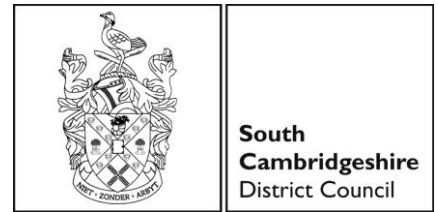


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Monday 05 September 2022

To: Chair – Councillor Henry Batchelor
Vice-Chair – Councillor Peter Fane
All Members of the Planning Committee - Councillors Ariel Cahn,
Dr. Martin Cahn, Bill Handley, Geoff Harvey, Dr. Tumi Hawkins,
William Jackson-Wood, Peter Sandford, Heather Williams and
Dr. Richard Williams

Quorum: 3

Substitutes Councillors Graham Cone, Sue Ellington, Mark Howell, Bunty Waters,
if needed: Dr. Shrobona Bhattacharya, Anna Bradnam, Brian Milnes,
Richard Stobart, Paul Bearpark and Helene Leeming

Dear Councillor

You are invited to attend the next meeting of **Planning Committee**, which will be held in the **Council Chamber, First Floor** on **Wednesday, 14 September 2022** 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

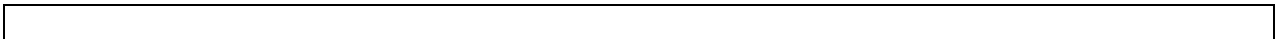
- | | Pages |
|---|-------|
| 1. Chair's announcements | |
| 2. Apologies
To receive apologies for absence from committee members. | |

3. Declarations of Interest

As a Councillor, you are reminded of the requirements under the Council's Code of Conduct to register interests and to disclose interests in a meeting. You should refer to the requirements set out in the Code of Conduct which are summarised in the notes at the end of this agenda frontsheet.

- 4. Minutes of Previous Meeting** **1 - 8**
To authorise the Chairman to sign the Minutes of the meeting held on Wednesday 10 August 2022 as a correct record.
- 5. S/4085/19/RM- PROW - Proposed Diversion of Public Footpath No. 10, Gamlingay** **9 - 20**
Proposed Diversion of Public Footpath No. 10, Gamlingay pursuant to planning permission S/4085/19/RM
- 6. 21/04524/S73 - Former Barrington Cement Works, Barrington** **21 - 42**
S73 Variation of conditions 1 (Approved plans), 2 (Reserved matter details), 6 (Arboricultural Method Statement), 7 (Boundary treatments), 8 (Refuse storage), 10 (Housing mix), 12 (Energy Statement), 13 (Contamination), 14 (Noise assessment), 17 (Drainage strategy), 19 (Access) and 23 (Fire hydrants) pursuant to planning application 21/01474/S73 (Variation of condition 2 (reserved matters details) pursuant to planning application 20/02528/S73 (Variation of conditions 2 (Reserved matters), 5 (Construction Environment Management Plan and a Construction Method Statement), 6 (Airborne Dust), 7 (Site waste management plan), 8 (Tree protection measures), 9 (Boundary Treatment), 10 (Siting and design of the screened storage for refuse), 14 (Renewable energy statement), 15 (Contamination), 16 (Noise insulation scheme or noise mitigation Strategy), 19 (Surface water drainage scheme), 20 (Surface water), 21 (Remediation Statement - Contamination), 22 (Scheme for disposal for surface water), 24 (Visibility splays), 26 (Recording of Industrial Heritage), 27 (Foul water solution), 28 (Archaeological works) and 29 (Fire hydrants) pursuant to planning permission S/0057/17/VC
- 7. 20/04906/OUT- Agricultural Building and Land to the Rear of 38 Histon Road, Cottenham** **43 - 86**
Outline planning application for the erection of up to 34 new residential units as a Social Housing Rural Exception Site in the Greenbelt with all matters reserved except for access from Histon Road.
- 8. 22/00116/FUL - Car Park, Walkling Way, Milton** **87 - 96**
Installation of a 10 bicyclite bike shelter at the car park at Walkling Way.
- 9. 22/01670/HFUL - 4 Braebank Barns, Elsworth Road, Conington, Caxton** **97 - 104**
Single Storey Side extension

10.	22/02365/LBC - 4 Braebank Barns, Elsworth Road, Conington, Caxton Single Storey Side extension	105 - 110
11.	22/00931/HFUL - 26 Maris Green, Great Shelford Demolition and replacement of an outbuilding in the curtilage of a Grade II Listed Building. Resubmission of 21/02390/HFUL.	111 - 122
12.	22/00932/LBC - 26 Maris Green, Great Shelford Demolition and replacement and replacement of an outbuilding in the curtilage of a Grade II Listed Building. Resubmission of 21/02391/LBC.	123 - 128
13.	Enforcement Report	129 - 134
14.	Appeals against Planning Decisions and Enforcement Action	135 - 150



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'.

Declarations of interest

Disclosable pecuniary interests

A "disclosable pecuniary interest" is an interest of you or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) which falls within the categories in [Table 1 of the code of conduct, which is set out in Part 5 of the Constitution](#). Where a committee member or their partner has any kind of beneficial interest in the land under

consideration at the meeting, this would be a disclosable pecuniary interest.

Where a matter arises at a meeting which directly relates to one of your disclosable pecuniary interests you must:

- disclose the interest;
- not participate in any discussion or vote on the matter; and
- must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

It is a criminal offence to:

- fail to notify the monitoring officer of any disclosable pecuniary interest within 28 days of election
- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Other registerable interests

These are categories of interest which apply to the Councillor only (not to their partner) and which should be registered. Categories are listed in [Table 2 of the code of conduct, which is set out in Part 5 of the Constitution](#). Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter; and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of non-registerable interests

Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which affects – a. your own financial interest or well-being; b. a financial interest or well-being of a relative or close associate; or c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 you must disclose the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied. Where a matter (referred to in the paragraph above) affects the financial interest or well-being: a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and; b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest, you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

[Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Agenda Item 4

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 10 August 2022 at 10.00 a.m.

PRESENT: Councillor Henry Batchelor – Chair
Councillor Peter Fane – Vice-Chair

Councillors:	Bill Handley	Geoff Harvey
	Dr. Tumi Hawkins	Peter Sandford
	Dr. Richard Williams	Sue Ellington
	Richard Stobart	

Officers in attendance for all or part of the meeting:

Vanessa Blane (Senior Planning Lawyer), Tom Chenery (Senior Planning Officer), Laurence Damary-Homan (Democratic Services Officer), Michael Hammond (Principal Planning Officer), Stephen Kelly (Joint Director of Planning and Economic Development), John McAteer (Planning Officer), Karen Pell-Coggins (Senior Planning Officer), Jane Rodens (Area Development Manager), Michael Sexton (Area Development Manager), John Shuttlewood (Principal Planning Enforcement Officer) and Nick Westlake (Senior Planning Officer).

Councillors Corinne Garvie and Dr Aidan van de Weyer were in attendance as local Members.

1. Chair's announcements

The Chair made several brief housekeeping announcements.

2. Apologies

Councillors Ariel Cahn, Dr Martin Cahn, William Jackson-Wood and Heather Williams sent apologies for absence. Councillors Sue Ellington and Richard Stobart were present as substitutes.

3. Declarations of Interest

- With respect to Minutes 6 & 7, Councillor Dr Richard Williams declared that, as the local Member for Thriplow, he had held discussions on the procedural processes regarding the application but was coming to the application afresh. Councillor Peter Fane declared that he had correspondence with the agent, as a local Member, regarding the application three years prior and had worked part time for the firm over ten years ago but had no pecuniary interest in the application and thus would take part in the debate and vote. Councillor Henry Batchelor declared a pecuniary interest as his employer had an ongoing business relationship with the applicant; Councillor Batchelor consequently stated that he would withdraw from the Committee when the applications were heard.

- With respect to Minute 8, Councillor Dr Richard Williams declared that he was the

Chairman of an organisation who was a tenant of a neighbouring property and he would withdraw from the Committee when the application was heard. Councillor Sue Ellington declared a non-pecuniary interest as she was a trustee of Care Network who were a neighbour to the site of the application.

- With respect to Minute 9, Councillor Geoff Harvey declared that he would withdraw from the Committee to speak as local Member in support of the application.

- With respect to Minute 10, Councillor Richard Stobart declared that he had expressed an opinion on the application and, following legal advice, he would withdraw from the Committee to speak as local Member and express a view. A blanket declaration was made by a number of Members who knew the Parish Council's representative, former District Councillor Douglas de Lacey, but this had no bearing on the decision making process of the Committee.

4. Minutes of Previous Meeting

By affirmation, the Committee authorised the Chair to sign the Minutes of the meetings held on Wednesday 29 June 2022 and Wednesday 13 July 2022 as correct record.

5. 21/04088/FUL - Former Barrington Cement Works, Haslingfield Road, Barrington

The Principal Planning Officer, Michael Hammond, presented the report. Updates were offered regarding corrections to drawings referenced in condition two and an amendment to the officer's recommendation to remove the wording "the Planning Committee's future resolution regarding application 21/04524/S73". Members asked questions of clarity regarding the clustering of affordable homes on the site.

The Committee was addressed by the agent of the applicant, Liz Fitzgerald, who explained the changes to the scheme that led to the submission of the application and stated that changes had been made in response to consultations and to further align with the wider scheme for development in Barrington. Members asked questions on:

- The loss of green space
- Parking and garage provision
- Changes to accommodation provision
- The motivation behind the changes

Councillor Aidan van de Weyer addressed the Committee as local Member and stated that the changes to the proposed development were reasonable and that he supported the application. Councillor van de Weyer informed the Committee that he felt the loss of green space was reasonable due to the close proximity of a large informal green space and that the S106 contributions were positive.

In the debate, Members stated that they were pleased to see the removal of the tall building from the plans. The increase in affordable housing provision was commended, but some Members felt that there was a lack of provision of homes suitable for first time buyers. Concerns were raised over the size of garages, as well as the layout of the site- in particular over car parking and turning space. Sustainability design was discussed and the Committee expressed a desire to see further sustainability measures but agreed that the application was policy compliant. Members stated that there were shortcomings in the application but there were not material reasons for refusal.

The Committee also discussed the removal of the reference to the S73 application. By

affirmation, the Committee agreed to the amendment of the officer's recommendation by removal of the wording "the Planning Committee's future resolution regarding application 21/04524/S73".

By affirmation, the Committee **approved** the application subject to the conditions, the completion of a S106 agreement and in accordance with the amended officer's recommendation laid out in the report from the Joint Director of Planning and Economic Development.

The Chair, Councillor Henry Batchelor, withdrew from the Committee in-line with his declaration of interest. The Vice-Chair, Councillor Peter Fane, assumed the position of the Chair and Councillor Geoff Harvey took the place of the Vice-Chair with the affirmation of the Committee.

6. S/3975/18/FL - Rectory Farm, Middle Street Thriplow

The Senior Planning Officer, Karen Pell-Coggins, presented the report with no updates. The Committee asked questions of clarity on the number of properties outside of the Village Development Framework, space standards in converted buildings, the distance of Plot 4 from the neighbouring property and the concerns raised by Thriplow Parish Council.

The Committee was addressed by the agent of the applicant, Rob Hopwood, and the applicant, Simon Somerville-Large. The Committee asked questions of the agent and the applicant, covering:

- The viability assessment
- The condition of the Tithe barn and how much of the original structure would remain
- The cost of the restoration works and how this would be funded by the development of new properties.

Councillor Dr Richard Williams spoke as local Member and informed the Committee that residents who may have spoken on the application were away and unable to make representations; he summarised the local concerns. Councillor Dr Williams described the decision as difficult due to the positive principles of development and the impact on neighbour amenity.

In the debate, Members discussed the proximity of buildings to neighbouring properties and the impact on neighbour amenity. The Committee agreed that the proposal was a good way to ensure the conservation of a historic building and that the other developments would improve the area but noted the Parish Council's concerns of development occurring outside of the Village Development Framework. Members sought clarity on how it could be ensured that the works to preserve the Tithe barn were prioritised. The Joint Director of Planning and Economic Development advised that a condition could be added to secure the prioritisation of the works on the historic barn.

The Committee agreed, by affirmation, to the addition of a condition to ensure the phased implementation of the Listed Tithe Barn, with delegated authority to finalise the wording granted to officers in conjunction with the Chair and Vice-Chair. The condition stated:

"Prior to the commencement of the development details of a scheme for the phased implementation of the works to the Listed The Barn shall be submitted to and approved in writing by the Local planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: The application involves development of new homes in the countryside contrary

to policy S/7 and S/10 of the local plan and is acceptable only on the basis of the additional homes enabling the restoration and retention of the Listed Building.”

By affirmation, the Committee **approved** the application in accordance with the officer’s recommendation, subject to the additional condition and the conditions laid out in the report from the Joint Director of Planning and Economic Development.

7. S/3976/18/LB - Rectory Farm, Middle Street Thriplow

The Senior Planning Officer, Karen Pell-Coggins presented the application. The public speakers, Rob Hopwood (agent) and Simon Somerville-Large (applicant), were given the opportunity to speak again, as they had in Minute 6, but stated that their previous statement had covered the points that they wished to share with the Committee. The applicant responded to a Member question on if the repairs to the barn would be prioritised in the development and assured the Committee that it was in the developers’ interest to start works on the barn as soon as possible and that the barn would be their priority. Councillor Dr Richard Williams, as local Member, stated that he was pleased with the additional condition added in Minute 6 and felt there was nothing more to add.

In the debate, Councillor Bill Handley, seconded by Councillor Peter Fane, proposed that the Committee move to a vote. The Committee agreed to the motion by affirmation.

By affirmation, the Committee **approved** the application subject to the conditions, and in accordance with the officer’s recommendation, laid out in the report from the Joint Director of Planning and Economic Development.

Councillor Henry Batchelor rejoined the Committee as the Chair. Councillor Peter Fane returned to the position of Vice-Chair and Councillor Geoff Harvey resumed his role as a Member of the Committee. Councillor Dr Richard Williams withdrew from the Committee in-line with his declaration of interest.

8. 21/03438/FUL - Land At 147 St Neots Road, Hardwick

The Senior Planning Officer, Nick Westlake, presented the report and clarified the reasons for the call in. The Senior Planning Officer provided updates on some measurements laid out in the report and on the lack of response from some consultees. Members asked questions of clarity on:

- Access to the site and the Construction Management Plan
- Parking provision
- The call in
- Impact on highways

The Committee was addressed by the applicant, Chris Dyason, who offered an overview of the application. Members asked questions on engagement with the Parish Council, the objections raised and energy provision to the site.

In the debate, Members raised concerns about parking provision, the impact on highways and the Parish Council’s objection. The Committee stated that it was important to ensure that conditions on biodiversity net gain and implementation of energy infrastructure were implemented. Some Members felt that the design, including the building heights, was inappropriate for the village, whereas others felt the design was satisfactory due to the mixed nature of built form in the area.

By 6 votes to 2 (Councillors Sue Ellington and Dr Tumi Hawkins), the Committee

approved the application subject to the conditions, and in accordance with the officer's recommendation, laid out in the report from the Joint Director of Planning and Economic Development.

Councillor Dr Richard Williams returned to the Committee. Councillor Geoff Harvey withdrew as a Member of the Committee, in-line with his declaration of interest, to speak as local Member.

9. S/3626/19/LB - 61 Streetly End, West Wickham

The Senior Planning Officer, Tom Chenery, presented the report with no updates and informed the Committee that the application was called in by Councillor Geoff Harvey. Members enquired as to why the applicant had not submitted more information post-2020.

The applicant, Rob Giles, addressed the Committee and offered a summary of the application. The applicant answered questions of clarity on the data relevant to the application and what had been submitted to the Planning Service. Councillor Geoff Harvey, as the local Member who had called in the application, spoke in support of the application and made statements on the low impact of the application on the character of the already substantially altered building and the balance of heritage conservation and climate change mitigation. Councillor Harvey noted that though the NPPF obliged the Committee to 'give great weight' to heritage conservation, it did not preclude also giving 'great weight' to climate change mitigation and the committee should so do in view of the climate emergency. He said considering the huge volume of the global atmosphere, it was flawed logic in the report to allow this to dilute-out the public benefit to being 'not discernible' and that the energy conservation benefits of the proposal outweighed the suggested negative impact on the heritage asset. Councillor Harvey responded to a question on a motion passed by Council in September 2021 which addressed the importance of climate change considerations when assessing the balance between the conservation of heritage assets and the public benefit of reducing carbon emissions."

In the debate, Members noted that there had been previous works on the building and, due to historical alterations, the harm to the heritage asset from the replacement of windows would be minimal. The Joint Director of Planning and Economic Development informed the Committee that the legislation is consistent for all listed buildings but it was up to the Committee to decide if the public benefit outweighed the harm to the heritage asset. Members expressed support for the application and referenced various local policies that validated the weight that was being given to the carbon emission reductions as public benefit.

By affirmation the Committee **approved** the application contrary to the officer's recommendation laid out in the report from the Joint Director of Planning and Economic Development. The Committee agreed to delegate the final wording of conditions for the development to officers, in conjunction with the Chair and Vice-Chair, in the interests of good planning and for the avoidance of any doubt around the permission.

Councillor Geoff Harvey rejoined the Committee. Councillor Richard Stobart withdrew from the Committee, in-line with his declaration of interest, to speak as local Member.

10. 21/04742/HFUL - 2 Duck End, Girton

The Planning Officer, John McAteer, presented the report with no updates and informed the Committee that the application had been called in by Councillor Corinne Garvie.

The Committee was addressed by a public objector, Juliette Atkinson, who was representing the view of a number of residents. The Committee asked the objector a number of questions on the concerns she raised, including:

- Light pollution arising from the development
- Damage to a historically protected hedge
- The heights of the development
- When the works were undertaken.

The agent of the applicant, Gerald Hornsby-Odoi, spoke in support of the application. Councillor Douglas de Lacey of Girton Parish Council spoke on behalf of the Parish Council who objected to the application. Members asked questions on if a complaint had been raised when the works were being undertaken and the understanding of the Parish Council on what was covered by permitted development rights and which parts of the works required Planning permission. Councillors Corinne Garvie and Richard Stobart spoke in opposition to the application as local Members and highlighted the negative impact the development had on Duck End which was described as a valuable asset to the village.

