambridge Design Partnership. The application is speculative, and the specific use of each unit is not specified.

60. The existing vehicular entrance into the site, via Wellington Way, would be used, albeit realigned to improve access for larger vehicles. From the site access the road would split, with one arm running east and one running south. A central green corridor would provide an attractive combined swale with a shared cycle and pedestrian path meandering north-south across the swale. Most units would front onto this green corridor to give pedestrian access to each unit.
61. Car parking for the site would be mostly shared and in the form of surface parking and a two-storey car park, partly sunk below ground level. Some parking spaces within are allocated within the individual units. There would be a total of 624 car parking spaces across the site. There would also be 254 cycles parking spaces in the form of Sheffield bike stands and covered shelters at various locations within the site.
62. **Phase 2**
Phase 2 is in outline only with all but the access as reserved matters. The proposed uses would be the same as for Phase 1. The main access would be via Wellington Way and through the Phase 1 part of the site. An Illustrative Masterplan has been submitted to show how Phase 2 could be built and how it might connect with Phase 1 and Phase 3. The proposal here is for a total of 10,580 square metres (113,910 square feet). Building heights would be between 11.35 and 15.8 metres high. The proposal does not specify the number of units and it is intended that this would be determined by prevailing market conditions at the time of the reserved matters submission. Development would include the diversion of a pipe culvert via a new watercourse to connect to the existing ditch outfall.

Planning assessment

63. **Environmental Impact Assessment (EIA)**
The development proposals have been assessed as falling within the remit of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2011 (as amended) (the EIA Regulations). This is because of the characteristics, location and potential impacts of the proposed development. The EIA process ensures that any potentially significant effects of the development are considered and, where appropriate, mitigated by measures to prevent/avoid, reduce and where possible offset.
64. The EIA Regulations require the ES to identify the 'likely significant environmental effects' of a development. The government's Planning Policy Guidance highlights that the ES should focus on the 'main' or 'significant' environmental effects only, and that the ES should be proportionate.
65. An Applicant who wishes to make an application necessitating EIA development may request a Scoping Opinion from the LPA in accordance with the EIA Regulations. A Scoping Opinion sets out the LPA's opinion on the information in the ES that should be provided. A request for a Scoping Opinion was submitted to the Council on 25th November 2019 by Turley. It was accompanied by an EIA Scoping report.

66. Following a consultation process, the Council issued a Scoping Opinion on 10th January 2020. The Applicant confirms (and officers are satisfied) that the submitted ES is based on the advice set out in the EIA Scoping Opinion and the EIA Regulations.
67. The ES considers the likely significant effects of the proposed development during its construction and once it is complete and operational. The ES assesses the maximum quantum, physical extent and development principles defined for the proposal, as set out in the submitted PPs which are put forward for approval. The ES assesses the following topics:
- Socio-economic and human health
 - Cultural heritage
 - Ground conditions
 - Water resources
 - Highways
 - Noise and vibration
 - Landscape and visual impact
 - Biodiversity
 - Climate change
68. Further and amended information has been submitted following requests from consultees. Having assessed the submitted application, officers are satisfied that the ES and additional information, complies with the 2011 EIA Regulations and that sufficient environmental information has been provided to assess the environmental impacts of the development proposals.

The principle of the development

69. The application site is identified in the South Cambridgeshire Local Plan 2018, as part of the Bourn Airfield New Village for which Policy SS/7 applies. The new village is to provide approximately 3,500 dwellings with associated community facilities, strategic landscaping to provide a high quality landscaped setting and to ensure separation from the surrounding settlements, a high degree of connectivity, ecological mitigation and enhancement, a segregated bus link, promote cycling and walking and be served by at least two separate access points north west and north east of the site. The identified strategic site is the subject of a Supplementary Planning Document (SPD) – Bourn Airfield New Village, which gives guidance and advice on a range of planning issues.
70. Whilst the SPD primarily gives advice for the development of the new village, it does acknowledge the former Gestamp factory site, seeking to integrate any redevelopment of this site with the wider new village. It states that **“successful comprehensive delivery of this site will require engagement, collaboration and co-ordination between site promoters and landowners of both the principal site and employment sites to ensure that the new village is cohesively designed with the necessary supporting infrastructure provided at the right time.”**

71. The applicant and their agent have been in regular discussions with Countryside Properties, the developer of the principal site, for the purpose of providing a co-ordinated approach. The applicant also seeks to provide smaller business units to respect local employment interest. Although the planning application for the new settlement is not yet determined, negotiations have resulted in amended parameter plans for access, showing pedestrian and cycling routes to connect with the Gestamp employment site. In return, the Gestamp application scheme seeks to provide good connectivity with the principal site by reflecting these access points in the design.
72. As part of the new village proposal, there will be two points of vehicular access, one from Broadway and one from the Caldecote roundabout on the St Neots Road. The existing Gestamp factory site currently gains access from the Caldecote roundabout, along a private access road known as Wellington Way. The masterplan for the new village indicates that Wellington Way would be realigned to provide improved access for a range of highways users, including pedestrians, cyclists, motorists and the Cambourne to Cambridge high quality public transport link. As part of this, the access into the former Gestamp factory site and the David Ball Group site, would be realigned with a segregated path for pedestrians and cyclists. These matters will be discussed in greater detail later in this report. The application to develop this site is, therefore, supported by and in compliance with Policy SS/7 – Bourn New Village.
73. Aside from the Bourn Airfield New Village allocation in the development plan, the site is previously developed land. The National Planning Policy Framework supports the re-use of such land in Section 11 – Making effective use of land, paragraph 118. In addition to this, Policy S/6 – The Development Strategy to 2031, supports the need for jobs being met in new settlements.
- 74. The principle of redeveloping the application site for employment purposes is, therefore, supported by the adopted local plan and by national policy guidance.**

Highways and transportation

75. The EIA concluded that the assessment carried out demonstrates that during both the construction period and for the operation of the proposed scheme, the residual impact would be negligible in relation to severance, pedestrian delay, pedestrian amenity, diver delay and accidents and safety.
76. The Local Highway Authority has been consulted and raise no objections in relation to the traffic that would be generated by the development. However, there is some local concern relating to highway and transport matters by local people. Caldecote Parish Council, whilst having no objection in principle to the development, has raised a concern regarding whether the existing roundabout junction would be capable of accommodating the additional traffic, particularly in accumulation with the planned new village. Bourn Parish Council object due to a delay in the provision of the anticipated High-Quality Public Transport link.

77. The application is supported by an Environmental Assessment carried out by Turley national planning and development consultants, which includes a Traffic Survey. Also submitted is a Transport Assessment and Travel Plan by Vectos, transport planning, highway and mobility consultants. The development is expected to generate 185 two-way car trips in the morning peak hour and 126 two-way car trips in the afternoon peak. It is noted that there is an extant permission for the re-development of the site under planning permission S/1020/13FL. However, the current application would generate an increase of 108 two-way trips in the morning peak and an increase of 63 two-way trips in the afternoon peak. Further information and amended data on the current traffic conditions have been received at the request of the County Highway Authority.
78. A survey of the Caldecote roundabout has been carried out and the predicted combined traffic demand associated with the Bourn New Village development scheme has been taken into account. The roundabout will be approaching practical operating capacity during the afternoon peak in the future year scenario with development for the St Neots Road east arm. During the afternoon peak period, the maximum queue would range from 0.9 to 5.6 vehicles on the St Neots Road east arm. No queueing issues are predicted for the rest of the arms of the roundabout. The junction is predicted to operate within capacity during the morning period. The County Highway Authority advise that “it is not considered to have a significant impact of the current operation of the junction.” The National Planning Policy Framework advises that development should only be prevented where the residual cumulative impact on the road network would be severe. **I can, therefore, see no sustainable planning objection with regard to traffic generation.**
79. The submitted Travel Plan (amended November 2020) proposes measures to encourage car sharing and describes the opportunities for employees to reduce single occupancy car trips. This includes the provision of a discount voucher for cycles and Bus Taster Tickets. A Travel Induction Pack would be issued to new employees. This would be monitored by a Travel Plan Coordinator.
80. The provision of a pedestrian island on the Wellington Way arm of the Caldecote roundabout is required by the County Highway Authority. This is proposed by the applicant and would be secured by condition. In addition to this, the applicant has agreed to facilitate improvements to the existing footway on the west side of Highfields Caldecote, between Bosserts Way and Clare Drive, for it to be widened to 2 metres. These can be secured by way of Grampian style conditions as set out in the recommendation below.
81. A high-quality public transport link – Cambourne to Cambridge segregated bus link, is proposed as part of the outline planning application for the Bourn Airfield New Village. The application includes of 3,500 dwellings, a mix of uses comprising employment, retail, hotel, leisure, residential institutions, education, community facilities, parks etc, two access routes and public transport infrastructure. The County Highway Authority makes no request for the development at the former Gestamp site to make any contributions

towards the busway. It is noted that Bourn Parish Council request a delay in determining this application until the details of the bus way has been agreed. However, I can see no rational for this.

82. The County Highway Authority raise a holding objection in relation to the provision of pedestrian and cycle links to Highfields Caldecote. Wellington Way currently consists of a double width carriageway for two-way traffic, but there is no footpath or segregated cycleway. Policy SS/7 requires measures to promote cycling and walking to link homes to public transport and the main areas of activity including the employment areas. The onus is on the housing provider to provide the links. The applicant has a right of way over Wellington Way, but the access road is within the ownership of the developer for the New Village. Therefore, the applicant does not have control over the access road and cannot provide the pedestrian and cycle improvements the County Highway Authority want.
83. The submitted outline application for the New Village proposes to realign Wellington Way to improve the access into the New Village from the Caldecote roundabout. As part of this, the access into the former Gestamp site and to the David Ball site would also be realigned. This would include a shared use footway/cycleway along one side of the realigned Wellington Way and a 2.0 wide footway on the other side, to adoptable standards.
84. The applicant of the Former Gestamp site has no control over when the realigned access with improved pedestrian and cycle provisions is carried out. The implication is that the proposed redevelopment of the employment site could be carried out before the improvements to Wellington Way. The Bourn New Village is identified in the development plan as a strategic site and the outline planning application for the new village close to determination. There is, therefore, a very strong likelihood that the requested improved pedestrian and cycle facilities will take place in the foreseeable future. Current negotiations under the outline application are seeking to secure the realigned Wellington Way Access as part of the first phase of the development. This is relevant to the current application for the former Gestamp employment site and should be taken into account. This matter needs to form part of the planning balance which will be referred to later.
- 85. The application site would provide a significant amount of employment for the local area. This needs to be taken into account in the planning balance and could reasonably be considered to outweigh the short-term lack of segregated pedestrian and cycle facilities into the site.**
86. A member of the public has raised concerns about the proposed cycle provisions for the site. The concern relates mostly to the use of shared paths for pedestrians and cyclists and reference is made to a government document giving guidance for providing cycle infrastructure (LTN 1/20 Cycle Infrastructure Design). The guidance is aimed mostly at urban areas with high traffic flows and seeks to provide cycling facilities separate to pedestrians. Each case needs to be considered on its own merits. The application site is within the rural area and even after the new settlement is built, it will still be a

rural area with relatively low traffic rates. I consider that there would be no sustainable objection to raise to the use of shared cycle/pedestrian paths within this development.

87. The application site is in private ownership and the highway authority will not be adopting the roads within the site. Suitable conditions on any planning permission are therefore required to ensure the provision in perpetuity of good public access and connectivity to the wider New Village and I would refer you to Condition 13 below.
88. At the advice of the Highway Authority, the applicant has agreed to the provision of improved pedestrian facilities within Highfields Caldecote, by widening the path between Bosserts Way to Clare Drive to 2 metres.

Impact on Landscape, Design and appearance

89. The EIA has considered the effects of the development on the landscape and its visual impact. The extent of potential views is generally limited to within a 500m radius of the site. Views from residential properties would benefit from intervening woodland/buffer planting which screen views, Views from the south are screened by woodland and topography. The majority of effects would be limited to low sensitivity highway receptors which, with the exception of Highfields Road, currently define the extents of the airfield. Highway buffer planting along the St Neots Road, the A428 and Broadway Road would provide further screening to views from these roads.
90. A Landscape and Visual Appraisal has been submitted as part of the Environmental Impact Assessment. The site lies within National Character Area N88 Bedfordshire and Cambridgeshire Claylands. It is a gently undulating, lowland plateau of predominantly open arable landscape and scattered woodland. The adjacent airfield is described as having been “denuded of key landscape elements and patterns” and the site itself as “a large-scale degraded brownfield site.” The site, therefore, currently has a negative effect on the character of the landscape.
91. The site is generally well enclosed by vegetation. A mature evergreen tree belt runs along the north boundary and a mature woodland lies to much of the east. The site is more clearly visible from the adjacent airfield and there are filtered views, mostly from the east and north. No public footpaths run through the site, the closest being the Caldecote Footpath 38/1 that runs east from Highfields Caldecote. The replacement of the Leylandii hedge with native species would provide a boundary treatment that would better integrate with the surrounding area.
92. It is relevant to take account of the allocation of Bourn Airfield New Village for a new settlement within the adopted development plan and this includes the application site. The new settlement would surround most of the site. In time, the development will, therefore, be seen as part of a settlement rather than an isolated development. The applicant has responded to advice given under an earlier withdrawn application by omitting a very large-scale warehouse and distribution centre.

93. Details of the design and appearance of the proposed development have been submitted with regard to Phase 1. Phase 2, being in outline, has no details of the design and layout. An illustrative Masterplan has been submitted to show how this part of the site could be layout out and how it might fit in with Phase 1 and the surrounding area, but it is illustrative only and does not form part of this application.
94. Phase 1 shows 15 units varying in size. The buildings would be of a contemporary design, using colour coated horizontal cladding in shades of grey, with plant etc. on the roof concealed behind parapet walls. There would be areas of glazing to serve office spaces with fin features to give interest.
95. The design features to the entrance of the site would be soft landscaping, including some large trees and a feature fence with the applicant's name for the site, "Bourn Quarter", picked out in relief in the timber. A strip of surface car parking would be flanked by soft landscaping. The applicant has continued the timber theme with vertical timber fins cladding the south elevation of the two-storey car park. Unit 1 would be the dominant building on entering the site.
96. Soft landscaping and surface water drainage (SuDS) have been combined to create two attractive features running north/south through the centre and eastern edge of the site. Running through these are 3 metres wide paths for combined use of pedestrians and cyclists. The buildings would front onto these green corridors, providing the main pedestrian entrances into the buildings. The two paths would provide links beyond the site to the Bourn Airfield New Settlement when built and to a woodland edge path heading towards Highfields Caldecote. Servicing would take place to the rear of the buildings and would be served by tarmac roads. Whilst a certain amount of car parking would be provided within the rear yard of each unit, most of the car parking would be shared and would be provided to the north and south of the site.
97. There is a high leylandii hedge running the length of the north boundary of the site. Whilst it is currently an effective screen from views along the A428 and St Neots Road, due to the monotonous use of this non-indigenous species, it presents an alien feature in the landscape. The proposal is to provide mitigation by replacing this with a narrow tree belt of mixed species, including hedging plants. This would be carried out as a phased replacement to enable the new trees to establish and to maintain a screening presence.
98. Negotiations have resulted in improvements to planting species, the removal of poorly located electricity substations and improvement to design features on some of the buildings.
99. **No objections have been raised to the appearance of the development and I can see no sustainable planning objection to the design and appearance of the scheme, subject to the conditions below.**

Sustainability and drainage

100. The EIA has assessed the effects of the proposal on climate change. The assessment has identified no significant effects and no detailed climate change resilience studies are recommended.
101. A BREEAM Pre-assessment Report has been submitted. This looks at the environmental, social and economic sustainability performance of an asset. For this particular development, the specific areas looked at are: management, health and wellbeing, energy, transport, water, waste, land use and ecology, and pollution. The overall rating for the scheme is a potential to be of a Very Good rating.
102. With regard to social and economic sustainability, the EIA has carried out an assessment on the socio-economic effects of the development. Overall, it is considered that the development, during both the construction phase and when operational, would bring additional jobs to benefit of the local and wider economy.
103. In addition to the above report, an Energy Strategy has been submitted, which seeks to demonstrate how the development would comply with the Council's policies on energy and carbon dioxide emissions. Passive and low energy design technologies have been incorporated in the design of the building envelope. Photovoltaic panels would be located on the roofs of the buildings. The intended measures are expected to result in a carbon emission reduction of 15% from on-site renewable energy and low carbon technologies. This is greater than the 10% requirement of Policy CC/3.
104. The EIA has assessed the effects of the development upon ground conditions and water resources. Previous uses of the Bourn Airfield site are such that it is possible localised areas of contaminated ground exist at the site. Excavation of the site could result in new pathways for contaminants to affect surface watercourse and underlying aquifers. However, the presence of a significant thickness of cohesive superficial strata (clay) would provide a protective layer to limit contaminant migration. As mitigation a Construction Environmental Management Plan (CEMP) is required and has been submitted. Following negotiations, the CEMP has been amended to overcome concerns.
105. The proposed drainage strategy for the scheme has been reconsidered following initial objections from the Environment Agency and the Lead Local Flood Authority. The amended scheme now proposes to connect up to the existing foul drainage network serving Highfields Caldecote. It is a requirement to connect to the public sewer wherever possible, under Policy CC/7: Water Quality.
106. Anglian Water has confirmed that Bourn Water Recycling centre has available capacity for this development. The flow controls are to be widened and a

discharge rate into the network in West Drive has been agreed between Anglian Water and the developer. A pump failure model has been provided to ensure that only the car park would be affected and no buildings in the event of a pump failure. Following the receipt of the amended information, no objection is raised by either Anglian Water, the Environment Agency or The Lead Local Flood Authority.

Ecology

107. An Ecology Report has been submitted with the application and biodiversity has been assessed as part of the EIA. There are extensive areas of hardstanding on site with very little in the way of trees and planting. There is some semi-improved grassland and scrub on the earth mound; a stretch of semi-improved grassland, tall ruderal and scrub along the southern boundary; and a small pond. The Leylandii hedge is considered to have little habitat value.
108. The site itself has no designated wildlife status. It does, however, sit within the impact risk zone of a nearby statutory site – Eversden and Wimpole Woods Special Area of Conservation, which is 5.7 kilometres away. This is cited for its maternity colony of barbastelle bats. The bats utilise the tree cover either side of the site for commuting. Other species recorded in the area include great crested newts, barn owls and other breeding birds, flowering plants, reptiles, bats, badger, water vole and polecat. The EIA concludes that the residual effect of the development on biodiversity would be negligible.
109. Mitigation measures are proposed, and negotiations have taken place with regard to the lighting scheme to ensure that the dark tree covered corridors, favoured by the barbastelle bats, remain undisturbed by lighting. The Council's Ecologist is now satisfied that any light spill into the adjacent woodland would be less than 1 lux and, as such, would help to prevent disruption of commuting bats along the tree lines. This should be secured with an appropriate condition.
110. Under Policy NH/4: Biodiversity and the National Planning Policy Framework, the development should seek to achieve a biodiversity net gain of 10%. Following negotiations, the scheme has been amended in an attempt to achieve this. A Biodiversity Calculator (DEFRA metric 2.0) has been carried out which shows a minor loss of measured biodiversity net gain. However, this does not take into account the significant amount of non-measurable biodiversity net gain in hedgerow units and a significant amount of non-measurable biodiversity enhancement, such as bat and bird boxes that are proposed to be installed. This includes 51 triple cavity swift nest boxes, providing a total of 153 nest sites, 4 bat boxes and 25 insect blocks. The Council's Ecologist considers this to be a significant biodiversity enhancement and raises no objections on these grounds.

Living conditions of local residents

111. The EIA has assessed the expected effects of noise and vibration of the construction phase and operation of the proposed development on nearby residential amenity. Due to the significant distance to nearby dwellings and the confirmation that piling would not be undertaken, vibration would have an insignificant effect and noise a negligible to minor adverse impact.
112. There are no residential properties adjoining or very close to the site. The nearest residential properties are those in West Drive and The Willows in Highfields Caldecote, at just over 200 metres to the nearest dwelling. There is a house and Two Pots Farm to the north of St Neots Road. Cambourne is approximately 2.5km to the west by road and Bourn approximately 3km to the southwest.
113. There is some local concern that noise and lighting from the site would cause a nuisance, particularly if businesses were to operate 24 hours a day. In the past, there were justified concerns about the metal beating noise from the business of the former occupier of the site. The existing 3 metres high bund still on the site was placed here as a sound attenuation measure for this reason. The previous occupier was a B2 general industrial use and operated as a metal bashing plant. In contrast, no B2 uses are being proposed. The proposed B1 Uses are uses that are suitable for being carried out in a residential area without harm to residential amenity in terms of noise, dust, vibration, smell etc.

Other matters

114. Archaeology

The site is located within an area of high archaeological value. The applicant has submitted a Written Scheme of Investigation and an Archaeological Evaluation Report both by CFA Archaeology. Twenty-four trenches have been excavated on site in accordance with the scheme, which has been approved by the County Historic Environment Team. The evaluation confirmed the presence of possibly Iron Age activity in the northern end of the site.

115. Electric Vehicle Charging Point

Electric Vehicle charging points are proposed for 15% of the car parking spaces, with the remaining being provided as passive spaces. This means that ducting will be provided so that in the future charging points can be installed easily. Of the proposed 94 Electric Vehicle Charging Points, 26 will be fast charging points.

116. Cultural Heritage

The nearest listed buildings are Great Common Farmhouse and Barns at Bourn Garage. The nearest conservation area is Hardwick Conservation Area. The distance of these are such that the development would have no significant effect upon them.

Planning balance and conclusion

117. Sustainability is the golden thread that runs through the National Planning Policy Framework and this is reflected in the policies of the adopted South Cambridgeshire Local plan 2018. The three strands of sustainability are economic, social and environmental. The development would be economically sustainability due to the provision of jobs to the benefit of the local area. The proposal includes the provision of some supplementary uses such as a gym, creche and café, which would be of positive benefit of employees and local residents and would therefore be socially sustainability. In the short term, the development may well have a negative impact on environmental sustainability due to the lack of segregated facilities for pedestrians and cycles along the access road. However, this concern would be overcome in the foreseeable future, or possibly sooner, under the implementation of the first phase of the Bourn new Village development. Overall, the development is likely to be sustainable.
118. The redevelopment of the application site for employment/business purposes is in accordance with the South Cambridgeshire District Local Plan 2018 and the Supplementary Planning Document – Bourn New Village. As such, there are no objections in principle to the development. The traffic generated by the development would not have a significant effect on the existing highway network in the vicinity of the site. The layout of the scheme would provide for good connectivity with the proposed new village that would largely surround the site. There would be a lack of good pedestrian and cycling provision along the access road until such time as the realigned east entrance to the new village has been carried out. However, this is temporary and balanced when taking into account the fall-back position of an extant permission and the provision of employment. Mitigation measures would ensure that there would be no harm to residential amenity or to local biodiversity.
103. In conclusion and on balance, there are no sustainable planning objections to raise to this development.

Recommendation

Officers recommend that the Planning Committee GRANT planning permission, subject to the following conditions.

Conditions

Site Wide Conditions

Conditions relevant to both Phase 1 – full planning application and Phase 2 – outline application.

1. Pedestrian refuge

Prior to any construction work on site first reaching slab level, full details of the proposed pedestrian refuge on the Wellington Way arm of the Caldecote roundabout shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: To facilitate the safe crossing of pedestrians and in the interest of highway safety and amenity, in accordance with South Cambridgeshire Local Plan 2018 Policies T1/2, T1/8 and HQ/1.

2. **Travel Plan**

The provisions of the submitted Travel Plan received November 2020 shall be implemented in full and in accordance with that plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision of sustainable transport, as required by South Cambridgeshire Local Plan 2018 Policies T1/2 and T1/8

3. **Materials**

Prior to any construction work on site first reaching slab level, details of the external materials for the multi-storey car park shall first be submitted to and approved in writing by the Local Planning Authority. The materials shall be implemented as approved.

Reason: In the interests of the appearance of the completed scheme, as required by South Cambridgeshire Local Plan 2018 Policy HQ/1.

4. **Urban Design**

Prior to the occupation of any of the buildings, hereby approved, details, to include dimensions, materials and appearance, of the following shall first be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented as approved.

- a) Cycle stands and cycle shelters.
- b) The feature fence adjacent to Unit 1.
- c) Handrails.
- d) Freestanding external lighting.
- e) Wayfinding signage.
- f) Any café kiosk.
- g) Substation enclosures.

Reason: In the interests of the appearance and function of the completed scheme.

5. **SUDS**

Notwithstanding the approved plans, prior to development above slab level, full details of the design of SUDS areas shall be submitted to and approved in writing by the Local Planning Authority. Submitted information shall include plans, drawings, and sections, at an appropriate scale, together with supporting text to describe the following:

- a) Details of the proposed SUDS areas that form significant parts of the available public open space. Details to include gradients, terracing, walls, slopes, and subgrade construction, including any areas of proposed permanent water to demonstrate that the areas can function as open space, contribute to landscape character and support the proposed vegetation in addition to fulfilling their drainage functions.
The approved details shall thereafter be carried out as approved.

Reason: in the interests of the appearance of the completed scheme, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1 and CC/8.

6. Phased Tree Removal and Replanting

Notwithstanding the approved plans, prior to any development above slab level, full details of the phased removal of blocks of existing mature *Leylandii* planting on the northern and north-east corner boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Submitted information shall include plans, drawings, and sections, at an appropriate scale, together with supporting text to describe the following:

- a) Details to include the extent and timescales of the removal of trees, including roots and any pruning or reduction of trees in later phases to enable the proposed northern woodland planting to successfully establish.

The phased removal and replanting shall thereafter be carried out as approved.

Reason: In the interest of the appearance of the development, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1, SS/7, NH/2, NH/4 and NH/6.

7. Soft Landscaping

Notwithstanding the approved plans, prior to development beyond slab level, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Submitted soft landscape details shall include plans, drawings, and sections at an appropriate scale together with supporting text to describe the following:

- a) Details of all trees, shrubs, herbaceous plants and grass areas including species, stock size, precise locations, planting or seeding rates as appropriate.
- b) Details of the proposed methods and standards for planting of trees shrubs and herbaceous plants in soft areas including specifications for ground preparation, subgrade construction, topsoil depths, pit dimensions and growing medium, root barriers, staking or guying, watering system and surface finishes as appropriate.
- c) Details of the proposed methods and standards for planting of trees in hard surfaced areas and adjacent to roads and paths, including specifications for

ground preparation, subgrade construction, tree pit dimensions and growing medium, root barriers, tree staking or guying, watering system and surface finish to the tree pit.

- d) Details of the proposed standards and methods for laying turf and grass seeding including ground preparation and topsoil depths.
- e) Full details of the proposed maintenance and management of the soft and hard landscapes including watering programmes, grassland management, pruning, weed control, mulching, fertilisers and additives, canopy management and thinning, landscape sundries (watering tubes, tree protection, stakes, ties etc) and replacement planting.

Reason: In the interests of the appearance of the completed scheme, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1, NH/2 and NH/4.

8. Completion of soft landscaping

All 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, any tree, shrub or herbaceous plant is removed, is noticeably damaged, diseased or dies, or fails to make reasonable growth then another tree, shrub or herbaceous plant of the same species and size as that originally planted shall be planted at the same place within the next available planting season, unless the Local Planning authority gives its written consent to any variation.

Reason: In the interests of the appearance of the completed scheme, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1, NH/2 and NH/4.

9. Tree protection

Prior to any equipment, machinery or materials being brought onto the site for the purpose of development, including demolition, details of the specification and position of fencing, or any other measures to be taken for the protection of any trees from damage during the course of development, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to development commencing and the agreed means of protection shall where necessary be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the Local Planning Authority.

Reason: To protect the visual amenity of the area and to ensure the retention of the trees on the site, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1, NH/2, NH/6 and NH/4.

10. Hard landscaping

Notwithstanding the approved plans, no development above slab level shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. Submitted hard landscape details shall include plans, drawings and sections at an appropriate scale together with supporting text and shall include the following:

- a) Details of all hard landscape areas, including specifications for all proposed hard surfacing, kerbs, edges, ramps and channels, including dimensions, materials, finish, colour and typical construction.
- b) Details of all changes in levels and junctions between areas of different hard materials.
- c) Details and specification for all inspection and utilities covers set within hard surfaced areas.
- d) Details of all street furniture including benches, tree guards, landscape lighting, etc.
- e) Details of any fencing, including the proposed feature fence to the side boundary of Unit1.

Reason: In the interests of the appearance of the completed scheme, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1.

11. UXO

All work on site shall be carried out in accordance with recommended risk mitigation measures of the Desk Study for Potential Unexploded Ordnance Contamination by RPS Energy dated 17th October 2018 report ref: EES0936 R-01-00.

Reason: In the interest of health and safety, as required by South Cambridgeshire Local Plan 2018 Policies CC/6, SC/2 and SC/11.

12. Road and path maintenance

All roads, pedestrian and cycle paths within the site shall be maintained in perpetuity for the safe and effective passage of all road and path users, to the satisfaction of the Local Planning Authority

Reason: In the interests of the future accessibility and appearance of the development, as required by South Cambridgeshire Local Plan 2018 Policies T1/2, T1/8 and HQ/1.

13. Public Access

The pedestrian and cycle paths specified below, shall be implemented as approved before the first occupation of any buildings hereby approved and shall remain open for public access throughout the site for not less than 363 days a year, other than for essential maintenance, unless otherwise agreed in writing by the Local Planning Authority:

- i. The central footpath/cycleway that runs north/south through the site, starting at the northern boundary, running east of Units 1 to 9, as shown on drawings number 1866 DLA DR L 02 P21.
- ii. The path towards the western edge of the site that runs from the main vehicular entrance to the north of the site to the southern boundary of the site.
- iii. The footpath/cycleway that runs from the north west main access to the site, to the east boundary, adjacent to the existing woodland and to the south east boundary of Phase 1 of the application site.

Reason: to enable the provision of good public connectivity across the site and with the proposed Bourn New Village and the surrounding area, as required by South Cambridgeshire Local Plan 2018 Policies SS/7 T1/2, T1/8 and HQ/1.

14. No retail

Notwithstanding any provisions within the Town and Country Planning (General Permitted Development) Order 2015 or subsequent amendments, no units/floorspace within either Phase 1 or Phase 2 of the development hereby approved shall be used for the purpose of retail, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the vitality and viability of the local centre within Bourn New Village identified as a strategic site (SS/7) within the South Cambridgeshire District Local Plan 2018, as required by South Cambridgeshire Local Plan 2018 Policies SS/7, E/10, E/21 and E/22.

15. Ground levels

Prior to any construction work starting within Phase 1 or within Phase 2, drawings showing the existing and proposed ground levels and the proposed ground floor levels within the respective Phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented as approved.

Reason: In the interests of the appearance of the completed scheme, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1, NH/2 and SS/7.

16. Noise attenuation

Prior to the first occupation of any units in Phase 1 or Phase 2 of the site, for each respective phase, a noise assessment and a scheme for the insulation of the building(s) and/or associated plant / equipment or other attenuation measures, in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority. The schemes as approved shall be fully implemented before the uses hereby permitted are commenced and shall thereafter be maintained in strict accordance with the approved details.

Reason: In the interests of the living conditions of the local area, as required by South Cambridgeshire Local Plan 2018 Policies SC/2 and SC/10.

17. Delivery times

Collection from and deliveries to any non-residential premises (excluding B8 use) shall only take place between the hours of 07.00 to 23.00 Monday to Saturday and 0900 to 1700 on Sunday, Bank and other Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the living conditions of the local area, as required by South Cambridgeshire Local Plan 2018 Policies SC/2 and SC/10.

18. Ventilation/extraction

Prior to the first occupation of any of the units within Phase 1 or Phase 2 of the development, a scheme detailing any plant, equipment or machinery for the purposes of ventilation or the extraction and filtration of odours, dust or fumes be proposed, then a scheme for shall be submitted to and approved in writing by the local planning authority. The approved schemes shall be installed before the uses are commenced and shall be retained as such.

Reason: To protect the amenity of nearby properties in accordance with Policy SC/14 of the South Cambridgeshire Local Plan 2018.

19. Equipment noise mitigation

Prior to the first occupation of any units within Phase 1 or Phase 2 of the development, the noise impact of plant and or equipment including any renewable energy provision sources, such as any air source heat pump or wind turbine, on existing residential premises and on residential properties within the Bourn New Village strategic site, together with any noise mitigation measures shall be submitted to and approved in writing by the local planning authority. Any approved noise mitigation scheme shall be fully implemented before the uses hereby permitted are commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan 2018 Policies 2007, Policy SC/10.

20. Environmental Statement

The development, hereby approved, shall be carried out in accordance with the mitigation measures as set out in the Bourn Quarter Environmental Statement Volume 1: Main Text and Figures, dated May 2020 (as amended) and it's supplementary documents and strategies unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the development takes place in accordance with the principles and parameters contained within the Environmental Statement, as required by South Cambridgeshire Local Plan 2018 Policies HQ/1, S/12, TI/2 , TI/8, TI/10, SC/2, SC/1, NH/4 CC/1 and SS/7.

21. Emission Ratings

- a. No gas fired combustion appliances shall be installed until details demonstrating the use of low Nitrogen Oxide (NOx) combustion boilers, (i.e. individual gas fired boilers that meet a dry NOx emission rating of $\leq 40\text{mg/kWh}$), have been submitted to and approved in writing by the local planning authority.
- b) If the proposals include any gas fired Combined Heat and Power (CHP) System, the details shall demonstrate that the system meets the following emissions standards for various engines types:
 - (i) Spark ignition engine: less than or equal to 150 mg NOx/Nm³
 - (ii) Compression ignition engine: less than 400 mg NOx/Nm³
 - (iii) Gas turbine: less than 50 mg NOx/Nm³
- c) The details shall include a manufacturers Nitrogen Oxides (NOx) emission test certificate or other evidence to demonstrate that every appliance installed meets the emissions standards above.
- d) The approved appliances shall be fully installed and operational before the development is occupied or the use is commenced and retained as such.

Reason : To protect local air quality and human health by ensuring that the production of air pollutants such as nitrogen dioxide and particulate matter are kept to a minimum during the lifetime of the development in accordance with policy SC/12 of the South Cambridgeshire Local Plan 2018.

22. Flood risk and drainage

The development permitted for both Phase 1 and Phase 2 must be carried out in accordance with document Bradbrook Report 18-006R_001, Updated Flood Risk Assessment and Drainage Assessment on The Bourn Quarter Bourn Airfield Cambridgeshire for Diageo Pension Trust Ltd, C/O - Savills Investment Management Fund, Rev F so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent an increased risk of flooding and protect water quality, as required by South Cambridgeshire Local Plan 2018 Policies CC/1, CC/7 and CC/8.

23. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: 1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site. 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM. 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works

shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long-term monitoring and maintenance plan as necessary. 4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long-term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

24. If, during 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 a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

25. Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

26. Surface water drainage

The surface water drainage scheme shall be constructed and maintained in full accordance with the Updated Flood Risk Assessment and Drainage Assessment prepared by Bradbrook (revision F) dated 19 September 2020.

Reason: To prevent an increased risk of flooding and protect water quality, as required by South Cambridgeshire Local Plan 2018 Policies CC/1, CC/7 and CC/8.

27. Ecology Management Plan

Prior to any work above slab level taking place, a site-wide Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological management Plan shall include:

- a) updates to surveys more than 1 year old,
 - b) key phases of construction,
 - c) measures outlined in the submitted Biodiversity Calculations in the form of the DEFRA metric 2.0 by Applied Ecology and the Updated Biodiversity Net Gain Assessment by Applied Ecology, September 2020 and updated Landscape Plan (drawing no. 1866_DLA-DRG-L-07-P12,
- Work on site shall thereafter be carried out in accordance with the approved Ecological Management Plan.

Reason: in the interests of protected species and biodiversity, as required by South Cambridgeshire Local Plan 2018 Policies NH/4 and SS/7.

28. Habitat Management Plan

Prior to any work above slab level taking place, a comprehensive Habitat Management Plan for semi-natural, created, enhanced and retained habitat shall be submitted to and approved in writing by the Local Planning Authority. This shall include comprehensive habitat establishment parameters, and habitat management strategies able to roll forward for at least 25 years. The approved Habitat Management Plan shall thereafter be carried out in full.

Reason: In the interests of protected species and biodiversity, as required by South Cambridgeshire Local Plan 2018 Policies NH/4, NH/14 and SS/7.

29. Storage of soil

The storage of soil and stone from the existing site shall only be stored within the application site or within Phase 3 land, as identified within the submitted plans and Planning Statement, and shall be reused within land identified as Phase 1, Phase 2 or Phase 3 on the approved drawing number 30979-PL-207 rev I Site Layout Plan – Detailed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise vehicular trips associated with the construction of the development, in the interests of environmental sustainability, local residential amenity and the convenience of other highway users, as required by South Cambridgeshire Local Plan 2018 Policies TI/2, CC/1 and CC/6.

30. Protection of badgers

During the construction work on site, no trenches shall be left uncovered between dusk and dawn unless an alternative measure to prevent badgers from being trapped within trenches is first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the protection of Badgers under the Badgers Act 1992 and in accordance with South Cambridgeshire Local Plan 2018 Policy NH/4.

31. Fire hydrants

Prior to the first occupation of any of the buildings allowed within either Phase 1 or Phase 2 of the development hereby approved, a Risk Assessment report, having regard to the National Guidance Document on the Provision of Water

for Fire Fighting, 3rd edition, January 2007, shall be submitted to and approved in writing by the Local Planning Authority. Fire hydrants shall thereafter be installed in accordance with the report prior to the first occupation of the buildings.

Reason: In the interest of the safety of the occupants and for the provision of adequate water supply, in accordance with South Cambridgeshire Local Plan 2018 Policy TI/8 and CC/4.

Conditions specific to Phase 1 – full planning permission

32. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

33. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

183798-AT-J04 rev C
183798-AT-J03 rev C
183798-AT-J01 rev C
183798-AT-J02 rev C
DLA-1866-DR-L03 rev P11
1866-DLA-DRG-L07 rev P17
1866-DLA-DR-L02 rev P22
DLA. 1899.DR.L05.P02
30979-PL-219 rev A
30979-PL-201 rev I
30979-PL-206 rev I
183798-A-31-AT01 rev A
1866-DR-L07-P16
1866-02 rev P18
1866-DLA-DR-L09 rev P01
1866-DLA-DR-Arb02 rev P02
1866_DLA-DR-Arb01 rev P01
30979-PL-219
30979-PL-218A
30979-PL-217D
30979-PL-216B
30979-PL-215B
30979-PL-214A
30979-PL-213D
30979-PL-212D
30979-PL-211B
30979-PL-210B
30979-PL-208A
30979-PL-207 I

30979-PL-209D
30979-PL-204A
#30979-PL-203B
#30979-PL-205C

Potable Water Consumption Reduction Review, Issue 1 by Watkins Payne
Waste management Design Toolkit
Desk Study for Potential Unexploded Ordnance Contamination by RPS Energy
report ref: EES0936, Report No: EES0936 R-01-00
Tree Survey and Constraints Plan by Tim Pursey
Transport Assessment May 2019 by Vectos
Bourn Quarter Statement of Community Involvement by Templar Strategies
March 2020
Environmental Statement by Turley May 2020
Energy Strategy by Watkins Payne Issue 2
Envirocheck Report by Aviron
Planning Statement by Neame Sutton
Phase II Site Investigation by Environ Feb 2011
Phase 1 Geo-Environmental Risk Assessment by Aviron ref: 17-311.01
December 2017 and Appendix I(1 of 2), 1 (2 of 2), Appendix II (1 of 2), (2 of
2).
Phase 11b Geo-Environmental Risk Assessment by Aviron ref: 17-307.01 rev E
Environment Assessment by Environ Feb 2011 issue No UK16-15954
Employment Land Demand in South Cambridge in relation to Bourn Airfield
Development by Aitchison Developments Feb 2019
Design and Access Statement 30979 May 2020 revB by Michael Sparks
Associates
BREEAM 2018 Pre-Assessment Report by Synergy Building Services
Written Scheme of Investigation 24th March 2020 by CFA Archaeology Ltd
Bourn Airfield, Cambridge Archaeological Evaluation report No. MK207/20 by
CFA Archaeology Ltd
Arboricultural Impact Assessment by Tim Pursey
Air Quality Assessment March 2020 by AirQuality Consultants
Phase 1 External Lighting Assessment, October 2020, by Watkins Payne
Biodiversity Impact Assessment, 19 August 2020 by Applied Ecology Ltd
Phase 1, Wellington Way, Bourn Airfield Habitats Regulations Assessment
November 2020
The Biodiversity Metric 2.0 – Calculation Tool
Letter dated 24th August 2020 from Applied Ecology Ltd – Biodiversity Offsetting
Applicant's Response Note to Urban Design Officer's Comments by Neame
Sutton 26 August 2020
Proposed Site Drainage Runoff and FEH Network Drainage Calculations by
Bradbrook
Updated Flood Risk Assessment and Drainage Assessment ref: 18-006R-001
rev F by Bradbrook 16 September 2020
Appendix A Existing Site ICP SuDS Calculations by Bradbrook
Accident Data Analysis 18 September 2020 by Vectos
Discovery Method Statement & Verification Plan 17-307.04 rev A September
2020 by Aviron

Bourn Quarter-Phase 1 Development Updated Biodiversity Net Gain Assessment – 30.9.20
Phase 1 A-2 Site Habitat Creation
Construction Environmental Management Plan (Phase 1) rev B by Readie
Site Wide Travel Plan, May 2020 by Vectos
Response to Cambridgeshire Highways Comments, dated 4th September 2020 from Vectos
Planning GIA Areas 30979 rev B May 2020
Planning Statement 670-3.0 Final 8th April 2020
Drainage Design & maintenance Statement 18-6R002 April 2020
Applicants response to Landscape comments rev P04 21 September 2020
CG 1 and 2 7th September

Reason: To facilitate any future application to the Local Planning Authority under section 73 of the Town and Country Planning Act 1990.)

34. External lighting

External lighting shall be carried out in accordance with the Phase 1 External Lighting Assessment, October 2020, PL4-Planning Issue, by Watkins Payne and the light spill into the retained woodland shall not exceed 1 lux in perpetuity.

Reason: In the interests of protected species in the vicinity of the site, as required by South Cambridgeshire Local Plan 2018 Policies SS/7, HQ/1 and SC/9.

35. EVCP

Prior to the first occupation of the units hereby approved, Electric Vehicle Charging Points and ducting shall be provided as proposed and as shown on drawing number 30979-PL-207 rev I.

Reason: In the interest of environmental sustainability, as required by South Cambridgeshire Local Plan 2018 Policies TI/2, TI/3, CC/1 and CC/3.

Conditions specific to Phase 2 – outline planning permission

36. Within 5 years of the date of this decision notice an application for approval of reserved matters, shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters include access, appearance, landscaping, layout and scale.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

37. Lighting

Within each reserved matters application which includes the provision of any form of illumination in relation to any Development Parcel pursuant to this outline permission the reserved matters details for appearance shall include details of the height, type, position and angle of glare of any final site lighting / floodlights including horizontal and vertical Isolux contours. The details and measures so

approved shall be carried out and maintained in accordance with the approved lighting scheme/plan.

REASON: To protect the amenity of the nearby residential properties and in the interests of protected species within the vicinity of the site, including barbastelle bats, as required by South Cambridgeshire Local Plan 2018 Policy NH/4.

38. Waste management

Any reserved matters application shall include a Waste Management and Minimisation Strategy, including a completed RECAP Waste Management Design Guide Toolkit to address the management of municipal waste generation of the occupied development. No development above slab level shall take place until the aforementioned Strategy has been approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable waste management, as required by South Cambridgeshire Local Plan 2018 Policy CC/1, TI/2 and TI/8

Obligations under Section 106 of the Town and Country Planning Act 1990

None

Informatives

1. Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance: <https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/> Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.
2. Any noise and vibration assessment of 'Operational Noise' including mitigation/insulation scheme for non-residential use classes (e.g. Employment areas, retail units, waste recycling facilities, community buildings, recreational uses and any associated operational plant and equipment) will have due regard to and shall be in accordance with industry best practice / technical guidance including DEFRA's Noise Policy statement for England (as referenced in the NPPF, March 2012) and 'Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, Adopted January 2020' – Section 3.6 Pollution - Noise Pollution (including vibration)

(pages 89 -113) and appendix 8 : Further technical guidance related to noise pollution- available online at:

<https://www.scams.gov.uk/planning/local-plan-and-neighbourhood-planning/sustainable-design-and-construction-consultation-spd/> 7

Further advice can be obtained from Nick Atkins, Environmental Health Officer, Waste and Environment Telephone No: 01954 713145.

3. General Contaminative Land Informative:

Contaminated land should be considered and assessed in accordance with government / industry best practice and technical guidance and the 'Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, Adopted January 2020' – available online at:

<https://www.scams.gov.uk/planning/local-plan-and-neighbourhood-planning/sustainable-design-and-construction-consultation-spd/>

Further specialist advice and comments on contaminated land pertinent to this site can be obtained from Helen Bord or Claire Sproats - Scientific Officers, SCDC Waste and Environment – Contaminated Land Telephone No: 01954 713444 or email contamland@scams.gov.uk

4. Badgers

A license from Natural England is required to carry out any work affecting a badger sett. Please see the Natural England website for advice.

5. The Waste Management & Minimisation Strategy (WMMS) must demonstrate how waste will be managed in accordance with the requirements of the RECAP Waste Management Design Guide Supplementary Planning Document 2012 and the principles of the waste hierarchy, thereby maximising waste prevention, re-use and recycling from domestic households and commercial properties and contributing to sustainable development. The WMMS should include:

i. A completed RECAP Waste Management Design Guide Toolkit and supporting reference material

ii. A detailed Waste Audit to include anticipated waste type, source, volume, weight etc. of municipal waste generation during the occupation stage of the development. iii. Proposals for the management of municipal waste generated during the occupation stage of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable materials; access to storage and collection points by users and waste collection vehicles

iv. Arrangements for the provision, on-site storage, delivery and installation of waste containers prior to occupation of any dwelling

v. Proposals for the design and provision of temporary community recycling (bring) facilities, including installation, ownership, on-going management and maintenance arrangements

vi. Arrangements for the efficient and effective integration of proposals into waste and recycling collection services provided by the Waste Collection Authority

vii. A timetable for implementing all proposals

viii. Provision for monitoring the implementation of all proposals.

6. Planning permission does not guarantee any necessary environmental permits would be granted. We recommend securing relevant environmental permits as soon as possible where development designs may need to be significantly amended if permits are not granted. Standard permit application determination periods are 13 weeks. For guidance on water discharge permits, see <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>. During the construction phase there may be a requirement for dewatering. Given the scale of the development, dewatering activities would likely require their own environmental permit. See <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water> for guidance. With reference to Table 3.2 of the Flood Risk Assessment, the Environmental Permitting Regulations have superseded the Water Resources Act with regard to the control of pollution and discharges to water

Background Papers

- South Cambridgeshire Local Plan 2018
- Supplementary Planning Document - Bourn Airfield New Village (October 2019)
- Supplementary Planning Document - Sustainable Design and Construction (January 2020)
- Supplementary Planning Document – District Design Guide (2010)
- Cambridgeshire and Peterborough Local Enterprise Partnership (LEP) Strategy: Strategic Economic Plan (2014)
- Cambridge and Peterborough Strategic Spatial Framework, Towards a Sustainable growth Strategy to 2050 (March 2018)
- Government Guidance – Cycle Infrastructure Design (Local Transport Note 1/20)

Appendices

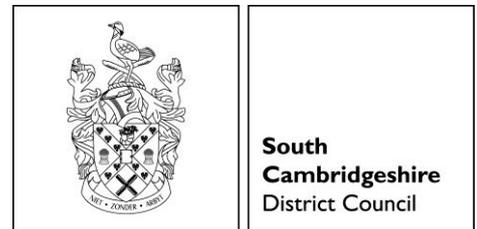
Appendix A: Advice from the County Highways - Transportation

Report Author:

Kate Poyser, Principal Planner
Telephone: 07714 639819

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Agenda Item 6



13 January 2021

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

S/3290/19/RM – Land East of Teversham Road, Fulbourn

Proposal: Approval of matters reserved for appearance, landscaping, layout and scale following Outline planning permission S/0202/17/OL for the development of 110 dwellings with areas of landscaping and public open space and associated infrastructure works

Applicant: Castlefield International Limited

Key material considerations: Compliance with the Outline Planning Permission
Housing Provision (including affordable housing)
Open Space Provision
The Reserved Matters:
Layout
Scale
Appearance
Landscape
Biodiversity
Flood Risk and Drainage
Highway Safety, Management of Roads and Parking
Residential Amenity
Heritage Assets
Other matters

Date of Member site visit: None

Is it a Departure Application: Yes (advertised 2nd October 2019)

Decision due by: 18th January 2021 (Extension of time agreed)

Application brought to Committee because: Fulbourn Parish Council requests the application is determined by Planning Committee

Officer Recommendation: Approval

Presenting officer: Katie Christodoulides, Principal Planning Officer

Executive Summary

1. This application seeks reserved matters approval for the appearance, layout, scale of buildings and landscaping following the principle of residential development of the site for 110 dwellings being established under outline planning consent S/0202/17/OL, granted on 26th October 2017.
2. The application has been amended by the applicants following consultee comments. The amendments comprise changes to the design, layout, parking layout, mix, drainage, trees, landscaping and dispersion of affordable dwellings.
3. The amendments are considered to further improve the quality of the scheme to ensure that it preserves the character and appearance of the area and fits comfortably within its rural context.
4. The reserved matters details for appearance, layout, scale of the development and landscaping are considered acceptable by officers and the application is therefore recommended for approval subject to conditions.

Relevant planning history

5. S/3209/19/DC- Discharge of conditions 7 (Arboricultural method statement) 8 (Surface water drainage) 12 (Landscape and biodiversity management plan) 14 (Grassland mitigation strategy) 19 and 20 (Noise mitigation strategy) Pursuant to outline planning permission S/0202/17/OL-Current Application.

S/0626/17/E1 - Screening opinion- Not EIA development

S/0202/17/OL- Outline application including consideration of access points for residential development of up to 110 dwellings with areas of landscaping and public open space and associated infrastructure works (S106 secured provision of affordable housing, public open space, general open space and various financial contributions)- Approved.

S/2273/14/OL (APP/W0530/W/15/3139730) – Outline application including consideration of access points for high quality residential development of up to 110 dwellings with areas of landscaping and public open space and associated infrastructure works- Refused and dismissed on appeal.

Planning policies

National Guidance

6. National Planning Policy Framework (NPPF) 2019

National Planning Practice Guidance (NPPG)
National Design Guide 2019
Planning Practice Guidance Circular 11/95 – The use of conditions in Planning Permissions (Annex A)

South Cambridgeshire Local Plan 2018

- 7. 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/6 The Development Strategy
 - S/7 Development Frameworks
 - S/10 Group Villages
 - HQ/1 Design Principles
 - H/8 Housing Density
 - H/9 Housing Mix
 - H/10 Affordable Housing
 - H/12 Residential Space Standards
 - NH/2 Protecting and Enhancing Landscape Character
 - NH/3 Protecting Agricultural Land
 - NH/4 Biodiversity
 - NH/5 Local Green Space
 - NH/14 Heritage Impact
 - CC/1 Mitigation and Adaption to Climate Change
 - CC/3 Renewable and Low Carbon Energy in New Developments
 - CC/4 Water Efficiency
 - 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/12 Contaminated Land
 - TI/2 Planning for Sustainable Travel
 - TI/3 Parking Provision
 - TI/8 Infrastructure and New Developments
 - TI/10 Broadband

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

- 8. 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
 - Public Art SPD- Adopted 2009
 - Health Impact Assessment SPD – March 2011
 - Greater Cambridge Sustainable Design and Construction Supplementary Planning Document- Adopted January 2020

Fulbourn Village Design Guide, Adopted January 2020
Fulbourn Conservation Area Appraisal Adopted January 2008
Fulbourn Neighbourhood Plan - A neighbourhood area has been designated for Fulbourn in August 2018 and the Neighbourhood Plan is currently being prepared to carry out the pre-submission (Reg 14) consultation.

(The Fulbourn Neighbourhood Plan is therefore afforded no weight in the assessment and determination of the Reserved Matters application, as detailed in Paragraph 48 of the National Planning Policy Framework).

Consultation

Fulbourn Parish Council- Raise objections:.

9. The site is unable to support the development of 110 dwellings while satisfying both national and local planning legislation or the requirements of the National Planning Policy Framework and South Cambridgeshire Local Plan, the Fulbourn Village Design Guide SPD and the conditions pertaining to the Outline Planning Approval S/0202/17/OL. The Parish reiterates concerns regarding the long term maintenance of surface water drainage and open spaces which do not appear to have been properly addressed. There is no assurance that Cox's Drove will only be used by pedestrians, cyclists, and emergency vehicles. Inadequate accessible public open space for recreation is proposed due to the need for green spaces to contribute to retention, mitigation and translocation of the existing flora and fauna biodiversity, and for their use as surface water retention facilities via bio-retention attenuation basins and to accommodate potential flooding and high water table

The proposals do not adequately discharge conditions 12 and 14 of the outline permission. The development results in a significant negative biodiversity impact resulting in the need for offsite compensation. There has been minor modifications to address some of the concerns particularly relating to car parking provision to the block of flats. Concern over the location of the rented and shared ownership dwellings which are exclusively located in block of flats, either adjacent to the chalk stream or in the area to the north of the west field opposite the adjacent industrial site.

The incorporation of all rented and shared-ownership homes into two and three storey blocks of flats is socially questionable.

The proposals do not achieve the aims of the Fulbourn Village Design Guide and do not take into account the design guidance in the Fulbourn Village Guide which aims to ensure that new development is of high quality design and sympathetic to the character of, and vision for Fulbourn.

The design of the claimed pedestrian, cycle and emergency only access from the development onto Cox's Drove will not prevent its use by lorries, some vans

and high wheeled-base cars such as SUVs and 4X4s. Cox's Drove is not suitable for this potential increase in traffic.

The three storey blocks of flats are of poor architectural design and inappropriate in a rural and village context, detrimental to the setting of Poor Well in the Conservation Area, and intrude on the necessarily wide wildlife corridor along the line of the chalk stream.

The site cannot accommodate as many as 110 dwellings on the site without compromising the existing biodiversity and associated water regime and at the same time providing acceptable living conditions at this density.

The Section 106 has not been addressed.

Teversham Parish Council- Raise Objections

10. Raise concerns regarding the affordable housing being situated all in one area and appears to be all in flats. The affordable housing should be dotted around the development and offer a mix of housing types. What has been done to mitigate building on a flood plain, manage the chalk streams, aquifers and springs, preserve the original grass land and maintain biodiversity. There were concerns regarding noise pollution where dwellings are planned close to existing industrial buildings, Teversham Road and the railway line.

District Councillor for Fen Ditton and Fulbourn Ward (Cllr Cone)- Raised objections:

11. Comments on amendments- Objects and raises concerns about risk of flooding, how water across the site will be managed in terms of surface water, open spaces, preserving chalk streams and how it will be managed/funded in perpetuity. The proposal does not provide the recommended 40% affordable housing with this reserved matters application. It provides no self-build housing or electric charging point facilities anywhere across the site. The affordable housing is all grouped together and not spread across the site. Concerns regarding access to the site via Cox's Drove. The access should be for emergency vehicles, worried this will be used as a through route into the village via Cox's Drove which is unsuitable for that amount of traffic. Biodiversity should be acceptable not just in the short term but long term with provision put in place for ongoing management. Concerns that the amended plans and documents do not fully consider the village design statement especially with regard to visual impact, heights of buildings and keeping Fulbourn a village amongst trees.

District Councillor for Fen Ditton and Fulbourn Ward (Cllr Daunton) – Raised Objections:

12. Comments on amendments- There should not be removal or replanting of any grass land as preservation of retained grassland is a key component of a landscape that makes effective provision for biodiversity.

Comments on application- The application continues not to take account of the principles of the Village Design Guide for Fulbourn. It does not follow policy in relation to design principles, there is no indication of actions to mitigate climate change or provide biodiversity gain. No provision has been made for self-build dwellings and the requirements for affordable housing provisions have still not been met.

The proposal and amended plans do not take into account the guidance on page 16 of the Village Design Statement and two previous pages relating to the general integration of larger developments within the village.

Two and a half storey apartment blocks and individual dwellings with roofs of a similar height do not preserve the rural character of the area, nor does the grouped scheme of dwellings preserve the linear arrangement of the adjacent village buildings and tree scape.

The amendments fail to take into account the recommendations of the National Design Guide 2019 which ensures the delivery of dwellings that are not only well designed and capable of being well maintained over time, but are sensitive to location.

The scheme fails to take account of the current future effects of climate change in particular the opportunities for water recycling and for electric charging points.

The scheme does not meet the 40% requirement for affordable provision.

District Councillor for Fen Ditton and Fulbourn Ward Cllr Williams—Raised Objections

13. Comments on amendments- Objects as the application fails to comply with policies as adopted by South Cambridgeshire Local Plan, the National House Building Design Guide and the Fulbourn Village Design Guide. Fails to have regard to Policies HQ/1, NH/2, CC/1, H/9, H/10, SC/10 and Fulbourn Village Design Guide by failing to preserve and enhance the existing building rooflines which are consistently below the tree crowns around the site, sustain and enhance the characteristic short distance views from inside the village to open landscape at the Poor Well and deliver buildings that are not repetitive and aligned to avoid massing and form of perimeter blocks. The design of the dwellings particularly the urban style apartment blocks in the development fall far short of the guidance in that they fail to respond to and are not appropriate for the existing character and identity of the rural environment of the site and its surroundings as stated in the National House Building Design Guide. The proposed height of the apartment blocks and individual dwellings do not preserve or enhance the rural area and fail to take account of the wider landscape. The siting of these dwellings, adjacent to Meadow Park which performs a green link from the Poorwell through to the open fields of the Fulbourn Fen create by virtue of their height, mass and size an urban character at odds with the very rural nature of the landscape to the north of Cow Lane, Fulbourn. The dwellings located along the northern boundary of the site would be subject to noise and air pollution from the existing Breckenwood Industrial

Estate. The current Local Transport Plan for Cambridgeshire adopted by the County Council in March 2014 includes a rail station in the vicinity of Teversham Road by 2031, applicant has failed to consider these future impacts on the development

Anglian Water- Has no objection

14. There are assets owned by Anglian Water close to or crossing the site therefore requests an informative is added to any consent granted to require the layout to take this into count and if not practicable then sewers will need to be diverted at the developers cost. The foul drainage from the development is in the catchment of Cambridge Water Recycling Centre that will have available capacity for these flows. The site falls within a Source Protection Zone, and there is no risk to potable water source.

Archaeology Officer - Has no objection

15. An archaeological evaluation has already been conducted within the redline indicated against the outline application which identified a low density of archaeological features in the eastern half of the development area comprising undated pits of possible prehistoric date and unknown function, and the ditches of a post-medieval drainage system (Cambridgeshire Historic Environment record reference ECB4441). No further archaeological works are required in mitigation of the development impacts and do not consider the inclusion of an archaeological condition to be necessary.

SCDC Contaminated Land Officer- No objection.

16. As part of the Outline Consent, the Geosphere Phases I and II report were reviewed and no conditions were required. The reserved matters do not include any further pertinent information with regard to contaminated land and therefore no further comments to make.

County Council Transport Assessment Team-

17. No formal comments to make.

Designing Out Crime Officer- Has no objection

18. Comments on application-The proposed layout appears to provide high levels of natural surveillance with pedestrian and vehicle routes aligned together and high levels of natural surveillance should be achieved from neighbours. Supportive of layout in terms of both affordable and private housing. Vehicle parking is predominantly in-curtilage to the front and sides of properties, allowing owners the ability to view their vehicles from inside their homes from active windows. Requests to be consulted in regard to lighting and wayfinding lighting for public space areas when available.

SCDC Sustainable Drainage Engineer – No objection

19. Original comments – there is significant surface water flooding on the proposed site and a considerable amount of modelling and assessment was undertaken at outline stage that took this flow route into account and managed it in the landscape. It is not clear if this approach has been carried through to the final design. Further information required.

Following previous amendments- The development proposal is unacceptable and should be refused. The information previously requested is relevant, the information is fundamental to the proposed strategy and is therefore required at this stage to ensure sustainable principles are fully examined and can be technically assessed at this point, prior to further design evolution.

Following previous amendments-Design and modelling needs to be revisited and updated information.

Following the latest amendments- The development is acceptable.

SCDC Ecology Officer- No objection.

20. Previous concerns regarding insufficient information to demonstrate compliance with the Wildlife and Countryside Act 1981 (as amended) in relation to reptiles and net loss of biodiversity contrary to the National Planning Policy Framework and Policy NH/4 of the Local Plan.

Following the latest amendment- The amendments have removed previous concerns and that the application can move to determination without ecology and biodiversity being of further material concern. The applicant has submitted an updated Landscape and Biodiversity Management Plan. The plan includes as appendices a scheme for general grassland mitigation and translocation, chalk stream habitat restoration plan, reptile mitigation strategy and biodiversity offsetting calculations.

Environment Agency- No objection.

21. No objection in principle to the proposal provided all outstanding pre-commencement conditions are discharged prior to development.

SCDC Environmental Health Officer- No objection.

22. Condition 16 of the outline permission required submission of a Construction Environmental Management Plan, which will include controls on construction noise, dust, building site activities of working and delivery times. No new conditions are necessary, however a condition is recommended in regard to piling operations.

Conditions 19 and 20 of the Outline consent require provision of noise assessments.

Condition 19 has been recommended for discharge and condition 20 can only be discharged after completion and post construction noise testing has been carried out.

Having reviewed the Noise Assessment Report, agrees with the findings and conclusions and comments that most of the site is not contentious. The blocks within the north western corner (blocks C, C1, D, D1) next to Breckenwood Industrial Estate are within the 50 metre exclusion zone imposed by condition 20 of the outline consent. With suitable mitigation, these apartment blocks provide a shielding effect to the rest of the development whilst providing the residents of these premises with an appropriate level of protection. The mitigation will enable building to occur within the 50 metre exclusion zone. It can be seen that predicted noise levels within habitable rooms will meet the recommendations contained within BS8233 2014 and sufficient mitigation has been recommended when based on the external noise levels modelled across the site.

Condition 18 relates to lighting and condition 17 waste management from the outline consent and no further conditions are required.

Historic Officer- No objection.

23. Previous concerns- Visual and historic significance of the Poor Well area of the conservation area and the views northwards from Cow Lane across Poores Well to the open land beyond. The landscaped area in the south-west part of the site lies within Fulbourn Conservation Area, forming part of the grounds of the historic waterworks and driveway from the original gate lodge to the main pumping station building passed through this space. The historic and architectural significance of this part of the Conservation Area depend on the understanding and relationship of the waterworks buildings and landscape as a group. Detail of the treatment of the existing driveway to be retained is recommended via condition.

Following the latest amendments - Note the comments made by the Inspector at the appeal on this site, and acknowledge that it has been accepted that the impact on the Poores Well part of the Conservation Area will not be significant. The comments on the original driveway to the waterworks have not been addressed and a condition would be appropriate requiring this detail.

Housing Officer- No objection.

24. Previous concerns- The tenure mix does not meet the requirement of 70% affordable rent and 30% shared ownership. The accessible dwellings have not been identified on the plans. Disappointing that there is only the provision of flats for the affordable and not some houses. There are no flats offered for the private market provision therefore visually will be evident which units are affordable. Disappointing that all the affordable rent units are located to the north west of the site overlooking a commercial site.

Following Amendments- The applicant has worked with the Housing Strategy Team to amend the housing mix by reducing the number of 2 bedroom flats by

4 and replaced with 2 bedroom houses. The S106 allows for up to 20 affordable housing units to be clustered together. With the addition of the houses, the affordable units are spread out further into the site.

Landscape Officer- No objection.

25. Previous concerns- Insufficient information for both hard and soft landscape works. The soft landscaping is not of a high quality and fails to integrate the development with its surroundings, contrary to Policy HQ/1 and NH/6 of the Local Plan. Parking dominates the street scene, trees and shrub planting beds to break this up, parking bays to be integrated into the site than stand alone, hard paving area to front of plots 64-67 and 75-77 to be reduced, request for further tree planting, shrub planting, headwalls and culverts to respect the local landscape character, boundary treatment around meadow and linear part to be removed, vehicular bridge and foot bridge details required.

Following the latest amendments- supports the proposals.

Lead Local Flood Authority- No objection-

26. Previous concerns- There is a surface water flow path through the development which creates a significant level of flood risk through the development. It is acknowledged that the applicant has designed the site to ensure there are no buildings within the flow path.

The proposals are to drain surface water through permeable paving and attenuation basins around the development before discharging into the watercourse that flows through the centre of the site. The half drain times have been reduced, and there is adequate attenuation to receive the follow up 10 year storm within 24 hours of a 1% Annual Exceedance Probability (AEP) 7 day storm including climate change.

Cambridgeshire County Council (Highways Development Control) - No objection.

27. The Highway Authority can confirm that they will not be adopting any part of this development in its present format. Requests conditions in regard to proposed arrangements for future management and maintenance of the proposed streets within the development and visibility splays. Comments that the refuse vehicle swept path analysis is acceptable. Vehicular access (for 8 units or below if remaining private i.e. 74/81 and 64/71) should be constructed using dropped kerbs rather than the radii ones as shown. The proposed car parking layout appears to show that the length of some of the Plots: 1 /2 /20 89/95/96 and 97 driveways are excessively long.

Sport England- No objection.

28. The proposed development does not fall within either the statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response.

Sustainability Officer

29. No comments to make on the application.

Tree Officer- No objection.

30. Previous concerns- Chalk planting mixes does not reflect or contrast with the woodlands and treescapes, the proposed treescape is different to the sylvan character of Fulbourn, clarity needed in regards to SUDs and the impact on existing and future trees, clarification over Linear Park and tree species, the attenuation basins by the trees not entering the RPA but would have to be carefully managed to ensure does not creep into the exclusion zone, clarification needed that planting in Meadow Park would not create conflict with soft landscaping and SUDs, up to date Tree Survey required, Landscape and Biodiversity Management Plan and Landscape Plans need to match, tree watering details insufficient and planting schedule insufficient.

Supports the proposal subject to a condition in regard to tree pit details.

Urban Design Officer- No objection.

31. Officers consider further improvements can be made to the scheme and also suggest some planning conditions. Improvements to the character of the short streets (north and south of Linear Park) to be more like courtyards, addressing 2 instances of where dwellings are not meeting the minimum distances for ensuring residential amenity stipulated in guidance in the District Design Guide, increasing the rear garden area of plot 57 to meet the criteria for minimum residential amenity space in the District Design Guide, providing several rather than just one tree for the communal amenity spaces of the apartment blocks A, C, C1, D and D1 and elevation treatments of some apartments and houses needs to be improved in terms of their detailed design and materiality. Recommends conditions in regard to details for the position of meter cupboards and details of the vehicular bridge.

Representations from members of the public

32. 64 representations have been received from neighbours opposing the scheme, 0 supporting the scheme and 1 neither supporting nor objecting. These representations are summarised below:

Biodiversity:

Water vole seen in the stream which bisects the development. It would be impossible to complete the development without damaging, destroying or obstructing access to any structure or place which water voles use for shelter or protection.

The proposed path running all round the site including the back of the gardens of the houses fronting Cow Lane is not acceptable as the fields are wildlife sanctuaries and merge into the back gardens of the existing properties.

Unaware of measures to alleviate the environmental impact of the development.

Fencing between the proposed development and existing dwellings is of concern as it presents issues of security and loss of light as well as hindering the movement of wildlife.

Lizards and ground birds alongside a vast amount of wildlife use the field as a route.

Surrounding trees provide habitat for bats, owls, birds of prey, woodpeckers and other bird life.

All houses should have provision for bat and swift boxes.

Low levels of lighting is essential to protect wildlife and not add to light pollution.

Sustainability of the open areas and ecological conditions

Trees and Landscaping:

Screening of native hedges and tree planting.

Lack of proposed trees.

Mature planting and trees should be planted to screen the footpath from residents and improve the landscaping.

Land on corner of Cox's Drove and Cow Lane:

Lack of management of the land on the corner of Cox's Drove and Cow Lane, when ivy and blackberry become too overgrown, drivers cannot see safely to drive from Cox's Drove into Cow Lane.

Visual Impact:

Concerns regarding open views from Cow Lane by Poor Well across the site and chalk stream.

Disappointed by the architectural quality of the proposed dwellings.

Urban character which is a poor fit with the Fulbourn Conservation Area.

The proposal does nothing to enhance a unique area of the village with offering views from the adjacent sites of the Horse Pond and Poor Well (in Cow Lane) across Fulbourn Fen towards the villages agricultural green belt.

No attempt to present sympathetic design and landscaping to compliment a rural boundary to the village.

The proposed development will change the view and extend the urban environment past the existing limits and into the green fields beyond.

The old Cambridge Water pump house in Cow Lane is a unique building and the developer should not have attempted to copy its build materials, particularly as they will not be using welsh roofing slates.

The view from Poor Well is unchanged and may actually be more obstructive.

Three storey houses are completely out of character in this rural setting.

Poor design means cramped conditions internally and too many houses on site.

Density out of place in village setting.

Unconvincing design and the three character areas.

Houses have relatively high pitched roofs which will overpower the adjacent,

existing houses in Cow Lane.

Building in the open spaces around the Poor Well will degrade the setting and result in loss of aesthetic amenity for those who live in the village.

Three storey houses are out of character with the rural setting.

The proposed layout and design of the dwellings is unimaginative and inappropriate to a development on a boundary between open fenland countryside and a quiet rural village lane (Cow Lane).

Flats are inappropriate in a rural location.

Roof height of houses is too high and pitches too steep.

Heritage Impact:

Effect on adjacent listed buildings, conservation area and archaeological interest.

Poor Well is a historic and aesthetic asset to the village and should be protected, not spoiled.

Building in open spaces round Poor Well will degrade the setting and result in loss of aesthetic amenity for those who live in the village.

Emergency Access:

Ensure vehicular access to and from Cox's Drove will be restricted to emergency vehicles and not refuse vehicles.

Flooding and Drainage:

Concerned about very high flood risk to property from the development
Inadequate modelling of the flood risk and surface water maintenance
Concern regarding severe flash flooding locally has led to a smell of sewage.
The proposed site of the development floods regularly with both flash and prolonged flooding.

Water table is no more than 25-30 cm from surface, severe risk of flooding and modelling of flood risk that extends beyond the boundaries of the proposed development.

The surface water management plan contains models which do not extend beyond the development boundary.

There are no barriers to surface water flow from the development into existing properties to the east Cox's Drove or south Cow Lane. The proposal will increase flood risk to adjacent properties.

The creation of retention ponds just inside the boundary of the development immediately to the north of the existing Cow Lane properties will cause run off into adjacent existing properties.

Risk to Horse Pond and associated streams within the Poorwell Water Conservation Area.

Flooding towards the end of Teversham Road by the level crossing.

Well known flooding in Thomas Road and Roberts Way, to the west side of Teversham Road.

Concerns over a management company being set up to deal with drainage.

The proposals do not adequately discharge condition 8 of the Outline Consent.

The details do not include long term ownership and adoption of the surface

water drainage and maintenance of the same. The long term viability of the site maintenance must be answered before planning approval of reserved matters. High water table is not suitable for building.

In Cow Lane problems with sewerage systems.

The chalk streams that run through the proposed area are already suffering excessive drainage due to building.

The drainage ditches along the east side of Teversham Road are silted up. The site being a flood area would put new owners at risk.

Sewers cannot cope with the present houses and not the number proposed.

Concerns over the unsatisfactory and untried drainage system with no guarantee the developer can provide the necessary maintenance of the proposed drainage system as well as maintenance of open spaces in perpetuity.

Neighbour Amenity:

Noise, loss of privacy and overshadowing.

Lack of provision of a visual and physical barrier between the development and the house in Cow Lane (48-60).

Concerns regarding the siting of the proposed new electricity sub station being too close to existing residents and noise generated.

No windows should face existing properties.

Residential Amenity for future residents

Cramped internal conditions

New developments need to have either larger gardens to permit and encourage growing food, or developers need to provide alternative land for additional allotments.

Housing is too cramped together with inadequate public open space for recreation.

Will lead to social division in the community.

The serene green setting around Poor Well provides a valuable function in improving and maintaining the mental wellbeing of those who live in or visit the area.

Noise:

Concerns over noise from piling and construction.

-Concerns over building house foundations using a piling rig would produce a level of noise pollution that would make the adjacent environment and lives of the current residents totally unacceptable.

Pile driving and working hours should be monitored in terms of disruption to the village.

Working hours on the site should be set and strictly monitored to 8-4 Monday to Friday with no weekend working.

Consideration of health and safety implications of the railway boundary fencing and/ or additional hedge and tree screening of the Breckenwood Industrial Estate.

Highway Safety and Traffic Impact:

Increased traffic along Cow Lane.

Pedestrian and cycle routes exit onto Cox's Drove appears a poor choice.
Concern regarding heavy machinery moving along Cow Lane during building work.

Unsafe for vehicles, cyclists or pedestrians to access the site through the front garden of The Gate Lodge, 2 Hinton Road.

Concerns over highway safety of the proposed access.

Teversham Road being a fast road with zero speed restrictions or crossings for children.

One access point should be sufficient and direct pedestrians and people on their bikes to the green space. Having two pathways creates problems.

Oppose an exit for the housing in Cox's Drove.

The road Apthorpe Street to Cow Lane is narrow and winding and unsuitable to sustain any more traffic.

Provision of parking for all construction workers should be before work commences and on site rather than nearby streets.

Object to the pedestrian access from Cow Lane through the Pumphouse gardens on the grounds of security and privacy to the owners of the Lodge Gate House and the deep water with steep banks in the gardens being a danger to children.

No access to the site should be permitted to construction vehicles via Cox's Drove, no construction vehicles via Cow Lane and Apthorpe Street and no parking on nearby roads.

Inadequate levels of car parking.

Parking:

Limited parking around the school and people tend to park in residential roads.

Cycle and Wheelie Bin Storage:

The flats have insufficient storage for cycles.

Inadequate cycle and wheelie bin storage.

Facilities and Services in Fulbourn:

The school and pre-school are not big enough for an influx of new children.
Lack of community facilities at this end of the village and existing school will not have capacity for the extra pupils generated.

Fulbourn Forum for Community Action:

Comments received in support of objections raised by the Fulbourn Forum for Community Action.

Affordable Housing

Putting all the affordable, rented, shared ownership housing in flats, in the

corners is wrong.

Section 106 Agreement:

S106 has not been addressed.

Fulbourn Village Design Guide:

Compliance with Fulbourn Village Design Guide which the application fails to do.

Compliance with Outline Application:

Lack of compliance with approved plans and conditions at Outline stage.

Fulbourn Forum for Community Action- Objection.

The site is unable to support the development of 110 dwellings while satisfying both national and local planning legislation.

The development does not adequately maintain, enhance, restore or add to the present biodiversity of the two fields and the bisecting chalk stream.

The development results in a significant negative biodiversity impact resulting in the need for offsite compensation. No details of how this can be achieved are given in the application.

The proposals do not adequately discharge Conditions 12 and 14 of the Outline permission. Full details are not given which confirm how the proposed scheme of biodiversity monitoring and management will be effective, deliverable, and funded in perpetuity.

The surface water drainage design and management scheme is untried and untested, it has not been future-proofed in the light of the continuing Climate Emergency, and the precautionary principle has not been applied. In addition, Condition 8 of the Outline Approval has not been adequately discharged as there is no full detail of how the scheme will be monitored, managed and funded in perpetuity.

Inadequate accessible public open space for recreation is provided due to the need for 'green spaces' to contribute to the retention, mitigation and translocation of the existing flora and fauna biodiversity, and for their use as surface water retention facilities via bio-retention (attenuation) basins and to accommodate potential flooding/high water table.

The proposals fail to take proper account of the design guidance embedded in the Fulbourn Village Design Guide 2019, which attempts to ensure that new development is of high quality design and sympathetic to the character of, and vision for, Fulbourn.

The 3-storey blocks of flats are of poor architectural design and inappropriate in a rural and village context, detrimental to the setting of Poor Well in the Conservation Area, and intrude on the necessarily wide wildlife corridor along the line of the chalk stream.

The incorporation of all rented and shared-ownership homes (so-called 'affordable' homes) into the 2- and 3-storey blocks of flats is socially questionable.

The flats have internal layouts that are not fit for purpose and are undersized. Inadequate cycle storage has been provided in the blocks of flats, and inadequate cycle and wheelie bin storage has been provided to some houses.

The design of the claimed pedestrian, cycle and emergency only access from the development into Cox's Drove will not prevent its use by lorries, some vans, and high wheel-base cars such as SUVs and 4x4s. The applicant has now confirmed that the access will also be used by the weekly refuse lorries. Cox's Drove is not suitable for this potential increase in traffic particularly from the 63 dwellings in the eastern field. As presently configured this access and Cox's Drove is not a safe route for children walking or cycling to the village school.

The site and its surroundings

33. The site lies on the north western edge of Fulbourn. The application site comprises land to the east of Teversham Road, south of the railway line and north of Cows Lane. A small part of the site, the pumphouse garden lies within the Conservation Area and also forms a local green space, the remainder of the site abuts the Fulbourn Conservation Area to the south and south east and is adjacent to the former Fulbourn pumping station. The Green Belt lies to the north of the railway line. The site comprises of 6.85 hectares of undeveloped land which is partitioned by a narrow chalk stream. A small part of the site fronting Cow Lane was formerly an ornamental garden but is now inaccessible and heavily overgrown. The site abuts the Poorwell Water pond which is a protected village amenity and across which a low quality pedestrian access has been informally created. Adjacent to the site lies the former Fulbourn Pumping Station which is listed on the Cambridgeshire Historic Environment Record (HER), noted as a building of importance in the Fulbourn Conservation Area Appraisal and a non designated heritage asset, alongside Gate Lodge and Bakers Arm Public House. Two Sites of Special Scientific Interest are located within 2 km of the site (forming Fulbourn and Great Wilbraham Common). The site lies within Flood Zone 1 (low risk). The site is generally flat, with the field boundaries comprising of hedgerows and mature trees, following the alignment of the linear drains. The fields are open grass land, with the pumphouse garden retaining more ornamental planting although this has become neglected and heavily overgrown.

The proposal

34. This application, as amended, seeks consent for approval of matters reserved for appearance, landscaping, layout and scale following outline planning consent (S/0202/17/OL) which was approved for 110 dwellings.
35. The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides a definition of what each of the above reserved matters means in practice:

“layout” means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

“scale” means the height, width and length of each building proposed within the development in relation to its surroundings.

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture. “landscaping” means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes; (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

36. This application follows the scheme which underwent pre-application planning advice, pre-application workshop and discussion with the Design Enabling Panel (DEP).
37. The application is for 110 dwellings. The proposed layout for the development follows the approved parameter plan under the Outline Consent which detailed the siting of the built form of the development. This comprises of three raised land parcels where development will be located, to the west, north and south, with Meadow Park and Linear Park separating the north and south development parcels. The development is based around the main spine road running west to east through the site, with smaller roads being served off this. A crossing over the chalk stream is provided towards the centre of the site with two further pedestrian bridges to allow connectivity through the site. The proposed layout integrates the landscape, trees, ecology, chalk stream and Pump House pond of the site together.
38. The proposed design and appearance of the development would provide mainly two storey, simple single blocks, steep roofs, rendered or brick, pitched roof design approach with two storey and part two and a half storey apartment buildings. The proposed dwellings within the development incorporate variations

in ridge heights, designs, sizes and appearances, with the design cues coming from the character areas of the surrounding village development. Three character areas have been identified within the site.

39. The proposed scale of the development would comprise of single storey garages, two storey dwellings and and apartments, with part two and a half storey corner elements for the apartment buildings (block a and block b). These units all provide key corner frontages and way finding points around the larger open green Meadow Park and are located away from the northern boundary, centrally within the site.
40. Amended plans have been received for the proposal. The application has been amended by the applicants and additional information provided following consultee comments. The amendments comprise the following revisions to the design and layout:
 - Reduction in the four detached two and a half storey properties to two storey properties,
 - Reduction in the density to the northern boundary parcels,
 - Redesign of the apartment blocks including a reduction in the height and bulk of the apartments to two storey, away from the countryside edge and with a small part being just two and a half storey,
 - General reduction in height of dwellings and more active ground floor frontage,
 - Revised affordable housing to ensure spread across the site and including affordable rented and shared ownership housing,
 - Minor revisions to the window arrangements to create more positive relationships between units and improve surveillance of public spaces,
 - Provision of common amenity spaces to apartment blocks a and b,
 - Revised material palettes to the units,
 - Increased back to back distances,
 - Revision of parking areas to provide an improved landscape led street scene,
 - Introduction of further trees,
 - Removal of the road loop at the eastern end of Linear Park, and
 - Provision of details regarding balconies to the apartments.
41. In terms of ecology, additional information in the form of a Reptile Survey Report and response from the applicant's Ecologist were provided to address the Ecology Officers points of clarification. In terms of trees, the applicants Tree Specialist clarified the Tree Officers points of clarification.
42. In terms of drainage, the Outline consent established the site suitable for development with an appropriate drainage strategy. Following comments from the Lead Local Floor Authority and Drainage Office, the information supporting the application has been updated.
43. A number of comments have been raised in regard to the sustainability of the proposal and complying with the adopted Local Plan and National Planning Policy Framework, and the proposed access and highway safety. The principle of the development and access were established under the outline

planning consent and therefore cannot be considered as part of this Reserved Matters application.

Planning Assessment

Principle of Development

44. The principle of the residential development for up to 110 dwellings (including 30% affordable) with access for the main entrance was established on the site under approved outline planning consent S/0202/17/OL.
45. A number of comments have been received in regard to the proposed number of dwellings and this being inappropriate for the site and Fulbourn village. The principle of development has been established under the outline consent granted under S/0202/17/OL.
46. The key issues to therefore consider in the determination of this Reserved Matters application relate to compliance with the outline planning permission, density, affordable housing, housing mix, the reserved matters (layout, scale, appearance, landscaping), heritage assets, flood risk, highway safety, neighbour amenity, biodiversity and other matters.

Compliance with the Outline Planning Permission

47. Several conditions were imposed on the decision for the outline consent which require compliance at the reserved matters stage.

Condition 4 of the outline consent requires the development to be carried out in accordance with the following approved plans M02 rev C – Site Plan; M06 rev E – Parameters Plan; P2 – 50m Exclusion Zone B; B411/008 Rev 1 – Cox’s Drove Emergency Vehicle Access; and B411/SK/09 Rev 2 – Indicative Full Right Turn.

Condition 5 of the outline consent requires details of the mix of housing (including market and affordable housing) to be submitted with any reserved matters application for housing.

Condition 6 of the outline consent requires detailed plans and particulars of the reserved matters pursuant to Condition 1 to be in general accordance with the illustrative layout (Drawing number ‘M03 Rev C’ subject to taking into account the 50m noise exclusion zone as identified on drawing number ‘P2’.

Condition 28 of the outline consent requires the number of storeys and the height of the eaves and ridge above AOD to any built development to be determined through the reserved matters application.

48. This reserved matters application is considered to comply with conditions 4, 5, 6 and 28 of the outline consent.

Housing Density

49. The overall site measures approximately 6.85 hectares in area. The proposed density of this site would be approximately 16 dwellings per hectare. The net residential area measures 3.31 hectares which would give a density of 33 dwellings per hectare. Alongside the residential development, other areas of the site would consist of the chalk stream, ornamental garden, locally equipped area of play (LEAP) at Meadow Park and open space at Linear Park.
50. The overall proposed density would be below the requirement of an average of 30 dwellings per hectare, however the proposal is considered to be acceptable given the character of the area and sites location, in accordance with Policy H/8 of the Local Plan.
51. Officers consider that the proposed density reflects the density of Fulbourn and would comply with Fulbourn Village Design Guide and Fulbourn Conservation Area Appraisal.

Affordable Housing

52. 33 of the 110 dwellings would be affordable to meet the local needs of Fulbourn. Under the approved outline consent S/0202/17/OL, officers considered and agreed that 30% affordable housing was considered acceptable. The outline planning application was supported by a development viability appraisal. This was secured within the Section 106 agreement as part of the outline planning consent
53. The proposed mix would comprise of 8 x 1 bed flats (24%), 16 x 2 flats (48%), 4 x 2 bedroom houses (12%) and 5 x 3 bedroom flats (15%). 16 of the units would be for shared ownership and 17 for affordable rented.
54. The proposal has been amended in terms of the affordable housing provision following the Housing Officers comments. The amendments comprise of four affordable dwellings being proposed, two of which would be affordable rent and two shared ownership, which provides a more appropriate mix of the affordable units across the scheme. The scheme also allows four private units to be flats encouraging diversity. The tenure mix across the site has been revised to ensure affordable rent and shared ownership units are mixed throughout the site, creating an inclusive community. The location of the affordable dwellings has been amended in which the affordable provision is not all sited in the north west corner but has been dispersed around the site with provision within apartment blocks A and B which lie more centrally within the site and to the eastern part. This accords with the S106 Agreement which allows up to 20 affordable units to be clustered together. The mix of textures for the affordable housing also allows dispersal between the shared ownership and affordable rent provisions.
55. The proposed amendments are considered to address the Housing Officers comments in regard to the tenure mix meeting the requirement of 70% affordable rent and 30% shared ownership, provision of a mix of houses and flats for the affordable housing, provision of flats for private market house and

dispersal of the affordable units so that they are not all located to the north west of the site.

56. The dwelling size mix, tenure mix and location are considered acceptable and would accord with local needs within Fulbourn and across the district.
57. The proposal will meet the requirement of providing 5% of homes to be built to the accessible and adoptable dwellings M4(2) standard. Plots 11 and 12 (affordable rented), plots 7 and 48 (shared ownership) and plots 79, 85 and 86 (market) will be M4(2) compliant which is split evenly between the affordable and market homes.
58. The Council's Housing Officer has confirmed their support for the mix, tenure, layout and clustering of the affordable housing proposed.
59. The proposal would therefore comply with condition 5 of the outline consent S/0202/17/OL, the S106 Agreement and Policy H/10 of the Local Plan.

Market Housing Mix

60. 77 of the 110 dwellings would be for sale on the open market. The market housing mix proposed is 23 x two bed units (30%), 31 x three bed units (40%), 19 x four bed units (25%) and 4 x five bed units (5%).
61. The 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; and at least 30% 4 or more bedroom homes; with a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.
62. Officers are satisfied that the proposed development would provide for an appropriate market mix of housing on the site, nothing that the mix would accord with Policy H/9 of the Local Plan.
63. The proposal would therefore comply with condition 5 of the outline consent S/0202/17/OL and Policy H/9 of the Local Plan

Residential Space Standards

64. Policy H/12 of the Local Plan states that new residential units will be permitted where their gross internal floor areas meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standard (2015) or successor document
65. Given that the outline planning consent did not require the dwellings to be built to meet the residential space standards and this matter does not fall under the definition of the reserved matters for layout, appearance or scale of the development, the sizes of the rooms are considered satisfactory.
66. However, the proposed dwellings would meet the national space standards. The proposal would therefore comply with Policy H/12 of the Local Plan.

Open Space Provision

67. The Second Schedule of the Section 106 for the development requires the following areas of local equipped area of play and open space to be delivered on site, based on the number of dwellings of each type (by bedrooms) provided on the site:
- 902.9m² of Area of formal play space (LEAP)
 - 902.9m² of Area of Public Open Space comprising informal play space
 - 866.3m² of Area of Public Open space comprising informal open space.
68. A Landscape Management and Maintenance Plan (LMMP) has been submitted which has been informed by the requirements in the Section 106 Agreement.

Reserved Matters

Layout

69. As part of the Outline approval, parameter plans were approved under condition 4 which detailed the siting of the built form of the development.
70. The proposed layout shows three specific raised land parcels where development will be located. The proposed layout design principles reinforce the heart of the development, providing enclosure around key open spaces. The development is based around a main spine road running west to east through the site, with smaller roads being served off this. A crossing over the chalk stream is provided towards the centre of the site with two further pedestrian bridges to allow connectivity through the site. The proposed layout is considered to accord with Part 10 of the Village Design Guide by providing informal, interconnected streets, lanes and spaces.
71. The central open space 'Meadow Park' allows retention of views through the site from the village and Conservation Area, out towards the countryside and includes the public open space and play space. This accords with the Part 10 of the Fulbourn Village Design Guide which states that there should be views across the whole site towards countryside and local landmarks.
72. The chalk stream running north to south is to be retained and will form a key landscape and biodiversity feature within the site.
73. The proposal incorporates a pedestrian and cycle route with more informal walking routes. On the western field a more informal mowed path is proposed. The proposed layout integrates the site with the existing village through soft landscaping, road access to the west, cycle and pedestrian connections to the east, west and south.

74. Proposed car parking is provided on plot with private driveways to the front and side of dwellings alongside garages. Careful consideration has been given to the siting and position of the proposed apartment block parking, with hard and soft landscaping to reduce the visual impact, ensuring it is not visually dominant in the street scene.
75. The proposed layout is considered acceptable in terms of the parameter plans for the Outline consent and in regard to the character of the surrounding area. The proposed layout is considered to respond and enhance the natural features and integrate the design, landscape, ecology, surface water attenuation with the existing chalk stream and pump house pond.

Scale

76. The proposed height of the development will comprise of a mix of single storey garages, two storey dwellings and apartments, with part two and a half storey elements for the apartment buildings (block a and block b).
77. The approved parameter plan under the outline consent (condition 4) states residential development, up to 2.5 storey.
78. The scale and character of the existing residential development near the site presents a mixture of two storey, one a half storey and single storey of varying designs and footprints, with two storeys being the most prevailing scale of development. The nearby former Cambridge Water Company building is higher than this and The Swifts residential developments within Fulbourn are three storey'
79. The properties along Teversham Road are a mix of two storey and single storey, mainly detached. The properties along Hinton Road are mainly two storey, detached and semi-detached. Along Cow Lane and The Pines are two storey, mainly detached in reasonable sized plots. Cox's Drove comprises of bungalows and two storey detached properties which leads to two storey commercial buildings.
80. The proposed height of the development is considered appropriate to the rural character and positioning of the site and area with the small part two and a half storey elements being sited centrally within the site, framing Meadow Park and also allowing views through the site from Poorwell Gardens and the Conservation Area and from the village into the site and wider countryside. The orientation of block a when viewed from Poorwell Water ensures that the two storey element will screen the two and a half storey height increase, ensuring it will not appear overbearing or bulky from this view. The proposal would accord with Policy 5 of the Village Design Guide 2020.
81. It is considered that the proposed height and scale of the development, predominantly two storey with the minimal two and a half storey elements, would accord with the Fulbourn Village Design Guide 2020 which states that 3 storey buildings are not typical of the village and should be considered with extreme care-they should be sited away from prominent frontages to minimise visual presence, and be articulated to avoid any bulkiness.

Appearance

82. The site lies within the 'Poor Well Character Area' as detailed in the Fulbourn Village Design Guide. This area as stated in the Design Guide is a unique highlight in Fulbourn and has links to the heritage of water management and the fenland agriculture and brings nature into the village. The area has a natural and agricultural feel, with the chalk stream, wetlands and ditches running along roads and contains industrial buildings and the grand Victorian former Cambridge Water Company (Part 4, Character Areas, Fulbourn Village Design Guide).
83. The Fulbourn Village Design Guide states that buildings should not be repetitive and provide a variety of building types and designs with coherent scale, massing and elegant simplicity in detailing. Chapter 11 of the Design Guide states that building in Fulbourn have simple forms and features and the character comes from the horizontal proportions and attractive diversity created by irregular building alignments and prominent roofs.
84. The proposal would provide three distinct character areas which would have their own appearance and character to provide a sense of place, these consist of village lane, meadow park and village street character areas. Village lane character area would be to the west, adjacent to Teversham Road, picking up the variety of scale, built form and materials of the High Street. This is evident in narrow frontages with hedges or defined walls, building type diversity and use of traditional materials.
85. Meadow Park character area surrounds the central open green space, framing the natural features of the site consisting of Meadow Park and the chalk streams. There is a range of built form with simple detailing and traditional materials. The proposed siting of the buildings allows open views of the countryside.
86. The Village Streets character area of the site lies to the east and bisected by the new Linear Park. With a strong linearity of the area, architectural reference is made to the residential developments in Fulbourn post industrial area comprising Station Road, Cambridge Road and Cow Lane. There are a variety of building types and when similar building types are used, different fenestration and roofing materials ensure a visual difference.
87. The proposed development provides mainly two storey, pitched roof approach throughout the site, with the two storey apartment buildings with part two and a half storey elements and single storey garages. The dwellings within the development incorporate variations in ridge heights. The tallest units on the site are approximately 11 metres in height (apartment block a and b, two and a half storey element) while the height of the majority of these two storey apartments

consisting of the stepped down design are to be 9 metres and 8 metres in height. The two storey dwellings are approximately 9 metres.

88. The proposed design and appearance of the dwellings and apartment buildings includes a variety of house types, with material palettes and architectural language. The proposed variety of house types ensures that dwellings next to each other are not identical.
89. The Urban Design Officer in their comments do not object to the proposals and recommend that improvements to the character of the short streets (north and south of Linear Park) could be undertaken so that they are more like courtyards, with a narrower first section of the street which widens out to be more courtyard like to the end of the street. Given the space constraints of the site and impact this would have on the provision of landscaping, it is considered that the visual impact would not be unacceptable if this is not undertaken.
90. The Urban Design Officer in their comments recommended that the shared surface street is extended beyond plot 107 to 104 in the north east corner of the site to emphasise that pedestrian circulation is encouraged in this area which will contribute to the scheme and align the loop road. Given the pavement along the dwellings to the north of the site, pathway through Linear Park and the links to the north east of the site, the proposal as it stands is considered to provide sufficient pedestrian circulation.
91. Finally the Urban Design Officer comments that the elevational treatments of some apartments and houses needs to be improved in terms of their detailed design and materiality. They refer to the front elevation of the C2 house types lacking consistency, symmetry and balance, apartment block b requiring further openings or other features and colours and materials of 4 apartment blocks C1, C, D and D1 being repetitive in their appearance. It is considered that given the internal requirements of the proposed dwellings, provision of further windows prohibits the internal use of these dwellings. The comments of the Urban Design Officer are noted, however on balance it is considered that the proposed design and elevational treatment of the house and apartment types have been amended and are acceptable in terms of the visual impact.
92. The proposed design and appearance of the development is considered to accord with Part 10 of the Village Design Guide by not being repetitive and providing a variety of building types and designs. The overall appearance and detailing of the proposed units are considered acceptable and provide a variety of interest. Officers consider it reasonable and necessary to impose a condition requiring details of materials for the proposed dwellings.
93. Comments have been received in regard to the proposed apartment buildings and the design being urban and not appropriate for the existing character and identity of the rural environment. It is acknowledged the proposal will provide several apartment block buildings. The proposed design and appearance with

the stepped roof levels and heights are considered to reduce the visual impact. The proposed design, appearance and siting are considered to be appropriate in terms of visual amenity and rural setting of the site, given the apartment buildings will be centrally located, away from the north rural open countryside.

94. The proposed design of the dwellings are considered to provide a variety and mix, which corresponds with the rural character of the area. The proposals are considered to accord with the Fulbourn Village Design Guide by not being repetitive, providing a variety of types and design and Policy HQ/1 of the Local Plan.

Landscaping & Trees

95. Condition 7 of the outline consent requires full details of tree protection measures for all trees and hedges to be retained to be submitted and approved. Condition 12 requires a landscape and biodiversity management plan to be submitted. Condition 14 requires a grassland mitigation strategy. All these conditions have been submitted as part of a separate discharge of condition application alongside this Reserved Matters application (S/3209/19/DC).
96. Notwithstanding the current discharge of condition application, this application is supported by a landscape masterplan, hard landscape strategy, details of the LEAP, details of the Pump House Garden, planting strategy, hard and soft landscape plans.
97. The site houses a delicate wildlife area of chalk streams which provides a natural green corridor from the countryside to the village and is relatively flat in its level. The eastern part of the site is screened with thick hedging and trees. To the southwest there is the neglected pumphouse garden which has a neglected pond. To the north and west, the site is fairly well screened with substantial mature trees.
98. Fulbourn village as detailed in the Village Design Guide Part 5 as having a landscape setting of the village 'set among trees', with views and direct access to the countryside from within the village and being typical of tall trees, hedgerows and rural planting in the build area
99. In terms of hard landscaping, the development is considered to complement the local context and emphasise the hierarchy of public and private spaces across the site.
100. The application has been subject to formal consultation with the Council's Landscape Officer and Trees Officer who are supportive of the proposal. Amended landscaping plans have been received in which increased landscaping has been incorporated within the street scene to break up parking and given a tree lined street scene to the north west corner of the site.

Landscaping has also been improved to make the proposal more appropriate in terms of visually and its layout, with trees shown in strategic locations at the end of cul-de-sacs to create a green edge when viewed from roads and the number of trees proposed has increased.

101. The Council's Landscape Officer has commented that further details in terms of the cycle parking buildings and the vehicular bridge are required. These details can be conditioned.
102. The Council's Tree Officer has commented that the proposals are acceptable in terms of the provision of trees and recommends a condition for 3D tree pits for those trees whose potential semi-mature rooting zone will be more than 50% hard surfacing.
103. Comments have been received from neighbours that the proposed planting plan does not comply with the approved parameter plan, with areas required for retained or additional planting not being in accordance with the details now proposed. The proposed landscaping is considered to accord with the parameter plans approved.
104. Officers consider that the proposed landscaping would accord with policy HQ/1 of the Local Plan, which seeks to secure high quality landscaping and public spaces that would integrate the development in with the surroundings.
105. Officers consider the landscaping for the site is responsive to Fulbourn Village Design Guide 2019 and Policy HQ/1 of the Local Plan which seeks to Secure high quality landscaping and public spaces that would integrate the development in with the surroundings.

Heritage Impact

106. The Conservation Area runs along the southern boundary of the site and includes the pumphouse garden. The pumphouse garden is overgrown with a pond and tree lined avenue. It originally formed part of the grounds of the historic waterworks (non designated heritage asset) and the driveway from the original gate lodge to the main pumping station building passed through this space. The pumping station has been converted to office accommodation and the gate lodge has become a private house.
107. In the committee report for the approved Outline consent (S/0202/17/OL), it states that: 'Two small parts of the site lie within the Fulbourn Conservation Area. No development is proposed for these areas so there will be no harm to the conservation area itself, However the Inspectorate in the appeal did accept that the site made some contribution to the Setting of the Conservation Area. It was deemed that the development resulted in "very minor adverse" impact on the setting of the Conservation Area and therefore a very minor impact on its significant harm. Harm could be further mitigated through the design of the development on site'.
108. As part of this application, a Heritage Statement has been submitted in which

it seeks to demonstrate that the proposed design ensures no impact upon the adjacent Conservation Area. The impact on the setting of the Conservation Area will be assessed.

- 109 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the desirability of preserving or enhancing a Conservation Areas character or appearance.
- 110 The Fulbourn Conservation Area Appraisal states that development within the Conservation Area should respect the scale, pattern, materials, and boundaries of the existing settlement.
111. The Heritage Officer considers that the historic and architectural significance of this part of the Conservation Area both depend to a degree on an understanding of all the waterworks buildings and the landscape around them as a group. The buildings within the former pumping station, gate house and open space are identified as making a positive contribution to the character and appearance of the Conservation Area, with the pumping station identified as a focal point as detailed in the Fulbourn Conservation Area Appraisal
112. The Heritage Statement accompanying the application acknowledges this and indicates that as part of the restoration of the waterworks grounds, the existing driveway would be retained. The Heritage Officer has commented that the detail of the treatment of the driveway is not clear and it is important that the integrity of the complete driveway route from the gates to pumping station remains perceptible and distinct from additional routes created as part of this development. The Office has requested a condition, requiring the details of the treatment of the driveway should be attached to any consent.
113. In the 2016 appeal (APP/A0530/W/15/3139730, paragraph 49), it was recognised that due to the physical proximity between the site and the Conservation Area, the site 'should be serving as some part of the setting of the Conservation Area'.
114. The proposal has been assessed in terms of its impact on the setting of the Conservation Area and it is considered that the proposal given its character of detached and semi-detached dwellings would not result in a dense and continuous form of development, impacting on views from and in the Conservation Area.
115. The proposed retention of the green buffer of landscaping along the southern and eastern site boundaries of the site, mitigates any outward views from the Conservation Area. The proposed positioning of the apartment blocks with gable ends facing south towards the Conservation Area boundary, reduces the visual mass of the proposal in outward views northwards from the Conservation Area. The proposed design of the development is considered to be reflective of the character of the local area.
116. The proposal is not considered to result in significant harm to the character and appearance of the Conservation Area.

Highway Safety and Parking Provision

117. Access was approved at the Outline stage, with approved vehicular access from Teversham Road and emergency access onto Cox's Drove which is for emergency access and pedestrian and cycle access only. A number of comments have been received in regard to the proposed access for the site, on traffic levels in the area and on highway safety. The impact of the development in terms of access, traffic and highway safety was assessed under the outline consent.
118. Comments have been raised in terms of construction vehicles and movements. Condition 21 of the outline consent requires submission of a Traffic Management Plan which will detail the impact of construction on highway safety.
119. The Local Highways Authority in their comments stated that they will not be adopting any part of the development in its current format. The fact the Local Highways Authority may not adopt the proposed development is not a highway safety issue, this arrangement is not unusual for schemes of this nature.
120. The Local Highway Authority requested conditions in regard to submission of details of the proposed arrangements for future management and maintenance of the proposed streets within the development and two 2 metre by 2 metre visibility splays as shown on plans B411-PL-DR-016Rev P01/ B411-PL-DR-017 Rev P01/ B411-PL-DR-018 Rev P01 shall be kept clear of all planting, fencing, walls and the like exceeding 600 mm high which have been recommended under conditions (e) and (f).
121. They also commented that the vehicular access (for 8 units or below if remaining private i.e. plots 74/81 and 64/71) should be constructed using dropped kerbs rather than the radii ones as shown. The structures in the vicinity of the central meadow space will require a commuted sum if brought forward for adoption. The Local Highway Authority would seek to adopt the proposed development until the proposed SUDS is managed by the Parish Council or another body with a successor. The use of a management Company to maintain apparatus that directly relates to drainage of surface water. The proposed car parking layout appears to show that the length of the plots: 1 /2 /20 89/95/96 and 97 driveways are.
122. The applicant has responded to the Local Highway Authority comments, confirming that the drainage strategy requires water to infiltrate into the permeable paving within these vehicular access and therefore the introduction of dropped kerbs and ramps will prevent the proposed operation of the surface water strategy. The change of surface from tarmac to block paving reinforces the message that accesses are shared between vehicles and pedestrians. The driveway lengths are designed to allow additional space for unloading and storage. These points of clarification are considered acceptable.

123. Each dwelling would have two off road car parking spaces to the front and side of dwellings which would meet the requirement of Policy TI/2 of the Local Plan.
124. The proposal has provided a mix of methods for cycle storage with provision within lockable garden sheds or garages of a suitable size or cycle stores for the apartment buildings.
125. The proposal, subject to the recommended conditions would accord with Policies TI/2, TI/3 and HQ/1 of the Local Plan and paragraphs 108 and 110 of the National Planning Policy Framework.

Biodiversity

126. The ecological constraints of the site were considered under the outline planning application.
127. The site is dominated by pasture grassland with given species of orchid recorded as well as adders tongue fern, common lizard, grass snake, bats and nesting birds. The proposed layout of the scheme has been designed to retain higher quality areas of grassland and provide a permanent home for key botanical species within the landscaping. The existing chalk stream bisects the site from north and south. The proposal seeks to preserve the natural habitat an eco- system along the chalk stream with planting enhancement.
128. A landscape and Biodiversity Management Plan in relation to condition 12 of the outline consent and Scheme of Grassland Mitigation and Translocation in relation to condition 14 of the outline consent have been submitted as part of a separate discharge of condition application alongside this Reserved Matters application (S/3209/19/DC). The Ecology Officer has commented that they are satisfied with the grassland translocation strategy, reptile translocation strategy and the chalk stream habitat restoration plan enhances the habitat and will return it to a more natural state than the existing overgrown condition. The restoration will increase biodiversity and help encourage aquatic species in the area.
129. Given the above, and that the proposal will provide double the provision of bat, bird and hedgehog boxes required by the supplementary planning document, re-natural-ising the chalk stream at the centre of the site, enhancing the gardens to the south, and providing reptile habitat enhancements to the north, Officers consider the scheme will provide sufficient biodiversity net gain. The proposal would accord with Policy NH/4 of the Local Plan, Biodiversity SPD and paragraphs 170, 174 and 175 of the National Planning Policy Framework which requires development to enhance, restore and add to biodiversity with opportunities taken to achieve a net gain in biodiversity through the form and design of development.
130. The proposal is considered to accord with the additional guidance for Teversham Road Site in the Fulbourn Village Design Guide by respecting the sensitive natural location of the site and ensuring protection of the chalk stream and natural green corridor of the site.

Flood Risk/Surface Water Drainage

131. The site is situated within flood zone 1 (low risk) as identified by the Environment Agency. The ground conditions and water table level means that the site does hold water in times of peak events. There are three watercourses/ditches which run northwards through the site beneath the railway line and joins Cawdle Ditch some 1.3km north of the site, the ditch along the southern boundary of the western section of the site which joins the central watercourse and Teversham Road ditch which runs northwards along Teversham Road and joins Cawdle Ditch. A chalkstream runs through the centre of the site running south to north. The site is affected by surface water flooding during periods of extreme rainfall and, as noted by the Council's Drainage Officer and LLFA, there is significant surface water flooding on the site which was modelled and assessed at the Outline Planning application stage.
132. As approved in the Outline Consent and in the parameter plan, three raised platforms at levels of 300-500mm above existing ground level are proposed to manage flooding and protect the proposed dwellings as worse-case flood depths are in the 200 mm to 500 mm depth band. The boundary of each platform includes the surface water runoff attenuation facility for each platform.
133. The three attenuation facilities in the eastern part of the site comprise both sub- base replacement crates and bio-retention basins. The attenuation facilities for the western part of the site drains to the attenuation creates below the permeable paving. Runoff from the spine road will drain via a grassed filter drain and channel/aqueduct, to the existing pond in the pump house garden.
134. Maintenance of the surface water management and SUDs will be by a private management company. Condition 8 of the Outline Consent for which there is a current discharge of condition application S/3209/19/DC requires a detailed surface water drainage scheme for the site to be submitted based on the agreed Flood Risk Assessment (FRA) CCE/B411/FRA-03 September 2014 by Cannon Consulting Engineers to be submitted for approval. The condition states that the scheme shall include the long term ownership/adoption of the surface water drainage system and maintenance of the same.
135. The Lead Local Flood Authority and Sustainable Drainage Engineer in their initial comments raised concern regarding the final design of the development and whether the landscape proposals, highway design and building platform level have taken consideration of the surface water flooding approved at the Outline stage and how the surface water flow route is managed has been demonstrated. They requested that updated and revised modelling is provided to demonstrate that there is sufficient capacity on site for floodwater and that finished floor levels and external levels are defined to ensure that the dwellings will not flood.
136. Following amendments and additional information in the form of a Surface Water Drainage Strategy Addendum, Review of Surface Water Flood

Management and surface water/overland flood flow model and finished floor levels in response to flood levels to respond to the comments from the Lead Local Flood Authority and Sustainable Drainage Engineer, details were submitted in which the Reserved Matters layout continues to allow space for the predicted surface water flood water within the site boundary. The proposed layout for this application follows the same principle which was established at the Outline stage in that westwards flow from the central storage area between the two parcels in the east of the site will be restricted. The LEAP will now not be affected by floodwater, with the lower part of the LEAP to allow for restricted flows to pass through and around the LEAP. The central improvement works to the central stream will allow for additional capacity for floodwater.

137. The Lead Local Flood Authority, Anglian Water and Sustainable Drainage Engineer consider the proposal is acceptable in terms of flooding and drainage. The Lead Local Flood Authority comment that the proposals are to drain surface water through permeable paving and attenuation basins around the development before discharging into the watercourse that flows through the centre of the site. The half drain times have been reduced, and there is adequate attenuation to receive the follow up 10 year storm within 24 hours of a 1% Annual Exceedance Probability (AEP) 7 day storm including climate change. The Sustainable Drainage Engineer comments that the proposal shows that the proposed Road edge/footpath levels upstream of the 5 no. 150mm diameter pipes are above the 1 in 100 year plus 40% climate change and 1 in 1000 year return period flood levels. In the south-east corner of the site, where the 1 in 100 year plus 40% climate change and 1 in 1000 year return period flood levels are close to the proposed road edge/footpath levels, finished floor levels are 150mm above the highway level and therefore acceptable in terms of flood risk and drainage concerns.
138. The Lead Local Flood Authority have recommended three informatives relating to flow restriction culverts, Ordinary watercourse consent and pollution control and officers consider it appropriate to include these.
139. The Parish in their comments raise concerns regarding the long term maintenance of surface water drainage. As detailed above, condition 8 of the Outline Consent requires details of the long term ownership/adoption of the surface water drainage system and maintenance of the same. The statutory consultees support the details provided for the discharge of condition 8 under application S/3209/19/DC.
140. Overall, given the comments of Anglian Water, the Lead Local Flood Authority and the Sustainable Drainage Engineer, officers are satisfied that the proposal would accord with Policies CC/7, CC/8 and CC/9 of the Local Plan which requires developments to have an appropriate sustainable foul and surface water drainage systems and minimise flood risk.

Contamination

141. The site has a relatively low risk historical use as agricultural land and is being developed into a sensitive end use (residential). A Geosphere Phase I & II Report were submitted as part of the Outline Consent and concluded that no conditions were required.
142. The proposal would therefore comply with Policies CC/7 and SC/12 of the Local Plan.

Residential Amenity

Neighbouring Properties

143. The properties with the greatest potential for impact from the proposed development are the existing properties around the site at No.8 Teversham Road which lies to the north west and the neighbouring properties to the south at Nos. 60- 48 Cow Lane and No.3 Coxs Drove.
144. Paragraph 6.68 of the Council's District Design Guide details that to prevent the overlooking of habitable rooms to the rear of residential properties and rear private gardens, it is preferable that a minimum distance of 15 metres is provided between windows and the property boundary: for two storey residential properties, a minimum distance of 25 metres should be provided between rear or side building faces containing habitable rooms, which should be increased to 30metres, for 3 storey residential properties.
145. No.8 Teversham Road is a bungalow and lies to the north west of the site, with proposed units 1-5 being sited to the side and rear of this neighbouring property. To the front of this neighbouring property lies a garage. Unit 1 would be sited to the side of No.8 Teversham Road, but forward of the front elevation and to the side of the garage. At its nearest point, unit 1 would be approximately 10 metres from this neighbouring dwelling. The rear elevation of Unit 1 would face towards the garage with rear dining room patio doors, a window serving this area and window serving the living room at ground floor and two bedroom windows at first floor with a bathroom window. Given proposed plot 1 would be sited to the side of the front garden of this neighbour and not aligned with the side elevation, with the substantial mature tree boundary being retained, the proposal is not considered to result in significant harm to the amenity of this neighbour.
146. Plots 2 and 3 would be sited obliquely to the side of No.8 Teversham Road. Plot 2 would be sited approximately 22 metres from the side of No.8 Teversham Road, with plot 3 being approximately 25 metres. Within the rear elevations of Plots 2 and 3 would be ground floor patio doors and a window serving a dining/living room. At first floor level would lie two first floor bedroom windows. Given the distance and that proposed plots 2 and 3 would be offset with oblique views to the end part of the rear garden of the neighbour at No.8 Teversham Road, the proposal on balance is not considered to result in significant harm to the amenity of the neighbour.

147. Proposed plot 4 would lie further away to the rear of No.8 Teversham Road. The proposed single storey rear element of plot 4 would be sited approximately 20 metres from the boundary of the neighbour with the two storey element being 23 metres from the boundary. Within the rear elevation of unit 4 would lie a living room patio doors and a utility room door at ground floor level. At first floor level would lie two bedroom windows and a hallway window. Given the distance and oblique angle, the proposal has been assessed in terms of loss of privacy and is considered acceptable in terms of neighbour amenity.
148. To the rear of the neighbour at No.8 Teversham Road would lie proposed plot 5. This proposed dwelling would lie side on to the rear elevation and rear garden of this neighbouring property. Within the side elevation of proposed plot 5 would lie two first floor windows serving an ensuite and bathroom. Given these serve non-habitable rooms, the proposal is not considered to result in any loss of privacy to this neighbour. Proposed plot 5 would be sited 6 metres from the common boundary with No. 8 Teversham Road, being 14 metres from the rear elevation of this neighbouring dwelling. The District Design Guide states that where blank walls are proposed opposite windows to habitable rooms, this distance can be reduced further, with a minimum distance of 12 metres between the wall and any neighbouring windows that are directly opposite. The proposed location of plot 5 is on balance considered to be sited a sufficient distance to not result in significant harm in terms of privacy and overbearing impact. Proposed plot 5 would be sited to the south of No.8 Teversham Road. Given the distance, the proposal has been assessed in terms of loss of light and on balance is considered acceptable to the amenity of nearby residents
149. No.3 Cox's Drive lies to the south of the site. This neighbouring property would be set approximately 17 metres from proposed unit 86. The neighbour in their comments has raised concern regarding loss of privacy and overshadowing to their dwelling. Within the side elevation of proposed unit 86 would lie a secondary ground floor side kitchen window and an ensuite window at first floor. Given the main windows serving the habitable rooms would be in the front and rear elevations, the proposal has been assessed in terms of loss of privacy and the impact is not considered unacceptable to this adjacent neighbour. The neighbour also raised concerns regarding overshadowing. Given the significant distance of unit 86 from the neighbour and that there would be a large area of open ground in between, the proposal is not considered to result in significant harm to the amenity of this neighbour through overshadowing.
150. The neighbour at No.3 The Pines has raised concern regarding loss of privacy from the proposed development, with other concerns raised from neighbours in particular regard to loss of privacy to The Pines from proposed apartment block A. At its nearest point, apartment block A would be sited approximately 37 metres from No.3 The Pines and approximately 31 metres from No.2 The Pines. The nearest point

of apartment block A is the west elevation, there would be first floor windows in the side, west elevation which would serve a balcony serving the living room and dining room and two windows serving the primary and secondary bedrooms. The proposed two and a half storey element would be sited within the northern corner of apartment block A, at distance of 45 metres from No.2 The Pines and approximately 54 metres from No.3 The Pines. Apartment block A would face towards the rear elevation and garden area of No.2 and No.3 Cox's Drove, however, given the distance of the siting of apartment block A, the proposal would accord with the requirements of the Council's District Design Guide SPD.

151. The neighbour at No. 60 Cow Lane has raised concerns regarding overlooking and loss of privacy from the proposed development. Plots 68, 67 and 58 would be the nearest dwellings from this neighbouring property. Proposed plot 58 would be sited approximately 12 metres at its nearest point from the common boundary with No. Cow Lane and approximately 35 metres at the nearest point from this neighbouring dwelling. Within the side elevation of plot 58 would be a ground floor bay window with ensuite window at first floor. Given the above, the proposed unit 58 is not considered to result in any harm to the amenity of No.60 Cow Lane.
152. Proposed plot 67 would be site approximately 10 metres from the common Boundary with No.60 Cow Lane and approximately 24 metres from the rear of No. 60 Cow Lane. At ground floor level within the side elevation of plot 67 would lie a ground floor bay window with an ensuite window at first floor level. The proposal has been assessed in terms of loss of privacy and overlooking to the neighbour at No. 60 Cow Lane and is not considered to result in significant harm.
153. Proposed plot 68 would be sited approximately 10 metres from the common Boundary with No.60 Cow Lane and approximately 25 metres from the side of this neighbouring property. At ground floor level within the side elevation of proposed plot 68 would like a ground floor bay window serving a living room with another window serving a dining room. At first floor level would lie an ensuite window. Given the distance and that the first floor window in the side elevation would serve a non-habitable room, the proposal is not considered to result in significant loss of privacy or overlooking to warrant refusal.
154. The neighbour at No.58 Cow Lane has raised concerns regarding blocking of light and overlooking. The nearest properties would be proposed plots 68 and 77. Within the side elevations of these proposed dwellings would be a bay window serving a living room and another window serving a dining room. At first floor level would lie an ensuite window. Given no habitable windows would face towards this neighbour, the proposal is not considered to result in significant harm to the amenity.
155. This neighbour raises concerns regarding blocking of light. Proposed plot 68 would be approximately 10 metres from the common boundary and approximately 30 metres from the neighbouring dwelling. Proposed Plot 77 would be approximately 18 metres from the common boundary and approximately 33 metres from the neighbouring dwelling. Given the distance, the proposals are not considered to result significant loss of light.
156. The neighbour at No.58 Cow Lane in their comments state that no buildings should

be higher than two storeys high. The majority of dwellings on the site would be two storey which would accord with existing development patterns in Fulbourn. The proposal would entail two parts of the apartment blocks being two and a half storey. Given the limited extent of the two and a half storey elements proposed and that the elements are sited centrally within the site, there would be limited impact to adjoining neighbours and to the visual amenity of the wider area and Conservation Area setting.

157. The proposal is not considered to result in harm to the amenity of the neighbouring properties which serve Nos. 56-48 Cow Lane, given the distance of the proposed plots from the common boundaries and open space between.
158. Comments have been received from neighbouring properties in terms of the proposed lack of provision of a visual and physical barrier between the development and the houses in Cow Lane serving Nos. 48-60. Along this boundary as detailed in the landscaping plans there will be proposed native buffer planting, with trees retained where possible and a combination of the habitat retention and translocation areas and existing grassland and scrub retained.
159. The resident of No. 51 Caraway Road has raised concern regarding residential amenity and the scheme. Given the significant distance from this property, the proposal is not considered to result in any harm to this dwelling.
160. The proposal is considered to accord with Policy HQ/1 of the Local Plan and the District Design Guide SPD in terms of separation distances regarding loss of privacy, overlooking and loss of light and which requires development to protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight.

Future Occupiers

161. Consideration is also given to the amenities of the future occupiers of the site. It is considered that the proposed internal layout of the site is such that it is not considered to significantly compromise the quality of the amenity afforded to each property.
162. The Urban Design Officer in their comments mention two cases of where the siting of two dwellings plot 6 to apartment block D1 and apartment block D1 to plot 16 do not meet the minimum distances of 12 metres between a blank wall and the windows to habitable rooms as detailed in paragraph 6.68 of the Council's District Design Guide. The distances are 10.5 metres and 9 metres respectively. It is considered that given the site constraints and that these are the only two instances, given they only just fail to meet the 12 metre distance, it is on balance considered acceptable in these cases.
163. The Urban Design Officer in their comment's requests increasing the rear garden area of plot 57 to meet the criteria for minimum residential amenity space in the District Design Guide. The Design Guide requires dwellings with three bedrooms or more to have private garden space of 80m² in a rural setting. Plot 57 would meet this, and it is considered an acceptable size.
164. The proposal is considered to accord with Policy HQ/1 of the Local Plan and the District Design Guide which requires development to protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing

or results in a loss of daylight.

Noise

165. The site lies adjacent to the railway line and Breckenwood Industrial Estate. As part of the Outline consent, condition 19 requires with any reserved matters application submission of a noise mitigation/insulation scheme to protect the occupants externally and internally. Condition 20 of the outline consent requires no dwellings or private gardens be sited within the residential 50 metres no build /exclusion zone unless and until a detailed noise mitigation strategy and/or detailed insulation scheme to address the off-site operational noise from Breckenwood Industrial Estate has been submitted to and approved in writing by the Local Planning Authority. Condition 4 of the outline consent, approves plan title 50m Exclusion Zone B.
166. As part of this Reserved Matters application, a Noise Assessment has been submitted. Within the proposed site layout plan, blocks C, C1, D, D1 would be sited within the 50 metre exclusion zone. Notwithstanding this, the Environmental Health Officer has confirmed that the submitted Noise Assessment details that with suitable mitigation, these proposed apartment blocks effectively provide a shielding effect to the rest of the development, whilst providing the residents of these units with an appropriate level of noise protection to their amenity, allowing building within the 50 metre exclusion zone.
167. To maintain satisfactory noise levels within the residential blocks nearest to the Breckenwood Industrial Estate, there is a need for mechanical ventilation with Heat Recovery (MVHR) within these units. No background ventilators will compromise the external façades of blocks C, C1, D and D1.
168. The Environmental Health Officer supports the proposed siting of dwellings within the 50 metre exclusion zone and the noise assessment details provided.
169. The proposal has been assessed in terms of noise and residential amenity and is considered acceptable and would therefore comply with Policy SC/10 of the Local Plan.

Open Space

170. Meadow Park provides a landscape link across the chalk stream to connect the east and western parts of the site. The western field of Meadow Park forms one of the principal reptile and grassland receptor sites with the eastern field adjoining Linear Park and incorporating the LEAP.
171. A Locally Equipped Area of Play (LEAP) is proposed at the centre of the site adjacent to Meadow Park, providing traditional and bespoke natural play equipment for children.
172. Within the site there is the linear park which extends east from Meadow Park, with large areas of landscaping and informal open space to provide for informal play and outside amenity space, including a meadow grassland, shrub and herbaceous planting and lawn.

Permeability

173. The site is accessed via a single point of access for vehicular traffic from Teversham

Road. As part of the Outline consent, an emergency access and pedestrian and cycle access was approved onto Cox's Drove, a plan was approved detailing the low planter hard measure to be built to deter use by non emergency vehicles under condition 4. The site layout as detailed in this reserved matters application provides primary and secondary roads and pedestrian and cycle routes and bridges within the site. On the western field around the dwellings an informal mowed path is proposed. The proposal will provide public access to Pumphouse Garden an area of public open space, to the southwest corner of the site, allowing a connection between the site and village. The proposal will accord with Policy HQ/1 of the Local Plan.

174. Comments have been received in regard to whether the emergency access onto Cox's Drove will be used for refuse vehicles. It is only for emergency access with access for pedestrians and cyclists.

Sustainability

175. Policy CC/3 requires all new dwellings to reduce carbon emissions by a minimum of 10% through use of on-site renewable energy and low carbon technologies. Condition 27 of the Outline Consent requires a scheme for the provision of on-site renewable energy to meet 10% of the projected energy requirements.

Cows Lane/Cox's Drove

176. A resident has raised concern regarding the lack of management and maintenance of the land on the corner of Cox's Drove and Cow Lane. It is acknowledged that this piece of land is in the applicant's ownership, however not within the development site (red outline). Therefore this is a separate matter to this application.

Self Build Dwellings

177. A comment has been received in regard to no provision being made for self build dwellings as part of the development. Outline consent was granted prior to the new Local Plan being adopted. Given this there are no requirements for self build provision.

Other Matters

178. A neighbour in their comments raised concern that this reserved matters application submitted does not accord with the outline planning permission and Condition 4 which approved five plans. On plan M06 rev E – Parameters Plan which details the layout at Outline, the neighbour raises concern regarding the position of proposed units 76 and 77 which they consider sits within the area for open space. The proposal put forward is considered to accord with the approved parameter plan, as units 76 and 77 would be within the area for residential development and not the open space as detailed in the approved parameter plan.
179. In addition concerns were raised that the proposed details are not in general accordance with the illustrative layout as required by condition 6 of the Outline consent, in relation to the location of units, the proposed planting, sensitive area and open space areas. It is acknowledged that there is development within the 50 metre noise exclusion zone however the acceptance of this has been detailed in the noise section of this report.

Planning balance and conclusion

180. The principle of residential development up to 110 dwellings on the site, has been established through outline planning consent (S/0202/17/OL).
181. Whilst the concerns of the Parish Council and local residents are acknowledged in relation to the design, layout, neighbour amenity, highway safety, drainage, biodiversity and landscaping no objections have been received from statutory consultees in relation to these matters.
182. Most of these matters were considered at outline stage and no adverse impacts were identified that could not be controlled or mitigated by way of conditions
183. The amendments are considered to further improve the quality of the scheme to ensure that it preserves the character and appearance of the area and fits comfortably within its rural context. The reserved matters details for appearance, layout, scale and landscaping of the development are considered acceptable by officers and the application is therefore recommended for approval subject to conditions.
184. The site is a relatively spacious and low-density development, with large areas being provided for landscaping, recreational space, open space and retention of the chalk stream.
185. The proposed development provides a high quality development with a variety of house types which draw on the design characteristic and architectural details of the existing village. The development provides a high-quality level of amenity to the future occupiers of the site with all properties meeting or exceeding national space standards, although not required by planning policy. Each property is afforded a generous area of private amenity space which meet or generally exceed the recommendations of the Council's District Design Guide.
186. Taken together, the factors (and those detailed throughout the report) would accord with policy requirements from the Fulbourn Village Design Guide, Conservation Area Appraisal and the South Cambridgeshire Local Plan along with the District Council's District Design Guide SPD.
187. The development of the site would result in the provision of 110 dwellings towards the Council's 5-year housing land supply and the erection of 33 affordable units to help meet an identified local need.
188. Officers consider the reserved matters including the layout, scale, appearance and associated landscaping to be acceptable. The proposal would provide a high-quality scheme which would make a positive contribution to the local and wider context of the site and the character of the area, responsive to its edge of village location, providing a good level of amenity to the future occupiers of the site.
189. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that the reserved matters should be approved in this instance.

Recommendation

190. Officers recommend that the Committee approves the application, with the planning conditions and informatives set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission.

Conditions

- (a) The development hereby permitted shall be carried out in accordance with the following approved plans:

M02 rev C – Site Boundary Plan
A-P10-014 P1 – Site Layout Coloured Site Plan
A-P10-015 P1 – Site Layout Housing Mix
A-P10-016 P1 – Site Layout Building Heights
A-P10-017 P1 – Site Layout Material Plan
A-P10-018 P1 – Site Layout Refuse Tracking
A-P10-019 P1 – Site Layout Road Hierarchy
28815-P11-10 P1 – A Floor Plans
28815-P11-20 P1 – B Floor Plans
28815-P11-60 P1 – F Floor Plans
28815-P11-61 P1 – F2 Floor Plans
28815-P11-62 P2 – F1 Floor Plans
28815-P11-70 P1 – G Floor Plans
28815-P11-81 P1 – H1 Floor Plans
28815-P11-110 P1 – Apartment Block C Ground Floor Plan
28815-P11-111 P1 – Apartment Block C First Floor Plan
28815-P11-112 P1 – Apartment Block C1 Ground Floor Plan
28815-P11-113 P1 – Apartment Block C1 First Floor Plan
28815-P11-120 P1 – Apartment Block D Ground Floor Plan
28815-P11-121 P1 – Apartment Block D First Floor Plan
28815-P11-122 P1 – Apartment Block D1 Ground Floor Plan
28815-P11-123 P1 – Apartment Block D1 First Floor Plan
28815-P11-130 P1 - Single Garage
28815-P11-131 P1 – Double Garage
28815-P13-10 P1 – A Village Lane Elevations
28815-P13-12 P1 – A Village Lane Elevations
28815-P13-13 P1 – A Village Lane Elevations
28815-P13-14 P1 – A Village Street Elevations
28815-P13-20 P1 – B Village Street Elevations
28815-P13-41 P1 – D1 Village Lane Elevations
28815-P13-50 P1 – E Village Lane Elevations
28815-P13-51 P1 – E1 Village Street Elevations
28815-P13-60 P1 – F Village Street Elevations
28815-P13-61 P1 – F1 Village Lane Elevations
28815-P13-62 P1 – F (plot 57) Village Street Elevations
28815-P13-63 P1 – F2 Elevations
28815-P13-71 P1 - G Village Lane Elevations
28815-P13-73 P1 – G Village Street Elevations
28815-P13-110 P1 – Apartment Block C Elevations
28815-P13-111 P1 - Apartment Block C1 Elevations
28815-P13-120 P1 – Apartment Block D Elevations
28815-P13-121 P1 – Apartment Block D1 Elevations
TRF-CBA-1-GF-M2-L-3002 P2 – Site Section 3 of 3 (Pump House)

Garden)

TRF-CBA-1-GF-M2-L-2001 P1 – Detail Plan Pumphouse Garden

TRF-CBA-1-GF-M2-L-4010 P2 – Planting Key Plan

B411-PL-SK-400 – Plot 55 and 61 Refuse Tracking

B411-PL-DR-016 P01 – Pedestrian Visibility

B411-PL-DR-017 P01 – Pedestrian Visibility Sheet 2 of 3

B411-PL-DR-018 P01 – Pedestrian Visibility Sheet 3 of 3

A-P10-010 P3 – Site Layout

A-P10-011 P2 – Site Layout Floor Plan

A-P10-013 P2 – Site Garden Areas and Depths

A-P13-010 P2 – Site Elevations 1 of 2

A-P13-011 P2 – Site Elevations 2 of 2

28815-P11-30 P2 – C Floor Plans

28815-P11-40 P2 – D Floor Plans

28815-P11-50 P2 – E Floor Plans

28815-P11-90 P2 – Apartment Block A Ground Floor Plan

28815-P11-91 P2 - Apartment Block A First Floor Plan

28815-P11-92 P2 – Apartment Block A Second Floor Plan

28815-P11-100 P2 – Apartment Block B Ground Floor Plan

28815-P11-101 P2 – Apartment Block B First Floor Plan

28815-P11-102 P2 – Apartment Block B Second Floor Plan

A-P13-30-P2 – House Type C1/C Elevations (Village Lane)

A-P13-31-P2 – House Type C/C1 Elevations (Village Street)

A-P13-32-P2 – House Type C2 Detached Elevations (Village Lane)

A-P13-33-P2 – House Type C2 Detached (Village Street)

A-P13-34-P2 – House Type C Elevations (Village Lanes)

A-P13-40-P2 - House Type D Detached (Village Street)

A-P13-52-P2 - House Type E2 Detached (Village Street)

A-P13-90-P2 – Apartment Block A Elevations

A-P13-100-P2 – Apartment Block B Elevations

TRF-CBA-1-GF-M2-L-2000 P3 - Detail Plan of LEAP

TRF-CBA-1-GF-M2-L-8000 P3 – Hard Landscape Outline Details

TRF-CBA-1-GF-M2-L-8001 P2 – Hard Landscape Outline Details

Boundary Treatments

TRF-CBA-1-GF-M2-L-8500 P3 – Soft Landscape Details

7151809-MLM-ZZ-GF-DR-E-2100 P04 – New Site Wide External Lighting LUX Levels

BS 5837:2012 Arboricultural Method Statement & Tree Protection Plan Revision B

TRF-CBA-1-GF-M2-L-4013 P3 – Planting Plan – Sheet 2 of 6

B411-PL-SK-400 Rev P02 – Plot 55 & 61 Refuse Tracking

TRF-CBA-1-GF-M2-L-4000_P7 – Planting Strategy Sheet 1

TRF-CBA-1-GF-M2-L-4001_P7 – Planting Strategy Sheet 2

TRF-CBA-1-GF-M2-L-4011_P4 – Planting Schedule

TRF-CBA-1-GF-M2-L-4012_P3 – Planting Plan – Sheet 1 of 6

TRF-CBA-1-GF-M2-L-4014_P3 – Planting Plan – Sheet 3 of 6

TRF-CBA-1-GF-M2-L-4015_P3 – Planting Plan – Sheet 4 of 6

TRF-CBA-1-GF-M2-L-4016_P4 – Planting Plan – Sheet 5 of 6

TRF-CBA-1-GF-M2-L-4017_P4 – Planting Plan – Sheet 6 of 6

TRF-CBA-1-GF-M2-L-1010 P5 - Hard Landscape Strategy Sheet 1

TRF-CBA-1-GF-M2-L-1011 P5 – Hard Landscape Strategy Sheet 2

TRF-CBA-1-GF-M2-L-3000 P3 - Site Sections Sheet 1 of 3

TRF-CBA-1-GF-M2-L-3001 P3 – Site Sections 2 of 3

TRF-CBA-1-GF-M2-L-8300 P2 – Play Feature

Review of Surface Water Flood Management Aug 20 by HR Wallingford – submitted 12/8/20

Land Management and Maintenance Plan revision A September 2020 – submitted 30/9/20

B411-PL-SK-320 P06 – Flood Management Strategy – submitted 18/11/20

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).

- (b) No development above foundation level shall take place until details of external materials of construction for the development have been submitted to and approved in writing by the Local Planning Authority. The 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 HQ/1 of the adopted Local Plan 2018.)
- (c) Notwithstanding the approved plans, details of external appearance of the proposed cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The 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 HQ/1 of the adopted Local Plan 2018.)
- (d) No development above foundation level shall take place until the details and appearance of the vehicular bridge have been submitted to and approved in writing by the Local Planning Authority. The 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 HQ/1 of the adopted Local Plan 2018.)
- e) No development above foundation level shall take place until the details of the position and appearance of the electric meter boxes have been submitted to and approved in writing by the Local Planning Authority. The 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 HQ/1 of the adopted Local Plan 2018.)
- (f) No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time a Private Management and Maintenance Company has been established).
(Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy HQ/1 of the adopted Local Plan 2018.)
- (g) The two 2.0 x 2.0 metres visibility splays as shown on the drawing numbers: B411-PL-DR-016Rev P01/ B411-PL-DR-017 Rev P01/ B411-PL-DR-018 Rev P01 shall be kept clear of all planting, fencing and walls exceeding 600mm high.
(Reason: For the safe and effective operation of the highway in accordance with Policy HQ/1 of the adopted Local Plan 2018).
- (h) No new hard landscaping shall take place in the former waterworks grounds

until a detailed plan for the treatment of the original driveway, its surface, edges, junctions with other paths, and terminations have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of interpretive material about the waterworks.

(Reason: To safeguard the significance and visual impact of the Conservation Area in accordance with Policy NH/14 of the adopted Local Plan 2018.)

- (i) Notwithstanding the approved plans, details of tree pit planting shall be submitted and approved in writing by the Local Planning Authority. The 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 HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)

Informatives

- (a) Flow Restriction Culverts

It is acknowledged that the five 150mm diameter culverts for flow restriction in the linear park storage area were approved within the outline approval. However, these are small culverts and must require a treatment stage upstream to avoid debris or litter from blocking the pipe system. It should be noted that the proposed 2m wide 0.1m high box culvert which is now included, is too small in height. This should be made larger or have a preliminary treatment stage upstream to ensure there is minimal risk of blockage.

OW Consent

- (b) Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance: <https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>
Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

- (c) Assets Affected

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption

agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

(d) Foundation Piling

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 noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details.

Background Papers

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

South Cambridgeshire Local Plan 2018
South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
Planning File References: S/3209/19/DC, S/0202/17/OL, S/2273/14/OL
(APP/W0530/W/15/3139730)

Appendices

None.

Report Author:

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Telephone: 07704 018469

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Agenda Item 7



South
Cambridgeshire
District Council

13 January 2021

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic
Development

S/3215/19/DC – Longstanton (The Retreat, Fews Lane, Longstanton, CB24 3DP)

Proposal: Discharge of condition 4 (foul water drainage) and 5 (surface water drainage) of planning permission S/2937/16/FL

Applicant: Mr Gerry Caddoo, Landbrook Homes Ltd

Key material considerations: Foul Water Drainage, Surface Water Drainage and Flood Risk

Date of Member site visit: None

Is it a Departure Application?: No

Decision due by: 11 December 2019

Application brought to Committee because: This application has been referred to the Committee on the basis of a Parish Council objection, third party objections and the public interest in this application.

Presenting officer: Lewis Tomlinson

UPDATE

1. Members will recall considering the application to discharge condition 4 (foul water drainage) and 5 (surface water drainage) of planning permission S/2937/16/FL at the 14 October 2020 Planning Committee meeting. The Committee resolved to defer the application to allow a further 14-day public consultation to take place. This was to ensure that third parties were given an additional opportunity to comment on the Stantec Drainage Review which is attached to this report as Appendix A. This review was commissioned by the Greater Cambridge Shared Planning Service to provide further specialist drainage advice in relation to the application. It recommends that both conditions 4 and 5 of planning permission ref. S/2937/16/FL be discharged.
2. The Stantec Drainage Review has been available on public access since 24 August 2020 but further to the Committee resolution the additional consultation was carried out on 10 December 2020 specifically to seek third

party comments on the review document. The consultation expired on 24 December 2020.

3. As of 29 December 2020, no representations have been received as a result of the consultation. Members will be advised should any representations be received prior to the Planning Committee meeting on 13 January 2021.
4. Officers recommend that the Planning Committee approve this application to discharge conditions 4 and 5 attached to planning permission S/2937/16/FL as set out in paragraph 70 below.
5. The remainder of this report is unedited from the report that was presented to the October Planning Committee meeting.

Executive summary

6. Planning permission S/2937/16/FL was previously allowed on appeal for the erection of a 3no. bedroomed dwelling with parking on 27 September 2018. This current application seeks the discharge of condition 4 of S/2937/16/FL, which requires the submission of full details of the foul water drainage strategy for written approval by the local planning authority. The application also seeks discharge of condition 5 of S/2937/16/FL, which requires the submission of full details of the proposed surface water drainage, both from the building itself and from the proposed driveway area for written approval by the local planning authority. Both conditions were imposed by the Planning Inspector on the decision notice in order 'to prevent flooding'.
7. The submitted details, as amended, have been reviewed and assessed by officers and a drainage consultant appointed to review the submission on behalf of the local planning authority. A detailed report prepared by this consultant has been appended to this report for Members to consider as part of their review of this application.
8. Longstanton Parish Council objects to the discharge of condition 5. Third party representations have been received objecting to the discharge of both condition 4 and condition 5. Numerous concerns have been raised, as summarised, in respect of technical details relating to the proposed foul water and surface water drainage; accordance of the proposals with the surface water drainage hierarchy; accordance of the proposals with adopted Local Plan policies CC/7, CC/8 and CC9, as well as national policy and guidance; lack of information; that the proposals will increase water runoff into Longstanton Brook increasing flood risk; that the proposed surface water runoff will be greater than the existing runoff rate for this site (as undeveloped); and that the proposed outfall into the existing watercourse is outside of the red line application boundary.
9. Both officers and the appointed drainage consultant are satisfied that the proposed submission details are in accordance with adopted national and local policy and guidance. It is considered that it has been satisfactorily demonstrated that the scheme provides a viable and fully justified foul and

surface water drainage strategy that will not increase flood risk elsewhere. In officers' judgment, the extension (if any) of the development beyond the red line boundary would be de minimis, and in any event into an area within the same ownership as the site. Even if the development could be said to extend beyond the red line boundary, it would not be appropriate or proportionate, nor in the public interest, to require a planning application to extend the red line in those circumstances.

10. Members are therefore requested to support the application.

Relevant planning history

11. Applications relating to the application site:

S/2439/18/FL – The erection of a 3 bedroom bungalow with parking - Approved

S/2937/16/FL – Proposed erection of a 3-bedroomed bungalow and parking – Allowed on appeal

S/0999/14/FL – Extension and alteration to existing bungalow to provide a house with ground, first and second floors (second floor attic rooms) – Approved

S/2561/12/FL – Erection of two bungalows - Approved

12. Applications adjacent to the application site:

20/02453/S73 – Variation of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL to reflect the proposals in the traffic management plan to substitute the current wording with 'the development hereby permitted shall be carried out in accordance with the traffic management plan prepared by SLR consulting, version Final 1 and dated December 2019'. – pending consideration

S/0277/19/COND9 – Condition 9 – foul and surface water drainage – pending consideration

S/0277/19/CONDA – Submission of details required by condition 11 (scheme that demonstrates a minimum of 10% carbon emissions) and 12 (water conservation strategy) of planning permission S/0277/19/FL – pending consideration

S/4471/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL – pending consideration

S/3875/19/DC – Discharge of conditions 4 (hard and soft landscaping), 6 (boundary treatment), 9 (foul and surface water drainage), 11 (renewable energy) and 12 (water conservation) pursuant to planning permission S/0277/19/FL - Refused

S/2508/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL - Refused

S/0277/19/FL – Demolition of the existing bungalow and construction of two dwellings including car parking and landscaping - Approved

S/1059/16/DC – Discharge of condition 3 (materials), 4 (boundary treatment), 5 (hard and soft landscaping), 7 (surface water drainage), 8 (finished floor levels), 13 (traffic management plan) and 14 (archaeology) of S/1498/15/FL - Approved

S/1498/15/FL – Erection of two dwellings – Approved

Planning policies

13. National Planning Policy Framework (2019) (NPPF)
National Planning Practice Guidance (PPG)

14. South Cambridgeshire Local Plan 2018
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
HQ/1 Design Principles
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk

15. Greater Cambridge Sustainable Design and Construction Supplementary
Planning Document (SPD) 2020
Cambridgeshire Flood and Water SPD 2016

Consultation

16. Longstanton Parish Council:

Comments received 11 August 2020: Continue to object to this application as it continues to propose discharge of the surface water drainage directly into the village watercourse which is in contravention of policies CC8 and CC9 of the South Cambridgeshire Local Plan.

Comments received 15 October 2019: recommend this application for objection as it proposed to discharge the surface water drainage directly into the village watercourse which is in contravention of planning condition 5 requiring surface water drainage to be filtered through soil. Longstanton Parish Council support the comments made to the planning authority by neighbours in the letter dated 8 October 2019.

17. **SCDC Sustainable Drainage Engineer:** comments dated 26 October 2019 – the condition can be discharged in full.

18. **Anglian Water:** comments dated 26 June 2020 and 1 July 2020 - the foul water drainage strategy is acceptable to Anglian Water, we can therefore recommend the discharge of condition 4. The surface water drainage strategy does not involve discharge to Anglian Water owned assets, we therefore have no comments to make regarding the discharge of condition 5.

19. **Stantec consultants, appointed on behalf of Greater Cambridge Shared Planning Service to provide further specialist drainage advice:** full report of 20 August 2020 has been attached and is provided at Appendix A. Their report concludes that:

- Based on the information submitted we find that it has been satisfactorily demonstrated that the scheme can provide a viable drainage strategy that will not increase flood risk elsewhere.

- We conclude that the application would accord with policy CC/7, for foul drainage.
- We conclude the application would accord with policies CC/7, CC/8, CC/9 for surface water drainage.
- We recommend the applicant undertakes ordinary watercourse consent prior to the installation of the outfall arrangement.
- The future owner will need to be informed on the location of the underground storage tank, the maintenance responsibilities for the tank and covenant to ensure the driveway remains permeable in the future.
- The submission is considered consistent with the Cambridgeshire Flood and Water SPD for design of surface water drainage and paragraph 163 of the NPPF, which requires local planning authorities, when determining any planning applications, to ensure that flood risk is not increased elsewhere.
- We recommend the discharge of conditions 4 and 5 for the site.

Representations from members of the public

20. Representations have been received from The Elms, Fews Lane dated 18 October 2019 and The Fews Lane Consortium dated 8 October 2019; 2 June 2020; 13 July 2020; 16 July 2020 and 13 August 2020 in relation to the application. The following concerns have been raised (as summarised):

- Object to the discharge of any part of condition 5 (surface water drainage)
- Details provided with this application are insufficient to assess whether the surface water scheme proposed complies with relevant local and national policies.
- Reconsultation should be undertaken to allow consultees to make representations on the application as amended.
- Condition 4 proposes discharge of foul water into the public sewerage system, but no evidence has been provided to demonstrate that the existing public sewerage system has capacity for the additional flows from the proposed development or that discharge into the public sewerage system has been agreed with the relevant sewerage undertaker.
- Surface water drainage arrangements fail to comply with policies CC/7, CC/8 and CC/9 of the Local Plan.
- No surface water drainage arrangements for the proposed driveway are shown on the submitted plans. Unclear if it is intended that permeable paving should be used to discharge the driveway surface water by infiltration. Minimum information required typically includes infiltration testing conducted in accordance to BRE Digest 365, including plan showing locations of tests. If infiltration is suitable for the driveway area of the site, no explanation has been submitted as to why it is not being used to discharge the surface water from the building.
- Council's drainage consultation response fails to consider the relevant particulars of the development proposed, the applicable local and national policies and basic principles of sustainable urban drainage system design.
- Drainage consultation comments for S/3875/19/DC comment on the arrangements under this application, stating 'the dwelling towards the north appears too close to the watercourse to enable soakaways to be positioned 5m from the dwelling without impacting on the hedge and bank

of the watercourse'. There are numerous locations within the application site greater than 5m from the building foundations. The 5m rule is a rough rule of thumb that can be assumed safe for any building on any type of soil. Without proper geotechnical assessment it may be possible in many soils to install infiltration features and traditional soakaways much closer to the foundations.

- The following three material considerations preclude the discharge of condition 5:
 - 1) The scheme proposes an increase in surface water discharge from the site into Longstanton Brook from the pre-development discharge volume, thereby increase the flood risk of nearby properties. Contrary to the stated reason for the condition 'to prevent flooding'.
 - 2) Scheme positions the outfall for surface water drainage system outside of the red line boundary of the site. An application to discharge a planning condition cannot extend the boundaries of land to which planning permission relates.
 - 3) The relevant policies of the development plan are a material consideration and policies CC/8 and CC/9 of the Local Plan militate against approval of the application.
- Planning conditions are to be interpreted in a common sense way, having regards to the underlying purpose for the condition as is demonstrated by the reasons stated for the imposition of the condition or conditions in question (*R (Sevenoaks District Council) v Secretary of State* [2004] EWHC 771 (Admin)).
- The Appeal Decision granting permission in regards to application reference S/2937/16/FL states that, "in particular, conditions relating to foul and surface water drainage are necessary, to prevent flooding".
- However, under the scheme submitted by the applicant, the risk of flooding to nearby properties would actually be increased because the runoff volume from the development to the nearby surface watercourse for nearly all rainfall events would exceed the runoff volume for the same event prior to redevelopment.
- The increase in surface water proposed to be discharged from the site would flow into Longstanton Brook, which has an extensive history of flooding.
- The relevant local and national planning policies indicate that development of brownfield sites should seek to reinstate greenfield runoff rates wherever possible and, in any case, that the post-development discharge rate should never exceed the rate of discharge from the development prior to redevelopment.
- The land proposed to be used for the outflow of the surface water drainage system falls outside the red line boundary on the location plan identifying the land to which the planning permission relates. No planning permission has been granted for any development to take place in, on, over, or under land outside of the boundaries of the application site.
- If the applicant wishes to extend the red line boundaries of the application site to include the land proposed for the surface water outflow, an application must be submitted under section 73 of the 1990 Act. The Council cannot use an application to discharge a planning condition to effect the same result that would properly be effected through an application submitted under section 73 of the 1990 Act.

- Policy CC/8 of the Local Plan 2018 states that: “Development proposals will be required to demonstrate that [...] surface water drainage schemes comply with *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* and the *Cambridgeshire Flood and Water Supplementary Planning Document* or successor documents.”
- *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* states in paragraph S3 that: “For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development prior to redevelopment for that event.”
- *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* states in paragraph S5 that: “Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but should never exceed the runoff volume from the development site prior to redevelopment for that event.”
- The *Cambridgeshire Flood and Water Supplementary Policy Document* states in paragraph 6.3.8 that: “Brownfield (previously developed land) sites must reduce the existing runoff from the site as part of the redevelopment. Where possible, in order to provide betterment, redevelopments should look to reinstate greenfield runoff rates.”
- Under the scheme submitted by the applicant, the peak runoff rate of discharge from the development to the nearby surface watercourse would exceed the peak runoff rate of discharge of the site prior to redevelopment, which is contrary to policy CC/8 of the Local Plan 2018, contrary to paragraph S3 of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems*, and contrary to paragraph 6.3.8 of the *Cambridgeshire Flood and Water Supplementary Policy Document*.
- Under the scheme submitted by the applicant, the runoff volume from the development to the nearby surface watercourse for the 1 in 100 year, 6 hour rainfall would exceed the runoff volume for the same event prior to redevelopment, which is contrary to policy CC/8 of the Local Plan 2018 and contrary to paragraph S5 of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems*.
- Policy CC/9 of the Local Plan 2018 states that: “In order to minimise flood risk, development will only be permitted where: [...] The destination of the discharge obeys the following priority order: i. Firstly to the ground via infiltration ii. Then, to a water body; iii. Then, to a surface water sewer; iv. Discharge to a foul water or combined sewer is unacceptable.”
- The information submitted by the applicant indicates that opportunities to use infiltration to discharge the surface water collected from the impermeable areas of the proposed development have not been adequately explored.
- It is a material consideration that the applicant owns other land immediately adjoining the application site that could be used to discharge the collected

surface water through infiltration. (See Section 72(1) of the Town and Country Planning Act 1990.)

- Policy CC/9 of the Local Plan 2018 states that, “In order to minimise flood risk, development will only be permitted where: [...] there would be no increase to flood risk elsewhere”. The increase in surface water proposed to be discharged from the site would flow in Longstanton Brook, which has an extensive history of flooding. This would be contrary to policy CC/9 of the Local Plan 2018.
- Policies CC/8 and CC/9 of the Local Plan 2018 clearly militate against the approval of the details submitted with this application. Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- The Fewes Lane Consortium Ltd has received legal advice that residential gardens within built-up areas are classified as greenfield land for planning purposes, not brownfield land, as was implied in the Consortium’s letter dated 13 July 2020.
- Whilst this does not change the substance of the Consortium’s objections to the proposed development, it does mean that different paragraphs of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* and the *Cambridgeshire Flood and Water Supplementary Policy Document* should have been quoted in the Consortium’s representations.
- *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* states in paragraph S2 that: “For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.”
- *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* states in paragraph S4 that: “Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event. “
- The *Cambridgeshire Flood and Water Supplementary Policy Document* states in paragraph 6.3.6 that: “All new developments on greenfield land are required to discharge the runoff from the impermeable areas at the same greenfield runoff rate, or less than, if locally agreed with an appropriate authority or as detailed within the local planning policies of District and City Councils.”
- Under the scheme submitted by the applicant, the peak runoff rate of discharge from the development to the nearby surface watercourse would exceed the greenfield runoff rate for the 1 in 1 year and 1 in 100 year rainfall events, which is contrary to policy CC/8 of the Local Plan 2018, contrary to paragraph S2 of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems*, and contrary to paragraph 6.3.6 of the *Cambridgeshire Flood and Water Supplementary Policy Document*.
- Under the scheme submitted by the applicant, the runoff volume from the development for the 1 in 100 year, 6 hour rainfall event would exceed the

greenfield runoff volume for that event, which is contrary to policy CC/8 of the Local Plan 2018 and contrary to paragraph S4 of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems*.

- The use of Sustainable Drainage Systems (“SuDS”) and the ability to integrate appropriate SuDS features into any development should be considered from the earliest phases of site selection and design. When considered at the appropriate time early in the design process, even the smallest sites can effectively integrate SuDS features, which can provide benefits in terms of reduced flood risks and provide positive contributions in terms of landscaping, residential amenity, and opportunities to enhance biodiversity.
- In the case of this development, no consideration was given to the issues of surface water drainage at the design phase, and as a result, the applicant has proposed to discharge the collected surface water into the village’s watercourses.
- The proposed rate of attenuation of discharge is insufficient and would result in an increased volume and rate of surface water discharge from the site, which would increase the risk of flooding elsewhere. This outcome is contrary to the inspector’s stated reason for imposing the surface water condition, which was to prevent flooding.
- The applicant has failed to consider any of the numerous options to discharge the collected surface water through infiltration. The details submitted by the applicant are also, by objective measures, contrary to policies CC/8 and CC/9 of the development plan.
- Having failed to consider appropriate SuDS solutions at the design phase, the applicant cannot now reasonably expect the Council to approve details that are contrary to the relevant policies of the development plan and that would increase the risk of flooding. This application should therefore be refused by the Council.

21. Two letters of support for the application have been received from the following addresses:

67 Duddle Drive, Longstanton
The Beeches, Fews Lane, Longstanton

Their comments relate to the delay in the consideration of this application and the impact of this on the delay on construction of the bungalow, of which they/a family member are prospective purchasers.

22. Full copies of all representations can be viewed on the public file available online.

The site and its surroundings

23. The application site is within the development framework boundary of Longstanton village. It lies outside of the conservation area and sits to the rear of ‘The Retreat’, an existing bungalow of late 1960s masonry and tile construction. Extant planning permission exists for the demolition of ‘The Retreat’ and replacement with 2no. dwellings (S/0277/19/FL). To the west of the application site are 2no. recently constructed dwellings (S/1498/15/FL). The application site is currently residential garden associated with ‘The Retreat’

and benefits from planning consent for the erection of a 3-bedroom bungalow with parking (S/2937/16/FL).

24. The application site is accessed off the High Street via Fews Lane, an unadopted access drive and public right of way. Immediately to the north of the garden lies an existing watercourse (ditch) which outfalls into the Longstanton Brook. The site lies within Flood Zone 1 and therefore has a low probability of flooding from rivers and sea. The Environment Agency Surface Flood Water Map shows that this site is in an area of Low to Very Low Surface Water Flood Risk. Longstanton Brook is shown nearby to be at medium to high risk of surface water flooding.

The proposal

25. Planning permission S/2937/16/FL was allowed on appeal at this site for the erection of a 3-bedroomed bungalow with parking. This permission was granted subject to the following pre-commencement conditions which are now sought to be discharged under this current application:

Condition 4 – no construction work shall be commenced until full details of the proposed arrangements for foul water drainage have been submitted to the local planning authority and approved in writing. The new dwelling shall not be occupied or brought into use until the foul water drainage system has been installed and made operational, in accordance with these approved details.

Condition 5 – no construction work shall be commenced until full details of the proposed surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to the local planning authority and approved in writing. The new dwelling shall not be occupied or brought into use until the surface water drainage system has been installed and made operational, in accordance with these approved details.

26. In imposing these conditions the Planning Inspector states, '*conditions relating to foul and surface water drainage are necessary, to prevent flooding, and these need to take effect prior to commencement, to ensure an orderly sequence of works...However, a specific condition controlling run-off from the new dwelling's driveway is unnecessary, as this can be controlled by the condition that I have imposed relating to surface water drainage*'.

27. During the course of the application additional and revised information and details have been submitted and some of the information initially issued to discharge the relevant planning conditions has been superseded.

28. The proposed foul water drainage system details discharge of foul drainage into an existing foul sewer in Fews Lane.

29. The proposed surface water drainage system details discharge of surface water to an attenuation tank located within the rear garden of the dwelling. The proposed tank is 1.5m x 7.0m x 0.4m and is stated to be capable of storing to up to the 1 in 100 year plus 40% climate change event. A hydrobrake flow

control chamber is shown at the outfall to the proposed storage attenuation tank, which discharges to the existing watercourse (ditch) to the north. The flow control is proposed to limit flow to a rate of approximately 1 litre per second.

30. The submitted information shows the existing watercourse to be at an approximate depth of 1.39m. The width has been measured as approximately 5.3m wide, at the top of the bank, and 2m wide at the base of the watercourse.
31. The driveway serving the dwelling is proposed as a gravel driveway, operating as an infiltration feature.

Background

32. This application was submitted to and validated by the Council on 16 September 2019. A delegated decision was issued on 28 October 2019 confirming discharge of conditions 4 and 5 attached to S/2937/16/FL (allowed on appeal), subject to installation of the foul water and surface water drainage systems in accordance with the approved details.
33. This decision was subject to judicial review from an interested third party who wished to submit comments on the proposed foul and surface water drainage scheme prior to the local planning authority's determination of the application. A consent order was issued on 12 May 2020 quashing the Council's delegated decision to discharge conditions 4 and 5 dated 28 October 2019. The application has subsequently been passed back to the local planning authority for re-consideration and to allow for third party comments to be submitted. These third party comments have since been received and are summarised within this report. Officers can confirm that this application has been subject to re-consultation, including further re-consultation following receipt of additional submissions from the applicant.
34. This application for discharge of conditions is now brought to the planning committee for their consideration of the officers' recommendation in respect of the discharge of conditions 4 and 5 attached to planning permission S/2937/16/FL relating to foul and surface water drainage respectively.
35. The Greater Cambridge Shared Planning Service has appointed expert advice on drainage matters to allow the local planning authority to fully consider the submission details provided by the applicant, to consider any third party comments and to assess the proposed scheme for foul and surface water drainage at this site having full regard to adopted national and local planning policy, as well as published and acknowledged approaches and best practice. A full copy of the report prepared by the appointed consultant, Stantec, is provided at Appendix A, which also includes details of the qualifications and expertise of the consultant providing the advice to the local planning authority.

Planning assessment

36. The National Planning Policy Framework (NPPF) aims to ensure that flood risk is considered at all stages of the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. In exceptional circumstances, where new development is necessary in flood risk areas the policy also aims to ensure it is safe, without increasing flood risk elsewhere, and where possible reducing flood risk overall. For sites less than 1ha in size, such as the application site subject to this discharge of conditions request, and not at risk of flooding, a Flood Risk Assessment is not required, but nevertheless, the principles of ensuring the appropriate and sustainable management of drainage, to mitigate or prevent future flooding, should still form the basis for a sustainable drainage strategy and be used in support for the promotion of sustainable development. The proposed submission details have been assessed taking into account the requirements of the NPPF, in particular paragraph 163.
37. Third party representations refer to the Sustainable Drainage Systems Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) and state that the discharge of condition request should be refused on the basis of the contents of these Technical Standards. A statement from the Secretary of State for Communities and Local Government dated 18 December 2014 makes clear that these Technical Standards only apply to developments of 10 homes or more or major commercial development. On this basis, these Technical Standards are accordingly not relevant in the assessment of this application.
38. The Cambridgeshire Flood and Water SPD provides guidance on the approach taken to the design of new development to manage and mitigate flood risk, including sustainable drainage systems. The SPD promotes the surface water hierarchy as follows:
1. To ground in an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practical
 2. A watercourse; or where that is not reasonably practical
 3. A surface water sewer; or where that is not reasonably practical
 4. A combined sewer.
39. The Flood and Water SPD provides further guidance on drainage strategies, including suitability of infiltration measures on a site, encouraging opportunities to integrate SuDs being maximised and where obstacles to their use persist, requiring this to be fully justified by an applicant. The SPD also advises that where discharge into a third party asset (such as a watercourse or public sewer) is proposed, then appropriate permissions and consents should have been discussed with the asset owner. The SPD additionally outlines the information required to be submitted as part of any surface water drainage strategy, noting that the level of information provided should be proportionate to the size and complexity of the site. Officers are satisfied that the level of information provided as part of this submission is appropriate, proportionate and in accordance with the adopted SPD.
40. Policies CC/7, CC/8 and CC/9 of the adopted South Cambridgeshire Local Plan 2018 are pertinent to the assessment of the details submitted. Policy

CC/7 Water Quality requires all development proposals to demonstrate that there is adequate water supply, sewerage and land drainage systems to serve the whole development. It also expects that foul drainage to a public sewer should be provided wherever possible.

41. Policy CC/8 Sustainable Drainage Systems requires development proposals to incorporate surface water drainage systems (SuDs) appropriate to the nature of the site. Development proposals are required to demonstrate that:
- a) Surface water drainage schemes comply with the Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems and the Cambridgeshire Flood and Water Supplementary Planning Document or successor documents;
 - b) Opportunities have been taken to integrate sustainable drainage with the development, create amenity, enhance biodiversity, and contribute to a network of green (and blue) open space;
 - c) Surface water is managed close to its source and on the surface where it practicable to do so;
 - d) Maximum use has been made of low land take drainage measures, such as rainwater recycling, green roofs, permeable surfaces and water butts;
 - e) Appropriate pollution control measures have been incorporated, including multiple component treatment trains; and
 - f) Arrangements have been established for the whole life management and maintenance of surface water drainage systems.
42. Policy CC/9 Managing Flood Risk states that in order to minimise flood risk, development will only be permitted where:
- a) The sequential test and exception tests established by the National Planning Policy Framework demonstrate the development is acceptable (where required).
 - b) Floor levels are 300mm above the 1 in 100 year flood level plus an allowance for climate change where appropriate and where appropriate and practicable also 300mm above adjacent highway levels.
 - c) Suitable flood protection / mitigation measures are incorporated as appropriate to the level and nature of flood risk, which can be satisfactorily implemented to ensure safe occupation, access and egress. Management and maintenance plans will be required, including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
 - d) There would be no increase to flood risk elsewhere, and opportunities to reduce flood risk elsewhere have been explored and taken (where appropriate), including limiting discharge of surface water (post development volume and peak rate) to natural greenfield rates or lower, and
 - e) The destination of the discharge obeys the following priority order:
 - i. Firstly, to the ground via infiltration;
 - ii. Then, to a water body;
 - iii. Then, to a surface water sewer;
 - iv. Discharge to a foul water or combined sewer is unacceptable.