In the debate, Members stated that the development had a negative impact on both neighbouring Listed buildings and the character of the surrounding area. The Committee discussed the parts of the development that fell within permitted development rights and the alterations that required Planning permission, concluding that the development was harmful and contrary to policy. The Joint Director of Planning and Economic Development informed the Committee that the applicant had requested a deferral but advised that as the works had been completed a decision should be made. Members agreed with this advice and stated that harm was present due to the completion of the development and action needed to be taken as soon as possible. The Committee agreed that a deferral was not appropriate.

The Committee unanimously voted to **refuse** the application, in accordance with the officer's recommendation, on the basis of the reasons for refusal laid in the report from the Joint Director of Planning and Economic Development.

Councillor Richard Stobart rejoined the Committee

11. 22/01332/HFUL - 34 Hereward Close, Impington

The Area Development Manager, Jane Rodens, presented the report and offered clarity on the proposed materials to be used in the development. A question on paragraph 10.13 of the report was asked by the Committee and the Area Development Manager clarified that the impact on light would be minimal.

By affirmation, the Committee **approved** the application subject to the conditions, and in accordance with the officer's recommendation, laid out in the report from the Joint Director of Planning and Economic Development.

12. Enforcement Report

The Principal Planning Enforcement Officer offered a summary of the report and presented an update on staffing in the Enforcement team. The Committee was informed of a new Enforcement website on which residents could access the Enforcement register and log Enforcement submissions; the Principal Planning Enforcement Officer stated that the website needed to be publicised and Members supported this. Members were updated on progress at Smithy Fen and the Joint Director of Planning and Economic Development informed the Committee that a more detailed report on the case would be presented the

following month.

The Committee **noted** the report.

13. Planning Appeal (3287502) - Land to the North and South of Bartlow Road

The Area Development Manager, Michael Sexton, presented the update report. The Committee discussed the case and how the Council would proceed. Further discussion focused on future applications and how the Committee should deal with concerns around the advice of technical expert consultees.

14. Appeals against Planning Decisions and Enforcement Action

The Committee was given the opportunity to ask questions on the contents of the report. A question was asked on an appeal (20/03394/FUL – 2 High Street, Harston) that had a decision of “turned away”; the Committee asked for clarity on what this meant which was provided by the Area Development Manager, Michael Sexton, who also provided details on the case in question. Members stated that they were pleased with the performance on appeals.

The Committee **noted** the report.

The Meeting ended at 4.35 p.m.

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To: South Cambridgeshire District Council – Planning Committee
From: Tom Ruzsala, Asset Information, Definitive Map Officer
Ref: P117
Date: 15 August 2022

Report on the proposed diversion of part of Public Footpath No. 10, Gamlingay

1 Purpose

- 1.1 To report on the proposed diversion of part of Public Footpath No. 10, Gamlingay.
- 1.2 **Appendix A** comprises a copy of the application to divert part of Public Footpath No. 10, Gamlingay. A plan showing the effect of the proposals is at **Appendix B**, along with an annotated Highway Adoption Extent plan, marked up with the points of reference relevant to the proposed public path order is attached at **Appendix C**.

2 Background

- 2.1 On 9 March 2022 Morris Homes applied to Cambridgeshire County Council to divert the part of Public Footpath No. 10, Gamlingay ('Gamlingay Footpath 10') which crossed through a development site in Gamlingay.
- 2.2 The application to divert part of Gamlingay Footpath 10 is necessary in order to implement a planning permission (reference S/4085/19/RM) for the layout, scale, appearance and landscaping of an outline planning permission (reference S/2068/15/OL – **Appendix D**) for 90 dwellings at Green End Industrial Estate, Gamlingay. The reserved matters application was approved by South Cambridgeshire District Council on 18 June 2020 (see decision notice **Appendix E**). Under the Town and Country Planning Act 1990 the powers to divert the footpath in order for the development to take place are held by the planning authority, South Cambridgeshire District Council, under section 257.
- 2.3 In February 2007, South Cambridgeshire District Council entered into an Agreement with Cambridgeshire County Council providing that all Public Path Order applications under section 257 of the Town and Country Planning Act 1990 should be processed by the County Council, acting as agents for the

District Council. A copy of the Agreement explaining the procedure is attached at **Appendix F**.

- 2.4 Gamlingay Footpath 10 starts at Green End at a point between the allotments and Rainbow pre-school and, prior to the development, continued generally west along a shared access road to Green End Industrial Estate and a point where it turned generally north-north-east and continued to a junction with Cinques Road. When the Definitive Map was first published in the 1950s the footpath was originally a rural footpath connecting two roads. The character of the footpath has since changed from rural to urban with the development and expansion of Gamlingay since the 1950s.
- 2.5 Gamlingay Footpath 10 is maintainable at public expense by the County Council. The Definitive Statement for Gamlingay Footpath 10 records a width of 3 feet for a short section over former allotment gardens. This section however is not thought to cover the part Gamlingay Footpath 10 presently proposed to be diverted. Other than the short section over the former allotment gardens, there is no recorded width for Gamlingay Footpath 10 in the Definitive Statement or any conditions or limitations to the public's use of the footpath.
- 2.6 Part of the legal line of Gamlingay Footpath 10 has been unavailable due to demolition and construction work since October 2020. A temporary traffic regulation order was previously in place between October 2020 and December 2021 to facilitate the closure of part of the public footpath. At the end of December 2021, the temporary traffic regulation order expired, and an extension was not granted by the County Council due to local objections to the severing of a useful link between Green End, Maple Court, Beechside and Cinques Road. As a result, the developer has since re-opened up a temporary access path through the site along an alignment very similar to the existing footpath between Maple Court and Green End.

3 Site Description

Existing public footpath (A-B-C) – prior to commencement of development

- 3.1 The public footpath commences at a junction with Green End Road at OSGR TL 2354 5235 (point A) proceeding generally west-north-west along a shared pedestrian and vehicular surface for approximately 119 metres to OSGR TL 2342 5236 (point B). The public footpath continues generally north-west along the shared surface for approximately 37 metres to OSGR TL 2341 5239 (point C) where the public footpath continues as a metalled footpath between fences. The total length of the public footpath is 156 metres. **Appendix K** contains two images extracted from Google Street View, dated April 2019, which show the part of Gamlingay Footpath 10 to be diverted prior to development works.

Proposed diversion route (D-E-F-G-H-I-J-C)

- 3.2 The proposed diversion route generally follows the northern footway of the roads due to be adopted under a section 38 agreement by the County Council. A plan of the extent of the routes to be adopted, together with annotations showing the points where the public footpath is to be diverted, is available at **Appendix C**. Additionally, photographs of part of the proposed diversion route are available at **Appendix G**. These depict the proposed route during construction work at the end of May 2022. The works to construct the route remain in progress at the time of the preparation of this report.
- 3.3 The proposed footpath commences at a point on the footway of Green End at a tactile paving crossing point at OSGR TL 2354 5235 (point D) generally north-west, along the northern footway of a road, for approximately 21 metres to a point at OSGR TL 23 52 5237 (point E). The footpath continues along the footway generally north-east for approximately 10 metres to a raised crossing point at OSGR TL 2352 5238 (point F). The footpath continues generally north-west across the raised crossing for approximately 6 metres to OSGR TL 2352 5238 (point G). The footpath then continues along the footway generally south-west for approximately 11 metres to OSGR TL 2351 5237 (point H). The footpath then continues along the northern footway of a road generally west north-west for approximately 73 metres to OSGR TL 2344 5239 (point I). The footpath then continues along the northern footway of a road generally north-west for approximately 16 metres to a point at a raised crossing at OSGR TL 2343 5240 (point J). The footpath then continues generally west-south-west across the raised crossing and along a footpath between fences for approximately 25 metres to OSGR TL 2341 5239 (point C), where the public footpath continues as a metalled footpath between fences. The total length of the proposed footpath is 163 metres.
- 3.4 Photographs taken from Google Streetview (**Appendix H**) provide examples of the type of raised crossings to be constructed on the route of the proposed public footpath between points F and G and J and C.
- 3.5 The proposed diversion route is 7 metres longer than the existing route.
- 3.6 No structures such as gates, culverts, bridges or steps are proposed on the proposed diversion route.
- 3.7 The proposed footpath forms part of the routes due to be adopted by the County Council under Section 38 of the Highways Act 1980 as part of the ordinary road network. The maintenance liability placed on the County Council therefore would not be any greater than those routes already proposed for adoption. Once adopted, the proposed public footpath would be removed from the Definitive Map and Statement by Legal Event Modification Order. This is because the route would be subsumed within the adopted road network and therefore would no longer be of a status capable of being recorded on the Definitive Map and Statement.

- 3.8 If an order is made to divert the public footpath and it is confirmed, the proposed route will be initially made up to binder course whilst development works are on-going allowing the order to be confirmed and certified prior to the substantial completion of the development. The proposed footpath will later be fully surfaced in line with the County Council's Estate Road Specification and the S.38 adoption agreement.
- 3.9 The proposed footpath will have a recorded width of two metres in line with the County Council's Rights of Way widths policy.
- 3.10 The location of the proposed footpath is not part of any protected or designated site such as a Site of Special Scientific Interest or a Scheduled Monument.

4 Legal Framework

- 4.1 Section 257 of the Town and Country Planning Act 1990 allows that:

'(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if they are satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III, or

(b) by a government department.

(2) An order under this section may, if the competent authority are satisfied that it should do so, provide—

(a) for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;

(b) for authorising or requiring works to be carried out in relation to any footpath, bridleway or restricted byway for whose stopping up or diversion, creation or improvement provision is made by the order;

(c) for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath, bridleway or restricted byway;

(d) for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.'

- 4.2 An Order shall come into effect once the new route has been certified by either the order-making authority or the highway authority as being of a satisfactory standard for public use. The County Council as highway authority will undertake the certification.
- 4.3 The Equality Act 2010 consolidated previous anti-discrimination legislation. Of particular importance to the highway authority (a public authority as defined in the Act) is section 149. This section of the Equality Act 2010 requires public authorities to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (the public sector equality duty). These considerations are the need to:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 4.4 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 4.5 There is currently little formal guidance on how the Act interacts with existing rights of way legislation. However, it is generally understood to require order-making authorities to take into account the reasonable needs of people with the relevant protected characteristics in considering changes to the rights of way network. The Act requires authorities to be more proactive in recording their thought-processes in making their decisions.

5 Cambridgeshire County Council Policy (including maintenance)

- 5.1 The County Council's own Non-Motorised User (NMU) policy (approved by Highways & Community Infrastructure Committee on 21st February 2017 and replacing the previous Public Path Order Policy) requires that certain criteria are met if a public path order is to be made.
- 5.2 The policy is applicable to any new or diverted NMU route which would become maintainable at public expense. The relevant criteria is made up of a numerically scored set of criteria which consider accessibility relating to the

County Council's duty under the Equality Act 2010; the benefit to the Authority and communities from resolving long term maintenance problems; the benefit to the Public Rights of Way (PRoW) network; and the benefit to landowners from improved land management.

5.3 In addition to the numerical scoring matrix within the NMU policy, there are six pass or fail criteria relating to County Council requirements that must be met in order for an application to be considered. If an application fails one of these criteria, it fails regardless of its numerical score unless an exemption is granted by the Assistant Director, Highways Maintenance if it is considered to be appropriate. The criteria are as follows:

1. Viability (cost of implementation) and Affordability (cost of ongoing maintenance)
2. Pre-application consultations have been carried out with the prescribed bodies
3. The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Assistant Director Highways Maintenance as to whether or not that is appropriate.
4. No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal. If the County Council consider the objection to be irrelevant, this will class as a pass.
5. A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, the County Council may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.
6. The proposed route would have no stiles or gates, or allows for access for people with mobility issues.

5.4 The County Council reserves the right to refuse to make an Order where it feels the criteria of the legislation are not met, even where consultation responses suggest there are no public objections.

5.5 Within the Cambridgeshire Rights of Way Improvement Plan (ROWIP), several Statements of Action are listed which identify specific ways in which issues that the Rights of Way network face can be addressed now and in the future. Any proposal to divert will not be considered which is in conflict with the Statements of Action set out in the Cambridgeshire ROWIP.

5.6 The County Council does not encourage Public Rights of Way to be diverted onto estate road footpaths, apart from small development sites where there is little or no scope to provide a path which is separate from the roadway. In

this case, the proposed development layout has been approved by the Planning Authority and therefore there is no scope to secure an alternative off road route at this stage in the process.

6 Consultations

- 6.1 A consultation with the local Ramblers' Association, the British Horse Society, South Cambridgeshire District Council, Gamlingay Parish Council, the local Members, the Rights of Way Officer and utility companies was undertaken on the application to divert part of Gamlingay Footpath 10 in March 2022.
- 6.2 The alignment of Gamlingay Footpath 10 proposed to be diverted in the consultation in March 2022 differed from the current proposed alignment and is available to view at **Appendix I**. The alignment proposed in March 2022 originally followed the southern footway of the road into the development rather than the northern footway as presently proposed. Replies to the consultation were received from the British Horse Society, the Parish Council and the Rights of Way Officer. Copies of the responses received to the consultation are available to view at **Appendix J**.
- 6.3 The secretary for Cambridgeshire for the British Horse Society confirmed on 14 March 2022 that they had no comments to make on the application.
- 6.4 Gamlingay Parish Council responded to the consultation stating that they had concerns about the proposal following the southern footway. This was because the Parish Council felt that the majority of footpath users from the Green Acres and Elizabeth Way estates would be using the route to access the primary school and other facilities in the centre of the village which would involve having to cross the main road into the estate at Green End. The Parish Council suggested that a route on the northern footway would be preferable in order to make use of the proposed crossing facilities on the roads.
- 6.5 The Rights of Way Officer stated that the footpath crossing points over the estate roads should be fully accessible by dropped kerbs and were putting in a holding objection to the application until such time that details had been provided showing such crossings.
- 6.6 No other responses were received.
- 6.7 In response to the comments of the Parish Council and the Rights of Way Officer, the proposed alignment of the diversion route was amended with the agreement of the applicant to follow the northern footway of the estate road, crossing roads in two places at raised crossing points. Following the changes to the alignment of the route, the Parish Council and the Rights of Way Officer confirmed that they were satisfied with the changes and withdrew their objections to the proposals.

- 6.8 Ultimately both the southern and northern footways of the estate access road from Green End will become public highway through the S.38 agreement and therefore the public will be open to choose which side of the road that they wish to walk on. Making the changes to the alignment of the footpath however has resulted in a greater general understanding of the proposed highway network in this location and should minimise the potential for any unnecessary objections to an order to divert part of Gamlingay Footpath 10.

7 Grounds for diversion: S.257 Town and Country Planning Act 1990

- 7.1 The re-routing of part of Gamlingay Footpath 10 from its existing route to the proposed new route is required in order to implement a planning permission (reference S/4085/19/RM) granted under part III of the Town and Country Planning Act 1990. Section 1 (a) is therefore satisfied.
- 7.2 The applicant has agreed, through the consultation and development of the planning permission, to provide an alternative alignment for part of Gamlingay Footpath 10 as part of the local highway network to be adopted by the County Council under section 38 of the Highways Act 1980. The works required to create the new highways are to be implemented by the applicant at their own expense. The works to the proposed new alignment of Gamlingay Footpath 10 will be subject to certification by the County Council as the Local Highway Authority.
- 7.3 It is not considered that the rights of statutory undertakers will be affected by the proposal to divert part of Gamlingay Footpath 10. It is therefore considered that Subsection 2 of Section 257 TCPA 90 is satisfied.
- 7.4 The proposed diversion route of Gamlingay Footpath 10 is eight metres longer than the existing route. It is therefore considered that the proposed diversion route is reasonably as convenient for the public to use as the existing route.
- 7.5 The existing route prior to the commencement of the development followed a road shared between pedestrians and vehicles accessing Green End Industrial Estate (see extract images from Google Street view April 2019 – **Appendix K.**) The proposed diversion route in the main will follow a footway separated from the vehicular traffic except for two raised crossing points. It is therefore not considered that there will be any significant negative impact on the public's enjoyment of the public footpath.
- 7.6 The proposal is not considered to be in conflict with the provisions of the Equality Act 2010 as it is not considered to disproportionately impact upon any users with protected characteristics. Additionally, the proposed diversion route does not propose any features or structures that would restrict or limit

its use by any particular group or groups of users. It may be considered that the proposed diversion route will result in an improvement to the accessibility of the footpath by separating pedestrians from traffic for the majority of the route and providing a higher standard surface for walking. When the proposed route crosses estate roads, raised crossings are proposed which provide safe and accessible access across the roads.

8 Grounds for diversion: Cambridgeshire County Council policy including Maintenance Liability

- 8.1 The proposal to divert part of Gamlingay Footpath 10 has been assessed against the County Council's NMU Diversion policy. The assessment can be found at **Appendix L**.
- 8.2 The proposal scored 21 out of 30 representing a score of 70% which meets the threshold for a proposal to be considered acceptable by the Highway Authority.
- 8.3 In addition to the numerical scoring assessment and legislative requirements the County Council's pass or fail criteria concerning rights of way diversions are considered below.
- 8.4 Viability (cost of implementation) and Affordability (cost of ongoing maintenance)
The implementation costs will be met in full by the applicant. It is considered that the proposal will not result in any additional ongoing maintenance costs which are not already proposed to be adopted by the County Council's Highways Development Management service.
- 8.5 Pre-application consultations have been carried out with the prescribed bodies
The proposal to divert part of Gamlingay Footpath 10 formed part of an approved planning application which was consulted on by the Local Planning Authority. A further statutory consultation was carried out by the County Council with the local user groups, including the Ramblers Association in March 2022 (see section 8.7 below).
- 8.6 The existing route is available for use and any 'temporary' obstructions have been removed, in order to allow a comparison to be made. Any request for exemption will be decided by the Assistant Director Highways Maintenance as to whether or not that is appropriate.
The existing line of Gamlingay Footpath 10 was previously unavailable for approximately 18 months from October 2020 when demolition works commenced on the development site. A temporary traffic regulation order was in place between October 2020 and December 2021 to facilitate the closure of part of the public footpath. Following local objections, the majority of the existing alignment of Gamlingay Footpath 10 was reopened to the public

in May 2022. This follows the majority of the existing route except for the eastern part of the route near to the junction with Green End where the route follows a footway along the access road to the development.