Policy CC/9 continues further, setting out the requirements for site specific flood risk assessments.

43. In January 2020, the Greater Cambridge Sustainable Design and Construction SPD was adopted. This update is an addendum to the wider Cambridgeshire Flood and Water SPD (2016), and specifically incorporates updates following the publication of the adopted Local Plan in 2018. Whilst it is acknowledged that the adoption of the Sustainable Design and Construction SPD was post the approval of the development under application S/2937/16/FL and therefore the imposition of the conditions currently under consideration, it is a material consideration in the assessment of this application and therefore must be afforded some weight in the decision-making process. In addition, policy CC/8, criteria a) makes reference to '...the Cambridgeshire Flood and Water Supplementary Planning Document or successor documents.' Paragraph 3.7.2 of the Sustainable Design and Construction SPD states 'this section of the SPD focuses on guidance for the implementation of SuDs policy in the Cambridge Local Plan (2018). This guidance supplements the wider guidance on flooding and drainage provided for in the Cambridgeshire Flood and Water SPD. For applications in South Cambridgeshire, further guidance on policy implementation, alongside drainage checklists, is provided in the Cambridgeshire Flood and Water SPD.' On this basis, Officers are satisfied that no further assessment of the submission details is required against the recently adopted Sustainable Design and Construction SPD in this instance, and that the guidance within the Cambridgeshire Flood and Water SPD remains relevant to the decision-making for this application.

Condition 4 – Foul Water Drainage

44. Condition 4 relates to discharge of the foul water drainage strategy for the approved 1no. dwelling within the application site. The submitted proposals detail discharge of foul water from the dwelling into an existing public sewer within Fews Lane. This arrangement is considered acceptable in principle, in accordance with policy CC/7 of the South Cambridgeshire Local Plan 2018.
45. A third-party representation raises concern that there has been no evidence provided to demonstrate that the existing public sewerage system has capacity to accommodate additional flows from the development or that discharge into the public sewerage system has been agreed with the relevant sewerage undertaker.
46. As part of the consultation process for this application, a response has been received from Anglian Water, the relevant public sewerage undertaker for this site, who has reviewed the submitted foul water drainage strategy. Anglian Water has confirmed within its written response to the local planning authority that it recommends the discharge of condition 4.
47. On the above basis, and in accordance with the recommendation of our appointed drainage consultant, officers consider that the details provided by the applicant seeking discharge of condition 4 of planning permission S/2937/16/FL are in full accordance with both national and local planning policy and guidance, including Policy CC7 of the South Cambridgeshire Local Plan 2018 and the Cambridgeshire Flood and Water SPD.

Condition 5 – Surface Water Drainage

48. This application also seeks to discharge condition 5, relating to the proposed surface water drainage strategy for the application site, including surface water arising from both the dwelling itself and the associated driveway area. As set out above, the surface water drainage strategy, in summary, seeks to discharge surface water from the dwelling to an attenuation tank located within the rear garden. Surface water from that attenuation tank is then controlled via a hydrobrake flow control chamber into an outfall that falls into the existing watercourse (ditch) to the north. The attenuation tank has been designed to accommodate a 1 in 100 year plus 40% climate change event, and to discharge at a control rate of 1l/s to the adjacent watercourse.
49. The driveway is proposed to be laid to gravel and operate as an infiltration feature.
50. Geotechnical investigation and infiltration tests, in accordance with industry standards, have been undertaken by the applicant, the results of which have been submitted and used to inform the proposed design of the drainage strategy for the application site.
51. The use of permeable surfacing for the driveway is in full accordance with the SuDs hierarchy set out within both policy CC/8 and the Cambridgeshire Flood and Water SPD, which directs discharge, as a first priority, to the ground via infiltration. Infiltration tests supplied by the applicant demonstrate suitable ground conditions for use of infiltration in this location.
52. Surface water run-off from the roof of the dwelling via infiltration, in accordance with the first priority of the SuDs hierarchy set out within Local Plan policy and the Flood and Water SPD, has been discounted by the applicant. Officers and our appointed drainage consultant (Stantec) consider that this has been sufficiently evidenced and justified due to the constricted space within the site for conventional soakaways or an alternative means of infiltration and due to the geological conditions of the site.
53. Third party representations have been received, stating that the proposed surface water drainage strategy does not accord within the SuDs hierarchy set out within the Local Plan.
54. Officers agree with the third-party objector that the submitted surface water drainage strategy is required to fully accord with the SuDs hierarchy. The SuDs hierarchy sets out a priority order, however it does also allow for discharge not via infiltration, where it can be fully justified as being inappropriate due to site specific reasons or conditions. Accordingly, where fully justified, a surface water strategy that discharges into a water body, such as that proposed, remains in full accordance with adopted national and local planning policy and guidance, being the next suitable option in the SuDs hierarchy priority order.

55. Use of a soakaway results in a concentrated point source of water within the ground. It is advised by the appointed drainage consultant that the risk of water affecting the soils under shallow foundations can be quite high if a soakaway is located close to a building. The Building Regulations, part H, advises against soakaways within 5m of building and roads.
56. In addition, geotechnical information supplied by the applicant evidences clay rich soil of a high plasticity index is present at the site. Again, our appointed drainage consultant has advised that the soil characteristics at this site, are therefore more likely to be at risk of failure through the introduction of soakaways, due to the swelling and shrinkage characteristics of this soil type. Therefore, soakaways or another infiltration feature accepting concentrated run-off, are not recommended within 5m of the building foundations or in proximity to the banks of the existing watercourse. Application of a 5m offset from the building footprint would leave an area of c. 2.5m from the bank of the existing watercourse. Locating soakaways adjacent to a watercourse is also not recommended.
57. Whilst it is agreed with the third-party comments that the 5m rule is not conclusive, given the site characteristics, geology, and proximity of the watercourse, sufficient evidence and justification exists to discount discharge via solutions which concentrate infiltration at this site. Subsequently, in accordance with the priority order of the SuDs hierarchy, discharge to the local watercourse is the next suitable option to deal with the roof run-off for this site, as proposed.
58. Third party representations further state that there are numerous locations for soakaways within the application site greater than 5m from the foundations of the buildings. This has been assessed by the appointed drainage consultant and it is advised that all possible locations within the site have been reviewed and ruled out. Locations outside of the application boundary have not been considered, as this is not deemed to be appropriate.
59. The appointed drainage consultants and officers are subsequently satisfied that the priority SuDs hierarchy order of policy CC/9 is fully accorded with, in respect of discharge to the local watercourse for roof run-off for this site.
60. Greenfield discharge rates have been provided by the applicant for this site. These being:
0.1l/s for the 1 year
0.2 l/s for Qbar (mean annual flood)
0.4l/s for 30 years
0.6 l/s for 100 years
61. The proposed discharge rate for the site is 1l/s using a hydrobrake; this being a mechanism used to control the flow of water from the attenuation tank into the outfall and existing watercourse.
62. It is acknowledged that the proposed development runoff rate will exceed the existing greenfield runoff rate for this site. The third party has raised an

objection to this application on that basis, stating that as ‘the scheme proposes an increase of surface water discharged from the site into Longstanton Brook from the pre-development discharge volume, thereby increasing the flood risk of nearby properties, this is contrary to the stated reason for the condition, which is to prevent flooding’. A similar objection is raised by Longstanton Parish Council.

63. The appointed drainage consultant has advised that the development is for a single dwelling, therefore the equivalent greenfield runoff rates for such a scheme will always be minimal. Therefore, to provide attenuation at the greenfield rate, then this would require the use of a water flow control feature of such a small size that it would be at a high risk of blockages, which itself would then be considered a flood risk. This position is supported by the ‘Rainfall Runoff Management for Developments’ national guidance, as advised by our appointed drainage consultant.
64. In addition, the Cambridgeshire Flood and Water SPD states that hydrobrakes should be used where rates are between 2l/s – 5l/s and that pipes below 2l/s are prone to blockage, but that this can be overcome with product selection and design. The appointed drainage consultant advises that since the publication of the SPD (2016) manufacturers have now developed hydrobrakes that can operate at 1l/s, as proposed, and that this is the minimum viable runoff flow rate for sustainable control without high risk of blockage (which would cause a greater risk of flooding).
65. Our appointed drainage consultants’ report, attached, provides further assessment of the 1l/s flow rate and assesses it having regard to the potential flood risk associated with this. This work concludes that, modelled on a worst-case scenario, the discharge rate of 1l/s will amount to 0.05% capacity of the existing watercourse for the proposed site. Therefore, runoff from this development site would amount to a negligible impact on level and flows associated with the existing watercourse.
66. In addition, the applicant has submitted calculations for the operation of the proposed attenuation during a 10 year 60-minute winter storm plus 40% climate change, with a fully submerged outfall scenario. The submitted information demonstrates that even in this worst-case scenario, the proposed site will not flood, nor will it cause off-site flooding.
67. It is acknowledged that SPD guidance is to ensure that proposed development does not exceed existing greenfield runoff rates, however such a requirement would likely hinder any small-scale development such as this and the implementation of controls to reduce runoff rates to greenfield below the proposed 1l/s is considered a higher potential flood risk, due to the potential for blockages. The approach set out within the proposed surface water drainage strategy is therefore recommended by the appointed drainage consultant, acting on behalf of the local planning authority, and officers agree that it is overall in accordance with the NPPF, Local Plan policies and the Cambridgeshire Flood and water SPD.

68. The site is not deemed to be at risk of flooding and is below 1ha in size, therefore the requirements for a Flood Risk Assessment are not relevant for this application. Similarly, the site is not subject to the Sequential tests. This is in full accordance with policies CC/8 and CC/9 of the Local Plan.
69. As required by policy CC/9, a below ground operation and maintenance strategy report has been submitted by the applicant, and this will form part of the Health & Safety file for the site. The responsibility for future management and maintenance is secured by this strategy and will be the responsibility of any future owner. These details have been reviewed by our appointment drainage consultant and confirmed as being acceptable.
70. In summary, given the above details, and in accordance with the recommendation of our appointed drainage consultant, officers consider that the details provided by the applicant seeking discharge of condition 5 of planning permission S/2937/16/FL are overall in accordance with both national and local planning policy and guidance, including policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018 and the Cambridgeshire Flood and Water SPD.

Other matters

71. Third party representations have been made on the basis that condition 5 should not be discharged as the position of the final outfall for the proposed surface water drainage system is located outside of the red line boundary of the site and that an application to discharge a planning condition cannot extend the boundaries of land to which planning permission relates. The third party recommends that a planning application is made to extend the red line boundary of the application site to include the land proposed for the surface water outflow into the existing watercourse.
72. Officers have considered the red line application boundary against the extent of the development proposed. In officers' judgment, whilst it is arguably the case that the pipe outlet does not extend beyond the red line boundary, if it does, the development beyond that boundary is considered to be so minor that it is de minimis. The query raised by the third party relates to a relatively small part of a pipe outlet, which is underground, and which will not protrude past the profile of the existing ditch. In any event, given that the watercourse immediately adjoins the northern boundary of the site, the area up to the mid-point of the ditch would be presumed to be within the same land ownership as the application site, and the pipe outlet falls well short of that mid-point.
73. In summary, discharging condition 5 either, does not require an extension of the red line boundary, or, in the event that it does, any extension of development beyond that boundary is considered to be de minimis. It is officers' view that, in the circumstances, it would not be necessary, appropriate, or proportionate to require an application to extend the red line boundary in the public interest. As such, officers recommend that the application to discharge conditions 4 and 5 can be determined in accordance with the recommendation provided below.

Conclusion

74. The submitted details to discharge condition 4, foul water drainage, and condition 5, surface water drainage, are acceptable and in accordance with national and local planning policy and guidance.

Recommendation

75. Officers recommend that the Planning Committee approve this application to discharge conditions 4 and 5 attached to planning permission S/2937/16/FL as follows:

Condition 4 (Foul Water Drainage)

The following details are acceptable to the local planning authority and therefore approved:

Site Plan, Drawing Reference FLL-345-Site 01
Drainage Layout, Drawing Reference 19/0321/100 Rev P9
Below Ground Construction Details, Drawing Reference 19/0321/110 Rev P2

Condition 4 shall be fully discharged once the foul water drainage system has been installed and made operational in accordance with the approved details.

Condition 5 (Surface Water Drainage)

The following details are acceptable to the local planning authority and therefore approved:

Site Plan, Drawing Reference FLL-345-Site 01
Drainage Layout, Drawing Reference 19/0321/100 Rev P9
Ditch Plan and Section 1, Drawing Reference 19/0321/101 Rev P3
Below Ground Construction Details, Drawing Reference 19/0321/110 Rev P2
Document titled Below Ground Drainage Operation and Maintenance Strategy Report, prepared by Andrew Firebrace Partnership Limited

Condition 5 shall be fully discharged once the surface water drainage system has been installed and made operational in accordance with the approved details.

Background Papers

Fews Lane, Longstanton: Drainage Review, Project Ref. 49304, Revision A, dated 20 August 2020. Prepared by Stantec UK Limited.

Appendices

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Fews Lane, Longstanton

Drainage Review

On behalf of **Greater Cambridge Shared Planning**



Project Ref: 49304/001 | Rev: AA | Date: August 2020

Document Control Sheet

Project Name: Fews Lane, Longstanton

Project Ref: 49304

Report Title: Drainage Strategy Review

Doc Ref: Rev A

Date: 20 August 2020

	Name	Position	Signature	Date
Prepared by:	S Knowles	Associate	SK	17/08/20
Reviewed by:	S Darch	Director	SCD	17/08/20
Approved by:	S Darch	Director	SCD	17/08/20
For and on behalf of Stantec UK Limited				

Revision	Date	Description	Prepared	Reviewed	Approved
A	20/08/20	Updated capability statement and typos	SK	SCD	SCD

This report has been prepared by Stantec UK Limited ('Stantec') on behalf of its client to whom this report is addressed ('Client') in connection with the project described in this report and takes into account the Client's particular instructions and requirements. This report was prepared in accordance with the professional services appointment under which Stantec was appointed by its Client. This report is not intended for and should not be relied on by any third party (i.e. parties other than the Client). Stantec accepts no duty or responsibility (including in negligence) to any party other than the Client and disclaims all liability of any nature whatsoever to any such party in respect of this report.

Contents

1	Introduction.....	1
1.1	Background Information	1
1.2	Third Party Objections	4
2	Site Details and Background Information.....	5
2.1	Location	5
2.2	Local Hydrological Context.....	5
2.3	Geological Information	7
2.4	Existing drainage arrangement	8
3	Planning Policy.....	9
3.2	National Planning	9
3.3	Regional and Local Planning Policy	11
3.4	Local Plan.....	14
3.5	Design Best Practice	16
4	Review of Drainage Information	18
4.1	Foul Water Drainage Proposal	18
4.2	Surface Water Drainage Proposal.....	18
4.3	Objections and Drainage Review	19
5	Conclusion	26

Figures

Figure 1: Flood Map for Planning	5
Figure 2: SuDS Hierarchy.....	12
Figure 3 Drainage Layout Plan.....	18
Figure 4:Soakaway 5m offset from buildings	22

Tables

Table 1 – Infiltration Test Results.....	7
Table 2: Probable Expansion of clay as estimated from classification test data (from Holtz and Kovacs 1981)	21

Appendices

Appendix A	Third Party Objections
Appendix B	Drainage Drawings
Appendix C	Geotechnical Report and Infiltration Test Report
Appendix D	Cambridge SPD completed Pro-Forma
Appendix E	Anglian Water Correspondence
Appendix F	Consultation Response with SCDC
Appendix G	Maintenance Plan
Appendix H	Greenfield Runoff Calculations
Appendix I	Manning's Equation for Watercourse
Appendix J	Micro-drainage Surface Water Calculations – submerged outfall

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1 Introduction

1.1 Capability Statement

1.1.1 The Authors of this report are Simon Darch and Stephanie Knowles, on behalf of Stantec Ltd.

Simon Darch, Director, Cambridge Office, Stantec

1.1.2 Simon is a Director in Stantec which is a development and infrastructure consultancy employing more than 22,000 staff and operating from 350 offices across 6 continents. Simon has a BEng (Hons) degree in Civil Engineering, and an MSc in Irrigation Engineering. He is a Chartered Civil Engineer, a Chartered Environmentalist and a Chartered Water and Environmental Manager. Simon is fellow of the Institution of Civil Engineers and Member of the Chartered Institution of Water and Environmental Managers. He has been working in the design and implementation of drainage and infrastructure required in residential and commercial developments of varying size in the UK since 1994, with previous experience of working in irrigation and agricultural communities in Australia, Tanzania and Indonesia.

1.1.3 Simon is a Technical Advisor to the Hobson's Conduit Trust (custodians of a heritage water body through Cambridge), and represents a number of Internal Drainage Boards in both a planning control context and the delivery of their capital works drainage projects and asset management. In this capacity he has been a member on the Northstowe Technical Liaison Group for Flood Risk and Drainage for the past 12 years, a planning steering group established to ensure a sustainable and exemplar approach on drainage issues arising from the proposed new town development to the north of Cambridge, and safeguarding the protection to the villages of Oakington, Longstanton and Swavesey.

1.1.4 Simon project managed one of DEFRA's nominated Integrated Urban Drainage Pilot studies, investigating the delivery mechanisms for sustainable drainage solutions at a strategic scale.

1.1.5 Simon was on the steering committee for the delivery of the original Cambridge Northern Fringe Water Cycle Strategy, and latterly is the Project Director for the Cambridge Water Cycle Strategy currently being developed.

1.1.6 He is also the framework manager for supply chain services to the Environment Agency's Next Generation Services Agreement, Collaborative Delivery Framework and is Stantec's national lead for the non-regulated water sector

Stephanie Knowles, Associate, Cambridge Office, Stantec

1.1.7 Stephanie is an Associate based in the Stantec Cambridge office. She has a BEng (Hons) degree in Civil Engineering and is currently working towards her chartership with the Institute of Civil Engineers.

1.1.8 She has over 20 years' experience in the engineering consulting industry. She has project managed a number of multidisciplinary schemes and has provided civil engineering, water and sustainability advice to a number of clients for a variety of schemes based in the UK and abroad.

1.1.9 Stephanie has been involved in assisting and preparing Flood Risk Assessments (FRAs), undertaking Flood Risk analysis, and drainage strategies including providing sustainable drainage solutions. She is experienced in producing ES Chapters and the production of strategic flood reports such as Strategic Flood Risk Assessments (SFRAs) and Surface Water Management Plans (SWMPs).

- 1.1.10 Stephanie has supported clients in her role as Sustainability Champion for a variant number of schemes for BREEAM, Code for Sustainable Homes (CfSH) and CEEQUAL. She is a qualified BREEAM AP and produces Sustainability Assessments to support projects through the planning process.

1.2 Background Information

- 1.2.1 This drainage review has been produced by Stantec on behalf of Greater Cambridge Shared Planning.
- 1.2.2 In 2019, the Planning Service considered and approved details of a scheme for the foul and surface water drainage to a new dwelling located in Fews Lane, Longstanton, Cambridgeshire, application Ref S/3215/19/DC. The site formed part of the formal garden for an existing dwelling (The Retreat).
- 1.2.3 The application (hereafter referenced as 'the site') is for a three-bedroom bungalow, which was initially made on October 2016 and subsequently refused on 4 September 2017 (S/2937/16/L), drainage did not form part of this objection. The application went to appeal, dated 06 September 2018. The appeal was subsequently allowed, and planning permission granted for the erection of the three-bedroom bungalow with conditions relating to foul and surface water drainage supplied. The planning information supplied by the applicant is to discharge these conditions and is addressed as part of this report, application S/3215/19/DC.
- 1.2.4 A separate application is to be submitted in relation to the demolition of the existing dwelling, (The Retreat), and its replacement by two proposed dwellings, application Ref S/0277/19/FL (hereafter referenced as the 'southern site'). This is to be a separate application and does not form part of this review.
- 1.2.5 An application for the erection of another two dwellings on land to the side of The Retreat (west of the site) was submitted on 12 June 2015 and subsequently approved on 6 January 2016, application reference S/1498/15/FL and S/1059/16/DC. These dwellings have since been constructed and are now occupied.
- 1.2.6 The applicant for the proposed development is Landbrook Homes Ltd (Mr Gerry Caddoo), hereafter referenced as the 'Applicant'.
- 1.2.7 This decision has been the subject of a judicial review from an interested third party who had wanted to submit technical comments on the proposed foul and surface water drainage scheme prior to the authority's consideration. In agreeing to the consent order to quash that decision, the Planning Authority has given an undertaking to allow the third party to submit their comments to the Local Planning Authority prior to re-consideration of the submission. The final decision on the reconsidered proposals will be taken by the South Cambridgeshire District Council Planning Committee.
- 1.2.8 The Council had previously sought advice on the application from its retained drainage consultant and these comments have been made publicly available and are referred to within this report.
- 1.2.9 In anticipation of the submission of technical comments from the third party, the Planning Authority has commissioned Stantec to independently review the application and third party submissions for the purposes of providing advice to the Local Planning Authority officers and Committee on the adequacy of the proposed scheme for foul and surface water drainage, having regard to published and acknowledged approaches and best practice.

1.2.10 The conditions for drainage which were discharged by the drainage consultant were in relation to:

- Condition 4 –No construction work shall be commenced until full details of the proposed arrangements for foul water drainage have been submitted to the local planning authority and approved in writing.
- Condition 5 - No construction work shall be commenced until full details of the proposed arrangements for surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to the local planning authority and approved in writing.

1.2.11 These conditions were set following the planning appeal relating to the site, APP/W0530/W/18/3197088, decided on 27 September 2018. The conditions relating to foul and surface water drainage were considered necessary by the inspector to prevent flooding and the need to take effect prior to commencement, to ensure an orderly sequence of works.

Information submitted to discharge conditions

1.2.12 The information provided on behalf of the applicant, by their appointed drainage consultant (Andrew Firebrace Partnership) in respect to application Ref S/3215/19/DC, to discharge, drainage conditions 4 and 5 are listed below. These have been reviewed to inform the production of this report.

- Site Plan dated August 2019, Reference FLL-345-Site 01 by Simon Ward Architectural Design.
- Marshalls Installation Details for Drivesett Tegula Priora Paving (superseded)
- Drainage Layout Plan, dated 13/09/19 Reference 19/0321/100 Rev P3 by Andrew Firebrace Partnership (superseded)
- Below Ground Construction Details, dated 30/08/19 Reference 19/0321/110 Rev P1 by Andrew Firebrace Partnership (superseded)
- Ditch Plan and Section 1, dated 17/10/19 Reference 19/0321/101 Rev P1 by Andrew Firebrace Partnership (superseded)

1.2.13 It should be noted the Site plan and suite of drainage drawings issued by the applicant also relate to the southern site, associated with planning application reference S/0277/19/FL. The drainage for these two properties does not form part of this application and therefore this report addresses the drainage associated with the single new dwelling (the site), application Ref S/3215/19/DC only.

1.2.14 Other documents made available on the planning portal website for Ref S/3215/19/DC are listed below:

- Sustainable Drainage Engineer Planning Consultation Response (Discharge of Conditions) dated 05/10/2019
- Sustainable Drainage Engineer Planning Consultation Response (Discharge of Conditions) dated 26/10/2019
- Neighbours Comments (Redacted), letter dated 08 October 2019
- Parish Council Comments, dated 15/10/2019

- Neighbours comments (Redacted), dated 18/10/2019

1.2.15 Further information since instruction has been provided to Stantec following our initial review these are as follows:

- Fews Lane Consortium Ltd is the third party and have provided their objections in a letter dated 02 June 2020 and 13 July 2020, 16 July 2020 and 13 August 2020.
- Parish Council objections and comments dated 11 August 2020
- Drainage Layout Plan, Reference 19/0321/100 Rev P7 (superseded), P8 (superseded) and P9 by Andrew Firebrace Partnership (illustrating an update to drainage strategy for the site)
- Ditch Plan and Section drawing reference 19/0321/101 Rev P2 (superseded) and P3
- Below Ground Construction Details, Reference 19/0321/110 Rev P2
- Micro Drainage attenuation tank calcs (superseded) and attenuation tank calcs with surcharged outfall.
- Plot 3 Greenfield Runoff Rates.
- Completed Appendix F Surface Water Drainage Pro-Forma from the Cambridgeshire Flood and Water SPD.
- Anglian Water response regarding discharge of conditions 4 and 5.
- Below Ground Drainage Operation and Maintenance Strategy Report.
- Ground Investigation Report dated January 2016, by Oakley Soils Surveys.
- Infiltration Test Report dated April 2020

1.2.16 The relevant information provided by the applicant are detailed further in this report and the appended information. It should be noted some of the information initially issued to discharge the planning conditions have been superseded. Therefore, only the latest information has been used to inform this review.

1.3 Third Party Objections

1.3.1 Neighbours objections (Fews Lane Consortium) and Parish Council were initially received on the 08 October 2019 and 18 October 2019 respectively. Further objections from The Fews Lane Consortium were received on 02 June 2020, 13 July 2020, 16 July 2020 and 13 August 2020. Updated Parish Council Objections were received on 11 August. A copy of these objections are provided in **Appendix A**. The objections all relate to the discharge of both Conditions 4 and 5.

2 Site Details and Background Information

2.1 Location

- 2.1.1 The site is in Longstanton village, set back from the High Street and accessed via an un-adopted access and public right of way, "Fews' Lane". The development abuts an existing¹ watercourse (ditch), located to the north of red line boundary, which outfalls into the Longstanton Brook.
- 2.1.2 The site is in Flood Zone 1, in accordance with the GOV.UK Flood Map for planning (see Figure 1) and is in an area of Low to Very Low flood risk from surface water flooding.

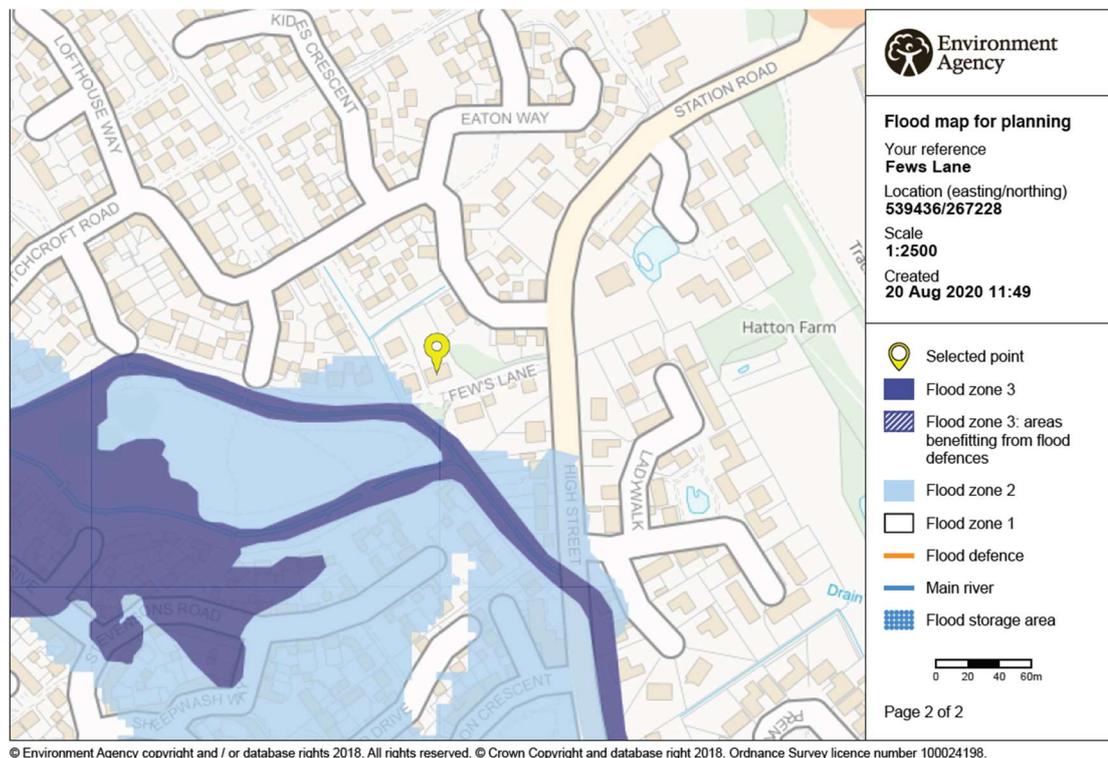


Figure 1: Flood Map for Planning

2.2 Local Hydrological Context

- 2.2.1 Longstanton Brook has been extensively modelled as part of the assessment for the proposed new settlement of Northstowe. As part of the Northstowe works two new storage ponds located upstream of the village along Hatton's Road were proposed.
- 2.2.2 A review of the local Northstowe Planning information concludes existing flooding within the Longstanton village was primarily caused by lack of hydraulic capacity within the culverted sections of the Brook, as it flows through Longstanton Village and is compounded by the lack of maintenance. The new flood relief ponds located along Hattons Road are to work as offline flood relief mitigation to the existing Brook.

¹ A watercourse is defined as any channel through which water flows. It may range from a reasonable sized ditch with constant flow to nothing more than a depression which carries water infrequently.

- 2.2.3 Water levels have not been supplied for the existing watercourse, although reference on the drawings state Dry Ditch.
- 2.2.4 Ownership in respect to the watercourse along the redline boundary is assumed to apply to the applicant. This would be consistent with Cambridgeshire County Council, in their powers as Lead Local Flood Authority (LLFA) and the associated webpage titled Watercourse Management advice which states ²*"If you own land adjoining a watercourse you have certain rights and responsibilities. In legal terms you are a 'riparian owner'. Your rights have been established in common law for many years. The Riparian Owner factsheet.pdf outlines your rights and responsibilities as a riparian owner."*
- 2.2.5 The Cambridgeshire County Council document **The rights and responsibilities of a riparian owner** states *"If you own land adjoining, above or with a watercourse running through it, you have certain rights and responsibilities. In legal terms you are a "riparian owner". If you rent the land you should agree with the owner who should manage these rights and responsibilities. Smaller watercourses, ditches and drains, known as "ordinary watercourses"² play a crucial role in managing flood risk to people and property in Cambridgeshire. That is why it is important to ensure that they are well maintained and kept from debris, obstructions and do not become overgrown. Cambridgeshire County Council, under the Flood and Water Management Act (2010), is the Lead Local Flood Authority and responsible for regulating ordinary watercourses outside of Internal Drainage Board's rateable areas"*.
- 2.2.6 We have therefore assumed for the purpose of this review that the applicant has riparian responsibilities and rights associated with this watercourse. Any works to the watercourse itself (i.e outfall arrangements) is subject to ordinary watercourse consent. This does not form part of the drainage design review, but this will need to be undertaken and approval from the LLFA prior to any works.

² <https://www.cambridgeshire.gov.uk/business/planning-and-development/flood-and-water/watercourse-management> accessed on 30/07/2020

2.2.7 Cross sectional information has been issued associated with the proposed outfall arrangement for the surface water drainage into the existing watercourse (drawing 19/0321/1010 Rev P3). The cross section shows the watercourse to be at an approximate depth of 1.39m, on the bank side of the site, and 2.05m depth on the far north bank to the site. The width of the ditch has been measured as approximately 5.3m wide, at the top of bank, and 2m wide at the base of the watercourse. Refer to drawing 19/0321/1010 P3 in **Appendix B**.

2.3 Geological Information

2.3.1 The Ground Investigation Report, dated January 2016 by Oakley Soils, provides information on the underlying soils associated with the site. A borehole located in land to the west of the site, where the two occupied properties were constructed, provides an overview on the soil characteristics of the site. The borehole log shows the site to be underlined with clay and gravelly sands to a depth of 1.8m BGL and then dark, fissured clay to depths of 18.45m BGL. The clay is classified as inorganic clay of high to very high plasticity.

2.3.2 A review of the British Geological Website (BGS) also shows the site is in an area with no recorded information associated with the superficial deposits and an underlying bedrock of West Walton Formation and Amphill Clay formation.

2.3.3 The above information would suggest limited potential for infiltration at the site where clay is present, but the superficial deposits may be able to support localised infiltration measures, subject to the results of infiltration tests in accordance with BRE365.

2.3.4 An infiltration report has been received, with soakaway tests conducted in three locations, one of which is applicable to the site (TP03) and two within the southern site (TP01 and TP02). The tests are stated within the report to have been undertaken in accordance with BRE365 and results are summarised in Table 1 below.

Trial Pit No	Depth (mbgl)	Test 1 Rate (m/s)	Test 2 Rate (m/s)	Test 3 Rate (m/s)	Design Infiltration Rate (m/s)
TP01	1.2m	1.64E-05	1.33E-05	1.13E-05	1.13E-05
TP02	1.2m	1.56E-05	1.40E-05	1.2E-05	1.2E-05
TP03	1.2m	6.97E-06	8.00E-06	8.10E-06	6.97E-06

Table 1 – Infiltration Test Results

2.3.5 The results from these reports and how these have been applied to the site drainage is further assessed in section 4 of this report.

2.3.6 Refer to Geotechnical information and infiltration test report in **Appendix C**.

2.4 Existing drainage arrangement

- 2.4.1 The site is an existing garden of an original dwelling (The Retreat). Existing drainage has not been confirmed within the submitted Cambridgeshire SPD ³pro-forma (refer to **Appendix D**) but it can be reasonably concluded, from the information submitted, that the parcel of land applicable to this review would likely infiltrate but still with hydrogeological connectivity to the local watercourse, due to the impervious nature of the geology at lower depths.

³ Pro-forma was submitted prior to discharge rate reduction to 1l/s. This is not a material change to the outcome of this review.

3 Planning Policy

- 3.1.1 Whilst it is acknowledged the objections received from Neighbours, the Fews Lane Consortium, are specific in relation to the failure to comply with the South Cambridgeshire adopted Local Plan (2018), a wider review specific to National and Regional policy has also been undertaken as part of this assessment. This follows the requirements of the client to undertake a peer review on all applicable drainage related policy and in response to the neighbours and the Parish Council objections.
- 3.1.2 Planning Policy is generated at two different levels:
- i. National – these are policies set by the Government through the National Planning Policy Framework.
 - ii. Local – planning policies created by local planning authorities (such as LLFA, Parish, District and Local Plan, Neighbourhood Forums).

3.2 National Planning

National Planning Policy Framework (NPPF) and supporting Guidance Document

- 3.2.1 The **National Planning Policy Framework (NPPF)** sets out the government's planning policies for England and how these are expected to be applied. The current version was published in February 2019. Section 14 of the NPPF, 'Meeting the challenge of climate change, flooding and coastal change'; and the supporting PPG (published in March 2014), section 'Flood Risk and Coastal Change' and updated in February 2016 is applicable when assessing sites associated with flood risk. It is generally accepted that drainage will form part of the management of flood risk associated with a proposed development and therefore is also used to inform both regional and local planning policy.
- 3.2.2 The NPPF aims to ensure flood risk is considered at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas of highest risk. In exceptional circumstances where new development is necessary in flood risk areas the policy also aims to ensure it is safe, without increasing flood risk elsewhere, and where possible reducing flood risk overall.
- 3.2.3 For sites less than 1ha in size and not at risk of flooding, a Flood Risk Assessment is not required, but nevertheless, the principles of ensuring the appropriate and sustainable management of drainage, to mitigate or prevent future flooding, should still form the basis for a sustainable drainage strategy and be used in support for the promotion of sustainable development.
- 3.2.4 Applicable references to drainage within the NPPF are as follows:
- *Para 163: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁴. Development should only be allowed in areas at risk of flooding where, in light of this assessment (and the sequential and exceptions tests, as applicable) it can be demonstrated that:*

⁴ NPPF Footnote 50: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: site of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where it is development would introduce more vulnerable use.

- a. *Within the site the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location:*
 - b. *the development is appropriately flood resistant and resilient;*
 - c. *It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
 - d. *Any residual risk can be safely managed; and*
 - e. *Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*
- *Para 164. Applications for some minor development and changes of use⁵ should not be subject to the sequential or exception test but should still meet the requirements for site-specific flood risk assessments set out in footnote 50.*
 - *Para 165: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*
 - a. *Take account of advice from the lead local flood authority;*
 - b. *Have appropriate proposed minimum operational standards;*
 - c. *Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d. *Where possible, provide multifunctional benefits.*

Sustainable Drainage Systems Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015)

3.2.5 This document sets out the non-statutory technical standards for sustainable drainage systems and promotes the use of the document in conjunction of with the ⁶NPPF. This document is referenced within the neighbour's objections as evidence for reasons for refusal.

3.2.6 The then Secretary of State for Communities and Local Government made a ⁷statement on the 18 December 2014 in relation to the Non-Statutory Technical Standards for Sustainable Drainage Systems, text applicable to this review and taken from this statement are as follows:

"Today we are publishing our response to the consultation explaining how we will be strengthening existing planning policy. This will make clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate.

*To this effect, we expect local planning policies and decisions on planning applications relating to **major development - developments of 10 dwellings or more**; or equivalent non-*

⁵ NPPF Footnote 51. This includes householder development, small non-residential extensions (with footprint of less than 250m²) and changes of use: except for changes of use to a caravan, camping or chalet site, or a mobile home of park home site, where the sequential and exceptions tests should be applied as appropriate.

⁶ <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards>

⁷ <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2014-12-18/HCWS161/>

residential or mixed development (as set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010) - to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.”

Under these arrangements, in considering planning applications, local planning authorities should consult the relevant lead local flood authority on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The sustainable drainage system should be designed to ensure that the maintenance and operation requirements are economically proportionate.

*To protect the public whilst avoiding excessive burdens on business, **this policy will apply to all developments of 10 homes or more and to major commercial development.** The Government will keep this under review, and consider the need to make adjustments where necessary. The current requirement in national policy that all new developments in areas at risk of flooding should give priority to the use of sustainable drainage systems will continue to apply.*

These changes will take effect from 6 April 2015. For avoidance of doubt this statement should be read in conjunction with the policies in the National Planning Policy Framework. This statement should be taken into account in the preparation of local and neighbourhood plans, and may be a material consideration in planning decisions.

- 3.2.7 The assessment of the site in relation to this document has been discounted, as the site is for the construction of 1 dwelling, less than the 10 dwellings or more requirement, as stated by the then Secretary of State for Communities and Local Government.
- 3.2.8 The NPPF Practice Guidance also reinforces this statement by stating: *Whether a sustainable drainage system should be considered **will depend on the proposed development and its location**, for example whether there are concerns about flooding. Sustainable drainage systems may not be practicable for some forms of development (for example, mineral extraction). New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of sustainable drainage systems. Additionally, and more widely, when considering **major development**, as defined in the ⁸Town and Country Planning (Development Management Procedure) (England) Order 2015, sustainable drainage systems should be provided unless demonstrated to be inappropriate.*

3.3 Regional and Local Planning Policy

Cambridgeshire Flood and Water SPD

- 3.3.1 **The Cambridgeshire Flood and Water SPD**, adopted in November 2016, has been prepared by Cambridgeshire County Council (as the Lead Local Flood Authority) in conjunction with the other Cambridgeshire local planning authorities (including South Cambridgeshire District Council).
- 3.3.2 The SPD provides guidance on the approach that should be taken to design new developments to manage and mitigate flood risk and include sustainable drainage systems (SuDS). SuDS mimic natural drainage to manage surface water run-off and can also deliver wider benefits such as providing green areas for biodiversity and recreation.

⁸ Town and Country Planning (Development Management Procedure) England Order 2015, classifies Major Development as the provision of dwelling houses where— (i) the number of dwelling houses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

3.3.3 Chapter 6 of the SPD is specific to the design of the Surface Water and Sustainable Drainage Systems. Many of the general principles within this chapter is recommended to be applied to traditional surface water drainage and states “*this chapter needs to be complied with on all development sites⁹ and the provision of SuDS maximised*”.

3.3.4 The SPD promotes the use of following the Surface water drainage hierarchy as illustrated in Figure 2 below.

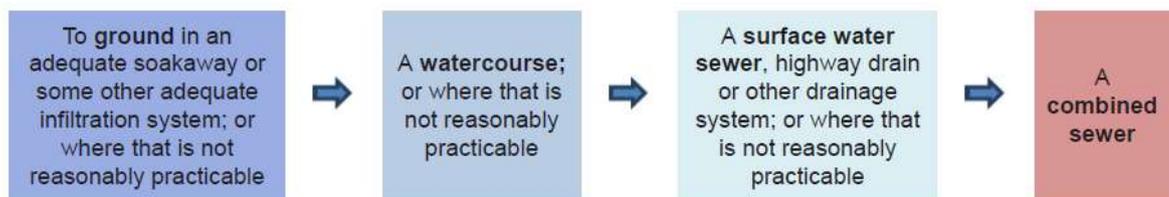


Figure 2: SuDS Hierarchy

3.3.5 Relevant Paragraph references and extracts to this assessment are as follows:

6.3.18 “*The potential for infiltration measures on a site should be considered at the outset. Careful consideration of the acceptability of infiltration drainage should be given particularly in relation to potable water sources (e.g drinking water) or land contamination issues.*”

6.3.19 *The British Geological Survey can provide maps and records to support decisions with regards to the suitability of the subsurface for the installation of infiltration type SuDS type systems. The suitability for infiltration across an area should be based on:*

- Existing constraints prior to planning infiltration SuDS;
- Drainage capacity and rate of infiltration into the ground;
- Potential for ground instability when water is infiltrated;
- Impact on groundwater quality as a result of infiltration;

Development on contaminated land or Source Protection Zones (SPZ) (vulnerable aquifers).

6.3.20 *Infiltration should be assessed on-site using infiltration tests that follow the detailed SuDS design principles covered in **BRE365/CIRIA 156** procedure. SPZ’s should be taken into account when considering infiltration and guidance provided by the EA should be consulted to determine infiltration constraints and requirements in these areas. Where infiltration drainage is proposed on previously developed land, contamination risk needs to be considered. This may not rule out the use of infiltrating SuDS but will require site investigations and information on remediation prospects which are outside the scope of this Supplementary Planning Document (SPD).*

6.3.21 *The maximum acceptable depth for an infiltration device is usually 2.0m below ground level, with a minimum of 1.2m clearance between the base of the feature and peak seasonal groundwater levels. In some areas of the Fens the maximum depth of infiltration (of 2.0m below ground level) is often not viable and in such areas 1.0m below ground level would be the best achievable depth. In these areas however, the possibility of incorporating shallow infiltration features such as trenches should be investigated. Deeper (‘deep bore’) soakaways*

⁹ All Development Sites suggests there is no distinction between, minor or major development, brownfield or greenfield developments.

pose a serious pollution risk and are not acceptable, and it is expected they will become contrary to the European Union (EU) Water Framework Directive (WFD).

- 3.3.6 For developing a drainage strategy for the site, reference should be made to section 6.7 of the SPD which provides the following with regard to the requirements for full planning or reserved matter application.

Full planning application or reserved matter application

6.7.4 *Many developments move straight to a full planning application following pre-application discussions with the relevant WMAs. At this stage applicants will also be expected to submit a detailed surface water drainage strategy with the planning application. Whilst most topics will have been covered to some degree in the outline drainage strategy (if applicable) the applicant will be expected to provide more detail at this stage. The strategy should demonstrate that opportunities to integrate SuDS have been maximised and where obstacles to their use do persist this should be fully justified within the report. Where proposing to discharge into a third party asset (such as a watercourse or public sewer), appropriate permissions and required consents should have been discussed with the asset owner.*

6.7.5 *The key information a surface water drainage strategy must contain includes:*

- *How the proposed surface water scheme has been determined following the drainage hierarchy;*
- *Pre-development runoff rates;*
- *Post development runoff rates with associated storm water storage calculations*
- *Discharge location(s);*
- *Drainage calculations to support the design of the system;*
- *Drawings of the proposed surface water drainage scheme including sub catchment breakdown where applicable;*
- *Maintenance and management plan of surface water drainage system (for the lifetime of the development) including details of future adoption;*
- *Completed drainage proforma – the applicant must ensure that the surface water strategy contains the appropriate level of information in relation to the points covered in the proforma.*

6.7.6 *Note that the size and complexity of the site will determine how much information is included within the surface water drainage strategy however using the pre-application design checklist and drainage proforma in Appendix F will ensure the right matters are covered with the appropriate level of detail.*

- 3.3.7 Pro-forma is supplied within the SPD to help guide applicants on the necessary information to be submitted.

3.4 Local Plan

3.4.1 The South Cambridgeshire Local Plan sets out the planning policies and land allocations to guide the future development of the district up to 2031. It includes policies on a wide range of topics and pertinent to this report is the policies relating to flood risk drainage design.

3.4.2 Applicable references within the **South Cambridgeshire Local Plan**, and also referenced by residents as grounds for objection, are as follows:

- *Policy CC/7: Water Quality*

1. *In order to protect and enhance water quality, all development proposals must demonstrate that:*

- a. *There are adequate water supply, sewerage and land drainage systems (including water sources, water and waste water infrastructure) to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure prior to the occupation of the development. Where development is being phased, each phase must demonstrate sufficient water supply and waste water conveyance, treatment and discharge capacity;*
- b. *The quality of ground, surface or water bodies will not be harmed, and opportunities have been explored and taken for improvements to water quality, including re-naturalisation of river morphology, and ecology;*
- c. *Appropriate consideration is given to sources of pollution, and appropriate Sustainable Drainage Systems (SuDS) measures incorporated to protect water quality from polluted surface water runoff.*

2. *Foul drainage to a public sewer should be provided wherever possible, but where it is demonstrated that it is not feasible, alternative facilities must not pose unacceptable risk to water quality or quantity.*

- *Policy CC/8: Sustainable Drainage Systems*

Development proposals must incorporate appropriate sustainable surface water drainage systems (SuDS) appropriate to the nature of the site. Development proposals will be required to demonstrate that:

- a. *Surface water drainage schemes comply with the Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems and the Cambridgeshire Flood and Water Supplementary Planning Document or successor documents;*
- b. *Opportunities have been taken to integrate sustainable drainage with the development, create amenity, enhance biodiversity, and contribute to a network of green (and blue) open space;*
- c. *Surface water is managed close to its source and on the surface where it practicable to do so;*
- d. *Maximum use has been made of low land take drainage measures, such as rainwater recycling, green roofs, permeable surfaces and water butts;*

- e. *Appropriate pollution control measures have been incorporated, including multiple component treatment trains; and*
 - f. *Arrangements have been established for the whole life management and maintenance of surface water drainage systems.*
- **Policy CC/9: Managing Flood Risk**
1. *In order to minimise flood risk, development will only be permitted where:*
 - a. *The sequential test and exception tests established by the National Planning Policy Framework demonstrate the development is acceptable (where required).*
 - b. *Floor levels are 300mm above the 1 in 100 year flood level plus an allowance for climate change where appropriate and where appropriate and practicable also 300mm above adjacent highway levels.*
 - c. *Suitable flood protection / mitigation measures are incorporated as appropriate to the level and nature of flood risk, which can be satisfactorily implemented to ensure safe occupation, access and egress. Management and maintenance plans will be required, including arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;*
 - d. *There would be no increase to flood risk elsewhere, and opportunities to reduce flood risk elsewhere have been explored and taken (where appropriate), including limiting discharge of surface water (post development volume and peak rate) to natural greenfield rates or lower, and*
 - e. *The destination of the discharge obeys the following priority order:*
 - iii. *Firstly, to the ground via infiltration;*
 - iv. *Then, to a water body;*
 - v. *Then, to a surface water sewer;*
 - vi. *Discharge to a foul water or combined sewer is unacceptable.*
 2. *Site specific Flood Risk Assessments (FRAs) appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change, will be required for the following:*
 - f. *Development proposals over 1ha in size;*
 - g. *Any other development proposals in flood zones 2 and 3;*
 - h. *Any other development proposals in flood zone 1 where evidence, in particular the Strategic Flood Risk Assessment or Surface Water Management Plans, indicates there are records of historic flooding or other sources of flooding, and/or a need for more detailed analysis.*
 3. *FRAs will need to meet national standards and local guidance (including recommendations of the South Cambridgeshire and Cambridge City Strategic Flood Risk Assessment (2010) and the Phase 1 and 2 Water Cycle Strategy or successor documents).*

- 3.4.3 In January 2020 the **Greater Cambridge Sustainable Design and Construction Supplementary Planning Document** was adopted. This update is an addendum to the wider 2016 Cambridgeshire Flood and Water SPD and specially addresses the updates needed following the publication of the South Cambridgeshire Local Plan (2018). The adoption of this document was after the application for the site and approval given by the council.
- 3.4.4 A review of the document has however been undertaken to assess if there is any material change to the policies which are applicable to this site. This document confirms in Section 3.7, specific to Sustainable Drainage Systems and flood risk, paragraph 3.7.2 that the Sustainable Design and Construction SPD *focuses on guidance for the implementation of SuDS Policy in Cambridge Local Plan (2018). This guidance supplements the wider guidance on flooding and drainage provided for in the Cambridgeshire Flood and Water SPD. For applications in South Cambridgeshire, further guidance on policy implementation, alongside drainage checklists, is provided in the Cambridgeshire Flood and Water SPD.* Therefore, it can be concluded there is no material change to the policy for assessment against this site.

3.5 Design Best Practice

- 3.5.1 The method for incorporating climate change is included within the document named '**Flood Risk Assessments: Climate Change Allowances**' prepared by the EA in 2016. These proposals are for a residential development with an assumed design life of 100 years. In accordance with the EA advice, a 20% - 40% increase in rainfall intensity should be included in the drainage assessment calculations.
- 3.5.2 The method of disposing of surface water is stipulated by the '**Building Regulations – Approved Document H**'. It requires that rainwater from roofs and paved areas is collected from the surface to discharge to one of the following, listed in order of priority: i) an adequate soakaway or some other adequate infiltration system, or where this is not reasonable practicable, ii) watercourse, or where that is not practicable, iii) a sewer. This follows the requirements of Local Plan and Cambridgeshire SPD
- 3.5.3 It is acknowledged that Paragraph 3.2.5 of the Building Regulations Part H states infiltration drainage is not always possible and Infiltration devices should not be built within 5m of a building or road or in areas of unstable land (see Planning Policy Guidance Note 14 Annex 1).
- 3.5.4 The Building Regulations Part H require small soakaways draining impermeable area of 25m² or less to use a design rainfall of 10mm in 5 minutes as worst case. Soakaways serving an impermeable area of more than 25m² should determine the design rainfall in accordance with **BRE Digest 365**.
- 3.5.5 Good practice sustainable drainage systems design advice is given in '**The SuDS Manual (C753)**' released by CIRIA in 2015. The manual defines SuDS as 'drainage systems which are considered to be environmentally beneficial, causing minimal or no long term detrimental impact'. SuDS can be in a variety of forms, including infiltration basins, soakaways, swales and permeable surfaces.
- 3.5.6 **CIRIA report C753 'The SuDS Manual'** outlines the various types of SuDS, their benefits and limitations, and design considerations associated with each. Not all SuDS components/methods are feasible or appropriate for all developments; factors such as available space, ground conditions, and site gradient will influence the feasibility of different methods for a particular method.
- 3.5.7 **Chapter 25 of The SuDS Manual** provides guidance on the suitability of using infiltration to dispose of surface water runoff, infiltration testing and design methods. This chapter notes a number of considerations which need to be fully evaluated before determining the extent to which infiltration can be used on site, as follows:

- Soil type and infiltration capacity
 - Groundwater level beneath the site
 - Risk of ground instability, subsidence or heave due to infiltration
 - Risk of slope instability or solifluction (the slow creep of saturated soils down slopes due to infiltration)
 - Risk of pollution from mobilising existing contaminants on the site due to infiltration
 - Risk of pollution from infiltrating polluted surface water runoff
 - Risk of groundwater flooding due to infiltration
 - Risk of groundwater leakage into the combined sewer due to infiltration
- 3.5.8 Whilst not a document produced on behalf of the area, Kent County Council have produced **The Soakaway Design Guide**, informed by other local Authorities, geotechnical consultants, and respected institutions including the Environment Agency (EA) and the Health and Safety Executive. Whilst it concentrates in sections of the report on the design requirements in chalk soils, it does also provide general guidance to the use of soakaways in all forms of strata. This document is therefore used within the industry to help inform soakaway designs. Chapter 2.9 of this document provides soakaway location guidance relating to distances between soakaways and the highway or dwelling. The general approach within this document is to locate conventional soakaway design no closer than 5m, or subject to the underlying soil characteristics or proximity to other infiltration and soakaway features this offset can be further.
- 3.5.9 The SuDS drain fact sheet **“Using SuDS Close to Building”**, dated 2002 explores the options of locating infiltration systems within 5m of the proposed building foundations, subject to adequate testing and there being no risk to on-site and offsite flooding.
- 3.5.10 **Rainfall Management for developments, Report SC030219** dated October 2013, by the EA and DEFA, is a guide aimed at regulators, developers and local authorities to provide advice on the management of stormwater drainage for developments and in particular to assist in the sizing of storage elements for the control and treatment of stormwater runoff.

4 Review of Drainage Information

4.1 Foul Water Drainage Proposal

4.1.1 The proposal is illustrated on Drainage Layout Plan Ref 19/0321/100 Rev P9 (hereafter referenced as Drainage Layout Plan Rev P9) and shows the proposed dwelling will discharge foul drainage to an existing foul sewer in Few's Lane.

4.2 Surface Water Drainage Proposal

4.2.1 The Drainage Layout Plan Rev P9 shows the single dwelling is to discharge surface water to an attenuation tank located within the rear garden of the property.

4.2.2 The proposed tank is 1.5m x 7.0m x 0.4m and is stated in the Drainage Layout Plan Rev P9 as being capable of storing to up to the 1 in 100 year plus 40% climate change event. A hydrobrake flow control chamber is shown at the outfall to the proposed storage tank.

4.2.3 Supporting calculations supplied show the tank has been modelled to accommodate the storage required and the flow control is capable of limiting flow to the rate within the range of 1l/s. See Figure 3 below, which is a screen shot of the proposed drainage.

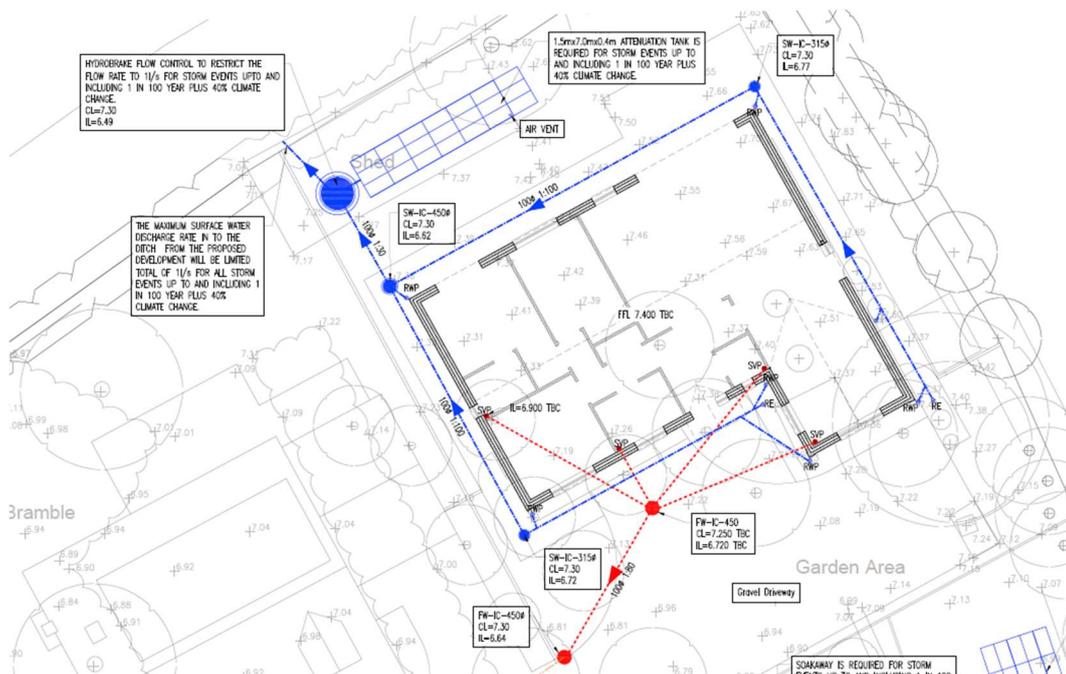


Figure 3 Drainage Layout Plan

4.2.4 The drainage plan shows the proposed driveway is a proposed gravel driveway operating as an infiltration feature. Refer to **Appendix B**.

4.2.5 Infiltration tests show infiltration rates within this location is at a rate of 6.97E-06 and therefore in accordance with **The SuDS Manual** is considered a suitable rate for use of infiltration. The geotechnical report also submitted in support of this design shows the land immediately to the west to be underlined with Clay Soil, the soil is classed as having a high to very high plasticity content. **Refer to Appendix C**.

- 4.2.6 The Drainage Layout Plan Rev 9 shows the proposed two new units, the southern site, and part of a separate planning application, are to use individual house soakaways within the rear gardens and porous paving in the driveway to discharge surface water runoff. The infiltration rates applicable to these two properties are a higher rate than the site.

4.3 Objections and Drainage Review

- 4.3.1 Objections have been submitted by both the Parish Council and the Few's Lane Consortium Ltd. The Few's Lane Consortium have provided detailed written correspondence received over the period of the drainage review for this report dated 02 June 2020, 13 July 2020, 16 July 2020 and 13 August 2020, most of points raised were relating to Condition 5. A copy of these objections is supplied in **Appendix A**. The objections have been reviewed and referenced in turn.

Condition 4: Foul Drainage and Objections Review

- 4.3.2 **Objection:** The application proposes discharge of foul water into the public sewerage system, but no evidence has been provided to demonstrate that the existing public sewerage system has the capacity for the additional flows from the proposed development or that discharge into the public sewerage system has been agreed with the relevant sewerage undertaker.
- 4.3.3 **Response:** CC/7 part 1a states "...development must demonstrate that: *There are adequate water supply, sewerage and land drainage systems (including water sources, water and waste water infrastructure) to serve the whole development, or an agreement with the relevant service provider to ensure the provision of the necessary infrastructure prior to the occupation of the development*".
- 4.3.4 As part of the consultation exercise with approving authorities the sewerage undertaker will take an assessment of the proposed discharge rate from the development proposals and the capacity of the receiving system. Written confirmation has been received from the approving authority (Anglian Water) who has confirmed recommendation for the discharge of Condition 4. Refer to **Appendix E** for a copy of the Anglian Water correspondence.
- 4.3.5 We therefore support the discharge of Condition 4 for this site.

Condition 5: Surface Water Drainage and Objections Review

- 4.3.6 **Objections:** *The surface water drainage arrangements proposed in this application fail to comply with policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018. In particular, policy CC/9 states that development will only be permitted where the destination of surface water discharge obeys the following priority order: (1) infiltration to ground, (2) discharge to a body of water, (3) discharge to a surface water sewer.*
- 4.3.7 **Response:** A review of policy CC/8 and CC/9 does not differentiate between the development of a single dwelling and that of major development, as defined within the NPPF. Therefore, the requirements of this policy are applicable to this application. The Chapter 6 of the Cambridge SPD also reinforces this through the statement "*this chapter needs to be complied with on all development sites.*"
- 4.3.8 The Few's Lane Consortium makes reference to the **Sustainable Drainage Systems: Non-Statutory technical standards for sustainable drainage systems** in their reasons for refusal. It should be noted as detailed in paragraph 3.2.6 and as listed within the GOV.uk website, this technical standard is for development of **10 dwellings or more**, therefore this document is not applicable to this site.

- 4.3.9 A geotechnical investigation and the results from infiltration tests, have been undertaken and used to inform the design of the drainage for the site. The proposal is for the driveway to infiltrate and for the roof runoff to discharge to an attenuation tank, which has been designed to accommodate the 1 in 100 year plus 40% climate change event, and to discharge at a control rate of 1l/s to the adjacent watercourse.
- 4.3.10 The applicant has stated in consultation with the Local Planning Authority (LPA) on 26 June 2020 (Refer to **Appendix F**) that soakaway design for the roof runoff has been discounted for the site due to constricted space (this is in reference to previous consultation with the LPA at the planning application stage regarding a 5m offset from the proposed building foundations and the then subsequent proximity to the watercourse). This has been addressed further within this review.
- 4.3.11 A below ground drainage operation and maintenance strategy report, informed by the SuDS Manual, has been provided for the site and contained in **Appendix G**. This is a requirement of the SPD and CC/9.
- 4.3.12 A further review of the drainage is provided in this report, which will address whether it meets the requirements of CC/7, CC/8 and CC/9 of the local plan. However, it can be concluded, if the site cannot accommodate infiltration either by conventional soakaway or an alternative means of infiltration, then in accordance with the priority order of CC/9 the discharge to the local watercourse is the next suitable option.

Objection Text: *No surface water drainage arrangements for the proposed driveway are shown on the submitted plans. It is unclear if it is intended that permeable pavement should be used to discharge the driveway surface water by infiltration. However, if this is the case, no evidence has been submitted to suggest that the site is suitable for infiltration. The minimum information required would typically include infiltration testing conducted according to BRE Digest 365 together with a site plan showing the locations where tests were conducted.*

- 4.3.13 **Response:** Infiltration tests have been provided by the applicant and a gravel driveway is to be provided using infiltration at source. Soakaways have been discounted; this is assessed further within this review.

Objection Text: *The Council's unnamed surface water drainage engineer also comments on the surface water drainage arrangements proposed under this application (S/3215/19/DC) in the response for application S/ 3875/19/DC, stating that, "the dwelling towards the north [the bungalow to which application S/ 3215/19/DC pertains] appears to be too close to the watercourse to enable soakaways to be positioned 5m from the dwelling without impacting on the hedge and bank of the watercourse".*

However, there are numerous locations within the application site greater than 5 metres from the foundations of buildings. Furthermore, the 5-metre rule is simply a rough rule of thumb that can be assumed to be safe for any building site on any type of soil. With a proper geotechnical assessment, it may be possible in many soils to install infiltration features and traditional soakaways much closer to foundations

- 4.3.14 **Response:** A traditional soakaway will have an infiltration concentration ratio at the higher end of scale where it drains either a roof area, a road, or several houses. Therefore, it is a concentrated point source of water within the ground. These types of soakaways also allow water flows out sideways as well as through the base area of the feature. As a result, the risk of water affecting the soils under shallow foundations can be quite high if the soakaway is located close to buildings and this is confirmed by **Building regulations Part H**, which advises against soakaways within 5m of buildings and roads.

- 4.3.15 Based on the SuDS drain fact sheet “**Using SuDS Close to Building**”, dated 2002 infiltration features close to buildings should normally be designed with a ratio of impermeable area to base area of less than 10:1 and the depth of the stored water should not be greater than 300mm. Thus, the flow of water from the base of the SuDS features is much less concentrated than in a normal soakaway. Because infiltration from a plane feature is much more dispersed, has a shallow height and has a short retention time there is less potential for flow to occur laterally in any significant quantities. Therefore, as an example, the use of porous paving and an underlying crate storage, which would need to be designed to be no greater than a depth of 0.3m, could allow for the roof runoff and parking to be infiltrated within a 5m of proposed building foundations. However, such a solution will need an attenuation volume made available to accommodate the 1 in 100 year plus climate change event and it is also subject to the underlying geology present at the site.
- 4.3.16 The results from the geotechnical information (**Appendix C**) shows clays with a high to very high plasticity index is present at the site. Clay -rich soil of high plasticity are more likely to be a risk of failure through the introduction of soakaways, due to their swelling and shrinkage characteristics. The proposed expansion of the soil, as estimated in the study by Holtz and Kovacs 1981 (Table 2 below) shows those with a plasticity index of greater than 35 will have a Very High degree of Expansion (i.e at higher risk from swelling and shrinkage). The Geotechnical report provided for the site, by Oakley Soils and Concrete Engineering Ltd, show the Plasticity Index for the clay to range between 42 -45 and will therefore sit in the Very High range for degree of Expansion. It is for this reason we would not recommend soakaways, or an infiltration feature accepting a concentrated runoff, to be located within 5m of the proposed building foundations or within proximity to the banks of the existing watercourse. This would therefore also discount a crate system below the driveway.

Degree of Expansion	Probable Expansion (as a percent of the total volume change) ¹	Colloidal Content (percent less than 1µm)	Plasticity Index	Shrinkage Limit
Very High	Greater than 30	Greater than 28	Greater than 35	Less than 11
High	20 - 30	20 - 31	25 - 41	7 - 12
Medium	10 - 20	13 - 23	15 - 28	10 - 16
Low	Less than 15	Less than 15	Less than 18	Greater than 15

Table 2: Probable Expansion of clay as estimated from classification test data (from Holtz and Kovacs 1981)

- 4.3.17 A 5m offset if applied to the footprint would therefore leave an area of approximately 2.5m distance from the bank of the existing watercourse. See Figure 4.
- 4.3.18 Locating soakaways adjacent to the watercourse is considered to result in a limited unsaturated zone, this would therefore do little to reduce rates into the watercourse, provide little water quality treatment and would therefore be contrary to **The Cambridgeshire SPD** and design best practice.

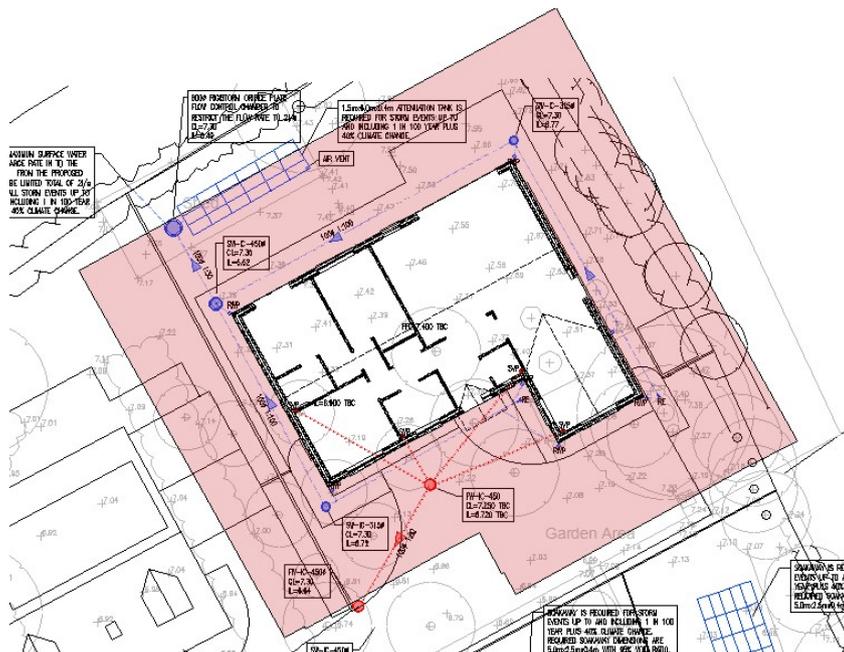


Figure 4: Soakaway 5m offset from buildings

- 4.3.19 It is noted there is space available along the frontage of the proposed property, outside of the 5m offset, as illustrated in Figure 4. However, locating a soakaway feature in this area would place it directly adjacent to the proposed two residential plots within the southern site, resulting in two soakaway features being within 3.5m of each other. This would further increase the potential risk from expansion of the soils. Levels within this area of the site are also higher than those within the rear of the property, requiring a deeper soakaway feature, making maintenance more of a challenge.
- 4.3.20 Relocating the future soakaways within the southern site to accommodate this solution (i.e. relocate the proposed soakaways for the southern site to the front of the two proposed properties) would result in these features being within the 5m offset of the existing highway and therefore due to the risk from expansion, we recommend discounting this as an option. Having this site discharge via soakaway at the expense of removing the two soakaways within the southern site would also require a higher discharge rate into the existing watercourse.
- 4.3.21 Whilst it is agreed the 5m rule is not conclusive, it is considered that a soakaway should not be located closer than the 5m offset, in this instance, due to risk posed from the existing geology. The presence of a gravel driveway to accommodate runoff at source (i.e. runoff generated by the driveway only) is however considered acceptable and in accordance with best practice. We therefore agree in accordance with the priority order of CC/9 the discharge to the local watercourse is the suitable option for the roof runoff for this site.

Objection Text: *The following three material considerations preclude the discharge of Condition 5. Issue 1) The scheme proposes an increase on the surface water discharged from the site into Longstanton Brook from the pre-development discharge volume, thereby increasing the flood risk of nearby properties. This is contrary to the stated reason for the condition, which is to prevent flooding. Issue 2) The scheme positions the outfall of the surface water drainage outside the redline boundaries of the development site. An application to discharge a planning condition cannot be used to extend the boundaries of the land which the planning relates. Issue 3) The relevant policies of the development plan are a material*

consideration and policies CC/8 and CC/9 of the Local Plan 2018 ¹⁰militate against the approval of the application.

4.3.22 **Response to Issue 1:** Greenfield discharge rates have been provided for the site as follows:

- 0.1l/s for the 1 year
- 0.2 l/s for Qbar
- 0.4 l/s for 30 years
- 0.6 l/s for 100 years

4.3.23 Refer to **Appendix H** for a copy of the Greenfield runoff rates supplied by the applicant.

4.3.24 The proposed discharge rate for the site has been set to 1l/s using a hydrobrake. This was considered the lowest acceptable discharge rate with limited maintenance requirements and therefore poses a lower flood risk from potential blockages.

4.3.25 It is acknowledged that the proposed development will exceed the existing greenfield runoff calculated for the site. However, a pragmatic approach and understanding on the principles of greenfield runoff rates and development proposals must be applied.

4.3.26 The site is for a single dwelling and therefore the equivalent greenfield runoff rates for such a scheme will always be minimal. To provide attenuation at the greenfield rates estimated (as listed above) would require the use of a control feature of such a small size that it would be at a high risk from blockages. This itself would be considered a flood risk.

4.3.27 **The Rainfall Runoff Management for Developments**, Interim National Procedure Policies states, in paragraph 17, as follows *“Minimum limit of discharge rate. A practicable minimum limit on the discharge rate from a flow attenuation device is often a compromise between attenuating to a satisfactorily low flow rate while keeping the risk of blockage to an acceptable level. This limit is set at 5 litres per second, using an appropriate vortex or other flow control device. Where sedimentation could be an issue, the minimum size of orifice for controlling flow from an attenuation device should normally be 150mm laid at a gradient not flatter than 1 in 150, which meets the requirements of Sewers for Adoption 7th Edition” A second minimum discharge limit based on 1l/s/ha for QBAR is also applied where soil types produce lower calculated values when estimating greenfield runoff rates. This limit is applied to prevent the size of storage systems becoming unacceptably large and expensive.*

4.3.28 The drainage pro-forma provided within **The Cambridgeshire SPD** also states *“Hydrobrakes to be used where rates are between 2l/s to 5l/s. Orifices may not work below 5l/s as the pipes may block. Pipes with flows < 2l/s are prone to blockage, but this can be overcome with careful product selection and SuDS design.”*

4.3.29 Since the production of The Cambridgeshire SPD and the Rainfall Runoff Management for Development reports, manufacturers have now developed hydrobrakes which can operate at a rate of 1l/s. It is noted the applicant is proposing such a control at this site. We consider this to be the minimum viable rate for sustainable control with limited maintenance requirements imposed on the future resident.

4.3.30 We do however acknowledge the concerns raised by the Few Lane Consortium regarding the flood risk to the local watercourse and in accordance with the SPD a desire for all developments to discharge at greenfield runoff rates. Therefore, we have provided further assessment regarding the potential flood risk associated with a discharge rate of 1l/s from the

¹⁰ We assume militate as written by the author of the Few's Lane Consortium Ltd is a typo and means mitigate.

site. The existing watercourse dimensions are illustrated on the supporting ditch profile drawing Ditch Plan and Section drawing reference 19/0321/101 Rev P3 (**Appendix B**) and using this information we can confirm the following:

- 1.39m in height at the lowest bank,
- 2m width at the base level,
- 5.3m width at the top of bank, and
- Lidar information for the area shows the channel slope is approximately 0.005.

- 4.3.31 Using Manning's formula, it has been possible to estimate the capacity associated with the existing watercourse and required capacity to accommodate a discharge rate of 1l/s from the site. Refer to **Appendix I**. Using a worst case and conservative estimate, of 1:1 side slopes (assuming a top of bank width of 2m) and a bankfull depth of 1.24m, a Manning's n value of 0.05 and channel slope of 0.001, as a worst case assumption, it gives a bankfull flow capacity of the watercourse to be 2 m³/s. For a discharge rate of 1l/s (0.001 m³/s) this will only amount to 0.05% capacity of the watercourse to be utilised for the proposed site. Therefore, the site amounts to a negligible impact on levels and flows associated with the existing watercourse.
- 4.3.32 Calculations have also been provided by the applicant for the operation of the tank during a 100 year 60 minute winter storm plus 40% climate change, and because of the lack of water levels known within the watercourse it has been modelled with a fully submerged outfall scenario (**Appendix J**). This shows in a worst-case scenario the proposed drainage will not flood nor will it cause a detriment to offsite areas. This is in accordance with the requirements of the NPPF, SPD and Local Plan.
- 4.3.33 It is acknowledged that best practice is to ensure proposed development does not exceed existing greenfield runoff rates. However, such a requirement for individual properties is erroneous and such an approach would likely hinder the development of small-scale individual properties in future, to the benefit of larger major developments. The implementation of controls to reduce rates to greenfield below 1l/s is considered a higher potential flood risk due to the potential higher maintenance requirements and if left unmanaged a blockage would result in unattenuated flow rates into the receptor.
- 4.3.34 **Response to Issue 2:** The redline boundary and legal permissions have not formed part of this drainage review. It has however been assumed riparian responsibilities are applicable to the applicant, as referenced in section 2.2 of this review, and therefore Ordinary Watercourse consent will be undertaken with the LLFA. This consent would be undertaken following the approval process and would not form part of this review.
- 4.3.35 **Response to Issue 3.** It is agreed the relevant policies of the development plan are a material consideration and specifically CC/8 and CC/9 regarding the surface water drainage.
- 4.3.36 The site is not at flood risk and below 1ha in size, therefore the requirements for an FRA is not necessary and the site is not subject to the Sequential Tests. Therefore, the site accords to the requirements of CC/8 and CC/9.
- 4.3.37 A Maintenance plan for the attenuation tank has been submitted by the applicant and confirmation that this will form part of the Health and Safety File for the site. The responsibility for the future management of the drainage will need to be transferred to the future owner of the property. We would also recommend a covenant is in place to ensure the driveway remains permeable construction in future. This we deem is acceptable in accordance with CC/8 and CC/9 of the Local Plan.
- 4.3.38 It is noted reference has been made by the Fews Lane Consortium that the applicant owns other land immediately adjoining the site that could be used for infiltration. It should be noted

management of the infiltration features would fall to the future owners of the property and such an approach would therefore locate the soakaway feature outside the redline boundary, beyond the future resident's control. This could result in a potential flood risk and would be contrary to policy.

- 4.3.39 It has been concluded, due to the high plasticity values of the clay, the 5m rule is recommended at the site and therefore the site cannot accommodate infiltration by conventional soakaway or a shallower alternative means of infiltration. In accordance with the priority order of CC/9 the discharge to the local watercourse is the next suitable option.
- 4.3.40 Discharge rates have been set in accordance with best practice for the reasons previously stated. The increase in rates are not considered to be a flood risk to offsite areas.
- 4.3.41 Based on the latest information supplied by the applicant and following a review of the evidence we support the discharge of Condition 5 for this site.

5 Conclusion

- 5.1.1 Based on the information submitted we find that it has been satisfactorily demonstrated that the scheme can provide a viable drainage strategy that will not increase flood risk elsewhere.
- 5.1.2 We conclude that the application would accord with Policy CC/7, for foul drainage.
- 5.1.3 We conclude the application would accord with CC/7, CC/8, CC/9 for surface water drainage.
- 5.1.4 We recommend the applicant undertakes ordinary watercourse consent prior to the installation of the outfall arrangement.
- 5.1.5 The future owner will need to be informed on the location of the underground storage tank, the maintenance responsibilities for the tank and covenant to ensure the driveway remains permeable in future.
- 5.1.6 The submission is considered consistent with the Cambridgeshire Flood and Water SPD for design of surface water drainage and paragraph 163 of the NPPF, which requires local planning authorities, when determining any planning applications, to ensure that flood risk is not increased elsewhere.
- 5.1.7 We therefore recommend the discharge to Conditions 4 and 5 for the site.

Appendix A Third Party Objections

This form was started at: 18/10/2019 00:25:19
This form was completed at: 18/10/2019 00:33:30
Internal form classification: N / A

Who are you

Mandatory fields are in bold

[Redacted]
[Redacted]
[Redacted] [Redacted]
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[Redacted] [Redacted]
[Redacted] [Redacted]
[Redacted]

House Name / Number

The Elms

Street

Fews Lane

Town / City

Cambridge

County

Cambridgeshire

Postcode

CB24 3DP

Comment Details

Please enter the planning reference number

S/3215/19/DC

Please tell us the address of the application you are commenting on

The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP

Commenter Type (optional)

Member of Public

Nature of comment (optional)

Object

Please limit your comments to 2 paragraphs. For longer representations please add as attachments.

Please ensure that no personal details (for example names, phone numbers) are included in your comment. For advice and guidance on how to compile your comment please visit our [website](#).

You can also add photos and any other relevant documents.

Your comments

I reside immediately next to the site of the proposed development, and I object to the discharge of any part of condition No. 5 (surface water drainage). The details provided with this application are insufficient to assess whether the surface water scheme proposed complies with the relevant local and national planning policies.

Should the applicant submit further details, re-consultation should occur in order to allow consultees the opportunity to make representations on the application as amended.

UPLOAD FILE(S)

Declaration

Please open the PDF below to review all of your answers, if the answers displayed are correct please tick the declaration box.

Open a read only view of the answers you have given (this will open in a new window)

Please note the preview of your PDF may not work with some browsers. We are working with our suppliers to resolve this issue. You will be emailed a copy of your form once it has been submitted.

Declaration

Please tick the box below to confirm that the information you have provided on the form is accurate, and then click submit to send us your comment.

Please note that your comment may take up to three working days to show on our website.

I declare that the information I have provided on this form is accurate

This form was started at: 15/10/2019 14:26:29
This form was completed at: 15/10/2019 14:33:08
Internal form classification: N / A

Who are you

Mandatory fields are in bold

Title

Mrs

Forename / Initial (optional)

Libby

Surname

White

Company Name (if applicable) (optional)

Longstanton Parish Council

Telephone number (optional)

01954782323

Email address (optional)

clerk@longstanton-pc.gov.uk

House Name / Number

Longstanton Village Hall

Street

24 High Street

Town / City

Longstanton

County

Cambridgeshire

Postcode

CB24 3BS

Comment Details

Please enter the planning reference number

S/3215/19/DC

Please tell us the address of the application you are commenting on

The Retreat, Fews Lane, Longstanton CB24 3DP

Commenter Type (optional)

Consultee

Nature of comment (optional)

Object

Please limit your comments to 2 paragraphs. For longer representations please add as attachments.

Please ensure that no personal details (for example names, phone numbers) are included in your comment. For advice and guidance on how to compile your comment please visit our [website](#).

You can also add photos and any other relevant documents.

Your comments

Having considered this application at the full council meeting held on 14th October 2019, Longstanton Parish Council members recommend this application for OBJECTION as it proposes to discharge the surface water drainage directly into the village watercourse which is in contravention of planning condition 5 requiring surface water drainage to be filtered through the soil. Longstanton Parish Council support the comments made to the planning authority by neighbours in the letter dated 8th October 2019.

UPLOAD FILE(S)

Declaration

Please open the PDF below to review all of your answers, if the answers displayed are correct please tick the declaration box.

Open a read only view of the answers you have given (this will open in a new window)

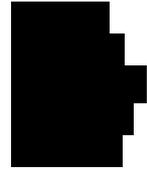
Please note the preview of your PDF may not work with some browsers. We are working with our suppliers to resolve this issue. You will be emailed a copy of your form once it has been submitted.