- 8.7 No objections are received to the proposals during the statutory consultation period prior to making an order. However, the County Council will review this criterion in individual cases in light of objections and potential public benefit of the proposal. If the County Council consider the objection to be irrelevant, this will class as a pass.

Two objections were received during the statutory consultation period (one from the Rights of Way Officer and one from the Parish Council). The alignment of the proposed diversion route was changed in response to the objections, and this resulted in both objections being withdrawn. There are no outstanding objections to the proposals.

- 8.8 A minimum width of 2m is provided for a diverted footpath, and a minimum width of 4m for a diverted bridleway. In exceptional cases, e.g. cross-field paths, the County Council may, taking into account all the available facts, require such a width as it considers reasonable and appropriate.

The applicant is providing a width of 2 metres for the proposed diversion route along the footways of the development.

- 8.9 The proposed route would have no stiles or gate or allows for access for people with mobility issues.

The proposed route will have no structures in place which would limit public access. The proposed route crosses two roads at raised crossings which are flush with the road, so there are no raised kerbs for users to negotiate.

- 8.10 Consideration should be given to the Cambridgeshire Rights of Way Improvement Plan (ROWIP). It is considered that this proposal supports the aims of the ROWIP under:

- SoA3: 72,500 new homes, as it ensures that this public footpath will not be permanently obstructed by development and that new facilities are provided to an acceptable standard.

9 Conclusions

- 9.1 It is considered that the proposed diversion of part of Gamlingay Footpath 10 meets the requirements of section 257 of the Town and Country Planning Act 1990 and the County Council's NMU adoption policies.

- 9.2 The County Council’s Assistant Director of Highways Maintenance resolved on 15 August 2022 that the proposal would not have any detrimental impact on the surrounding highway network or place a significant and unjustifiable additional burden on the affected or alternative routes which may cause concern to the County Council, as Local Highways Authority (**Appendix M**).

10 Recommendations

- 10.1 That it is expedient that an order is made by South Cambridgeshire District Council under section 257 of the Town and Country Planning Act 1990 to divert the part of Gamlingay Footpath 10 which is necessary to enable the development of 90 dwellings at Green End Industrial Estate, Gamlingay to take place.
- 10.2 That the width of the proposed public footpath to be recorded is 2 metres.
- 10.3 That the proposed public footpath should have no limitations to the public’s use recorded on the Definitive Statement.
- 10.4 That South Cambridgeshire District Council informs Cambridgeshire County Council of its decision in writing, as agents for the District Council.

Appendix Documents

A	Application form S.257 Town and Country Planning Act 1990 – 1 October 2021
B	Plan of proposed diversion of Gamlingay Footpath 10
C	Annotated Proposed Highway Adoption Extent Plan
D	Master Plan and Decision notice of South Cambridgeshire District Council on S/2068/15/OL – 7 December 2016
E	Open Spaces Plan and Decision notice of South Cambridgeshire District Council on S/2068/15/OL – 18 June 2020
F	Memorandum of Agreement for the processing of Public Path Orders between Cambridgeshire County Council and South Cambridgeshire District Council 2007
G	Photographs of the proposed diversion route taken 30 May 2022
H	Examples of raised pedestrian crossings from Google Street View
I	Plan showing originally proposed diversion route of Gamlingay Footpath 10 – March 2022
J	Consultation responses – March 2022
K	Extracts from Google Street View of original route of Gamlingay Footpath 10 – April 2019
L	Cambridgeshire County Council NMU Authorisation
M	Memo of Jon Munslow, Assistant Director Highways Maintenance, Cambridgeshire County Council, 15 August 2022.

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Agenda Item 6



Planning Committee Date	14 September 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	21/04524/S73
Site	Former Barrington Cement Works, Haslingfield Road, Barrington, Cambridgeshire
Ward / Parish	Barrington
Proposal	S73 Variation of conditions 1 (Approved plans), 2 (Reserved matter details), 6 (Arboricultural Method Statement), 7 (Boundary treatments), 8 (Refuse storage), 10 (Housing mix), 12 (Energy Statement), 13 (Contamination), 14 (Noise assessment), 17 (Drainage strategy), 19 (Access) and 23 (Fire hydrants) pursuant to planning application 21/01474/S73 (Variation of condition 2 (reserved matters details) pursuant to planning application 20/02528/S73 (Variation of conditions 2 (Reserved matters), 5 (Construction Environment Management Plan and a Construction Method Statement), 6 (Airborne Dust), 7 (Site waste management plan), 8 (Tree protection measures), 9 (Boundary Treatment), 10 (Siting and design of the screened storage for refuse), 14 (Renewable energy statement), 15 (Contamination), 16 (Noise insulation scheme or noise mitigation Strategy), 19 (Surface water drainage scheme), 20 (Surface water), 21 (Remediation Statement - Contamination), 22 (Scheme for disposal for surface water), 24 (Visibility splays), 26 (Recording of Industrial Heritage), 27 (Foul water solution), 28 (Archaeological works) and 29 (Fire hydrants) pursuant to planning permission S/0057/17/VC))

Applicant	Redrow (South Midlands)
Presenting Officer	Michael Hammond
Reason Reported to Committee	Departure Application Application raises special planning policy or other considerations
Member Site Visit Date	N/A
Key Issues	1. Principle of Development
Recommendation	APPROVE subject to conditions and S106

1.0 Executive Summary

- 1.1 Outline planning permission (S/2365/14/OL) including the reserved matter of access was granted on 27 October 2016 for the redevelopment of part of the former Cemex site adjacent to Haslingfield Road and Chapel Hill, Barrington to provide 220 dwellings. A Section 73 permission (S/0057/17/VC) seeking to vary condition no.1 (drawings) of the outline permission was granted on 13 April 2017.
- 1.2 Reserved matters consent (S/3485/18/RM) for the approval of appearance, landscaping, layout, and scale of the outline planning permission S/0057/17/VC was appealed under grounds of non-determination and allowed at appeal (APP/W0530/W/19/3227393) on 29 November 2019. A Section 73 application (20/02528/S73) which included a phasing plan and boundary treatment details, was approved in January 2021. A further Section 73 application (21/01474/S73) varying condition no.2 (reserved matters details) was approved in July 2021. Phase 1 of the development on the site has commenced.
- 1.3 Following the approval of reserved matters and commencement of development, the applicant has sought to amend and re-configure the south-eastern parcel of the site compared to what was previously approved. A planning application 21/04088/FUL for this re-configured south-eastern parcel was considered at the Planning Committee meeting of 10 August 2022 and a resolution was made by the Planning Committee to approve the application subject to completion of a Section 106 agreement. The Section 106 agreement is currently being drafted between officers and the applicant.
- 1.4 This Section 73 application (21/04524/S73) has been submitted proactively by the applicant as it is considered to be necessary by the applicant because a recent Court of Appeal decision Hillside Parks Limited v Snowdonia National Park Authority [2020] EWCA Civ 1440 has led to questions arising in respect of the ability to deliver so-called 'drop-in' permissions where there would be inconsistency between the drop-in permissions and the original planning permission granted for the site. The 'drop-in' permission to which this application relates is application 21/04088/FUL for the south-eastern parcel of the site.
- 1.5 Certain conditions have been updated to compliance conditions to reflect the fact that some conditions have been discharged by the Council already. However, the application does not seek to amend the nature of the originally approved development and has been submitted only for legal purposes.
- 1.6 Officers recommend that the Planning Committee approve the application subject to the conditions and informatives set out in this report and conditional on the completion of a Section 106 agreement.

2.0 Site Description and Context

- 2.1 The application site is the former Barrington Cement Works site, to the north of the village of Barrington. The site is accessed off Haslingfield Road which borders the eastern edge of the site and is reinforced by established hedgerows. To the north is the Cemex quarry which is in the process of being remediated. To the west and east are open fields and to the south is Barrington Village.
- 2.2 The wider mineral site is adjacent to Barrington Chalk Pit Site of Special Scientific Interest (SSSI), notified for its geological special features. The site is within 4.2km of Eversden and Wimpole Woods SSI and Special Area of Conservation (SAC).
- 2.3 The site lies outside the development framework boundary of Barrington.
- 2.4 Development on part of the site has commenced in accordance with permission S/3485/18/RM.

3.0 The Proposal

- 3.1 The application seeks to vary condition nos. 1, 2, 6, 7, 8, 10, 12, 13, 14, 17, 19, and 23 of permission 21/01474/S73 to reflect the delivery of a new planning permission (21/04088/FUL) within the wider site at the Former Barrington Cement Works.
- 3.2 The purpose of the application is to facilitate the delivery of full planning permission application 21/04088/FUL alongside the residual development already permitted on the Site by permission 21/01474/S73, and to ensure that both permissions can come forwards without any inconsistency.
- 3.3 The full planning permission (21/04088/FUL) has been submitted in respect of the south-east parcel within the Site and seeks a re-plan of that area, resulting in an increase in the overall number of houses being delivered on the Barrington scheme from 220 to 223 dwellings.
- 3.4 This application is considered to be necessary by the applicant because a recent Court of Appeal decision Hillside Parks Limited v Snowdonia National Park Authority [2020] EWCA Civ 1440 has led to questions arising in respect of the ability to deliver so-called 'drop-in' permissions where there would be inconsistency between the drop-in permissions and the original planning permission granted for the site.
- 3.5 To avoid any doubt in respect of the validity or implementable nature of any aspect of this proposal, the applicant considers it appropriate to amend the outline permission (ref: 21/01474/S73) to ensure that it relates only to the residual development, namely the development not caught by the proposed full planning permission.

3.6 The application is made by the applicant to avoid the uncertainty caused by the recent High Court decision. It does not seek to amend the nature of the development that has been approved.

4.0 Relevant Site History

4.1 The site has an extensive planning history. Of most relevance to this application are:

Reference	Description	Outcome
21/04087/FUL	Erection of 113 dwellings (re-plan of northern parcel of development site for an increase of 37 dwellings above approved scheme ref: S/3485/18/RM).	Pending Consideration
21/04088/FUL	Erection of 36 dwellings (re-plan of south eastern parcel of development site for an increase of 3 dwellings above approved scheme ref: S/3485/18/RM).	Pending Decision (resolution to approve at Planning Committee Meeting of 10.02.2022)
21/01474/S73	Variation of condition 2 (reserved matters details) pursuant to planning application 20/02528/S73 (Variation of conditions 2 (Reserved matters), 5 (Construction Environment Management Plan and a Construction Method Statement), 6 (Airborne Dust), 7 (Site waste management plan), 8 (Tree protection measures), 9 (Boundary Treatment), 10 (Siting and design of the screened storage for refuse), 14 (Renewable energy statement), 15 (Contamination), 16 (Noise insulation scheme or noise mitigation Strategy), 19 (Surface water drainage scheme), 20 (Surface water), 21 (Remediation Statement - Contamination), 22 (Scheme for disposal for surface water), 24 (Visibility splays), 26 (Recording of Industrial Heritage), 27 (Foul water solution), 28 (Archaeological works) and 29 (Fire	Approved 09.07.2021

20/03765/S106A	hydrants) pursuant to planning permission S/0057/17/VC) Modification of planning obligations contained in a Section 106 Agreement dated 27 October 2016 pursuant to outline planning permission S/2365/14/OL	Approved 26.05.2021
20/02528/S73	Variation of conditions 2 (Reserved matters), 5 (Construction Environment Management Plan and a Construction Method Statement), 6 (Airborne Dust), 7 (Site waste management plan), 8 (Tree protection measures), 9 (Boundary Treatment), 10 (Siting and design of the screened storage for refuse), 14 (Renewable energy statement), 15 (Contamination), 16 (Noise insulation scheme or noise mitigation Strategy), 19 (Surface water drainage scheme), 20 (Surface water), 21 (Remediation Statement - Contamination), 22 (Scheme for disposal for surface water), 24 (Visibility splays), 26 (Recording of Industrial Heritage), 27 (Foul water solution), 28 (Archaeological works) and 29 (Fire hydrants) pursuant to planning permission S/0057/17/VC	Approved 20.01.2021
S/3485/18/RM	Application for approval of reserved matters for appearance landscaping layout and scale under planning permission S/0057/17/VC for development of 220 residential units	Not Determined – Appeal Allowed 29.11.2019
S/0057/17/VC	Variation of conditions S/2365/14/OL - S73 application to vary condition 1 pursuant to outline planning permission (S.2365.14.OL) relating to the development of 220 residential units	Approved 13.04.2017
S/2365/14/OL	Outline application for the demolition of all existing buildings and structures and redevelopment to provide up to 220 residential units formal and informal open space	Approved 27.10.2016

including allotments car parking for Barrington Primary School new pedestrian and cycle links to Barrington village and Foxton Station and associated works - details of vehicular site access arrangements are submitted for approval with all other matters (layout scale appearance and landscaping) reserved for future approval.

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision
S/2 – Objectives of the Local Plan
S/3 – Presumption in Favour of Sustainable Development
S/5 – Provision of New Jobs and Homes
S/6 – The Development Strategy to 2031
S/7 – Development Frameworks
S/10 – Group Villages
CC/1 – Mitigation and Adaption to Climate Change
CC/3 – Renewable and Low Carbon Energy in New Developments
CC/4 – Water Efficiency
CC/6 – Construction Methods
CC/7 – Water Quality
CC/8 – Sustainable Drainage Systems
CC/9 – Managing Flood Risk
HQ/1 – Design Principles
HQ/2 – Public Art and New Development
NH/2 – Protecting and Enhancing Landscape Character
NH/4 – Biodiversity
NH/6 – Green Infrastructure
H/8 – Housing Density
H/9 – Housing Mix
H/10 – Affordable Housing
H/12 – Residential Space Standards
SC/2 – Health Impact Assessment
SC/4 – Meeting Community Needs
SC/6 – Indoor Community Facilities
SC/7 – Outdoor Play Space, Informal Open Space & New Developments

SC/9 – Lighting Proposals
SC/10 – Noise Pollution
SC/11 – Contaminated Land
SC/12 – Air Quality
SC/14: Odour and Other Fugitive Emissions to Air
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision
TI/4 – Rail Freight and Interchanges
TI/8 – Infrastructure and New Developments
TI/9 – Education Facilities
TI/10 – Broadband

5.3 Supplementary Planning Documents

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

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

Health Impact Assessment SPD – Adopted March 2011
Landscape in New Developments SPD – Adopted March 2010
District Design Guide SPD – Adopted March 2010
Affordable Housing SPD – Adopted March 2010
Open Space in New Developments SPD – Adopted January 2009
Public Art SPD – Adopted January 2009
Trees and Development Sites SPD – Adopted January 2009

5.5 Other Guidance

- 5.6 Greater Cambridge Housing Strategy 2019 – 2023

6.0 Consultations

6.1 Barrington Parish Council – Comment

August 2022 Comments in response to cycle route plans

- 6.2 Generally supportive of the proposed cycle route subject to further discussion and clarification of the final details. Specifically plans need to show removable barriers to prevent motorcycles. Glebe Road crossing signage may cause driveway visibility problems and lighting improvements necessary. Difficulties crossing the A10 to get to the station and accessibility of the current A10 cycle paths. Could there be provision of cycle racks on the “safe” side of the A10 not the station side so that

crossing would then be as pedestrians rather than cyclists? It's not clear if pedestrians can also use the cycle route? A balance between safety and resident intrusions is required in terms of lighting. There are badgers active along the route behind the Malthouse Way and these need to be surveyed and addressed. Is maintenance budgets for by the Highway Authority?

November 2021 Comments

6.3 Parish Council would like to comment that it feels this application is a little premature as the 2 applications to increase the number of houses on the site have not yet been determined

6.4 Haslingfield Parish Council – Comment

6.5 Haslingfield Parish Council Councillors abstained from voting on the application.

6.6 Meldreth Parish Council – No comment

6.7 No comments to make on this application.

6.8 Shepreth Parish Council – Comment

August 2022 Comments

6.9 No comment on this planning application.

November 2021 Comments

6.10 Object to the planning application conditions in line with Barrington Parish Council and support the Highways objections on concerns over infrastructure.

6.11 County Highways Development Management – Objection

6.12 The Highway Authority requests that Drawing numbers VD16370-ID-DR-0101 Rev J, VD16370-IDDR-0102 Rev G, VD16370-ID-DR-0103 Rev H & VD16370-ID-DR-0104 Rev G, whilst subject to agreement under S106, that they not be approved by the LPA as they contain details that maybe subject to change during the detailed design and construction phases.

6.13 The pedestrian works and cycle links should be shown clearly as forming part of Phase 1 to avoid any confusion as to the timing of these works in the future. No more than 100 dwellings should be access from one access and the north access will be constructed and connected to the site before the occupation of the 100th dwelling.

6.14 We would also like to bring to the attention of the applicant that as the footways that link to Back Lane and to the School are to be constructed to Cambridgeshire County Councils construction specification (Housing

Estate Roads Construction Specification). The submitted drawings suggest that timber edgings are to be used on these footpaths, which is unacceptable to the Highway Authority.

6.15 Sustainable Drainage Officer – Objection

6.16 No surface water drainage details have been submitted; however note that the application relates to 21/04087/FUL and 21/04088/FUL both of whose drainage strategy have currently not been approved. The drainage strategy for the above applications should be approved before we can recommend varying wording of conditions relating to this application.

6.17 Lead Local Flood Authority – Objection

6.18 There are two undecided planning applications relating to the outline planning approval at the site (21/04087/FUL and 21/04088/FUL), and these need to be decided upon before we can recommend any variation to the wording of the existing condition.

6.19 To confirm the drainage strategy for the unchanged smaller area (Phase 1 and 2) can sustainably manage surface water runoff prior to the implementation of the subsequent phases, an addendum to the previously approved drainage strategy (Ref: 7048-2018.12.19 Drainage Strategy SUDS Report Rev C) is required. This addendum report should demonstrate that surface water runoff can be sustainably managed for Phase 1 and 2 development areas, and can be updated to incorporate the surface water drainage needs of the additional planning application areas as appropriate.

6.20 Environment Agency – No Objection

6.21 No objection.

6.22 Anglian Water – No Comment

6.23 We have checked the submitted documents and there are no drainage details submitted with this application, therefore we are unable to make comments on the condition 17.

6.24 Urban Design Team – No comments received

6.25 N/a.

6.26 Conservation Officer – No Objection

6.27 There are no material conservation issues with this proposal.

6.28 County Archaeology – No Objection

6.29 No objection.

6.30 Historic England – No Objection

6.31 No objection.

6.32 Senior Sustainability Officer – No comments received

6.33 N/a.

6.34 Landscape Officer – No Comment

6.35 No comments to make on the variation of conditions of planning application 21/01474/S73 as the information submitted does not relate to landscape issues.

6.36 Ecology Officer – No Comment

6.37 No ecology implications.

6.38 Natural England – No Comment

6.39 No comment to make.

6.40 Tree Officer – No Objection

6.41 No formal objections.

6.42 Environmental Health – Contaminated Land - No Objection

6.43 No objection to varied wording of conditions.

6.44 Environmental Health – Air Quality – No Objection

6.45 No objection.

6.46 Police Architectural Liaison Officer – No Objection

6.47 No objection.

6.48 Housing Strategy – No Objection

6.49 If there are no material changes we cannot see a reason why we would object to this application.

7.0 Third Party Representations

7.1 1no. representations in objection has been received and raised the following issue:

- Support cycle path in principle but note it would result in the loss of trees. Will compensatory planting elsewhere be included to ensure no net loss of biodiversity as required by NPPF?

8.0 Member Representations

8.1 None.

9.0 Local Groups / Petition

9.1 None.

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

10.0 Assessment

10.1 Principle of Development

10.2 Outline planning permission (S/2365/14/OL) including the reserved matter of access was granted on 27 October 2016 for the redevelopment of part of the former Cemex site adjacent to Haslingfield Road and Chapel Hill, Barrington to provide 220 dwellings. A Section 73 permission (S/0057/17/VC) seeking to vary condition no.1 (drawings) of the outline permission was granted on 13 April 2017.

10.3 Reserved matters consent (S/3485/18/RM) for the approval of appearance, landscaping, layout, and scale of the outline planning permission S/0057/17/VC was appealed under grounds of non-determination and allowed at appeal (APP/W0530/W/19/3227393) on 29 November 2019. A Section 73 application (20/02528/S73) which included a phasing plan and boundary treatment details, was approved in January 2021. A further Section 73 application (21/01474/S73) varying condition no.2 (reserved matters details) was approved in July 2021. Phase 1 of the development on the site has commenced and therefore the permission for 220 dwellings has been implemented on site.

10.4 Following the approval of reserved matters and commencement of development, the applicant has sought to amend and re-configure the south-eastern parcel of the site compared to what was previously approved. A planning application 21/04088/FUL for this re-configured south-eastern parcel was considered at the Planning Committee meeting of 10 August 2022 and a resolution was made by the Planning Committee to approve the application subject to completion of a Section 106 agreement. The Section 106 agreement is currently being drafted between officers and the applicant.

10.5 This Section 73 application (21/04524/S73) has been submitted proactively by the applicant as it is considered to be necessary by the

applicant because a recent Court of Appeal decision Hillside Parks Limited v Snowdonia National Park Authority [2020] EWCA Civ 1440 has led to questions arising in respect of the ability to deliver so-called 'drop-in' permissions where there would be inconsistency between the drop-in permissions and the original planning permission granted for the site. The 'drop-in' permission to which this application relates is application 21/04088/FUL for the south-eastern parcel of the site.

- 10.6 Certain conditions have been updated to compliance conditions to reflect the fact that some conditions have been discharged by the Council already. However, the application does not seek to amend the nature of the originally approved development and has been submitted only for legal purposes.
- 10.7 Plans have been provided to show footpaths, cycleways and bus stops but these have only been provided for information purposes as these are matters that are agreed separately with the County Council through the original Section 106 agreement and any relevant Section 278 Highways Agreements. Notwithstanding this it is noted that the Highway Authority has raised an objection to these being included as approved drawings. It is therefore considered that a condition (condition no.23) is added requiring the technical details of these highways related drawings to be approved prior to the construction of these parts of the development. This would ensure that the Highway Authority has control over the technical details and that they can still be listed in the approved drawings under condition no.1 for clarity.
- 10.8 It is acknowledged that Barrington Parish Council have provided constructive feedback and comments on the cycleway drawings. However, for the reasons set out above, these have been provided for information purposes only and will not form part of the approved drawings. Therefore, it would not be reasonable to require any further information or amendments under this application. Instead, it is considered that these comments should be provided by way of an informative for the applicant to consider through the relevant S278 Highway Agreement process.
- 10.9 Overall, the application has only been submitted for legal and procedural reasons and does not seek to introduce any changes to the scheme that have not already been agreed through previous applications, discharges of conditions and Section 106 discussions.

10.10 Third Party Representations

- 10.11 The need for the removal of any trees to facilitate the cycle path and any compensatory planting that may be required as a result of this is managed through the S278 Highways Agreement entered into between the applicant and County Council. This is independent of this permission.

10.12 Other Matters

Drainage

- 10.13 It is acknowledged that both the Council's Drainage Officer and the Lead Local Flood Authority have recommended that the application not be determined until the drainage details required under the 'drop in' application 21/04088/FUL has been approved.
- 10.14 Alternatively, the Lead Local Flood Authority has requested that the drainage strategy already approved under the discharge of condition for the outline permission (20/02528/S73) should be amended to demonstrate surface water runoff can be sustainably managed for Phase 1 and 2 development areas, and can be updated to incorporate the surface water drainage needs of the additional planning application areas as appropriate.
- 10.15 Officers do not consider this necessary as amended condition no.17 (drainage) would remain in place for the areas outside the 'drop in' application in the south-east corner. The 'drop in' application (21/04088/FUL), includes conditions (nos. 6 & 7) which require new details regarding surface water drainage and management of this to be provided prior to above ground commencement. When the applications for the discharge of these conditions is submitted to the Council it will be necessary for the applicant to demonstrate that surface water flood risk and drainage is considered, both in terms of its impact within the South-East Parcel and on the wider site.

Section 106 Agreement

- 10.16 The Council confirmed in July 2021 under a previous Section 73 permission (20/02528/S73) on the site that due to the wording of the original Section 106 agreement (dated 27 October 2016) under permission S/2365/14/OL that there is no need for a Deed of Variation and that the planning obligations in the favour of South Cambridgeshire District Council contained in the Section 106 agreement will apply to the new planning permission reference.
- 10.17 As this application is also a Section 73 application, it is considered that the Council's position remains and that there is no need for a Deed of Variation or new Section 106 application in this case.

10.18 Recommendation

- 10.19 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

11.0 Planning Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
- 1) Site Location Plan - Drawing number: 8502-22-02-102B
 - 2) Land Use & Access - Drawing number: 8502-22-02-500A
 - 3) Parameter Plan Building Heights - Drawing number 8502-22-02-501A
 - 4) Southern Site Access - Drawing number: 110278/A/19
 - 5) Northern Site Access - Drawing number: 110278/A/18
 - 6) BARR/22/02/001C - Phasing Plan
 - 7) C7048-CSK23_Bus Stops
 - 8) Q3429-C3804B-1300-001 - Proposed adoptable footpath from S38 Development
 - 9) Q3430-C3805B-1300-001 - Proposed adoptable footpath from S38 Development

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

- 2 The development hereby approved shall be carried out within the areas identified for development under this permission on Plan Ref: 8502-22-02-500 only in accordance with the Reserved Matters Details approved pursuant to appeal reference APP/W0530/W/19/3227393, as amended by plans reference:

201 (Apartment B Ground Floor Layout)
202 Rev A (Apartment B First Floor Layout)
203 Rev A (Apartment B Second Floor Layout)
401 Rev A (Apartment B Elevations Brick Code B1)
402 Rev A (Apartment B Elevations Brick Code B1)
8502-22-02-01 Rev C (Site Layout)
8502-22-02-02 (Affordable Housing Plan)
8502-22-02-02 (Refuse Strategy Plan)
8502-22-02-05 (Boundary Treatment Plan)
8502-22-02-08 (Fire and Refuse Swept Path Plan)
8502-22-02-10A (Surface Treatments Plan)
8502-22-02-161 (Bin/Cycle Store Elevations & Floor Plans)
18365 02 Rev B (Landscape Proposals Sheet 1 of 4)
190436-RGL-ZZ-XX-DR-D-120-0101 S2-P02
190436-RGL-ZZ-XX-DR-D-100-0001 S4-P03
REDR170323 HT.Q-R5.ce Rev E
REDR170323 HT.Q-R5.p1 Rev E
REDR170323 HT.Q-R5.p2 Rev D
REDR170323 HT.B.ce Rev D
REDR170323 HT.B.p Rev D
REDR170323 HT.F.cpe Rev D
REDR170323 HT.K.cpe1 Rev E
REDR170323 HT.N.ce Rev D
REDR170323 HT.N.p Rev E
19044 - Playspace Layout

Reason: The application is in outline only.

- 3 The development hereby permitted shall begin no later than the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: The application is in outline only.

- 4 No construction or decommissioning work shall be carried out or plant operated other than between the following hours: 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents in accordance with South Cambridgeshire Local Plan (2018) Policy HQ/1.

- 5 The development hereby approved shall be carried out in accordance with the Construction Management Plan dated 22 October 2018, approved pursuant to application reference S/4148/18/DC dated 12 December 2019. Works shall be undertaken in accordance with the approved Construction Management Plan.

Reason: To protect the amenity of residents in accordance with South Cambridgeshire Local Plan (2018) Policies HQ/1 (Design Principles) SC/10 (Noise) and SC/12 (Air Quality).

- 6 The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement dated 25 March 2019, approved pursuant to application reference S/1576/19/DC dated 25 June 2019, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only.

Reason: In the interests of biodiversity in accordance with South Cambridgeshire Local Plan (2018) Policy NH/4.

- 7 The development hereby approved shall be carried out in accordance with boundary treatment details shown on plan references REDR170323 BDML01 Rev F; EA_1808_P_600; EA_1808_P_601; EA_1808_P_602; EA_1808_P_603 and EA_1808_P_604, as approved pursuant to application reference S/0057/17/COND9, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500 only. 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 South Cambridgeshire Local Plan (2018) Policy HQ/1.

- 8 The screened storage of refuse shall be carried out in accordance with the details approved on 18th August 2020 under application reference

S/0057/17/COND10A, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only. The screened refuse storage for each dwelling / Flat Block shall be completed before that/the dwelling /Flat Block is occupied in accordance with the approved scheme and shall thereafter be retained.

Reason: To provide storage for refuse in accordance with the objectives of South Cambridgeshire Local Plan (2018) Policy HQ/1.

- 9 The use of any particular dwelling, hereby permitted, shall not commence until covered and secured cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of secure cycle storage is provided in accordance with South Cambridgeshire Local Plan (2018) Policy TI/3 (Parking Provision).

- 10 The housing mix shall be in accordance with the details approved at Reserved Matters Stage pursuant to appeal reference APP/W0530/W/19/3227393, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that a suitable housing mix is provided in accordance with South Cambridgeshire Local Plan (2018) Policy H/9.

- 11 No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: This condition will ensure that lighting proposals are acceptable and have an acceptable impact upon amenity in accordance with South Cambridgeshire Local Plan (2018) Policy SC/9 (Lighting Proposals).

- 12 The development hereby approved shall be carried out in accordance with the March 2021 Energy Statement, as approved pursuant to application reference 21/01474/S73 on 9th July 2021, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only. The approved renewable energy technologies shall be fully installed and operational prior to the occupation of the associated approved building and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme.

Reason: This condition will ensure that the proposed development incorporates low carbon energy in accordance with South

Cambridgeshire Local Plan (2018) Policy CC/3 (Renewable and Low Carbon Energy in New Developments).

- 13 A) For the purposes of Phases 1 and 2 of the development (as shown on phasing plan BARR/22/02/001 Rev A) works shall be carried out in accordance with Phase 1/Phase 2 Exploratory Hole Layout with TPH/PAH Hotspots (190436-RGL-ZZ-XX- DR-G-900-0020), Geotechnical & Geo-environmental Reports (S4-PO3 & S4-P04 for Phase 1), Geotechnical & Geo-environmental Reports (S4-PO3 & S4-P04 for Phase 2), Enabling Works Health and Safety Information File (D8038) and Site Log Continuation (A002) as approved under discharge of conditions applications 20/02528/CONDA and 20/02528/CONDC dated 30 April 2021.

No occupation of any part of Phases 1 or 2 of the permitted development shall take place until a verification report demonstrating completion of the works set out in the remediation strategy and the long - term monitoring and maintenance plan shall be updated and implemented as approved.

B) No development shall commence on Phase 3 of development, as shown on Phasing Plan ref BARR/22/02/001 Rev A, until that phase has been subject to a further scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority. Detailed proposal for the removal, containment or otherwise rendering harmless any contamination (the remediation strategy) for that phase have been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include the following components:

- 1) A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site including 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 arrangement for contingency actions. The plan shall also detail a long - term monitoring and maintenance plan as necessary.
- 4) No occupation of any part of that phase of the permitted development shall take place until a verification report demonstrating completion of the works set out in the remediation strategy in (3). The long - term monitoring and maintenance plan in (3) shall be updated and implemented as approved.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with South Cambridgeshire Local Plan (2018) Policy SC/11 (Contaminated Land).

- 14 The development hereby approved shall be carried out in accordance with the Noise Assessment (21 May 2019), the ACCON response to Plowman Craven (22 February 2020), the ACCON Response 2020-04-27 and A3297 Technical Note 2020-06-08, as approved pursuant to application reference S/0306/19/DC, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only. The development shall be constructed in accordance with these approved details.

Reason: To ensure that the acoustic impacts associated with the proposed development are acceptable in accordance with South Cambridgeshire Local Plan (2018) Policy SC/10.

- 15 Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of existing habitats in accordance with South Cambridgeshire Local Plan (2018) Policy NH/4 (Biodiversity).

- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA: Limiting the surface water run-off generated by the 1 in 100 critical storm so that it will not exceed the Greenfield equivalent run-off rates and not increase the risk of flooding offsite. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the proposed development would not be susceptible to flooding or result in an increased risk of flood risk elsewhere in accordance with South Cambridgeshire Local Plan (2018) Policy CC/9 (Managing Flood Risk).

- 17 The development shall be carried out in accordance with the approved Drainage Strategy, document reference 7048-2018.12.19 Drainage Strategy SUDS Report Rev C, as approved pursuant to application

reference S/4820/19/DC, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only.

Reason: To ensure that the proposed development would not be susceptible to flooding or result in an increased risk of flood risk elsewhere in accordance with South Cambridgeshire Local Plan (2018) Policy CC/9 (Managing Flood Risk).

- 18 For the purposes of Phases 1 and 2 of the development (as shown on phasing plan BARR/22/02/001) works shall be carried out in accordance with Round 3 (CFC 20.08.20), Information in Support of the Analytical Results (20-13233), Groundwater Risk Assessment for Piling Works for Phases 1 and 2 Former Cement Works Barrington Cambridgeshire (S4-P03) and Groundwater Risk Assessment for Piling Works for Phases 1 and 2 Former Cement Works Barrington Cambridgeshire (S4-P04), as approved under discharge of conditions application 20/02528/CONDB dated 30 April 2021.

Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted on Phase 3 of the development 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 prevent the increased risk of flooding in accordance with South Cambridgeshire Local Plan (2018) Policy CC/9 (Managing Flood Risk).

- 19 Prior to the first occupation of any part of either Phase 1 or Phase 2, as shown on plan number BARR/22/02/001 Rev A, visibility splays shall be provided on each side of the vehicular access shown on the approved drawing 110278/A/19 in full in compliance with the details shown on the submitted drawing 11278/A/07 Rev D. The splays shall thereafter be maintained free of any obstruction exceeding 0.6m above the level of the carriageway.

Prior to the 111th dwelling within Phase 3 as shown on plan number BARR/22/02/001 Rev A, visibility splays shall be provided on each side of the vehicular access shown on the approved drawing 110278/A/18 in full with the details shown on the submitted drawing 11278/A/07 Rev D. The splays shall thereafter be maintained free of any obstruction exceeding 0.6m above the level of the carriageway

Reason: To ensure that the proposed development would not result in an adverse impact upon highway safety in accordance with South Cambridgeshire Local Plan (2018) Policy HQ/1.

- 20 The development hereby approved shall be carried out in accordance with the Historic Building Recording dated August 2018, approved pursuant to application reference S/ 3308 /18/DC dated 31 October 2018.

Reason: To ensure that the proposed development conserves the heritage of the site in accordance with South Cambridgeshire Local Plan (2018) Policy NH/14.

- 21 Prior to the first occupation of any dwelling, the Applicant shall submit to and have approved by the Local Planning Authority the following reports:
(i) Completion and submission of a Post-Excavation Assessment Report.
(ii) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Local Planning Authority, production of an archive report, and submission of a publication report; to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority

Reason: This condition will ensure that the proposed development conserves the significance of existing heritage assets of the site in accordance with South Cambridgeshire Local Plan (2018) Policy NH/14.

- 22 The development hereby approved shall include the provision of fire hydrants in accordance with the boundary treatment details shown on plan references Proposed Mains and Service Connections ; SC - 2718 Rev F Lower Parcel and; SC- 2718 Rev F Upper Parcel , as approved on 19th August 2020 pursuant to application reference S/0057/17/COND29, insofar as it relates to the areas identified for development under this permission on Plan ref: 8502-22-02-500A only. The development shall not be occupied until the hydrants have been confirmed to be fully operational by the Applicant. Confirmation that the hydrants are fully operational will include written confirmation to be provided by the Applicant that the hydrants have been tested by the Cambridge Fire and Rescue Service. The hydrants shall thereafter be retained and operational in accordance with the approved details.