Declaration

Please tick the box below to confirm that the information you have provided on the form is accurate, and then click submit to send us your comment.

Please note that your comment may take up to three working days to show on our website.

I declare that the information I have provided on this form is accurate



8 October 2019

Ms Katie Christodoulides
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Dear Ms Christodoulides

Re: S/3215/19/DC – Discharge of conditions 4 (Foul Water Drainage) and 5 (Surface Water Drainage) of planning permission S/2937/16/FL at land the rear of The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP

The Fews Lane Consortium is a community action group based in Longstanton that supports sustainable development within the villages of South Cambridgeshire and transparency and accountability in local government.

The Consortium notes that condition No. 4 (foul water drainage) is only capable of being discharged in part at this time.

The Consortium also notes that condition No. 5 (surface water drainage) is only capable of being discharged in part at this time.

The Consortium has no comment on the discharge of the pre-commencement part of condition No. 4 (foul water drainage).

The Consortium OBJECTS to the discharge of any part of condition No. 5 (surface water drainage) at this time. The details submitted by the applicant are insufficient to assess the proposal in regards to the relevant planning policies.

Given the history of community opposition in regards to the development of this site, the Consortium feels that in the public interest, and in the interests of all parties involved, the remaining applications to discharge conditions for applications S/2937/16/FL, S/2439/18/FL, and S/0277/19/FL should be subject to a brief 21-day period for public consultation, as has been the case with this discharge of conditions application.

Kind regards



Director



2 June 2020

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sirs

Re: Planning application S/3215/19/DC

Condition 4 of the relevant planning permission states that, "No construction work shall be commenced until full details of the proposed arrangements for foul water drainage have been submitted to the local planning authority and approved in writing."

The application proposes discharge of foul water into the public sewerage system, but no evidence has been provided to demonstrate that the existing public sewerage system has the capacity for the additional flows from the proposed development or that discharge into the public sewerage system has been agreed with the relevant sewerage undertaker.

Condition 5 of the relevant planning permission states that, "No construction work shall be commenced until full details of the proposed arrangements for surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to the local planning authority and approved in writing."

The surface water drainage arrangements proposed in this application fail to comply with policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018.

In particular, policy CC/9 states that development will only be permitted where the destination of surface water discharge obeys the following priority order: (1) infiltration to ground, (2) discharge to a body of water, (3) discharge to a surface water sewer.

No surface water drainage arrangements for the proposed driveway are shown on the submitted plans. It is unclear if it is intended that permeable pavement should be used to discharge the driveway surface water by infiltration. However, if this is the case, no evidence has been submitted to suggest that the site is suitable for infiltration. The minimum information required would typically include infiltration testing conducted according to BRE Digest 365 together with a site plan showing the locations where tests were conducted. If infiltration is suitable for the driveway area of the site, no explanation has been submitted as to why it is not being used to discharge the surface water from the building.

The surface water drainage consultation response published by the Council in regards to this application is wholly unreasonable as it fails to consider the relevant particulars of the development proposed, the applicable local and national development policies, and the basic principles of sustainable urban drainage system design.

The Council's unnamed surface water drainage engineer also comments on the surface water drainage arrangements proposed under this application (S/3215/19/DC) in the response for application S/3875/19/DC, stating that, "the dwelling towards the north [the bungalow to which application S/3215/19/DC pertains] appears to be too close to the watercourse to enable soakaways to be positioned 5m from the dwelling without impacting on the hedge and bank of the watercourse".

However, there are numerous locations within the application site greater than 5 metres from the foundations of buildings. Furthermore, the 5-metre rule is simply a rough rule of thumb that can be assumed to be safe for any building site on any type of soil. With a proper geotechnical assessment, it may be possible in many soils to install infiltration features and traditional soakaways much closer to foundations.¹

Kind regards

Daniel Fulton
Director

¹ Woods Ballard, B, et al. *The SuDS Manual*. 2015. Construction Industry Research and Information Association.

13 July 2020

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sir/Madam

Re: Planning application S/3215/19/DC – The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP

(1) Planning application S/3215/19/DC seeks to discharge conditions 4 and 5 (foul and surface water drainage) of the planning permission issued for the erection of a 3-bedroom bungalow with parking at The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP pursuant to planning application S/2937/16/FL.

(2) Condition 4 (foul water drainage) states that:

“No construction work shall be commenced until full details of the proposed arrangement for foul water drainage have been submitted to the local planning authority and approved in writing. The new dwelling shall not be occupied or brought into use until the foul water drainage system has been installed and made operational, in accordance with these approved details.”

(3) Condition 5 (surface water drainage) states that:

“No construction work shall be commenced until full details of the proposed arrangements for surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to the local planning authority and approved in writing. The new dwelling shall not be occupied or brought into use until the surface water drainage system has been installed and made operational, in accordance with these approved details.”

(4) The following three material considerations preclude the discharge of condition 5 (surface water drainage).

- 1) The scheme proposes an increase in the surface water discharged from the site into Longstanton Brook from the pre-development discharge volume, thereby increasing the flood risk of nearby properties. This is contrary to the stated reason for the condition, which is “to prevent flooding”.
- 2) The scheme positions the outfall for the surface water drainage system outside the red line boundaries of the development site. An application to discharge a planning condition can not be used extend the boundaries of the land to which a planning permission relates.
- 3) The relevant policies of the development plan are a material consideration, and policies CC/8 and CC/9 of the Local Plan 2018 militate against the approval of the application.

Issue 1: Proposal would increase the risk of flooding elsewhere

- (5) Planning conditions are to be interpreted in a common sense way, having regards to the underlying purpose for the condition as is demonstrated by the reasons stated for the imposition of the condition or conditions in question (*R (Sevenoaks District Council) v Secretary of State* [2004] EWHC 771 (Admin)).
- (6) The Appeal Decision granting permission in regards to application reference S/2937/16/FL states that, "in particular, conditions relating to foul and surface water drainage are necessary, to prevent flooding".
- (7) However, under the scheme submitted by the applicant, the risk of flooding to nearby properties would actually be increased because the runoff volume from the development to the nearby surface watercourse for nearly all rainfall events would exceed the runoff volume for the same event prior to redevelopment.
- (8) The increase in surface water proposed to be discharged from the site would flow into Longstanton Brook, which has an extensive history of flooding.
- (9) The relevant local and national planning policies indicate that development of brownfield sites should seek to reinstate greenfield runoff rates wherever possible and, in any case, that the post-development discharge rate should never exceed the rate of discharge from the development prior to redevelopment.

Issue 2: Application proposes work outside boundaries of land to which the planning permission relates

- (10) The land proposed to be used for the outflow of the surface water drainage system falls outside the red line boundary on the location plan identifying the land to which the planning permission relates.
- (11) No planning permission has been granted for any development to take place in, on, over, or under land outside of the boundaries of the application site.
- (12) If the applicant wishes to extend the red line boundaries of the application site to include the land proposed for the surface water outflow, an application must be submitted under section 73 of the 1990 Act.
- (13) The Council can not use an application to discharge a planning condition to effect the same result that would properly be effected through an application submitted under section 73 of the 1990 Act.

Issue 3: Application does not accord with relevant policies of the development plan

- (14) Policy CC/8 of the Local Plan 2018 states that:

"Development proposals will be required to demonstrate that [...] surface water drainage schemes comply with *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* and the *Cambridgeshire Flood and Water Supplementary Planning Document* or successor documents."

- (15) *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* states in paragraph S3 that:

“For developments which were previously developed, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event must be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event, but **should never exceed the rate of discharge from the development prior to redevelopment** for that event.”

(16) *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* states in paragraph S5 that:

“Where reasonably practicable, for developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but **should never exceed the runoff volume from the development site prior to redevelopment** for that event.”

(17) The *Cambridgeshire Flood and Water Supplementary Policy Document* states in paragraph 6.3.8 that:

“Brownfield (previously developed land) sites must reduce the existing runoff from the site as part of the redevelopment. Where possible, in order to provide betterment, redevelopments should look to reinstate greenfield runoff rates.”

(18) Under the scheme submitted by the applicant, the peak runoff rate of discharge from the development to the nearby surface watercourse would exceed the peak runoff rate of discharge of the site prior to redevelopment, which is contrary to policy CC/8 of the Local Plan 2018, contrary to paragraph S3 of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems*, and contrary to paragraph 6.3.8 of the *Cambridgeshire Flood and Water Supplementary Policy Document*.

(19) Under the scheme submitted by the applicant, the runoff volume from the development to the nearby surface watercourse for the 1 in 100 year, 6 hour rainfall would exceed the runoff volume for the same event prior to redevelopment, which is contrary to policy CC/8 of the Local Plan 2018 and contrary to paragraph S5 of *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems*.

(20) Policy CC/9 of the Local Plan 2018 states that:

“In order to minimise flood risk, development will only be permitted where: [...] The destination of the discharge obeys the following priority order:

- i. Firstly to the ground via infiltration
- ii. Then, to a water body;
- iii. Then, to a surface water sewer;
- iv. Discharge to a foul water or combined sewer is unacceptable.”

(21) The information submitted by the applicant indicates that opportunities to use infiltration to discharge the surface water collected from the impermeable areas of the proposed development have not been adequately explored.

(22) It is a material consideration that the applicant owns other land immediately adjoining the application site that could be used to discharge the collected surface water through infiltration. (See Section 72(1) of the Town and Country Planning Act 1990.)

(23) Policy CC/9 of the Local Plan 2018 states that, “In order to minimise flood risk, development will only be permitted where: [...] there would be no increase to flood risk elsewhere”.

(24) The increase in surface water proposed to be discharged from the site would flow in Longstanton Brook, which has an extensive history of flooding. This would be contrary to policy CC/9 of the Local Plan 2018.

- (25) Policies CC/8 and CC/9 of the Local Plan 2018 clearly militate against the approval of the details submitted with this application.
- (26) Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- (27) The applicant has not advanced any argument for why this application should be approved contrary to the policies of the development plan.
- (28) Accordingly, condition 5 (surface water drainage) should not be discharged at this time.

Kind regards

Daniel Fulton
Director

16 July 2020

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sir/Madam

Re: Planning application S/3215/19/DC – The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP

- (1) The Fews Lane Consortium Ltd has received legal advice that residential gardens within built-up areas are classified as greenfield land for planning purposes, not brownfield land, as was implied in the Consortium's letter dated 13 July 2020.
- (2) Whilst this does not change the substance of the Consortium's objections to the proposed development, it does mean that different paragraphs of *Sustainable Drainage Systems: Non statutory technical standards for sustainable drainage systems* and the *Cambridgeshire Flood and Water Supplementary Policy Document* should have been quoted in the Consortium's representations.
- (3) Policy CC/8 of the Local Plan 2018 states that:

"Development proposals will be required to demonstrate that [...] surface water drainage schemes comply with *Sustainable Drainage Systems: Non-statutory technical standards for sustainable drainage systems* and the *Cambridgeshire Flood and Water Supplementary Planning Document* or successor documents."
- (4) *Sustainable Drainage Systems: Non statutory technical standards for sustainable drainage systems* states in paragraph S2 that:

"For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event **should never exceed the peak greenfield runoff rate for the same event.**"
- (5) *Sustainable Drainage Systems: Non statutory technical standards for sustainable drainage systems* states in paragraph S4 that:

"Where reasonably practicable, for greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year; 6 hour rainfall event **should never exceed the greenfield runoff volume for the same event.**"
- (6) The *Cambridgeshire Flood and Water Supplementary Policy Document* states in paragraph 6.3.6 that:

"All new developments on greenfield land are required to discharge the runoff from the impermeable areas at the same greenfield runoff rate, or less than, if locally agreed with an appropriate authority or as detailed within the local planning policies of District and City Councils."

- (7) Under the scheme submitted by the applicant, the peak runoff rate of discharge from the development to the nearby surface watercourse would exceed the greenfield runoff rate for the 1 in 1 year and 1 in 100 year rainfall events, which is contrary to policy CC/8 of the Local Plan 2018, contrary to paragraph S2 of *Sustainable Drainage Systems: Non statutory technical standards for sustainable drainage systems*, and contrary to paragraph 6.3.6 of the *Cambridgeshire Flood and Water Supplementary Policy Document*.
- (8) Under the scheme submitted by the applicant, the runoff volume from the development for the 1 in 100 year, 6 hour rainfall event would exceed the greenfield runoff volume for that event, which is contrary to policy CC/8 of the Local Plan 2018 and contrary to paragraph S4 of *Sustainable Drainage Systems: Non statutory technical standards for sustainable drainage systems*.
- (9) Policy CC/9 of the Local Plan 2018 states that:
- "In order to minimise flood risk, development will only be permitted where: [...] The destination of the discharge obeys the following priority order:
- i. Firstly to the ground via infiltration
 - ii. Then, to a water body;
 - iii. Then, to a surface water sewer;
 - iv. Discharge to a foul water or combined sewer is unacceptable."
- (10) The information submitted by the applicant indicates that opportunities to use infiltration to discharge the surface water collected from the impermeable areas of the proposed development have not been adequately explored.
- (11) It is a material consideration that the applicant owns other land immediately adjoining the application site that could be used to discharge the collected surface water through infiltration. (See Section 72(1) of the Town and Country Planning Act 1990.)
- (12) Policy CC/9 of the Local Plan 2018 states that, "In order to minimise flood risk, development will only be permitted where: [...] there would be no increase to flood risk elsewhere".
- (13) The increase in surface water proposed to be discharged from the site would flow in Longstanton Brook, which has an extensive history of flooding. This would be contrary to policy CC/9 of the Local Plan 2018.
- (14) Policies CC/8 and CC/9 of the Local Plan 2018 clearly militate against the approval of the details submitted with this application.
- (15) Pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- (16) The applicant has not advanced any argument for why this application should be approved contrary to the policies of the development plan.
- (17) Accordingly, condition 5 (surface water drainage) should not be discharged at this time.

Kind regards


Director

Knowles, Stephanie

Subject: Consultee Comments for Planning Application S/3215/19/DC

From: Planning <planning@greatercambridgeplanning.org>

Sent: 11 August 2020 12:06

To: Emma Ousbey <emma.ousbey@greatercambridgeplanning.org>

Subject: Consultee Comments for Planning Application S/3215/19/DC

A consultee has commented on a Planning Application. A summary of the comments is provided below.

Comments were submitted at 12:05 PM on 11 Aug 2020 from Ms Libby White (clerk@longstanton-pc.gov.uk) on behalf of Parish - Longstanton.

Application Summary

Reference: S/3215/19/DC

Address: The Retreat Fewes Lane Longstanton Cambridge
Cambridgeshire CB24 3DP

Proposal: Discharge of conditions 4 (Foul Water Drainage) and 5
(Surface Water Drainage) of planning permission
S/2937/16/FL

Case Officer: Emma Ousbey

[Click for further information](#)

Comments Details

Comments: Following a meeting of Longstanton Parish Council on Monday 10th August, Longstanton Parish Council continue to object to this application as it continues to propose discharge the surface water drainage directly into the village watercourse which is in contravention of policies CC8 and CC9 of the South Cambridgeshire Local Plan 2018.

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13 August 2020

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sir/Madam

Re: Planning application S/3215/19/DC – The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP

The use of Sustainable Drainage Systems (“SuDS”) and the ability to integrate appropriate SuDS features into any development should be considered from the earliest phases of site selection and design. When considered at the appropriate time early in the design process, even the smallest sites can effectively integrate SuDS features, which can provide benefits in terms of reduced flood risks and provide positive contributions in terms of landscaping, residential amenity, and opportunities to enhance biodiversity.

In the case of this development, no consideration was given to the issues of surface water drainage at the design phase, and as a result, the applicant has proposed to discharge the collected surface water into the village’s watercourses.

The proposed rate of attenuation of discharge is insufficient and would result in an increased volume and rate of surface water discharge from the site, which would increase the risk of flooding elsewhere. This outcome is contrary to the inspector’s stated reason for imposing the surface water condition, which was to prevent flooding.

The applicant has failed to consider any of the numerous options to discharge the collected surface water through infiltration.

The details submitted by the applicant are also, by objective measures, contrary to policies CC/8 and CC/9 of the development plan.

Having failed to consider appropriate SuDS solutions at the design phase, the applicant can not now reasonably expect the Council to approve details that are contrary to the relevant policies of the development plan and that would increase the risk of flooding. This application should therefore be refused by the Council.

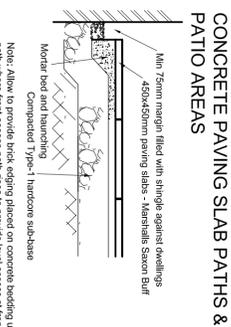
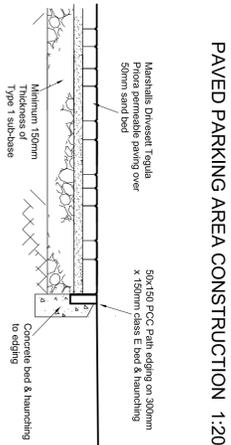
Kind regards

Daniel Fulton
Director

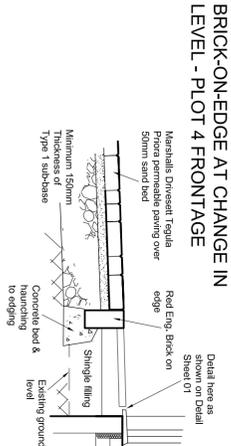
Appendix B Drainage Drawings

DRAINAGE
RAIN WATER
 Connect new downpipes from dwellings to 100mm drains taken to soakaways positioned as shown on engineering site plan (Sheet n/m, 5m from buildings). See engineering site plan for details.

FOUL WATER
 New 100mm dia foul drainage system to be installed, connecting new dwellings to existing foul drain within Few's Lane. Note that capped lateral drain exists at site entrance to Plot 3.
 New chambers (Max depth 900mm) to be of 450mm GRP Circular pre-formed type set on suitable concrete base. Frames to be Cast metal type with matching frames (No lightly pressed steel type to be used)
 All 100mm drains to be laid to suitable falls as stated on accompanying engineering drawings, installed in accordance with manuf. instructions



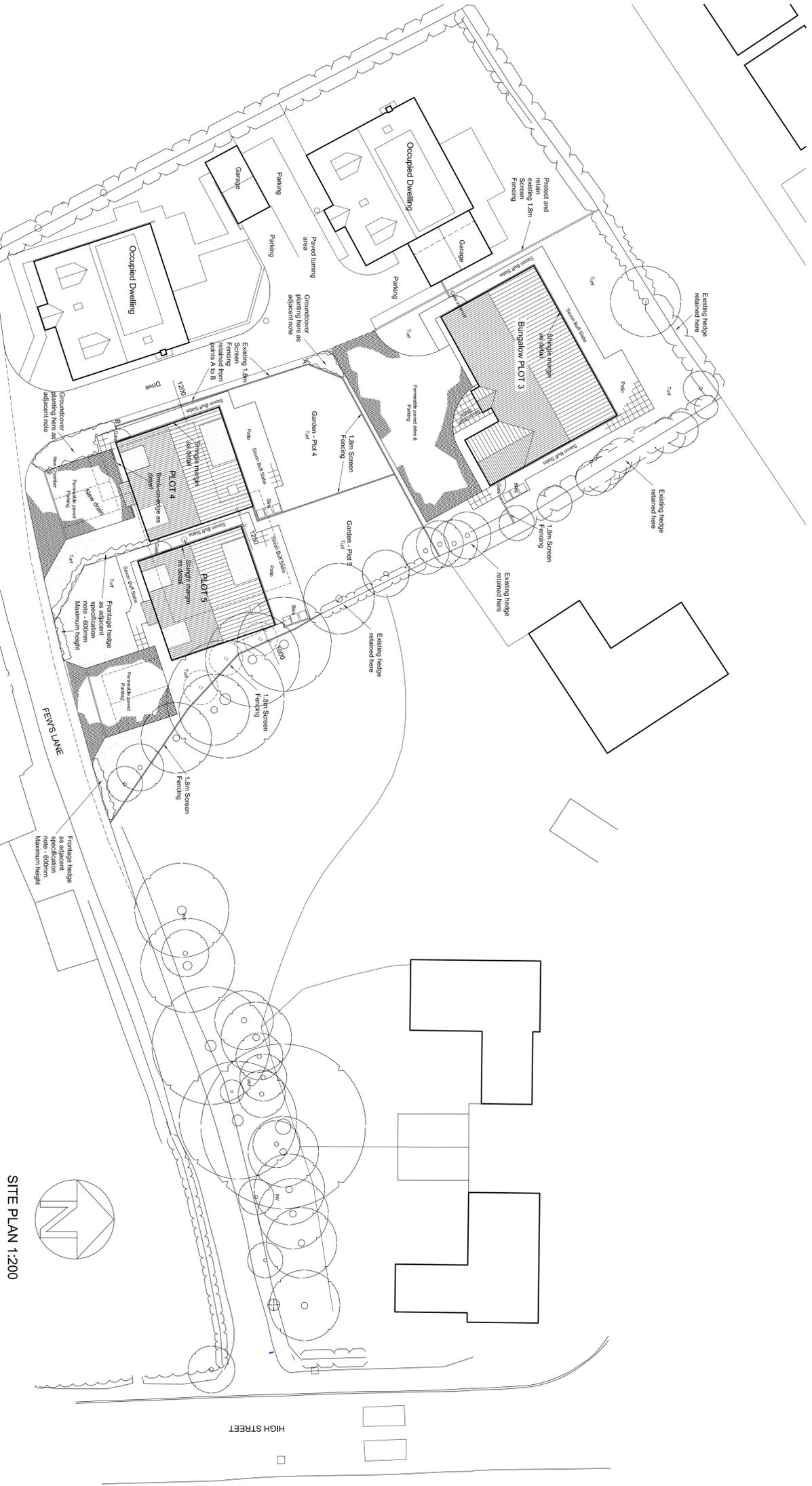
PLANTING
HEDGING TO FRONTAGE OF PLOTS 4 & 5
 33% each mix of Hawthorn, Blackthorn and Dogwood, min 3 plants/meter planted in two staggered rows.
GROUNDCOVER PLANTING TO FRONTAGE AND REAR CORNER OF PLOT 4
 25% each mix of Hypericum Hidocole, Berberis Aggregata, Cotoneaster Monogyna and Forsythia, planted in groups at 500x500mm centres, all to be container -grown in 2.5 lit pots.
 All other unsurfaced areas to be turfed



PAVED PARKING AREA CONSTRUCTION 1:200

CONCRETE PAVING SLAB PATHS & PATIO AREAS

BRICK-ON-EDGE AT CHANGE IN LEVEL - PLOT 4 FRONTAGE



SITE PLAN 1:200

Read drawing in conjunction with Structural Engineers Details shown on drawings Ref: 19/0321

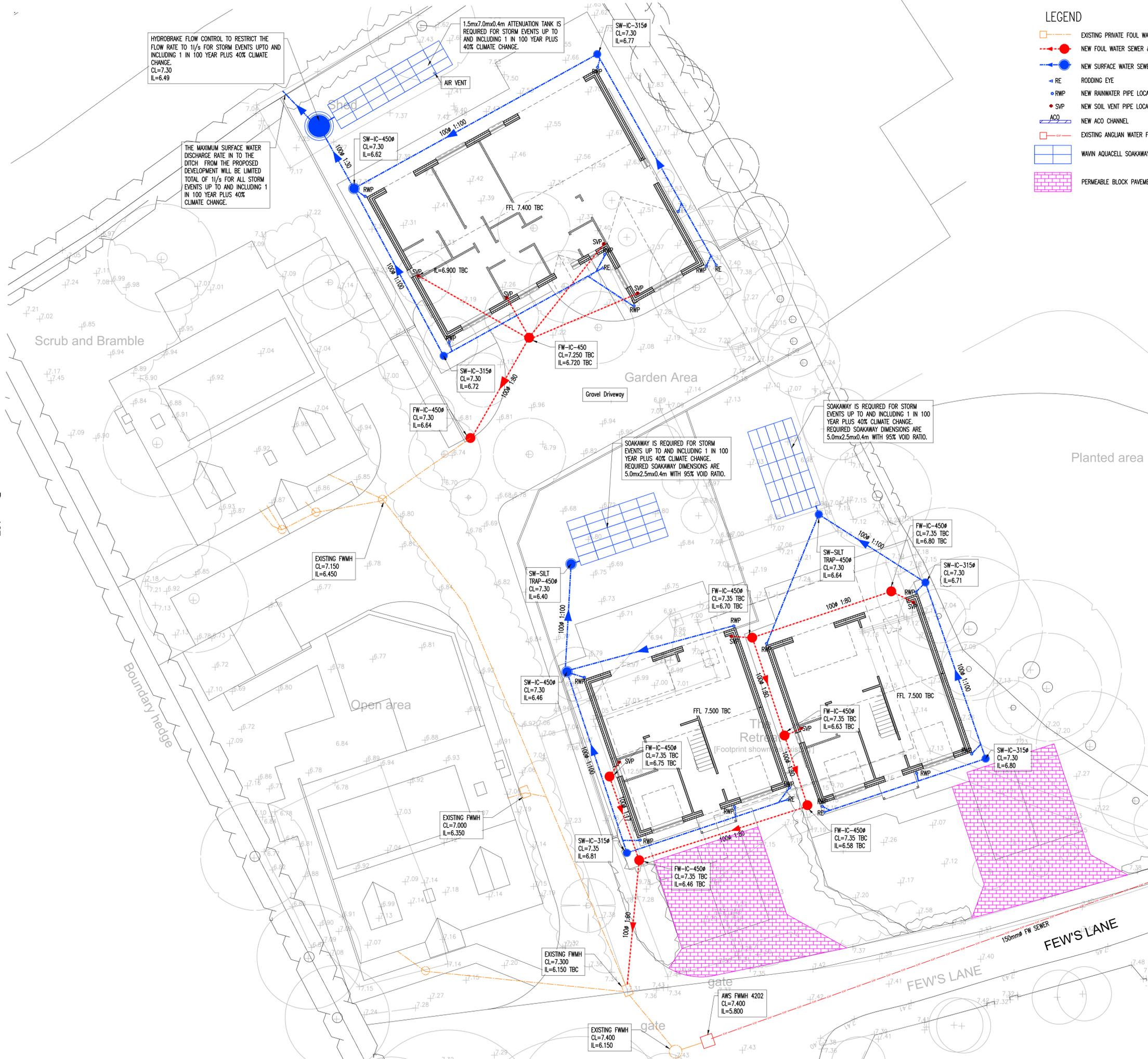
Drawn by	SRV	Date	Aug' 19
Scale	As Shown	File No.	[1 Sheet]
Dwg No.	FL - 345 - Site 01	Rev.	

SIMON WARD ARCHITECTURAL DESIGN
 ARCHITECTURAL DESIGN
 100, THE WILLOWS, FEWS LANE, LONGSTANTON, CAMBRIDGESHIRE, CB27 3PE
 TEL: 01480 301018
 WWW.SIMONWARDARCHITECT.COM

LANDBROOK HOMES

3 DWELLINGS, THE RETREAT FEWS LANE, LONGSTANTON

Site Plan



HYDROBRAKE FLOW CONTROL TO RESTRICT THE FLOW RATE TO 11/s FOR STORM EVENTS UP TO AND INCLUDING 1 IN 100 YEAR PLUS 40% CLIMATE CHANGE.
CL=7.30
IL=6.49

THE MAXIMUM SURFACE WATER DISCHARGE RATE IN TO THE DITCH FROM THE PROPOSED DEVELOPMENT WILL BE LIMITED TOTAL OF 11/s FOR ALL STORM EVENTS UP TO AND INCLUDING 1 IN 100 YEAR PLUS 40% CLIMATE CHANGE.

1.5mx7.0mx0.4m ATTENUATION TANK IS REQUIRED FOR STORM EVENTS UP TO AND INCLUDING 1 IN 100 YEAR PLUS 40% CLIMATE CHANGE.

SOAKAWAY IS REQUIRED FOR STORM EVENTS UP TO AND INCLUDING 1 IN 100 YEAR PLUS 40% CLIMATE CHANGE. REQUIRED SOAKAWAY DIMENSIONS ARE 5.0mx2.5mx0.4m WITH 95% VOID RATIO.

SOAKAWAY IS REQUIRED FOR STORM EVENTS UP TO AND INCLUDING 1 IN 100 YEAR PLUS 40% CLIMATE CHANGE. REQUIRED SOAKAWAY DIMENSIONS ARE 5.0mx2.5mx0.4m WITH 95% VOID RATIO.

LEGEND

- EXISTING PRIVATE FOUL WATER DRAINAGE
- NEW FOUL WATER SEWER & MANHOLE
- NEW SURFACE WATER SEWER & MANHOLE
- RODDING EYE
- RWP
- SVP
- NEW ACO CHANNEL
- EXISTING ANGLIAN WATER FOUL WATER SEWER
- WAVIN AQUACELL SOAKAWAY/ATTENUATION TANK
- PERMEABLE BLOCK PAVEMENT

GENERAL NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ENGINEERS, ARCHITECTS AND SPECIALISTS DRAWINGS AND SPECIFICATIONS.
2. ANY GRID LINES, BUILDING LINES, ETC. ARE TO BE SET OUT IN ACCORDANCE WITH THE RELEVANT ARCHITECT'S PLAN.
3. DIMENSIONS ARE NOT TO BE SCALED FROM THIS DRAWING, EITHER MANUALLY OR ELECTRONICALLY.
4. DIMENSIONS MARKED * ARE SUBJECT TO CONFIRMATION BY SITE MEASUREMENT BEFORE CONSTRUCTION COMMENCES.
5. ANY DIMENSIONAL DISCREPANCIES ON THIS DRAWING ARE TO BE REFERRED TO THE ENGINEER BEFORE THE AFFECTED WORK PROCEEDS.
6. ALL DRAINAGE CONSTRUCTION, MATERIALS AND WORKMANSHIP SHALL COMPLY WITH BUILDING REGULATIONS PART 'H', BSEN 752, AND NHC STANDARDS. ALL DRAINAGE PRODUCTS TO BE CE MARKED.
7. LOCATIONS OF ALL FW AND SW OUTLETS FROM BUILDINGS ARE TO BE CHECKED AGAINST THE ARCHITECTS DRAWINGS TO ENSURE COMPATIBILITY PRIOR TO THE SITE WORKS COMMENCING.
8. CONTRACTOR TO SCAN FOR AND EXPOSE ALL EXISTING UNDERGROUND SERVICES (GAS, WATER, ELECTRICITY, COMMUNICATIONS ETC.) PRIOR TO ANY EXCAVATION WORKS.
9. THE CONTRACTOR IS TO EXPOSE AND VERIFY THE EXISTING PIPE SIZES AND LEVELS AND CONFIRM TO THE ENGINEER ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF WORKS.
10. COVER LEVELS SHOWN ARE APPROXIMATE ONLY AND SHALL TIE INTO PROPOSED FINISHED SURFACE LEVELS.
11. PIPEWORK TO BE U-PVC TO BSEN 1401-1 OR CLAYWARE TO BSEN 295-1, FLEXIBLY JOINTED BY HEPWORTH OR EQUAL.
12. FW PIPEWORK TO BE LAID AT MINIMUM 1:60 GRADIENTS. SW PIPEWORK TO BE LAID AT MINIMUM 1:80 GRADIENTS UNLESS SHOWN OTHERWISE
13. ALL PIPEWORK IS TO BE 110mm DIA. UNLESS NOTED OTHERWISE
14. INSPECTION CHAMBERS NOTED ARE TO BE HEPWORTH POLYPROPYLENE INSPECTION CHAMBERS (PPIC), 300mm DIAMETER UP TO 600mm DP OR 475mm DIAMETER UP TO 1200mm DP INSTALLED WITH 150mm CONCRETE BED AND SURROUND TO MANUFACTURERS RECOMMENDATIONS. CHAMBERS TO HAVE ROUND, LOCKABLE DUCTILE IRON COVER AND FRAME TO SUIT LOADINGS.
15. MANHOLES TO BE PRECAST CONCRETE SECTIONS TO BSEN11-1 AND BSEN 1916 INSTALLED ON 225mm THICK CONCRETE BASE WITH 150mm CONCRETE SURROUND. CONCRETE JOINTS TO BE SEALED WITH BUTYL RESIN SEALANT. STEP IRONS TO BE PROVIDED WHERE DEPTH IS GREATER THAN 1200mm. PRECAST CONCRETE COVER SLAB TO PROVIDE CLEAR OPENING FOR ACCESS COVER. INVERTS FORMED WITH CHANNEL PIPES. BENCHING TO SLOP 1:12 WITH A 20mm THK. HIGH STRENGTH CONCRETE TOPPING.
16. ROCKER PIPES (600mm LONG) TO BE PROVIDED AS CLOSE AS PRACTICABLE TO ALL CHAMBERS/MANHOLES AND FOUNDATIONS/WALLS.
17. LOADING GRADES FOR COVERS TO BSEN 124 TO BE A15 (PEDESTRIAN USE ONLY) B125 (LIGHT TRAFFIC USE) AND C250 (HEAVY TRAFFIC USE).
18. PIPEWORK BEDDING IN LANDSCAPE AREAS WHERE COVER IS LESS THAN 600mm AND IN TRAFFICKED AREAS WHERE COVER IS LESS THAN 900mm TO BE 150mm CONCRETE BED AND SURROUND OF GEN1 CONCRETE. PIPEWORK BEDDING IN LANDSCAPE AREAS WHERE COVER IS MORE THAN 600mm AND IN TRAFFICKED AREAS WHERE COVER IS MORE THAN 900mm TO BE 100mm GRANULAR BED AND SURROUND OF NOMINAL 10mm SIZE PEA GRAVEL.
19. WHERE PIPES PASS THROUGH STRUCTURES A FLEXIBLE JOINT SHALL BE PROVIDED WITHIN 150mm OF THE STRUCTURE EDGE WITH A SHORT ROCKER PIPE INSTALLED THEREAFTER. THE PIPE PENETRATION SHALL BE FORMED USING OVERSIZED PVC DUCTING WITH UNCOMPRESSED INSULATION MATERIAL PACKING THE VOID.
20. CONTRACTOR SHALL OBTAIN ALL APPROVALS AND INSPECTIONS FROM BUILDING CONTROL, ANGLIA WATER SERVICES (SECTION 106 PARTS 1 & 2 FOR PUBLIC SEWER CONNECTION) AND LOCAL HIGHWAY AUTHORITY (FOR WORKS IN PUBLIC HIGHWAY) PRIOR TO COMMENCING SITE WORKS.
21. ALL NEW DRAINAGE WORK TO BE AIR/WATER TESTED FOR INTEGRITY AS REQUIRED BY BUILDING CONTROL.
22. EXISTING SEWERS/DRAINS ARE TO BE KEPT OPERATIONAL AT ALL TIMES DURING THE WORKS.
23. REFER TO THE ARCHITECTS DRAWINGS FOR ADDITIONAL DRAINAGE REQUIREMENTS AND SETTING OUT.

P9	27/07/20	ISSUED FOR APPROVAL
P8	11/06/20	ISSUED FOR APPROVAL
P7	01/05/20	ISSUED FOR APPROVAL
P6	09/04/20	ISSUED FOR APPROVAL
P5	08/04/20	ISSUED FOR APPROVAL
P4	28/11/19	ISSUED FOR APPROVAL
P3	13/09/19	ISSUED FOR COMMENT
P1	30/08/19	ISSUED FOR COMMENT

Rev Date Description

STATUS

PRELIMINARY

AFP ANDREW FIREBRACE PARTNERSHIP
STRUCTURAL & CIVIL ENGINEERING CONSULTANTS
Stable Barn, Park End, Swaffham Bulbeck, Cambridge CB25 0NA. Tel: 01223 811572 Fax: 01223 812719
E-mail: info@afpcoll.co.uk

CLIENT

PROJECT FEWS LANE, LONGSTANTON

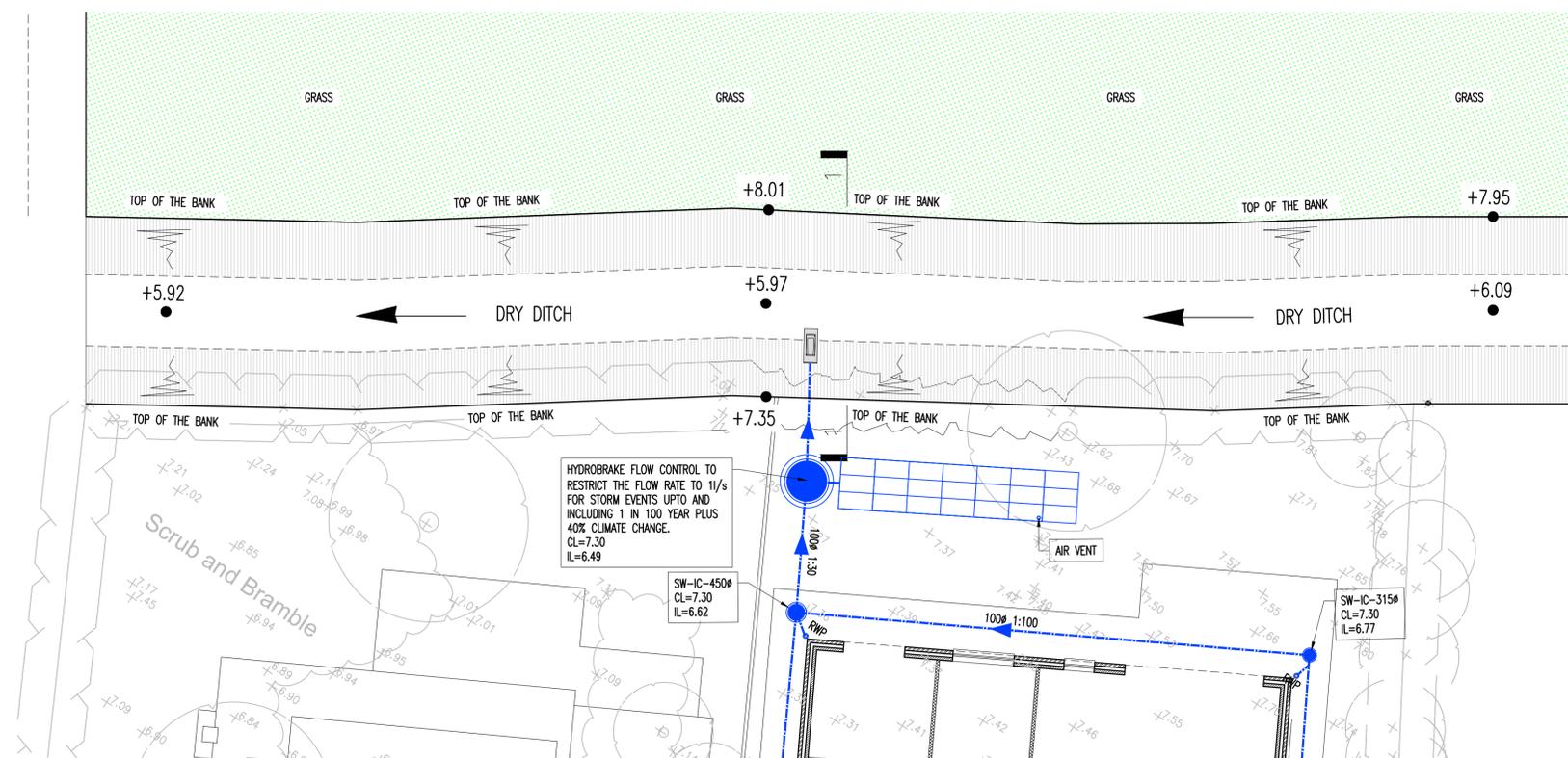
TITLE DRAINAGE LAYOUT

DRAWN CV	CHECKED MO	DRG No.	REV P9
SCALES 1:100@A1	DATE AUG 2019	19/0321/100	Copyright

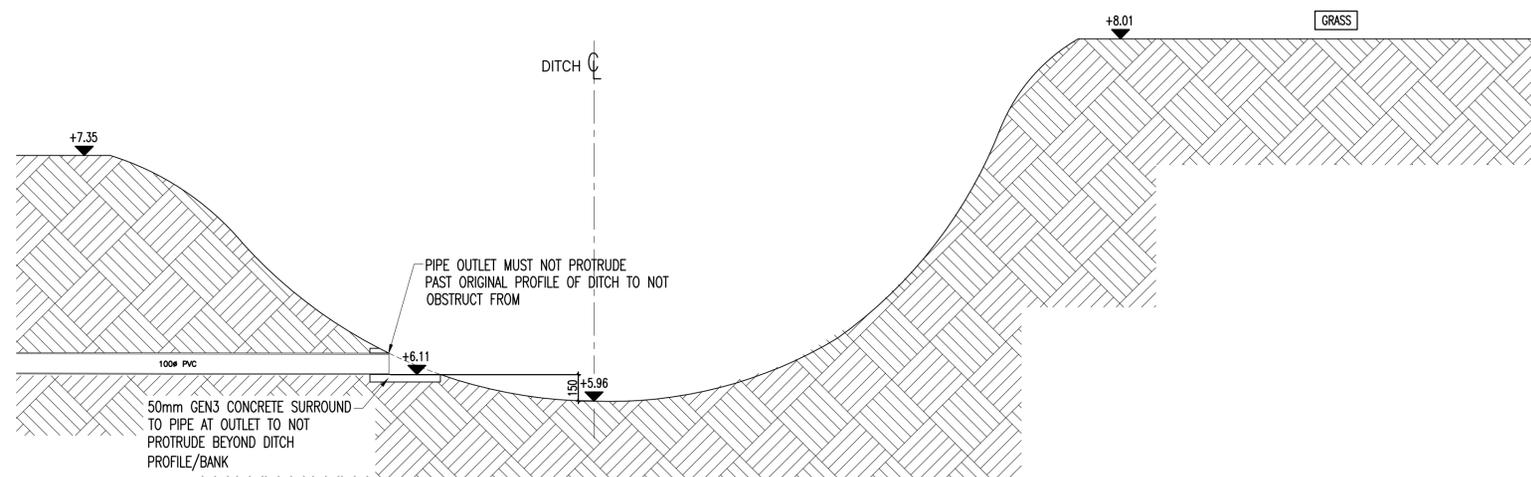
Andrew Firebrace Partnership Limited ACAD FILE No. 190321-100 PR.DWG

GENERAL NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ENGINEERS, ARCHITECTS AND SPECIALISTS DRAWINGS AND SPECIFICATIONS.
2. ANY GRID LINES, BUILDING LINES, ETC. ARE TO BE SET OUT IN ACCORDANCE WITH THE RELEVANT ARCHITECT'S PLAN.
3. DIMENSIONS ARE NOT TO BE SCALED FROM THIS DRAWING, EITHER MANUALLY OR ELECTRONICALLY.
4. DIMENSIONS MARKED * ARE SUBJECT TO CONFIRMATION BY SITE MEASUREMENT BEFORE CONSTRUCTION COMMENCES.
5. ANY DIMENSIONAL DISCREPANCIES ON THIS DRAWING ARE TO BE REFERRED TO THE ENGINEER BEFORE THE AFFECTED WORK PROCEEDS.

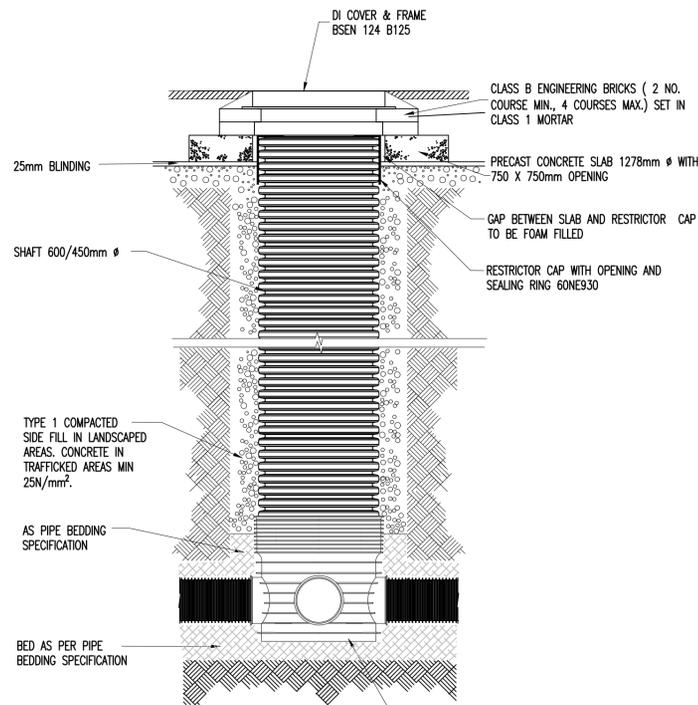


DITCH PLAN
(SCALE 1:100)



SECTION 1
(SCALE 1:20)

P3	30/07/20	ISSUED FOR APPROVAL
P2	11/06/20	ISSUED FOR APPROVAL
P1	17/10/19	ISSUED FOR APPROVAL
Rev	Date	Description
PRELIMINARY		
AFP ANDREW FIREBRACE PARTNERSHIP STRUCTURAL & CIVIL ENGINEERING CONSULTANTS <small>Stable Barn, Park End, Swaffham Bulbeck, Cambridge CB25 0NA. Tel: 01223 811572 Fax: 01223 812719 E-mail: info@afpsuit.co.uk</small>		
CLIENT		
PROJECT FEWS LANE, LONGSTANTON		
TITLE DITCH PLAN AND SECTION 1		
DRAWN CV	CHECKED MO	DRG No.
SCALES 1:100@A1	DATE AUG 2019	19/0321/101
Andrew Firebrace Partnership Limited	ACAD FILE No. 19.0321.100 P3.DWG	REV P3 ©Copyright



TYPICAL DETAIL OF WAVIN RANGE
450/600 INSPECTION CHAMBERS FOR
DEPTHS UPTO 3.0m

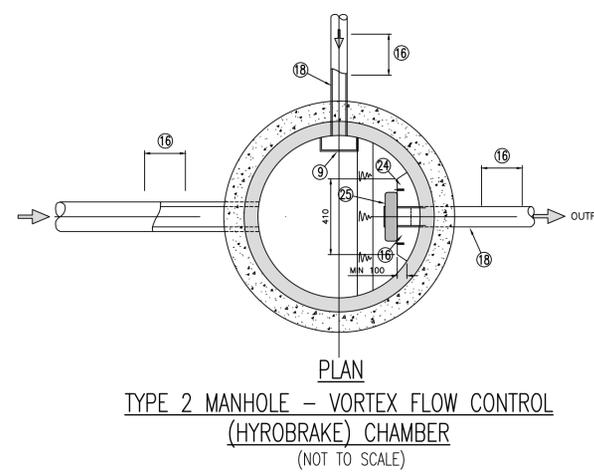
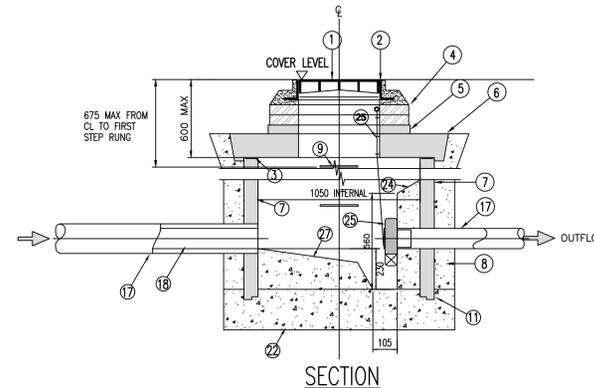
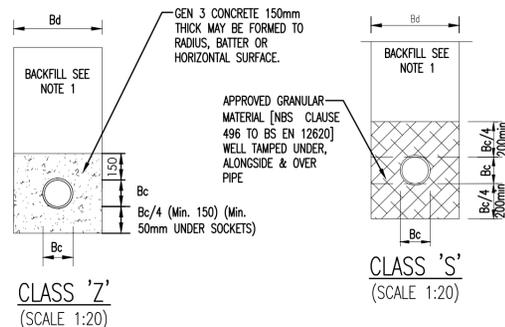
Dia (mm)	Bd (m)	GRANULAR MATERIAL TO NOMINAL SINGLE SIZED AS FOLLOWS.
100	0.5	100 DIA. 10mm
150	0.6	150 DIA. 10mm/ 14mm.
225	0.7	200 DIA. & ABOVE
300	0.85	10mm/ 14mm/ 20mm.
375	1.05	
450	1.15	
525	1.20	
600	1.35	
1050	1.80	

NOTE 1
Bd = TRENCH WIDTH AT CROWN OF PIPE - (NARROW TRENCH WIDTH CONDITIONS)
Bc = OUTSIDE DIAMETER OF PIPE

CLASS 'Z' & CLASS 'S' FOR PIPE DIAMETERS 100 TO 525. GENERAL CASE CLASS 'S'. CLASS 'Z' FOR USE WHERE CROWN OF PIPE IS WITHIN 0.9m OF U/S OF PAVING IN TRAFFICKED AREAS AND 0.6m IN NON TRAFFICKED AREAS.

- BACK FILL TO TRENCHES TO BE SELECTED GRANULAR MATERIAL. MAX. PARTICLE SIZE NOT EXCEEDING 75mm, AND NOT MORE THAN 10% PASSING 75mm SIEVE. MATERIAL SHALL NOT CONTAIN ANY CLAY LUMPS OR ANY OTHER FOREIGN MATTER.
- PIPES TO BE VITRIFIED CLAY TO BSEN 295 OR PVC-U TO BSEN 1404-1:1998 TO CONTRACTOR CHOICE

EXTERNAL PIPE BEDDING DETAILS



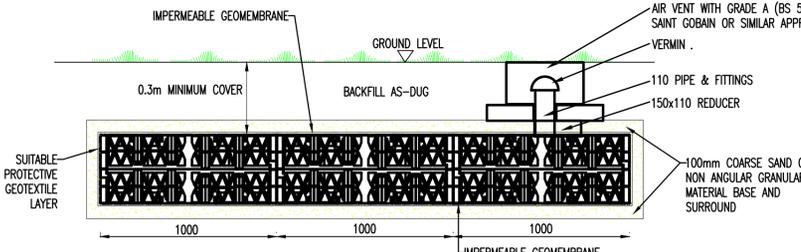
TYPE 2 MANHOLE - VORTEX FLOW CONTROL
(HYDROBRAKE) CHAMBER
(NOT TO SCALE)

KEY

- ACCESS COVER B125.
- COVER FRAME BEDDED ON AND HAUNCHED IN CLASS M1, M2 OR EPOXY MORTAR NO GREATER THAN 20mm THICK. APPROVED PACKING MATERIAL MAY BE USED IF REQUIRED.
- 10mm UNCOMPRESSED THICKNESS OF 'TOKSTIP' OR SIMILAR APPROVED COMPRESSIBLE SEALANT TO ALL HORIZONTAL JOINTS.
- TYPE 2 COVER FRAME SEATING RINGS 600X600 CENTRAL ACCESS OPENING OR MIN TWO COURSES OF ENGINEERING BRICK.
- TYPE 1 COVER FRAME SEATING RING WITH 600X600 ECCENTRIC OPENING (BS752-3) BEDDED ON MORTAR.
- REINFORCED PRECAST CONCRETE (SULPHATE RESISTING) HEAVY DUTY COVER SLAB TO BSS911; PART200 WITH 750X800 ACCESS OPENING, BEDDED ON MORTAR.
- PRECAST CONCRETE (SULPHATE RESISTING) CHAMBER RINGS TO BS 5911-PART 200.
- MIX ST4 SULPHATE RESISTING CONCRETE SURROUND MIN 150 THICK.
- POLYPROPYLENE ENCAPSULATED DOUBLE STEP RUNGS TO BS1247 PARTS 1 & 2. MIN WIDTH 280mm AT 250mm CTRS.
- GRAND CONCRETE BENCHING (MIN 200mm THICK) TO BE BROUGHT UP TO DENSE SMOOTH FACE NEATLY SHAPED AND FINISHED TO ALL BRANCH CONNECTIONS. BENCHING SLOPE TO BE 1 IN 10 AND 1 IN 30.
- BOTTOM CHAMBER SECTION TO BE BUILT INTO BASE CONCRETE MIN 750mm.
- CONSTRUCTION JOINT.
- INVERT WITHIN THE CHAMBER TO BE FORMED USING A CHANNEL PIPE.
- MIX ST4 CONCRETE.
- DISTANCE BETWEEN TOP OF PIPE AND UNDERSIDE OF PRECAST CHAMBER TO BE 100.
- PIPE DIA. | ROCKER PIPE LENGTH

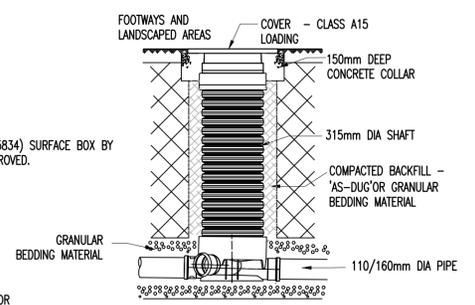
PIPE DIA.	ROCKER PIPE LENGTH
150-600	600
675-750	1000
825+	1250

Page 169

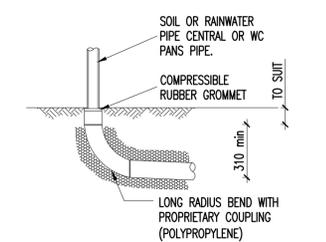


AQUACELL ECO SURFACE WATER ATTENUATION TANK DETAILS
(NON-TRAFFICKED)

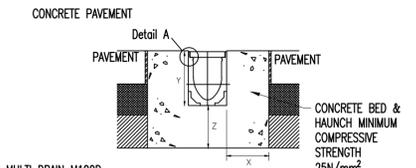
- TYPICAL INSTALLATION NOTES :
- EXCAVATE THE TRENCH TO THE REQUIRED DEPTH ENSURING THAT THE PLAN AREA IS SLIGHTLY GREATER THAN THAT OF THE AQUACELL UNITS.
 - LAY 100MM BED OF COARSE SAND, LEVEL AND COMPACT.
 - LAY THE GEOTEXTILE OVER THE BASE AND UP THE SIDES OF THE TRENCH.
 - LAY THE GEOMEMBRANE ON TOP OF THE GEOTEXTILE OVER THE BASE AND UP THE SIDES OF THE TRENCH.
 - LAY THE AQUACELL UNITS PARALLEL WITH EACH OTHER. IN MULTIPLE LAYER APPLICATIONS, WHEREVER POSSIBLE, CONTINUOUS VERTICAL JOINTS SHOULD BE AVOIDED. AQUACELL UNITS CAN BE LAID IN A BRICK BONDED FORMATION (I.E. TO OVERLAP THE JOINTS BELOW). FOR SINGLE LAYER APPLICATIONS USE THE AQUACELL CLIPS AND FOR MULTI LAYERS USE THE AQUACELL CLIPS AND THE AQUACELL SHEAR CONNECTORS (VERTICAL RODS).
 - WRAP THE GEOMEMBRANE AROUND THE AQUACELL STRUCTURE AND SEAL TO MANUFACTURERS RECOMMENDATIONS.*
 - IF SIDE CONNECTIONS INTO THE AQUACELL UNITS IS REQUIRED, (OTHER THAN THE PREFORMED SOCKET), USE THE APPROPRIATE FLANGE ADAPTOR (6LB104 OR 6LB106). FIX THE FLANGE ADAPTOR TO THE UNIT USING SELF-TAPPING SCREWS. DRILL A HOLE THROUGH THE FLANGE ADAPTOR AND CONNECT THE PIPEWORK. (6LB106 SHOULD NOT BE USED WITH AQUACELL ECO).
 - IN ORDER TO PREVENT SILT FROM ENTERING THE TANK, CLOGGING INLET PIPEWORK AND REDUCING STORAGE CAPACITY, IT IS RECOMMENDED THAT THE DOMESTIC SILT TRAP (6LB300) OR THE STANDARD SILT TRAP (6LB600) IS INSTALLED PRIOR TO THE INLET PIPEWORK.
 - WRAP AND OVERLAP THE GEOTEXTILE COVERING THE ENTIRE AQUACELL STRUCTURE, TO PROTECT THE GEOMEMBRANE.
 - LAY 100MM OF COARSE SAND BETWEEN THE TRENCH WALLS AND THE AQUACELL UNITS AND COMPACT.
 - LAY 100MM BED OF COARSE SAND OVER THE GEOTEXTILE AND COMPACT. BACKFILL WITH SUITABLE MATERIAL.
 - NB: A STORAGE TANK MUST BE VENTED, AND IT IS RECOMMENDED THAT ONE VENT PIPE, 110MM IN DIAMETER IS PROVIDED PER 7,500 SQUARE METRES OF IMPERMEABLE CATCHMENT AREA ON A SITE, SEE GUIDANCE NOTE 3 FOR DESIGN.



MULTI-BASE INSPECTION CHAMBERS 315MM FOR
DEPTHS UP TO 0.6m



TYPICAL CONNECTION TO SOIL
OR RAINWATER PIPES (uPVC)



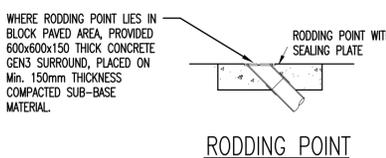
ACO MULTI DRAIN M1000 - SLOPING DEPTH CHANNEL. PROVIDE UNIVERSAL SUMPS AS SHOWN ON GA. SLOTTED DUCTILE IRON GRATING - 23408DL.

MINIMUM DIMENSIONS OF CONCRETE SURROUND

LOAD CLASS	A15	B125	C250	D400*
MINIMUM DIMENSIONS (mm)	X	100	150	150
	Y	100	150	200
	Z	100	150	200
MAXIMUM DIMENSIONS (mm)	1/2	35	35	35
	1/3	100	60	60

*e.g. parking areas for all types of road vehicle. Not suitable for carriageway of roads or industrial areas. *Note dashed line printed on edge rails 35mm below top.

ACO CHANNEL DRAINAGE



RODDING POINT

GENERAL NOTES

- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ENGINEERS, ARCHITECTS AND SPECIALISTS DRAWINGS AND SPECIFICATIONS.
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- DIMENSIONS MARKED * ARE SUBJECT TO CONFIRMATION BY SITE MEASUREMENT BEFORE CONSTRUCTION COMMENCES.
- ANY DIMENSIONAL DISCREPANCIES ON THIS DRAWING ARE TO BE REFERRED TO THE ENGINEER BEFORE THE AFFECTED WORK PROCEEDS.
- DRAINAGE NOTES
- ALL DRAINAGE CONSTRUCTION, MATERIALS AND WORKMANSHIP SHALL COMPLY WITH BUILDING REGULATIONS PART 'H', BSEN 752, AND NHBC STANDARDS. ALL DRAINAGE PRODUCTS TO BE CE MARKED.
- LOCATIONS OF ALL FW AND SW OUTLETS FROM BUILDINGS ARE TO BE CHECKED AGAINST THE ARCHITECT'S DRAWINGS TO ENSURE COMPATIBILITY PRIOR TO THE SITE WORKS COMMENCING.
- CONTRACTOR TO SCAN FOR AND EXPOSE ALL EXISTING UNDERGROUND SERVICES (GAS, WATER, ELECTRICITY, COMMUNICATIONS ETC.) PRIOR TO ANY EXCAVATION WORKS.
- THE CONTRACTOR IS TO EXPOSE AND VERIFY THE EXISTING PIPE SIZES AND LEVELS AND CONFIRM TO THE ENGINEER ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF WORKS.
- COVER LEVELS SHOWN ARE APPROXIMATE ONLY AND SHALL TIE INTO PROPOSED FINISHED SURFACE LEVELS.
- PIPEWORK TO BE U-PVC TO BSEN 1401-1 OR CLAYWARE TO BSEN 295-1, FLEXIBLY JOINTED BY HEPWORTH OR EQUAL.
- FW PIPEWORK TO BE LAID AT MINIMUM 1:60 GRADIENTS. SW PIPEWORK TO BE LAID AT MINIMUM 1:80 GRADIENTS UNLESS SHOWN OTHERWISE.
- ALL PIPEWORK IS TO BE 110mm DIA. UNLESS NOTED OTHERWISE.
- INSPECTION CHAMBERS NOTED ARE TO BE HEPWORTH POLYPROPYLENE INSPECTION CHAMBERS (PPIC), 300mm DIAMETER UP TO 600mm DP OR 475mm DIAMETER UP TO 1200mm DP INSTALLED WITH 150mm CONCRETE BED AND SURROUND TO MANUFACTURERS RECOMMENDATIONS. CHAMBERS TO HAVE ROUND, LOCKABLE DUCTILE IRON COVER AND FRAME TO SUIT LOADINGS.
- MANHOLES TO BE PRECAST CONCRETE SECTIONS TO BSS911-1 AND BSEN 1916 INSTALLED ON 225mm THICK CONCRETE BASE WITH 150mm CONCRETE SURROUND. CONCRETE JOINTS TO BE SEALED WITH BUTYL RESIN SEALANT. STEP IRONS TO BE PROVIDED WHERE DEPTH IS GREATER THAN 1200mm. PRECAST CONCRETE COVER SLAB TO PROVIDE CLEAR OPENING FOR ACCESS COVER. INVERTS FORMED WITH CHANNEL PIPES. BENCHING TO SLOP 1:12 WITH A 20mm THK. HIGH STRENGTH CONCRETE TOPPING.
- ROCKER PIPES (600mm LONG) TO BE PROVIDED AS CLOSE AS PRACTICABLE TO ALL CHAMBERS/MANHOLES AND FOUNDATIONS/WALLS.
- LOADING GRADES FOR COVERS TO BSEN 124 TO BE A15 (PEDESTRIAN USE ONLY) B125 (LIGHT TRAFFIC USE) AND C250 (HEAVY TRAFFIC USE).
- PIPEWORK BEDDING IN LANDSCAPE AREAS WHERE COVER IS LESS THAN 600mm AND IN TRAFFICKED AREAS WHERE COVER IS LESS THAN 900mm TO BE 150mm CONCRETE BED AND SURROUND OF GEN1 CONCRETE. PIPEWORK BEDDING IN LANDSCAPE AREAS WHERE COVER IS MORE THAN 600mm AND IN TRAFFICKED AREAS WHERE COVER IS MORE THAN 900mm TO BE 100mm GRANULAR BED AND SURROUND OF NOMINAL 10mm SIZE PEA GRAVEL.
- WHERE PIPES PASS THROUGH STRUCTURES A FLEXIBLE JOINT SHALL BE PROVIDED WITHIN 150mm OF THE STRUCTURE EDGE WITH A SHORT ROCKER PIPE INSTALLED THEREAFTER. THE PIPE PENETRATION SHALL BE FORMED USING OVERSIZED PVC DUCTING WITH UNCOMPRESSED INSULATION MATERIAL PACKING THE VOID.
- CONTRACTOR SHALL OBTAIN ALL APPROVALS AND INSPECTIONS FROM BUILDING CONTROL, ANGLIA WATER SERVICES (SECTION 106 PARTS 1 & 2 FOR PUBLIC SEWER CONNECTION) AND LOCAL HIGHWAY AUTHORITY (FOR WORKS IN PUBLIC HIGHWAY) PRIOR TO COMMENCING SITE WORKS.
- ALL NEW DRAINAGE WORK TO BE AIR/WATER TESTED FOR INTEGRITY AS REQUIRED BY BUILDING CONTROL.
- EXISTING SEWERS/DRAINS ARE TO BE KEPT OPERATIONAL AT ALL TIMES DURING THE WORKS.
- REFER TO THE ARCHITECT'S DRAWINGS FOR ADDITIONAL DRAINAGE REQUIREMENTS AND SETTING OUT.

P2	21/01/20	ISSUED FOR COMMENT
P1	30/08/19	ISSUED FOR COMMENT
Rev	Date	Description
STATUS		
PRELIMINARY		
AFP ANDREW FIREBRACE PARTNERSHIP STRUCTURAL & CIVIL ENGINEERING CONSULTANTS Stable Barn, Park End, Swaffham Bulbeck, Cambridge CB25 0NA. Tel: 01223 811572 Fax: 01223 812719 E-mail: info@afpartnership.co.uk		
CLIENT		
PROJECT FEWS LANE, LONGSTANTON		
TITLE BELOW GROUND CONSTRUCTION DETAILS		
DRAWN CV	CHECKED MO	DRG No.
SCALES 1:100@A1	DATE: AUG 2019	19/0321/110
Andrew Firebrace Partnership Limited		ACAD FILE No. 19.0321.100 P9.006
REV P2	©copyright	

Appendix C Geotechnical Report and Infiltration Test Report

OAKLEY SOILS AND CONCRETE ENGINEERING LTD

REDE HALL FARM, REDE, BURY ST EDMUNDS, SUFFOLK, IP29 4UG

Tel: 01284 850555 Fax: 01284 850345 email: oakley@soils.fsnet.co.uk

FACTUAL DATA REPORT

JOB NO: AAA/79



GROUND INVESTIGATION: PROPOSED DEVELOPMENT

'THE RETREAT'

FEWS LANE

LONGSTANTON

CAMBRIDGESHIRE

CB24 3DP

JANUARY 2016

Contents

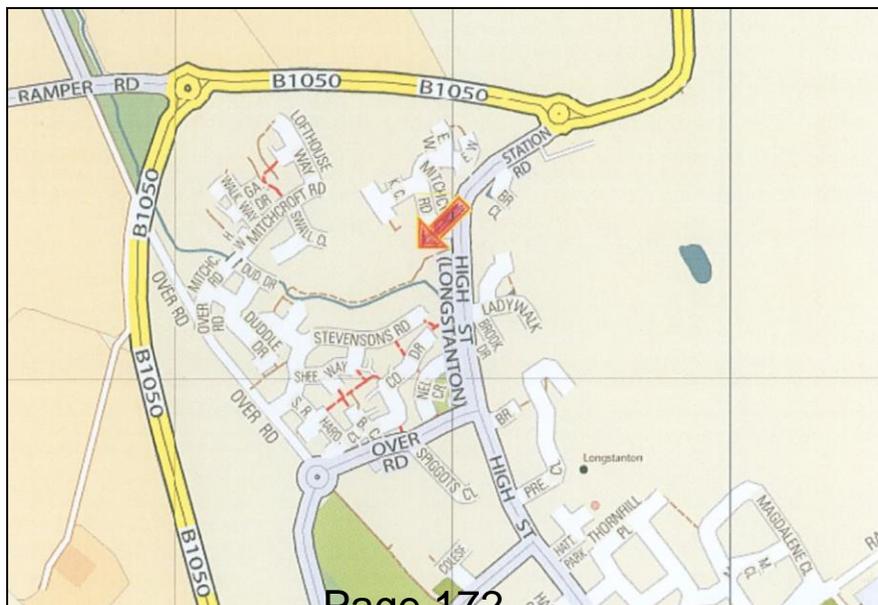
1. Cable Percussive Borehole Log
2. Insitu Standard Penetration Test (SPT) Results
3. Laboratory Testing:
 - Moisture Content & Atterberg Limits
 - Soluble Sulphate & pH
 - Unconsolidated Undrained Triaxial Tests
4. Borehole Location Plan and Site Photographs

Client

**Mr Gerry Caddoo
Landbrook Homes
The Retreat
Fews Lane
Longstanton
Cambridgeshire
CB24 3DP**

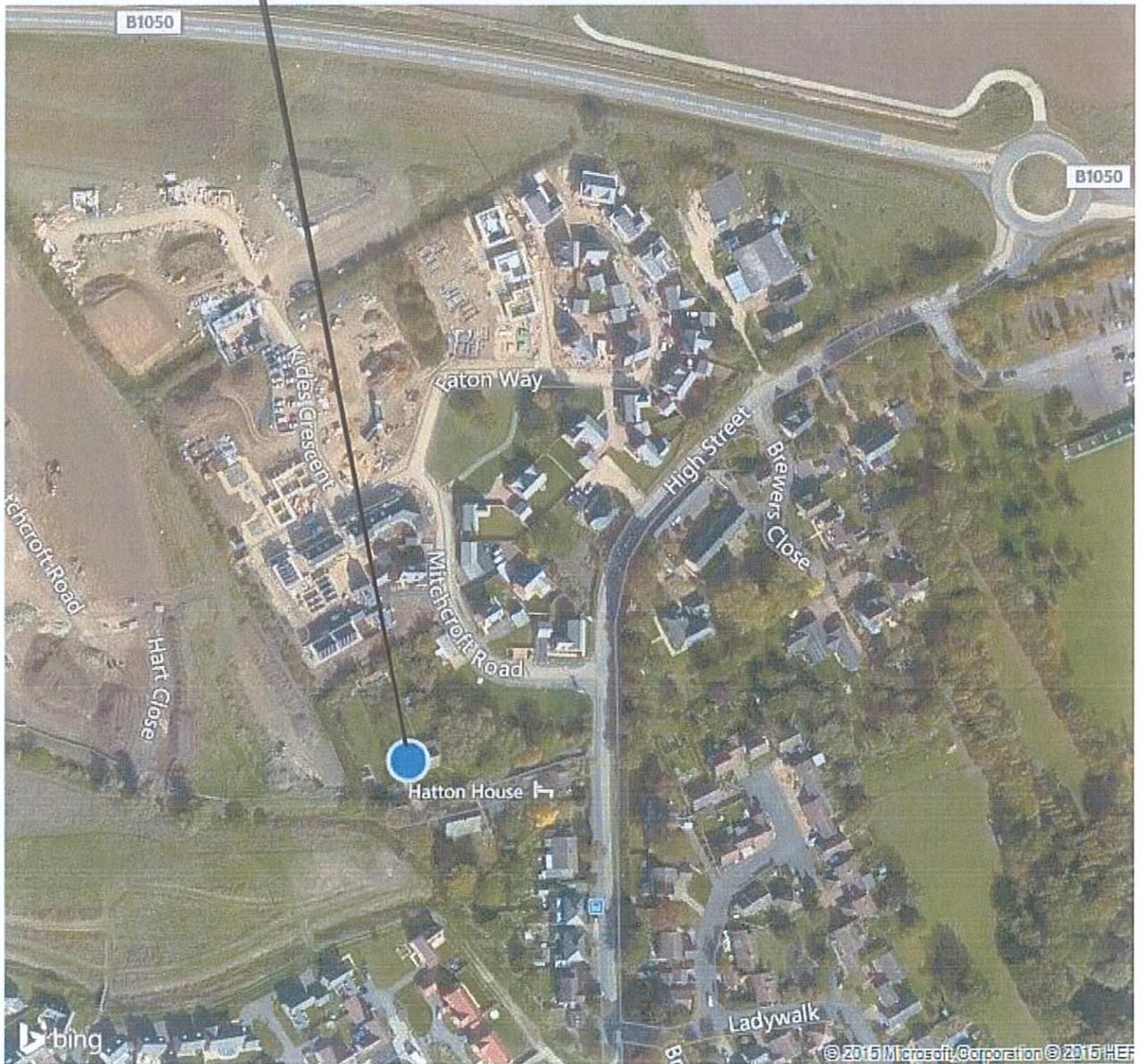
Consulting Engineers

**Andrew Firebrace Partnership Ltd
Stable Barn
Park End
Swaffham Bulbeck
Cambridge
CB5 0NA**



CB24 3DP, Longstanton, Cambridgeshire

Proposed development:
'The Retreat'
Fews Lane
Longstanton
CB24 3DP



OAKLEY SOILS AND CONCRETE ENGINEERING LTD

SITE: 'THE RETREAT', FEWS LANE, LONGSTANTON, CAMBRIDGE, CB24 3DP

JOB NO: AAA/79

Page 174



'STREETVIEW' ACCESS TO FEWS LANE FROM THE HIGH STREET

1. Cable Percussive Borehole Log

Type of boring: Cable Percussive
 Type of rig: DANDO 2000
 Dia of boring: 150mm to 18.0m
 Casing details: 150mm dia to 3.0m

Feature: The Retreat
 Location: Fewes Lane, Longstanton, Cambridge, CB24 3DP
 Ground Level:
 GPS Co-ordinates ±5m: E N

Date & (Time)	Depth & diam of boring & (depth of casing)	Ground Water	Samples & Tests			Strata					
			Samples	Depth	Test & instr	Depth	Reduced Level	Legend	Thickness	Description	
15.12.15	PIT					metres					
	150mm		D • 0.5			0.00			0.25	TOPSOIL - lead drillers description.	
			D • 0.8			0.25			0.15	MADE/REWORKED GROUND: Soft to firm Topsoil with traces of Made Ground - lead drillers description.	
			D • 1.2-1.65			0.40			0.30	MADE/REWORKED GROUND: Firm mid greyish brown slightly sandy slightly gravelly clay with occasional black carbonaceous deposits, gravel is f/m and occasional coarse subangular to subrounded flint and f/m chalk.	
			D • 1.4			0.70					
			D • 1.9			1.00			1.10	Very loose light to mid brown silty to very silty slightly gravelly to gravelly fine SAND with partings/bands of soft mid bluish grey slightly gravelly clay, gravel is f/m chalk and subangular flint.	
			D • 2.0-2.45		C N=2	1.80					
			U 2.0-2.45		9 blows	2.00				Firm mid to dark grey CLAY with occasional olive mottling and traces of fine decayed roots. D @ 1.9m HSV = 54kpa From 2.0-2.5m fine gypsum. D @ 2.5m HSV = 70kpa	
			D • 2.5			3.00					
	3.00 (3.00)		D • 3.0-3.45		S N=11	3.00				From 3.0m becoming firm to stiff fissured dark grey CLAY with occasional olive mottling and traces of fine decayed roots.	
			D • 3.6			4.00				D @ 3.6m HSV = 78kpa: a rusty brown silt parting.	
			U 4.0-4.45		16 blows	4.00					
15.12.15	4.50	DRY	D • 4.5			5.00			5.50	D @ 4.5m HSV = 90kpa: becoming stiff fissured thinly laminated dark grey CLAY with rare olive mottling and rare shell fragments.	
16.12.15 (08:00)	(3.00)	DRY	D • 5.1-5.55		S N=14	5.00				From 5.1m becoming stiff fissured thinly laminated dark grey CLAY with occasional shell fragments.	
			D • 6.0			6.00				D @ 6.0m HSV = 90kpa	
			U 6.5-6.95		20 blows	7.00				D @ 7.0m HSV = 132kpa	
			D • 7.0			7.30					
		seepage @ 7.4m	D • 7.4			7.60			0.30	LIMESTONE recovered as: Coarse gravel and cobble sized medium strong mid to dark grey limestone.	
			D • 8.1-8.55		S N=18	8.00				Stiff fissured dark grey CLAY with occasional shell fragments.	
			D • 8.9			9.00			(10.85)	D @ 8.9m HSV = 134kpa	
			U 9.6-10.05		32 blows	10.00					

<ul style="list-style-type: none"> • Small disturbed sample ↕ Large disturbed sample ▮ Undisturbed Sample ↓ Standard Penetration Test ▲ Water sample x Hand Shear Vane test (kpa) PP Pocket Penetrometer (kg/cm²) 	Remarks : Service plans reviewed and inspection pit excavated to 1.2m. 16.12.15 chiselling 7.3-7.5m 08:30-09:30 hrs.	Scale 1:50 metres
		Logged by: AW Checked by: JBI Date: 09.01.16
	Date started: 15.12.15 Date finished: 16.12.15	

Type of boring: Cable Percussive
 Type of rig: DANDO 2000
 Dia of boring: 150mm to 18.0m
 Casing details: 150mm dia to 3.0m

Feature: The Retreat
 Location: Fewes Lane, Longstanton, Cambridge, CB24 3DP
 Ground Level:
 GPS Co-ordinates ±5m: E N

Date & (Time)	Depth & diam of boring & (depth of casing)	Ground Water	Samples & Tests			Strata					
			Samples	Depth	Test & instr	Depth	Reduced Level	Legend	Thickness	Description	
			D •	10.1		10.00					Stiff fissured dark grey CLAY with occasional shell fragments. D @ 10.1m HSV = >136kpa
			D •	10.6							
			D •	11.0-11.45	S N=21	11.00					
			D •	11.8		12.00					D @ 11.8m HSV = >136kpa
			U	12.5-12.95	38 blows						
			D •	13.0		13.00					D @ 13.0m HSV = >136kpa From 13.0m becoming stiff to very stiff.
			D •	14.0-14.45	S N=24	14.00			(10.85)		
			D •	14.6		15.00					D @ 14.6m HSV = >136kpa
			U	15.5-15.95	41 blows						
			D •	16.0		16.00					D @ 16.0m HSV = >136kpa
			D •	17.0-17.45	S N=28	17.00					
16.12.15	18.00 (3.00)	18.0m*	D •	18.0-18.45	S N=31	18.00					
						18.45					END OF BOREHOLE
						19.00					
						20.00					

- Small disturbed sample
- ⇕ Large disturbed sample
- I Undisturbed Sample
- ↓ Standard Penetration Test
- ▲ Water sample
- x Hand Shear Vane test (kpa)
- PP Pocket Penetrometer (kg/cm²)

Remarks :
 *Water level on completion of borehole.
 Borehole backfilled with arisings.

Scale 1:50 metres
 Logged by: AW
 Checked by: JBI
 Date: 09.01.16

Date started: 15.12.15
 Date finished: 16.12.15

2. Insitu Standard Penetration Test (SPT) Results

OAKLEY SOILS AND CONCRETE ENGINEERING LTD

SUMMARY OF STANDARD PENETRATION TEST RESULTS

SITE: THE RETREAT, FEWS LANE, LONGSTANTON, CAMBRIDGE, CB24 3DP

JOB NO: AAA/79

Borehole	Depth (m)	Spoon/ Cone	Seating Blows	Blow Count				N Value
			150mm	75mm	75mm	75mm	75mm	
BH1	1.2	Cone	1	0	1	0	1	2
	3.0	Spoon	2	2	2	3	4	11
	5.1	Spoon	3	2	3	4	5	14
	8.1	Spoon	4	4	4	5	5	18
	11.0	Spoon	5	4	5	6	6	21
	14.0	Spoon	6	5	6	6	7	24
	17.0	Spoon	6	6	7	7	8	28
	18.0	Spoon	7	6	7	8	10	31

Page 179

- 3. Laboratory Testing:*
- *Moisture Content & Atterberg Limits*

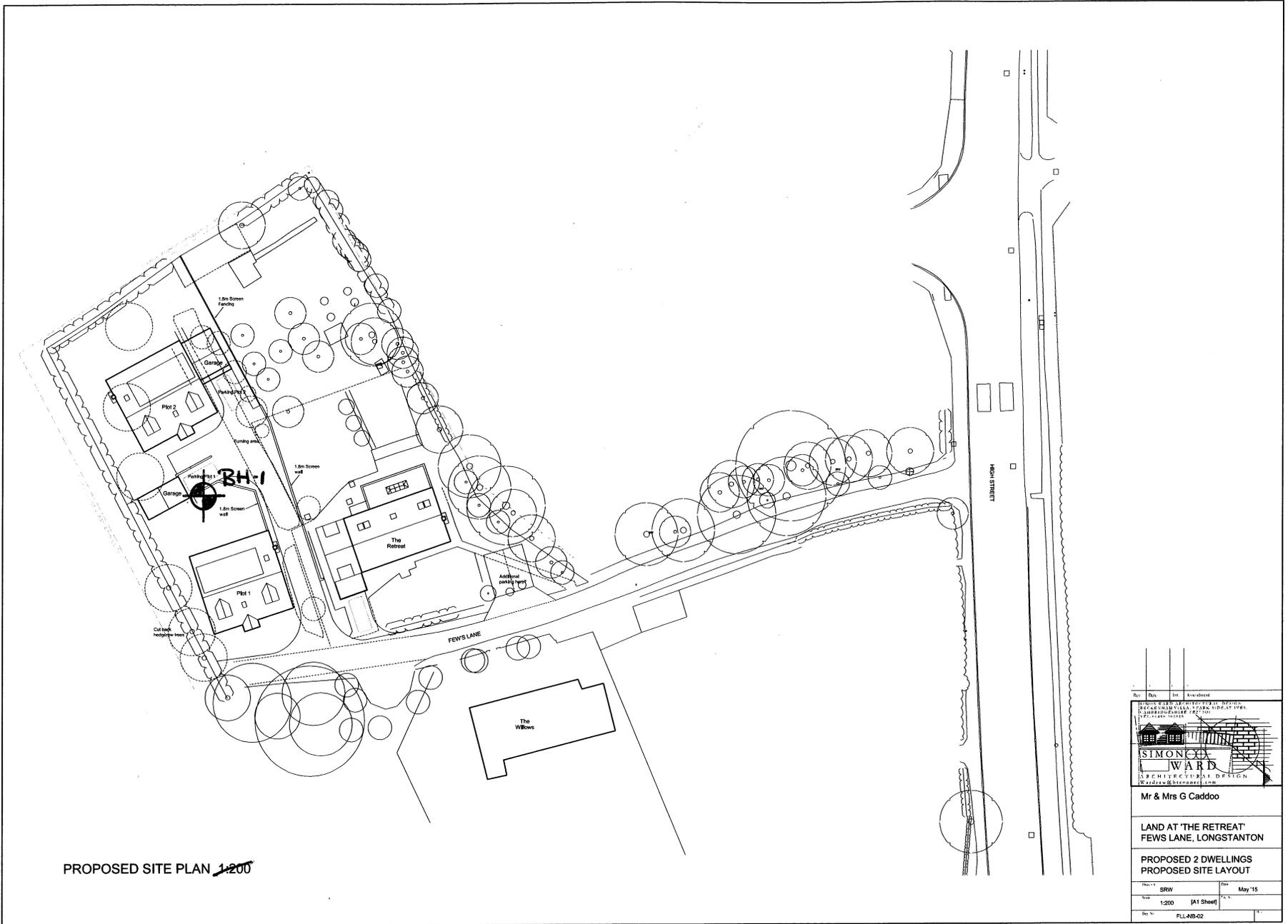
- *Soluble Sulphate & pH*

- *Unconsolidated Undrained Triaxial Tests*

OAKLEY SOILS AND CONCRETE ENGINEERING LTD						Quick Undrained Triaxial Tests				
Job Number		AAA/79		Site Location		THE RETREAT, FEWS LANE, LONGSTANTON, CB24 3DP				
Borehole/ Trial Pit Number	Sample Number	Sample Depth (m)	Cell Pressures kN/m ²	Failure Strain (%)	Deviator Stress kN/m ²	Bulk Density kg/m ³	Moisture Content (%)	Cohesion kN/m ²	Angle of Friction (°) (Assumed)	Description
BH1	U1	2.0-2.45	50	7.9	147.9	1928	36	74	-	Firm dark grey and olive mottled CLAY with traces of fine decayed roots. Fine gypsum and gypsum clusters.
	U2	4.0-4.45	90	6.0	132.1	1961	35	66	-	Firm to stiff fissured dark grey CLAY with occasional olive mottling, traces of fine decayed roots.
	U3	6.5-6.95	140	6.1	186.6	2014	28	95	-	Stiff fissured dark grey CLAY.
	U4	9.6-10.05	200	7.2	201.4	1989	29	101	-	Stiff fissured dark grey CLAY, occasional shell fragments.
	U5	12.5-12.95	260	6.3	274.7	2017	27	137	-	Stiff to very stiff fissured dark grey CLAY.
	U6	15.5-15.95	320	5.5	255.5	2097	26	128	-	Stiff to very stiff fissured dark grey CLAY, occasional shell fragments.