Reason: To ensure the safety of future residents in accordance with South Cambridgeshire Local Plan (2018) Policy HQ/1.

- 23 Notwithstanding the technical details shown on plans ref: VD16370-ID-DR-0101 Rev J, VD16370-IDDR-0102 Rev G, VD16370-ID-DR-0103 Rev H, VD16370-ID-DR-0104 Rev G, 190436-RGL-ZZ-XX-DR-D-100-0002-A-CO1 & C7048 - CSK23_ - Bus Stops, the technical details shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the footpaths/cycleway and bus stops approved. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development would not result in an adverse impact upon highway safety in accordance with South Cambridgeshire Local Plan (2018) Policy HQ/1.

12.0 Informatives

1. Planning Permission was issued on 27 October 2016 for an outline application at the former CEMEX Cement Works for the demolition of all existing buildings and structures, and redevelopment to provide up to 220 residential units. This Permission was pursuant to a Planning Obligation under Section 106 of the Town and Country Planning Act dated 27 October 2016 which provided that:

"Nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission other than the Planning Permission, save that if a condition attached to one or other is varied or released following an application made pursuant to Section 73 of the 1990 Act or pursuant to an appeal under the 1990 Act relating to such an application then the covenants and provisions of this Deed shall if the Councils so agree in writing (but not otherwise) be deemed to apply to the varied planning permission and to any development carried out pursuant to the varied planning permission".

This clause is such that the s106 agreement can apply to future applications under Section 73. It is therefore applicable to this planning permission.

2. For the avoidance of doubt, the car park, as shown on Drawing numbers: 110278/A/07 Rev D, 110278/A/31 Rev A, A110278/A/36, and 110278/A/37 on permission 21/01474/S73, is no longer required to be delivered, as established by permission ref: 20/02528/CONDD.

Agenda Item 7



Planning Committee Date Report to	14 th September 2022 South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference Site	20/04906/OUT Agricultural Building And Land To The Rear Of 38 Histon Road, Cottenham, CB24 8UD
Ward / Parish Proposal	Cottenham/ Cottenham Outline planning application for the erection of up to 34 new residential units as a Social Housing Rural Exception Site in the Greenbelt with all matters reserved except for access from Histon Road.
Applicant Presenting Officer Reason Reported to Committee Member Site Visit Date Key Issues	Prime Crest Homes Ltd Steve Fraser-Lim Major application 1.Principle of affordable housing exception site 2.Design / character of the area 3.Drainage 4.Ecology
Recommendation	APPROVE subject to conditions / S106

1.0 Executive Summary

- 1.1 The application seeks outline permission for the erection of up to 34 new residential units as a Social Housing Rural Exception Site in the Greenbelt with all matters reserved except for access from Histon Road.
- 1.2 The site is outside of the identified development framework. However, there is an identified housing need for the number and tenure type of the housing proposed. The site is considered a sustainable location for the proposed housing and would meet the exception tests for development within the greenbelt. Outstanding issues with regard to drainage and ecology and design can be addressed with appropriate conditions.
- 1.3 Officers recommend that the Planning Committee approve the application subject to conditions and completion of a S106 agreement.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	FZ1
Outside of Development Framework	Y – part of the site	Green Belt	Y – part of the site
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Article 4 Direction	
Building of Local Interest			

- 2.1 The application site is located on the edge of Cottenham, the majority of the site is located outside of the Development Framework, the access and the first 18m of the site is located in the Development Framework. Whereas the rear of the site, the area located outside of the development framework, is located in the Cambridge Green belt.
- 2.2 The site contains a field, there is one structure in the south east of the site. The boundaries of the site are fences along residential curtilages and mature vegetation and trees.
- 2.3 The proposal site is not located in a flood zone, nor is it in any other allocation, including the Made Cottenham Neighbourhood Plan (2021). There are no neighbouring Conservation Areas, nor Listed Buildings.
- 2.4 To the front of the site (south east) is the main access to the site, from Histon Road. Adjacent to the site access are the following dwellings, which

the access is to run between, no. 38 and no.44 Histon Road. The site borders the curtilages of the following dwellings, no. 2 Cossington Close, no. 32, 34, 36, 38 and 44 Histon Road. These dwellings are to the east and south east of the site. To the north east of the site are fields and open countryside.

3.0 The Proposal

- 3.1 This application is for “Outline planning application for the erection of up to 34 new residential units as a Social Housing Rural Exception Site in the Greenbelt with all matters reserved except for access from Histon Road.”
- 3.2 As stated in the description and the application form, all matters are reserved subject to the access of the site this is to be from Histon Road between no. 38 and no.44 Histon Road. The access currently exists, but this is to be improved through this application.
- 3.3 An indicative layout plan has been submitted as part of the proposal, but this does not form part of the approved plans for the application and so is considered to provide an indication of how the site could accommodate the amount of development proposed.
- 3.4 There are proposed to be up to 34 dwellings, which will later be refined in the layout and scale of the site in future reserved matters applications. The tenure type of dwellings are to be affordable dwellings.

4.0 Relevant Site History

- 4.1 None relevant.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Circular 11/95 (Conditions, Annex A)

Technical Housing Standards – Nationally Described Space Standard (2015)

EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK’s planning regime remains unchanged despite it leaving the European Union on 31 January 2020

Conservation of Habitats and Species Regulations 2017

Environment Act 2021

ODPM Circular 06/2005 – Protected Species

Equalities Act 2010

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/4 – Cambridge Green Belt

S/5 – Provision of New Jobs and Homes

S/7 – Development Frameworks

S/8 – Rural Centres

CC/1 – Mitigation and Adaption to Climate Change

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

CC/4 – Water Efficiency

CC/6 – Construction Methods

CC/7 – Water Quality

CC/8 – Sustainable Drainage Systems

CC/9 – Managing Flood Risk

HQ/1 – Design Principles

HQ/2 – Public Art and New Development

NH/2 – Protecting and Enhancing Landscape Character

NH/3 – Protecting Agricultural Land

NH/4 – Biodiversity

NH/6 – Green Infrastructure

NH/8 – Mitigating the Impact of Development in & adjoining the Green Belt

NH/14 – Heritage Assets

H/8 – Housing Density

H/9 – Housing Mix

H/10 – Affordable Housing

H/12 – Residential Space Standards

SC/2 – Health Impact Assessment

SC/4 – Meeting Community Needs

SC/6 – Indoor Community Facilities

SC/7 – Outdoor Play Space, Informal Open Space & New Developments

SC/9 – Lighting Proposals

SC/10 – Noise Pollution

SC/11 – Contaminated Land

SC/12 – Air Quality

TI/2 – Planning for Sustainable Travel

TI/3 – Parking Provision

TI/8 – Infrastructure and New Developments

TI/9 - Education facilities

TI/10 – Broadband

5.3 Neighbourhood Plan

Cottenham Neighbourhood Plan (made 20 May 2021)

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

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

Landscape in New Developments SPD – Adopted March 2010

District Design Guide SPD – Adopted March 2010

Affordable Housing SPD – Adopted March 2010

Cottenham Village Design Statement SPD – Adopted November 2007

5.6 Other Guidance

- 5.7 Greater Cambridge Housing Strategy 2019 – 2023

6.0 Consultations

6.1 Parish Council – Object

“- Application is contrary to the referendum ready Cottenham Neighbourhood Plan. NB: there is no mention of the Neighbourhood Plan in the design and access statement or rest of the application.

- Strong concerns regarding drainage. The run off rate quoted is excessive at 2.1l per second per hectare for water to be permitted to drain into an Internal Drainage Board (IDB) drain. The applicant hasn't approached the IDB and they would need IDB consent to drain into one of their ditches; the run off would also need to be reduced to 1.1l per second per hectare. NB: The IDB are at the limit of what they can pump in that area. Query why the SCDC Drainage Officer has said the application is acceptable subject to conditions when the run off rates aren't acceptable. The application puts effort into explaining the sewers but not the surface water drainage. There has been severe flooding in the vicinity of the site recently and local knowledge states that the site regularly floods.

- Road safety/pedestrian safety issues - no pavement provided on the site side of the road. The proposed access could also impede highway visibility for existing adjacent residents. In the event that the application is

approved the verge should be upgraded to a full 2m wide pavement as per other developments on Oakington and Rampton Roads.

- The site is outside the village framework (contrary to NP policy COH/2-1).

- Site is partially in the greenbelt and considered a bit too big to be considered a rural exception site. Currently the need for affordable homes in Cottenham is a negative figure since we have an excess. Noted that under one Local Plan policy (H/11 1c): any proposed development in the Green Belt must not only prove that demand exists but also pass a sequential test demonstrating that no other sites exist that would have less impact on the greenbelt.

- Local reports counter what has been stated in the ecology report and there is an abundance of wildlife on the site.

- Roof pitches appear to be too steep in the indicative plans (one reason why the This Land application was refused) but the proposed housing mix is good. “

6.2 County Highways Development Management

6.3 No objection to the application subject to conditions:

- Future management and maintenance of the proposed streets
- Fall of the access
- Material of the access
- Visibility splays
- Traffic management plan

6.4 South Cambridgeshire District Council Housing Officer

6.5 There is a housing need in Cottenham for local people, as demonstrated through the Housing Needs Survey undertaken and information from the Housing Register. As such the application is supported.

6.6 Sustainable Drainage Officer

6.7 No objection to the application subject to conditions.

6.8 Lead Local Flood Authority

6.9 The previous objection to the application has been removed due to updated information that has been received through the progression of the application. Conditions have been recommended to the application.

6.10 Internal Drainage Board

6.11 The discharge rates within the revised Flood Risk Assessment will meet with the requirements of the Board, the route from the site to the nearest

Board's drain, which is within the Old West Internal Drainage District and to the southwest of the site, remains to be determined. A formal land Drainage consent application will be required to be submitted to the Board when the discharge route, and details are finalised.

6.12 Environment Agency

6.13 No objection to the application in principle to the proposed development, there are recommendations and informatives.

6.14 Anglian Water

6.15 There is no objection to the application subject to informatives.

6.16 Cambridgeshire and Peterborough CCG:

6.17 The development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. A contribution has been identified and considered to be acceptable and proportionate for the development and the area.

6.18 Urban Design

6.19 Officers do not object to the proposals in urban design terms. However, Officers have major concerns in relation to the regimented site layout, housing typology and car parking as proposed within the indicative masterplan. In addition, insufficient information is submitted in relation to the private amenity spaces and the dwelling designs which could have helped the officers making a more meaningful judgment on these matters.

Officers believe that the scheme can benefit from some amendments to ensure that it complies to Cottenham Village Design Statement (January 2007), Policy HQ/1 of the 'South Cambridgeshire Local Plan' (2018) and Paragraph 127 & 130 of the 'National Planning Policy Framework' (2019).

The applicant is asked to have regard to Cottenham Civil Parish Neighbourhood Development Plan policy COH/1-5 (Village Character - New Build) to help inform the layout, massing, elevational treatment, and materials. Apart from the general design policies set out in the 'National Planning Policy Framework' (2019), the applicant should also refer to Policy HQ/1 of the 'South Cambridgeshire Local Plan' (2018) and meet the minimum residential amenity design standards set out in the 'South Cambridgeshire District Design Guide' (2010).

Given the scale of the development and its sensitive location, the applicant should present the scheme to the Council Design Enabling Panel (DEP) for an independent design review prior to submission of Reserved Matters including detailed layout and appearance of the site.

6.20 Contamination Officer

- 6.21 There is no objection to the application subject to a condition for unexpected contamination.
- 6.22 County Archaeology**
- 6.23 No objection to the application subject to a condition for a written scheme of investigation.
- 6.24 Landscape Officer**
- 6.25 There are concerns with the application and recommendations have been made for the submission of the reserved matters application. Conditions are also recommended.
- 6.26 Ecology Officer**
- 6.27 Initially requested some clarifications to the submitted ecology report and raised concerns that the report did not demonstrate Biodiversity Net Gain (BNG). An updated ecology report has been submitted which addresses previous comments as well as those from members of the public and demonstrates a BNG of 10.55%. As such the proposals are considered acceptable from an ecology perspective, subject to securing through condition the measures identified in the report, including a Landscape Ecology Management Plan.
- 6.28 Tree Officer**
- 6.29 There are no arboricultural or hedgerow objections to this application, subject to conditions.
- 6.30 Environmental Health**
- 6.31 No objection to the application subject to conditions and informatives.
- 6.32 South Cambridgeshire District Council Air Quality Officer**
- 6.33 No objection to the application subject to conditions:
- A site-based Low Emission Strategy
 - Details on emissions ratings
- 6.34 South Cambridgeshire District Council S106 Officer**
- 6.35 The obligations have been identified and have been itemised in their comment on the application. This is to be sought through a S106 application.
- 6.36 Cambridgeshire County Council S106 Officer:**

6.37 Obligations have been recommended, these are detailed in their comments.

7.0 Third Party Representations

7.1 35no. letters of objection from the following third parties have been received, which are summarised below, the full comments can be found on the Councils Website.

Principle

- It is stated that this application is sustainable as it is located close to facilities, how will the developer ensure that they are adequately financed to ensure that they are not overwhelmed.
- There is no information on the professional services that are to be brought to the area.
- This is not a suitable location for the affordable houses that are being proposed
- The same developer proposed facilities in a different part of the village that did not materialise.
- The scale of this development is not acceptable as it is a large development in the village and not in conformity with the development plans.
- These affordable dwellings are not needed as there are other major developments that have provided the needed affordable dwellings.
- Where is the justified need of these dwellings.
- The sustainability of the site is questionable, the bus is also not as frequent as proposed in application.

Flooding

- There has been flooding on the 23rd December which are still impacting the residents of the area which will be exacerbated by this application. This application is not policy compliant.
- Anglian Water have stated that the increase in flooding is due to the local pumping station not being able to cope with the already growing demand. This will make it worse.
- The current foul water sewerage system is not adequate even for the existing houses.

Highways

- Cottenham is a busy village and this will exacerbate the area and it is not safe to increase the amount of residents that this will bring to the area.
- This development is in between two sharp bends and will increase the current traffic issues in the area.
- The Local Highways Authority has said that they will not adopt the site, does this mean that the future residents of the site will have to pay for the maintenance of the roads, play area, and flood infrastructure.
- There will be an increase in accidents in this area as it is a black spot due to the location of the access.

- There is no pedestrian access to the site and this is not going to be provided as part of this development.
- There is not enough parking being provided on the site for these dwellings, the application is not policy compliant.

Amenity

- There would be an impact on the amenity of the neighbouring properties due to overlooking and the intensification of the site.

Green Belt

- There will be an impact on the character of the area through this development, it is therefore not compliant with policy H/16.
- There is already a loss of Green belt in the area, this is going to make it worse.
- There will be an overdevelopment of the site
- There is no need for these dwellings in the Green Belt, it will impact on the Green Belt.
- The buildings will be seen from the main highway and impact on the village character of the area, as they are going to be three stories on height.
- The density in this area is too high

Wildlife

- This application will impact on the wildlife that can be found on the site, including the Corn Bunting and others which is not included in the Ecology Report.

Archaeology

- There will be impacts on the archaeology if there is not an appropriate survey.

8.0 Assessment

8.1 Principle of Development

8.2 Policy S/7 (2) of the Local Plan states that outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted.

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

8.4 Policy S/2 of the Local Plan sets out how the vision for the Local Plan will be secured through the achievement of six key objectives including to

ensure that all new development provides or has access to a range of services and facilities that support healthy lifestyles and well-being for everyone, including shops, schools, doctors, community buildings, cultural facilities, local open space, and green infrastructure (criterion e).

- 8.5 Policy S/6 of the Local Plan sets out the Council's development strategy and a hierarchical approach to new housing in the district, with a descending order of preference given to on the edge of Cambridge, at new settlements and only limited development at Rural Centres and Minor Rural Centres.
- 8.6 Part of the application site is located within the Cottenham Development Framework as defined by Policy S/8 of the Local Plan. The indicative plan that has been submitted shows that there could be some proposed dwellings located in the Development Framework.
- 8.7 Policy S/8 does not set a limit on the amount of development in the Development Framework area of the site. As such the proposals are considered to be in accordance with Policy S/8.
- 8.8 The rest of the site is located outside of the development Framework, therefore part 2 of Policy S/7 would apply to the application.
- 8.9 This application is for the development of 100% affordable dwellings, therefore policy H/11 is relevant to the application which allows for developments on rural exception sites of affordable dwellings. The proposals are considered to be in accordance with policy H/11, although further detailed assessment of the proposals against the requirements of the policy are provided below.
- 8.10 The principle of the development is considered to be acceptable and in line with Policies S/6, S/7 and H/11 of the Local Plan. The Other Material Planning Considerations for this outline permission are to be considered below.

8.11 Housing Provision

8.12 Affordable Housing

- 8.13 Local Plan Policy H/11 allows for the development of rural exception sites of affordable dwellings. These are to be dwellings that are to meet an identified need on small sites adjoining a development framework boundary.
- 8.14 This application site adjoins the development framework boundary at its south east edge and is 27m away from the Development Framework to the north east of the site. The access is located within the Development Framework.

Housing need

- 8.15 In regards of the need of these dwellings as required by part a) of Policy H/11 the following comments and information has been provided by the Housing Development Officer. A housing needs survey was carried out in December 2019 which identified 64 households in housing need with a local connection to Cottenham who require Affordable accommodation.
- 8.16 The breakdown of the need is set out below (Housing Needs Survey – Cambs Acre – December 2019)

1 bed		2 beds		3 beds		4 beds		5+ bed		Total
F/H	B	F/H	B	F/H	B	F/H	B	F/H	B	64
15	12	18	1	15	0	3	0	0	0	

- 8.17 Of the 64 households identified in the survey 5 households were found to be potential candidates for shared ownership.

Current Housing Need for Cottenham

- 8.18 There are currently 96 applicants registered on HomeLink who have a local connection to Cottenham.
- 8.19 The breakdown of need is shown below (HomeLink Housing register accurate @ June 2022)

Bedroom Need	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	Total
Cottenham	39	26	23	7	1	96

The Affordable housing being provided in this application

- 8.20 The scheme comprises of 34 affordable dwellings, the mix proposed is detailed below:

Affordable Housing Mix

6 x 1 Bed Maisonettes
 9 x 1 Bed Flats
 13 x 2 Bed Houses
 5 x 3 Bed Houses
 1 x 4 Bed House

- 8.21 The proposed mix reflects the housing need identified in the housing needs survey.