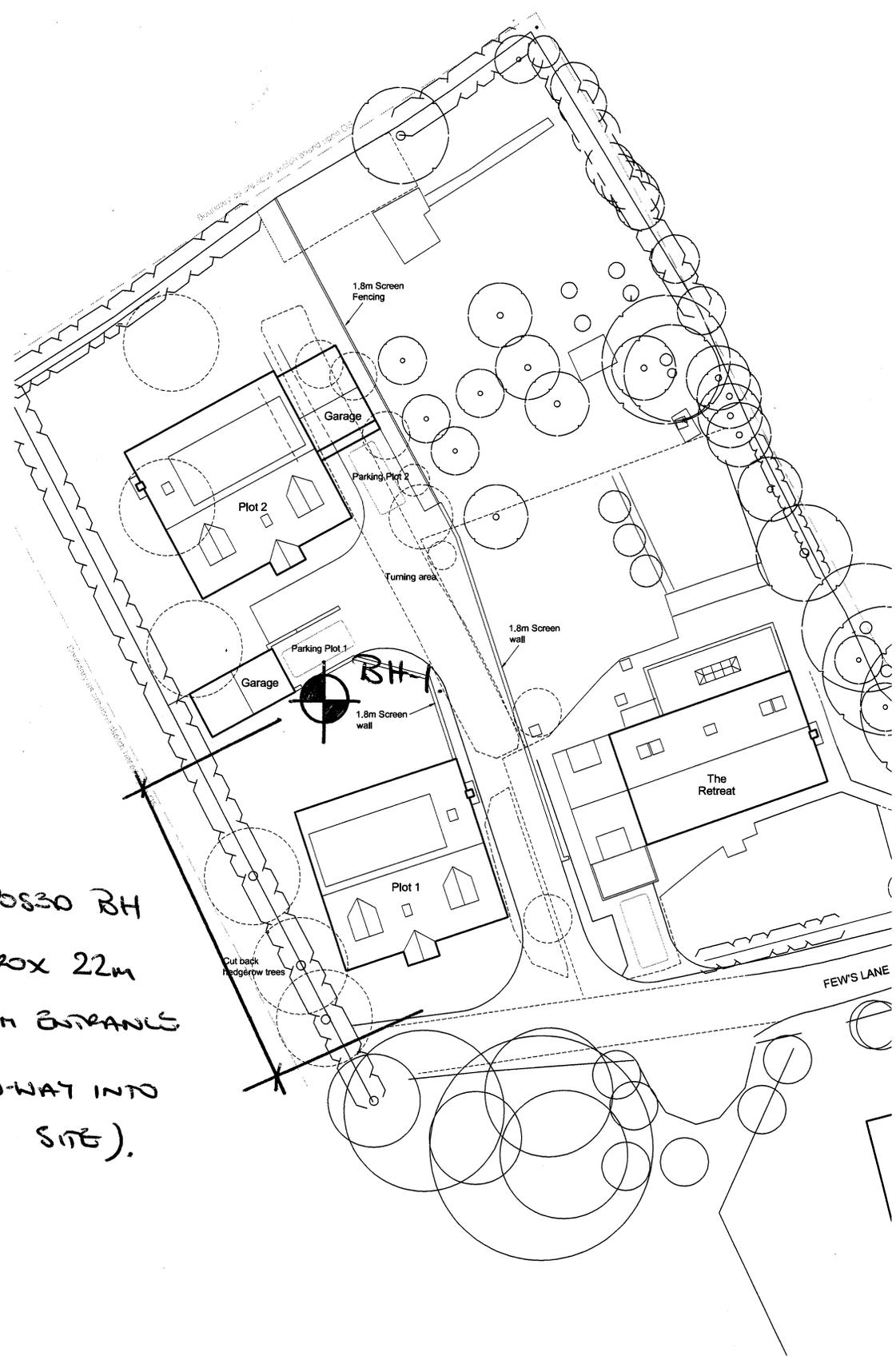
Page 185

4. Borehole Location Plan and Site Photographs



Rev	Rev	Rev	Rev	Rev
<small>THIS PLAN HAS BEEN PREPARED BY THE ARCHITECT AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE ARCHITECT'S PERMISSION.</small>				
 SIMON & WARD ARCHITECTURAL DESIGN www.simonandward.co.uk				
Mr & Mrs G Caddoo				
LAND AT 'THE RETREAT' FEW'S LANE, LONGSTANTON				
PROPOSED 2 DWELLINGS PROPOSED SITE LAYOUT				
Scale	SRW	Drawn	May '15	
Scale	1:200	Sheet	[A1 Sheet]	
Rev				
FL-AMB-02				

PROPOS 30 BH
APPROX 22m
FROM ENTRANCE
(MID-WAY INTO
SITE).



PROPOSED SITE PLAN 1:200

JOB NO: AAA/79

SITE: LAND ADJACENT TO 'THE RETREAT', FEWS LANE, LONGSTANTON, CB24 3DP

DATE: 26.11.15



VIEW FROM REAR (NORTHERN BOUNDARY) OF SITE ACROSS PLOTS 1 & 2



VIEW FROM FRONT (SOUTHERN BOUNDARY) OF SITE ACROSS PLOTS 1 & 2

INFILTRATION TEST REPORT FEWS LANE, LONGSTANTON

19/0321/PLS

08 April 2020

TABLE OF CONTENTS

Introduction.....	1
Site Conditions	1
Soil Infiltration Results	1
Conclusion	2

APPENDICES

Appendix A - Trial Pit Location Plan

Appendix B - Infiltration Rate Calculation Sheets

Appendix C - Infiltration Test Photos

INTRODUCTION

This report has been prepared for the proposed development at the Retreat, Few's Lane, Longstanton. The purpose of this assessment is to provide information relating to permeability of the ground for the proposed surface water drainage systems of the proposed new houses.

This testing has been undertaken in accordance with BRE Digest 365 to determine if the ground conditions are favourable to discharge the surface water via infiltration.

Three trial pits were dug across the site at the locations shown on the plan in Appendix A. The trial pit 1 was dug to 1.20m below ground level with the width of 0.7m and length of 1.5m. The trial pit 2 was dug to 1.20m below ground level with the width of 0.8m and length of 2.1m. The trial pit 3 was dug to 1.10m below ground level with the width of 0.8m and length of 1.6m

SITE CONDITIONS

The weather at the time of the investigation was dry. No rainfall occurred during the test.

The tests were undertaken at three different locations, the TP1 was located to the front of the plot 4&5, TP2 was located to the rear of the plot 4&5 and TP3 was located to the rear of plot 3. General soil characteristic across the site are varies from firm to loose slightly sandy dark clay.

Groundwater was not observed within the trail pits and also the recently completed borehole confirmed that the ground water is not found up to 18.45m below ground level.

SOIL INFILTRATION RESULTS

Infiltration testing was undertaken in general accordance with BRE Digest 365. Water filled rapidly but carefully into each pit, then the water level fall rate was measured from a datum point. Each test was carried out till the water in each pit emptied, in line with BRE Digest 365 procedure. The test was then repeated a 2nd and 3rd time.

Infiltration rates were calculated based on the data collected from the tests are summarised in the table below:

Trial Pit No	Depth (mbgl)	Test 1 Rate (m/s)	Test 2 Rate (m/s)	Test 3 Rate (m/s)	Design Infiltration Rate (m/s)
TP01	1.20m	1.64E-05	1.33E-05	1.13E-05	1.13E-05
TP02	1.20m	1.56E-05	1.40E-05	1.26E-05	1.26E-05
TP03	1.10m	6.97E-06	8.00E-06	8.10E-06	6.97E-06

Three number of tests were completed within all three pits. The test results presented in the above table show that the lowest infiltration rate was obtained in the last test in trial pit 1&2 and first test in trial pit 3. Therefore the lowest infiltration test will need to be used as the design infiltration rate.

Infiltration rate calculation sheets are included in Appendix B.

CONCLUSION

This report demonstrates that the surface water generated from the proposed development can be infiltrated into ground via sustainable drainage systems. The design infiltration rate for the proposed soakaways should be taken as $1.26 \times 10^{-5} \text{m/s}$.

APPENDIX A

Trial Pit Location Plan

APPENDIX B

Infiltration Rate Calculation Sheets

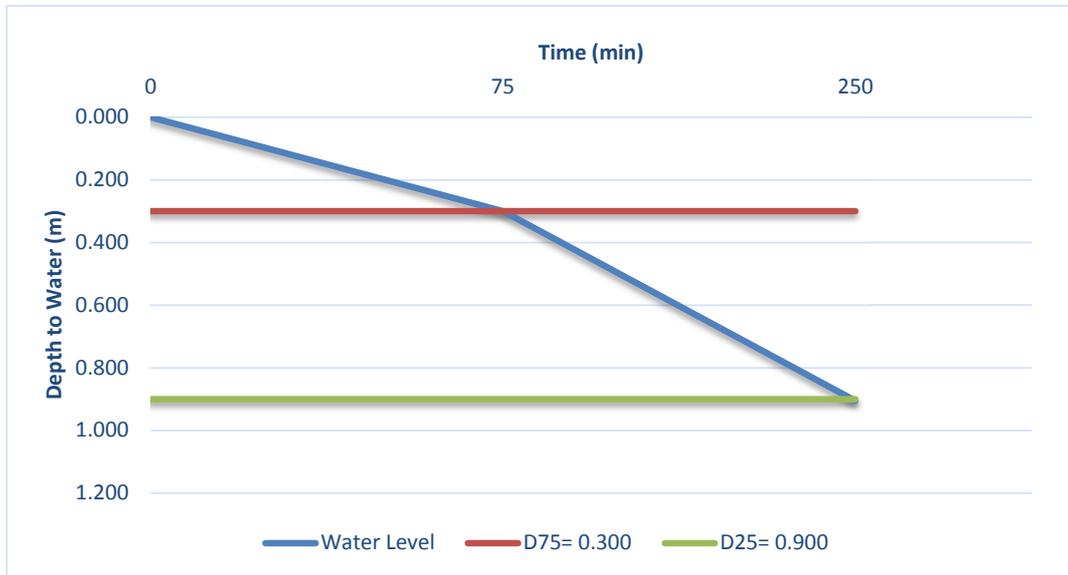
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 1 (TEST 1)

Trial Pit Length L= 1.50 (m)
 Trial Pit Width W= 0.70 (m)
 Trial Pit Depth D= 1.20 (m)
 Depth from ground level to water level at start of the test D_s= 0.00 (m)
 Depth to natural ground water level D_w= Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	75	250										
Water L (m)	0.000	0.300	0.905										

Depths when trial pit is 75% and 25% full D₂₅= 0.900 (m) D₇₅= 0.300 (m)
 Mean Surface Area for Outflow ap₅₀= 3.690 (m²)
 Volume from 75% to 25% full V₇₅₋₂₅= 0.630 (m²)



Time when trial pit is 75% full t₇₅= 75 (min)
 Time when trial pit is 25% full t₂₅= 249 (min)

SOIL INFILTRATION RATE f= 1.64E-05 (m/s)

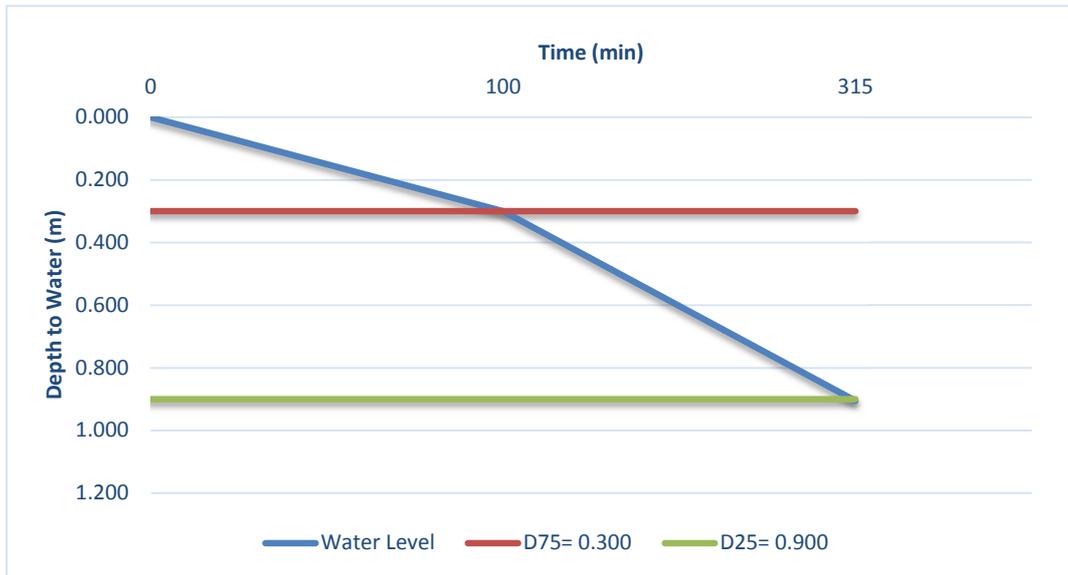
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 1 (TEST 2)

Trial Pit Length L= 1.50 (m)
 Trial Pit Width W= 0.70 (m)
 Trial Pit Depth D= 1.20 (m)
 Depth from ground level to water level at start of the test D_s = 0.00 (m)
 Depth to natural ground water level D_w = Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	100	315										
Water L (m)	0.000	0.300	0.905										

Depths when trial pit is 75% and 25% full D_{25} = 0.900 (m) D_{75} = 0.300 (m)
 Mean Surface Area for Outflow ap_{50} = 3.690 (m²)
 Volume from 75% to 25% full V_{75-25} = 0.630 (m²)



Time when trial pit is 75% full t_{75} = 100 (min)
 Time when trial pit is 25% full t_{25} = 313 (min)

SOIL INFILTRATION RATE **f= 1.33E-05 (m/s)**

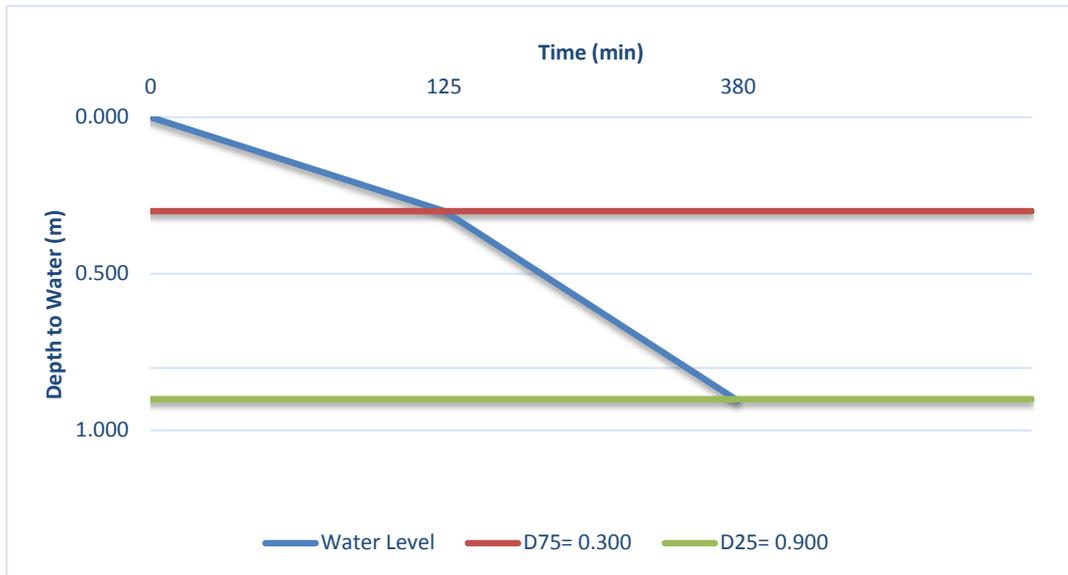
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 1 (TEST 3)

Trial Pit Length L= 1.50 (m)
 Trial Pit Width W= 0.70 (m)
 Trial Pit Depth D= 1.20 (m)
 Depth from ground level to water level at start of the test D_s= 0.00 (m)
 Depth to natural ground water level D_w= Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	125	380										
Water L (m)	0.000	0.300	0.905										

Depths when trial pit is 75% and 25% full D₂₅= 0.900 (m) D₇₅= 0.300 (m)
 Mean Surface Area for Outflow ap₅₀= 3.690 (m²)
 Volume from 75% to 25% full V₇₅₋₂₅= 0.630 (m²)



Time when trial pit is 75% full t₇₅= 125 (min)
 Time when trial pit is 25% full t₂₅= 378 (min)

SOIL INFILTRATION RATE f= 1.13E-05 (m/s)

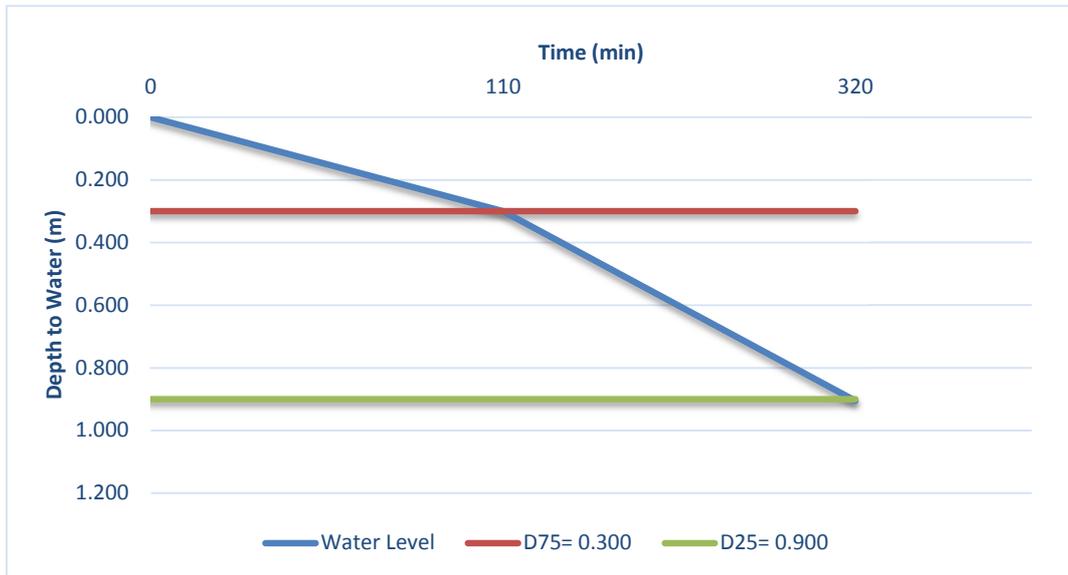
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 2 (TEST 1)

Trial Pit Length L= 2.10 (m)
 Trial Pit Width W= 0.80 (m)
 Trial Pit Depth D= 1.20 (m)
 Depth from ground level to water level at start of the test D_s= 0.00 (m)
 Depth to natural ground water level D_w= Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	110	320										
Water L (m)	0.000	0.300	0.905										

Depths when trial pit is 75% and 25% full D₂₅= 0.900 (m) D₇₅= 0.300 (m)
 Mean Surface Area for Outflow ap₅₀= 5.160 (m²)
 Volume from 75% to 25% full V₇₅₋₂₅= 1.008 (m³)



Time when trial pit is 75% full t₇₅= 110 (min)
 Time when trial pit is 25% full t₂₅= 318 (min)

SOIL INFILTRATION RATE **f= 1.56E-05 (m/s)**

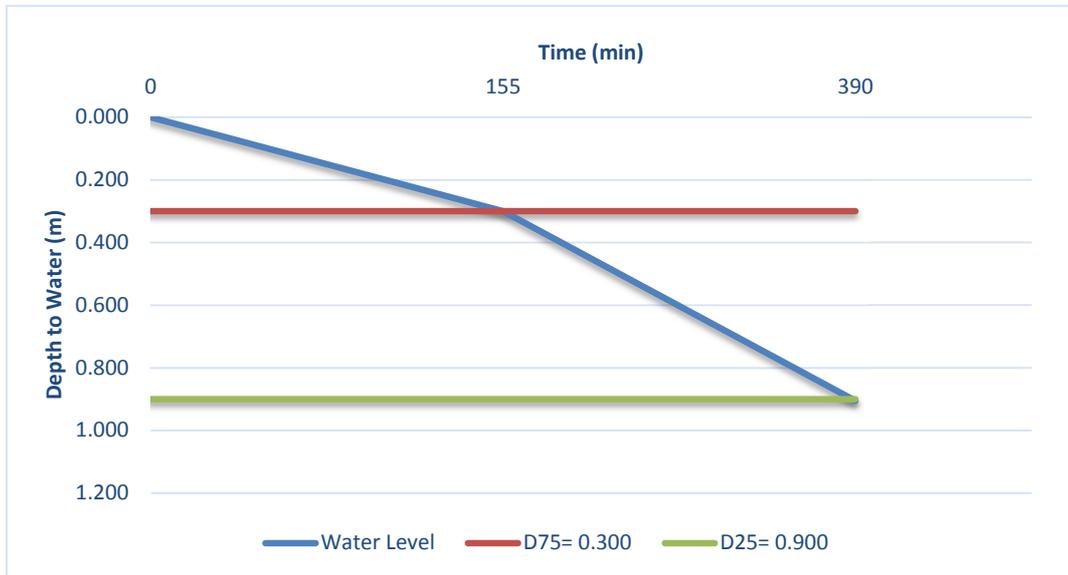
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 2 (TEST 2)

Trial Pit Length L= 2.10 (m)
 Trial Pit Width W= 0.80 (m)
 Trial Pit Depth D= 1.20 (m)
 Depth from ground level to water level at start of the test $D_s = 0.00$ (m)
 Depth to natural ground water level $D_w =$ Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	155	390										
Water L (m)	0.000	0.300	0.905										

Depths when trial pit is 75% and 25% full $D_{25} = 0.900$ (m) $D_{75} = 0.300$ (m)
 Mean Surface Area for Outflow $ap_{50} = 5.160$ (m²)
 Volume from 75% to 25% full $V_{75-25} = 1.008$ (m³)



Time when trial pit is 75% full $t_{75} = 155$ (min)
 Time when trial pit is 25% full $t_{25} = 388$ (min)

SOIL INFILTRATION RATE $f = 1.40E-05$ (m/s)

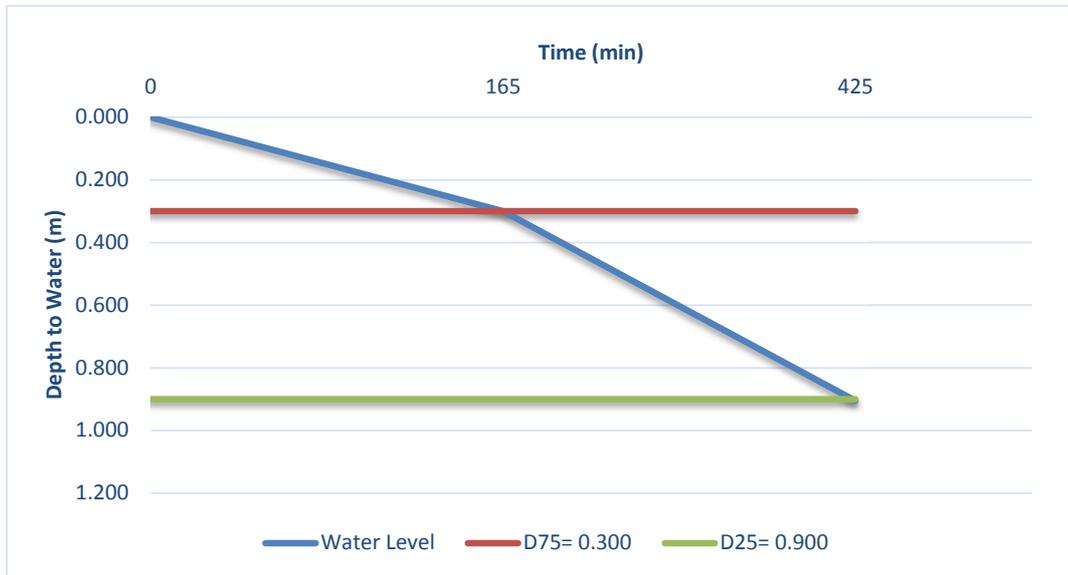
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 2 (TEST 3)

Trial Pit Length L= 2.10 (m)
 Trial Pit Width W= 0.80 (m)
 Trial Pit Depth D= 1.20 (m)
 Depth from ground level to water level at start of the test D_s= 0.00 (m)
 Depth to natural ground water level D_w= Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	165	425										
Water L (m)	0.000	0.300	0.905										

Depths when trial pit is 75% and 25% full D₂₅= 0.900 (m) D₇₅= 0.300 (m)
 Mean Surface Area for Outflow ap₅₀= 5.160 (m²)
 Volume from 75% to 25% full V₇₅₋₂₅= 1.008 (m³)



Time when trial pit is 75% full t₇₅= 165 (min)
 Time when trial pit is 25% full t₂₅= 423 (min)

SOIL INFILTRATION RATE **f= 1.26E-05 (m/s)**

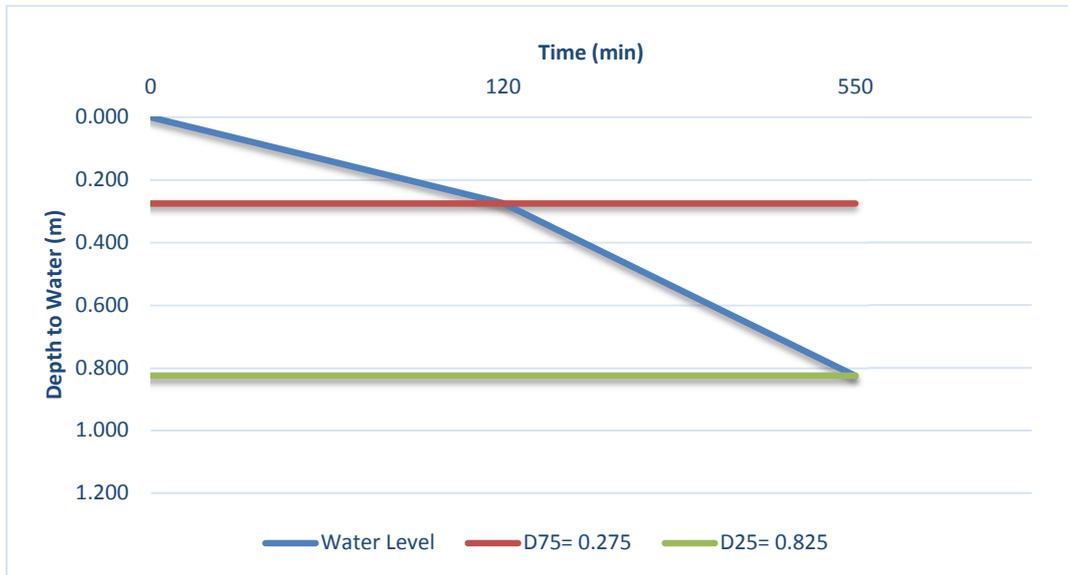
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 3 (TEST 1)

Trial Pit Length L= 1.60 (m)
 Trial Pit Width W= 0.80 (m)
 Trial Pit Depth D= 1.10 (m)
 Depth from ground level to water level at start of the test D_s= 0.00 (m)
 Depth to natural ground water level D_w= Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	120	550										
Water L (m)	0.000	0.275	0.826										

Depths when trial pit is 75% and 25% full D₂₅= 0.825 (m) D₇₅= 0.275 (m)
 Mean Surface Area for Outflow ap₅₀= 3.920 (m²)
 Volume from 75% to 25% full V₇₅₋₂₅= 0.704 (m³)



Time when trial pit is 75% full t₇₅= 120 (min)
 Time when trial pit is 25% full t₂₅= 549 (min)

SOIL INFILTRATION RATE **f= 6.97E-06 (m/s)**

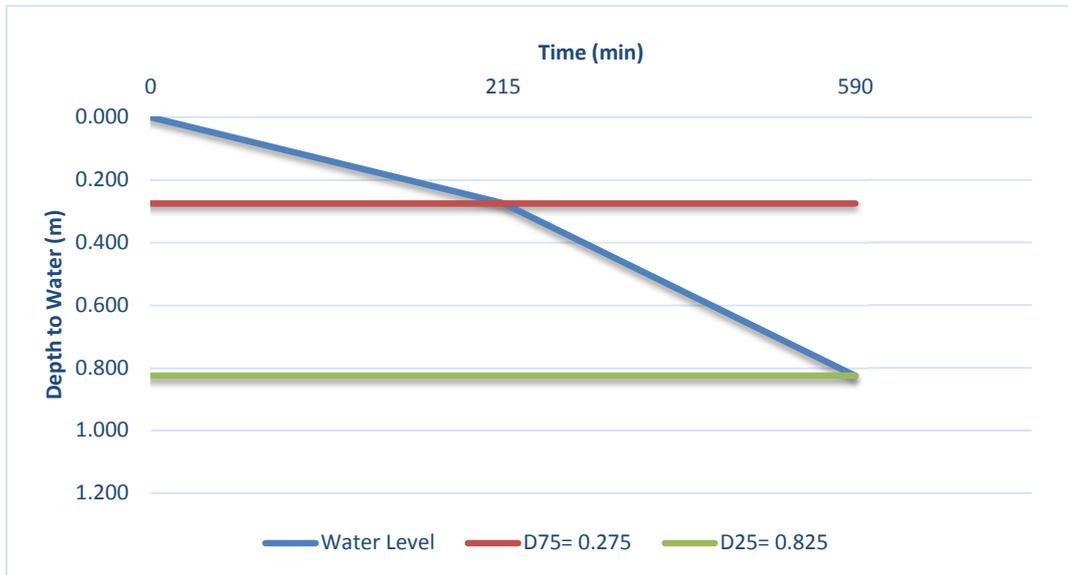
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 3 (TEST 2)

Trial Pit Length L= 1.60 (m)
 Trial Pit Width W= 0.80 (m)
 Trial Pit Depth D= 1.10 (m)
 Depth from ground level to water level at start of the test D_s = 0.00 (m)
 Depth to natural ground water level D_w = Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS												
Time (min)	0	215	590									
Water L (m)	0.000	0.275	0.826									

Depths when trial pit is 75% and 25% full D_{25} = 0.825 (m) D_{75} = 0.275 (m)
 Mean Surface Area for Outflow ap_{50} = 3.920 (m²)
 Volume from 75% to 25% full V_{75-25} = 0.704 (m³)



Time when trial pit is 75% full t_{75} = 215 (min)
 Time when trial pit is 25% full t_{25} = 589 (min)

SOIL INFILTRATION RATE **f= 8.00E-06 (m/s)**

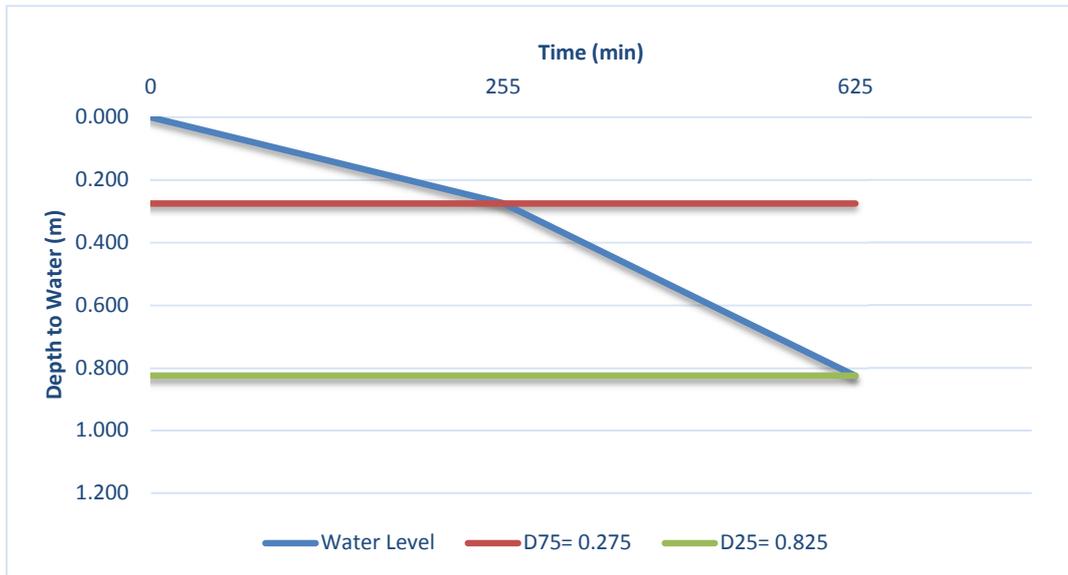
PROJECT FEWS LANE, LONGSTANTON	BRE 365 INFILTRATION TEST	JOB No. 19/0321
		ENGINEER MO
		SHEET No.

Trial Pit Number 3 (TEST 3)

Trial Pit Length L= 1.60 (m)
 Trial Pit Width W= 0.80 (m)
 Trial Pit Depth D= 1.10 (m)
 Depth from ground level to water level at start of the test D_s = 0.00 (m)
 Depth to natural ground water level D_w = Dry

SOAKAGE TRIAL PIT INFILTRATION RESULTS													
Time (min)	0	255	625										
Water L (m)	0.000	0.275	0.826										

Depths when trial pit is 75% and 25% full D_{25} = 0.825 (m) D_{75} = 0.275 (m)
 Mean Surface Area for Outflow ap_{50} = 3.920 (m²)
 Volume from 75% to 25% full V_{75-25} = 0.704 (m³)



Time when trial pit is 75% full t_{75} = 255 (min)
 Time when trial pit is 25% full t_{25} = 624 (min)

SOIL INFILTRATION RATE **f= 8.10E-06 (m/s)**

APPENDIX C

Infiltration Test Photos

Test Pit 1



Test Pit 1



Test Pit 1



Test Pit 2



Test Pit 2



Test Pit 2



Test Pit 3



Test Pit 3



Appendix D Cambridgeshire SPD completed Pro- Forma

Appendix F Surface water drainage pro-forma

Applicants should complete this form and submit it to the LPA, referencing from where in their submission documents this information is taken. The proforma is supported by the [DEFRA/ EA guidance on Rainfall Runoff Management](#), and uses the storage calculator on www.UKsuds.com. The proforma should be considered alongside other supporting SuDS Guidance, but focuses on ensuring flood risk is not made worse elsewhere. This proforma is based upon current industry standard practice.

1. Site details

Site	Plot 3 - Fews Lane, Longstanton
Address & post code or LPA reference	Fews Lane, Longstanton, CB24 3DP, S/3215/19/DC
Grid Reference	TL 39427 67259
Is the existing site developed or Greenfield?	Greenfield
Total Site Area served by drainage system (excluding open space) (Ha) ⁽¹⁾	0.050ha

Page 212

The Greenfield runoff off rate from the development which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage from a site should be calculated for the area that forms the drainage network for the site whatever size of site and type of drainage technique. Please refer to the Rainfall Runoff Management document or CIRIA manual for detail on this.

2. Impermeable area

	Existing	Proposed	Difference (Proposed-Existing)	Notes for developers and Local Authorities
Impermeable area (ha)	0	0.017ha	0.017ha	If proposed > existing, then runoff rates and volumes will be increasing. Section 6 must be filled in. If proposed ≤ existing, then section 6 can be skipped & section 7 filled in.
Drainage Method (infiltration/sewer/watercourse)			N/A	If different from the existing, please fill in section 3. If existing drainage is by infiltration and the proposed is not, discharge volumes may increase. Fill in section 6.

3. Proposing to discharge surface water via

	Yes	No	Evidence that this is possible	Notes for developers and Local Authorities
Infiltration				e.g. soakage tests. Section 6 (infiltration) must be filled in if infiltration is proposed.
To watercourse	✓		There is a ditch	e.g. Is there a watercourse nearby?
To surface water sewer				Confirmation from sewer provider that sufficient capacity exists for this connection.
Combination of above				e.g. part infiltration part discharge to sewer or watercourse. Provide evidence above.

4. Peak Discharge Rates⁽¹⁾

	Existing rates (l/s)	Proposed rates (l/s)	Difference (l/s) (Proposed-Existing)	Notes for developers and Local Authorities
Greenfield QBAR	0.2l/s	N/A	N/A	QBAR is approx. 1 in 2 storm event. Provide this if Section 6 (QBAR) is proposed.
Pin 1	0.1l/s	2l/s	1.9l/s	Proposed discharge rates (with mitigation) should be no greater than existing rates for all corresponding storm events. e.g. discharging all flow from site at the existing 1 in 100 event increases flood risk during smaller events.
1 in 30	0.4l/s	2l/s	1.6l/s	
1 in 100	0.6l/s	2l/s	1.4l/s	
1 in 100 + climate change	N/A	2l/s	n/a	To mitigate for climate change the proposed 1 in 100 +CC must be no greater than the existing 1 in 100 runoff rate. If not, flood risk increases under climate change. 30% should be added to the peak rainfall intensity.

1. This is the maximum flow rate at which storm water runoff leaves the site during a particular storm event.

5. Calculate additional volumes for storage⁽¹⁾

	Existing volume (m ³)	Proposed volume (m ³)	Difference (m ³) (Proposed-Existing)	Notes for developers and Local Authorities
1 in 1				Proposed discharge volumes (without mitigation) should be no greater than existing volumes for all corresponding storm events. Any increase in volume increases flood risk elsewhere. Where volumes are increased section 6 must be filled in.
1 in 30				
1 in 100				
1 in 100 + climate change	9.137m ³	4.4m ³	-4.737m ³	To mitigate for climate change the volume discharge from site must be no greater than the existing 1 in 100 storm event. If not, flood risk increases under climate change.

1. The total volume of water leaving the development site. New hard surfaces potentially restrict the amount of storm water that can go to the ground, so this needs to be controlled so not to make flood risk worse to properties downstream.

Page 214

6. Calculate attenuation storage⁽¹⁾

		Notes for developers and Local Authorities
Storage Attenuation volume (Flow rate control) required to retain rates as existing (m ³)	Attenuation tank and orifice flow control device will be used - 4.4m ³	Volume of water to attenuate on site if discharging at existing rates. Can't be used where discharge volumes are increasing

1. Attenuation storage is provided to enable the rate of runoff from the site into the receiving watercourse to be limited to an acceptable rate to protect against erosion and flooding downstream. The attenuation storage volume is a function of the degree of development relative to the greenfield discharge rate.

7. How is Storm Water stored on site?⁽¹⁾

			Notes for developers and Local Authorities
Infiltration	State the Site's Geology and known Source Protection Zones (SPZ)	No	Avoid infiltrating in made ground. Infiltration rates are highly variable and refer to Environment Agency website to identify and source protection zones (SPZ)
	Are infiltration rates suitable?	yes	Infiltration rates should be no lower than 1×10^{-6} m/s.
	State the distance between a proposed infiltration device base and the ground water (GW) level	grounwater level was not found in trial pits and boreholes	Need 1m (min) between the base of the infiltration device & the water table to protect Groundwater quality & ensure GW doesn't enter infiltration devices. Avoid infiltration where this isn't possible.
	Were infiltration rates obtained by desk study or infiltration test?		Infiltration rates can be estimated from desk studies at most stages of the planning system if a backup attenuation scheme is provided.
	Is the site contaminated? If yes, consider advice from others on whether infiltration can happen.		Water should not be infiltrated through land that is contaminated. The Environment Agency may provide bespoke advice in planning consultations for contaminated sites that should be considered.
In light of the above, is infiltration feasible?	Yes/No? If the answer is No, please identify how the storm water will be stored prior to release	No, There is not enough space on site to discharge via soakaways	If infiltration is not feasible how will the additional volume be stored? The applicant should then consider the following options in the next section.

1. Storage is required for the additional volume from site but also for holding back water to slow down the rate from the site. This is known as attenuation storage and long term storage. The idea is that the additional volume does not get into the watercourses, or if it does it is at an exceptionally low rate. You can either infiltrate the stored water back to ground, or if this isn't possible hold it back with on-site storage. Firstly, can infiltration work on site?

Storage requirements

The developer must confirm that either of the two methods for dealing with the amount of water that needs to be stored on site.

- **Option 1 Simple:**
Store both the additional volume and attenuation volume in order to make a final discharge from site at QBAR (Mean annual flow rate). This is preferred if no infiltration can be made on site. This very simply satisfies the runoff rates and volume criteria.
- **Option 2 Complex:**
If some of the additional volume of water can be infiltrated back into the ground, the remainder can be discharged at a very low rate of 2 l/sec/hectare. A combined storage calculation using the partial permissible rate of 2 l/sec/hectare and the attenuation rate used to slow the runoff from site.

		Notes for developers and Local Authorities
Please confirm what option has been chosen and how much storage is required on site.	Attenuation tank and orifice flow control device will be used- 4m3 storage required	The developer at this stage should have an idea of the site characteristics and be able to explain what the storage requirements are on site and how it will be achieved.

Please confirm

		Notes for developers and Local Authorities
Which SuDS measures have been used?	Attenuation tank and flow control device	SuDS can be adapted for most situations even where infiltration isn't feasible e.g. impermeable liners beneath some SUDS devices allows treatment but not infiltration. See CIRIA SUDS Manual C697.
Drainage system can contain in the 1 in 30 storm event without flooding	no flooding occurs in 1:30 year storm event	This a requirement for sewers for adoption & is good practice even where drainage system is not adopted.
Any flooding between the 1 in 30 & 1 in 100 plus climate change storm events will be safely contained on site.	no flooding occurs in events up to and including 1in 100 year plus 40% climate change	Safely: not causing property flooding or posing a hazard to site users i.e. no deeper than 300mm on roads/footpaths. Flood waters must drain away at section 6 rates. Existing rates can be used where runoff volumes are not increased.
How are rates being restricted (hydrobrake etc)	orifice plate	Hydrobrakes to be used where rates are between 2l/s to 5l/s. Orifices may not work below 5l/s as the pipes may block. Pipes with flows < 2l/s are prone to blockage but this can be overcome with careful product selection and SuDS design.

		Notes for developers and Local Authorities
Please confirm the owners/adopters of the SuDS throughout the development. Please list all the owners.	Gerry Caddoo	If these are multiple owners then a drawing illustrating exactly what features will be within each owner's remit must be submitted with this Proforma.
How are the entire SuDS to be maintained?	will be maintained in accordance with the maintenance report	If the features are to be maintained directly by the owners as stated in answer to the above question please answer yes to this question and submit the relevant maintenance schedule for each feature. If it is to be maintained by others than above please give details of each feature and the maintenance schedule. Clear details of the maintenance proposals of all element of the proposed drainage system must be provided. Poorly maintained drainage can lead to increased flooding problems in the future.

9. Evidence

Pro-forma Section	Document reference where details quoted above are taken from:	Page Number	
Page 247	Site Plan		
	Drainage Plan		
	Microdrainage Greenfield Runoff rate and attenuation tank calcs		
	5	Microdrainage Greenfield Runoff Volume and Attenuation Tank Calcs	
	6	Drainage Plan and Microdrainage Attenuation Tank Calcs	
	7	Below ground crate Attenuation Systems	

The above form should be completed using evidence from the Flood Risk Assessment where applicable, surface water drainage strategy and site plans. It should serve as a summary sheet of the drainage proposals and should clearly show that the proposed rate and volume as a result of development will not be increasing. If there is an increase in rate or volume, the rate or volume section should be completed to set out how the additional rate/volume is being dealt with.

This form is completed using factual information from the Flood Risk Assessment and Site Plans and can be used as a summary of the surface water drainage strategy on this site.

Form completed by:	Mehmet Ozdemir
Qualification of person responsible for signing off this pro-forma:	Civil Engineer MEng (Hons)
Company:	Andrew Firebrace Partnership Ltd
On behalf of (Client's details):	Gerry Caddoo
Date:	26.06.20

Appendix E Anglian Water Correspondence

From: [PlanningComments](#)
To: [Emma Ousbey](#)
Subject: FW: Discharge of Condition
Date: 29 June 2020 10:33:05
Attachments: [image001.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

Emma – for your please and uploading.

Rose Mills | Technical Support Officer



| e-mail Rose.Mills@greatercambridgeplanning.org Mobile phone no 07514921842
<https://www.scams.gov.uk/planning/>
<https://www.cambridge.gov.uk/planning>

Greater Cambridge Shared Planning: a strategic partnership between Cambridge

From: no-reply-InFlow@anglianwater.co.uk <no-reply-InFlow@anglianwater.co.uk>
Sent: 26 June 2020 08:45
To: Planning <planning@greatercambridgeplanning.org>
Subject: Discharge of Condition



Dear case officer

**The Retreat Fews Lane Longstanton Cambridge Cambridgeshire CB24 3DP, S/3215/19/DC,
PLN-0087321**

Thank you for your enquiry to discharge condition relating to the above development site. Please find our comments below.

Foul Water Comments: The foul water drainage strategy is acceptable to Anglian Water, we can therefore recommend the discharge of condition 4 of planning reference S/2937/16/FL.

Surface Water Comments: The surface water drainage strategy does not involve discharge to Anglian Water owned assets, we therefore have no comments to make regarding the discharge of condition 5 of planning reference S/2937/16/FL.

Should you have any queries or comments regarding this please contact us at planningliaison@anglianwater.co.uk or 0345 60 66 087 Option 1 quoting reference PLN-0087321.

Kind Regards

Development Services Pre-Development Team

Page 220

Appendix F Consultation Response with SCDC

1. Geotechnical investigation and BRE 365 soakaway tests (full accordance of BRE 365);

As attached

2. Commentary on the consideration of the drainage hierarchy, and any justification for not deploying infiltration techniques;

Based on the SUDs hierarchy, it is not feasible to deliver a workable soakaway solution for the site on plot 3 due to constricted space

The proposed method for disposal of the surface water is to discharge in to the existing ditch. Due to the restricted discharge rate, on-site attenuation will be required to accommodate the excess storm water. It is proposed that the storage system be installed within the garden area to provide an off-line attenuation system.

3. Drainage discharge calculations for pre and post development design;

Qbar Greenfield runoff rate for the plot 3 is 0.2l/s which is not possible to achieve therefore 2/s has been used to avoid the blockages.

Climate change/future proofing has been taken into account and surface water systems has been designed for storm events up to and including 1 in 100 year plus 40% climate change.

See attached – Plot 3 Greenfield Runoff Rate

4. Attenuation calculations to confirm size of attenuation and sensitivity tests on a submerged outfall during the applicable design event;

See attached – Plot 3 Attenuation Tank Calcs

5. Third Party agreement confirmation for the discharge of foul water runoff to a sewer with sufficient capacity. (Note this is in relation to the CC/7 policy requirement. I imagine this agreement with the third party was part of the wider site planning application; however it should be submitted under this application also).

LPA to consult with Anglian Water

6. Confirmation on the riparian ownership to the existing ditch;

The riparian owner of the existing ditch is Mr G & Mrs F Caddoo

7. A Completed Drainage Pro-Forma (Appendix F of the SPD);

See attached

8. A maintenance and management plan of the proposed SuDS systems, addressing responsibilities.

Maintenance of the surface water system will be completed in accordance with the attached [Below Ground Drainage Maintenance Report](#)

Appendix G Maintenance Plan

Below Ground Drainage Operation and Maintenance Strategy Report

General

All of the measures described in this document will form part of the Health and Safety file. All of the measures and designs will need to be adhered to in order to maintain the design life and design capacity of the surface water drainage systems.

The below ground drainage network is designed in accordance with Building Regulations Part H 2015, BSEN 752-2008, LASOO Non Statutory Technical Standards for Sustainable Drainage 2015 and Ciria C753 – The SUDS Manual.

General

Inspection chambers and access points are provided which can be jetted / cleaned. General checking of the below ground drainage systems should be every three (3) months. General maintenance / cleaning of the below ground systems should be after each major storm event and on an annual basis. This applies to all pipes, inspection chambers, manholes, channels etc.

Attenuation Tanks

For maintenance requirements see extract from SUDS Manual C753 for Attenuation Tank. Attenuation Tanks should also be maintained in accordance with manufacturers recommendations.

Heavy vibrating rollers are definitely not recommended around plastic pipes or tanks due to the high pressures that they can generate. Thin layers with smaller plant are recommended. DfT (2009) should be referred to for guidance for plant and methods for achieving compaction. The manufacturers' recommendations usually limit plant size above geocellular units to no more than 2300 kg/m width. However, the loading resulting from this will still need to be checked in the design. If such plant is to be used adjacent to the units, the resulting compaction pressures need to be checked.

Any arch or flexible pipe structures depend on the even resistance provided from soil or aggregate on both sides of the arch/pipe for their structural capacity. Even slight differences in the level of filling on each side of the arch/pipe as it progresses could potentially cause uneven deflections and increase the stress within the structure above design values. Close supervision during backfilling is therefore vital. The backfill around geocellular tanks should also be brought up evenly around all sides.

Bedding directly below a concrete pipe should have minimal compaction. The fill at the side of the pipe should be well compacted to a level 300 mm above the crown of the pipe. Only light compaction should be applied to the backfill directly over the crown of the pipe to a point 300 mm above it. With reasonable workmanship and supervision, the bedding factors used in the design should be relatively conservative.

21.12.6 Wrapping

All storage tanks should be watertight in accordance with the relevant standards. Geocellular and similar structures using geomembranes to hold water should be sealed in accordance with waterproofing standards (ie welded joints rather than adhesive taped) and the integrity of the seal checked on site through the use of non-destructive testing, to ensure that it is leak-proof. Advice on appropriate integrity and seam tests for geomembranes, that could be adapted for testing membranes around storage tanks, is provided in Mallett *et al* (2014). Care needs to be taken during installation to protect against damage of both the tank structure and the geotextile and the geomembrane wrapping. Follow-on trades can also cause damage and put the integrity and performance of the structure at risk.

21.13 OPERATION AND MAINTENANCE REQUIREMENTS

Regular inspection and maintenance is required to ensure the effective long-term operation of below-ground storage systems. Maintenance responsibility for systems should be placed with a responsible organisation. Table 21.3 provides guidance on the type of operational and maintenance requirements that may be appropriate. The list of actions is not exhaustive and some actions may not always be required.

Maintenance Plans and schedules should be developed during the design phase, and will be specific to the type of tank that is adopted. Specific maintenance needs of the system should be monitored, and maintenance schedules adjusted to suit requirements. Further detail on the preparation of maintenance specifications and schedules of work is given in Chapter 32.

CDM 2015 requires designers to ensure that all maintenance risks have been identified, eliminated, reduced and/or controlled where appropriate. This information will be required as part of the health and safety file.

- Generic health and safety guidance is provided in Chapter 36.

TABLE 21.3 Operation and maintenance requirements for attenuation storage tanks

Maintenance schedule	Required action	Typical frequency
Regular maintenance	Inspect and identify any areas that are not operating correctly. If required, take remedial action	Monthly for 3 months, then annually
	Remove debris from the catchment surface (where it may cause risks to performance)	Monthly
	For systems where rainfall infiltrates into the tank from above, check surface of filter for blockage by sediment, algae or other matter; remove and replace surface infiltration medium as necessary.	Annually
	Remove sediment from pre-treatment structures and/or internal forebays	Annually, or as required
Remedial actions	Repair/rehabilitate inlets, outlet, overflows and vents	As required
Monitoring	Inspect/check all inlets, outlets, vents and overflows to ensure that they are in good condition and operating as designed	Annually
	Survey inside of tank for sediment build-up and remove if necessary	Every 5 years or as required

21.14 REFERENCES

BARNES, G E (2010) *Soil mechanics: principles and practice, third edition*, Palgrave Macmillan, Hampshire, UK (ISBN: 978-0-23057-980-4)

BCA (2014) *Design standards for box culverts*, BCA Technical Advice Note, Box Culvert Association, Leicester, UK. Go to: <http://tinyurl.com/qy6bmf>

BETTES, R (1996) *Infiltration drainage – manual of good practice*, R156, CIRIA, London, UK (ISBN: 978-0-86017-457-8). Go to: www.ciria.org

BRE (1991) *Soakaway design*, BRE Digest 365, Buildings Research Establishment, Bracknell, UK (ISBN: 0-85125-502-7)

CPSA (2013) *Technical design guide*, Concrete Pipeline Systems Association, Leicester, UK. Go to: www.concretepipes.co.uk/page/technical-guide

D'ARCY, B, ELLIS, J, FERNER, R, JENKINS, A and DILS, R (2000) *Diffuse pollution impacts, the environmental and economic impacts of diffuse pollution in the UK*, Terence Dalton Publishers, Suffolk, UK (ISBN: 978-1-87075-246-6)

DECC (2012) *Government response to "Home insulation. A report on the call for evidence carried out by OFT"*, Department of Energy and Climate Change, London, UK. Go to: <http://tinyurl.com/n9i4psx>

DfT (1998) *Manual of contract documents for highway works. Volume 1: Specification for highway works*, HMSO, London, UK (ISBN: 978-0-11552-705-0). Go to: <http://tinyurl.com/nuhk8c3>

DfT (2001) *Manual of contract documents for highway works. Volume 1: Series 2500 Special structures*, HMSO, London, UK. Go to: <http://tinyurl.com/l3tap4z>

DfT (2009) *Manual of contract documents for highway works. Volume 1: Series 600 Earthworks*, HMSO, London, UK. Go to: <http://tinyurl.com/phx5yj>

Appendix H Greenfield Runoff Calculations

Andrew Firebrace Partnership		Page 1
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Fews Lane Green field Runoff volume	
Date 26/06/2020 File GREENFIELD RUNOFF RATE....	Designed by MO Checked by	
XP Solutions	Source Control 2017.1.2	

Greenfield Runoff Volume

FSR Data

Return Period (years)	100
Storm Duration (mins)	360
Region	England and Wales
M5-60 (mm)	20.000
Ratio R	0.450
Areal Reduction Factor	1.00
Area (ha)	0.050
SAAR (mm)	550
CWI	45.000
Urban	0.000
SPR	47.000

Results

Percentage Runoff (%)	30.62
Greenfield Runoff Volume (m ³)	9.137

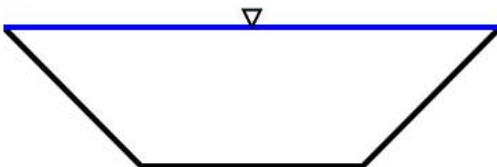
Appendix I Manning's Equation for Watercourse

Manning Formula Uniform Trapezoidal Channel Flow at Given Slope and Depth

Ditch at rear of Few's Lane, Longstandon

Bankfull dimensions estimated from survey drawing. Conservative estimate for channel slope and Manning's roughness.

Inputs			Results	
Bottom width	2	m	Flow area	4.0176 m ²
Side slope 1 (horiz./vert.)	1		Wetted perimeter	5.5072 m
Side slope 2 (horiz./vert.)	1		Hydraulic radius	0.7295 m
Manning roughness, n ?	0.05		Velocity, v	0.5125 m/s
Channel slope	0.001	rise/run	Flow, Q	2.0591 m ³ /s
Flow depth	1.24	m	Velocity head, h _v	0.0134 m
Bend Angle? (for riprap sizing)	0		Top width, T	4.4800 m
Stone specific gravity (2.65)	2.65		Froude number, F	0.17
			Shear stress (tractive force), tau	7.1536 N/m ²
			Implied design ? riprap size based on n	1.3788 m
			Required bottom angular riprap size, D50, Maricopa County	0.0100 m
			Required side slope 1 angular riprap size, D50, Maricopa County	0.0141 m
			Required side slope 2 angular riprap size, D50, Maricopa County	0.0141 m
			Required angular riprap size, D50, per Maynard, Ruff, and Abt (1989)	0.0049 m
			Required angular riprap size, D50, per Searcy (1967)	0.0058 m



Appendix J Micro-drainage Surface Water Calculations – submerged outfall

Andrew Firebrace Partnership		Page 1
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Surface Water Calcs for Plot 3 Fews Lane Longstanton	
Date 27/07/2020	Designed by MO	
File SURCHARGED OUTFALL FOR ...	Checked by	
XP Solutions	Network 2017.1.2	

STORM SEWER DESIGN by the Modified Rational Method

Design Criteria for Storm

Pipe Sizes STANDARD Manhole Sizes STANDARD

FSR Rainfall Model - England and Wales

Return Period (years)	2	PIMP (%)	100
M5-60 (mm)	20.000	Add Flow / Climate Change (%)	0
Ratio R	0.450	Minimum Backdrop Height (m)	0.200
Maximum Rainfall (mm/hr)	50	Maximum Backdrop Height (m)	1.500
Maximum Time of Concentration (mins)	30	Min Design Depth for Optimisation (m)	1.200
Foul Sewage (l/s/ha)	0.000	Min Vel for Auto Design only (m/s)	1.00
Volumetric Runoff Coeff.	0.750	Min Slope for Optimisation (1:X)	500

Designed with Level Soffits

Time Area Diagram for Storm

Time Area
(mins) (ha)

0-4 0.000

Total Area Contributing (ha) = 0.000

Total Pipe Volume (m³) = 0.050

Network Design Table for Storm

PN	Length (m)	Fall (m)	Slope (1:X)	I.Area (ha)	T.E. (mins)	Base Flow (l/s)	k (mm)	HYD SECT	DIA (mm)	Section Type	Auto Design
S1.000	3.598	0.020	179.9	0.000	3.00	0.0	0.600	o	100	Pipe/Conduit	
S1.001	2.748	0.380	7.2	0.000	0.00	0.0	0.600	o	100	Pipe/Conduit	

Network Results Table

PN	Rain (mm/hr)	T.C. (mins)	US/IL (m)	Σ I.Area (ha)	Σ Base Flow (l/s)	Foul (l/s)	Add Flow (l/s)	Vel (m/s)	Cap (l/s)	Flow (l/s)
S1.000	50.00	3.11	6.510	0.000	0.0	0.0	0.0	0.57	4.5	0.0
S1.001	50.00	3.12	6.490	0.000	0.0	0.0	0.0	2.89	22.7	0.0

Andrew Firebrace Partnership		Page 2
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA		Surface Water Calcs for Plot 3 Fews Lane Longstanton
Date 27/07/2020 File SURCHARGED OUTFALL FOR ...		Designed by MO Checked by
XP Solutions		Network 2017.1.2



Manhole Schedules for Storm

MH Name	MH CL (m)	MH Depth (m)	MH Connection	MH Diam., L*W (mm)	PN	Pipe Out Invert Level (m)	Diameter (mm)	PN	Pipes In Invert Level (m)	Diameter (mm)	Back (m)
STANK	7.300	0.790	Open Manhole	1200	S1.000	6.510	100				
SHYDROBRAKE	7.300	0.810	Open Manhole	1200	S1.001	6.490	100	S1.000	6.490	100	
S	7.200	1.090	Open Manhole	0		OUTFALL		S1.001	6.110	100	

Andrew Firebrace Partnership		Page 3
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Surface Water Calcs for Plot 3 Fews Lane Longstanton	
Date 27/07/2020	Designed by MO	
File SURCHARGED OUTFALL FOR ...	Checked by	
XP Solutions	Network 2017.1.2	

PIPELINE SCHEDULES for Storm

Upstream Manhole

PN	Hyd Sect	Diam (mm)	MH Name	C.Level (m)	I.Level (m)	D.Depth (m)	MH Connection	MH DIAM., L*W (mm)
S1.000	o	100	STANK	7.300	6.510	0.690	Open Manhole	1200
S1.001	o	100	SHYDROBRAKE	7.300	6.490	0.710	Open Manhole	1200

Downstream Manhole

PN	Length (m)	Slope (1:X)	MH Name	C.Level (m)	I.Level (m)	D.Depth (m)	MH Connection	MH DIAM., L*W (mm)
S1.000	3.598	179.9	SHYDROBRAKE	7.300	6.490	0.710	Open Manhole	1200
S1.001	2.748	7.2	S	7.200	6.110	0.990	Open Manhole	0

Andrew Firebrace Partnership		Page 4
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Surface Water Calcs for Plot 3 Fews Lane Longstanton	
Date 27/07/2020 File SURCHARGED OUTFALL FOR ...	Designed by MO Checked by	
XP Solutions	Network 2017.1.2	

Area Summary for Storm

Pipe Number	PIMP Type	PIMP Name	PIMP (%)	Gross Area (ha)	Imp. Area (ha)	Pipe Total (ha)
1.000	-	-	100	0.000	0.000	0.000
1.001	-	-	100	0.000	0.000	0.000
				Total	Total	Total
				0.000	0.000	0.000

Surcharged Outfall Details for Storm

Outfall Pipe Number	Outfall Name	C. Level (m)	I. Level (m)	Min I. Level (m)	D,L (mm)	W (mm)
S1.001	S	7.200	6.110	6.110	0	0

Datum (m) 5.970 Offset (mins) 0

Time (mins)	Depth (m)										
60	0.400	540	0.400	1020	0.400	1500	0.400	1980	0.400	2460	0.400
120	0.400	600	0.400	1080	0.400	1560	0.400	2040	0.400	2520	0.400
180	0.400	660	0.400	1140	0.400	1620	0.400	2100	0.400	2580	0.400
240	0.400	720	0.400	1200	0.400	1680	0.400	2160	0.400	2640	0.400
300	0.400	780	0.400	1260	0.400	1740	0.400	2220	0.400	2700	0.400
360	0.400	840	0.400	1320	0.400	1800	0.400	2280	0.400	2760	0.400
420	0.400	900	0.400	1380	0.400	1860	0.400	2340	0.400	2820	0.400
480	0.400	960	0.400	1440	0.400	1920	0.400	2400	0.400	2880	0.400

Simulation Criteria for Storm

Volumetric Runoff Coeff	0.750	Additional Flow - % of Total Flow	0.000
Areal Reduction Factor	1.000	MADD Factor * 10m³/ha Storage	2.000
Hot Start (mins)	0	Inlet Coefficient	0.800
Hot Start Level (mm)	0	Flow per Person per Day (l/per/day)	0.000
Manhole Headloss Coeff (Global)	0.500	Run Time (mins)	60
Foul Sewage per hectare (l/s)	0.000	Output Interval (mins)	1
Number of Input Hydrographs	0	Number of Storage Structures	1
Number of Online Controls	1	Number of Time/Area Diagrams	1
Number of Offline Controls	0	Number of Real Time Controls	0

Synthetic Rainfall Details

Rainfall Model	FSR	Profile Type	Summer
Return Period (years)	2	Cv (Summer)	0.750
Region	England and Wales	Cv (Winter)	0.840
M5-60 (mm)	20.000	Storm Duration (mins)	30
Ratio R	0.450		

Andrew Firebrace Partnership		Page 5
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Surface Water Calcs for Plot 3 Fews Lane Longstanton	
Date 27/07/2020	Designed by MO	
File SURCHARGED OUTFALL FOR ...	Checked by	
XP Solutions	Network 2017.1.2	

Online Controls for Storm

Hydro-Brake® Optimum Manhole: SHYDROBRAKE, DS/PN: S1.001, Volume (m³): 0.9

Unit Reference	MD-SHE-0054-1000-0500-1000
Design Head (m)	0.500
Design Flow (l/s)	1.0
Flush-Flo™	Calculated
Objective	Minimise upstream storage
Application	Surface
Sump Available	Yes
Diameter (mm)	54
Invert Level (m)	6.490
Minimum Outlet Pipe Diameter (mm)	75
Suggested Manhole Diameter (mm)	1200

Control Points	Head (m)	Flow (l/s)
Design Point (Calculated)	0.500	1.0
Flush-Flo™	0.151	1.0
Kick-Flo®	0.332	0.8
Mean Flow over Head Range	-	0.9

The hydrological calculations have been based on the Head/Discharge relationship for the Hydro-Brake® Optimum as specified. Should another type of control device other than a Hydro-Brake Optimum® be utilised then these storage routing calculations will be invalidated

Depth (m)	Flow (l/s)						
0.100	1.0	1.200	1.5	3.000	2.2	7.000	3.4
0.200	1.0	1.400	1.6	3.500	2.4	7.500	3.5
0.300	0.9	1.600	1.7	4.000	2.6	8.000	3.6
0.400	0.9	1.800	1.8	4.500	2.7	8.500	3.7
0.500	1.0	2.000	1.9	5.000	2.8	9.000	3.8
0.600	1.1	2.200	1.9	5.500	3.0	9.500	3.9
0.800	1.2	2.400	2.0	6.000	3.1		
1.000	1.4	2.600	2.1	6.500	3.2		

Andrew Firebrace Partnership		Page 6
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Surface Water Calcs for Plot 3 Fews Lane Longstanton	
Date 27/07/2020	Designed by MO	
File SURCHARGED OUTFALL FOR ...	Checked by	
XP Solutions	Network 2017.1.2	

Storage Structures for Storm

Cellular Storage Manhole: STANK, DS/PN: S1.000

Invert Level (m) 6.510 Safety Factor 2.0
 Infiltration Coefficient Base (m/hr) 0.00000 Porosity 0.95
 Infiltration Coefficient Side (m/hr) 0.00000

Depth (m)	Area (m ²)	Inf. Area (m ²)	Depth (m)	Area (m ²)	Inf. Area (m ²)
0.000	10.5	10.5	0.500	0.0	17.3
0.400	10.5	17.3			

Time Area Diagram at Pipe Number S1.001 for Storm

Total Area (ha) 0.017

Time (mins) Area		
From:	To:	(ha)
0	4	0.017

Andrew Firebrace Partnership		Page 9
Stable Barn Park End Swaffham Bulbeck Cambridge CB25 0NA	Surface Water Calcs for Plot 3 Fews Lane Longstanton	
Date 27/07/2020	Designed by MO	
File SURCHARGED OUTFALL FOR ...	Checked by	
XP Solutions	Network 2017.1.2	

100 year Return Period Summary of Critical Results by Maximum Level (Rank 1) for Storm

Simulation Criteria

Areal Reduction Factor 1.000 Additional Flow - % of Total Flow 0.000
Hot Start (mins) 0 MADD Factor * 10m³/ha Storage 2.000
Hot Start Level (mm) 0 Inlet Coefficient 0.800
Manhole Headloss Coeff (Global) 0.500 Flow per Person per Day (l/per/day) 0.000
Foul Sewage per hectare (l/s) 0.000

Number of Input Hydrographs 0 Number of Storage Structures 1
Number of Online Controls 1 Number of Time/Area Diagrams 1
Number of Offline Controls 0 Number of Real Time Controls 0

Synthetic Rainfall Details

Rainfall Model FSR Ratio R 0.450
Region England and Wales Cv (Summer) 0.750
M5-60 (mm) 20.000 Cv (Winter) 0.840

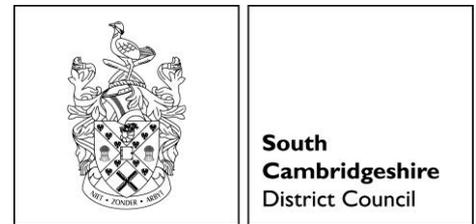
Margin for Flood Risk Warning (mm) 300.0
Analysis Timestep 2.5 Second Increment (Extended)
DTS Status ON
DVD Status OFF
Inertia Status OFF

Profile(s) Summer and Winter
Duration(s) (mins) 15, 30, 60, 120, 180, 240, 360, 480, 600,
720, 960, 1440, 2160, 2880, 4320, 5760,
7200, 8640, 10080
Return Period(s) (years) 1, 30, 100
Climate Change (%) 0, 0, 40

PN	US/MH Name	Storm	Return Period	Climate Change	First (X) SurchARGE	First (Y) Flood	First (Z) Overflow	Overflow Act.
S1.000	STANK	60 Winter	100	+40%	30/15 Summer			
S1.001	SHYDROBRAKE	60 Winter	100	+40%	1/15 Summer			

PN	US/MH Name	Water Level	Surcharged Depth	Flooded Volume	Flow / Overflow Cap.	Pipe Flow	Status	Level Exceeded
		(m)	(m)	(m ³)	(l/s)	(l/s)		
S1.000	STANK	6.905	0.295	0.000	0.22	0.8	SURCHARGED	
S1.001	SHYDROBRAKE	6.906	0.316	0.000	0.06	1.0	SURCHARGED	

Agenda Item 8



13.01.2021

Reference: 20/02453/S73

Site Address: The Retreat Fewes Lane Longstanton CB24 3DP

13 January 2021

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

20/02453/S73– The Retreat, Fewes Lane, Longstanton, CB24 3DP

Proposal: Variation of condition 7 (Traffic Management plan) pursuant to planning permission S/0277/19/FL to reflect the proposals in the Traffic Management Plan to substitute the current wording in Condition 7 with "The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019" (Re-submission of 20/01547/S73)

Applicant: Mr Gerry Caddoo, Landbrook Homes Ltd

Key material considerations: Highway Safety including the safety of all users of the adopted and unadopted highways in the vicinity of the site.

Date of Member site visit: None

Is it a Departure Application?: No

Decision due by: 16th July 2020

Application brought to Committee because: This application has been referred to the Committee as a result of a request by the Parish Council and because, in the opinion of officers, the matter should be determined by the Committee.

Presenting officer: Lewis Tomlinson

Executive Summary

1. Planning permission was granted at planning committee in May 2019 for the erection of 2 dwellings and ancillary parking. This application has been submitted to amend the proposed wording of condition 7 to respond to the specific circumstances on the site and the implications for the traffic management plan with respect to parking.

Relevant planning history

2. Applications relating to the adjacent application site:

S/2439/18/FL – The erection of a 3-bedroom bungalow with parking - Approved

S/2937/16/FL – Proposed erection of a 3-bedroomed bungalow and parking – Allowed on appeal

S/0999/14/FL – Extension and alteration to existing bungalow to provide a house with ground, first and second floors (second floor attic rooms) – Approved

S/2561/12/FL – Erection of two bungalows - Approved

3. Applications relating to the application site:

S/0277/19/COND9 – Condition 9 – foul and surface water drainage – pending consideration

S/0277/19/CONDA – Submission of details required by condition 11 (scheme that demonstrates a minimum of 10% carbon emissions) and 12 (water conservation strategy) of planning permission S/0277/19/FL – Discharged in full

S/4471/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL – pending consideration. This application will replace the need for this.

S/3875/19/DC – Discharge of conditions 4 (hard and soft landscaping), 6 (boundary treatment), 9 (foul and surface water drainage), 11 (renewable energy) and 12 (water conservation) pursuant to planning permission S/0277/19/FL - Refused

S/2508/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL - Refused

S/0277/19/FL – Demolition of the existing bungalow and construction of two dwellings including car parking and landscaping - Approved

S/1059/16/DC – Discharge of condition 3 (materials), 4 (boundary treatment), 5 (hard and soft landscaping), 7 (surface water drainage), 8 (finished floor levels), 13 (traffic management plan) and 14 (archaeology) of S/1498/15/FL - Approved

S/1498/15/FL – Erection of two dwellings – Approved

Planning policies

4. **National Guidance**

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance

National Design Guide 2019

5. **South Cambridgeshire Local Plan 2018**

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in Favour of Sustainable Development

S/7 Development Framework
S/10 Group Villages
CC/3 Renewable and Low Carbon Energy
CC/6 Construction Methods
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/4 Biodiversity
H/8 Housing Density
H/12 Residential space Standards
SC/11 Land Contamination
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/10 Broadband

6. **South Cambridgeshire Supplementary Planning Documents (SPD)**
Trees & Development Sites SPD - Adopted January 2009
District Design Guide SPD - Adopted March 2010
Sustainable Design and Construction SPD 2020

Consultation

Cambridgeshire County Council (Highways Development Control)

7. From the perspective of the Highway Authority the proposed wording of condition 7 is acceptable. (Original comments received 11th June 2020)

"The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019"... please accept this Email as confirmation that the contents of the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019 are acceptable to the Highway Authority. (Further comments received 13th July 2020)

The submission of revised wording for condition 7 of planning application S/0277/19/FL makes no material changes to the scheme as approved. Therefore, the Highway Authority's original assessment of the proposals impact on the operation of the adopted public highway is consistent with the application that has now been made and no additional conditions are required. From the perspective of the Highway Authority the proposed changes to the wording of Condition 7 are acceptable and will negate the need for a further condition requesting a Traffic Management Plan, as this will be complied with via the reworded Condition 7. Within the original consultation response, the Highway Authority sought the following: Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the existing Public Right of Way be constructed using a bound material, for the first ten metres from the back of the footway along High Street. Reason: in the interests of highway safety. This request is reiterated to the Planning Authority. (Revised comments received 6th August 2020)

Contaminated Land Officer

8. This variation application does not relate to contaminated land and therefore I have no comments to make.

Drainage

9. Drainage has no comments to this variation

Environmental Health Officer

10. I can confirm that I have no objections from an environmental health standpoint in respect of the above condition variation. (13th June 2020)

Previous comments of 13.06.20 did refer to the substitution of wording and also the content of the Traffic Management Plan (TMP) itself. It is apparent that there is a proposal for a wheel wash system, and I acknowledge that the TMP states all vehicles leaving the site will be inspected and any mud or debris will be cleaned off. The content of the report itself satisfies the requirements of this particular service. I should however add that the granting of planning consent and submission of a suitable and sufficient TMP wouldn't indemnify against statutory nuisance action being taken should this service receive a substantiated dust complaint subsequent to works commencing. Concerning vehicle movement times, I have observed from the decision notice for S/0277/19/FL that restrictions are in place and therefore fully expect this to be complied with as part of the TMP. (23rd June 2020)

Longstanton Parish Council

11. Having considered this application at their meeting on 13th July 2020, Longstanton Parish Council request that the application be put to Planning Committee and Longstanton Parish Council reiterate their objection to the development. Longstanton Parish Council have expressed concerns at every point of this planning application on the grounds of Highway Safety. It is noted that with this specific application, the applicant proposes to reverse construction lorries down a single lane track which leads to the development site and other dwellings, which also forms part of the public footpath. Longstanton Parish Council have already detailed in previous comments that pedestrians have to stand in the undergrowth for a small vehicle to pass.
12. The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

Representations from members of the public

13. Representations have been received from The Elms, Few's Lane (The Few's Lane Consortium Ltd) dated 10th July 2020, 27th July 2020, 20th August

2020, 23rd August 2020, 3rd September 2020, 8th September 2020 and the 28th September 2020 in relation to the application. The following concerns have been raised (as summarised):

- The CCC's response to the statutory consultation only addressed the changes to the existing planning permission sought by the applicant. This approach commits a straightforward error of law because in considering an application submitted under section 73 of the 1990 Act, the whole scheme now applied for must be considered in accordance with the relevant policy tests.
- Where the CCC has published highways development policies, members of the public may legitimately expect that the CCC will apply those relevant policies in regard to matters of highways development. In the case of this application, the CCC acted unlawfully by responding to the statutory consultation in a manner that failed to apply its published highways development policies in breach of the prospective claimant's legitimate expectation that it would do so.
- No location plan has been submitted for this application. Accordingly, the application relies on the location plan comprised within the application for the extant planning permission (S/0277/19/FL). That location plan fails to identify the land to which the application relates as is required under article 7(1)(c)(i) of the 2015 Order. Application 20/02453/S73 is therefore invalid and can not be determined pursuant to sections 65 and 327A of the 1990 Act.
- The land outlined in red on the location plan submitted for the extant permission (S/0277/19/FL) fails to include all the land necessary to carry out the proposed development as it does not include all of the land required for visibility splays, and no updated location plan was submitted as part of application 20/02453/S73.
- The land required for pedestrian visibility splays is not situated within the adopted public highway and is not included within the red line boundaries of the application site as show on the location plan.
- The location plan, which misidentifies the land to which the application relates, can not, in this instance, serve as the basis of a lawful public consultation as it fails to provide sufficient information to consultees as to the extent of the land to which the application, and therefore the consultation, relates. This information is essential in order to allow statutory consultees and members of the public to intelligently consider and respond to the consultation.
- There is no evidence that the required notices have been sent to the owners of the land to which the application relates as is required under article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Officers of local highway authorities should be able to rely on the fact that application documents that have been validated by the local planning authority and published for consultation correctly depict the land to which the application relates by outlining that land in red on the location plan, as is required under article 7. Whilst in an ideal world, local highway authority officers might be well versed in the nuances of planning law, this is usually not the case, and both statutory consultees

and members of the public rely on the validation opinion of the local planning authority to establish that the land to which the planning application relates has been correctly identified on the location plan in accordance with the relevant legal standards. A local planning authority that consults on an application with an invalid location plan not only violates section 327A of the 1990 Act, but also potentially renders the consultation on the application unlawful on grounds of procedural impropriety. (See *R v North and East Devon Health Authority ex p Coughlan* [1999] EWCA Civ 1871, [2001] Q.B. 213 at [112].)

The site and its surroundings

14. The property known as The Retreat comprises a single-storey dwelling off an unadopted road known as Fews Lane. The single storey dwelling is to be demolished and replaced with 2 two storey dwellings. Parking for these 2 new houses will take place from the site frontage onto Fews Lane. A further single storey dwelling is permitted to be erected in the former garden area to the rear of the two new properties and would complete the “build out of the site which began with the two existing new homes constructed to the west and north west of The Retreat.
15. Fews Lane is not an adopted highway and comprises a single vehicle width gravel/surfaced track. The lane currently serves as an access to a double garage serving 135 High Street and to 3 other dwellings (The Willows and the two other recently constructed dwellings to the west of the Retreat) as well as to development plots at The Retreat. The Lane varies in width and the hard surfaced track runs alongside a tree'd and vegetated area (to the north) with boundaries to No 135 and The Willows to the south side. A footpath (Public Right of Way) linking the Home Farm residential development to the south and west of Fews Lane with High Street emerges onto the south side of Fews Lane at a point to the immediate west of The Willows (and before the existing informal turning area beyond). The site lies within the designated village framework and is otherwise unconstrained.