Current Housing Need & Affordable Housing Developments in Cottenham

- 8.22 Whilst the housing needs survey was carried out in 2019, it is still, within its 5-year validity. There have been significant housing developments in Cottenham, since the housing needs survey was carried out, these have been 5-year land supply sites, which have provided a proportion of the affordable housing to meet local housing need.

8.23 The lettings policy for 5-year land supply sites was agreed on the basis that rather than all the properties being allocated to those with a local connection, that a proportion would be to meet local housing need as well as district need.

8.24 The policy is set out below:

- The first 8 affordable homes on each 5-year land supply site will be occupied by those with a local connection, the occupation of any additional affordable homes thereafter will be split 50/50 between local connection and on a District-wide basis.
- If there are no households in the local community in housing need at the stage of letting or selling a property and a local connection applies, it will be made available to other households in need on a cascade basis looking next at adjoining parishes and then to need in the wider district in accordance with the normal lettings policy for affordable housing. The number of homes identified for local people within a scheme will always remain for those with a local connection when properties become available to relet.

8.25 There are the following affordable housing schemes which are subject to this criteria, below detailing the number of properties which will be allocated or have been allocated to those applicants with a local connection.

- Land North of Oakington Rd Cottenham (Persimmons) S/ 1606/16/OL - 48 Affordable properties (28 to be allocated to those with a Local connection to Cottenham) – These have all been completed and allocated.
- Land North and East of Ramphill Farm, Cottenham (Tillia Homes) S/2876/16/OL – 56 Affordable properties (32 to be allocated to those with a Local connection to Cottenham) - No RP appointed yet and no timescales for completion of AH yet.
- Land South of Rampton Road, Cottenham (Redrow) S/2413/17/OL – Phase 1 – 37 Affordable properties (23 to be allocated to those with a Local connection to Cottenham)

8.26 The affordable housing provision to those with a local connection is a total of 83 for all 3 of these sites, however only one of these sites has currently been completed and allocated. Therefore, of the 83 properties being provided on these 5-year land supply sites, 28 have been allocated and occupied, leaving a remainder of 55 properties between the two schemes yet to be completed.

Conclusion of Affordable Dwellings

- 8.27 To conclude this application is for an exception site which will provide 34 homes for applicants with a local connection to Cottenham. The housing needs survey carried out in December 2019, found that there were 64 households who were in housing need and had a local connection to Cottenham.
- 8.28 Currently the housing need for Cottenham is 96, this shows that even though there has been a significant level of affordable housing delivered in Cottenham, there is still a rising number of applicants who are in housing need and have a local connection to Cottenham.
- 8.29 There are still two schemes yet to be completed of the three 5-year land supply sites discussed, the remaining schemes will provide 55 affordable homes for those with a local connection.
- 8.30 Calculating the current housing need for Cottenham and subtracting the 55, local connection provision of homes from the 96 applicants on the register, this leaves a need for 41 homes for applicants with a local connection to Cottenham at the current time.
- 8.31 Please note that whilst there are currently 96 applicants with a local connection to Cottenham registered on HomeLink. The register is not a closed list and remains open, applications are made daily from households in housing need. The current economic conditions, the cost of living, rise in inflation and interest rates will lead to many more applications being registered by those in housing need who will require affordable housing in the future.
- 8.32 Therefore, there is sufficient local need to support the development of this exception site for 34 properties, in Cottenham. The application therefore meets the requirements of Policy H/11 part a). The details, type and tenure of the affordable housing will be agreed in the S106.

Part b of policy H/11 states that the development is to be of a scale and location appropriate to the size facilities and character of the settlement. This development is located close to, as detailed above, and next to the Development Framework of Cottenham. Cottenham is a Rural Centre and this development is considered to be a size of development that is acceptable for the location adjacent to Cottenham.

The Green Belt part of the policy (Part c of Policy H/11) is to be considered below.

Density

- 8.33 Policy H/8 requires housing density in Rural Centres, Minor Rural Centre villages and Group Villages to achieve a density of 30dph. The policy states that density may vary where justified by the character of the locality, the scale of the development, or other local circumstances.

- 8.34 The site measures approximately 0.88 hectares in area. The provision of 34 dwellings on the site would equate to a density of approximately 38.6 dwellings per hectare.
- 8.35 The proposed density does result in some consequences in terms of urban design. However, the description of development is for “up to 34 dwellings” which allows for a total of less than 34 if considered necessary from an urban design perspective. As this application is for outline Planning Permission the layout of the site and precise density of the development can be considered further as part of a Reserved Matters application. There would be potential for a lower number of dwellings to be provided creating a more appropriate density and urban design response to the site.
- 8.36 It is therefore recommended that a condition is applied to the application to ensure that no more than 34 dwellings are built on the proposal site.

Housing Mix

- 8.37 Policy H/9 ‘Housing Mix’ requires a wide choice, type and mix of housing to be provided to meet the needs of different groups in the community. This is to be considered under the affordable dwelling need for the site.
- 8.38 Policy H/9(4) requires 5% of homes in a development to be built to the accessible and adaptable dwellings M4(2) standard, rounding down to the nearest whole property with the provision split evenly between the affordable and market homes rounding to the nearest whole number. This will be secured through the S106 agreement. The proposal would therefore accord with Policy H/9(4).

Green Belt

- 8.39 This application is located in the Cambridge Green Belt as defined by Policy S/4 of the Local Plan. This policy states that New development in the Green Belt will only be approved in accordance with Green Belt Policy in the NPPF.
- 8.40 Paragraph 148 of the NPPF states that “Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 8.41 Paragraph 149 of the NPPF states that the construction of new buildings are inappropriate in the Green Belt, unless it meets the exceptions stated in the Paragraph including Part f) *“limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)”*.
- 8.42 This application is for the development of 34 dwellings, it has been identified that these dwellings are required to meet local community needs. In this instance it is considered that the harm that would have been

identified, through the development of new buildings in the Green Belt, has been out-weighed by the houses being for affordable dwellings, which meet the exceptions within the NPPF.

8.43 Policy H/11 (c) states that affordable dwellings in the Green Belt are permitted where there are no alternative sites that exist which would have less impact on the Green Belt. A sequential Test has been submitted for this application. It has been demonstrated that of 14 sites have been considered, this site had the highest score, with scoring criteria including sustainability, availability and impact on the character of the area / Green Belt. Alternative sites would have a greater adverse impact on the character of the area, and are also located within the Green Belt.

8.44 On this basis it is considered that the site that is being proposed for development is an appropriate site for development compared to the other sites that were considered.

8.45 The proposal is contained within the Green Belt. Paragraphs 143 to 145 of the NPPF and Local Plan policies S/4, NH/8 and H/13 are relevant. NPPF para. 143 states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 145 includes the provision that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and states at criterion c) that exceptions to this are the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

8.46 Policies S/4 and H/13 accord with NPPF advice. Policy NH/8 seeks to ensure that proposals are located and designed so that they do not have an adverse effect on the rural character and openness of the Green Belt and that appropriate landscaping is secured within and of the edge of Green Belt boundaries.

8.47 The Landscape Officer has commented on the application and considers that the development would not have an adverse effect on the rural character and openness of the Green Belt, this is subject to careful landscaping and mitigating works also the following would need to be taken into consideration: Existing hedgerow to be protected and retained; New mixed native hedgerows to be planted upon the eastern and western boundaries; Northern building line to be offset from the boundary by a minimum of 10m; Development to be up to 2 storey to reflect existing settlement characteristics; A 5 year maintenance and management plan to be included and conditioned. These measures will ensure that the policy accords with Policy NH/8 of the Local Plan. It is recommended that these features are secured by conditions to be attached to the application decision.

8.48 Design, Layout, Scale and Landscaping

8.49 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new

development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.

- 8.50 Policies NH/2, NH/6 and SC/9 are relevant to the landscape and visual impacts of a proposal. Together they seek to permit development only where it respects and retains or enhances the local character and distinctiveness of the local landscape and its National Character Area.
- 8.51 The District Design Guide SPD (2010) and Landscape in New Developments SPD (2010) provide additional guidance. The NPPF provides advice on achieving well-designed places and conserving and enhancing the natural environment.
- 8.52 A Landscape Visual Impact Assessment has been submitted with the application. This document states that the development would not conflict with any aspect of the Development Plan Policy and would not result in an unacceptable adverse effect on landscape character or on visual amenity. The conclusions of this assessment are accepted by the Landscape Officer.
- 8.53 Landscape officers have recommended that the height of the proposal is restricted to two stories in height. This requirement will be secured with appropriate planning conditions / parameter plans.
- 8.54 The northern boundary is to be protected through this development and there would be new hedgerows along the eastern and western boundaries. As per the submitted documents it is considered that the hedgerows would reduce any landscape and visual adverse effects and reflect the existing settlement edge.
- 8.55 To ensure that the local character of the urban and rural area it has been recommended by the Landscape Officer that a condition is applied to the applied to ensure that the development upon the northern boundary is offset by 10m.
- 8.56 It has been considered by the Landscape Officer that 34 dwellings are considered to be acceptable, however the future reserved matters are to consider the following in regards of the layout of the site:
- The residential layout is to reflect the rural approach of the surrounding area, rather than a linear format
 - Car parking is to be as per policy TI/3 of the Local Plan, this should not dominate the site, if it is not close to the dwellings then it is to be convenient and prevent parking on roads. Visitor parking is not to be in the main highway.
 - Rear access is required to all plots
 - Small landscape islands within parking courts to be avoided as the trees and shrubs would be unlikely to survive.

- Views out of the site are to be encouraged particularly from the access road to the north.
- Bins, locations, pick up points to be well designed into the site.
- Cycle parking is also to be well designed into the site.
- Drainage mitigation is to be well designed into the site, this includes planting in and around ponds, and harder features.
- Boundary treatments are to be conditioned and in any future reserved matters it is to be considered that it is reflective of the rural character.
- Lighting is to be detailed and conditioned
- Existing trees and boundary vegetation to be protected.
- Soft/ hard landscaping, to be conditioned.

8.57 Overall, subject to conditions and submission of Reserved Matters details the proposed development is capable of comprising a good standard of design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with South Cambridgeshire Local Plan (2018) policies NH/2, NH/6 and SC/9 and the NPPF.

8.58 Trees

8.59 Policies NH/2, NH/4 and HQ/1, NH/6, NH/7 and seek to preserve, protect and enhance existing trees and hedges. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.

8.60 The application is accompanied by an Arboricultural Impact Assessment which has been reviewed by the South Cambridgeshire District Council Trees officer. They have responded with no arboricultural or hedgerow objections to this application. The trees on or adjacent site have no statutory protection. The hedgerows on or adjacent to site may qualify as important hedgerows under the Hedgerow Regulations 1997 and would therefore have statutory protection.

8.61 A Tree Survey (22 June 2020) has been provided, however a Tree Protection Plan and Method Statement will be required with any future planning application. It has been recommended by the Tree Officer that this should not be left to a pre-commencement condition due to the importance of T4 and T5 oaks. Therefore, it is recommended that this is applied to the outline application and is to be provided in the layout details in any future reserved matters application. In any future information particular care should be made of detailing the tree surgery needed for T4 and T5 and their conversion from field grown tree to tree in residential area.

8.62 Subject to the above, the proposal would accord with policies NH/2, NH/4, HQ/1, NH/6 Green Infrastructure and NH/7 Veteran Trees, of the Local Plan.

Biodiversity

- 8.63 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) require development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with policy NH/14 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 8.64 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that (set out estimated net gain) of 10.56%.
- 8.65 The application has been subject to formal consultation with the Council's Ecology Officer, who initially requested some clarifications to information within appraisal but now raises no objection to the proposal and recommends several conditions to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 8.66 In consultation with the Council's Ecology Officer, subject to an appropriate condition, officers are satisfied that the proposed development complies with policy NH/14, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

Agricultural Land Quality and Soils

- 8.67 Local plan policy NH/3 'Protecting Agricultural Land' states that permission will not be granted for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless:
- a) Land is allocated for development in the Local Plan;
 - b) Sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land...'
- 8.68 The NPPF para. 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 8.69 The entrance to the site has been identified as Grade 1 Agricultural Land, the rest of the site is identified as urban land. The provision of affordable housing to meet local housing needs in a location in adjacent to the Cottenham village boundary is considered to represent significant

sustainability benefits which would outweigh any concerns over the loss of a small area of agricultural land with the site overall site application area.

- 8.70 As such and subject to conditions as appropriate, the proposal is compliant with policy NH/3 and NPPF advice.

Water Management and Flood Risk

- 8.71 Policies CC/7, CC/8 and CC/9 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 8.72 The site is in Flood Zone 1 and is therefore considered at low risk of flooding, although comments from members of the public and the Parish Council with regard to incidents of flooding in the area are noted.
- 8.73 The applicants have submitted a Flood Risk Assessment and Drainage Strategy with the application. This was reviewed by the Councils Sustainable Drainage Officer, Lead Local Flood Authority (LLFA), Internal Drainage Board, Environment Agency and Anglian Water. Some concerns were raised with regard to the proposed drainage strategy, including the lack of clearance between the base of infiltration features and the ground water level, the alternative approach of discharging into the foul sewer, and lack of source control of surface water to mitigate pollution.
- 8.74 A revised Flood Risk Assessment and Drainage Strategy (Flood Risk Assessment & Drainage Strategy, MTC Engineering (Cambridge) Ltd, Ref: 2740- FRA&DS-RevC) has now been submitted which responds to the LLFA comments. This document demonstrates that surface water from the proposed development can be managed through the use of permeable paving over all access and parking areas. All surface water will be managed by draining this through the permeable paving and subbase, with additional storage provided in the form of geocellular attenuation, before discharging at a rate of 0.6 l/s.
- 8.75 The LLFA have confirmed that this latest version of the FRA addresses their concerns and they removed their objection to the proposals, subject to conditions requiring that the detailed design of the drainage systems are submitted for approval.
- 8.76 The Councils sustainable Drainage Officers have commented on the application and they have no objections to the application subject to conditions requiring submission of details of the design and maintenance arrangements for surface water drainage and infiltration testing. These conditions are proposed to be attached to the decision notice for the application.
- 8.77 The Environment agency has commented on the application and have no objection to the application subject to recommendations and informatives,

which are to be applied to the application through conditions and informatives if this application is to be recommended for approval.

- 8.78 Anglia Water have commented on the application and state that the area does not have the capacity for the foul water that would come from this development, however, that it is their responsibility to accept the foul water from the development and take the necessary steps to ensure that this is achieved. No comment was made in relation to surface water drainage. Informatives were recommended on the application in line with the used water network and how this development will sit within the current network.
- 8.79 The Internal Drainage Board have advised that surface water discharge rates will meet with the requirements of the Board, the route from the site to the nearest Board's drain, which is within the Old West Internal Drainage District and to the southwest of the site, remains to be determined. A formal land Drainage consent application will be required to be submitted to the Board when the discharge route, and details are finalised.
- 8.80 Subject to the inclusion of the above recommended conditions and informatives, the applicants have suitably addressed the issues of water management and flood risk and the proposal is in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.

Highway Safety and Transport Impacts

- 8.81 Policy HQ/1 states that proposals must provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with impairment such as sight or hearing.
- 8.82 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.
- 8.83 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.84 The application is supported by a Transport Assessment and Travel Management Plan which considers the transport impacts of the proposal.
- 8.85 Although the application has been submitted in Outline, approval is sought with regard to access to the site. Access is proposed via an existing gated access track from Histon Road. The proposed footway will be 4.8m in width with footways of 2m on either side, although this is reduced to a single footway on the north side of the carriageway further into the site. An

existing telegraph pole is to be removed to facilitate the access and new controlled pedestrian crossings on Histon Road are also proposed to facilitate pedestrian movements to the existing footway on the eastern side of Histon Road. The access has been subject to a safety audit by the applicants which does not indicate any concerns.

- 8.86 The proposals would result in approximately 22 vehicle movements in the AM peak and 18 vehicle movements in the PM peak, which are not considered to result in significant impacts to the highway network.
- 8.87 The Transport Assessment also identifies that the site is in a sustainable location, with a bus stop 320m from the site, and education, health, retail and leisure services within 850m (10min walking distance) from the site.
- 8.88 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who accept the Transport Assessment conclusions raise no objection. However the Highway Authority stated that they would not seek to adopt the streets within the development in its present format as the Local Highway Authority (LHA) will not seek to adopt a development with a carriageway width of 4.8m the minimum that the LHA would seek to adopt would be 5m. Details of management and maintenance of these streets were required by condition.
- 8.89 Subject to conditions and S106 mitigation as applicable, the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.
- 8.90 Cycle and Car Parking Provision**
- 8.91 Policies HQ/1 and TI/3 set out that car and cycle parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 of the Local Plan. Cycle parking should be provided to at least the minimum standards.
- 8.92 Cycle Parking
- 8.93 TI/3 requires 1 cycle space per bedroom. The supporting text advises that for residential purposes cycle parking should be within a covered, lockable enclosure and that for houses this could be in the form of a shed or garage, for flats either individual lockers or cycle stands within a lockable, covered enclosure are required. All cycle parking should be designed and located to minimise conflict between cycles, pedestrians and vehicles.
- 8.94 The Transport Assessment and indicative masterplan do not include any information with regard to cycle parking. A condition is proposed to require details of cycle parking to be submitted for approval.
- 8.95 Car Parking

- 8.96 TI/3 requires 2 spaces per dwelling – 1 space to be allocated within the curtilage. The supporting text to the policy advises that the Council will encourage innovative solutions such as shared parking areas, for example where there are a mix of day and night uses, car clubs and provision of electric charging points and that a developer must provide clear justification for the level and type of parking proposed and will need to demonstrate they have addressed highway safety issues.
- 8.97 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking, one slow charge point for every two dwellings with communal parking (at least half of all non-allocated parking spaces) and passive provision for all the remaining car parking spaces to provide capability for increasing provision in the future.
- 8.98 The Transport Assessment states that the proposals have been designed to be capable of meeting the above standards, although provision of electric charging points are not confirmed. Conditions are proposed to require that the above requirements are met at reserved matters stage.
- 8.99 Subject to conditions, the proposal is considered to accord with policies HQ/1 and TI/3 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

Amenity

- 8.100 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 8.101 The District Design Guide 2010 advises 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 15m is provided between the windows and the property boundary. For two storey residential properties, a minimum distance of 25m should be provided between rear or side building faces containing habitable rooms, which should be increased to 30m for 3 storey residential properties. It advises that a 12 metre separation is allowed where blank walls are proposed opposite the windows to habitable rooms.
- 8.102 The indicative masterplan shows the rear elevations of dwellings around 18m from the site boundary with the rear gardens of existing dwellings facing Histon Road, although the Histon Road dwellings would be circa 43m from the rear elevations of proposed dwellings. All other proposed dwellings would be some distance from adjoining existing dwellings. This level of separation would not be fully in accordance with the above guidance but would be sufficient to ensure no undue impacts in terms of daylight, sunlight, overlooking /privacy to adjoining properties, in

accordance with policy HQ1. However as this drawing is indicative only full details with regard the depth of proposed gardens within the development, and impact on the amenity of neighbouring occupiers can be reviewed further at Reserved Matters stage.