The proposal

16. The application seeks consent for the variation of condition 7 (traffic management plan) of planning permission S/0277/19/FL to amend the wording of the condition from a pre-commencement submission to a compliance through the approval of a traffic management plan.
17. The current wording of condition 7 of planning permission S/0277/19/FL is:

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 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.
The reason given for the imposition of this condition was “In the interests of highway safety.”

18. The application seeks to amend the wording of condition 7 to:

The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019

19. The application is accompanied by the following supporting information:

- Traffic Management Plan prepared SLR dated December 2019

20. The applicant claims that the submitted Traffic Management Plan (TMP) is informed by lessons learnt during the construction in 2018 of the two existing new homes on the site. The TMP includes details of the arrangements for the delivery of materials, turning movements, enclosure of the site and contractor parking during the construction phase, as well as detailing areas for materials storage (keeping the on-site turning area clear) and the site office. The site circumstances in this case, notably the size of the development plot itself however, mean that space for parking within the site is limited. Accordingly, the Traffic Management Plan refers to provision for contractor parking at Digital Park in Station Road, Longstanton (noting that Few's Lane itself is of inadequate width to accommodate parking adjacent to the site). The Plan also proposes arrangements for addressing condition 15 (control of hours) in respect of vehicles arriving early. The provision of off-site contractor parking has meant however that the terms of part ii of the original planning condition (above) cannot be met and it is this departure from the original condition that has prompted this application.

Planning assessment

21. The application is for the variation of a planning condition and is made under S73 of the Town and Country Planning Act 1990. National Planning Practice Guidance in respect of such applications states:

“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.” [Paragraph: 031 Reference ID: 21a-031-20180615]

22. The principle of development of the dwellings on the site has already been established through the granting of the original application (S/0277/19/FL).

Officers are satisfied that there has been no material change in policy or the surrounding context that requires a re-assessment of any other conditions attached to the approved development. The assessment for this application focuses on the proposed variation of condition 7, including consideration of the reasons for the condition and the acceptability of the proposed changes to the condition that are being sought. This centres upon the assessment of the acceptability of the submitted Traffic Management Plan having regard to highway safety.

23. Having regard to the representations received, officers have interpreted “highway safety” in this context to mean the safety of all users of the highway, including users of the PROW along the unadopted Few Lane and the existing users of the unadopted road that comprises Few Lane as well as pedestrian and vehicle users of the High Street passing the entrance to Few Lane.

Highway Safety – Traffic Management Plan

Traffic Management Plan Assessment

24. The construction of any development gives rise to additional movements during the construction phase – including contractor vans and larger delivery vehicles (and some HGV) such as building suppliers delivery vehicles and concrete trucks etc. During the construction phase therefore, existing residents of Few Lane and users of the public right of way, together with those passing by the access will at certain times experience an increase in the number of vehicles, including delivery vehicles attending the site. The TMP estimates construction traffic trips each month to be in the order of approximately 40 van movements, 6 concrete lorries (in month 1 plus 4 more trips in total over the following 5 months), 3 X 8 wheelers, 2 low loaders and 6 lorry movements. The TMP provides details of the sites layout seeking to accommodate these movements, including an indication of the swept path and a turning area within the site – but reflecting its restricted size.
25. The Council has consulted the Local Highway Authority as the consultee for matters regarding highway safety. The Local Highway Authority, originally expressed concerns about the earlier TMP submission which resulted in the refusal of the earlier application S/2508/19/DC, for the following reasons:

1. The title page states that the document is a Transport Management Plan this should be amended to read Traffic Management Plan.

2. Page 2. Para. 2.2: Few Lane is a public footpath and as such is adopted public highway, this means that the public at large have the right to pass and repass. This should be made explicit.

3. Page 3 Para. 3.3: the purpose of the TMP is to control the operation and use of construction traffic accessing a construction site in relationship to the operation of the adopted public highway.

4. Page 3 Para. 3.2.1: details of any gates must be supplied within the TMP to ensure that they do not interfere with the use of the adopted public highway.

5. Page 4 para. 3.2.2.:

- i. Justification for the level of proposed contractor parking must be provided.*
- ii. A swept path diagram showing how the bays as shown on Dwg. 11 must be provided as the bays seem to be impractical at present.*

6 Page 5 para 3.2.3.:

- i. The restriction on times of operation must also apply to any muck away vehicles and not just deliveries.*
- ii. Please request the applicant to provide details of how the proposed ban on parking in the surrounding residential streets will be enforced.*
- iii. The table showing the forecast of commercial vehicles that will visit the site, demonstrates that the swept path diagram on Drawing 11 is inadequate to show that all delivery/muck away lorries can enter and leave in a forward gear. A swept path analysis for the largest commercial vehicle to visit the site must be provided.*
- iv. Details of how commercial vehicles exiting and entering Fews Lane will be controlled must be provided.*

7. Page 6 para 3.2.5 this should not form part of the TMP.

26. Officers have noted the earlier response of the Highway Authority and its more recent consideration (reported above) of the revised submission. Officers accept the conclusions of the Local Highway Authority to the more recent submissions. Having specific regard to the relatively short length of Fews Lane, its character, variable width and surface material, officers consider that vehicle movements along it are likely to take place with care - so that both drivers of vehicles and pedestrians would be able to appreciate and address any potential for conflict. For larger vehicle movements (where the turning area is insufficient - because of the size of the site itself) officers have noted that the TMP proposes that vehicles would reverse into the site with the assistance of a "banksman" to maintain safety along Fews Lane during these manoeuvres. The Parish Council and third parties have expressed concern about this approach, but officers consider there to be few practical or safer alternatives to this approach for a development of this scale – where the number of large vehicle movements will be limited. The TMP commits to keep clear access to the existing homes along Fews Lane throughout the construction phase and to maintain the right of way clear of obstructions for pedestrians.

27. The third-party representations and Parish comments highlight a number of concerns surrounding access and movements of vehicles into and along Fews Lane. Insofar as any TMP can address these issues when the application site is of this size, officers are satisfied with the Highway Authority conclusions that the measures outlined in the TMP are appropriate. Vehicle speeds along Fews Lane itself are in officers view likely to be low (a 5mph limit is proposed in the TMP) and subject to normal care and consideration, the risk to pedestrians and vehicle drivers using and entering/leaving Fews Lane is accordingly considered to be satisfactorily addressed by the TMP. At the access point into Fews Lane, intervisibility between vehicles or pedestrians on the High Street and Fews Lane, noting the existing footway width along High Street and the position of hedges and boundaries, has been judged to be appropriate. The Local Highway

Authority officers are familiar with this site and have made it clear that they now find the TMP to be acceptable as it overcomes the concerns raised in S/2508/19/DC.

28. The Local Highway Authority has recommended an additional condition regarding the existing Public Right of Way to be constructed using bound material. Paragraph 48 of the officer committee report for S/0277/19/FL states that 'the requested works requiring the surface of Few's Lane to be constructed using a bound material' will be within the public highway (PROW) and therefore can be carried out under a Short Form Section 278 Agreement between the applicant and Cambridge shire County Council. Therefore, no condition is imposed in line with S/0277/19/FL.
29. There have also been substantial third-party representations in respect of the application concerning its validity, the details provided and the application by the County Council of its Highway Policies. Officers have considered these matters and remain satisfied that the application is valid, notwithstanding the representations submitted, and can therefore be determined by the Committee. The assessment of the proposals by County Highway officers reported above is also considered to be satisfactory – noting that the application of County Council policies are matters of judgment based upon the specific site circumstances. Officers have no reason to disagree with the conclusions of the County Highway officers in this matter, including on the matter of the need for an explicit visibility splay to be shown for pedestrians at the site entrance.
30. In relation to the point raised by the third party that there is no evidence that the required notices have been sent to the owners of the land to which the application relates as is required under article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant has signed certificate D and supplied the necessary documentation to evidence this.
31. Over the last six months or more a number of letters and emails between the Council and Few's Lane Consortium Limited ("FLCL") have been submitted in connection with the red line shown on the Location Plan for planning permission S/0277/19/FL – the original planning permission for this site.
32. On 13th November 2020 Few's Lane Consortium Ltd sent an email to the Council's legal officer which included the following:

“...In regards to the prospective judicial review claims concerning the proposed developments at [separate site identified], and The Retreat, Few's Lane, Longstanton, the Consortium would like to thank the Council pre-action protocol responses. The Consortium disagrees with the positions asserted in the Council's pre-action protocol responses and continues to maintain that the Council has no lawful authority to entertain these applications pursuant to S. 327A of the 1990 Act and article 7 of the DMPO

2015. The Consortium is likely to issue proceedings in regard to both applications as the pre-action protocol has now been completed....”

33. Proceedings have not to date been issued and the Council is waiting to hear from FLCL as to its intentions as to any proceedings. The Council does not agree that it has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. An extensive bundle of correspondence between FLCL and the Council (together with an index) is attached to this report. In the event that any further submissions are received that are material to the Committee’s consideration of this matter, officers will provide an update to the meeting. It remains the Council position however that the Committee are entitled to determine the application before them.

Planning balance and conclusion

34. Taking into consideration the above points, including the site history, Parish Council comments, the third party representations and the advice from the Local Highway Authority, officers consider that the proposed rewording of condition 7, which has the effect of agreeing the measures in the submitted Traffic Management Plan, is acceptable. It is therefore recommended that planning permission is granted subject to conditions (with the revised wording to condition 7) imposed on planning permission S/0277/19/FL

Recommendation

Officers recommend that the Planning Committee Approve the application subject to the following conditions and informative:

- 1 Conditions 3-6 and 8-16 of planning permission S/0277/19/FL (set out below as conditions 3-6 and 8-16) shall continue to apply to this permission. Where such conditions pertaining to 1S/0277/19/FL have been discharged, the development of 20/02453/S73 shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.
Reason To define the terms of the application.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.
- 3 The materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be as described in the application form or shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Where

materials are approved by the Local Planning Authority, the 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 HQ/1 of the South Cambridgeshire Local Plan 2018)

- 4 Prior to the first occupation of the development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. 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 HQ/1 and NH/6 of the adopted South Cambridgeshire Local Plan 2018)
- 5 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 HQ/1 and NE/6 of the South Cambridgeshire Local Plan 2018)
- 6 Prior to the first occupation of the development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment for each dwelling shall be completed before that/the 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 HQ/1 of the adopted South Cambridgeshire Local Plan 2018.)
- 7 The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019 unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety

- 9 No development above slab level shall occur until schemes for the provision and implementation of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The schemes 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 an implementation programme agreed in writing with the Local Planning Authority.

(Reason - To reduce the risk of pollution to the water environment, to ensure a satisfactory method of foul water drainage and to reduce the risk of flooding in accordance with Policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018).

10 All finished floor levels shall be a minimum of 300 mm above the existing ground level.

(Reason - To reduce the risk of flooding in accordance with policy CC/9 of the South Cambridgeshire Local Plan 2018)

11 No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the development.

(Reason - In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and paragraphs 148, 151 and 153 of the National Planning Policy Framework 2018 that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.).

12 The development hereby approved shall not be occupied a water conservation strategy, which demonstrates a minimum water efficiency standard equivalent to the BREEAM standard for 2 credits for water use levels unless demonstrated not practicable, has been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

(Reason - To improve the sustainability of the development and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the south Cambridgeshire Local Plan 2018.).

13 The dwellings hereby approved shall not be occupied until they have been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.(Reason - To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the development, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.).

14 During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays, or before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

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

- 15 During the period of demolition and construction, no deliveries shall be made to and from the site between 0730 and 0930 hours and between 1500 and 1800 hours on weekdays or before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority. .(Reason - To minimise noise disturbance for adjoining residents and to reduce potential conflicts with pedestrians, particular schoolchildren using Fews Lane and High Street in accordance with Policy CC/6 and HQ/1 of the South Cambridgeshire Local Plan 2018)..
- 16 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 and B 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 protection of residential amenity and the character of the area in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018).

Index

Doc		Page(s)
1	Letter from Fews Lane Consortium Ltd dated 27 July 2020	1 – 2
2	(a) Email from Stephen Reid to Daniel Fulton dated 27 July 2020 (b) Advice of Charles Streeton of FTB dated 27 July 2020	3 – 4 5 – 10
3	Letter from Fews Lane Consortium Ltd dated 4 August 2020	11 – 12
4	Letter to Fews Lane Consortium Ltd dated 18 August 2020	13 – 18
5	Letter from Fews Lane Consortium Ltd dated 20 August 2020	19
6	(a) Email from Stephen Reid to Daniel Fulton dated 21 August 2020 (b) Copy Letter from Daniel Fulton to County Highways dated 3 December 2018 (c) Copy Letter from County Highways to Daniel Fulton dated 12 December 2018	20 – 22 23 – 26 27 – 29
7	Letter from Fews Lane Consortium Ltd dated 23 August 2020	30 – 32
8	Letter to Fews Lane Consortium Ltd dated 26 August 2020	33 – 38
9	Letter from Fews Lane Consortium Ltd dated 3 September 2020	39
10	Letter to Fews Lane Consortium Ltd dated 4 September 2020	40 – 41
11	(a) Email from Stephen Reid to Daniel Fulton dated 8 September 2020 (b) Letter from Fews Lane Consortium Ltd dated 8 September 2020	42 – 43 44 – 49
12	Letter from Fews Lane Consortium Ltd dated 28 September 2020	50 – 55
13	(a) Email from Stephen Reid to Daniel Fulton dated 16 October 2020 (b) Letter to Fews Lane Consortium Ltd dated 16 October 2020	56 57 – 64
14	Email from Daniel Fulton to Stephen Reid dated 26 October 2020	65
15	Email from Stephen Reid to Daniel Fulton dated 26 October 2020	66 – 68
16	(a) Letter from Fews Lane Consortium Ltd dated 29 October 2020 (b) Audio Transcription of SCDC Planning Committee 13 February 2019	69 – 70 71 – 88
17	Email from Daniel Fulton to Stephen Reid dated 13 November 2020	89 – 90
18	Email from Stephen Reid to Daniel Fulton dated 16 November 2020	91 – 94
19	Email from Daniel Fulton to Stephen Reid dated 2 December 2020	95 – 97

Doc		Page(s)
20	Email from Stephen Reid to Daniel Fulton dated 23 December 2020	98 – 101
21	Email from Stephen Reid to Daniel Fulton dated 29 December 2020	102 – 108
22	Report to Planning Committee dated 18 December 2020	109 - 119

27 July 2020

South Cambridgeshire District Council
FAO 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sirs

Judicial Review Pre-action Protocol Letter: 20/02453/S73

- (1) The South Cambridgeshire District Council (the "**Council**") is the prospective defendant in a claim for judicial review. A copy of this letter has been sent to the Council by first class post at the address written above.
- (2) The prospective claimant is the Fews Lane Consortium Ltd (the "**Consortium**"), The Elms, Fews Lane, Longstanton, CB24 3DP. The Consortium is a community action group that represents the interests of local residents in issues of planning and development.
- (3) The claim concerns the Council's consideration of planning application 20/02453/S73 for the demolition of the existing bungalow and the erection of two dwellings with parking at The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP.
- (4) The decision to be challenged is the Council's decision to entertain planning application 20/02453/S73 contrary to the provisions of section 327A of the Town and Country Planning Act 1990 (the "**1990 Act**") and article 7(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the "**DMPO 2015**").
- (5) The prospective claimant considers the applicant to be an interested party. A copy of this letter has been sent to the applicant, Landbrook Homes Ltd, at 36a Church Street, Willingham, Cambridge CB24 5HT.
- (6) Article 7(1) of the DMPO 2015 states that an application for planning permission must "include the particulars specified or referred to in the form".
- (7) The application form states that:

"The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings)."
- (8) The land outlined in red on the location plan submitted for the extant permission (S/0277/19/FL) fails to include all the land necessary to carry out the proposed development as it does not include

all of the land required for visibility splays, and no updated location plan was submitted as part of application 20/02453/S73.

(9) Section 327A of the 1990 Act states that:

“(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—(a) the form or manner in which the application must be made; (b) the form or content of any document or other matter which accompanies the application. (2) The local planning authority must not entertain such an application if it fails to comply with the requirement.”

(10) The question of whether or not visibility splays are required in order for the proposed development to be acceptable in planning terms is a matter of planning judgment that is within the purview of the decision maker. However, pursuant to section 327A of the 1990 Act, the Council does not have the discretion to decide that it will entertain an application that fails to comply with a requirement as to the form or content of any document which accompanies the application.

(11) Accordingly, it would be unlawful for the Council to proceed with the consideration of this application unless or until the relevant requirements have been fulfilled.

(12) Should the Council proceed with its unlawful consideration of the application, the prospective claimant will seek a court order to quash the Council's decision to validate and subsequently entertain the application, a declaration that Council has erred in law, and an order that the Council pay the prospective claimant's costs in the claim.

(13) The Consortium would prefer to resolve this dispute without the need for legal proceedings to be issued and would agree to participate in an appropriate form of ADR.

(14) The Consortium intends to issue proceedings as an Aarhus Convention claim pursuant to Parts 45.41 – 45.45 of the Civil Procedure Rules because the claim challenges the legality of a decision of a body exercising a public function which is within the scope of Article 9(2) of the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters agreed at Aarhus, Denmark on 25 June 1998 (the Aarhus Convention).

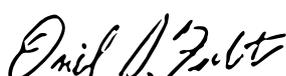
(15) Although funding has not yet been arranged for the claim, the Consortium does not envisage that it will be necessary to propose any variation of the standard limits on recoverable costs as stated in Parts 45.43(2)(b) and 45.43(3) of the Civil Procedure Rules.

(16) In the event that a claim does become necessary, a statement of the prospective claimant's financial resources and a statement of financial support received will be provided to the prospective defendant at the earliest opportunity and no later than the time the claim is issued.

(17) The Consortium's address for the response and service of documents is: Few's Lane Consortium Ltd, The Elms, Few's Lane, Longstanton, Cambridge CB24 3DP. Please note that the Few's Lane Consortium Ltd does NOT accept service by email.

(18) The Consortium would like to propose a reply date of 10 August 2020, which is 14 days from the date of this letter.

Kind regards



Daniel Fulton
Director

From: Stephen Reid
Sent: 27 July 2020 14:16
To: Daniel Fulton <dgf@fewslane.co.uk>
Cc: Sharon Brown <Sharon.Brown@greatercambridgeplanning.org>; Nigel Blazeby <Nigel.Blazeby@greatercambridgeplanning.org>; Smith Jemma <Jemma.Smith@scambs.gov.uk>; Sexton Michael <Michael.Sexton@greatercambridgeplanning.org>
Subject: 95 Bannold \ |road waterbeach 20/01138/OI

Dear Mr Fulton,

In the light of your letter of 1st July in relation to the site at 95 Bannold Road, Waterbeach and being mindful that when a new application is received you might once again raise the issue of visibility splays (if the red line location plan does not show these within the red line where they form part of the existing adopted highway) a copy of your letter was sent to Counsel ,Mr Charles Streeten of Francis Taylor Building , to advise .

I was also mindful that you have raised matters as to the nature of visibility splays on at least one other occasion previously and where I was unable to persuade you as to the validity of an application where visibility splays were not included in the relevant red line location plan

A copy of Mr Streeten's advice is attached and we would ask for your early comments if it is was your intention to again issue a letter before action in relation to visibility splays. Preferably we would like to have a substantive response within the next 8 working days unless you say that for some reason that would cause you a difficulty in which case please explain why.

May we also invite you to consider taking your own advice from Counsel instructed at your end as to the attached so that if there are any contrary views we can put these to Mr Streeten at the earliest opportunity.

In the event that you do not provide substantive comments as to the attached but you issue a Pre-Action protocol letter as to any new application in relation to 95 Bannold Road, Waterbeach, we reserve the right to refer to the attached advice .

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice



Telephone: 0781 7730893

Email: stephen.reid@3csharedservices.org

3C Shared Services is a strategic partnership between Cambridge City Council, Huntingdonshire District Council and South Cambridgeshire District Council

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- *We will make sure our clients are aware of the Practice's complaints procedure.*
- *We will agree key deadlines/operational requirements with clients within 5 working days.*
- *We will regularly update our clients on progress (weekly unless no movement on a particular matter)*

From: Stephen Reid

Sent: 20 July 2020 14:12

To: Nigel Blazeby <Nigel.Blazeby@greatercambridgeplanning.org>

Cc: Sharon Brown <Sharon.Brown@greatercambridgeplanning.org>; Carter Chris

<Chris.Carter@greatercambridgeplanning.org>; Sexton Michael

<Michael.Sexton@greatercambridgeplanning.org>; Smith Jemma <Jemma.Smith@scambs.gov.uk>

Subject: SOUTH CAMBS ADVICEJuly20th

Dear Nigel,

If you or colleagues have any comments please let me know.

Stephen Reid

Senior Planning Lawyer

3C Shared Services – Legal Practice



Telephone: 0781 7730893

Email: stephen.reid@3csharedservices.org

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- *We will regularly update our clients on progress (weekly unless no movement on a particular matter)*

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**APPLICATION REFERENCE 20/01138/OUT
95 BANNOLD ROAD, WATERBEACH, CAMBRIDGE, CB25 9LQ**

**APPLICATION OF ARTICLE 7 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

ADVICE

Introduction

1. I am asked to advise South Cambridgeshire District Council (“the **Council**”) regarding what purports to be a letter sent pursuant to the pre-action protocol for judicial review sent by ‘Fews Lane Consortium Limited (“the **Consortium**”) on 1 July 2020. The Consortium proposes to challenge a decision, if taken, to grant planning permission for development under application reference 20/01138/OUT (“the **Application**”) described as “outline planning permission with all matters reserved except for access for the demolition of the existing house and the erection of five dwellings” (“the **Development**”) at 95 Bannold Road, Waterbeach, Cambridge, CB25 9LQ (“the **Site**”).
2. The basis of the Consortium’s proposed claim is an allegation that any decision to grant planning permission for the Development would not accord with the requirements imposed by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the **2015 Order**”) and thus would also be in breach of section 327A of the Town and Country Planning Act 1990 (“the **1990 Act**”). Specifically, it is alleged that the land outlined in red on the location plan for the Application does not include all of the land necessary to carry out the proposed development as it does not include all of the land required for visibility splays.

Summary of Advice

3. For the reasons set out further below I am of the opinion that:

- a. The Council granting planning permission for development which relies on adopted highway land outside the red line site boundary as part of the visibility splays is not, in my view, in breach of the requirements of the 2015 Order.
- b. At present, it would appear that there is land falling outside the red line Site boundary which will be developed. The red line should therefore be amended to include this land. However, it is not necessary to include in that amended boundary all of the land required as visibility splay. Provided the land on which operational development will take place is within the red line boundary, and the remaining land is adopted highway, I am of the view that the requirements of the 2015 Order will be complied with.
- c. Even if I am wrong in relation to the above, the prospect of a claim for judicial review succeeding is low.

Law

The Statutory Scheme

4. The 2015 Order is made, inter alia, pursuant to section 59 of the 1990 Act. It dictates the procedure by which planning applications must be determined.
5. Section 327A of the 1990 Act states:

“(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—(a) the form or manner in which the application must be made; (b) the form or content of any document or other matter which accompanies the application.(2)The local planning authority must not entertain such an application if it fails to comply with the requirement.”
6. Thus a local planning authority should not entertain an application for planning permission unless it complies with the requirements of the 2015 Order.

Non-Compliance with the DMOP

7. It should, however, be noted that notwithstanding the apparently strict wording of section 327A, the High Court has made clear that a breach of the requirements in the 2015 Order does not, necessarily, mean that a grant of planning permission will be quashed (see *R (Bishop) v Westminster CC* [2017] EWHC 3102 (Admin) at para. 23). Rather, the court retains its discretion regarding whether or not to quash a planning permission granted in breach of the 2015 Order. Indeed, in a case where it is 'highly likely' that the outcome would not have been substantially different absent the error, the court is under a duty pursuant to section 31 of the Senior Courts Act 1981 (as amended) to refuse both permission for judicial review and relief.
8. Thus, whilst local planning authorities should always seek to ensure that the requirements of the 2015 Order are properly followed, it may be that an inadvertent failure to follow the procedural requirements set down is not fatal to a grant of planning permission.

Article 7 of the 2015 Order

9. Article 7 of the 2015 Order is entitled "General requirements: applications for planning permission including outline planning permission". Article 7(1)(b) requires that an application for planning permission must "include the particulars specified or referred to in the form". It should also be noted that Article 7(1)(c) requires the application be accompanied *inter alia* by (i) a plan which identifies the land to which the application relates; (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application.
10. The section of the application form to which the Consortium refers reads:

"The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings)."
11. This is also reflected in the Government's Planning Practice Guidance ("**PPG**") which says at reference ID 14-024-20140306:

"The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping,

car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.”

12. In interpreting these words it is important not to lose sight of their context. They have not been drafted as would a policy, still less with the care given to the drafting of legislation. In both cases are intended as practical guidance to those completing an application for planning permission. They should therefore be read with a considerable degree of common sense and not subjected to exegetical legal analysis. If authority is required for this proposition, it is to be found in *R (Solo Retail Limited) v Torridge DC* [2019] EWHC 489 (Admin) at para. 33.

Analysis

13. The particular issue upon which I am asked to advise relates to the location of the visibility splays required by the Highway Authority to ensure the access to the Development is safe. Essentially, the visibility splays required for the proposed access extend beyond the red line boundary. I am instructed, however, that all the land outside the red line boundary covered by those visibility splays is within the existing adopted highway.
14. The issue, therefore, is whether planning permission for the Development can be granted, notwithstanding that an area included within the visibility splay is on adopted highway outside the red line boundary. My view is that it can:
- a. Firstly, the text of both the application form and the guidance refers to “all land necessary to carry out the proposed development”. In my view, the word development is of central importance. If land is not being developed, it does not need to be included within the red line boundary. Thus, although land that is not adopted highway such that its use needs to be changed to be used as a visibility splay, it may need to be shown within the red line boundary, where the land used for the visibility splay is already adopted highway, and no operational development is required, it does not need to be included within the red line.
 - b. Secondly, an over literal reading of the application form and PPG would create absurd results. As those instructing rightly point out, both refer to car parking and open areas around buildings. However, if the development proposed does not include any car parking it plainly would not be invalid if the red line on the location plan did not show land for car parking. Similarly, if the application was such that

the footprint of a proposed building meant there were to be no open areas around it, the effect of the application form is clearly not intended to be that the application is invalid because it fails to show any open areas. On the contrary, as both the form and the PPG make clear, the references given are mere examples, and are not intended to be prescriptive or exhaustive. Ultimately, what land is necessary to carry out the proposed development will be a matter of judgement for the local planning authority to determine on the facts of any given case.

15. I should add, as a caveat to the above (and leaving aside the questions which arise where works are carried out pursuant to an agreement under section 278 of the Highways Act 1980), that if operational development such as engineering works are required to provide or alter an access, this may amount to development and should, therefore, be included within the red line boundary.

16. Applying these principles, in my opinion:

- a. Provided that all of the relevant land upon which works to create the access for the Development fall within the red line boundary, the Council would be entitled to conclude that the land necessary to carry out the proposed development does not include land falling within the visibility splays but outwith the red line boundary, which is adopted highway.
- b. Looking at the plans, it would appear that there is land outside the red line boundary which will need to be developed to provide the access to the proposed development. The red line boundary should be amended to include this land.
- c. Provided that the red line boundary is amended to include the land upon which operational development is required to provide the access, it is not necessary to include within the red line boundary other land which is adopted highway and forms part of the relevant visibility splay.

17. I do not, therefore, agree with the Consortium's reasons for asserting that it would be a breach of the 2015 Order or unlawful to grant planning permission for the Development. However, in my view the red line boundary will need to be amended to include land on which operational development is proposed.

18. Moreover, even if I am wrong about that, I am of the view that the prospects of bringing a successful claim for judicial review would be low. I cannot see what prejudice could be said to result from not including adopted highway land forming part of the visibility splay within the red line boundary for the development and, in any event, a claim for judicial review would be likely to be refused permission and/or relief pursuant to section 31 of the Senior Courts Act 1981 on the basis that it is highly likely the outcome would not have been substantially different absent any error of law identified.

Conclusion

3. My conclusions are set out further in the summary of advice above. If I can be of any further assistance, those instructing should not hesitate to contact me.

Charles Streeten
Francis Taylor Building

20 July 2020

4 August 2020

Mr Stephen Reid
3C Shared Services Legal Practice
c/o South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

VIA EMAIL ONLY

Dear Mr Reid

Response to legal advice concerning visibility splays at 95 Bannold Road, Waterbeach

- (1) The Consortium agrees with Mr Streeten's advice that the instructions in the application form must be applied in a common sense manner to the development proposed by any particular application. For example, if a development in a city centre envisages pedestrian access only, it would be absurd to require visibility splays for a nonexistent vehicular access.
- (2) The Consortium concurs that any land on, in, over, or under which operational development is required for a visibility splay must be included within the red line boundaries of the application site.
- (3) We also concur that any land requiring a material change of use must be included within the red line boundaries of the application site.
- (4) We do not necessarily concur that land that is within the adopted public highway on which no operational development is required and which requires no material change of use may be excluded from within the red line boundaries of the application site. For example, where trees interfering with a visibility splay are located within the boundaries of the adopted public highway, we would argue that it would be appropriate to include that land in the red line boundaries of the application site. Although the felling of trees is not operational development, the use of the land upon which the trees are growing is clearly material to the decision and therefore forms part of the land to which the application relates.
- (5) It is acknowledged that the usual practice of the local highway authority is to request that any visibility splays be located within the red line boundaries of the application site or within the boundaries of the adopted public highway. However, we are unsure of what the local highway authority's rationale is for this practice.
- (6) If the local highway authority wishes to agree to maintain a visibility splay within the boundaries of the adopted public highway, it is free to enter into a legal agreement to do so, but it is by no means obliged to facilitate private development of other land by agreeing to maintain a visibility splay on public land at public expense in every case.

- (7) In regards to the site at 95 Bannold Road specifically, Mr Streeten's advice appears to be predicated upon the supposition that the land between the current southernmost red line boundary of the application site and the northernmost edge of the carriageway of Bannold Road is entirely within the adopted public highway. Whilst this may well be the case, we are unable to rely on this supposition without having seen any evidence to support it.
- (8) We will note that we agree with the Council's trees officer's assessment that the existing hedgerow along the application site's frontage on Bannold Road makes an important contribution to the street scene and should be retained in any approved development. Although no operational development or change of use appears to be required for the land on which the hedge is situated, we feel that following a common sense approach would warrant including this land within the red line boundaries of the application site.
- (9) It is difficult to see how anyone's interests could be prejudiced by the Council insisting that the entire 43 metre x 2.4 metre visibility splays are included within the red line boundaries of the application site, the appropriate notices being served upon the owners of land within the application site, and the appropriate ownership certificate being filed by the applicant.
- (10) I would also note that section 327A of the Town and Country Planning Act 1990 prohibits local authorities from even entertaining applications that fail to comply with the requirements as to the form or manner in which an application must be made. As such, I would submit that the local planning authority's validation decision itself is subject to judicial review, not merely the final decision on the application. As the planning history for The Retreat, Fews Lane, Longstanton, illustrates, entertaining invalid planning applications can be an extraordinarily wasteful use of public resources.
- (11) Lastly, there have been numerous instances of planning applications in South Cambridgeshire over the past two years where the local highway authority has based its advice on highway safety conditions at least in part on the position of the red line boundaries of the application site. Accordingly, if the local highway authority is to continue taking the red line boundaries of the application site into consideration in deciding what planning conditions are reasonable or necessary in planning terms, then it is necessary that the requirements governing the positioning of the red line boundaries are applied in a manner that is both consistent and logically coherent.
- (12) If the local highway authority is to take into account the position of the red line boundaries of the application site in determining which planning conditions are reasonable and/or necessary, an arbitrary decision on the positioning of the red line boundaries would render the local highways authority's advice arbitrary as well, and I would submit that a statutory consultee offering advice on an arbitrary basis could potentially be unlawful.
- (13) I hope this response will prove useful in elucidating the Consortium's reasons for issuing a pre-action letter in regards to the planning application in question.

Kind regards,



Daniel Fulton
Director

FAO Daniel Fulton, Director
Fews Lane Consortium Ltd
The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

Practice Ref: SR
Your Ref:

Date: 18 August 2020

Dear Sir

**Proposed Claim for Judicial Review in Relation to Prospective Planning Permission
20/02453/S73**

We write in relation to your pre-action protocol letter dated 27th July 2020 in which you indicate your intention to challenge by way of judicial review the Council's decision to entertain a planning application ref 20/02453/s73.

The Prospective Claimant

[REDACTED]

The Prospective Claimant would be Fews Lane Consortium Ltd.

The Prospective Defendant

[REDACTED]

3C Shared Services – The Legal Practice

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Response to the claim

3. Subject to the applicant submitting a red line location plan identical to that submitted under planning reference S/0277/19/FL and/or the applicant confirming the s.73 application is in relation to the same red line location plan submitted under planning reference S/0277/19/FL any claim challenging a planning permission because the red line location plan does not show vehicular visibility splays will be considered to be without merit and will be resisted.
4. Your claim challenges a section 73 application under planning reference 20/02453/s73 (the "Application") in relation to the grant of planning permission for the erection of 2 dwellings with parking.
5. The principles on which a claim for judicial review of a decision to grant planning permission may be brought have been shortly stated by Lord Justice Lindblom in *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 at paragraph 42. We do not set out these fundamental principles out in full in this letter but they are referred to where appropriate below.
6. While your letter of 27th July 2020 makes various assertions by way of complaint about the omission of visibility splays it is felt the Consortium has failed to substantiate how an alleged error of law will arise .
7. The Council has noted earlier complaints on a similar matter in relation to a planning application for development in Waterbeach. In response to that complaint, the Council sought advice from Counsel and responded to the Consortium. The Council's advice from Charles Streeten of Counsel on that matter was provided to the Consortium.
8. Turning to the points made at paragraph 10 of your letter, and which is set out below for ease of reference.

"..(10) The question of whether or not visibility splays are required in order for the proposed development to be acceptable in planning terms is a matter of planning judgment that is within the purview of the decision maker. However, pursuant to section 327A of the 1990 Act, the Council does not have the discretion to decide that it will entertain an application that fails to comply with a requirement as to the form or content of any document which accompanies the application..."
9. The basis of the Consortium's proposed claim is an allegation that any decision to grant planning permission for the Development pursuant to the Application would not accord with the requirements imposed by the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the 2015 Order") and thus would also be in breach of section 327A of the Town and Country Planning Act 1990 ("the 1990 Act"). It appears alleged that the land outlined in red on the location plan for S/0277/19/FL does not include all of the land necessary to carry out the proposed development as it does not include all of the land required for visibility splays.
10. In relation to the similar point raised by the Consortium albeit on a completely different site and in a completely different location Charles Streeten of FTB has advised that for the reasons set out further below he is of the opinion that:

- a. The Council granting planning permission for development which relies on adopted highway land outside the red line site boundary as part of the visibility splays is not in breach of the requirements of the 2015 Order.
- b. Provided land on which any operational development will take place is within the red line boundary, and the remaining land is adopted highway, Mr Streeten is of the view that the requirements of the 2015 Order will be complied with and it is not necessary to include in the red line boundary all of the land required as visibility splay where such land is part of the adopted highway
- c. Even if he is wrong in relation to the above, the prospect of a claim for judicial review succeeding in the case where he was asked to advise was low. Given the similarities of that matter and the current complaint, the Council is of a similar opinion in relation to the Application provided that a red line boundary plan is submitted in a form identical to that submitted under S/0277/19/FL and/or the applicant confirming the s.73 application is in relation to the same red line location plan submitted under planning reference S/0277/19/FL.

11. Law

The Statutory Scheme

11.1 The 2015 Order is made, inter alia, pursuant to section 59 of the 1990 Act. It dictates the procedure by which planning applications must be determined.

11.2 Section 327A of the 1990 Act states:

“(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—(a) the form or manner in which the application must be made; (b) the form or content of any document or other matter which accompanies the application.

(2) The local planning authority must not entertain such an application if it fails to comply with the requirement.”

11.3 A local planning authority should not entertain an application for planning permission unless it complies with the requirements of the 2015 Order but please note the comments under paragraphs numbered 12 and 22 below.

12. Non-Compliance with the DMOP

12.1 It should, however, be noted that notwithstanding the apparently strict wording of section 327A, the High Court has made clear that a breach of the requirements in the 2015 Order does not, necessarily, mean that a grant of planning permission will be quashed (see *R (Bishop) v Westminster CC* [2017] EWHC 3102 (Admin) at para. 23). Rather, the court retains its discretion regarding whether or not to quash a planning permission granted in breach of the 2015 Order. Indeed, in a case where it is ‘highly likely’ that the outcome would not have been substantially different absent the error, the court is under a duty pursuant to section 31 of the Senior Courts Act 1981 (as amended) to refuse both permission for judicial review and relief.

13. **Article 7 of the 2015 Order**

13.1 Article 7 of the 2015 Order is entitled “General requirements: applications for planning permission including outline planning permission”. Article 7(1)(b) requires that an application for planning permission must “include the particulars specified or referred to in the form”. It should also be noted that Article 7(1)(c) requires the application be accompanied inter alia by (i) a plan which identifies the land to which the application relates; (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application.

13.2 The section of the application form to which the Consortium refers reads:

“The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”

14. This is also reflected in the Government’s Planning Practice Guidance (“PPG”) which says at reference ID 14-024-20140306:

“The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.”

15. In interpreting these words Mr Streeten has advised that it is important not to lose sight of their context. They have not been drafted as would a policy, still less with the care given to the drafting of legislation. In both cases are intended as practical guidance to those completing an application for planning permission. They should therefore be read with a considerable degree of common sense and not subjected to exegetical legal analysis. If authority is required for this proposition, it is to be found in R (Solo Retail Limited) v Torridge DC [2019] EWHC 489 (Admin) at para. 33.

Analysis

16. The particular point at issue is the location of the visibility splays required by the Highway Authority to ensure the access to the Development is safe. In relation to the visibility splays for the junction of Fews Lane and High Street Longstanton all the land outside the red line boundary covered by those visibility splays is within the existing adopted highway. The Highway Authority officers have confirmed their view that no other land is required to secure the necessary visibility for this development.

17. The issue, therefore, is whether ,subject to a location plan for the section 73 Application being submitted in a form identical to that submitted under S//0277/19/FL and/or the applicant confirming the s.73 application is in relation to the same red line location plan submitted under planning reference S/0277/19/FL, planning permission pursuant to the s.73 application for the Development pursuant to the s.73 Application can be granted, notwithstanding that an area included within the visibility splay is on adopted highway outside the red line boundary. The view of the Council is that it can:

- 18.1 Firstly, the text of both the application form and the guidance refers to “all land necessary to carry out the proposed development”. Mr Streeten’s has expressed a view that the word “development” is of central importance. If land is not being developed, it does not need to be included within the red line boundary. Thus, although land that is not adopted highway such that its use needs to be changed to be used as a visibility splay may need to be shown within the red line boundary. Where, however, the land used for the visibility splay is already adopted highway, and no operational development is required, it does not need to be included within the red line.
- 18.2 Secondly, Mr Streeten has advised that an over literal reading of the application form and PPG would create absurd results. As I have pointed out to you in the past, both refer to car parking and open areas around buildings. If, however, the development proposed does not include any car parking it plainly would not be invalid if the red line on the location plan did not show land for car parking which is not being provided or required . Similarly, if the application was such that the footprint of a proposed building meant there were to be no open areas around it, the effect of the application form is clearly not intended to be that the application is invalid because it fails to show any open areas. On the contrary, as both the form and the PPG make clear, the references given are mere examples, and are not intended to be prescriptive or exhaustive. Ultimately, what land is necessary to carry out the proposed development will be a matter of judgement for the local planning authority to determine on the facts of any given case.
19. Mr Streeten, as a caveat to the above (and leaving aside the questions which arise where works are carried out pursuant to an agreement under section 278 of the Highways Act 1980), advised in relation to the other matter that if operational development such as engineering works are required to provide or alter an access, this may amount to development and should, therefore, be included within the red line boundary.
20. Applying these principles, Mr Streeten expressed an opinion as set out below (in the case where he was asked to advise):
- 20.1 *Provided that all of the relevant land upon which works to create the access for the Development fall within the red line boundary, the Council would be entitled to conclude that the land necessary to carry out the proposed development does not include land falling within the visibility splays but outwith the red line boundary, which is adopted highway.*
- 20.2 Provided that the red line boundary includes the land upon which operational development is required to provide the access, it is not necessary to include within the red line boundary other land which is adopted highway and forms part of the relevant visibility splay.
21. In the other case, Mr Streeten advised that even if he is wrong, he is of the view that the prospects of bringing a successful claim for judicial review in that case would be low and he cannot see what prejudice could be said to result from not including adopted highway land forming part of the visibility splay within the red line boundary for the development. His view was that he felt a claim for judicial review would be likely to be refused permission and/or relief pursuant to section 31 of the Senior Courts Act 1981 on the basis that it is highly likely the outcome would not have been substantially different absent any error of law identified. The same point is considered by the Council to apply here.

110 In any event, even if (which is denied) there was some error in the validation process, the Court has a discretion whether or not to quash a grant of planning permission, depending on a variety of factors, including:

- the consequences of non-compliance,
- the nature of the failure,
- the identity of the applicant for relief,
- the lapse of time ,and
- the effect on other parties

23. The Consortium have (in the other case where Mr Streeten has advised) suggested that :

“... It is difficult to see how anyone’s interests could be prejudiced by the Council insisting that the entire 43 metre x 2.4 metre visibility splays are included within the red line boundaries of the application site, the appropriate notices being served upon the owners of land within the application site, and the appropriate ownership certificate being filed by the applicant...”

It is the Council’s view that this suggestion is not the relevant legal test as to whether an application is valid.

24. For all of the reasons set out or referred to above , the Council will resist any application for judicial review.

25. The Council has noted that the Consortium would prefer to resolve the dispute without the need for legal proceedings and that the Consortium would agree to participate in an appropriate form of ADR. In the other case referred to above, the Consortium were sent a copy of the advice from Mr Streeten and the Consortium were invited to take their own advice from counsel so that any points in such an advice could be put to Mr Streeten for him to review. It appears that such advice has not been sought by the Consortium, notwithstanding the Council’s invitation and in these circumstances the Council would like further details of what sort of appropriate form of ADR the Consortium has in mind and what the Consortium feels it could achieve.

26. Finally, we agree that the applicant for planning permission, Landbrook Homes Ltd , would be an interested party in respect of any claim.

Yours faithfully



Stephen Reid
Senior Planning Lawyer
acting for South Cambridgeshire District Council

Tel: 01223 457094
Email: Stephen.reid@3csharedservices.org

Fews
Lane
Consortium
Ltd

Daniel Fulton
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T: 01954 789237
E: dgf@fewslane.co.uk

The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

20 August 2020

South Cambridgeshire District Council
FAO Mr Stephen Reid / 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

WITHOUT PREJUDICE SAVE AS TO COSTS

Dear Sirs

Re: 20/02453/S73 – The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP

(1) Thank you for the Council's judicial review pre-action protocol response dated 18 August 2020.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kind regards



Daniel Fulton
Director

From: Stephen Reid
Sent: 21 August 2020 14:38
To: Daniel Fulton <dgf@fewslane.co.uk>
Subject: FW: Your scanned files
Importance: High

Dear Mr Fulton

1. I acknowledge your letter dated 20th August [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20 August 2020
South Cambridgeshire District Council
FAO Mr Stephen Reid / 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

WITHOUT PREJUDICE SAVE AS TO COSTS

Dear Sirs

Re: 20/02453/S73 – The Retreat, Fewes Lane, Longstanton, Cambridge CB24 3DP

(1) Thank you for the Council's judicial review pre-action protocol response dated 18 August 2020.

[REDACTED]



Kind regards
Daniel Fulton
Director

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice

Telephone: 0781 7730893
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 - We will make sure our clients are aware of the Practice's complaints procedure.
 - We will agree key deadlines/operational requirements with clients within 5 working days.
 - We will regularly update our clients on progress (weekly unless no movement on a particular matter)
- .

The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

3 December 2018

Ms Victoria Keppey
South and City Highways
Cambridgeshire County Council
Station Road
Whittlesford
Cambridge
CB22 4NL

Dear Ms Keppey

Re: SCDC Planning Application S/2439/18/FL

Thank you for the information you provided recently concerning the statutory consultation for the planning application referenced above.

- (1) As a statutory consultee, the County Council has a legal obligation to issue a substantive response in regards to the consultation pursuant to article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595).
- (2) As defined by the Government's Planning Practice Guidance, a statutory consultee's substantive response "should include reasons for the consultee's views so that where these views have informed a subsequent decision made by a local planning authority the decision is transparent".¹
- (3) At present, the only substantive response received by the South Cambridgeshire District Council in regards to the above referenced application is dated 17 July 2018 and requests that the application be refused.
- (4) I am aware that other informal communications have been ongoing between the County Council and at least one officer employed by the South Cambridgeshire District Council ("SCDC"). Although these informal communications may have discussed changes in regards to the consultation response, no updated substantive response has been received by the District Council in regards to the statutory consultation.
- (5) It is my understanding that the role the Local Highway Authority in the statutory consultation process is to evaluate the application and make recommendations to ensure satisfactory access arrangements are included within the proposed development and to ensure that the proposed development does not adversely affect the safety of highway users.

¹ Ministry of Housing, Communities & Local Government. *Planning practice guidance: Consultation and pre-decision matters*. Paragraph: 015. Reference ID: 15-015-20140308. Revision date: 06 03 2014. Published on GOV.UK [<https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Statutory-consultees>]. Accessed 1 Dec 2018.

- (6) It is also my understanding that the Local Highway Authority performs this role by evaluating each application in light of the national highways policies that apply to the particular application.
- (7) In regards to application S/2439/18/FL, the principal relevant national policies will be included in the *Manual for Streets* ("MfS"), *Manual for Streets 2* ("MfS2"), and the National Planning Policy Framework ("NPPF").
- (8) There are a number of specific highway safety concerns that the County Council has a duty to address. These issues are summarised in paragraphs 9 through 19.
- (9) Fews Lane is both a private vehicular track and well-used public footpath. The width of the carriageway at present is insufficient for a vehicle and a pedestrian travelling in opposite directions to pass without the pedestrian or the vehicle departing from the carriageway and stepping or driving onto adjoining private property.
- (10) Fews Lane was originally intended to serve 3 dwellings. Approval of this application would double the number of dwellings served to 6. Each dwelling has garage or parking space for 3 vehicles, and the proposed dwelling adds another 2 parking spaces. In addition to the total daily vehicular movements of the residents, approximately an equal number of vehicular movements along Fews Lane occur each day due to service vehicles, for example for Royal Mail or parcel delivery services.
- (11) The width of Fews Lane is insufficient to allow two vehicles travelling in opposite directions to pass each other along the length of Fews Lane without one vehicle either trespassing by driving onto private property or by one vehicle reversing out of Fews Lane to allow the other vehicle to proceed.
- (12) During heavy rain, water and sediment is washed from Fews Lane into the public highway.
- (13) The surface of Fews Lane is composed of dirt and gravel, and these unbound materials tend to spread into the public highway, which will only be exacerbated by increased vehicular traffic.
- (14) When vehicles are exiting Fews Lane onto High Street, there is ZERO visibility of pedestrians walking along the footway to the south of the junction.
- (15) In order to see any pedestrians on the footway, a vehicle must pull forward so that the front of the vehicle not only enters the footway, but it must entirely cross the footway and enter the carriageway. It is not until this point where the front of the vehicle has already entered the public highway that there is sufficient visibility for a driver of oncoming vehicular traffic or of pedestrians on the footway.
- (16) The bus stop used by the schoolchildren from the northern half of the village is located only a few meters away from the junction of Fews Lane and High Street. Not only are children shorter and more difficult for drivers to see, but they also have a natural tendency to run along the pavement. The ZERO visibility factor combined with the proximity of the school bus stop is a recipe for disaster. I will retain this letter together with proof of delivery to prove that the County Council has been advised of this serious and dangerous existing defect.

- (17) The spatial layout and width of the proposed vehicular access fails to comply with section 6.7.2 of the *Manual for Streets*, which sets the minimum vehicular access requirements for emergency vehicles, including fire appliances. Specifically, there is to be sufficient emergency vehicular access for a fire alliance to reach every point within 45 meters of a dwelling. In cul-de-sacs, this requires sufficient turning radii at any turns and turning heads sufficient for fire department vehicles at the end of a cul-de-sac or where a tight turning radius would require a fire appliance to turn around.
- (18) With no sufficient turning head provided, the closest vehicular access to the site of the proposed development is located on High Street at the intersection with Few's Lane. This is a distance of approximately 140 meters by foot from the further point of the dwelling, far in excess of the 45 meters stated in the *Manual of Streets* and other regulatory documents.
- (19) The Cambridgeshire Fire and Rescue Service has confirmed that the application does not meet their minimum requirements for vehicular access. Specifically, the minimum carriageway width between kerbs for the service's fire appliances is 3.7 meters. The vehicular access space available at the application site is limited to 3.5 meters, and this is restricted on one side by a fence erected directly over the kerb and by private property including a brick chimney and house on the other side.
- (20) In light of the issues above, the County Council has a duty and obligation to request that the application in its present form be refused.
- (21) The County Council should also request that the following conditions be attached to any permission granted despite the Local Highway Authority's request for refusal.
1. That the first 5 meters of Few's Lane should be constructed of a bound material so as not to adversely affect the public highway.
 2. That the width of Few's Lane be increased to a minimum width of at least 5 meters for the 5 meters measured from the back of the footway along High Street. This would allow two vehicles travelling in opposite directions to pass each other without either vehicle having to reverse, which would represent an unacceptable danger to other highway users.
 3. That pedestrian visibility splays of at least 2.0 x 2.0 meters shall be constructed at the intersection of High Street and Few's Lane.
 4. That a pedestrian visibility splay of at least 2.0 x 2.0 meters shall be constructed at the junction of the parking and turning area for the proposed development with the unnamed private drive that extends to Few's Lane.
 5. A condition requiring that surface water not run from the application site into the public highway.
 6. Conditions necessary for the safety of highway users during the construction of the proposed development to include limits on hours of access, parking, and unobstructed emergency access.
 7. Any such other conditions as are warranted by the particulars of the proposal in light of the national highway safety policy documents.

(22) I would urge the County Council to review its substantive response dated 17 July 2018 to ensure that it addresses the points raised in this letter.

(23) The actions and performance of the County Council will be subject to legal scrutiny to ensure that the County Council has adequately fulfilled its legal duties and that the County Council's substantive response complies with all relevant provisions of public law.

(24) Lastly, I would note that the appeal decision recently issued regarding another application at this site contains many factual errors. Whilst it can be material consideration in the planning process, I would caution the County Council against intending to rely on any part of the appeal decision in the performance of its duties in regards to this new application. The South Cambridgeshire District Council has been made aware of these defects in the appeal decision and has been informed that a claim for judicial review will be brought should they rely on these known errors of fact in determining this application.

I can be reached most days at 01954 789237 or on my mobile at 07944 908340. I would be happy to speak with you or anyone from the County Council if I can provide any further information regarding this matter.

Kind regards



Daniel Fulton

copy by email to Dr Jon Finney, Cambridgeshire County Council

My ref:
Your ref:
Date: 12th December 2018
Contact:
Telephone: 0345 045 5212
E Mail: Victoria.keppey@cambridgeshire.gov.uk



The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

Whittlesford Depot
Box No. ET1030
Station Road
Whittlesford
CB22 4NL

Dear Mr Fulton ,

Re: Planning Application S/2439/18/FL

Thank you for your letter of 3rd December, I have reviewed the same and have the following comments:

- 1,2, 3 and 4. From discussions with the Local Planning Authority the Local Highway Authority have provided a substantive response. However for clarity in this case the case officer has requested that the comments made by the Local Highway Authority via email dated 14th September 2018 will be formally submitted, prior to the determination of the application.
5. The Local Highway concurs with this statement.
- 6 and 7. Manual for Streets Volume I and II are guidance not policy and are written in such a manor to enable the Highway Authority to consider sites on a contextually based premises.
9. The situation that you describe in relationship to the width of the footpath and its use by motor vehicular traffic is not uncommon in a rural district such as South Cambridgeshire and there is no evidence that this conflict is significant in highway safety terms while you state that the public footpath is well used no empirical data is supplied to support this assertion.
10. According to SCDC planning website Few's Lane has a planning history dating back to 1961 and these applications include for the provision of residential dwellings which will have resulted in low level incremental increase in motor vehicular traffic over this timeframe, therefore the planning application approving two dwellings (S/1498/15/FL) including the one that you now occupy is only one in a reasonably long line of such applications. In terms of traffic generation on average each new dwelling will generate 4.5 motor vehicle movements per 12 hour period, which cannot

be considered sever as required under paragraph 109 of the NPPF to warrant a recommendation of refusal by the Local Highway Authority to the Local Planning Authority.

11. As stated previous above within the response to point 9 the situation that you describe in relationship to the width of the footpath and its use by motor vehicular traffic is not uncommon in a rural district such as South Cambridgeshire and there is no evidence that this conflict is significant in highway safety terms.

12. As Few's Lane is a public highway the water draining from Few's Lane to High Street is draining from one highway to another if the deposition of silt etc from Few's Lane is considered to be significant the Highway Authority may take any action that it deems necessary.

13. The Local Highway Authority believes that there is a slight possibility that this will occur, the Local highway Authority can request that the 2m width of the Public Right of Way be constructed in a bound material.

14, 15. The Local Highway Authority believes this statement to be incorrect and that the pedestrian visibility splays as required within Design Manual for Roads and Bridges of 1.5m x 1.5m could be achieved to the back of the footway when exiting Few's Lane.

16. All accesses are a point of conflict the existing bus stop and existing access are considered to be within the normal range of risks and hazards that a user of the highway should expect to meet and that any vehicle exiting onto the High Street should take into consideration.

17, 18 and 19 Cambridgeshire Fire and Rescue Service are statutory consultees and therefore if this consultee had concerns with regards to the access these should/would have been raised with the Local Planning Authority during the consultation period.

20. Following the lack of substantive empirical evidence and only relying on subjective information the Local Highway Authority has no reason to recommend a refusal of this application to the Local Planning Authority.

21. The Local Highway Authority can only request works within land that is within the ownership of the applicant or within the public highway.

1,2. as confirmed previously the applicant does not own the access and the public right of way is only approximately 2m in width in this location therefore the access cannot be widened to 5 metres in width, however it could be constructed in a bound material for 5m from the rear of the footway and the Local Highway Authority will seek a condition to reflect this.

3. as stated above within points 14,15 the Local Highway Authority believes that pedestrian visibility splays of 1.5m x 1.5m as per Design Manual for Roads and Bridges can be achieved at the junction of Few's Lane and the High Street.

4. As the access to the approved properties under planning application S/1498/15 shows radial kerbs it would be impractical to provide the requested pedestrian visibility splays.

5. This could be encompassed within the Local Planning Authority's normal requirement for a condition relating to surface water drainage.

6. This condition is being dealt with in the form of a traffic management plan which has been submitted as a part of application number S/2439/18, the Local Highway Authority request that the application be refused as the Traffic Management Plan is not satisfactory still stands.

7. The Local Highway Authority will request any conditions that it deems fit with regards to the submitted application as long as these comply with the community infrastructure levy requirements and this is a matter for the Local Planning Authority to review.

22. Comments made by the Local Highway Authority have been reviewed and highway comments will be formally submitted, prior to the determination of the application.

23. It is my understanding that this is true of all planning applications.

24. The Local Highway Authority only considers the application submitted before them and can confirm that no information from any previous applications has been considered.

I have forward a copy of your representation to the Local Planning Authority for their consideration.

Yours sincerely

Vikki Keppey
Development Management Engineer

Fews
Lane
Consortium
Ltd

Daniel Fulton
DIRECTOR
T: 01954 789237
E: dgf@fewslane.co.uk

The Elms
Fews Lane
Longstanton
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CB24 3DP

23 August 2020

South Cambridgeshire District Council
FAO Mr Stephen Reid / 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

VIA EMAIL ONLY

WITHOUT PREJUDICE SAVE AS TO COSTS

Dear Mr Reid

Planning application 20/02453/S73

[REDACTED]

Kind regards



Daniel Fulton
Director

c. Mr Stephen Kelly

Dear Fews Lane Consortium Ltd

Planning application 20/02453/S73

Please see comments in red and blue below in response to your letter of 23 rd August and the body of which letter is set out below (in black) for ease of reference

[Redacted]

[Redacted text block]

[REDACTED]

Yours faithfully

Stephen Reid
Senior Planning Lawyer
acting for South Cambridgeshire District Council

Tel: 01223 457094/07817 730893
Email: stephen.reid@3csharedservices.org

3 September 2020

South Cambridgeshire District Council
FAO 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sirs

- (1) Under Part 1 of the Civil Procedure Rules, parties are required to help the court see that disputes are resolved in a manner that saves expense, that ensures claims are dealt with expeditiously and fairly, and that takes into account the need of the court to allot resources to other cases.
- (2) Accordingly, it would be extraordinarily helpful if the South Cambridgeshire District Council could please clarify the following issues.
- (3) Is it the Council's position that the provisions of sections 65 and 327A of the Town and Country Planning Act 1990 (the "**1990 Act**") do not apply when land to which a planning application relates is owned by a public authority?
- (4) If this is the Council's position, is the Council aware of any authorities that support this position?
- (5) If this is not the Council's position, could the Council please explain how it reconciles sections 65 and 327A of the 1990 Act with its recent decision in regards to planning application S/4191/19/FL, which concerns parcel COM4, Neal Drive, Orchard Park, Cambridge, its recent pre-action correspondence in regards to planning application 20/02453/S73, which concerns The Retreat, Fews Lane, Longstanton, and the legal advice recently shared with the Consortium in regards to the proposed development at 95 Bannold Road, Waterbeach?
- (6) I very much appreciate the Council's assistance in clarifying these matters.

Kind regards



Daniel Fulton
Director

Practice Ref: SR

FAO Daniel Fulton, Director
Fews Lane Consortium Ltd
The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

Date: 4th September 2020

Dear Sir

Planning Permission under S/4191/19/FL

We write in relation to your letter dated 3rd September 2020 and comment as set out below by reference to the numbered paragraphs within your letter which require a response from the District Council:

(3) It is not the District Council's position that the provisions of sections 65 and 327A of the Town and Country Planning Act 1990 ("the 1990 Act") do not apply when land to which a planning application relates is owned by a public authority

(4) Not applicable

(5) The District Council sees no conflict and/or inconsistency for the purposes of sections 65 and 327A of the 1990 Act with regards to the following:

- (a) the decision in relation to S/4191/19/FL
- (b) the recent pre -action correspondence in relation to 20/02453/S73
- (c) the proposed development at 95 Bannold Road, Waterbeach

The recent pre action correspondence from you in relation to 20/02453/S73 and the proposed development at 95 Bannold Road ,Waterbeach both relate primarily to

whether the “red line” location plans in each case included all land necessary to delivery of the relevant visibility splays .

In the case of S/4191/19/FL the District Council is satisfied that all land required for relevant visibility splays is either within the red line of the application site or is within land which is already adopted public highway . Moreover, the Council is satisfied that the (revised) red line location plan accompanying application S/4191/19/FL is entirely in order and in particular no conflict has arisen with the statutory provisions to which you refer . To the extent that your concerns relate to land owned by the Orchard Park Community Council, the District Council is satisfied that no such land lies within the red line as shown on the location plan accompanying application S/4191/19/FL and, as such, there was no requirement for formal notification pursuant to be given to the Community Council pursuant to article 13 of the Town and Country Planning (Development Management Procedure) Order 2015. The Council is also satisfied that it was not necessary for any land held by the Community Council to have been included within the red line on that location plan .

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Reid', with a horizontal line underneath.

Stephen Reid
Senior Planning Lawyer
acting for South Cambridgeshire District Council

Tel: 0781 7730893
Email: Stephen.reid@3csharedservices.org

From: Stephen Reid
Sent: 08 September 2020 10:17
To: Daniel Fulton <dgf@fewslane.co.uk>
Cc: Fiona Bradley <Fiona.Bradley@greatercambridgeplanning.org>; Simpson Luke <Luke.Simpson@greatercambridgeplanning.org>
Subject: FW: Response to email from 4 September

Dear Fews Lane Consortium Ltd

1. I acknowledge receipt of your email sent at 08:35 this morning which refers to an "...attached letter in response to (my)email from 4th September..."
2. The attachment to my email of 4th September includes a heading as follows:

"Planning Permission under S/4191/19/FL"

3. I raise this in the context that I note the attached does not have at the start any heading but later on it includes what I might describe as 3 sub-headings as follows

"Ramifications for planning application 20/02453/S73 (Fews Lane, Longstanton)

.....

Ramifications for planning application 20/03370/OUT (95 Bannold Road, Waterbeach)

.....

Update concerning proposed development at 17 Mill Lane, Arrington

....."

4. I cannot immediately see in the attached response any heading or sub-heading which directly refers to the planning application/planning permission under S/4191/19/FL so may I

invite you to clarify that the attached response (other than in relation to the 3 sub-headings as referred to and the text under those sub-headings) is the Consortium's position is as to Planning Permission under S/4191/19/FL and whether the Consortium are willing to comment as to what they see as the next steps in such regard.

Stephen Reid

Senior Planning Lawyer

3C Shared Services – Legal Practice



Telephone: 0781 7730893

Email: stephen.reid@3csharedservices.org

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- *We will make sure our clients are aware of the Practice's complaints procedure.*
- *We will agree key deadlines/operational requirements with clients within 5 working days.*
- *We will regularly update our clients on progress (weekly unless no movement on a particular matter)*

From: Daniel Fulton <dgf@fewslane.co.uk>

Sent: 08 September 2020 08:35

To: Stephen Reid <Stephen.Reid@3csharedservices.org>

Subject: Response to email from 4 September

Dear Mr Reid,

Please see the attached letter in response to your email from 4 September.

Kind regards,

Daniel Fulton

Director

Fews Lane Consortium Ltd
The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

tel. 01954 789237

This email, together with any files transmitted with it, is only for the use of its intended recipient(s). It may contain information which is confidential and/or legally privileged. If you have received this email in error, please notify the sender by return email (or telephone) and delete the original message. Please note that the Fews Lane Consortium Ltd does not accept service by email.

The Fews Lane Consortium Ltd is registered in England and Wales. Company No. 11688336

8 September 2020

South Cambridgeshire District Council
FAO 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sirs

- (1) Thank you for your letter dated 4 September 2020 clarifying the Council's position on a number of key issues.
- (2) In light of these clarifications, the Consortium would like to call the Council's attention to the following relevant provisions of law.

Legal Framework

- (3) Section 55(1) of the Town and Country Planning Act 1990 (the "**1990 Act**") provides that:

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, 'development,' means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

- (4) Section 336(1) of the 1990 Act provides that:

"'engineering operations' includes the formation or laying out of means of access to highways".

- (5) Section 55(2) of the 1990 Act provides that (emphasis added):

"The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land — [...]

(b) the carrying out on land **within the boundaries of a road by a highway authority** of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse effects on the environment"

- (6) Section 65 of the 1990 Act provides that:

"(1) A development order may make provision requiring—

(a) notice to be given of any application for planning permission or permission in principle, and

(b) any applicant for such permission to issue a certificate as to the interests in the land to which the application relates or the purpose for which it is used, and provide for publicising such applications and for the form, content and service of such notices and certificates.

(2) Provision shall be made by a development order for the purpose of securing that, in the case of any application for planning permission, any person (other than the applicant) who on such date as may be prescribed by the order is an owner of the land to which the application relates, or an agricultural tenant of that land, is given notice of the application in such manner as may be required by the order.

(3) A development order may require an applicant for planning permission or permission in principle to certify, in such form as may be prescribed by the order, or to provide evidence, that any requirements of the order have been satisfied.

(3A) In subsections (1) and (3) references to any application for planning permission or any applicant for such permission include references to any application for approval under section 61L(2) or any applicant for such approval.

(4) A development order making any provision by virtue of this section may make different provision for different cases or different classes of development.

(5) A local planning authority shall not entertain an application for planning permission or permission in principle unless any requirements imposed by virtue of this section have been satisfied."

(7) Section 327A of the 1990 Act provides that:

"(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—

- (a) the form or manner in which the application must be made;
- (b) the form or content of any document or other matter which accompanies the application.

(2) The local planning authority must not entertain such an application if it fails to comply with the requirement."

(8) Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the "**2015 Order**") provides that (emphasis added):

"(1) Subject to paragraphs (3) to (5), **an application for planning permission must—**

(a) be made in writing to the local planning authority on a form published by the Secretary of State (or a form to substantially the same effect);

(b) **include the particulars specified or referred to in the form;**

(c) except where the application is made pursuant to section 73 (determination of applications to develop land without conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act or is an application of a kind referred to in article 20(1)(b) or (c), be accompanied, whether electronically or otherwise, by—

(i) **a plan which identifies the land to which the application relates;**

(ii) any other plans, drawings and information necessary to describe the development which is the subject of the application".

(9) Article 13(1) of the 2015 Order provides that (emphasis added):

"Except where paragraph (2) applies, an applicant for planning permission **must give requisite notice** of the application to any person (other than the applicant) who on the prescribed date is an owner of **the land to which the application relates**, or a tenant—

(a) by serving the notice on every such person whose name and address is known to the applicant; and

(b) where the applicant has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated."

(10) Article 14 of the 2015 Order provides that:

“(1) Where an application for planning permission is made, the applicant must certify, in a form published by the Secretary of State or in a form substantially to the same effect, that the relevant requirements of article 13 have been satisfied.”

(11) Delegated legislation made under an act is capable of being a persuasive authority on the meaning of the act's provisions. (*Hales v Bolton Leathers Ltd* [1951] A.C. 531, per Lord Simonds at 539, per Lord Normand at 544, and per Lord Oaksey at 548)

(12) When the government department administering an act publishes official statements in regards to the act, those statements may be taken into account as a persuasive authority on the meanings of the act's provisions. (*Oram (Inspector of Taxes) v Johnson* [1980] 2 All E.R. 1 at 6)

(13) The meaning of a provision of an act may be elucidated by reference to contemporary statements indicating how the provisions were understood at the time they were enacted, particularly in esoteric areas of law where cases rarely come before the courts and there is a long established practice. (*Isle of Anglesey County Council v Welsh Ministers* [2009] EWCA Civ 94, [2009] 3 All E.R. 1110)

(14) A breach of a provision of delegated legislation is no different than a breach of the primary act itself. (*National Telephone Company v Baker* [1892 N. 2.], [1893] 2 Ch. 186 at 203)

Factual background

(15) Four forms of the certificate referred to in article 14(1) have been published by the Secretary of State.

(16) These forms are referred to as ownership certificates A, B, C, and D.

(17) The form of the certificate referred to as ownership certificate A states:

“[I certify]/[The applicant certifies] that on the day 21 days before the date of this application nobody except [myself]/[the applicant] was the owner of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding.”

(18) The form of the certificate referred to as ownership certificate B states:

“[I certify]/[The applicant certifies] that [I have]/[the applicant has] given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner and/or agricultural tenant of any part of the land or building to which this application relates.”

(19) The form of the certificate referred to as ownership certificate C states:

“[I certify]/[The applicant certifies] that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners and/or agricultural tenants of the land or building, or of a part of it, but [I have]/[the applicant has] been unable to do so.”

(20) The form of the certificate referred to as ownership certificate D states:

“[I certify]/[The applicant certifies] that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner and/or agricultural tenant of any part of the land to which this application relates, but [I have]/[the applicant has] been unable to do so.”

(21) The application form provides that:

“The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”

Ownership certificates

(22) Article 7(1)(c)(i) of the 2015 Order provides that a plan that identifies “the land to which the application relates” must be included with applications for planning permission. Article 13(1) of the 2015 Order requires that an applicant for planning permission must notify the owners “the land to which the application relates”. Article 14 of the 2015 Order provides that applicants must certify, in a form published by the Secretary of State or in a form substantially to the same effect that the relevant requirements of article 13 have been satisfied. The forms published by the Secretary of State, referred to as ownership certificates, also refer to the land to which the application relates.

(23) The meaning of the phrase “the land to which the application relates” is a question of statutory interpretation. It is not a matter of planning judgment, as the Council has sometimes asserted.

(24) When the government department administering an act publishes official statements in regards to the act, those statements may be taken into account as a persuasive authority on the meanings of the act’s provisions. (*Oram (Inspector of Taxes) v Johnson* [1980] 2 All E.R. 1 at 6)

(25) The application instructions published by the Ministry of Housing, Communities and Local Government stipulate that the land to which an application relates includes “all land necessary to carry out the proposed development”.

(26) “All land necessary to carry out the proposed development” is not the same as any land proposed to undergo operational development or a material change of use, which is how the Council has misinterpreted the provisions of the 2015 Order.

Position of red line on location plan

(27) Moving the red line shown on the location plan does not change the land to the application relates.

(28) However, moving the red line shown on the location plan such that it excludes land to which the application relates can invalidate the application if the application would no longer comply with the provisions of article 7(1)(b) and article 7(1)(c)(ii) of the 2015 Order.

(29) Whilst moving the position red line shown on the location plan An applicant can not change the land to which a planning application relates by simply moving the position of the red line shown on the location plan, and likewise, moving the red line shown on the location plan does not change the land to which the ownership certificate pertains.

Land to which application relates vs. land proposed to undergo operational development/change of use

- (30) The application form instructions published by the Ministry of Housing, Communities and Local Government clarify that the land to which a planning application relates is the land necessary to carry out the proposed development, not the land proposed to undergo operational development or a material change of use, as the Council has posited.
- (31) Again, when the government department administering an act publishes official statements in regards to the act, those statements may be taken into account as a persuasive authority on the meanings of the act's provisions. (*Oram (Inspector of Taxes) v Johnson* [1980] 2 All E.R. 1 at 6)
- (32) Even if the court were not to agree with our approach to the interpretation of the phrase "land to which the application relates", the Council's position that land owned by the local highway authority can be excluded from land to which an application relates is doomed to fail on the basis of section 55 of the 1990 Act.
- (33) Under the provisions of subsections 55(1) and 55(2) of the 1990 Act, any building, engineering, or other operations carried out in, on, over, or under land will be considered to be development unless all of the following apply:
- 1) the work is being carried out within the boundaries of a "road",
 - 2) the work is being carried out "by" a highway authority,
 - 3) the work constitutes the maintenance or improvement of the "road", and
 - 4) if the work is not exclusively for maintenance, it does not or will not "have significant adverse effects on the environment".
- (34) Accordingly, it appears to be immaterial whether the land in question is:
- 1) owned by a highway authority,
 - 2) within a highway,
 - 3) within a public highway,
 - 4) within a private highway, or
 - 5) within an adopted highway.
- (35) The local highway authority for the district of South Cambridgeshire is the Cambridgeshire County Council.
- (36) To the best of the Consortium's knowledge, the Cambridgeshire County Council does not offer a service whereby it undertakes building, engineering, or other operations to carry out works associated with private developments.

Ramifications for planning application 20/02453/S73 (Fews Lane, Longstanton)

- (37) No location plan has been submitted for this application. Accordingly, the application relies on the location plan comprised within the application for the extant planning permission (S/0277/19/FL). That location plan fails to identify the land to which the application relates as is required under article 7(1)(c)(i) of the 2015 Order. Application 20/02453/S73 is therefore invalid and can not be determined pursuant to sections 65 and 327A of the 1990 Act.

Ramifications for planning application 20/03370/OUT (95 Bannold Road, Waterbeach)

(38) The location plan fails to identify the land to which the application relates as is required under article 7(1)(c)(i) of the 2015 Order. Application 20/03370/OUT is therefore invalid and can not be determined pursuant to sections 65 and 327A of the 1990 Act.

Update concerning proposed development at 17 Mill Lane, Arrington

(39) The Consortium has decided not to pursue a prohibiting order in regards to this section 73 application. The reason for this is because we feel that it is likely that the Council will make additional errors of law when determining the application and that the court will be more likely to grant relief at that time. The Consortium will be providing further representations on this application in due course, but you may consider the Consortium's pre-action letter in regards to this application to be withdrawn.

(40) I hope this letter will be helpful in explaining the Consortium's positions on the issues discussed. If I can provide further clarification, please do let me know.

Kind regards



Daniel Fulton
Director

28 September 2020

South Cambridgeshire District Council
FAO 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sirs

Judicial review pre-action protocol: 20/02453/S73 - The Retreat, Fews Lane, Longstanton

- (1) The South Cambridgeshire District Council (the "**Council**") is the prospective defendant in a claim for judicial review. A copy of this letter has been sent to the Council by first class post at the address written above.
- (2) The prospective claimant is the Fews Lane Consortium Ltd (the "**Consortium**"), The Elms, Fews Lane, Longstanton, CB24 3DP. The Consortium is a community action group that represents the interests of local residents in issues of planning and development.
- (3) The prospective claim concerns the Council's decision to consider planning application 20/02453/S73, which concerns development proposed at The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP.
- (4) The prospective claimant considers the applicant, Landbrook Homes Ltd ("**Landbrook**") to be an interested party. A copy of this letter has been sent to Landbrook by first class post at 36a Church Street, Willingham, Cambridge CB24 5HT.
- (5) The Council's consideration of planning application 20/02453/S73 is unlawful pursuant to section 327A of the Town and Country Planning Act 1990 (the "**1990 Act**") because the application for the existing planning permission to which the current application relates does not comply with the requirements of article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the "**2015 Order**").
- (6) Although often referred to in common parlance as an application to "vary" or "remove" planning conditions, an application submitted under section 73 of the 1990 Act, if approved, creates a new planning permission that runs alongside the extant planning permission. (*Lambeth LBC v Secretary of State for Housing, Communities and Local Government* [2019] UKSC 33, [2019] 1 W.L.R. 4317 at [10]-[11])
- (7) In considering an application submitted under section 73 of the 1990 Act, a local planning authority must consider the entire scheme being applied for in accordance with the relevant policy tests, not merely consider the applicant's proposed changes to the extant planning permission. (*R (Stefanou) v Westminster City Council* [2017] EWHC 908 (Admin) at [88]-[89])

(8) The planning permission granted in regards to application S/0277/19/FL incorporates the application form and the plans, drawings, and documents accompanying the application form into the terms of the planning permission by including a statement to that effect in the operational part of the planning permission.

(9) Section 327A of the 1990 Act provides that:

“(1) This section applies to any application in respect of which this Act or any provision made under it imposes a requirement as to—

- (a) the form or manner in which the application must be made;
- (b) the form or content of any document or other matter which accompanies the application.

(2) The local planning authority must not entertain such an application if it fails to comply with the requirement.”

(10) Article 7 of the 2015 Order provides that (emphasis added):

“(1) Subject to paragraphs (3) to (5), **an application for planning permission must—**

- (a) be made in writing to the local planning authority on a form published by the Secretary of State (or a form to substantially the same effect);
- (b) **include the particulars specified or referred to in the form;**
- (c) except where the application is made pursuant to section 73 (determination of applications to develop land without conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act or is an application of a kind referred to in article 20(1)(b) or (c), be accompanied, whether electronically or otherwise, by—
 - (i) **a plan which identifies the land to which the application relates;**
 - (ii) any other plans, drawings and information necessary to describe the development which is the subject of the application”.

(11) The application form, published by the Ministry of Housing, Communities and Local Government, states that:

“The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”

(12) The Consortium intends to submit that the reason that article 7(1)(c) does not apply to applications submitted pursuant to section 73 of the 1990 Act is because it is presumed that the original application on which the existing planning permission was granted included “a plan which identifies the land to which the application relates”.

(13) However, in this case, the Council granted planning permission despite the fact that the land to which the planning application relates was not correctly identified at the time the application for the existing planning permission was made.

(14) As the plans submitted with the application for the existing planning permission failed to correctly identify the land to which the application relates and no new plans that correctly identify the land to which the application relates have been submitted with this section 73 application, the requirements of article 7 of the 2015 have not been satisfied, and accordingly, the application can not be entertained by the Council pursuant to the provisions of section 327A of the 1990 Act.

Interpretation of Article 7(1) of the 2015 Order

- (15) Article 7(1) of the 2015 Order provides that “an application for planning permission must— [...] be accompanied [...] by a plan which identifies the land to which the application relates”.
- (16) When the government department administering an act publishes official statements in regards to the act, those statements may be taken into account as a persuasive authority on the meanings of the act’s provisions. (*Oram (Inspector of Taxes) v Johnson* [1980] 2 All E.R. 1 at 6)
- (17) The application form, published by the Ministry of Housing, Communities and Local Government¹, which is the government department responsible for administering the 1990 Act, provides that:
- “The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”
- (18) The meaning of a provision of an act may be elucidated by reference to contemporary statements indicating how the provisions were understood at the time they were enacted, particularly in esoteric areas of law where cases rarely come before the courts and there is a long established practice. (*Isle of Anglesey County Council v Welsh Ministers* [2009] EWCA Civ 94, [2009] 3 All E.R. 1110)
- (19) At the time the 2015 Order was made, the planning application form instructions published by the Ministry of Communities and Local Government provided that:
- “The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”
- (20) Pursuant to the principles of statutory interpretation employed by the courts in *Oram* and *Isle of Anglesey*, the statements contained in the official forms and instructions published by the Ministry of Housing, Communities and Local Government, both at the time the 2015 Order was made and subsequent to the time the 2015 Order was made, are both capable of being persuasive authorities as to the proper interpretation of the relevant provisions of article 7 of the 2015 Order.
- (21) Article 7 of the 2015 Order requires that applications for planning permission include “a plan which identifies the land to which the application relates” and also that applications for planning permission must “include the particulars specified or referred to in the form”. The particulars specified in the application form require that:
- “The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”
- (22) It is acknowledged that not every planning application will require visibility splays. For example, if an application were submitted for a city centre development where no vehicular access to the site was possible, visibility splays would obviously not be required. However, the Consortium intends to submit that where an application creates a new vehicular access or proposes the intensified use of

¹ Prior to 8 January 2018, the Ministry of Housing, Communities and Local Government was referred to as the Ministry for Communities and Local Government.

an existing vehicular access, the land necessary for visibility splays must be included within the area defined by the red line on the location plan.

- (23) The requirements of article 7 of the 2015 Order are statutory requirements, and neither local planning authorities nor the Secretary of State have the power to ignore the statutory requirements in any case. Any dispute as to whether the statutory requirements have been met is a question within the jurisdiction of the courts. This question can be contrasted with the question of whether visibility splays are necessary to make a proposed development or change of use acceptable in planning terms, which is a question of judgment purely within the purview of the decision maker, subject to the usual legal tests on unreasonableness.
- (24) The Council has previously obtained legal advice advancing the position that the land required to carry out a proposed development includes only the land that must undergo operational development or is subject to a change of use. No authorities have been provided in support of this position, and indeed, the Council's position is at odds with the approved principles of statutory interpretation outlined above.
- (25) A visibility splay will not be maintained free of vegetation without some sort of intervention. This intervention can either take the form of regular and ongoing maintenance to remove vegetation or the installation of hardstanding such as asphalt or concrete, which would prevent the growth of vegetation.
- (26) The ongoing maintenance of land necessary to remove vegetation and maintain a functional visibility splay requires a positive planning condition to be attached to any permission granted, and a positive planning conditions may only be applied to land that is within the application site or within the control of the applicant. In *Mouchell Superannuation Fund Trustees v Oxfordshire County Council* [1992] 1 P.L.R. 97 at 105, Glidewell LJ states that:
- "a condition requiring the carrying out of works may validly be imposed only if the works are to be carried out on land either within the application site or on other land 'under the control of the applicant'. Thus, a condition purporting to require the carrying out of works on land neither within the application site nor within the control of the applicant is outside the powers of the Act".
- (27) If the interpretation of article 7 as advanced in the Council's legal advice were to be accepted, it would be impossible to attach positive conditions requiring the maintenance of visibility splays in cases where the land in question did not require a change of use or operational development. This interpretation of article 7 would create the very kind of mischief that article 7 and the instructions in the application form were apparently designed to prevent.
- (28) In installation of paving such as asphalt or concrete to prevent the growth of visibility splays constitutes operation development under sections 55(1) and 55(2) of the 1990 Act unless all of the following criteria apply:
- 1) the work is being carried out within the boundaries of a "road",
 - 2) the work is being carried out "by" a highway authority,
 - 3) the work constitutes the maintenance or improvement of the "road", and
 - 4) if the work is not exclusively for maintenance, it does not or will not "have significant adverse effects on the environment".
- (29) There may be many ways to achieve functional visibility splays for any given application, for example, by a positive condition, a Grampian condition, or through a planning obligation. However, the Consortium would intend to submit that the question of how best to achieve the functional visibility splay is a matter of planning judgment for the decision maker.

- (30) For a local planning authority to accept as valid and to proceed to consider a planning application that plainly fails to comply with the requirements of article 7 and the requirements stated in the application form, would in effect remove the option of the positive planning condition from the decision maker's choices. This effectively constitutes predetermination of the application, at least in regards to a positive condition for the maintenance of visibility splays, and where the issue of visibility splays goes to the root of the decision as to whether to grant planning permission, this predetermination may be sufficient for the court to decide to quash a planning permission granted in such circumstances.
- (31) The failure to properly identify the land to which the application relates is also extraordinarily prejudicial to the ability of statutory consultees and members of the public to give intelligent consideration and response to planning proposals during periods of consultations.
- (32) Officers of local highway authorities should be able to rely on the fact that application documents that have been validated by the local planning authority and published for consultation correctly depict the land to which the application relates by outlining that land in red on the location plan, as is required under article 7. Whilst in an ideal world, local highway authority officers might be well versed in the nuances of planning law, this is usually not the case, and both statutory consultees and members of the public rely on the validation opinion of the local planning authority to establish that the land to which the planning application relates has been correctly identified on the location plan in accordance with the relevant legal standards. A local planning authority that consults on an application with an invalid location plan not only violates section 327A of the 1990 Act, but also potentially renders the consultation on the application unlawful on grounds of procedural impropriety. (See *R v North and East Devon Health Authority ex p Coughlan* [1999] EWCA Civ 1871, [2001] Q.B. 213 at [112].)

Pre-action protocol

- (33) For these reasons, the Consortium will be seeking an order to prohibit the Council from considering planning application 20/02453/OUT, unless a decision to grant planning permission is issued by the Council, in which case a quashing order will be sought. The Consortium will also seek a declaration that the Council has erred in law and an order that the Council pays the Consortium's costs in the claim.
- (34) The Consortium may also decide to seek interim relief in the event that the Council proceeds with the unlawful consideration of the application. If interim relief is to be sought, the Consortium will endeavour, insofar as is possible, to give the Council 7 days notice before any such interim relief is sought from the court.
- (35) The Consortium would prefer to resolve this matter as quickly and efficiently as possible. To that end, the Consortium would ask the Council to inform the applicant as soon as possible that insufficient information has been submitted with the application and to state to the applicant that a location plan should be submitted showing the land necessary for visibility splays included within the land outlined in red. Once such a plan is received, the Council could then proceed with the lawful consideration of the application.
- (36) The Consortium would be pleased to consider any form of alternate dispute resolution that might be proposed by the Council.
- (37) The Consortium intends to issue proceedings as an Aarhus Convention claim pursuant to Parts 45.41 – 45.45 of the Civil Procedure Rules because the claim challenges the legality of a decision of a body exercising a public function which is within the scope of Article 9(2) of the UNECE

Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters agreed at Aarhus, Denmark on 25 June 1998 (the Aarhus Convention).

- (38) Although funding has not yet been arranged for the claim, the Consortium does not envisage that it will be necessary to propose any variation of the standard limits on recoverable costs as stated in Parts 45.43(2)(b) and 45.43(3) of the Civil Procedure Rules.
- (39) In the event that a claim does become necessary, a statement of the prospective claimant's financial resources and a statement of financial support received will be provided to the prospective defendant at the earliest opportunity and no later than the time the claim is issued.
- (40) The Consortium's address for the response and service of documents is: Few's Lane Consortium Ltd, The Elms, Few's Lane, Longstanton, Cambridge CB24 3DP. Please note that the Few's Lane Consortium Ltd does NOT accept service by email.
- (41) The Consortium would like to propose a reply date of 12 October 2020, which is 14 days from the date of this letter.

Kind regards



Daniel Fulton
Director

From: Stephen Reid
Sent: 16 October 2020 15:18
To: 'Daniel Fulton' <dgf@fewslane.co.uk>
Subject: Fews LaneOct16th
Importance: High

Dear Fews Lane consortium Ltd

Please see attached letter dated 16th October which I am instructed to send to you .

I am not in the office today and therefore will need to advise you separately when a copy is put in the post to you.

Apologies that the letter was not emailed to you earlier in the week.

Any queries please let me know.

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice
The logo for 3C Shared Services, featuring the letters '3C' in a stylized font where the '3' is blue and the 'C' is green, followed by the words 'Shared Services' in a blue sans-serif font.
Telephone: 0781 7730893
Email: stephen.reid@3csharedservices.org

3C Shared Services is a strategic partnership between Cambridge City Council, Huntingdonshire District Council and South Cambridgeshire District Council

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- *We will acknowledge correspondence (including Emails) within 2 working days of receipt.*
- *We will make sure our clients are aware of the Practice's complaints procedure.*
- *We will agree key deadlines/operational requirements with clients within 5 working days.*
- *We will regularly update our clients on progress (weekly unless no movement on a particular matter)*

Fews Lane Consortium Ltd
The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

Practice Ref: SR
Your Ref:

Date: 16th October 2020

Dear Sirs

Re: Judicial review pre-action protocol: 20/02453/S73 - The Retreat, Fews Lane, Longstanton

We write in relation to your pre-action protocol letter dated 28th September 2020 in which you indicate your intention to challenge by way of judicial review the Council's decision to consider the planning permission under ref 20/02453/S73

The Prospective Claimant

1 The Prospective Claimant would be Fews Lane Consortium Ltd.

The Prospective Defendant

2 The Prospective Defendant is South Cambridgeshire District Council.

Correspondence should be addressed to 3C Shared Services – The Legal Practice, South

Summary of the claim

3 The prospective claim concerns the Council's decision to consider planning application

4 The claimant considers the applicant, Landbrook Homes Ltd ("Landbrook") to be an interested party and that a copy of your letter has been sent to

5 Para (5) of your letter

5.1 The Council has noted your comment that you view its consideration of planning application 20/02453/S73 is unlawful pursuant to section 327A of the Town and Country Planning Act 1990 (the "1990 Act") because you suggest "...the application for the existing planning permission to

which the current application relates does not comply with the requirements of article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the "2015 Order") .

5.2 The Council does not accept (i) its consideration of planning application 20/02453/S73 is unlawful pursuant to section 327A of the 1990 Act or (ii) that the application for the existing planning permission to which the current application relates does not comply with the requirements of article 7 of the 2015 Order.

6 Para (6) of your letter

The Council agrees that an application submitted under section 73 of the 1990 Act, if approved, will create a new planning permission that runs alongside the extant planning permission

7 Para (7) of your letter

7.1 Your reference to section 73 of the 1990 Act is noted but it is thought that it would also have been helpful if you had specifically quoted that part of section 73 (2) of the 1990 Act which provides as highlighted in yellow below

73 Determination of applications to develop land without compliance with conditions previously attached.

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

7.2 Whilst your comments as to Stefanou are noted to my mind a critical point is the following reference in Stefanou

".. a local authority considering an application submitted under section 73 the 1990 act must consider the entire scheme being applied for .."

7.3 The Council's position is that this is exactly what the Council intends to do in relation to the s.73 application

7.4 The facts in the case of Stefanou are materially different to those in this case and it is the Council's position that no material considerations have been, or will be, overlooked in this case.

8 Para (10) of your letter

8.1 You quote Article 7 of the 2015 Order and you add emphasis in bold print as to parts of Article 7 but such emphasis does not include the following :

"...(c) except where the application is made pursuant to section 73.. of the 1990 Act

8.2 The Council considers Article 7(1) (c) is particularly material in this case because the effect of Article 7(1) (c) is that no new location plan needs to accompany a section 73 application

9 Para (12) of your letter

9.1 In your para numbered (12) you say as follows:

“...The Consortium intends to submit that the reason that article 7(1)(c) does not apply to applications submitted pursuant to section 73 of the 1990 Act is because it is presumed that the original application on which the existing planning permission was granted included “a plan which identifies the land to which the application relates”.....”

9.2 May I remind you that when I emailed you on 26th August I included at para 17 of that email the following:

“17 I note your comment “..that judicial review proceedings will be issued if this matter is not resolved by Thursday, 27 August 2020..” but I note you do not state what from your perspective would achieve a resolution of this matter and may I add that when I wrote to you on 18th August I included the following :

“...3 .Subject to the applicant submitting a red line location plan identical to that submitted under planning reference S/0277/19/FL and/or the applicant confirming the s.73 application is in relation to the same red line location plan submitted under planning reference S/0277/19/FL any claim challenging a planning permission because the red line location plan does not show vehicular visibility splays will be considered to be without merit and will be resisted...”

I raise the above again as I can also now add that on 21st August Mr Caddoo emailed the planning case officer and said:

“..In response to your recent email, I would ask the Council to please accept this email as confirmation on behalf of the applicant, Landbrook Homes Ltd , that the S.73 application under 20/02453/s73 is in relation to the same red line location plan submitted under planning reference S/0277/19/FL...”

10 Para (13) of your letter

It is not accepted that the Council granted planning permission despite the fact that the land to which the planning application relates was not correctly identified at the time the application for the existing planning permission was made.

11 Para (14) of your letter

It is not accepted by the Council (i) that the plans submitted with the application for the existing planning permission failed to correctly identify the land to which the application relates or (ii) that the requirements of article 7 of the 2015 have not been satisfied, and accordingly, the Council does not accept that the s.73 application cannot be entertained by the Council pursuant to the provisions of section 327A of the 1990Act.

12 Para (22) of your letter

12.1 The Council was pleased to see that you acknowledge that not every planning application will require visibility splays and that you give as an example that if an application were submitted for a city centre development where no vehicular access to the site was possible, visibility splays would obviously not be required.

12.2 The Council has also noted however that the Consortium intends to submit that where an application creates a new vehicular access or proposes the intensified use of an existing vehicular access, the land necessary for visibility splays must be included within the area defined by the red line on the location plan.

12.3 The Council will strenuously resist any submission that a red line is not correct where it omits to include required visibility splays where such visibility splays are with the existing adopted highway

13 Para (23) of your letter

13.1 At para (23) of your letter you say:

“The requirements of article 7 of the 2015 Order are statutory requirements, and neither local planning authorities nor the Secretary of State have the power to ignore the statutory requirements in any case. Any dispute as to whether the statutory requirements have been met is a question within the jurisdiction of the courts. This question can be contrasted with the question of whether visibility splays are necessary to make a proposed development or change of use acceptable in planning terms, which is a question of judgment purely within the purview of the decision maker, subject to the usual legal tests on unreasonableness.”

13.2 The Council's position is that such a proposition is correct then literally thousands of planning applications up and down the country should be re-visited and be held to be invalid because they do not show within the red line relevant visibility splays which are within the existing adopted highway. The same point should likewise apply to a whole host of current appeals where again the applications which are the subject of those appeals do not show within the red line on the location plan relevant visibility splays which are within the existing adopted highway. The reference to appeal cases is also pertinent in the context of your comments under your para 23 where, in effect, you suggest the Secretary of State does not have the power to ignore the statutory requirements in any case.

14. Para 24 of your letter

14.1 At para (24) of your letter you acknowledge that the Council has previously obtained legal advice. You state that no authorities have been provided in support of the Council's position but you omit to acknowledge that the full written advice of Mr Streeten (albeit in relation to a different site) was shared with you and/or that you take issue with the following numbered paragraphs of that Advice (see section 27 of this letter as below)

Paras numbered 7,8,10,11,12,14,16 and 18

14.2 Rather you argue that the Council's position is at odds with the approved principles of statutory interpretation as outlined earlier in your letter.

14.3 The Council does not accept that the position it supports is at odds with the approved principles of statutory interpretation as outlined earlier in your letter

15 Para 25 of your letter

At para (25) of your letter you suggest that “a visibility splay will not be maintained free of vegetation without some sort of intervention...” and you suggest that this “..intervention can either take the form of regular and ongoing maintenance to remove vegetation or the installation of hardstanding such as asphalt or concrete, which would prevent the growth of vegetation..” which then leads on to your comments under your para 26

16 Para 26 of your letter

16.1 At para (26) of your letter you suggest that “...the ongoing maintenance of land necessary to remove vegetation and maintain a functional visibility splay requires a positive planning condition to be attached to any permission granted...” and you continue by suggesting “... a positive planning conditions may only be applied to land that is within the application site or within the control of the applicant...”

16.2 The Council does not accept that a positive planning condition is required in relation to relevant visibility splays which are wholly within the existing adopted highway

16.3 The Council does not accept that the decision in *Mouchell Superannuation Fund Trustees v Oxfordshire County Council* supports a proposition that a positive condition is required for visibility splays which are wholly within the existing adopted highway

17 Para 27 of your letter

17.1 It is not accepted that the Council's interpretation of Article 7 would “...create the very kind of mischief..” that you suggest “article 7 and the instructions in the application form were apparently designed to prevent...”

17.2 If that were the case then I would invite to explain why the Council's interpretation is consistent not only with other LPAs but also countless decisions of Planning Inspectors in countless Appeal decisions

17.3 You also suggest that

"...If the interpretation of article 7 as advanced in the Council's legal advice were to be accepted, it would be impossible to attach positive conditions requiring the maintenance of visibility splays in cases where the land in question did not require a change of use or operational development..." but I would ask you to provide a single example of where a condition has been imposed in relation to relevant visibility splays within the existing adopted highway.

18 Para 29 of your letter

You comment at para (23) of your letter that

"..there may be many ways to achieve functional visibility splays for any given application, for example, by a positive condition, a Grampian condition, or through a planning obligation..."

but you omit to also include the highway authority using their powers to achieve functional visibility splays where such are within the existing adopted highway and I do not think it unreasonable to ask why the highway authority are not more concerned about the point at issue if you are right that their powers are not sufficient in relation to visibility splays within the existing adopted highway.

19 Para 30 of your letter

19.1 At para (30) of your letter you suggest that:

"...For a local planning authority to accept as valid and to proceed to consider a planning application that plainly fails to comply with the requirements of article 7 and the requirements stated in the application form, would in effect remove the option of the positive planning condition from the decision maker's choices. This effectively constitutes predetermination of the application, at least in regards to a positive condition for the maintenance of visibility splays, and where the issue of visibility splays goes to the root of the decision as to whether to grant planning permission, this predetermination may be sufficient for the court to decide to quash a planning permission granted in such circumstances...."

19.2 I would submit your reasoning is quite simply flawed

20 Para 31 of your letter

20.1 At para (31) of your letter you suggest that:

"...The failure to properly identify the land to which the application relates is also extraordinarily prejudicial to the ability of statutory consultees and members of the public to give intelligent consideration and response to planning proposals during periods of consultations...."

20.2 You have however recognized elsewhere that there are no reported cases which support your proposition that a planning application will be invalid if the red line location plan omits to include relevant visibility splays which are part of the existing adopted highway.

21 Para 32 of your letter

21.1 The highway authority does not share your view that a planning application is invalid if the red line on the location plan does not include visibility splays which are within the existing adopted highway

21.2 It is the Council's case that there has not been any procedural impropriety in relation to the consultation arising from the red line shown on the location plan.

22 Para 33 of your letter

Noted, but the Council will strenuously resist any order to prohibit the Council from considering the Application or any application for a quashing order of a planning permission resulting from the Application.

23 Para 34 of your letter.

Noted, but again the Council will seek to resist any application for interim relief if such an avenue were pursued

24 Para 35 of your letter

The Council does not accept that insufficient information in relation to the red line has been submitted and accordingly that it has no intention of advising the applicant to that effect

25 Para 36 of your letter

The Council would likewise be willing to consider any form of alternative dispute resolution if it is felt by the Consortium that matters are capable of resolution but the Council is currently of the view that the Consortium is wholly misguided in the approach set out in the pre-action protocol letter

26 Paras 37-40 of your letter

Noted

27. May I also remind you of a number of paragraphs in the Advice from Charles Streeten of 20 July 2020 (albeit in relation to a different site) which Advice was copied to you in full and where a number of paragraphs from that Advice are set out below for ease of reference as it is believed they have not been addressed in the pre-action letter dated 28th September

27.1 Paragraph numbered 7

"It should, however, be noted that notwithstanding the apparently strict wording of section 327A, the High Court has made clear that a breach of the requirements in the 2015 Order does not, necessarily, mean that a grant of planning permission will be quashed (see *R (Bishop) v Westminster CC* [2017] EWHC 3102 (Admin) at para. 23). Rather, the court retains its discretion regarding whether or not to quash a planning permission granted in breach of the 2015 Order. Indeed, in a case where it is 'highly likely' that the outcome would not have been substantially different absent the error, the court is under a duty pursuant to section 31 of the Senior Courts Act 1981 (as amended) to refuse both permission for judicial review and relief."

27.2 Paragraph numbered 8

"Thus, whilst local planning authorities should always seek to ensure that the requirements of the 2015 Order are properly followed, it may be that an inadvertent failure to follow the procedural requirements set down is not fatal to a grant of planning permission."

27.3 Paragraph numbered 10

"The section of the application form to which the Consortium refers reads:
"The application site must be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings)."

27.4 Paragraph numbered 11

"This is also reflected in the Government's Planning Practice Guidance ("PPG") which says at reference ID 14-024-20140306:

"The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around

buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.”

27.5 Paragraph numbered 12

“In interpreting these words it is important not to lose sight of their context. They have not been drafted as would a policy, still less with the care given to the drafting of legislation. In both cases are intended as practical guidance to those completing an application for planning permission. They should therefore be read with a considerable degree of common sense and not subjected to exegetical legal analysis. If authority is required for this proposition, it is to be found in *R (Solo Retail Limited) v Torridge DC* [2019] EWHC 489 (Admin) at para. 33.”

27.6 Paragraph numbered 14

“The issue, therefore, is whether planning permission for the Development can be granted, notwithstanding that an area included within the visibility splay is on adopted highway outside the red line boundary. My view is that it can:

- a. Firstly, the text of both the application form and the guidance refers to “all land necessary to carry out the proposed development”. In my view, the word development is of central importance. If land is not being developed, it does not need to be included within the red line boundary. Thus, although land that is not adopted highway such that its use needs to be changed to be used as a visibility splay, it may need to be shown within the red line boundary, where the land used for the visibility splay is already adopted highway, and no operational development is required, it does not need to be included within the red line.
- b. Secondly, an over literal reading of the application form and PPG would create absurd results. As those instructing rightly point out, both refer to car parking and open areas around buildings. However, if the development proposed does not include any car parking it plainly would not be invalid if the red line on the location plan did not show land for car parking. Similarly, if the application was such that the footprint of a proposed building meant there were to be no open areas around it, the effect of the application form is clearly not intended to be that the application is invalid because it fails to show any open areas. On the contrary, as both the form and the PPG make clear, the references given are mere examples, and are not intended to be prescriptive or exhaustive. Ultimately, what land is necessary to carry out the proposed development will be a matter of judgement for the local planning authority to determine on the facts of any given case.

27.7 Paragraph numbered 16

“Applying these principles, in my opinion:

Provided that all of the relevant land upon which works to create the access for the Development fall within the red line boundary, the Council would be entitled to conclude that the land necessary to carry out the proposed development does not include land falling within the visibility splays but outwith the red line boundary, which is adopted highway.”

27.8 Paragraph numbered 18

“Moreover, even if I am wrong about that, I am of the view that the prospects of bringing a successful claim for judicial review would be low. I cannot see what prejudice could be said to result from not including adopted highway land forming part of the visibility splay within the red line boundary for the development and, in any event, a claim for judicial review would be likely to be refused permission and/or relief pursuant to section 31 of the Senior Courts Act 1981 on the basis that it is highly likely the outcome would not have been substantially different absent any error of law identified.”

Yours faithfully

A handwritten signature in black ink, appearing to read 'Stephen Reid', with a horizontal line underneath.

Stephen Reid
Senior Planning Lawyer
acting for South Cambridgeshire District Council

Tel: 01223 457094 / 07817 730893
Email: stephen.reid@3csharedservices.org

From: Daniel Fulton <dgf@fewslane.co.uk>

Sent: 26 October 2020 08:15

To: Stephen Reid <Stephen.Reid@3csharedservices.org>

Subject: 20/02453/S73 (The Retreat, Fews Lane, Longstanton) & 20/03370/OUT (95 Bannold Road, Waterbeach)

Dear Mr Reid,

I am in the process of drafting further pre-action correspondence in regards to application 20/02453/S73 (The Retreat, Fews Lane, Longstanton), which will also apply, to some extent, to the issues concerning application 20/03370/OUT at 95 Bannold Road, Waterbeach.

I'm waiting to hear back from counsel on a couple of points prior to finalising the letter, but I should have it to you sometime tomorrow.

Kind regards,

Daniel Fulton
Director

Fews Lane Consortium Ltd
The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

tel. 01954 789237

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From: Stephen Reid
Sent: 26 October 2020 08:22
To: 'Daniel Fulton' <dgf@fewslane.co.uk>
Subject: FW: Fews LaneOct16th
Importance: High

Dear Fews Lane Consortium Ltd

1. I am conscious that you have emailed me this morning and said you are "...in the process of drafting further pre-action correspondence in regards to application 20/02453/S73 (The Retreat, Fews Lane, Longstanton), which will also apply, to some extent, to the issues concerning application 20/03370/OUT at 95 Bannold Road, Waterbeach.

I'm waiting to hear back from counsel on a couple of points prior to finalising the letter, but I should have it to you sometime tomorrow...."

2. I emailed you on 20th October and said:

"....Please confirm you have received in the post the original of the attached letter...."

I await your response.

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice

Telephone: 0781 7730893
Email: stephen.reid@3csharedservices.org

3C Shared Services is a strategic partnership between Cambridge City Council, Huntingdonshire District Council and South Cambridgeshire District Council

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- We will acknowledge correspondence (including Emails) within 2 working days of receipt.
- We will make sure our clients are aware of the Practice's complaints procedure.
- We will agree key deadlines/operational requirements with clients within 5 working days.
- We will regularly update our clients on progress (weekly unless no movement on a particular matter)

From: Stephen Reid
Sent: 20 October 2020 09:32
To: Daniel Fulton <dgf@fewslane.co.uk>

Subject: FW: Fews LaneOct16th
Importance: High

Dear Fews Lane consortium Ltd

Please confirm you have received in the post the original of the attached letter.

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice
The logo for 3C Shared Services, featuring the number '3' in blue and 'C' in green, followed by the text 'Shared Services' in blue.
Telephone: 0781 7730893
Email: stephen.reid@3csharedservices.org

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- *We will agree key deadlines/operational requirements with clients within 5 working days.*
- *We will regularly update our clients on progress (weekly unless no movement on a particular matter)*

From: Stephen Reid
Sent: 16 October 2020 15:18
To: 'Daniel Fulton' <dgf@fewslane.co.uk>
Subject: Fews LaneOct16th
Importance: High

Dear Fews Lane consortium Ltd

Please see attached letter dated 16th October which I am instructed to send to you .

I am not in the office today and therefore will need to advise you separately when a copy is put in the post to you.

Apologies that the letter was not emailed to you earlier in the week.

Any queries please let me know.

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice



Telephone: 0781 7730893

Email: stephen.reid@3csharedservices.org

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29 October 2020

South Cambridgeshire District Council
FAO 3C Shared Services Legal Practice
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge CB23 6EA

Dear Sirs

Re: Planning application 20/02453/S73 – The Retreat, Fews Lane, Longstanton

- (1) Thank you for your letter dated 16 October 2020.
- (2) Based on the planning history of the site, we feel it is likely that numerous legal errors are likely to be made by the Council in the decision making process for application 20/02453/S73. We would like to bring a number of these historical issues to the Council's attention in hopes that the same mistakes will not be repeated in regards to planning application 20/02453/S73.
- (3) Planning application 20/02453/S73 concerns a proposal for the erection of one additional dwelling in Fews Lane, Longstanton.
- (4) Planning application S/2439/18/FL also sought permission for the erection of one additional dwelling in Fews Lane, Longstanton.
- (5) Planning application S/2439/18/FL application was considered by the Council's planning committee on 13 February 2019. A transcript of the committee meeting has previously been provided to the Council.
- (6) I would draw the Council's attention to the following exchange, which appears on page 12 of the transcript. Dr Jon Finney, highway development engineer, was speaking on behalf of Cambridgeshire County Council, the local highway authority, and Mr John Koch was senior planning officer for the Council.

Cllr H. Williams: *On page 52, I note that it says one of the things that has been raised obviously is the visibility splays—on the third paragraph down. I realise that's the original comments. Is that something that is feasible to condition? Is that something that's still feasible? Obviously things have moved on since the original comments.*

Dr Jon Finney: *My understanding is it's not. Obviously, I'll defer to Mr Koch on this particular issue, but my understanding is, no, it is not, which is why, briefly, I just want to check on the red line drawing. The area, although there is sufficient width within Fews Lane to do the work, it is not under the control of the applicant, so it's not feasible to request that, because obviously, they don't actually control the land. Obviously, Mr Koch will be able to confirm that in planning terms, but I'm not a planning officer.*

Mr John Koch: *Chair, through you, it's absolutely right.*

- (7) I would also draw the Council's attention to the following remark made by the chairman of the committee on page 14:

Cllr J. Batchelor: *Members, we have to be mindful of the fact that any conditioning has to be deliverable by the applicant, he has no control over this piece of road.*

- (8) These two passages can be distilled down into the following four suppositions.

Supposition A: It is not possible to attach conditions pertaining to land that is not in the control of the applicant.

Supposition B: Conditions can only be attached to land within the red line boundaries on the location plan.

Supposition C: Any conditioning has to be deliverable by the applicant.

Supposition D: The applicant has no control over the piece of road required for access to the site.

- (9) Supposition A is taken from direction given to the committee by Dr Jon Finney and confirmed on behalf of the Council by Mr John Koch. Could the Council please confirm if it stands by the legality of this supposition?
- (10) Supposition B is implied by Dr Jon Finney's remark that he needed to consult the "red line drawing". Could the Council please confirm if it stands by the legality of this supposition?
- (11) Supposition C is taken directly from the remarks made to the committee by its chairman, Cllr John Batchelor. Could the Council please confirm if it stands by the legality of these remarks or if these remarks were unlawful misdirection?
- (12) Supposition D is also taken directly from the remarks to the committee by Dr Jon Finney, which were confirmed on behalf of the Council by Mr John Koch, and which were later repeated by the committee's chairman, Cllr John Batchelor. This information was not contained in the application before the committee, so it is unclear as to how this information came to the attention of officers and members. It is also unclear what basis officers or members had for introducing this purported fact into the decision making process. Could the Council please confirm if the statement made by Dr Jon Finney and confirmed by Mr John Koch on behalf of the Council and later repeated by the chairman of the committee was in fact true, and if so, could the Council please say how the officers and/or member came to know this information? Could the Council please confirm if it was a proper use of officers' and the member's positions to introduce this fact into the decision making process during the committee's deliberations? Could the Council also please confirm if the information summarised in supposition D was material or immaterial to the decision in question?

Kind regards



Daniel Fulton
Director

AUDIO TRANSCRIPTION 13 02 2019 11:38:32

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
PLANNING COMMITTEE MEETING

[Start of recorded material at 11:38:32]

Cllr John Batchelor: - agenda, we're at Longstanton, so the erection of a three-bedroom bungalow with parking for the application, the land is at the rear of The Retreat, Few's Lane, Longstanton. The applicant is Mr and Mrs Caddoo, the recommendation is approval. The committee visited the site yesterday as another departure and the presenting officer is Alison Twyford ... Alison has now turned into Mr John Koch. So, over to you then, John, thank you.

Mr John Koch: Thank you, Chair. Just a few pointers really in respect of the application. First of all members should have already received an additional letter of objection from Mr Fulton, an adjoining occupier, which I think has been sent to you electronically earlier in the week. Also, some concerns have been raised that some of the representations received have not all been viewable on the website and that point has been checked and no issues have been identified in terms of what can be seen and what can't.

Members, it's worth noting the history of this application and, in particular, the inspector's appeal decision of 27th September last year. While the application before you today is identical in most respects, members are still required to consider the application on its merits, and it's very important that you do so. Nonetheless, due regard should be paid to the appeal decision as a material consideration. Clearly, the weight that you give to that is a matter for you, as members, but nonetheless, it is a material consideration.

If members are minded to vote against the proposal and refuse the application, they will need to give a clear reasoning for doing so, particularly in the light of the appeal decision. While not explicitly set out in the report before you, officers do confirm that, in their opinion, the residual cumulative impact of vehicle movements arising from the demands of an additional dwelling, when taken alongside the five other dwellings which already benefit from vehicular access off Few's Lane, is not sufficient to warrant a refusal on highway safety grounds.

Similarly, officers consider that access for emergency vehicles does not warrant a refusal, either on grounds of highway safety or, indeed, general public safety. In the event the application is approved, the environmental health officer has requested an informative through the burning of waste or other materials on the site and the need to minimise noise and dust during the construction of the dwelling. Likewise, the local highway authority has requested informatives about works within or affecting the public highway. They're not included in the list of informatives attached to the recommendation, but for the sake of completeness, can be added to the decision notice should the application be approved.

I think, finally for members, it's worth noting that in the right-hand margins to the report, there are some comments. Just to confirm that there's no change in the report, the report is final, it has effectively taken onboard those earlier comments when the report was checked, so they have no materiality on the report itself. Apart from that, I think that's it, thank you.

Cllr John Batchelor: Thank you very much. Sorry, just to go back a bit, I should have mentioned that the vice-chair has had to leave, so I've asked Councillor Milnes to step in. Are we all happy with that?

Yes [All].

Cllr John Batchelor: No objections? Fine. So, any points of clarification, please? No? Then we'll move on. I have a number of speakers, the other thing we should say, I've had a note, and you should all have a copy of it, from County Councillor Peter Hudson, also giving his views on this, so you should all have that before you. I have some speakers on this one. So, would Mr Fulton come forward, please? Good morning, welcome.

Mr Daniel Fulton: I have two points of clarification before I get to my comments. The first is with the legal officer ...

Male Voice: I don't think the speaker is allowed to ask a question about clarification.

Mr Daniel Fulton: That's fine.

Cllr John Batchelor: I'm sorry, you're apparently not allowed to. I would press on, because you've only got the three minutes here.

Mr Daniel Fulton:

The council has been informed that the ownership certificate is incorrect. Section 65 of the Town and Country Planning Act 1990 says that if all owners of the land within the application site have not been notified of the application that the local planning authority 'shall not consider the application'. I don't know if my letter was received, but that's Section 65 from the Town and Country Planning Act. I would thank the planning officer for his comment, for his summary of the application today, but I would note that his comments are [absolutely] different than the officer's report in almost every regard and that my comments today were based on the officer's report.

I'll simply say that we've attempted to engage with planning officers and the local highway authority in regards to this application for a year now and there's been no meaningful engagement at all. We've basically just been ignored. I have no objection to the principle of the development of the site and any development scheme would be fine with me as long as it complies with the policies of the local plan and the national planning policies. As the officer said, the weight for any material consideration is to be determined solely by the decision-maker.

The decision-maker is this planning committee. Contrary to what the officer has stated at the meeting just now, the officer's report gives heavy weight to the appeal decision. However, it doesn't present the full facts in regards to the appeal decision. All I'll briefly say is that the inspector was unaware that Few's Lane was a public footpath. The inspector failed to take account of his own decision from 1989 which found exactly the opposite conclusions on highway safety in exactly the same site. The inspector ignored the fact that the application site boundaries did not comply with the national information requirements and weren't valid.

The planning inspector ignored Policy DP5 of the Local Development Framework that was in-place at the time. Since the appeal was issued, a new policy, H16, on the development of residential gardens, has been approved by this council and the adopted local plan. When outline planning was initially granted for this application in 2013, the local highway authority requested conditions on widening Few's Lane and putting into place pedestrian visibility displays. Those conditions were not attached to subsequent decisions because they were outside the boundaries of the application site.

But the boundaries of the application site did not comply with the national information requirements and were, therefore, invalid. As for access for emergency vehicles, I will only say that the officer's report argues that past failures to follow the policy mean that it would be unreasonable to then start following the policy after previous failures. I find that argument to be completely inexplicable. Thank you for the opportunity to [comment]. I sincerely thank you for hearing me.

Cllr John Batchelor: Just stay there for a moment, they might want some clarification, so if you just stay with us for a bit there. Just to say that we have all had your more detailed notes on this and I'm sure everybody has studied them at length. So, members, any points of clarification you would like? They're perfectly happy, to thank you very much.

Mr Daniel Fulton: Thank you.

Cllr John Batchelor: So, is Mr Caddoo with us this morning? If you would like to come forward, please? Sorry, there's some confusion, you do want to speak, I take it, do you?

Mr Caddoo: Not necessarily, no, but I would appreciate the opportunity.

Cllr John Batchelor: The opportunity is there, if you wish to. That's fine. Thank you, so when you're ready, just push the large button in the middle and you're underway. Thank you.

Mr Caddoo: Okay, thank you very much for this opportunity to speak in front of the committee. It is, indeed, unfortunate that this application finds itself in front of the committee today. It was a duplicate planning application, approved, obviously, upon appeal by the inspectorate back in September 2018. I feel, in my opinion, the only reason this application is here today is the result of the actions of a third party who, throughout this planning process, has continued to raise concerns without any substance.

When all else fails, resorting to making threats of legal action against the district council and even judicial reviews, if things don't go his way. This is a very straightforward application for a three-bedroom bungalow and, as I said before, it should not be here today in front of the committee. I trust the chair and the committee will not be intimidated or feel threatened by the behaviour and actions of this individual. Thank you.

Cllr John Batchelor: Thank you very much. Any points of clarification? Councillor Williams.

Cllr Heather Williams: Thank you. One of the things that is, potentially, a condition is working hours, obviously aware of the history. If ... and this is not saying what will happen, but if the committee was minded to approve, would you be okay or would you challenge if working hour constraints were placed?

Mr Caddoo: I have no objections to that. [Unintelligible 00:11:47] that the local highways authority have obviously had input into this application and previous applications, and there appears to be what's best described as typographical errors in their report. In the application that was approved, the restriction on the vehicle movements was only before 9:30am because of the local school traffic. In the latest report from the local highways, they state that there are no deliveries on the site between the hours and 9:00am and 4:00pm, which is ridiculous, obviously. That means no deliveries during working time, but I have no objections to any reasonable limitation on construction traffic.

Cllr John Batchelor: Okay, thank you very much, I don't think there are any other questions on it? No. Okay, thank you. Is the parish clerk for Longstanton with us?

Ms Libby White: Yes.

Cllr John Batchelor: Come forward and just as a matter of process, I have to ask that you have permission of your parish council to speak on their behalf. Yes? Okay. I didn't get your name, sorry.

Ms Libby White: Yes, it's Libby White.

Cllr John Batchelor: Thank you very much, when you're ready then.

Ms Libby White: I'm the parish clerk to Longstanton Parish Council and I've been asked by council members to convey their reasons for objecting to this planning application. They basically said that the application and a previous application for a similar, almost identical development, their main reasons were, the density and layout of the site, not only due to perceived over-development, but also the effect that these piecemeal applications are having on highway safety, especially of pedestrian users of the public footpath running through Few's Lane.

I understand you have all the comments that have been made by the council previously. Their comments come from comments made by residents and are based on the [little] planning knowledge that they do have. When considering highway safety, councillors are mainly concerned about pedestrians using Fews Lane, which serves nearly 500 homes on the Home Farm development along with dwellings located, here, on Fews Lane. The pedestrian usage for this footpath is considerable, ranging from children walking to school, dog walkers, ramblers, families with small children, commuters going to catch the bus or the guided bus, and those simply walking to the shops.

It's a primary access point from Home Farm to the High Street. The footpath is suitable for one vehicle to travel, and if you're walking on the path at the same time when a vehicle is also moving, the pedestrian has no option but to stand on the verge. This quiet lane, prior to development, had two bungalows on it with access to the garage and the house adjacent to the entrance of the lane. Through various applications, there are now four homes positioned at the end of the lane, along with their garages. This development will make it five. With an average of two vehicles per dwelling, we have increased traffic from four cars to ten, ignoring deliveries and visitors. A comment has been made that the High Street is slow and relatively quiet. This is not the feeling by residents.

Longstanton has a very active speed watch team and a number of residents, both from the High Street and from Mitchcroft Road, and the surrounding streets, expressed concerns about vehicle speed and pedestrian and cycle safety. As a result, approval was granted by the police to operate in four locations relatively close to Fews Lane. I'm unable to confirm too many details, but having spoken to the coordinator, also a parish councillor, he assured me there are regular high volumes of traffic with, typically, 120 to 150 cars per hour in each direction at the locations around Fews Lane with bursts of 170-plus at peak times.

He stated that people trying to get in and out of Fews Lane have created a major issue or have sat down and waited patiently to get out and waited a while to find a break in traffic. He also commented that, in a relatively close proximity, you have a bus stop that stops to collect village college students and the pupils using Fews Lane to get to the bus stop. At school time, there's a lot of pedestrian access for children and,

additionally, many parents in the Willingham end of the village and from the Home Farm development, walk their children to school in the village using both the footpaths across the end of Fews Lane on the High Street and the footpath through Fews Lane itself.

An increase in vehicular traffic in Fews Lane will create a noticeable impact, likely to be at peak times when there's the highest concentrations of vehicles using the High Street, exiting Mitchcroft Road, and the maximum potential of foot traffic on the pavements.

Cllr John Batchelor: Thank you very much. Any points of clarification? Yes? Councillor Handley.

Cllr Bill Handley: Just for clarification, you said something about the increase in traffic, I think you said four to ten, was it, or six to ten? And can you just explain why that's the increase that we would see.

Ms Libby White: I think what I'm trying to say is that there were two bungalows originally down Fews Lane, it's now increased to four, so if you average two vehicles per house, you've increased it to eight, and with this one, you're potentially looking at ten cars for this lane that was only originally for two properties.

Cllr Bill Handley: I understand.

Cllr John Batchelor: Alright, thanks very much, anybody else? Councillor Topping?

Cllr Peter Topping: Just very quickly, is there any other footpath from the large estate for the schoolchildren? I mean is there another footpath that they could use other than this one?

Ms Libby White: They would have to walk on the main roads. It's almost a shortcut and it's, obviously, slightly nicer to walk on a green footpath than next to the traffic.

Cllr John Batchelor: Thank you, anybody else? No? Right, thank you very much. Local member, Councillor Johnson. Good morning.

Cllr Sarah Cheung Johnson: Thank you chair. I'm speaking on behalf of Councillor Alex Malyon who is a fellow member for Longstanton ward and our comments represent both the views of residents who have contacted us, as well as our views on behalf of the residents of Longstanton. Our concerns are primarily on road safety, as highlighted by our parish clerk. For the benefit of the

committee who've not visited the site, Few's Lane is a narrow lane, heavily used by pedestrians, as highlighted, especially children who use it as a cut-through to access the High Street.

The Home Farm development is 500 homes of mainly family homes and they use both Few's Lane itself and the pavement across the top of Few's Lane to access the High Street to catch the school bus to Swavesey Village College as well as our village primary school further down the High Street and to access the closest shop to the estate, which is the Co-op. As a car pulls out of Few's Lane, you need to take your car fully out of the lane, fully onto the pavement and basically onto the High Street itself to get the visibility you need to see around the tall hedges and shrubberies on either side of Few's Lane.

Crossing this footpath, the vehicle can prove dangerous, and we saw this just morning because I accompanied Councillor Heylings on a site visit because she was unable to join the minibus group yesterday. We were there at 8:30am, so many children were going past on scooters, many parents were there with their babies in buggies. And as a parent myself with pre-schoolers, I would just to remind members of the committee that children on scooters go at quite a rate and not always with the due care and attention that we, as parents, would like them to. We're also concerned with the Fire Service access to the site and understand that, because of the restrictive nature of Few's Lane, any fire engine attending an emergency, would only be able to do so by stopping at the High Street and dragging the hose down Few's Lane.

As far as we're aware, the Fire Service was not approached to lodge these concerns for two existing bungalows that were built in 2016 or for this one. And whilst it may be seen that one additional dwelling in, and of itself, can't cause overriding major concerns of road safety and fire safety, we're concerned about the cumulative impact. So, we would like to request that if the committee be minded to approve this, that if they are able to, in any way, attach any conditions to ensure our residents' road safety, that they please do so. Thank you.

Cllr John Batchelor: Thank you very much. Any questions? Yes, Councillor Wright, please.

Cllr Nick Wright: What sort of condition are you looking for?

Cllr Sarah Cheung Johnson: I think you have, in your pack that you've got from Mr Fulton,

some suggestions on things that he would ... but I think our major concerns are with that visibility at the top of the lane. The inspector's appeal says that two cars can pass on Few's Lane, and I really can't see how they can do so safely without going onto that verge and practically into the ditch. So, in order to pass, you do have to reverse into someone's private driveway or someone has to reverse all the way to the top of Few's Lane where that turning point is.

I don't know what's possible to be able to do that safely and to ensure that any verge, which is private land, is not then fenced, because if it were, then that would make the lane basically impossible for two cars to pass. But our main concern is on that visibility of that footpath where Few's Lane meets High Street.

Cllr John Batchelor: Alright, Councillor Williams?

Cllr Heather Williams: Yes, just on the condition that you're touching on, so you would like to see a condition about deliveries for construction? Could you just clarify what it is that you think the residents really would like?

Cllr Sarah Cheung Johnson: Sure. It's around the vehicular access to Few's Lane for vehicles coming in and out of that. If there are ways that the applicant can provide to ensure ... I don't know if there's extra, that you can request this, but mirrors or things to allow vehicles coming in that lane can do so more safely than they currently are, because of the tall hedges and shrubs on either side, which are private land.

Cllr John Batchelor: Thank you. Anyone else? Councillor Cahn, please.

Cllr Martin Cahn: During the site visit, one of the issues that struck us was that there was a considerable problem of parking on the High Street which restricted visibility when you're coming out. I just wondered whether there had been any proposals to control parking on High Street?

Cllr Sarah Cheung Johnson: You touch, obviously, quite a thorny subject, but the parking on the High Street, especially with the Co-op, has increased. We have put yellow lines further down the lane, but unfortunately, they often get ignored. We've obviously got a lot of construction vehicles, both on the A14 and from Northstowe, that are using the Co-op to pick up lunch. So, we are constantly getting very large vehicles parking on the High

Street, just stopping for five minutes to get a sandwich, but obviously, then, causing an impact. So, sometimes when you go there, like we went at quite a quiet time, it can seem like a quiet street, but it doesn't take many vehicles to be there for it to be quite busy.

Cllr John Batchelor: Alright, thank you, and I think that's it. Thank you very much. Mr Finney, I believe, would like to clarify an issue on timing of deliveries, and Mr Finney is the officer from the county council, responsible for everything, isn't it, in transport matters?

Dr Jon Finney Not quite, chair. Firstly, may I apologise to the committee, I'm recovering from a slight chest infection, so I'm slightly short of breath, so I have to occasionally take a deep breath in, so I do apologise for that. In terms of the timings, there is a typo in the report, the timings should be that the only times we permit deliveries are between 9:30am and 3:30pm, we're not trying to restrict them. They are the hours that we would allow deliveries, not outside those hours, so all the deliveries are missing the peak time movements, particularly in [unintelligible 00:24:50] to the children, we recognise that.

So, that is a typo, whether that came from the Highway Authority, if it did, I apologise, but that's it. And if you've got other points of clarification, obviously, there's a lot discussion here about highway safety in relationship to the [turn], do you wish me to talk about that now or do you want to debate?

Cllr John Batchelor: Yes please, because unlike me, you have to understand that you're still maintaining a request for a refusal from the highways. Perhaps you can clarify that position then, please.

Dr Jon Finney: I still start the debate at premise, the Highways Authority dislike incremental development, it's very, very difficult for us to deal with. The main reason is that it's just another house, and I'm not going to deny, that makes it very awkward. On average, across South Cambs, each house generates four and a half vehicle movements per day, where the 'half' comes from, I'm not absolutely certain, but that's the average. In Longstanton, that's probably about where we sit, and that's in a 12-hour period, so you're talking relatively low numbers of increase in motor vehicle movements in and out of Few's Lane.

Under the NPPF, paragraph 109, we are now permitted, or this is now clarified that we can request and refuse on the grounds

of highway safety if that highway safety impact is significant. It is very difficult for the Highway Authority to argue that an increase in 4.5 vehicle movements in a 12-hour period is a significant impact on highway safety. I accept that Fews Lane is used relatively heavily by pedestrians, and particularly as the councillors have pointed out, and so has the objector that you've got 500 houses to the north, however, there are [other] footway connections, so not all 500 houses are going to be using Fews Lane.

It is a much more attractive route, I'm not going to deny that, but again, it comes down to the fact that if we have that average, 4.5, where is the level of significant conflict? There is an increase in conflict, and I'm not going to deny that. As you know, any vehicle in movement can be a conflict. In terms of the access itself, whereas you cannot achieve what we would call a 2-metre x 2-metre pedestrian visibility display, you can achieve a 1.5-metre x 1.5-metre visibility display, which is what is required when you're designing many of the roads and bridges.

So, if we went to appeal on that, that is precisely what any application would say, we can comply with the more onerous guidance, which is the design for roads and bridges, it's more onerous in terms of its design criteria than [unintelligible 00:27:37] streets. I can't comment on the fire and rescue, because obviously, they are a separate body, but I would just briefly say that one of my oldest friends who was actually a fireman until he recently retired, and if you've got 3.7 metres clearance, they will take the vehicle down it. If somebody's life is at risk, they will take the vehicle down it, they will bump a car out of the way to get their vehicle down there. They don't like and they, obviously, try and avoid it, but they will do so if necessary.

As I say, in terms of the application, the Highway Authority has no material reasons to request a refusal, it's that awful situation where the impact is not significant enough for us to do so. I am not denying that the councillors and the objector is correct, there will be an impact, but we cannot justify that as being significant. So, if anybody else has any further questions, please do ask and I will do my best to answer them to enable you, as the committee, to make their decision with as much information available to you as possible. Thank you very much.

Cllr John Batchelor: Thank you very much. I think Councillor Williams has a question for you.

Cllr Heather Williams: Thank you. On page 52, I note that it says one of the things that has been raised obviously is the visibility splays—on the third paragraph down. I realise that's the original comments. Is that something that is feasible to condition? Is that something that's still feasible? Obviously things have moved on since the original comments.

Dr Jon Finney: My understanding is it's not. Obviously, I'll defer to Mr Koch on this particular issue, but my understanding is, no, it is not, which is why, briefly, I just want to check on the red line drawing. The area, although there is sufficient width within Fewes Lane to do the work, it is not under the control of the applicant, so it's not feasible to request that, because obviously, [them], they don't actually control the land. Obviously, Mr Koch will be able to confirm that in planning terms, but I'm not a planning officer.

Mr John Koch: Chair, through you, it's absolutely right.

Cllr John Batchelor: Thank you. Councillor Milnes.

Cllr Brian Milnes: Yes, just to confirm the restrictive hours on page 52 on the second paragraph, can you confirm that you seek to restrict vehicle movements deliveries between 07:30 and 09:30 and 15:30 and 18:00?

Dr Jon Finney?: That is correct, yes.

Cllr John Batchelor: Thank you very much, and Councillor Topping, please.

Cllr Peter Topping: Thank you Mr Chair. Jon, originally, I was trying to work out how many conditions you were seeking as the local Highways Authority to ask this committee to impose, but I think there's a bit of duplication. So, can I clarify that there are four conditions, which are, [using] about the material for the first ten metres, that they've got to get separate permission from the Highways Authority for work and access to Fewes Lane should be widened to a minimum width and there's stuff about private water. Those are the four ones, just for clarity?

Dr Jon Finney: Just for clarity, yes. The first condition is bound material for the full width of the public right of way for a depth of ten metres to prevent material dragging onto the carriageway and

footway. The second point is actually an informative, some developers have read the planning permission, granting permission to work in the adopted public highway, that is not correct. You need our permission, as the Highways Authority, to carry out ... you cannot unreasonably withhold that, we will not do so, but the developers, basically, still need to seek our permission to work in the highway.

In terms of the five metres, Councillor Williams has just asked that question and no, we can't impose that and Mr Koch has agreed, and the fourth one was about private water. Yes, we would like the water to be shed so it doesn't actually drain onto the what we would call the ['metalled'] highway, which is the High Street itself.

Cllr Peter Topping:

So, are there any other conditions that could be imposed with regard particularly to the access from the main road to Fewes Lane? Because it seems to me that this rests on the concerns about the safety between pedestrians and vehicles. I was a meeting last night, a parish council meeting, where the stated aims of the local authorities was that there is a sort of hierarchy where pedestrians and cyclists came first and then public transport and, eventually, motorists.

Now, whatever one thinks of that hierarchy, that is the stated aim of the local authorities and I just wonder whether there's anything that we can do to preserve that hierarchy with regard to protecting pedestrians in this respect. Sorry, that was a bit long, but you know what I mean.

Dr Jon Finney?:

In terms of what we call the 'user hierarchy', you are quite correct - pedestrians, cyclists, public service vehicles and finally, private motor vehicle. Clearly, that needs to be balanced, the world couldn't be designed, regretfully, just for pedestrians, much as I like the idea because I am a pedestrian. So, we have to balance that, and, as I say, it's the risks and hazards that we balance here and the relatively low number of motor vehicles using this access as opposed to the relatively high number of pedestrians, yes, there will be a certain level of conflict.

It's a slow-speed environment, even with a ten-metre length of bound material at the access, it's not going to significantly increase motor vehicular speeds. Yes, as a pedestrian, I want to get out of the way of a motor vehicle, I'll be quite honest with you, but again, how often does that occur and is that a

significant inconvenience for a pedestrian? And we have to consider the word ‘significant’, and unfortunately, I don’t believe it is, whereas I am a full supporter of the user hierarchy and in most developments, as you know, we will drive that forward as much as we can.

As I say, it’s this incremental development which is always difficult for us.

Cllr John Batchelor: Thank you very much for that. Members, we have to be mindful of the fact that any conditioning has to be deliverable by the applicant, he has no control over this piece of road. Councillor Fane, please.

Cllr Peter Fane: Chairman, my question has just been dealt with, thank you.

Cllr John Batchelor: Councillor Handley, please.

Cllr Bill Handley: My main question has actually just been answered as well, but I would like to ask one thing. A comment that Councillor Cheung Johnson mentioned about the possibility of mirrors might help improve the visibility for both pedestrians and vehicles.

Dr Jon Finny: The Highway Authority will not permit the installation of mirrors upon land under its control, they are far too risky for us because if it ever got broken or damaged, whose responsibility is it? If, however, the applicant wishes to install mirrors on private ground to improve that visibility, that is a matter for them to consider, not the Highway Authority. We have to look at the visibility to the junction without any artificial aids.

Cllr Bill Handley: I assume that, in this case, that’s not going to be possible then?

Dr Jon Finney: Correct, yes.

Cllr John Batchelor: Okay, thank you very much Mr Finney. Alright, the debate is over, anyone wish to comment? Yes, Councillor Williams, please.

Cllr Heather Williams: Just reading the conditions on page 58, I think we’ve heard a lot about the pedestrians and I’m wondering whether ... and I’m looking at the planning officers here, if there’s a possibility that we change the no deliveries [within] outside of the hours of 9:30am to 3:30pm. And whether it would be possible to create, during the construction phase, some sort of management plan

with the pedestrians such as somebody there stopping traffic, but simply for the construction phase.

I think it's regrettable, my view is that one extra dwelling is not significant harm and it's regrettable for many reasons. I can't see a material planning consideration for refusal, but I would like to see a bit more robustness in the conditions in relation to delivery and the control during the construction process.

Cllr John Batchelor: Thank you very much.

Mr John Koch?: Chair, I think it's a matter for members, at the end of the day, if you wish to, as I say, go with a condition in respect of delivery times. I think the applicant has muted that's not necessarily unreasonable, I think that's within your gift to do so, if you so desire that that's necessary. Obviously, bearing in mind that the inspector did not consider it necessary, but that's still within your gift, absolutely. In terms of a construction management plan, again, the inspector dismissed that a condition put forward by this council previously.

We did actually have a costs application on the appeal in respect of that particular ... the reason for refusal previously, actually, rather than a proposed condition. But it is within your gift and if you feel it can be justified, then it's a matter for you, as members, to take that view. The inspector's view, it's always difficult with a single dwelling because the construction times, the construction process, is often quite limited.

However, Mr Finney has advised you that whilst the Highway Authority don't object, there clearly will be some conflicts and there will obviously be conflicts during the construction phase. So, if you feel that it is justified, then I don't think [unintelligible 00:38:53] to say that you shouldn't impose such a condition.

Cllr John Batchelor: Thank you. Councillor Milnes.

Cllr Brian Milnes: I would just like to refer to [both] that issue, I'm not sure such a condition would be practical or implementable. I absolutely hear the concern of the mixture of pedestrians, cyclists and then construction traffic on top. Clearly, the restrictions that already are in-place, they're going to remove that when the majority of children are walking there. And the other thing that I note is that, despite reservations about the accuracy of these 4.5 vehicle movements out onto the High Street, when the parish

council have counted something like 160, it is a very small, additional number. Those are the figures on which we have to base our decision.

Cllr John Batchelor: Thank you very much for that. Councillor Handley, please.

Cllr Bill Handley: Dr [Finney] said earlier that an incremental increase, a small increase, is going to make a difference, a tiny difference, such that we can't attach significance to the increased risk. I feel the same kind of frustration. Am I right though in saying, and I'm asking the question of Mr Koch here, that we can't make any allowance for that. We might make a different decision, if we're increasing from two to six, we might say that's a significant increase, but the fact that we're going from five to six is a completely different thing.

What I'm asking, Mr Koch is, we can't take any consideration about decisions that have been taken before, the applicants made reference to mistakes that were made before. We can't make any reference to that or take that into consideration, we just look at this as a standalone application, correct?

Mr John Koch: I'm not quite sure what the question there was, chairman.

Cllr Bill Handley: I didn't put it well, would you like me to re-phrase it?

Cllr John Batchelor: Yes, re-phrase it.

Cllr Bill Handley: I'm just asking, the applicant said that there were mistakes made in previous applications, such that the thing about the increased risk, in his opinion, was not taken properly into account. The point I'm making is that we can't take any consideration of any decisions taken previously. We are looking at this as a standalone application and we only look at the increase of the one property, the risk of the extra volume of traffic from one property.

Mr John Koch: Yes, I think that's generally correct. First of all, you look at the application in its merits, you look at it fresh today, we've mentioned earlier about what's known as 'residual cumulative traffic impacts'. And the view has been made, well, it isn't, it isn't necessarily one additional one because, over time, a number of additional dwellings have been added to the traffic flows up and down Few's Lane as they've been built.

The situation you have today is that you have, I think, five

dwellings which are accessed off the lane, this will be an additional one. It's the view of officers, whichever way you look at it, that, whilst, yes, there will be some conflict, because an additional level of traffic must create something, it's not significant enough to warrant a refusal, and that's our position as officers.

Cllr John Batchelor: Councillor Williams.

Cllr Heather Williams: Thank you. I just want to clarify for certain this condition, because I appreciate what Councillor Milnes was saying, I think we're all agreed on the hours, but the actual wording in the condition on page 58, I believe, is 'no power-operated machinery shall operate on-site before 8:00am'. And apologies if I've missed it, but I can't see the deliveries as a condition at a moment.

Male Voice: Page 52.

Cllr Heather Williams: 52?

Male Voice: Yes, the second paragraph.

Cllr Heather Williams: And, as members, can we please choose for that to be added in?

Cllr John Batchelor: Alright, well, members, let's decide whether or not we want to do that then, so what timings are we suggesting?

Cllr Heather Williams: My suggestion, that there are no deliveries outside the hours of 09:30 to 15:30.

Cllr John Batchelor: Okay, so you're suggesting a condition which is the same as the one on page 52, Highways would require no deliveries between 07:30am and 09:30am, 3:30pm and 6:00pm.

Female Voice: Good.

Cllr John Batchelor: Do you want to speak to that, Councillor Rippeth?

Cllr Judith Rippeth: I don't know if I can come in at this point? But, the 3:30pm seems like it would coincide with schoolchildren walking back, would we not want to make it a shorter time? 3:00pm? Because we're trying to avoid conflict with pedestrians, aren't we? Just out of interest.

Cllr John Batchelor: This was the original Highways Authority request, so it has

some standing. I'm not sure what time the schools actually turn out, do you?

Cllr Judith Rippeth: Well, my son's school is 3:20pm, 3:15pm/3:20pm, but that's not in Longstanton.

Cllr John Batchelor: Councillor Williams.

Cllr Heather Williams: I would be supportive of reducing them and I don't believe we can ask it from the Highways point of view, whether they would be comfortable if the hours were reduced to 2:30pm or 3:00pm.

Cllr John Batchelor: Mr Finney.

Dr Jon Finney: I think as the councillor has pointed out, I think the key issue is, what time does the primary school at Longstanton actually finish, because obviously that's the key issue, because it did vary across the county. We'd normally take 3:30pm as being average, but if it is at 3:00pm, then I think maybe we should be reducing that time, because it is that primary conflict. So I think perhaps we could define that and then put that in as part of the condition, this way forward.

Cllr John Batchelor: Okay, let's do that then. So, members, is this a condition that you want? So, would you please vote, those in favour of this condition. Anyone against? Abstentions? Right, well I'll be an abstention as well, so that's a condition then, 7:30am to 9:30am and 3:00pm to 6:00pm, no delivery times, yes? Okay, we've done that. Now we have to decide on the application itself, so the recommendation before you is approval, can I have all those in favour of approval, please?

Male Voice: Sorry, subject to the amended condition.

Cllr John Batchelor: Yes, subject to the amended condition. Right, all vote please. That's unanimous. Okay, thank you very much, with the condition, so that's an approval with the additional condition. Thank you very much.

[End of recorded material at 12:25:15]

From: Daniel Fulton <dgf@fewslane.co.uk>
Sent: 13 November 2020 08:25
To: Stephen Reid <Stephen.Reid@3csharedservices.org>
Subject: Update on status of judicial review claims

Dear Mr Reid,

In regards to the prospective judicial review claim concerning the Council's planning decision at Parcel COM4 Orchard Park, the Consortium would like to thank the Council for its pre-action protocol response and to inform the Council that the Consortium has decided not to issue proceedings in this instance.

In regards to the prospective judicial review claim concerning the Council's planning decision pertaining to 1 Horseheath Road, Linton, the Consortium would like to thank the Council for its pre-action protocol response and for deciding to undertake a review of the manner in which it considers application submitted under section 73 of the 1990 Act. The Consortium's view is that the Council would have only the most remote chance of successfully defending its decision in this case. However, as the Council's pre-action protocol response acknowledges that serious legal errors were made by the Council in its consideration of this planning application and as the Council has agreed to undertake a review in order to improve its decision making process in the future, the Consortium has decided not to issue proceedings in this instance. The Consortium hopes that the Council will recognise the decision not to bring proceedings in this instance as a gesture of good will. We hope that we can depend on the Council in the future to endeavour to meet the high standards of public administration expressed in recent statements by the leader and deputy leader of the Council and by the portfolio holder for planning.

In regards to pending development management decisions in Linton more generally, we would like to bring the Council's attention to the outstanding discharge of conditions applications affecting the site at Bartlow Road. In the view of the Consortium, it is essential that the conditions attached to the extant planning permissions are only discharged if the details set forth by the applicant comply with the relevant planning conditions. As the Council is aware, the interpretation of planning conditions is, generally speaking, a matter of law within the jurisdiction of the courts. The planning conditions relating to flooding at this site (S/1963/15/COND10 and S/1963/15/COND11) are extraordinarily clear. Should any part of planning conditions 10 or 11 be discharged on the basis of details that do not comply with the conditions in question, the Consortium will be extremely likely to issue judicial review proceedings against the Council. The Bartlow Road site is in a sensitive location, and inappropriate development at this site could pose a serious risk of flooding to a significant number of dwellings within the village.

In regards to the prospective judicial review claims concerning the proposed developments at 95 Bannold Road, Waterbeach, and The Retreat, Fews Lane, Longstanton, the Consortium would like to thank the Council for its pre-action protocol responses. The Consortium disagrees with the positions asserted in the Council's pre-action protocol responses and continues to maintain that the Council has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. The Consortium is likely to issue proceedings in regards to both applications as the pre-action protocol has now been completed.

Yesterday you will have received a letter in regards to a prospective judicial review claim concerning trees within the Knapwell Conservation Area. Given the immediate threat to the trees in question in light of the Council's unlawful decision, the Consortium does not consider the judicial review pre-action protocol to be applicable in this case. Furthermore, any applications in these proceedings are

likely to be issued on a without notice basis. The factual issues in regards to the prospective claim have been set forth by the Knapwell Parish Meeting in its letter to the Council dated 11 November. The relevant law concerning legitimate expectations, minimum lawful consultation procedures, and pre-determination has been extensively set forth by the Consortium in pre-action correspondence and in statements of case from disputes with the Council in the last 12 months. The Consortium considers that the Council will be likely to argue that its decision was in fact taken on 3 November despite the fact that the Council's website states that the decision was taken on 27 October. The Consortium will call the court's attention to this argument, which we assume the Council would make if the application were made with notice. We will also call the court's attention to the date on the decision letter issued. If the Council provides the Consortium with any other grounds of defence of its decision or any evidence supporting any defence, the Consortium will make all of this information known to the court.

The application for pre-action disclosure in regards to the Council's decision to instruct Stantec Ltd will be sent to the Council at the time the application is filed with the court. This will now most likely be on Monday.

The Consortium remains keen to settle all of the outstanding disputes with the Council without the need for further legal proceedings, and we hope that the Council will continue to keep its prospects for success in each case under review.

Kind regards,

Daniel Fulton
Director

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From: Stephen Reid
Sent: 16 November 2020 07:39
To: 'Daniel Fulton' <dgf@fewslane.co.uk>
Subject: FW: Update on status of judicial review claims

Dear Fews Lane Consortium Ltd

1. I note that in your email sent to me on 13th November you have included the following:

“...In regards to the prospective judicial review claims concerning the proposed developments at 95 Bannold Road, Waterbeach, and The Retreat, Fews Lane, Longstanton, the Consortium would like to thank the Council for its pre-action protocol responses. The Consortium disagrees with the positions asserted in the Council’s pre-action protocol responses and continues to maintain that the Council has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. The Consortium is likely to issue proceedings in regards to both applications as the pre-action protocol has now been completed...”

2. May I remind you ,however ,that you have not addressed the following included in the Council’s response on Bannold Road dated 13th October

17 [Para 17 of your letter](#)

17.1 Here you acknowledge that not every planning application will require visibility splays and you give as example, an application submitted for a city centre development where no vehicular access to the site was possible, and where you recognize that visibility splays would obviously not be required.

17.2 However, you then continue

“....the Consortium intends to submit that where an application creates a new vehicular access or proposes the intensified use of an existing vehicular access, the land necessary for visibility splays must be included within the area defined by the red line on the location plan...”

17.3 If that proposition is correct then literally thousands of planning applications up and down the country should be re-visited and be held to be invalid because they do not show within the red line relevant visibility splays which are within the existing adopted highway. The same point should likewise apply to a whole host of current appeals where again the applications which are the subject of those appeals do not show within the red line on the location plan relevant visibility splays which are within the existing adopted highway. The reference to appeal cases is also pertinent in the context of your comments under your para 18 where, in effect, you suggest the Secretary of State does not have the power to ignore the statutory requirements in any case.

3. Can I ask you to address this point either before you issue proceedings or as part of your proceedings as you seem to think that it would be appropriate that literally thousands of planning applications up and down the country could, or should, be brought to a standstill.

PS I hope to email you today with extensive disclosure of various emails etc as to the engagement of Stantec

Stephen Reid

Senior Planning Lawyer

3C Shared Services – Legal Practice



Telephone: 0781 7730893

Email: stephen.reid@3csharingservices.org

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- We will regularly update our clients on progress (weekly unless no movement on a particular matter)

From: Daniel Fulton <dgf@fewslane.co.uk>

Sent: 13 November 2020 08:25

To: Stephen Reid <Stephen.Reid@3csharingservices.org>

Subject: Update on status of judicial review claims

Dear Mr Reid,

In regards to the prospective judicial review claim concerning the Council's planning decision at Parcel COM4 Orchard Park, the Consortium would like to thank the Council for its pre-action protocol response and to inform the Council that the Consortium has decided not to issue proceedings in this instance.

In regards to the prospective judicial review claim concerning the Council's planning decision pertaining to 1 Horseheath Road, Linton, the Consortium would like to thank the Council for its pre-action protocol response and for deciding to undertake a review of the manner in which it considers application submitted under section 73 of the 1990 Act. The Consortium's view is that the Council would have only the most remote chance of successfully defending its decision in this case. However, as the Council's pre-action protocol response acknowledges that serious legal errors were made by the Council in its consideration of this planning application and as the Council has agreed to undertake a review in order to improve its decision making process in the future, the Consortium has decided not to issue proceedings in this instance. The Consortium hopes that the Council will recognise the decision not to bring proceedings in this instance as a gesture of good will. We hope that we can depend on the Council in the future to endeavour to meet the high standards of public administration expressed in recent statements by the leader and deputy leader of the Council and by the portfolio holder for planning.

In regards to pending development management decisions in Linton more generally, we would like to bring the Council's attention to the outstanding discharge of conditions applications affecting the site at Bartlow Road. In the view of the Consortium, it is essential that the conditions attached to the extant planning permissions are only discharged if the details set forth by the applicant comply with the relevant planning conditions. As the Council is aware, the interpretation of planning conditions is, generally speaking, a matter of law within the jurisdiction of the courts. The planning conditions relating to flooding at this site (S/1963/15/COND10 and S/1963/15/COND11) are extraordinarily clear. Should any part of planning conditions 10 or 11 be discharged on the basis of details that do not comply with the conditions in question, the Consortium will be extremely likely to issue judicial review proceedings against the Council. The Bartlow Road site is in a sensitive location, and inappropriate development at this site could pose a serious risk of flooding to a significant number of dwellings within the village.

In regards to the prospective judicial review claims concerning the proposed developments at 95 Bannold Road, Waterbeach, and The Retreat, Fewes Lane, Longstanton, the Consortium would like to thank the Council for its pre-action protocol responses. The Consortium disagrees with the positions asserted in the Council's pre-action protocol responses and continues to maintain that the Council has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. The Consortium is likely to issue proceedings in regards to both applications as the pre-action protocol has now been completed.

Yesterday you will have received a letter in regards to a prospective judicial review claim concerning trees within the Knapwell Conservation Area. Given the immediate threat to the trees in question in light of the Council's unlawful decision, the Consortium does not consider the judicial review pre-action protocol to be applicable in this case. Furthermore, any applications in these proceedings are likely to be issued on a without notice basis. The factual issues in regards to the prospective claim have been set forth by the Knapwell Parish Meeting in its letter to the Council dated 11 November. The relevant law concerning legitimate expectations, minimum lawful consultation procedures, and pre-determination has been extensively set forth by the Consortium in pre-action correspondence and in statements of case from disputes with the Council in the last 12 months. The Consortium

considers that the Council will be likely to argue that its decision was in fact taken on 3 November despite the fact that the Council's website states that the decision was taken on 27 October. The Consortium will call the court's attention to this argument, which we assume the Council would make if the application were made with notice. We will also call the court's attention to the date on the decision letter issued. If the Council provides the Consortium with any other grounds of defence of its decision or any evidence supporting any defence, the Consortium will make all of this information known to the court.

The application for pre-action disclosure in regards to the Council's decision to instruct Stantec Ltd will be sent to the Council at the time the application is filed with the court. This will now most likely be on Monday.

The Consortium remains keen to settle all of the outstanding disputes with the Council without the need for further legal proceedings, and we hope that the Council will continue to keep its prospects for success in each case under review.

Kind regards,

Daniel Fulton
Director

Fews Lane Consortium Ltd
The Elms
Fews Lane
Longstanton
Cambridge
CB24 3DP

tel. 01954 789237

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From: Daniel Fulton <dgf@fewslane.co.uk>

Sent: 02 December 2020 10:11

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>

Cc: Stephen Reid <Stephen.Reid@3csharedservices.org>

Subject: Re: Delegation of planning application 20/02453/S73 - The Retreat, Fews Lane, Longstanton

Dear Mr Kelly,

Thank you for your email.

A bit of background on application 20/02453/S73...

The application is invalid and is being considered by the Council unlawfully in violation of s. 327A of the 1990 Act and article 7 of the 2015 Order.

The Council's lawyers have done their best in the pre-action correspondence to defend the Council's decision to entertain the application, but they are in a very difficult position as officers have failed to correctly ascertain the factual circumstances of the application. I'm afraid that the Council has no hope of success in this judicial review.

Given that a considerable amount of public resources would be consumed in judicial review proceedings, we would be willing to allow the planning committee to make a determination of this application, but given that officers have apparently not grappled with any of the substantive issues raised by this application, there is no reason for the Consortium to allow this application to remain under consideration if it is destined for a delegated decision by officers.

This application raises considerable questions of law and planning judgment, and it would not be appropriate for it to be determined by officers under delegated powers.

If the Council can not agree to put this application before the committee, I see little hope for agreement in other areas, and it may be best to let events play out through the legal process.

Kind regards,

Daniel Fulton
Director

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On 1 Dec 2020, at 4:29pm, Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org> wrote:

Dear Mr Fulton,

Thank you for your email. I am just checking back with the case officer and will advise you on this matter shortly.

Yours sincerely

Stephen Kelly | Joint Director of Planning and Economic Development

<image001.jpg>

t: 07711 918993 | e: stephen.kelly@scams.gov.uk
<https://www.scams.gov.uk/planning/>
<https://www.cambridge.gov.uk/planning>

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From: Daniel Fulton <dgf@fewslane.co.uk>

Sent: 30 November 2020 13:38

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>

Cc: Stephen Reid <Stephen.Reid@3csharedservices.org>

Subject: Delegation of planning application 20/02453/S73 - The Retreat, Fews Lane, Longstanton

Dear Mr Kelly,

Could I please ask you to confirm if planning application 20/02453/S73, which concerns development at The Retreat, Fews Lane, Longstanton, Cambridge CB24 3DP, will be determined by a planning officer or by the Council's planning committee?

Kind regards,

Daniel Fulton
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From: Stephen Reid
Sent: 23 December 2020 11:28
To: Daniel Fulton <dgf@fewslane.co.uk>
Cc: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>; Lewis Tomlinson <Lewis.Tomlinson@greatercambridgeplanning.org>; Sharon Brown <Sharon.Brown@greatercambridgeplanning.org>; Rory McKenna <Rory.Mckenna@3csharedservices.org>; Toby Williams <Toby.Williams@greatercambridgeplanning.org>
Subject: planning application 20/02453/S73 - The Retreat, Fews Lane, Longstanton
Importance: High

Dear Fews Lane Consortium Ltd

I write further to your email of 2nd December to Mr Kelly in connection with the above. In your email you make a number of statements upon which I seek clarification.

1. Can you clarify your reasons for stating that “..the application is invalid and is being considered by the Council unlawfully in violation of s. 327A of the 1990 Act and article 7 of the 2015 Order...” not least in the context of earlier correspondence on the point.
2. You state that “...officers have failed to correctly ascertain the factual circumstances of the application...” but do not elaborate on which facts you feel officers have not considered.
3. I note your statement that you are prepared for the planning committee to determine the application despite your argument that the application is invalid and is being considered unlawfully.
4. Can you indicate what exactly you consider to be “...the considerable questions of law and planning judgment ...” that you say are raised by this application.

I am also conscious that when you emailed me on 2th October you said, “...I am in the process of drafting further pre-action correspondence in regards to application 20/02453/S73 (The Retreat, Fews Lane, Longstanton), which will also apply, to some extent, to the issues concerning application 20/03370/OUT at 95 Bannold Road, Waterbeach.

I'm waiting to hear back from counsel on a couple of points prior to finalising the letter, but I should have it to you sometime tomorrow....”

I have emailed you previously for an update as to the above position but do not appear to have heard back . Given your earlier statement, are you therefore able to indicate your intentions in respect of application 20/02453/S73?

Yours sincerely

Stephen Reid

Senior Planning Lawyer

3C Shared Services – Legal Practice



Telephone: 0781 7730893

Email: stephen.reid@3csharedservices.org

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Sent: 02 December 2020 10:11

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>

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Subject: Re: Delegation of planning application 20/02453/S73 - The Retreat, Fews Lane, Longstanton

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The application is invalid and is being considered by the Council unlawfully in violation of s. 327A of the 1990 Act and article 7 of the 2015 Order.

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Given that a considerable amount of public resources would be consumed in judicial review proceedings, we would be willing to allow the planning committee to make a determination of this application, but given that officers have apparently not grappled with any of the substantive issues raised by this application, there is no reason for the Consortium to allow this application to remain under consideration if it is destined for a delegated decision by officers.

This application raises considerable questions of law and planning judgment, and it would not be appropriate for it to be determined by officers under delegated powers.

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Kind regards,

Daniel Fulton
Director

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Yours sincerely

Stephen Kelly | Joint Director of Planning and Economic Development

<image001.jpg>

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Sent: 30 November 2020 13:38

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>

Cc: Stephen Reid <Stephen.Reid@3csharedservices.org>

Subject: Delegation of planning application 20/02453/S73 - The Retreat, Fewes Lane, Longstanton

Dear Mr Kelly,

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Kind regards,

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From: Stephen Reid
Sent: 29 December 2020 11:46
To: Daniel Fulton <dgf@fewslane.co.uk>
Cc: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>; Glenda Hansen <Glenda.Hansen@greatercambridgeplanning.org>; Lewis Tomlinson <Lewis.Tomlinson@greatercambridgeplanning.org>
Subject: FW: planning application 20/02453/S73 - The Retreat, Fews Lane, Longstanton
Importance: High

Dear Fews Lane Consortium Ltd

1. I refer to the email sent on 23rd December .It would be helpful to hear from you if you intend to provide a substantive response to that email and ,if so, any likely timescale as to when I may expect to receive something in such regard.
2. I am conscious that when you emailed on 13 November 2020 you included the following

“...In regards to the prospective judicial review claims concerning the proposed developments at 95 Bannold Road, Waterbeach, and The Retreat, Fews Lane, Longstanton, the Consortium would like to thank the Council for its pre-action protocol responses. The Consortium disagrees with the positions asserted in the Council’s pre-action protocol responses and continues to maintain that the Council has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. The Consortium is likely to issue proceedings in regards to both applications as the pre-action protocol has now been completed....”

“...The Consortium remains keen to settle all of the outstanding disputes with the Council without the need for further legal proceedings, and we hope that the Council will continue to keep its prospects for success in each case under review....”

3.The Council continues to review its various applications etc and in this context it would be helpful, as indicated above, to hear from you if you intend to provide a substantive response to the email sent on 23rd December

4.1 I am also conscious that in an earlier email sent on 23rd August you said:

“....(1) I can confirm that if the Council continues to consider application 20/02453/S73 in its present form without a location plan that complies with the requirements stated in the application form the Consortium will issue judicial review proceedings before a decision is made .

(3) It is an extraordinarily wasteful use of limited public resources for the Council to continue to unlawfully consider invalid planning applications

(4)The Consortium is likely to seek a prohibiting order rather than a quashing order as stated in the consortium's initial pre- action protocol letter...”

4.2 I raise the above (including the bits where I have added the bold and underlining by way of emphasis) in the context ,at least in part, as to point 3 of my email of 23 rd December where I said :

“....3. I note your statement that you are prepared for the planning committee to determine the application despite your argument that the application is invalid and is being considered unlawfully.....”

5. As to your comment as to “...It is an extraordinarily_wasteful use of limited public resources..” I am also mindful that whilst you have said “...the Consortium will issue judicial review proceedings before a decision is made...” you have also said in a letter dated 3rd September the following :

“...Under Part 1 of the Civil Procedure Rules, parties are required to help the Court see that disputes are resolved in a manner that saves

expense, that ensures claims are dealt with expeditiously and fairly, and that takes into account the need for the Court to allow to allocate resources to other cases ,,, ”

6. In the light of the above are you able to indicate your intentions in respect of application 20/02453/S73?

Stephen Reid
Senior Planning Lawyer
3C Shared Services – Legal Practice



Telephone: 0781 7730893
Email: stephen.reid@3csharedservices.org

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Subject: planning application 20/02453/S73 - The Retreat, Fews Lane, Longstanton

Importance: High

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Sent: 02 December 2020 10:11

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>

Cc: Stephen Reid <Stephen.Reid@3csharedservices.org>

Subject: Re: Delegation of planning application 20/02453/S73 - The Retreat, Fewes Lane, Longstanton

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Sent: 30 November 2020 13:38

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>

Cc: Stephen Reid <Stephen.Reid@3csharedservices.org>

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18th Dec 2020

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

20/02453/S73– The Retreat, Fews Lane, Longstanton, CB24 3DP

Proposal: Variation of condition 7 (Traffic Management plan) pursuant to planning permission S/0277/19/FL to reflect the proposals in the Traffic Management Plan to substitute the current wording in Condition 7 with "The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019" (Re-submission of 20/01547/S73)

Applicant: Mr Gerry Caddoo, Landbrook Homes Ltd

Key material considerations: Highway Safety including the safety of all users of the adopted and unadopted highways in the vicinity of the site.

Date of Member site visit: None

Is it a Departure Application?: No

Decision due by: 16th July 2020

Application brought to Committee because: This application has been referred to the Committee at the request of the Parish Council. .

Presenting officer: Lewis Tomlinson

1.0 Executive Summary

1.1 Planning permission was granted at planning committee in May 2019 for the erection of 2 dwellings and ancillary parking. This application has been submitted to amend the proposed wording of condition 7 to respond to the specific circumstances on the site and the implications for the traffic management plan with respect to parking. .

2.0 Relevant planning history

Applications relating to the adjacent application site:

S/2439/18/FL – The erection of a 3-bedroom bungalow with parking - Approved

S/2937/16/FL – Proposed erection of a 3-bedroomed bungalow and parking – Allowed on appeal

S/0999/14/FL – Extension and alteration to existing bungalow to provide a house with ground, first and second floors (second floor attic rooms) – Approved

S/2561/12/FL – Erection of two bungalows - Approved

7. Applications relating to the application site:

S/0277/19/COND9 – Condition 9 – foul and surface water drainage – pending consideration

S/0277/19/CONDA – Submission of details required by condition 11 (scheme that demonstrates a minimum of 10% carbon emissions) and 12 (water conservation strategy) of planning permission S/0277/19/FL – Discharged in full

S/4471/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL – pending consideration. This application will replace the need for this.

S/3875/19/DC – Discharge of conditions 4 (hard and soft landscaping), 6 (boundary treatment), 9 (foul and surface water drainage), 11 (renewable energy) and 12 (water conservation) pursuant to planning permission S/0277/19/FL - Refused

S/2508/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL - Refused

S/0277/19/FL – Demolition of the existing bungalow and construction of two dwellings including car parking and landscaping - Approved

S/1059/16/DC – Discharge of condition 3 (materials), 4 (boundary treatment), 5 (hard and soft landscaping), 7 (surface water drainage), 8 (finished floor levels), 13 (traffic management plan) and 14 (archaeology) of S/1498/15/FL - Approved

S/1498/15/FL – Erection of two dwellings – Approved

3.0 Planning policies

3.1 National Guidance

National Planning Policy Framework 2019 (NPPF)

Planning Practice Guidance

National Design Guide 2019

3.2 South Cambridgeshire Local Plan 2018

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in Favour of Sustainable Development

S/7 Development Framework

S/10 Group Villages

CC/3 Renewable and Low Carbon Energy

CC/6 Construction Methods

CC/8 Sustainable Drainage Systems

CC/9 Managing Flood Risk

HQ/1 Design Principles

NH/4 Biodiversity

H/8 Housing Density
H/12 Residential space Standards
SC/11 Land Contamination
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/10 Broadband

- 3.3 **South Cambridgeshire Supplementary Planning Documents (SPD)**
Trees & Development Sites SPD - Adopted January 2009
District Design Guide SPD - Adopted March 2010
Sustainable Design and Construction SPD 2020

4.0 Consultation

Cambridgeshire County Council (Highways Development Control)

- 4.1 From the perspective of the Highway Authority the proposed wording of condition 7 is acceptable. (Original comments received 11th June 2020)

"The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019"... please accept this Email as confirmation that the contents of the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019 are acceptable to the Highway Authority. (Further comments received 13th July 2020)

The submission of revised wording for condition 7 of planning application S/0277/19/FL makes no material changes to the scheme as approved. Therefore, the Highway Authority's original assessment of the proposals impact on the operation of the adopted public highway is consistent with the application that has now been made and no additional conditions are required. From the perspective of the Highway Authority the proposed changes to the wording of Condition 7 are acceptable and will negate the need for a further condition requesting a Traffic Management Plan, as this will be complied with via the reworded Condition 7. Within the original consultation response, the Highway Authority sought the following: Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the existing Public Right of Way be constructed using a bound material, for the first ten metres from the back of the footway along High Street. Reason: in the interests of highway safety. This request is reiterated to the Planning Authority. (Revised comments received 6th August 2020)

Contaminated Land Officer

- 4.2 This variation application does not relate to contaminated land and therefore I have no comments to make.