8.103 Future Occupants

8.104 Policy H/12 of the Local Plan states that new residential units will be permitted where their gross internal floor areas meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standard (2015) or successor document.

8.105 The indicative masterplan shows that the proposed units would meet the above standards, although as noted above this drawing is indicative only full details with regard the size of proposed units can be reviewed further at Reserved Matters stage.

8.106 Garden Size(s)

8.107 The District Design Guide 2010 advises that each one or two-bedroom house should have private garden space of 40m² in urban settings and 50m² in rural settings; whilst each house with 3 bedrooms or more should have private garden space of 50m² in urban settings and 80m² in rural settings. Ground floor apartments should have a minimum of 10m² private amenity space immediately outside their living accommodation, or use of a communal garden, where 25m² is allowed for each apartment. Upper floor apartments should have use of a private balcony, of a minimum of 3m², plus use of a communal garden, where 25m² is allowed for each apartment.

8.108 Each property would benefit from a private garden area or communal amenity space, although the applicants have not included a table to demonstrate that these standards would be met for all units. As noted above this drawing is indicative only full details with regard the size of proposed gardens within the development can be reviewed further at Reserved Matters stage.

8.109 Construction and Environmental Health Impacts

8.110 The land contamination, air quality and noise and vibrational impacts associated with the construction and occupation of the site are addressed by Local Plan policies CC/6 'Construction Methods', CC/7 'Water Quality', SC/9 'Lighting Proposals', SC/10 'Noise Pollution', SC11 'Contaminated Land', SC/12 'Air Quality' and SC/14 'Odour'. Paragraphs 183 - 188 of the NPPF are relevant.

8.111 The Council's Environmental Health Team have assessed the application and recommended conditions to manage potential impacts during the construction phase, as well a condition regarding discovery of unexpected contamination during the construction process.

8.112 Summary

8.113 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010. The associated construction and environmental impacts would be acceptable in accordance with policies CC/6, CC/7, SC/9, SC/10, SC/12 and SC/14 of the Local Plan.

8.114 **Open Space and Recreation**

8.115 Policy SC/7 requires all housing developments to contribute towards outdoor play space (including children's play space, formal outdoor sports facilities) and informal open space in accordance with the following minimum standards: Outdoor sports – 1.6 ha per 1,000 people; Formal children's play space – 0.4 ha per 1,000 people; Informal children's play space – 0.4 ha per 1,000 people; Informal open space – 0.4 ha per 1,000 people. Allotments and community orchards – 0.4 ha per 1,000 people.

8.116 Based on the mix of housing provided the following would be required: - Outdoor sports space: 917sqm; Formal children's play space: 149sqm; Informal children's play space: 149sqm; Informal open space: 229sqm; Allotments community orchards: 229sqm. It is considered that the proposals are capable of providing an adequate amount of open space within the site, and the indicative masterplan shows this could be centrally located. However the following is to be considered in a future reserved matters application: The areas are to be integrated and overlooked by family homes as recommended by the Open Space in New Development SPD; The Design and street furniture is to be considered under the Open Space in New Developments SPD; LAP and Public Open Space requirements, the calculations are to be made as per the on-site provision in the Open Space in New Developments SPD. Outdoor sports space, formal and informal open space and allotment and community orchards, these details are to be secured as off-site contributions. Subject to the above the proposal accords with policy SC/7 of the Local Plan.

8.117 **Planning Obligations (S106)**

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

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

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

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

8.121 The South Cambridgeshire District Council S106 Officer has commented on the application and they have itemised the obligations that are required which are detailed below, the full break down can be found on their comments on the application.

a) Public Open Space

(i) Formal sports in the form of offsite contribution of circa £26,000 to be used towards the improvement to existing tennis courts, provision of additional tennis courts and/or provision of a multi-purpose activity area in Cottenham.

(ii) Formal children's play space in the form of an offsite contribution of circa £25,000 to provide woodland play features at the WARG field Histon Road Cottenham.

(iii) Informal children's play space in the form of onsite open space.

(iv) Informal open space in the form of onsite open space.

b) Indoor Community Space being an offsite contribution of circa £12,000.

c) Green Infrastructure in the form of an offsite contribution of £3,400 to be used towards improvement to and maintenance of the WARG field Histon Road Cottenham.

d) Community transport contribution in the form of an offsite contribution of up to £30,600 towards the provision of a community transport service in Cottenham

e) Burial space contribution in the form of an offsite contribution of up to £7,140 towards the provision of burial space in Cottenham

f) Monitoring Fees being a contribution of £500

8.122 Further obligations have been recommended by the Cambridgeshire County Council S106 Officer, comprising £150,731 for early years education provision, £216,117 for secondary education provision and £7,735 for libraries provision.

8.123 The NHS Cambridgeshire and Peterborough CCG has commented on the application and they have identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. A contribution of £12,900 has been identified and considered to be acceptable and proportionate for the development and the area.

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

8.125 **Other Matters**

8.126 Policies CC/3 requires that a scheme for renewable energy is submitted, Policy CC/4 required that water efficiency measures are imposed, and Policy TI/10 requires that infrastructure be imposed to create access to broadband internet respectively; the application does not provide details of any of the above. It is therefore considered reasonable and necessary to impose conditions to require that the above policies are satisfied.

8.127 The South Cambridge District Council Contamination Officer has commented on the supporting information (Phase I and II Geo Environmental Report by Brown 2 Green Associated dated April 2017). The report indicates an elevated level of arsenic due to the underlying geology, however through the use of PBET testing, it has been demonstrated that this elevation is below the site-specific risk criteria. Though the site is low risk, the proposed end use is sensitive to the presence of contamination. The details submitted to date are thorough and provide a good understanding of any potential risks at the site. As the site is sensitive, a condition is recommended for any unexpected contamination to be reported to the Local Planning Authority. This is to be applied if the application is to be recommended for approval.

8.128 The South Cambridgeshire Air Quality Officer has commented on the application, and have considered the implications of the proposals in relation to potential impacts on and from local air quality. There is no objection to the application subject to conditions for: A site-based Low Emission Strategy; Details on emissions ratings

8.129 The Country Archaeologist has commented on the application, their records that this site lies in an area of archaeological potential.

8.130 An archaeological evaluation to the north west at Oakington Road identified Roman field boundaries (Cambridgeshire Historic Environment Record reference ECB4470), thought to be a continuation of the Iron Age and Roman settlement site beyond (CHER ref 09547) where archaeological investigations have also identified evidence of settlement continuing into the early-mid Saxon period (MCB20802) in addition to Late Iron Age and Roman features (MCB20801, MCB20913). Further enclosures of Iron Age and Roman date are present to the south-west of the proposed development, visible as cropmarks on aerial imagery (MCB21414). Finds of Roman coinage are recorded adjacent to the proposed development area (05199). To the north, further remains of early Saxon to medieval date were identified during investigations prior to

development of a large area south of Denmark Road (CB15526), in an area where the earthworks of a medieval house platform and associated linear features were recorded (09921).

8.131 The Officer has not objected to the application proceeding in this location, but it has been recommended that a programme of archaeological investigation secured through the inclusion of a condition is applied to the application.

9.1 Planning Balance

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

9.3 The application site lies outside of the development framework and is located within the greenbelt. However the proposals would provide affordable housing which meets identified local need, which would meet the exception tests for such development within policy H11. In addition the proposed affordable housing to meet local needs would meet the exception tests for development in the greenbelt in accordance with NPPF paragraph 149.

9.4 Other potential impacts including drainage, ecology, urban design, and transport issues have all been adequately addressed through appropriate planning conditions.

9.5 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

10.1 Recommendation

10.2 Approve subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers

-Satisfactory completion of a Section 106 Agreement which includes the Heads of Terms (HoT's) as set out in the report with minor amendments to the Heads of Terms as set out delegated to officers.

...

In the event that the application is refused, and an Appeal is lodged against the decision to refuse this application, delegated authority is sought to allow officers to negotiate and complete the Planning Obligation required in connection with this development.

11.1 Planning Conditions

1: Reserved Matters

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

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

2: Reserved matters time limit

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

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

3: Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans.

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

Prior to commencement

4: Details of Tree Protection

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 the local planning authority for its written approval, and implemented in accordance with that approval before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition). The agreed means of protection shall 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.

5: **Surface Water Drainage**

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by MTC Engineering (Cambridge) Ltd (ref: 2740-FRA&DS-RevC) and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- b) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- c) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- e) Demonstration that the surface water drainage of the site is in accordance with DEFRA non_statutory technical standards for sustainable drainage systems;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Permissions to connect to a receiving watercourse or sewer;

Reason To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

6. **Future management and maintenance of the proposed streets**

No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

The Local Highway Authority will not seek to adopt the proposed development until the required Agreement Section 104 has been entered into with AWS in respect to maintenance of apparatus that directly relates to the drainage of surface water

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

7: Surface Water Runoff during construction

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

8: Traffic management plan

No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority. The principle areas of concern that should be addressed are:

- (i) Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway)
- (ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
- (iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway.
- (iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

Reason: in the interests of highway safety

9: Demolition Construction Environmental Management Plan

No development, including demolition, shall commence until a site wide Demolition and Construction Environmental Management Plan (DCEMP) has been submitted to and approved in writing by the Local Planning Authority.

The DCEMP shall include the consideration of the following aspects of demolition and construction:

- a) Demolition, construction and phasing programme.

- b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures.
- c) Construction/Demolition hours which shall be carried out between 0800 hours to 1800 hours Monday to Friday, and 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless in accordance with agreed emergency procedures for deviation.
- d) Delivery times and collections / dispatches for construction/demolition purposes shall be carried out between 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and at no time on Sundays, bank or public holidays, unless otherwise agreed in writing by the Local Planning Authority
- e) Soil Management Strategy having particular regard to potential contaminated land and the reuse and recycling of soil on site, the importation and storage of soil and materials including audit trails.
- f) Noise impact assessment methodology, mitigation measures, noise monitoring and recording statements in accordance with the provisions of BS 5228-1:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites.
- g) Vibration impact assessment methodology, mitigation measures, monitoring and recording statements in accordance with the provisions of BS 5228-2:2009+A1:2014 Code of Practice for noise and vibration control on construction and open sites. Details of any piling construction methods / options, as appropriate.
- h) Dust mitigation, management / monitoring and wheel washing measures in accordance with the provisions of Control of dust and emissions during construction and demolition - Greater Cambridge supplementary planning guidance 2020.
- i) Use of concrete crushers.
- j) Prohibition of the burning of waste on site during demolition/construction.
- k) Site artificial lighting including hours of operation, position and impact on neighbouring properties.
- l) Drainage control measures including the use of settling tanks, oil interceptors and bunds.
- m) Screening and hoarding details.
- n) Access and protection arrangements around the site for pedestrians, cyclists and other road users.
- o) Procedures for interference with public highways, including permanent and temporary realignment, diversions and road closures.
- p) External safety and information signing and notices.
- q) Implementation of a Stakeholder Engagement/Residents Communication Plan, Complaints procedures, including complaints response procedures.
- r) Membership of the Considerate Contractors Scheme.

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

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

10: Archaeology - written scheme of investigation

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work which has been secured in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a. the statement of significance and research objectives;
- b. b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c. c) The timetable for the field investigation as part of the development programme;
- d. d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material Informatives: Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development. Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

Reason To ensure that the significance of historic environment assets is conserved in line with NPPF section 16.

11: Low Emission Strategy

No development shall commence until a site-based Low Emission Strategy (LES) is submitted to and approved in writing by the Local Planning Authority. The LES shall include the following:

- a. Provision of Electric Vehicle Charging Points
- b. Provision of additional Sustainable Transport Measures in line with the Greater Cambridge Sustainable Design and Construction SPD 2020.
- c. An implementation plan for each of the proposed measures The development shall be carried out in accordance with the approved LES and retained as such.

Reason: In the interests of reducing impacts of developments on local air quality and encouraging sustainable forms of transport in accordance with Policies SC/12 and TI/2 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020 (section 3.6. Pollution)

Prior to occupation / above ground level

12: Materials

No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of

buildings to be used in the construction of the development have been submitted to and approved in writing by the local planning authority.

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

13: Waste Storage

No development shall take place above ground level until a scheme for the on-site storage facilities for waste, including waste for recycling, has been submitted to and approved in writing by the local planning authority. The scheme shall identify the specific positions of where wheeled bins will be stationed for use by the resident. The quantity and capacity of the bins per property The walk distances for residents to the kerbside including the specific arrangements to enable collection from the kerbside or within 5m of the adopted highway/ refuse collection vehicle access point. Any designated Bin Collection Points, if practically needed. Details of the management arrangements if bins need to be moved to one designated collection points No residential unit shall be occupied until the approved arrangements for that particular unit have been provided and shall be retained as such unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To ensure that the need for refuse and recycling is successfully integrated into the development in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

14: Landscape and Ecological Management Plan (LEMP)

No approved dwelling shall be occupied until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority The LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results form monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

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

15: Cycle storage

No development shall take place above ground level, until details of facilities for the covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision for the secure storage of bicycles in accordance with Policy TI/3 of the South Cambridgeshire Local Plan 2018.

16: Bird Boxes

No development above ground level shall commence until a scheme for the provision of 34 nest boxes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box numbers, specification and their location. No dwelling shall be occupied until nest boxes have been provided for that property in accordance with the approved scheme.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

17: Fire Hydrants

No development above ground level shall commence until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the approved scheme has been implemented.

Reason: To ensure an adequate water supply is available for emergency use.

18: Landscaping

No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been

submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- a) existing hedgerow to be protected and retained, and new mixed native hedgerows to be planted upon the eastern and western boundaries
- b) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
- c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme;
If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.
- d) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.
- e) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

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

19: Landscape Implementation

All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

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

20: Carbon emissions reduction

No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling.

Reason: In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and paragraphs 148, 151 and 153 of the National Planning Policy Framework 2018 that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.

Compliance Conditions

20: Water efficiency consumption

The dwellings hereby approved shall not be occupied until the maximum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.

Reason: To improve the sustainability of the dwelling and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the south Cambridgeshire Local Plan 2018.

21: Wi-Fi

The dwellings hereby approved shall not be occupied until the dwelling to be occupied has been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.

22: Reserved Matters restriction on dwelling numbers

Reserved matters applications shall not exceed 34 dwellings, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the design and density of the development and amenity for surrounding / future occupiers is safeguarded.

23: Reserved Matters restriction on height, development offset from northern site boundary by 10m

Reserved matters applications for new dwellings shall not exceed 2 stories in height, and the northern building line shall be offset from the boundary by a minimum of 10m unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the character and appearance of the surrounding area is safeguarded. in accordance with policy NH/8 of the South Cambridgeshire Local Plan 2018.

24: Reserved Matters Nationally Described Space Standards / external amenity space

Reserved matters applications shall demonstrate that all of the residential units proposed will be designed and constructed as far as practically possible to meet the Nationally Described Space Standards and District Design Guide 2010 with regard to external amenity space.

Reason: In order to safeguard the amenity of future occupiers.

25: Reserved Matters Building Regulations M4(2) compliance

Reserved matters applications shall demonstrate that as far as practically possible 5% of the dwellings within the development (except those completed to M4(3) requirements) hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

REASON: To ensure that the proposed development is adequately accessible for future occupiers.

26: Reserved Matters Building Regulation M4(3) compliance

Reserved matters applications shall demonstrate that a minimum of [TBC] within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(3) 'wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is adequately accessible for future occupiers.

27: Fall of the access

The proposed access be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.

Reason: in the interests of highway safety

28: Material of the access

The proposed access be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: in the interests of highway safety

29: Visibility splays

The two 2.0 x 2.0 metres visibility splays be provided and shown on the drawings. The splays are to be included within the curtilage of each new car parking space that is to exit directly onto the proposed adopted public highway. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. Please also show the splays for each parking space or block thereof. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high if the development is brought forward for adoption by the Highway Authority.

Reason: in the interests of highway safety

30: Emission Ratings

- a. No gas fired combustion appliances shall be installed until details demonstrating the use of low Nitrogen Oxide (NO_x) combustion boilers, (i.e., individual gas fired boilers that meet a dry NO_x emission rating of ≤40mg/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 NO_x/Nm³
 - (ii) Compression ignition engine: less than 400 mg NO_x/Nm³
 - (iii) Gas turbine: less than 50 mg NO_x/Nm³
- c. The details shall include a manufacturers Nitrogen Oxides (NO_x) 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.

31: No site clearance during bird nesting season

No removal of trees, scrub or hedgerow shall take place in the bird breeding season between 1 March and 31 August inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance

with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

32: Unexpected contamination

If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SC/11 of the adopted South Cambridgeshire Local Plan 2018.