Drainage

4.3 Drainage has no comments to this variation

Environmental Health Officer

4.4 I can confirm that I have no objections from an environmental health standpoint in respect of the above condition variation. (13th June 2020)

Previous comments of 13.06.20 did refer to the substitution of wording and also the content of the Traffic Management Plan (TMP) itself. It is apparent that there is a proposal for a wheel wash system, and I acknowledge that the TMP states all vehicles leaving the site will be inspected and any mud or debris will be cleaned off. The content of the report itself satisfies the requirements of this particular service. I should however add that the granting of planning consent and submission of a suitable and sufficient TMP wouldn't indemnify against statutory nuisance action being taken should this service receive a substantiated dust complaint subsequent to works commencing. Concerning vehicle movement times, I have observed from the decision notice for S/0277/19/FL that restrictions are in place and therefore fully expect this to be complied with as part of the TMP. (23rd June 2020)

Longstanton Parish Council

4.5 Having considered this application at their meeting on 13th July 2020, Longstanton Parish Council request that the application be put to Planning Committee and Longstanton Parish Council reiterate their objection to the development. Longstanton Parish Council have expressed concerns at every point of this planning application on the grounds of Highway Safety. It is noted that with this specific application, the applicant proposes to reverse construction lorries down a single lane track which leads to the development site and other dwellings, which also forms part of the public footpath. Longstanton Parish Council have already detailed in previous comments that pedestrians have to stand in the undergrowth for a small vehicle to pass.

4.5 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

5.0 Representations from members of the public

5.1 Representations have been received from The Elms, Fews Lane (The Fews Lane Consortium Ltd) dated 10th July 2020, 27th July 2020, 20th August 2020, 23rd August 2020, 3rd September 2020, 8th September 2020 and the 28th September 2020 in relation to the application. The following concerns have been raised (as summarised):

- The CCC's response to the statutory consultation only addressed the changes to the existing planning permission sought by the applicant. This approach commits a straightforward error of law because in considering an application submitted under section 73 of the 1990 Act, the whole scheme now applied for must be considered in accordance with the relevant policy tests.

- Where the CCC has published highways development policies, members of the public may legitimately expect that the CCC will apply those relevant policies in regard to matters of highways development. In the case of this application, the CCC acted unlawfully by responding to the statutory consultation in a manner that failed to apply its published highways development policies in breach of the prospective claimant's legitimate expectation that it would do so.
- No location plan has been submitted for this application. Accordingly, the application relies on the location plan comprised within the application for the extant planning permission (S/0277/19/FL). That location plan fails to identify the land to which the application relates as is required under article 7(1)(c)(i) of the 2015 Order. Application 20/02453/S73 is therefore invalid and can not be determined pursuant to sections 65 and 327A of the 1990 Act.
- The land outlined in red on the location plan submitted for the extant permission (S/0277/19/FL) fails to include all the land necessary to carry out the proposed development as it does not include all of the land required for visibility splays, and no updated location plan was submitted as part of application 20/02453/S73.
- The land required for pedestrian visibility splays is not situated within the adopted public highway and is not included within the red line boundaries of the application site as show on the location plan.
- The location plan, which misidentifies the land to which the application relates, can not, in this instance, serve as the basis of a lawful public consultation as it fails to provide sufficient information to consultees as to the extent of the land to which the application, and therefore the consultation, relates. This information is essential in order to allow statutory consultees and members of the public to intelligently consider and respond to the consultation.
- There is no evidence that the required notices have been sent to the owners of the land to which the application relates as is required under article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- Officers of local highway authorities should be able to rely on the fact that application documents that have been validated by the local planning authority and published for consultation correctly depict the land to which the application relates by outlining that land in red on the location plan, as is required under article 7. Whilst in an ideal world, local highway authority officers might be well versed in the nuances of planning law, this is usually not the case, and both statutory consultees and members of the public rely on the validation opinion of the local planning authority to establish that the land to which the planning application relates has been correctly identified on the location plan in accordance with the relevant legal standards. A local planning authority that consults on an application with an invalid location plan not only violates section 327A of the 1990 Act, but also potentially renders the consultation on the application unlawful on grounds of procedural impropriety. (See *R v North and East Devon Health Authority ex p Coughlan* [1999] EWCA Civ 1871, [2001] Q.B. 213 at [112].)

6.0 The site and its surroundings

- 6.1 The property known as The Retreat comprises a single-storey dwelling off an unadopted road known as Fews Lane. The single storey dwelling is to be demolished and replaced with 2 two storey dwellings. Parking for these 2 new houses will take place from the site frontage onto Fews Lane. A further single storey dwelling is permitted to be erected in the former garden area to the rear of the two new properties and would complete the “build out of the site which began with the two existing new homes constructed to the west and north west of The Retreat.. Fews Lane is not an adopted highway and currently serves as an access for the two other recently constructed dwellings in addition to the site. A footpath (Public Right of Way) linking the Home Farm residential development to the south and west of Fews Lane with High Street also passes down Fews Lane. The site lies within the designated village framework and is otherwise unconstrained.

7.0 The proposal

- 7.1 The application seeks consent for the variation of condition 7 (traffic management plan) of planning permission S/0277/19/FL to amend the wording of the condition from a pre-commencement submission to a compliance through the approval of a traffic management plan.

- 7.2 The current wording of condition 7 of planning permission S/0277/19/FL is:

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 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.

The reason given for the imposition of this condition was “In the interests of highway safety.”

- 7.3 The application seeks to amend the wording of condition 7 to:

The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final_1 and dated December 2019

- 7.4 The application is accompanied by the following supporting information:

- Traffic Management Plan prepared SLR dated December 2019

- 7.5 The applicant claims that the submitted Traffic Management Plan arises from lessons learnt during the construction in 2018 of the two existing new homes on the site. The TPM includes details of the arrangements for the delivery of materials, turning movements, enclosure of the site and contractor parking during the construction phase, as well as detailing areas for materials storage (keeping the on-site turning area clear) and the site office. The site circumstances in this case, notably the size of the development plot itself, mean that space for parking within the site is limited. . Accordingly,, the Traffic Management Plan indicates provision has been made for contractor parking at Digital Park in Station Road, Longstanton (noting that Fews Lane itself is of inadequate width to accommodate parking adjacent to the site). The Plan also proposes arrangements for addressing condition 15 (control of hours) in respect of vehicles arriving early. The provision of off-site contractor parking has meant however that means that the terms of part ii of the original planning condition cannot be met and it is this departure from the original condition that has prompted this application.

8.0 Planning assessment

- 8.1 The application is for the variation of a planning condition and is made under S73 of the Town and Country Planning Act 1990. National Planning Practice Guidance in respect of such applications states:

“In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question.”
[Paragraph: 031 Reference ID: 21a-031-20180615]

- 8.2 The principle of development of a dwelling on the site has already been established through the granting of the original application (S/0277/19/FL). Officers are satisfied that there has been no material change in policy or the surrounding context that requires a re-assessment of the any other conditions attached to the approved development . The assessment for this application focuses on the proposed variation of condition 7, including consideration of the reasons for the condition and the acceptability of the proposed changes to the condition that are being sought. This centres upon the assessment of the acceptability of the submitted Traffic Management Plan having regard to highway safety.
- 8.3 Having regard to the representations received, officers have interpreted “highway safety” in this context to mean the safety of all users of the highway, including the PROW alongside the unadopted Fews Lane and the users of the unadopted road that comprises Fews Lane.

Highway Safety – Traffic Management Plan

Traffic Management Plan Assessment

- 8.4 The construction of any development gives rise to additional movements – including contractor vans and larger delivery vehicles (HGV) such as building suppliers delivery vehicles and concrete trucks etc. During the construction phase therefore, existing residents of Few Lane and users of the public right of way, together with those passing by the access may experience an increase in the number of vehicles, including delivery vehicles attending the site. The TMP estimates construction traffic trips each month to be in the order of approximately 40 van movements, 6 concrete lorries (in month 1 plus 4 more trips in total over the following 5 months), 3 X 8 wheelers, 2 low loaders and 6 lorry movements. The TMP provides details of the sites layout, including an indication of the swept path and a turning area within the site – reflecting its restricted size.
- 8.5 The Council has consulted the Local Highway Authority as the consultee for matters regarding highway safety. The Local Highway Authority, having expressed concerns that resulted in the refusal of the earlier application S/2508/19/DC, for the following reasons:
1. *The title page states that the document is a Transport Management Plan this should be amended to read Traffic Management Plan.*
 2. *Page 2. Para. 2.2: Fews Lane is a public footpath and as such is adopted public highway, this means that the public at large have the right to pass and repass. This should be made explicit.*
 3. *Page 3 Para. 3.3: the purpose of the TMP is to control the operation and use of construction traffic accessing a construction site in relationship to the operation of the adopted public highway.*
 4. *Page 3 Para. 3.2.1: details of any gates must be supplied within the TMP to ensure that they do not interfere with the use of the adopted public highway.*
 5. *Page 4 para. 3.2.2.:*
 - i. *Justification for the level of proposed contractor parking must be provided.*
 - ii. *A swept path diagram showing how the bays as shown on Dwg. 11 must be provided as the bays seem to be impractical at present.*
 - 6 *Page 5 para 3.2.3.:*
 - i. *The restriction on times of operation must also apply to any muck away vehicles and not just deliveries.*
 - ii. *Please request the applicant to provide details of how the proposed ban on parking in the surrounding residential streets will be enforced.*
 - iii. *The table showing the forecast of commercial vehicles that will visits the site, demonstrates that the swept path diagram on Drawing 11 is inadequate to show that all delivery/muck away lorries can enter and leave in a forward gear. A swept path analysis for the largest commercial vehicle to visit the site must be provided.*
 - iv. *Details of how commercial vehicles exiting and entering Fews Lane will be controlled must be provided.*
 7. *Page 6 para 3.2.5 this should not form part of the TMP.*
- 8.6 Officers have noted and agree with this advice from the Local Highway Authority, having specific regard to the relatively short length of Fews Lane, vehicle movements along it are considered likely to take place with care- so that both drivers of vehicles and pedestrians would be able to appreciate and

address any potential for conflict. For larger vehicle movements (where the turning area is insufficient - because of the size of the site itself – the TMP proposes that vehicles would reverse into the site with the assistance of a “banksman” to maintain safety along Fews Lane during these manouvers. The TMP commits to keep clear access to the two existing homes along Fews Lane throughout the construction phase and to maintain the right of way clear of obstructions for pedestrians.

- 8.7 The third-party representations suggest that alongside concerns about the validity of the application the TMP does not properly address the matter of visibility at the site entrance onto High Street and that delivery vehicles may need to reverse down Fews Lane. Insofar as any TMP can address these issues when the application site is of this size, officers are satisfied with the Highway Authority conclusions that the measures outlined in the TMP are appropriate. Moreover, vehicle speeds along Fews Lane itself are in officers view likely to be low (a 5mph limit is proposed in the TMP) and subject to normal care and consideration, the risk to pedestrians and vehicle drivers is accordingly considered to be satisfactorily addressed by the TMP. The Local Highway Authority officers are familiar with this site and have made it clear that they now find the TMP to be acceptable as it overcomes the concerns raised in S/2508/19/DC.

Bound material condition

- 8.8 The Local Highway Authority has recommended an additional condition regarding the existing Public Right of Way to be constructed using bound material. Paragraph 48 of the officer committee report for S/0277/19/FL states that ‘the requested works requiring the surface of Fews Lane to be constructed using a bound material’ will be within the public highway (PROW) and therefore can be carried out under a Short Form Section 278 Agreement between the applicant and Cambridge shire County Council. Therefore, no condition is imposed in line with S/0277/19/FL.

Pedestrian visibility splays

- 8.9 There have been substantial third-party representations in respect of the application concerning its validity, the details provided and the application by the County Council of its Highway Policies. Officers have considered these matters and remain satisfied that the application is valid, notwithstanding the representations submitted, and can therefore be determined by the Committee. The assessment of the proposals by County Highway officers is considered to be satisfactory – noting that the application of County Council polices are matters of judgment based upon the specific site circumstances. Officers have no reason to disagree with the conclusions of the County Highway officers in this matter, including on the matter of the need for an explicit visibility splay to be shown for pedestrians at the site entrance. It is considered that the pedestrian visibility splays of 1.5m x 1.5m could be achieved to the back of the footway when existing Few’s Lane.

- 8.10 In relation to the point raised by the third party that there is no evidence that the required notices have been sent to the owners of the land to which the application relates as is required under article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant has signed certificate D and supplied the necessary documentation to evidence this.

Pre-action protocol letters

- 8.11 Over at least the last six months or more there has been an amount of letters and emails between the Council and Fewes Lane Consortium Limited (“FLCL”) as to the red line shown on the Location Plan for planning reference S/0277/19/FL .
- 8.12 On 13th November 2020 FLCL sent an email to the Council’s legal officer which included the following:
“...In regards to the prospective judicial review claims concerning the proposed developments at [separate site identified], and The Retreat, Fewes Lane, Longstanton, the Consortium would like to thank the Council pre-action protocol responses. The Consortium disagrees with the positions asserted in the Council’s pre-action protocol responses and continues to maintain that the Council has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. The Consortium is likely to issue proceedings in regards to both applications as the pre-action protocol has now been completed....”
- 8.13 Proceedings have not been issued and the Council is waiting to hear from FLCL as to its intentions as to any proceedings. The Council does not accept that it has no lawful authority to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015.
- 8.14 An extensive bundle of correspondence between FLCL and the Council (together with an index) is attached to this report
- 8.15 An update will be provided when this item is presented to the Planning Committee in January .

9.0 Planning balance and conclusion

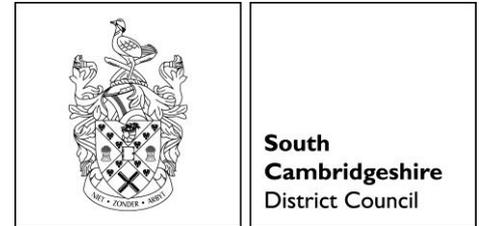
Taking into consideration the above points, including the site history, third party representations and the advice from the Local Highway Authority, Planning Officers consider that the proposed rewording of condition is 7 which has the effect of agreeing the measures in the submitted Traffic Management Plan is acceptable. It is therefore recommended that planning permission is granted subject to conditions (with the revised wording to condition 7) imposed on planning permission S/0277/19/FL

10.0 Recommendation

Officers recommend that the Planning Committee Approve the application subject to the following conditions and informative:

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Agenda Item 9



South
Cambridgeshire
District Council

Report to: Planning Committee

13 January 2021

Lead Officer: Sharon Brown, Assistant Director Delivery

Planning Advisory Service Review of Planning Committee

Executive Summary

1. South Cambridgeshire District Council (SCDC) and Cambridge City Council jointly commissioned the Planning Advisory Service (PAS) to undertake a review of the SCDC and City Council Planning Committees, as well as the Joint Development Control Committee (JDCC) in early spring 2020. This was in the context of the ongoing implementation of the Shared Planning Service including the programme of service improvements, process and procedural alignments associated with it.
2. The review was delayed by several months until the summer of 2020 because of Covid19 and lockdown, as all pending PAS review projects were put on hold at that time. However, the review of the SCDC Planning Committee has now been completed and the final PAS report is attached to this report as Appendix A.
3. The report contains a range of findings, conclusions and recommendations. Many of these relate to issues that the Shared Planning Service has already identified as part of its service improvement programme such as updating and streamlining Committee report templates and the approach to officer presentations. Other report recommendations are already being implemented such as the Chair's Brief meetings that have been put in place ahead of Planning Committee and the programme of member development sessions that began in October.
4. The Council has agreed to set up a joint member/officer Planning Committee Development Group to oversee the implementation of the report recommendations. The group includes three nominated members from Scrutiny and Overview Committee and three from Planning Committee, as well as senior officers from the Shared Planning Service. The objective is to implement the report recommendations within a 3 month period of publication of the report. It is therefore intended to update Planning Committee again on progress in April 2021.
5. The final City Council Planning Committee review report (which includes the JDCC) is also due to be received shortly and is likely to be reported to the City Council Planning Committee in February. There will be a need to review the City report recommendations against those contained in the SCDC Planning Committee review and to ensure that implementation of common

recommendations is aligned across the two Committees (and the JDCC) where appropriate.

Key Decision

6. No

Recommendations

7. It is recommended that Planning Committee:
 - a) notes the content and recommendations set out in the Planning Advisory Service report.
 - b) notes the arrangements put in place for the Planning Committee Development Group that will oversee implementation of the report recommendations.
 - c) agrees that an update report on progress of implementation of the report recommendations should be provided to Planning Committee in April.

Details

8. As part of the ongoing implementation of the Shared Planning Service, a programme of service improvements has been carried out by the planning service throughout 2020 and this will continue into 2021-22. Some of the specific improvements have been/will be included in the Service Plan 2020-2021 and emerging Service Plan for 2021-2022. The objectives for the service improvement programme include alignment and streamlining of processes and procedures wherever possible to maximise efficiency, learning from best practice across the country and making best use of resources. The two Councils operate three Planning Committees across the Greater Cambridge area, all of which function in a different way so there is also an opportunity to review best practice across the three Committees. It is within this context that South Cambridgeshire District Council (SCDC) and Cambridge City Council jointly commissioned the Planning Advisory Service (PAS) in early spring 2020 to undertake a review of SCDC and Cambridge City Planning Committees as well as the Joint Development Control Committee (JDCC).
9. Given the Shared Planning Service's ongoing improvement programme, the brief to PAS identified a number of areas that it would be useful for PAS to consider as part of the review. These included the Council's Scheme of Delegation and Chair's Delegation process, given that these had already been the subject of recent changes and that there may be a need for further changes in due course.
10. Due to Covid 19 and lockdown which resulted in all pending PAS reviews being put on hold in the spring of 2020, the review was delayed until the summer. The review has now been completed and the final PAS report is attached as Appendix A to this report.
11. The process carried out by PAS as part of their review included the following elements:

- Review of some virtual Planning Committee meetings during July, August and September.
- Meetings with key members including the planning lead member, Chair of the Planning Committee and other members of the Planning Committee in August.
- Meetings with key Council officers including the Chief Executive, Joint Director of Planning and Economic Development, Assistant Director Delivery, Strategic Sites Delivery Manager, Development Management Delivery Manager and legal officers in August.
- A group of four stakeholder engagement meetings with Parish Councils on 15 and 16 September.

12. The review findings, conclusions and recommendations are set out in detail in the PAS report attached as Appendix A. Key findings and conclusions include the following:

- The Council demonstrated a quick response to Covid19 and lockdown by adapting to move the Planning Committee to an on-line platform, minimising disruption to the committee cycle and putting in place appropriate guidance and information.
- In the context of Covid 19 and lockdown, the Planning Committee had retained a good focus on public engagement and in maintaining capacity for the public and Parish Councils to speak at Committee.
- Planning Committee members have a clear understanding of their roles, the plan led system and local plan policies and good accountability for decisions.
- The Committee have demonstrated the ability to take difficult decisions on significant, large scale major developments such as Waterbeach Barracks and the Wellcome Trust Campus.
- The revised Chair's Delegation process provides improved transparency.
- Challenges created by Covid 19 and lockdown, the continued high pressures for development within the Greater Cambridge area, as well as the scale of changes required to consolidate the ongoing implementation of the Shared Planning Service have impacted on the planning service's ability to move forward on some service improvements -and some of these are relevant to the Committee review.
- Further improvements are therefore required in terms of joint working between members and officers and in terms of a number of process and procedural issues (eg officer presentations, committee report templates, increasing the number of member briefings) to increase the effectiveness of the operation of Planning Committee.
- There are also opportunities identified to improve the customer experience of the virtual Planning Committee process and in terms of engagement with the Parish Councils.
- Learning from best practice from other Councils also provides an opportunity for further collaborative working between members and officers.

13. Nine recommendations are set out in the report in Appendix A. Some of these have already been implemented such as the re-introduction of the Chair's Brief meetings prior to Planning Committee and the member development programme.

Quarterly parish meetings with the three Development Management (DM) teams are being rolled out from February 2021 and other parish engagement is continuing including through parish walkabouts with DM team managers and officer attendance at parish meetings and ongoing individual major development site coordination meetings.

14. A joint member/officer Planning Committee Development Group has been set up to oversee the implementation of the PAS report recommendations. This includes six members -three from Scrutiny and Overview Committee and three from Planning Committee -Councillors: Richard Williams, Nick Wright, Anna Bradnam, John Batchelor, Pippa Heylings and Judith Rippeth. The group will be chaired by Jeff Membury, Head of Transformation and attended by other senior relevant planning service managers. It is envisaged that there will be a three month programme for implementation of recommendations -however where there are any longer term implementation issues identified such as Review of the Scheme of Delegation, the timescale for these will be agreed.
15. The City Council Planning Committee and the JDCC have been subject to similar reviews and the final report on these is expected shortly and is likely to be reported to the City Council Planning Committee in February. There will be a need for the two Councils to coordinate in terms of any common recommendations arising from the reviews to ensure alignment of implementation/outcomes where possible.
16. In conclusion, it is recommended that Planning Committee note the PAS report findings, conclusions and recommendations and the arrangements put in place to oversee implementation of the report recommendations. Planning Committee is requested to agree that a further report update on progress should be provided in April.

Options

17. As there are no decisions for Planning Committee to make arising from this report, other than agreeing that an update report should be provided to Committee in April, there is no need to consider any options.

Implications

18. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

Financial

19. The Council has incurred financial costs in commissioning PAS to carry out the Planning Committee review. However, there would be no direct costs associated with implementation of the recommendations as most of the recommendations would already be picked up through the Shared Planning Service's improvement programme. There will be indirect costs associated with individual components

arising from the report recommendations eg costs of external presenters for individual member development programme sessions but these will be limited.

Legal

20. The PAS review report has been shared with 3C Legal Services. The Planning Committee Development Group will be able to call on legal advice as required. Legal advice will be sought directly on any individual proposals to implement changes arising from the report recommendations where there are legal implications eg review of the Scheme of Delegation.

Staffing

21. There are no staffing implications arising from this report.

Risks/Opportunities

22. The report provides a number of recommendations for improvements to the operation of the SCDC Planning Committee. It is important that these recommendations are implemented in a timely way, following publication of the report to minimise any future risks and maximise opportunities in terms of improvements and refinements to practices and processes eg review of the virtual committee process to improve the customer experience. It is also important that key elements arising from implementation of the recommendations that have corporate and wider implications such as the review of the Scheme of Delegation are clearly mapped out. This is the reason why the Planning Committee Development Group has been put in place to ensure that this happens, that the implementation of the report recommendations is monitored and kept under review and any decisions are made quickly.

Equality and Diversity

23. There are no equality and diversity issues arising directly from this report. Any equality and diversity issues arising directly from implementation of any individual report recommendations will be considered as the proposals move forward but these are likely to be limited.

Climate Change

24. There are no Climate Change implications arising directly from this report.

Health & Wellbeing

25. There are no health and wellbeing implications arising from this report.

Consultation responses

26. None

Alignment with Council Priority Areas

27. The main objectives for commissioning the PAS review of the SCDC Planning Committee were to ensure that the Committee is operating as effectively as possible, to review the operation of the Committee in the context of best practice from around the country and to align and streamline Committee processes wherever possible, as part of the wider Shared Planning Service improvement programme. Implementation of recommendations arising from the PAS review report will therefore contribute towards delivery of all the Council's Priority Area objectives, given the importance of the role of the Planning Committee in achievement of associated outcomes.

Background Papers

None

Appendices

Appendix A -Planning Advisory Service Review report -South Cambridgeshire District Council Planning Committee -November 2020

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Planning Committee Peer Review

South Cambridgeshire District Council

August 20 & 25, September 15 & 16, 2020

Executive Summary

1.1 This report summarises the findings of a planning committee peer challenge review, organised by the Local Government Association (LGA) with the Planning Advisory Service (PAS) and carried out by its trained peers. The aim of the peer review was to assess the operation of the Council's Planning Committee with particular regard to the Council's Scheme of Delegation.

1.2 South Cambridgeshire District Council and Cambridge City Council operate an integrated shared planning service across the two authorities (the Greater Cambridge Shared Planning Service -GCSPS) The peer team are also reviewing the quality of Cambridge City's Planning Committee which will include some short references to the Joint Development Control Committee which is the responsibility of both councils.

1.3 Due to the ongoing limitations to normal working practices and the need for social distancing as a result of the continuing Covid 19 world pandemic, the Council agreed with the peer team that the review would be undertaken virtually. Therefore, our report and findings reflect a set of specific circumstances that have prevailed since the coronavirus crisis and the report should be viewed within this context. The peer review was also undertaken around the time of the release of the Government's White Paper 'Planning For The Future' in August 2020 with the consultation not closing until after the completion of this work. The peer team have not therefore considered the potential implications of the proposals in the White Paper on the operation of Planning Committees.

1.4 We clearly recognise the existing and on-going impacts that the Council and planning service has had to manage since March 2020 as a result of the Covid 19 pandemic. This has affected all the work of the planning service, including the requirement to carry out planning committee meetings online to comply with Government guidance and regulations in relation to public meetings in indoor spaces.

1.5 Other important context for our review is that the GCSPS continues to overcome issues of the coming together of the staff into a shared service from Cambridge City and South Cambridgeshire Councils. While the Planning Services merged in 2016 the process of forming the shared service has required substantial organisation, staffing and process changes – including the roll out and delivery of a service wide re-structure and a new ICT solution. This continues to provide challenges for the management team and staff in addition to managing the service through the changes prompted by Covid 19. At the same time the Greater Cambridge economic area remains remarkably buoyant even through the pandemic, with continued pressure with respect to major applications involved in the development of the large-scale urban extensions and high levels of planning activity and significant focus on planning and development related matters within the sub-region Added to this are the national shortages in the planning profession which are more acutely felt in high growth areas such as Cambridgeshire and which have impacted the service's ability to recruit in response to high levels of activity. .

1.6 There are some 100 parished areas who take their statutory consultee role very seriously and who want to play a significant role in planning decision making in the District. Members also have a clear commitment to community engagement and this plays into the operation of the Planning Committee. All of these factors create high expectations and heightened demand on an already stretched planning service.

1.7 The Council responded quickly to the Covid 19 pandemic in moving its Planning Committee onto an online platform backed by appropriate guidance and information. We found accessing the Committee relatively easy both in its live form and via web casting.

The Council has maintained a good focus on public engagement, especially through maintaining the capacity for public and parish councils to speak at Committee. We provide some recommendations for building on the existing online platform to help improve the customer experience.

1.8 We found that members of the Planning Committee have a clear understanding of their roles, a good grasp of the plan led system and local plan policies and good accountability for their decisions. When measured by the main quality indicator of appeals lost the Council performs well, while the speed of deciding applications is improving. The Planning Committee have also shown the clear ability to take hard decisions on major urban extensions and commercial development in the face of widespread opposition.

1.9 However, members and officers are not always working collaboratively leading up to, or at, Committee to harness the potential of their different but complementary roles. A lack of trust and confidence is having a debilitating impact on the efficiency and public image of the Planning Committee. This and a number of third-party legal challenges has caused members to doubt the judgement of officers in some cases and has resulted in the operation of a set of almost defensive behaviours. While any significant and lasting change will take time and commitment, we provide some initial suggestions for the first steps of this journey to build stronger collaborative working such as improved communications, greater officer awareness of the political dimension and stronger briefings.

1.10 Opportunities exist to significantly improve the quality and efficiency of the Planning Committee. We provide suggestions to support the Chair in terms of the length of officer reports, officer support to members and the process of decision making in terms of points of clarification and debate. We also recommend learning from best practice in other Council areas.

1.11 Parishes play an important role in the community and political life of this largely rural district. A significant body of parish councils feel ignored by the planning system since allowed appeals have seen significant changes in the character of villages such as Cottenham, Linton and Caldecote. Parishes want to see stronger and more effective communication from planning officers and greater public engagement in planning decision making through increasing the number of decisions taken by Planning Committee.

1.12 The Council has recently adjusted its officer delegations and raised the level at which delegated decisions are signed off to a more senior level of Principal Officer or above. This seeks to improve consistency and provide strengthened oversight. The Council has also reviewed its Constitution and approach to deciding formal requests for applications to be heard by Committee (Chair's Delegation process) and now provides much clearer feedback to local members and parish councils on the reasons for any refusal of such requests. Some parish councils recognise the introduction of better feedback processes.

1.13 We found however, strongly contrasting views between senior managers, the Chair and Vice Chair, members of the Planning Committee and parish councils in relation to the types and numbers of planning applications that should go in front of Planning Committee. We do not agree with the view shared by some interviewees that delegated decisions are inherently undemocratic. We recognise however, that the numbers of applications going in front of Committee are low compared against other councils. But this, as we describe in our detailed report, is a matter for local determination. It may be sensible to see how the new arrangements for district councillor and parish call beds in before taking any further decisions on this. In any event, any significant changes are best dealt with through a broad consensus between the parties and senior managers at the Council.

1.0 Recommendations

R1 Adopt a set of clear and realistic expectations and improve cultural behaviours between Planning Committee members, district councillors and officers that seek to build trust and confidence. The LGA/PAS can give support on a collective agreement of how the behaviours will translate into actions. This is likely to involve a series of small but important steps in consistently doing the basics well in terms of more effective communication between officers and members, stronger briefings and timely and appropriate intervention from planning and legal officers at Committee in support of efficient and sound decision making.

R2 Continue to keep under review the Scheme of Delegation so that the Planning Committee focuses on deciding the most important planning applications for the district and thereby making optimum use of the skills and experience of Planning Committee members. We suggest that a formal review is undertaken no later than a year from the date of this report. Focus on implementing the new 'Call In' arrangements under the Scheme of Delegation with an emphasis on ensuring district councillors and parish councillors are clear and informed of the outcome of the 'Call In' Delegation Meetings.

R3 Ensure Planning Committee receives regular updates on the Council's five year housing land supply and housing delivery test position to ensure members are aware of this important contextual information. Appeal decisions also need to be brought to the attention of Planning Committee members more frequently.

R4 Re-establish the Chair's briefing with planning managers to support improved communication between members and officers and explore ways to establish opportunities for informal (non-decision making) pre planning briefings for members of the planning committee, district councillors and parish councillors.

R5 Co-design with members a more targeted and structured planning training programme with expert led input with a good focus where relevant on joint training with officers to help engender collaborative working. Where possible include training for parish councillors especially in relation to upskilling in the areas of relevant and material planning objections.

R6 Ensure that the efficiency of Planning Committee is maximised through a review of best practice and learning from experience of other Planning Committees. Examine the measures suggested in the detail of our report including reducing the level of deferrals, aiming to shorten the length of meetings, review officer reports based on best practice from elsewhere and ensure that these are quality assured.

R7 Improve the customer experience of the online Planning Committee by reviewing opportunities listed in our detailed report to enable members of the public to better understand and follow the decision making process.

R8 Examine the possibility of creating a joint member/officer Planning Improvement Group on a 'task and finish' model to take the improvement recommendations contained in this report forward alongside other necessary development areas. This will support collaborative working and help build joint accountability.

R9 Review opportunities for managing external influences and challenge ensuring working corporately with in particular the Head of Legal Services, Joint Director, Chief Executive and Portfolio Holder and the strategic communications team.

3.0 Background and Scope of the Peer Challenge

3.1 This report summarises the findings of a planning improvement peer challenge, organised by the Local Government Association (LGA) in cooperation with the Planning Advisory Service (PAS) and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement orientated and are tailored to meet the individual council's needs. Designed to complement and add value to a council's performance and improvement they help planning services review what they are trying to achieve; how they are going about it; what they are achieving; and what they need to improve.

3.2 The aim of the peer challenge was to review the procedures, practices and conduct of South Cambridgeshire District Council's Planning Committee, with a specific emphasis on the Scheme of Delegation and including comparisons to other councils and best practice. As part of the LGA's work for the Greater Cambridge Shared Planning Service the peer team also reviewed the Planning Committees at Cambridge City and the Joint Development Management Committee (a Planning Committee that deals with major often cross boundary developments) sat on by councillors from both authorities.

3.3 Our review took the form of an analysis of the Council's background and context statement in relation to the Shared Planning Service, review of some supporting documents and structured interviews with political leaders, planning committee members, senior managers and parish councils. Due to the continuing impacts as a result of Covid 19, interviews were conducted online.

3.4 Peers were:

- Bryony Rudkin, Labour Group peer, Deputy Leader Ipswich Borough Council;
- Adele Morris, Liberal Democrat peer, Vice Chair, Planning Sub Committee, Southwark Council;
- Nicola Sworowski, Principal Consultant, Local Government Association/Planning Advisory Service;
- Rachael Ferry-Jones, Principal Consultant, Local Government Association/Planning Advisory Service;
- Robert Hathaway - Peer Challenge Manager, LGA associate.

3.5 Where possible, PAS and the LGA support councils with the implementation of the recommendations as part of the council's improvement programme. A range of support is available from the LGA at <http://www.local.gov.uk>. It is recommended that South Cambridgeshire discuss ongoing PAS support with Rachael Ferry Jones, Principal Consultant, rachael.ferry-jones@local.gov.uk and any corporate support with Rachel Litherland, Principal Adviser, rachel.litherland@local.gov.uk

3.6 As part of the peer challenge impact assessment and evaluation, PAS and the LGA will contact the council in in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.

3.7 The team would like to thank officers and members at South Cambridgeshire District Council and everybody they met during the process for their time and contribution.

4.0 Detailed Feedback

4.1 Purpose and Structure of the Committee

4.1.1 It is to the Council's credit that it moved quickly to react to the Covid 19 pandemic and adopt new guidance, protocols and procedures to enable the Planning Committee to meet virtually through online technology. This involved good collaborative work between officers in democratic and planning services and Committee members. While this has meant officers, members and stakeholders having to learn new skills to participate, the online Committee was up and running quickly. To the extent that the Planning Committee only missed a meeting in April this responsive approach has enabled applications coming before the Committee to be heard. Given that most councils have taken far longer to get to the same position, the Council's speed of approach is to be commended

4.1.2 The size of the Planning Committee at 11, out of 45 district councillors, appears to strike the right balance in allowing for members who can bring a range of skills and experience in a politically balanced setting while at the same time not over burdening the process with high numbers. Training of members before they are allowed to sit on Planning Committee is obligatory but we see opportunities to strengthen this.

4.1.3 Planning Committee members recognised opportunities for more effective and bespoke training. A new Member Development Programme is planned for the remainder of the year and the Council should examine opportunities to develop a bespoke programme for Planning Committee members and, where relevant, joint training with officers. Examples include learning and development that helps promote a better understanding of the challenges of their respective roles, report writing for impact, making defensible decisions and more detailed areas such as viability, planning obligations and design. An important aspect to consider are members and officers learning styles and also, during Covid 19, the best ways to deliver successful programmes. Some creativity of approach like bite size training and development might be required here.

4.1.4 The Council performs well in terms of the overall quality of planning decision making in terms of appeals allowed by the Planning Inspectorate, as measured by the Government's indicator. Based on the last full two years recorded figures (March 2017 – March 2019) the Council has only lost 1.9 per cent of major appeals (based on the percentage of appeals upheld against the number of major planning applications decided). Given the Government threshold is 10 per cent the Council lies well below that target figure.

4.1.5 Based on watching three separate Planning Committees between July and September 2020 and interviews with senior managers, councillors and members of the Planning Committee we found good emphasis in decision making on planning policies. The questions and debate at Planning Committee was characterised by a good grasp of local plan policies and with recognition of the need that planning decisions had to be taken in accordance with the development plan unless material considerations indicated otherwise.

4.1.6 Most Planning Committee members understand their quasi-judicial decision-making roles while sitting on Committee, as opposed to their representative ward councillor roles, although we did witness the Chair having to remind at least one member of the separation

of these roles. Members were aware of the need to come to the Planning Committee with an open mind and not to be pre-determined. In instances where it was clear that members could not do this – we were told that members withdraw from Committee and voting and speak as ward councillors.

4.1.7 One of the main concerns expressed by both senior managers, some councillors and most members of the Planning Committee is that there has been a breakdown in trust and confidence between members and officers. This it is agreed, is having a negative impact on collaboration and is not optimising the different skill sets and roles that officers and members have in the decision-making role. One leading councillor referred to the situation as a feeling of two teams - 'them and us'.

4.1.8 The apparent reasons for this lack of trust and confidence are numerous and some are picked up in more detail throughout our report. They include however elements of a lack of respect and understanding for the different but complementary roles of members and officers in the planning decision making process; a feeling by some Committee members, and certainly the majority of parish councillors, that officers want to keep planning decision making away from them via delegated decisions; embarrassing mistakes at Committee through some poorly drafted officer reports; members oftentimes reluctance to decide an application and instead delay and defer; and lack of collaborative working between the Chair and supporting officers and the remainder of the Committee.

4.1.9 An example where members and officers see issues quite differently at Committee is in certain situations where members want to refuse an application against an officer recommendation. Members recognise that they can sometimes find it difficult to articulate cogent reasons for refusals and they want more proactive, timely and well-prepared officer support to prepare high quality defensible reasons of refusal. Officers however consider that members reasons for refusal are not often well founded on material planning reasons and that they struggle to articulate reasons to demonstrate this.

4.1.10 It is however the responsibility of officers to support members in such a situation and to display political emotional intelligence. If the Chair, supported by the legal and planning managers, sees that members of the Planning Committee are struggling to clearly articulate clear reasons for refusal it may be necessary for the Chair to adjourn the meeting and to explain clearly to the meeting and members of the public what is happening. Working with the Chair, officers could possibly seek to be more proactive in such situations and be better briefed in advance of Committee to enable their political antennae to be more finely tuned. We discuss the need for stronger officer/members briefings in the next section of our report.

4.1.11 There are two external factors that have not helped the trust issue. The first is that members of Planning Committee feel very strongly that the National Planning Policy Framework's policy presumption in favour of sustainable development, where the Council cannot evidence a five-year housing land supply, has led to poor appeal decisions. These they feel have imposed profound long-lasting environmental damage on many of the district's smaller towns and villages against their democratic wishes. Many such developments in villages such as Cottenham, Linton and Caldecote were won on appeal in line with Government policy and against the general thrust of the local plan.

4.1.12 Parish councillors we spoke to were particularly incensed about what they saw as an external imposition on local decision making. It was clear to us that despite these decisions being in line with national policy, this has had an adverse impact on the trust and confidence of some district and the majority of parish councillors we spoke to in the planning system. Unfortunately, this disappointment has been unfairly reflected onto local

planning officers accentuating the degree of mistrust between officers and elected district and parish representatives. Although these were not decisions made locally, now that the reserved matters or discharge of condition details are coming through, the parishes want to use this opportunity to have a second bite at the cherry on refusing them and are frustrated when this doesn't happen.

4.1.13 Given the importance of the five year housing land supply figures in the planning decision making process it is vital that Committee members receive updates on this in their reports. This performance information along with metrics on the Housing Delivery Test is reported to other Scrutiny and Cabinet meetings and regular updates would be very useful context for the Committee.

4.1.14 The second is that the planning system in the Greater Cambridge area is subject to significant scrutiny and almost forensic analysis by members of the public, interest groups and lawyers. Planning reports and consultation responses are often challenged in minute detail in an effort to get applications refused at Committee. We were told that the officer time absorbed in handling such third party interventions is significant. It will be for the Council to review how it manages external challenge and ensure it is not open to excessive challenge. It is the peer team's view that managing the current adverse impact of external influences is a corporate rather than simply a planning service issue.

4.1.15 Some district councillors and the majority of parish councillors we spoke to felt that communications with individual case officers was often poor with a lack of e mail response and a lack on proactive engagement on planning issues. Some councillors considered that case officers lacked confidence to engage on the very contentious planning issues in certain areas. It was also not clear to us whether there was always effective communication between district councillors and their parish counterparts.

4.1.16 There appears to be confusion over the main forum for discussions between planning officers and clusters of parishes which at one time was a good mechanism for an exchange of views and reviews of current practice. Parishes are unclear whether these are continuing and they saw these meetings as good opportunities for both sides to understand contentious issues. We understand that the planning service is modelled on three area teams with the area team leader responsible for relationship management issues and this may be the level for improved communications with parishes on an umbrella level with agreement reached at what is realistic to expect for communication at a case officer level given the huge demands on officer time. Again, we consider that establishing clear, realistic and achievable expectations is vital.

4.1.17 In watching a number of Committees and from our interviews it is clear that issues of deferment are not uncommon. During the four committees in July, August and September 2020 over one in five items (21 per cent) of the 19 applications due to be considered were deferred. This adversely impacts on efficiency and can frustrate applicants/objectors and internal stakeholders and delay development. Indeed, while the Council's speed of determining planning applications is improving across 'major', 'minor' and 'other' planning applications, there remains room for improvement and focusing on reducing deferrals can be part of this drive. There were also deferrals for site visits, which ideally should have taken place before the Committee meeting.

4.1.18 Reasons for deferment include member's request for more information that could possibly have been requested beforehand, members wanting to go against expert statutory consultee advice and mistakes in officer reports. While obviously deferrals are sometimes the right thing to do, one would expect such occurrences to be rare and entirely

justified. Officers and members need to improve collaborative constructive working practices to reduce high levels of deferment in the interests of improved efficiency.

4.2. The format and processes

4.2.1 The Council's Planning Committee has demonstrated a clear ability to take difficult decisions on significantly large and contentious major applications in the face of widespread public opposition and concerns from district and parish councillors. Examples include strategic urban housing extensions such as the 6500 houses at Waterbeach, the commercial expansion at Welcome Trust and new corporate premises for Huawei Technologies Co., Ltd. Given the strategic importance of growth to the economic buoyancy of the area and to national prosperity the ability of the Council's officers and committee members to work collaboratively alongside applicants, advisers and stakeholders is commendable. Indeed, it was encouraging to hear that in general terms the Planning Committee was not considered 'anti development' which given the already large amount of new housing and other development provision in the district was encouraging.

4.2.2 We were told that a key ingredient of success in many of these complex and contentious large applications was a strong focus on early engagement with the public, councillors and local stakeholders through early briefings, public exhibitions involving where necessary technical expertise in areas such as landscaping, drainage and highways. On Waterbeach for example there were six months of briefings, site visits and exhibitions in a variety of non-Committee decision making settings.

4.2.3 While large scale and significant major applications on allocated sites benefit from comprehensive cross party and public briefings there appears to be no clear and strong briefing processes for the majority of applications that come before Committee. Indeed, unusually in the peer team's experience, there is no Chair's briefing and no consistent opportunity for party group leaders to be briefed by officers or the Chair/Vice Chair in the run up to Committee. The Council should reconsider this approach as introducing more formal regular briefings has the potential to significantly improve the exchange of information in the run up to Committee and improve dialogue and collaboration between officers and members. It would also provide officers with a stronger steer of any member's concerns/questions in advance of the Committee thereby allowing more time in advance to support member's efficient decision making at the Committee itself.

4.2.3 It is clear that some of the Planning Committees last a very long time with the two Committees in July 2020 lasting over 7 hours and the September 2020 Committee over 6 hours. At least some district councillors and officers consider that taking decisions after such long periods of concentration can be difficult. We see opportunities to improve the efficiency of decision making at Committee which will also make the process easier for planning customers, advisers and objectors and stakeholders.

4.2.4 Ways to achieve a tighter, more focused format which has clear potential to improve collaborative working between officers and members could include:

- working to suggested timetables of items and greater willingness to pause and take stock of where longer debates are heading and agreement via the Chair on next steps enabling a clearer route map for the Chair, Committee and the watching public;
- tightening the procedures around points of clarification and even questioning whether this part of the process is ultimately that beneficial in arriving at the eventual planning decision;

- efficient management of the meeting which strikes the right balance between engagement and focused not repetitious debate;
- ensure short and focused officer presentations focusing on the key issues that members need to consider in the planning balance;
- meetings characterised by mutual trust and respect for the differing roles of officers and members and members asking relevant questions before hand in the run up to Committee;
- ensuring that the timing and content of legal advice balances the need between ensuring sound decision making and avoiding bringing in extraneous issues that sometimes alter the direction and thrust of the debate;
- ensuring that the debate has a clear purpose and that the process for motions to be proposed is understood by all;
- appropriate training/mentoring for the Chair to consistently maintaining a clear focus on the direction and efficiency of the meeting with appropriate support from the Vice Chair and supporting officers given the added complication of online working with the chat room function; and
- not allowing third parties acting as public speakers to dominate or set the direction for the Committee but the Chair with good support from the legal and planning officers commanding the respect of Committee members.

4.2.5 Clearly the above suggestions are not simply matters for the Chair to get right and it would make sense for there to be cross party collaboration on working on ways to help support efficient decision making. Of course, the controlling administration will want to ensure that the Chair, Vice Chair and planning lead member work together productively to think how members and officers can be supported and processes can be streamlined to drive change. Opportunities for mentoring, training and development and viewing perhaps how other Committees operate are all ways for the Committee to effect change.

4.2.6 Officer reports to Committee are very long; to the extent that they can be off putting for members to get to grips with the salient issues for consideration due to the density of information, especially the listing in full of statutory comments. Officers consider that such detailed reports are necessary to avoid challenge by litigious third parties and what they regard as often almost relentless scrutiny from an ever-demanding public. Officers also believe that members want this level of detail. It was also clear to us that officer's mind sets are often in 'defensive mode' when preparing reports. This is an unhelpful state of affairs and increases officer time in writing such reports with members expected to trawl through some very long reports before Committee. In relation to this issue the peer team is mindful of an important court judgement that may help the Council reflect on the issue of report length, namely;

'part of the expert function in reporting to the committee must be to make an assessment of how much information needs to be included in the report in order to avoid burdening a busy committee with excessive and unnecessary detail' (R v Mendip DC ex parte Fabre 2000).

4.2.7 Officer reports are also not properly quality assured by managers before the Committee reports are issued and this has led to a large number of mistakes, member frustration and in some cases deferment of the item at Committee with at least one decision having to be re-run. Managers recognise this problem which is due to a number of factors including considerable competing priorities and time pressures, many of which have resulted from additional burdens imposed by Covid 19, a variety of ICT challenges

and a large influx of new staff. This however is a fundamental management issue and must be urgently resolved in discussion with senior managers in the Directorate.

4.2.8 We would recommend therefore that officers and the Chair and Vice Chair look at good practice elsewhere (see support section at the end of this report) and come up with a suitable template for use. One suggestion that has broader application than just report templates is the setting up of a Planning Improvement Group of members and officers to consider what changes could be made together – possibly in the form of a task and finish group

4.2.9 A similar lack of capacity at an administrative support level has also led to missing consultee letters or oversights in terms of public speaking. We recognise the complicated issues of the services coming together especially with the change in operating IT platforms, the recruitment issues and the additional strains caused by Covid 19. However, all these issues have added to the frustration of members with the Planning Service and a period of consolidation and 'back to doing the basics right' is required.

4.2.10 Some parish councils consider that the IDOX software function has enabled better understanding of and communication with the Council and this can help their comments on planning applications. At least one parish mentioned the potential value of having a checklist to use to help them understand application detail and comment on applications. However, some still find it hard to navigate the digital system. This includes accessing historic records and plans that may have been archived as well as finding their own comments published on the portal.

4.2.11 Many parish councils, and especially the smaller ones, considered that the loss of being sent paper-based plans had made consultation more difficult for them. In the peer team's experience, most councils have withdrawn this facility and moved to paperless working to reduce printing and postage costs and be more sustainable.

4.3 Scheme of Delegation

4.3.1 The Council has this year amended its Constitution and Chair's delegation process following a legal challenge to the way decisions on whether requests from local members or parish councils should be called in. Previously the Chair of Planning Committee in consultation with the Delivery Managers took the decision whereas this has now been changed to the Joint Director of Planning and Economic Development (who has also in turn delegated this function to Delivery Managers) taking the decision in consultation with the Chair of Planning.

4.3.2 The peer team consider that the revised approach to the Council's decisions on whether to accept 'call in' requests is a much more transparent model. The new Delegated Decision-Making Meeting considers 'call in' requests from ward members and parish councils against criteria namely;

- issue of significant planning concerns;
- adherence to planning policies;
- nature and scale; and
- planning History.

4.3.3 The decision of the Joint Director/Delivery Manager in consultation with the Chair of the Planning Committee is then communicated in writing to the ward member or parish council requesting the 'call in' and gives clear grounds for making that decision. This provides for a much clearer audit trail and the few parishes who had requested 'call in' and

had such a response appeared to find the revised process clearer and more transparent. Not all parishes or Planning Committee members seemed fully briefed on this new procedure so this might be an area for stronger communication.

4.3.4 The Council also took the opportunity when updating officer delegations to reduce the level of delegation to planning officers. Until the creation of the Shared planning service and joint service and implementation of joint development teams in March 2020, staff below principal officer level were signing off their own discharge of condition applications and senior planners were signing off planning applications. The planning service had identified this as a problem partly as a result of high turnover of staff historically including agency staff resulting in a lack of consistency of decision making. This has resulted in delegated decisions being taken at principal officer level or higher to help ensure that officers have the relevant experience and expertise and can take account of political and strategic issues.

4.3.5 Despite these changes we were told of significant concerns by some Planning Committee members, the majority of parish councils and some members of the public in relation to the operation of the Council's Scheme of Delegation. Our interviews revealed strongly contrasting views on the numbers of items going to Committee. The majority of Planning Committee members were comfortable with the number, a minority felt there were far too few and officers considered that they were adopting a cautious approach and referring more items to the Committee. The main concerns expressed were that too few applications were decided by the Planning Committee; especially in situations where parish councils and sometimes district councillors had requested that the planning application be 'called in' for a committee decision. Anecdotally, a number of parish councils told us that only around 5 per cent of requested 'call ins' were granted. The Council may want to look further into this.

4.3.6 Concerns about the Scheme of Delegation often stemmed from a view that a delegated decision was an 'undemocratic' decision and that there was, to quote one interviewee, a clear risk that the officer would be 'judge, jury and executioner'. Other people we spoke to were perhaps more balanced, considering that members will often weigh planning policies and material considerations differently to officers. Therefore, they felt that more applications should come before Committee to provide what was often referred to as a better understanding of 'local issues' involved in the decision making.

4.3.7 We consider that the parish council views on delegated decisions being somehow 'undemocratic' to be misplaced, even if genuinely held. An appropriately made delegated decision is as much a democratic decision as a Committee decision given that its authorisation is established through appropriate channels and has to be taken in accord with the development plan and supporting guidance. Given that in most councils delegation rates are around 90-95 per cent it can be seen that if substantially more decisions were taken by Committee in its current performance, the decision making system in South Cambridgeshire would be adversely impacted.

4.3.8 In general terms Planning Committee should be reserved for the largest and most contentious type of applications and not because local representatives feel that they cannot trust officers or they have more expert knowledge than statutory consultees. In this latter regard it is important for district councillors, parish councils and third parties to be aware that in planning decision making it is an established principle that *'weight is a matter for the decision maker, but in expert areas (for example habitats, flooding, highways, heritage) there are bodies whose views should be afforded considerable weight*

in the absence of cogent reason to the contrary'. (*Wealden v Secretary of State for Communities and Local Government 2017 EWHC 351*).

4.3.9 The Planning Committee decides a very low proportion of the total number of planning applications it receives. In 2019 the Planning Committee decided 31 decisions which amounts to 0.8 per cent of its decisions with 99.2 per cent being delegated officer decisions. Up to the end of September 2020, out of 2543 decisions, South Cambridgeshire's Planning Committee has decided 1.2 per cent of planning applications with 98.8 per cent of decisions delegated.

4.3.10 Further analysis of the types of applications that are decided by the Planning Committee shows that in 2019, 15 major decisions were decided by Committee amounting to 48.4 per cent of all Committee decisions. For minor applications the figures were 10 and 32.2 per cent.

4.3.11 While the numbers of applications being reported to Planning Committee are comparatively low, we have already commented on the length of existing Planning Committees even with these reasonably low numbers. Clearly the metrics shown above may help the Council to either confirm its current approach or reconsider its approach to the scale of matters coming in front of Committee. Without seen to be ducking the issue this is a matter that requires local determination and agreement. Indeed, the Council may want to see how the new arrangements for managing 'call in' requests operate once this new system beds in further.

4.4 Customer Experience

4.4.1 We mentioned earlier in our report that the Council had been quick to move onto an online platform and the peer team found comprehensive guidance for members of the public on how the Committee is run and how to take part. Helpfully the Council provided separate wide-ranging guidance for public on accessing the virtual Planning Committee and advice on how to participate if required. We found accessing the live on-line meeting and accessing previous webcasts of the Committee relatively easy.

4.4.2 Having viewed a number of the virtual Planning Committees we consider that there are clearly many positives to reflect on and some opportunities for change to improve the customer experience. Clearly as with previous comments, these are made at a time when Planning Committee is meeting online and so the experience for customers will be different to the previously normal operation of the face to face Committee.

4.4.3 Strengths include;

- comprehensive written guidance on Committee procedures with phone numbers/e mails for additional assistance;
- Chair's opening overview, that welcomed observers and introduced supporting officers; re-emphasised the written guidance on procedures and amplified the importance of matters such as taking decisions based on appropriate planning grounds; provided advice on what to do if technology failed and other general matters;
- Chair's thorough knowledge of the planning system and openness to allowing extensive engagement and debate from all members on the Committee;
- quality of supporting plans and images in the officer presentations that we were told are much clearer online than they would be in the room where the Committee is normally held;

- continued opportunities for public speaking which some councils have stepped back from on virtual platforms allowing written statements only; and
- general ease of access allowing planning customers, objectors and third parties to access public decision making from their own home or other locations and not having the inconvenience of travelling to Cambourne Business Park.

4.4.4 Some officers and members we spoke to also commented that they felt that the virtual Committee experience also avoided the appearance of party-political issues influencing the debate given that members were not seated together in their groups as they would be at a face to face Committee.

4.4.5 However, we were told of and saw for ourselves opportunities to improve the customer experience during virtual Committees and would suggest that the Council look at issues including:

- avoiding use of the 'chat' facility to promote alternative meeting type scenarios which are then played into the online discussion leaving people outside the 'chat' facility to be confused as to what is happening;
- clarity as to what happens when there are technology issues and ensuring that there are good protocols or practice in place to cover how to deal with this;
- ensuring that the screen shows the speaker rather than on times being stuck on a slide or visual once the discussion has clearly moved on;
- having the councillors listed as such along with their surname to enable the public to better understand who is speaking;
- reminding councillors, officers and participants to ideally be in quiet environments so they can be heard and they are able to fully concentrate on the debate (we recognise the difficulties in always achieving this);
- examine ways to ensure that public speakers could be advised of approximate timings for their slot to avoid have to listen to all the preceding items;
- members and officers supporting the Chair to move the meeting along at an appropriate pace; and
- ensure that the Chair, Vice and supporting officers constantly keep in mind that for some participants in the process the experience is new and confusing and to take the public along with appropriate summing up and explanation of the process.

4.4.6 We were told of the significant challenges facing democratic services officers in managing the Planning Committee process on line. The current arrangement to support Committee demands three staff members, one in the on line meeting, one on production and one on production back up. The difficulties with managing and improving the external facing presentation of the Planning Committee reflects corporate IT issue as it is run from a remote laptop in Huntingdon as part of shared ICT services between Greater Cambridge and Huntingdon. For example, the remote laptop does not have the same format of MS teams as those in the meeting and therefore the format that democratic services officers see is somewhat different and less customer friendly. While democratic services officers recognise the need to do something about this it is also a cross authority discussion. The peer team consider that given the importance rightly attached to the live and archive web casting of the Planning Committee that this requires corporate attention and input to help secure any necessary investment and improvement.

4.4.7 While we applaud the desire to make the Planning Committee accessible to public speakers we would ask the Council to reflect on one of its processes that seemingly allows any member of the public to speak on the Committee as long as they give 24 hours notice.

This allows people who have no involvement in the application as supporters or objectors up to that point to belatedly get involved. Most councils limit public speaking opportunities to applicants, agents or those who have made comments during the statutory consultation period and who during that period have indicated their desire to speak at Committee. We recommend that the Council review its current process on this point.

4.4.8 We also recognise that some of these issues are relevant only to the holding of online Committees although some of the principles will have applicability when eventually face to face Planning Committees can safely return.

5.0 Further Support

5.1 A range of support from the LGA and PAS is available at <http://www.local.gov.uk> and via the PAS website <https://www.local.gov.uk/pas>. Costs may vary.

5.2 Planning Advisory Service (PAS) & LGA Support Offers:

PAS Planning Committee Training & Materials

PAS will work with the authority to deliver to deliver specific training requirements for the Planning Committee.

Short case assessments on areas that support delivering a good development management service can be found at the following website:

<https://local.gov.uk/pas/development-mgmt/planning-applications-support/good-development-management>

PAS has general materials available on available from the PAS website:

- Development Management - Decision making, committees and probity
- Making Defensible Planning Decisions
- Developer Payments - Community Infrastructure Levy, s106 agreements and Viability
- Getting engaged in pre-application discussions
- Design training for councillors

<https://www.local.gov.uk/pas/pas-support/pas-subscribers/councillor-briefings/councillor-briefing-planning-committees>

PAS worked with Association of Democratic Services Officers (ADSO) to produce some materials for committee clerks. This covers an introduction to planning, decision making, motions and amendments, dealing with the public, interests and probity matters.

<https://www.local.gov.uk/pas/pas-topics/planning-committee/materials-committee-clerks>

Other Local Authority Planning Committee Information

Plymouth planning committee webcasts

<https://plymouth.public-i.tv/core/portal/webcasts>

<https://plymouth.public-i.tv/core/portal/webcasts/enctag/Planning>

Plymouth planning committee public information

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/whathappensafteryoumakeplanningapplication>

<https://www.plymouth.gov.uk/planningcommittee>

District Councillor engagement in Pre Briefings

<https://www.plymouth.gov.uk/sites/default/files/ProbityInPlanningPlanningCommitteeCodeOfPractice.pdf>

The following three councils are considered to have run good virtual committees: Brent, Liverpool and West Suffolk

Havant developer consultation forums. Havant has a developer forum that developers present their proposal pre application submission to the council, the public can attend. This may be a charged service.

<http://www.havant.gov.uk/development-consultation-forums>

5.3 For more information about planning advice and support, please contact rachael.ferry-jones@local.gov.uk

LGA Support

5.4 The LGA has a range of practical support available. The range of tools and support available have been shaped by what councils have told LGA that they need and would be most helpful to them. This includes support of a corporate nature such as political leadership programmes, peer challenge, LG Inform (our benchmarking service) and more tailored bespoke programmes.

5.5 Rachel Litherland, Principal Adviser is the LGA's focal point for discussion about your improvement needs and ongoing support and can be contacted at Rachel.Litherland@local.gov.uk

5.6 PAS and the LGA will follow up about the support that they can provide to the council to help address the recommendations highlighted in this report. A further 'light touch' visit will be made in 6-12 months to see how the recommendations are being implemented and the beneficial impact experienced.



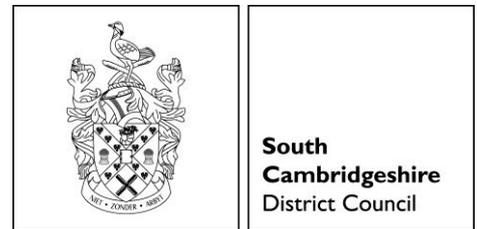
Local Government Association 18 Smith Square, London SW1P 3HZ

Telephone 0207 664 3000 Fax 0207 664 3030

Email info@local.gov.uk

www.local.gov.uk

Agenda Item 10



REPORT TO: Planning Committee

13 January 2021

LEAD CABINET MEMBER: 146 Cambridge Road Wimpole

LEAD OFFICER: Stephen Kelly/Cllr Tumi Hawkins

Enforcement Action: 146 Cambridge Road, Wimpole

Executive Summary

1. Planning permission was granted (on appeal) for the continued use of the above site as a residential caravan site for one gypsy family with two caravans including one static caravan and the erection of an amenity building in February 2015. The permission was for a 2-year temporary period. In June 2018 the Council issued a breach of condition notice seeking compliance with condition 1 (which required cessation of the use, removal of the caravan and associated works). In December 2018 and again in May 2019 the owner of the site was convicted for failing to comply with the BCN. Whilst an initial pre-application request for advice was made by the owner in February 2019, the continued occupation and use of the site is in breach of the original planning permission and no subsequent permission is in place to authorise the continued use.
2. The Planning Inspector who considered the appeal against the Council's initial refusal of the application, identified harm arising from the continued use of the site. The inspector gave special consideration to the applicant (at that time) and owners' circumstances in granting permission for a 2-year period only. The Council has sought to engage with the occupier/owner to determine their housing need, but without successful responses.
3. Officers are of the view that securing compliance with the conditions of the original planning permission is in the public interest. Advice sought has suggested that, in view of the successful convictions for non-compliance on two separate occasions but the use still continuing, the most appropriate means to achieve this object is for an injunction.
4. The Council's constitution provides that, save in cases of an emergency, authorisation for the pursuit of an injunction to address planning breaches is required from the planning committee.

Key Decision

5. No

Recommendations

6. It is recommended that the Planning Committee authorise the Head of Legal Services, in consultation with the Joint Director of Planning and Economic Development that in the event that engagement with the owner/occupiers of the site is unsuccessful in securing compliance with the condition, to initiate measures required to secure compliance with condition 1 of Planning Permission S/0583/14/FL through an application to the Court for an injunction under S187 B of the Town and Country Planning Act 1990 as amended.

Reasons for Recommendations

7. The continued use of the site gives rise to planning harm. The temporary planning permission granted by the planning Inspector in their decision dated 20 February 2015 was subject to a time limit. The Council has sought to enforce compliance with the condition in order to remedy the harm identified. Despite two successful convictions for the breach of the condition, the planning harm identified remains and the use of the site continues. Attempts to engage with the owner of the site to assess the needs have been unsuccessful.
8. The LPA has considered whether there are any other remedies available to it to address the breach identified and the continued planning harm. The applicant has not responded to attempts to provide an updated needs assessment or to otherwise engage with the LPA to assist in the consideration of any change in planning circumstances. Securing authorisation for injunctive proceedings will assist the LPA in its attempts to engage with the applicant (to consider their specific needs as required) or in the absence of such engagement, to pursue injunctive proceedings to secure compliance with the planning condition.

Details

9. Planning Permission for the Use of a parcel of land at 146 Cambridge Road Wimpole was refused in June 2014 for four reasons. The Council had also issued an enforcement notice on 26 March 2014 relating to the unauthorised change of use of the land and for operational development. Both the planning refusal and enforcement notice were the subject of an appeal. The appeal, having confirmed the planning harm arising from the development, considered the personal circumstances of the occupier/owner and by way of a conditional approval, granted temporary planning permission for the continued use of the site for a period of 2 years from February 2015. Following the continued use of the site after the 2-year period, the Council served a breach of condition notice on 21

June 2018 following which it has successfully secured 2 separate prosecutions (in December 2018 and May 2019) for failure to comply with the notice in the court.

10. The Council has made previous attempts to engage with the applicants who submitted pre-application advice in 2019 around the time of the previous conviction. A request for the occupier to complete a needs assessment was also made in early 2020. Officers intend to seek to engage again with the owner/occupier to enable both an up to date needs assessment to be undertaken (and to consider the planning harm against the Article 8 rights of the occupiers and the provisions of the Equalities Act to allow an assessment of the planning “merits” of the case – particularly having regard to Covid 19 statements, the adopted Local Plan Policy H22 and the NPPF. In the absence of the owner/occupier taking the opportunity provided by the Council however and given the lack of compliance with the planning condition despite two successful prosecutions, officers are seeking authorisation of the Committee to progress with injunctive proceedings.

11. S187B of the Town and Country Planning Act provides that;

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

(3) Rules of court may provide for such an injunction to be issued against a person whose identity is unknown.

(4) In this section “the court” means the High Court or the county court.

12. An injunction is a court order. Whether or not to grant an injunction is a decision for the court. However, it should be noted that the decision to issue a s.187B application and the actual issuing of the application are amenable to challenge by way of judicial review. In this case, the Council has tried to secure compliance by other means. The owner/occupier has unfortunately chosen not to cooperate with Council or the planning process. Given the identified and continuing planning harm, and in the absence of any overriding personal circumstances that have been drawn to the attention of the Council by pro-active engagement by the owner/occupier, attempts to resolve the matter have provided unsuccessful to date. Advice provided to the LPA indicates that previous authorities on the matter suggest that the court's judgment will need to be exercised with due regard to the purpose for which was conferred, namely, to restrain breaches of planning control. Flagrant and prolonged defiance by a defendant of the relevant planning controls and procedures may weigh heavily in favour of injunctive relief.

13. Given the advice to the LPA on the facts in this case and having regard to the other options available (see below) the application for an injunction requiring the

cessation of the use and the sites restoration in line with the condition is considered by officers to be the most expedient approach in this case if attempts to engage with the applicants prove unsuccessful

Options

1. As an alternative to the pursuit of injunctive proceedings, the LPA has considered whether to secure compliance with the BCN by means of default action – notably the service of an enforcement notice and if required, the use of its own contractors to bring effect to the condition. Given the further delay associated with the need to issue a new enforcement notice, and periods for compliance and potential consideration of an appeal, and taking account of the owner/occupier's failure to act following conviction in respect of the BCN, this alternative approach is not considered likely to be an effective alternative option.
2. Do nothing. The Planning Inspector recognised and gave weight to the planning harm arising from the continued use – notably at that time in respect of the visual impact upon the locality and having regard to the principles for sustainable development. In granting a temporary permission, the inspector considered that having regard to the status of the occupants, the harm caused by the development was acceptable for a temporary period of 2 years whilst the occupiers sought an alternative location to live. A decision to “do nothing” would not resolve the planning harm identified and is not recommended in this case.

Implications

14. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered: -

Financial

15. Securing an injunction will involve the Council in incurring direct costs associated with the Court process and indirect costs associated with the deployment of existing staff resources in Planning, Housing and 3C Legal Services. The legal process can be expensive. The Shared Planning Service has a financial reserve available to address the legal costs of enforcement which is considered to be sufficient at this stage to enable the action identified to be pursued without adverse impacts upon other service budgets.

Legal

16. The pursuit of injunctive proceedings will be overseen by the Councils Legal Advisors. The recommendation above accords with the advice received by Planning Officers from the Councils Legal Advisor.

Staffing

17. The recommendation will result in staff from Planning, Housing and legal teams being engaged. The resource impact upon other work of the Planning and Housing teams is considered to be modest at this time.

Risks/Opportunities

18. The pursuit of court action carries financial risks to the organisation (see above).

Equality and Diversity

19. One or more of the occupiers of the site, at the time of the planning application and appeal, identified as gypsies. Any action arising as a result of the recommendation will have full regard to all of the occupiers' Article 8 Rights, the Council's duties under the Equalities Act and obligations arising from the Covid pandemic to help manage health risks through the application of the Council's enforcement activities. It will also have regard to the specific planning policy considerations applying to gypsies. Before initiating any action under S187B, the LPA will therefore carefully consider the personal circumstances of the owner and occupiers of the site, recognising that the Court will also consider whether, and the extent to which, the local planning authority has taken account of the personal circumstances of the defendant and any hardship that injunctive relief might cause.

Climate Change

20. The Planning Inspector concluded that the continued use of the land would compromise the sustainable development objectives of the Council at that time if allowed to remain. The growing focus on climate change since the appeal hearing has not, in officers' view, changed the significance of that objective.

Health & Wellbeing

21. Officers would seek to determine from the site occupiers any specific considerations in this regard prior to beginning any action under S187B. In the event that the site occupiers fail to engage with the Council, officers will have regard to the Council's corporate plan objectives around promoting health and Wellbeing in their pursuit of action through the Court.

Consultation responses

22. None

Alignment with Council Priority Areas

Housing that is truly affordable for everyone to live in

23. The Council's priority supports the delivery of new housing in the right place that is affordable for everyone. The proposal provides residential accommodation to a family but having regard to the assessment in this case, the residential use has been found to give rise to a planning harm that it is in the public interest to prevent.

A modern and caring Council

24. The efficient and effective enforcement of planning controls is in the interests of everyone in the community. The Council has previously sought to address the planning harm arising from this breach through formal action and prosecution in this case, but this has not, to date, been effective in securing compliance with the planning conditions. The measures contained in this report are considered to be proportionate having regard to the effective use of resources and seek to do resolve an ongoing planning breach that is in the public interest.

Background Papers

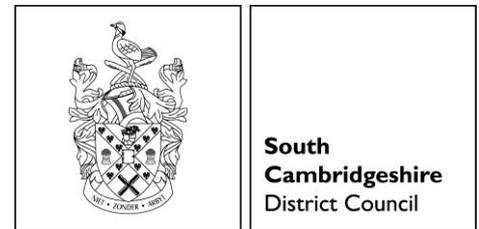
Planning Application S/0583/14/FL
Appeal ref APP/W0530/A/14/221703
South Cambridgeshire District Council Local Plan 2018
National Planning Policy Framework

Appendices

None

Report Author:

Stephen Kelly - Joint Director of Planning and Economic Development



REPORT TO: Planning Committee

13 January 2021

LEAD OFFICER: Joint Director of Planning and Economic Development

Enforcement Report

Executive Summary

1. On 18th December 2020 there were 222 open cases.
2. 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.
3. Statistical data is contained in Appendices 1 and 2 to this report.

Updates to significant cases

Updates are as follows:

19 Bandon Road, Girton

Not built in accordance with approved drawings relating to visibility splays Breach of Condition Notice issued 22 February 2018 with 28-day compliance period. Despite compliance discussions with the builder works still not carried out. Prosecution file has been raised, waiting issue of summons. Legal case officer now allocated waiting for further information as to timing. Magistrates Courts are currently only dealing with emergency cases. Advised that courts are starting to list cases with firm dates. No court date set.

Burwash Manor Farm

Without planning permission, the erection of children's play equipment within land designated as Green Belt. A retrospective planning application, reference S/3494/18/FL had been refused. The size, scale and height of the development is contrary to paragraph 144 of the National Planning Policy Framework (NPPF) 2019. The enforcement notice issued requires the owners to cease the use of the play equipment specifically the adventure tower and remove the play equipment from the land. The compliance period is one (1) month from the date it takes effect on the 21 May 2019 – A Planning Appeal has been submitted to the Inspectorate on the 20th May 2019 – Appeal allowed; Enforcement Notice quashed. Replacement notice to be drafted and served. Enforcement Notice served on 9th July 2020. Compliance visit to be carried out after 7th October. Late Appeal rejected by PIN's. Stephen Kelly in talks with owner to re-site playground on suitable land. Site visited by Enforcement and Environmental Health Officers 16th December. No agreement reached consideration to be given to prosecution for failing to comply with the enforcement notice.

Cottage Nursery, Cardinals Green, Horseheath

Without planning permission (Advert Consent) displaying advertising signs measuring 6ft x 4ft for Cardinal Barns Kitchen and Blooms @ the Barn. On the junction of Howards Lane and the A1307 and a further smaller sign at the entrance to the nursery advertising Caravan Site which is approximately 1 metre square. Although the owner of Cottage Nursery was informed of the breach and asked to remove them by the 14 March 2019. The owner of the site failed to remove the signs and when interviewed under caution stated that "Do what you want I am not going to remove them" As a result of a criminal offence being committed by displaying unauthorised signs a prosecution file has been raised. Awaiting issue of summons. Magistrates Courts are currently only dealing with emergency cases. Advised that courts are starting to list cases with firm dates. No court date set.

14A, Colts Croft, Great and Little Chishill, Royston, SG8 8SF

Not constructed as approved plans in that section of the existing garage has not been demolished and rebuilt to a reduced size to allow for parking spaces and parking spaces have not been paved as specified. Breach of Condition Notice issued 05 November 2019. Owners have failed to comply with the requirements of the notice. 10 February 2020 prosecution file submitted to legal. 20 February 2020, Legal Officer allocated, awaiting issue of summons. Hearing set for 02 April 2020, postponed, Magistrates Courts are currently only dealing with emergency cases. Provisional court date 01 September 2020. Confirmation from Legal that case will not proceed on 01 September. Advised that courts are starting to list cases with firm dates. Advised by legal that defendants have written to the court entering a guilty plea. Court date fixed for 19th October at Cambridge Magistrates. CMC 19th October, owners found guilty in their absence, fined each £100, costs each £250, VSC each £32. Total £764.00.

Work has now started to comply with the Breach of Condition Notice.

Elmwood House 13A High Street, Croxton, PE19 6SX

Extension and garage granted permission by S/2126/18/FL, not constructed as approved plans and approved materials not used. Retrospective application S/0865/19/FL to retain as constructed refused. Enforcement Notice requiring garage and extension to be demolished served, 18 December 2019. Enforcement Notice appealed. Appeal process commenced. 29 April 2020.

Appeals resulted,

Appeal A, allowed on ground (f), the appellant now has three options, (i) Demolish completely, (ii) Demolish to brick plinth level and rebuild as S/2126/18/FL or (iii) Remove exterior render finish and replace with brick tiles to match existing and construct roof as approval S/2126/18/FL.

Appeal B, planning permission should be allowed for development as built, dismissed.

Compliance date 30th December 2020.

Background Papers

Planning Enforcement Register.

Statistical Analysis of Uniform Planning Enforcement Software Program.

Appendices

Appendix 1: Enforcement Cases Received and Closed.

Appendix 2: Notices Served.

Report Author:

Alistair Funge – Acting Principal Enforcement Officer

Date: 18/12/20

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Enforcement Cases Received and Closed

Month – 2020	Received	Closed
January 2020	45	47
February 2020	37	12
March 2020	41	25
April 2020	22	12
May 2020	33	19
June 2020	46	29
July 2020	35	10
August 2020	51	10
September 2020	49	13
October 2020	60	75
November 2020	30	10
December 2020	Not Available at time of writing	Not Available at time of writing
July 2019	68	56
August 2019	68	65
September 2019	41	33
October 2019	62	81
November 2019	56	64
December 2019	39	53
1 st Qtr. 2020	123	84
2 nd Qtr 2020	101	60
3 rd Qtr 2020	135	33
4 th Qtr 2020		
1 st Qtr. 2019	135	134
2 nd Qtr. 2019	146	155
3 rd Qtr. 2019	177	154
4 th Qtr 2019	157	198
1 st Qtr. 2018	161	148
2 nd Qtr. 2018	156	167
3 rd Qtr. 2018	176	160
4 th Qtr. 2018	177	176
1 st Qtr. 2017	122	122
2 nd Qtr. 2017	157	165
3 rd Qtr. 2017	148	118
4 th Qtr. 2017	175	158
2020 - YTD	449	262
2019 - YTD	615	641
2018 - YTD	670	651
2017 - YTD	602	563

Appendix 1

2016 - YTD	565	563
2015 - YTD	511	527
2014 - YTD	504	476

Notices Served

1. Notices Served in December 2020

Type of Notice	Period	Calendar Year to date
	November 2020	2020
Enforcement	1	10
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

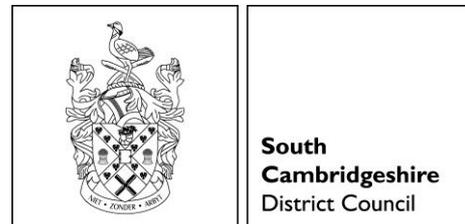
2. Details of Notices served in November 2020

Ref. no.	Village	Address	Notice issued
SCD-EN-01565-20 Unauthorised Change of Use for Car Sales.	Foxton	Hand Car Wash 2 Cambridge Road	Enforcement Notice

Date: 18/12/20

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Agenda Item 12



South
Cambridgeshire
District Council

Report to: Planning Committee

13 January 2021

Lead Officer: Joint Director of Planning and Economic Development

Appeals against Planning Decisions and Enforcement Action

Executive Summary

1. This report informs Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 18 December 2020. Summaries of recent decisions of importance are also reported, for information.

Appendices

Appendix 1: Decisions Notified by the Secretary of State

Appendix 2: Appeals received

Appendix 3: Local Inquiry and Informal Hearing dates scheduled

Report Author:

Ian Papworth
Telephone Number:

Technical Support Officer (Appeals)
01954 713406

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Appendix 1

Decisions Notified By The Secretary of State

Reference	Address	Details	Decision	Date	Planning Decision
20/01145/HFUL	Hillside House Newmarket Road Melbourn	Replacement of existing ground floor bedroom and attached garage with two storey side extension with two balconies	Allowed	27/11/2020	Refused
S/1136/19/FL	Southwind Highfields Road Caldecote	Erection of 3 no. of dwellings and associated development	Allowed	03/12/2020	Refused
S/4285/19/FL	8 Cambridge Road Foxton	Erection of a new two storey dwelling to the rear of 8 Cambridge Road Foxton	Dismissed	10/12/2020	Refused
S/4298/19/FL	4 Hobbledodds Close Swavesey	Extension and change of use of annex to form separate dwellinghouse	Allowed	14/12/2020	Refused
20/02075/HFUL	71 Park Lane Histon	Two storey rear extension, front porch extension, external rendering and re-roofing	Dismissed	15/12/2020	Refused
S/3735/19/FL	Land at 181 St Neots Road Hardwick	Erection of two dwellings and the retention of the existing dwelling together with ancillary works to the site including hard/soft landscaping	Dismissed	15/12/2020	Refused

Appendix 1

		and the creation of parking spaces and the change of use of part of site from commercial to residential (Re-submission of S/2058/19/FL).			
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Appeals Received

Reference	Address	Details	Date Appeal lodged
20/03854/FUL	The White Horse, 113 Brewery Road Pampisford	Change of use of one office to a bedsit flat	30/11/2020
20/02895/FUL	McKay Commercial Services, Newmarket Road Stow Cum Quy	Erection of a building for Vehicle Sales & Repair and Office Use	30/11/2020
20/03254/OUT	Land At And To The Rear Of 30 & 32 New Road Over	Outline planning with all matters reserved except for access for redevelopment of land for 44 residential units with public open space provision, landscaping, means of access and associated works following demolition of No's. 30 and 32 New Road, Over - Resubmission of S/1279/18/FL	01/12/2020
20/02914/HFUL	3 Ley Grove Cottages Little Shelford	Retrospective demolition of asbestos garage and erection of garden room/studio on existing concrete slab and footings	10/12/2020
20/02460/FUL	Land North Of Bannold Road Waterbeach	Residential development for 21 dwellings including affordable housing with associated access, landscaping, open space, garages and one self build/custom build plot (Re-submission of S/4744/18/FL)	14/12/2020

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Appendix 3

Local Inquiry and Informal Hearing dates scheduled

- **Local Inquiries**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
NIL	NIL	NIL	NIL	NIL

- **Informal Hearings**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
S/3873/17/OL	Mr A Ashley	Land at Mill Lane, Sawston	Planning Decision	TBC
S/1625/18/OL	Mr A Ashley	Land at Mill Lane, Sawston	Planning Decision	TBC
S/0913/19/VC	Mr J Hart	Apple Acre Park, London Road, Fowlmere	Non determination	TBC
S/4518/19/FL	Mr Jamie Wardley	7 Back Lane Barrington	Non Determination	TBC
20/03254/OUT	Mr Andy Brand, The Abbey Group (Cambridgeshire) Limited	Land At And To The Rear Of 30 & 32 New Road	Non Determination	TBC

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