Informatives

1: Permission for works in the highway

the granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works

2: Tracking for refuse vehicles

At the reserved matters stage the Highway Authority will require that the applicant provide the tracking for refuse vehicle within the proposed turning areas to demonstrate that such a vehicle may enter and leave the proposed development in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

3: IDB Consent

This site falls within the Old West Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

- 4: **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.
- 5: **Anglian Water Informative 1**
Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 6: **Anglian Water Informative 2**
Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
- 7: **Anglian Water Informative 3**
Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
- 8: **Anglian Water Informative 4**
Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
- 9: **Anglian Water Informative 5**
The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
- 10: **Demolition Notice**
Before the existing buildings are demolished, a Demolition Notice will be required from the South Cambridgeshire Hall Cambourne Business Park Cambourne Cambridge CB23 6EA T: 08450 450 500 F: 01954 713149

Dx: DX 729500 Cambridge 15 Minicom: 01480 376743
www.scams.gov.uk 2 Building Control section of the council's Shared Planning Service establishing the way in which they will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working.

11: 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.

12: Air Source Heat Pumps

The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

13: Disturbance during construction

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

Background Papers:

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

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

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Agenda Item 8



Planning Committee Date Report to	14 th September 2022 South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00116/FUL
Site	Car Park, Walkling Way, Milton
Ward / Parish	Milton
Proposal	Installation of a 10 bicyclite bike shelter at the car park at Walkling Way.
Applicant	South Cambridgeshire Council
Presenting Officer	Amy Stocks
Reason Reported to Committee	Applicant is South Cambridgeshire District Council
Member Site Visit Date	N/A
Key Issues	N/A
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning permission for the erection of a covered communal bicycle shelter at the car park of the council owned flats at Walking Way for the use of the residents.
- 1.2 The application has garnered support from numerous Councillors and Third-Party Representatives. The Local Highways Authority have not objected to the application but have made comment in regard to the existing number of car spaces, the loss of one car space to accommodate the cycle store and the reference mitigation of the 5 on road car spaces.
- 1.3 Officers consider the loss of one car space for the provision of 10 cycle spaces to be in accordance with the policy TI/2 and TI/3 which refers to sustainable travel and the parking provision retrospectively. As a Council, South Cambridgeshire strive to promote sustainable transport and as Milton is a 25-minute cycle from the city Centre, officers consider the loss of one parking space to be acceptable in order to provide the means for sustainable transport which is currently not available to the occupants of the flats.
- 1.4 Officers recommend that the Planning Committee Approve the application subject to conditions.
- 1.5 It shall be noted that this application was due at the last committee, however the application needed to be re-consulted as there was an issue with relevant certification forms and if the site was located on Highways Land. It was confirmed that the application site was not located on Highways Land and subsequently the correct certificates were submitted and re-consulted.

2.0 Site Description and Context

Nonrelevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	x
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The proposal site lies within the Milton village framework. The site comprises of a carpark which serves 24 neighbouring flats and provides space for 24 car spaces.
- 2.2 The site is bordered to the north, south and west with residential properties, the east boundary of the site is shared with Walking Way.

3.0 The Proposal

- 3.1 The application seeks permission for the installation of a 10 bicyclite bike shelter at the car park at walking way.

4.0 Relevant Site History

Nonrelevant.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/4 – Cambridge Green Belt

S/5 – Provision of New Jobs and Homes

S/7 – Development Frameworks

S/9 – Minor Rural Centres

HQ/1 – Design Principles

TI/2 – Planning for Sustainable Travel

TI/3 – Parking Provision

5.3 Supplementary Planning Documents

Sustainable Design and Construction SPD – Adopted January 2020

- 5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning

decisions, with the weight in decision making to be determined on a case-by-case basis:

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

6.0 Consultations

6.1 Milton Parish Council – No Recommendations

First Comment- 17th February 2022

6.2 Milton Parish Council have no recommendation on this scheme. The Parish Council have queried if a new tree could be planted to replace the one being removed (tree stump).

6.3 As the tree stump is not providing any visual amenity to the area and is not considered notable to the area, officers consider the request for the planting of a new tree to be excessive. Therefore, the request to plant a new tree will not be actioned.

Second Comment – 9th August 2022

6.4 Has no recommendation.

6.5 County Highways Development Management

First Comment – 28th February 2022

6.6 The Local Highway Authority have raised concerns regarding the inclusion of the 5 spaces within the adopted highway as relief for the loss of the single space and proof that the site provides 24 car spaces.

Second Comment – 2nd August 2022

6.7 The Local Highway Authority reiterates their previous comments on this application.

7.0 Third Party Representations

7.1 2 representations have been received. The representations can be summarised as follows:

- Support the application.
- The proposed plans omit an existing shed in the southwest corner of the car park. This omission would result in inaccurate car spaces calculation.
- The owner of the shed claims the shed was gifted by the council; this is questionable not least in terms of legality.
- The omission of the shed elaters the validity and transparency in this application process.

8.0 Member Representations

8.1 Cllr Bearpark and Cllr Rippeth have made a representation supporting the application. No further details have been provided.

9.0 Assessment

9.1 Principle of Development

9.2 Policy S/7 of the Local Plan states that inside development frameworks, will be permitted should they meet requirements of the policy.

9.3 a. *Development is of a scale, density, and character appropriate to the location, and is consistent with other policies in the Local Plan; and*

b. *Retention of the site in its present state does not form an essential part of the local character, and development would protect and enhance local features of green space, landscape, ecological or historic importance; and*

c. *There is the necessary infrastructure capacity to support the development.*

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

9.5 The site is located within the development framework boundary of Milton. The small-scale nature of the development, in addition to the location being in an existing car park is considered to be in keeping with the use of the immediate area and not out of character. The standard muted materials to be used in the shelter construction are considered to be suitable and in keeping with the wider residential area of Walkling Way.

9.6 The site is a car park and does not form an essential part of the local character, it is not considered that the shelter would jeopardise local features of green space, landscape ecological or historic importance.

9.7 The 24 flats who utilise the carpark do not have provision for cycle storage. There is a need for this infrastructure in order to support the existing development in line with the Councils vision for sustainable transport.

9.8 The principle of the development is therefore acceptable and in accordance with policies S/7.

9.9 Design, Layout, Scale and Landscaping

- 9.10 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 9.11 The proposed shelter will be circa 4.1m x 2.1m with a height of 2.2m. The gates to the shelter will open outwards into the carpark (resulting in the loss of one space) by 2m outwards. The shelter will be located on a small patch of grass where there is an existing tree stump and where bins are currently stored (no store). The shelter will include 5 galvanised bike stands (provision for 10 cycles).
- 9.12 The proposed cycle store will be constructed using curved steel with a slate grey finish which is protected by clear polycarbonate panels. The shelter will be secured by a coded padlock. The concrete base of the shelter will continue the use of the existing material used for the carpark to ensure a seamless design is achieved.
- 9.13 Given the small-scale nature of this development and the muted tonal palette of the design materials, officers do not consider the structure would have an adverse impact on the setting of the wider area. The shelter would provide a safe, secure, and accessible provision for the storage of cycles (point i. of policy HQ/1) while ensuring the development adapts to the current lifestyles of occupants who commute by cycle (point k. of policy HQ/1).
- 9.14 The proposed development is a high-quality design that would contribute positively to its surroundings. The proposal is compliant with South Cambridgeshire Local Plan (2018) policy HQ/1.

9.15 Trees

- 9.16 Policies NH/2 and HQ/1 seek to preserve, protect, and enhance existing trees and hedges. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 9.17 The application sees the removal of a tree stump in order to construct the cycle store. Officers consider the removal of the tree stump to be acceptable as the current vegetation does not add to the character of the area nor is its presence notable.
- 9.18 The proposal would accord with policies NH/2 and HQ/1 of the Local Plan.

9.19 Highway Safety and Transport Impacts

- 9.20 Policy HQ/1 states that proposals must provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with impairment such as sight or hearing.
- 9.21 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.
- 9.22 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.23 Access to the site would be from the existing carpark access off Walking Way. The cycle store will be accessed from this carpark.
- 9.24 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority and Transport Assessment Team, who raise no objection to the proposal subject, however concerns have been raised in relation to the number of spaces provided in the carpark and the applicants reference to the use of off-site car spaces in relation to the mitigation of the loss of one.
- 9.25 The existing carpark does not outline parking bays. The removal of one bay (in order to access and use the cycle store) is considered to be acceptable given the lack of provision on site for cycle storage. When visiting site, officers observed that the carpark was not used to capacity.
- 9.26 It is considered that as the carpark is existing and was likely constructed in accordance with the policies in place at that time, to hold the site accountable to new policies in relation to parking provision and bay sizing would be unfair as cars are larger today. Additionally, Milton being a 25-minute cycle from the city Centre it is likely not all the occupants of the flats have motor vehicles.
- 9.27 The proposal would reduce the need to travel by car and would promote sustainable transport. Therefore, officers consider the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.
- 9.28 Cycle and Car Parking Provision**
- 9.29 Policies HQ/1 and TI/3 set out that car and cycle parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 of the Local Plan. Cycle parking should be provided to at least the minimum standards.

9.30 Cycle Parking

9.31 TI/3 requires 1 cycle space per bedroom. The supporting text advises that for residential purposes cycle parking should be within a covered, lockable enclosure and that for houses this could be in the form of a shed or garage, for flats either individual lockers or cycle stands within a lockable, covered enclosure are required. All cycle parking should be designed and located to minimise conflict between cycles, pedestrians, and vehicles.

9.32 As the cycle provision is for 10 cycles for 24 flats, it is clear that sufficient provision is not met. However, as mentioned before, the flats and associated carpark would have been constructed in accordance with older policies which may not have enforced sustainable transport or the need for cycle storage. As a result, the site is constrained as to where the cycle storage is erected.

9.33 The proposed location would result in the removal of one car space. The storage of 10 cycles is considered to be a positive addition in planning for sustainable travel and presents the opportunity to provide more storage if needed. Therefore, officers consider the provision of cycle storage to be acceptable despite under providing on the whole.

9.34 Car Parking

9.35 TI/3 requires 2 spaces per dwelling – 1 space to be allocated within the curtilage. The supporting text to the policy advises that the Council will encourage innovative solutions such as shared parking areas, for example where there are a mix of day and night uses, car clubs and provision of electric charging points and that a developer must provide clear justification for the level and type of parking proposed and will need to demonstrate they have addressed highway safety issues.

9.36 The design and access statement confirms that existing carpark provides 25 spaces for 25 flats. By current adopted policies, this provision is not acceptable, despite officers observing a relatively empty carpark on the site visit. The proposed parking situation does not see any provision for cycle storage. Officers consider that the level of parking provided on site is sufficient for the needs of the flats and that the loss of car parking space to accommodate 10 cycle spaces would be acceptable and would positively respond to the sustainable transport objectives of the Council.

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

9.38 Amenity

9.39 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development

which would create unacceptable impacts such as noise, vibration, odour, emissions, and dust.

9.40 The bike shelter will provide adequate cycle storage for the occupants of the neighbouring flats. Officers consider that this provision would enhance the amenity of these occupants. The small shelter is circa 10m from neighbouring properties (no. 13 and 15), officers do not consider that the shelter would adversely impact these properties.

9.41 Other Matters

9.42 Bins

9.43 The applicant has confirmed the area where the shelter will be located, is where occupants currently store their bins. The applicant has confirmed that a new location for the storage of the bins has been agreed. No information as to where the bins will be stored has been provided. However, officers are satisfied that this matter can be addressed via condition.

9.44 Planning Balance

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

9.46 Although the loss of 1 car space will occur for the construction of this shelter, the proposal will provide storage of cycles to the occupants of the neighbouring flats which is currently not available. The storage has the potential to encourage the use of cycles over cars thus embodying the sustainable transport objectives of the Council.

9.47 Having considered the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions

9.48 Third Party Representations

9.49 One third party representation has highlighted concerns in relation to the presence of a shed to the left-hand side of the site and that this feature has not been taken into consideration and therefore the number of spaces referred to would not be accurate.

9.50 Officers are satisfied there is enough space for cars to park around the feature while still being able to turn in and out of the car park. Officers have sought clarity on the matter on whether the shed is located on council owned land. The applicant has confirmed that the land is owned by them in its entirety.

9.51 When visiting site, the shed was sectioned off from the rest of the car park using traffic cones, no permeant fencing has been put in place to secure the location of the shed. Officers consider that given the temporary nature of the shed and the boundary materials which surround it, the structure could be removed easily.

9.52 Recommendation

9.53 **Approve** subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

10.0 Planning Conditions

1. 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).

2. The advertisement(s) hereby permitted shall be installed in accordance with the following approved plans:

- Walkling Way Cycle Store Location Plan – Dated 08/11/2021
- Walkling Way Cycle Store – Dated 08/11/2021
- Walkling Way Site Location Map – Dated 08/11/2021

Reason: In the interests of good planning and for the avoidance of doubt.

3. The materials to be used in the external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within the Design and Access Statement unless otherwise agreed in writing by the Local Planning Authority.

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

4. The location of the bin store shall be implemented prior to the occupation of the permitted cycle store.

Reason: To ensure provision of facilities for future occupiers (South Cambridgeshire Local Plan 2018 policies HQ/1 and TI/3)

Agenda Item 9



Planning Committee Date	14 September 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/01670/HFUL
Site	4 Braebank Barns, Elsworth Road, Conington, Cambridgeshire, CB23 4LW
Ward / Parish	Caxton/ Conington
Proposal	Single Storey Side extension
Applicant	Mr J Hull
Presenting Officer	Dominic Bush
Reason Reported to Committee	Applicant is related to a member of staff
Member Site Visit Date	N/A
Key Issues	1.Design 2.Impact on neighbour amenity
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks householder consent for a “single storey side extension”
- 1.2 The design of the works is considered to be acceptable and would not harm the character of the area or the setting of the listed building, with the use of materials that are reflective of the surrounding area. There would be no significant harm to the amenities of neighbouring properties.
- 1.3 Officers recommend that the planning committee approves the application.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building	X	Flood Zone 2, 3	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Outside of Development framework	X		

- 2.1 The application site is outside of the development framework of Conington and comprises a semi-detached dwelling that is within the curtilage of the Grade II listed Braebank Farmhouse to the South. The property was previously an agricultural barn that has been converted into residential use. The host dwelling is attached to the commercial Unit 1 Braebank Farms to the south. To the east of the site is the main highway of Elsworth Road. To the east of the site is agricultural land. To the west of the site is the residential garden on 3 Braebank barns.
- 2.2 To the front of the dwelling is an area of parking and amenity space, to the north of the property is the garden of the dwelling. The dwelling is one storey in height and clad in black wood with grey windows.
- 2.3 The site is located in flood zones 2 (medium risk) and 3 (high risk).

3.0 The Proposal

- 3.1 The application seeks householder consent for a “single storey side extension”
- 3.2 The single storey side extension is to extend by approximately 4.66 meters to the north elevation of the dwelling and is approximately 5.3 meters wide. The front and rear elevations of the proposed extension are set in from those of the existing dwelling by approximately 0.2 meters at either side. The extension has a single pitch roof with ridge height of approximately

4.4 meters and is to be clad in black horizontal wooden cladding to match the host dwelling.

4.0 Relevant Site History

Reference	Description	Outcome
S/0836/08/F	Conversion and Alterations of Barn and Outbuildings into 4 No. Live/Work Units with Attached Fences and Gates following Demolition of Building	Approved
S/0690/08/LB	Alterations extension and conversion of barn and outbuildings to four live/work units with attached fences and gates. Demolition of central modern Dutch barn	Approved
S/0135/12/DC	Discharge of conditions 2 4 7 8 11 12 13 18 23 25 26 27 29 32 33 and 34 of application S/0836/08/F	Approved
S/0759/14/DC	Discharge of conditions 25 26 and 27 of S/0836/08	Approved

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

5.2 South Cambridgeshire Local Plan 2018

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/7 – Development Frameworks

CC/9 – Managing Flood Risk

HQ/1 – Design Principles

H/13 - Extensions to dwellings in the Countryside

NH/14 – Heritage Assets

5.3 Supplementary Planning Documents

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

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

Listed Buildings SPD – Adopted 2009
District Design Guide SPD – Adopted March 2010

6.0 Consultations

6.1 Parish Council –

No comment received

6.2 Conservation Officer

- 6.3 The heritage statement provided fails to identify and summarise the significance of the building in question or the significance of the wall they propose to remove.

- 6.4 Historic maps suggest that a building on this footprint dates from between 1924 and 1950 whilst the other farm buildings sit on an arrangement that predates 1885.

- 6.5 As such the significance of this building is low and lies in its historic relationship with its fellow agricultural buildings and the development of the farm, and not in its fabric.

- 6.6 Due to the sympathetic proportions, position and form the proposed extension is considered to have a negligible impact on the building itself of on the wider heritage asset.

7.0 Third Party Representations

- 7.1 None

7.2 Member representations

- 7.3 None

7.4 Local Groups/ Other organisations

- 7.5 None

8.0 Assessment

8.1 Principle of Development

8.2 Policy H/13 of the Local Plan sets out that extensions to dwellings outside of the village framework boundaries will be permitted where: The development will not be capable of separation from the existing dwelling, the extension is in scale and character with the existing dwelling and would not materially change its impact on its surroundings and the existing home is of permanent design and construction.

8.3 Considering the modest scale of the proposed development it is considered that it would not be capable of separation from the existing dwelling whilst also being subservient to the host property.

8.4 The principle of the development is therefore acceptable and in accordance with Policy H/13 of the Local Plan 2018.

8.5 Design, Layout, Scale and Landscaping

8.6 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.

8.7 The proposed side extension is considered acceptable and given its scale would not dominate the existing side elevation of the host dwelling. Both the front and rear elevation of the extension are set in from the respective elevations of the host dwelling whilst the Mono pitched roof is also set down. The materials are to be the same as the host dwelling.

8.8 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with Policy HQ/1 of the Local Plan.

8.9 Heritage Assets

8.10 The application does not fall within a Conservation Area. The application is within the curtilage of the Grade II listed Braebank farmhouse and as such is curtilage listed.

8.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings.

8.12 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a heritage asset should require clear and convincing justification.

- 8.13 Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets. Policy HQ/1 states that all new development must be compatible with its location in terms of scale, density, mass, form, siting, design, proportion, material, texture and colour in relation to the surrounding area.
- 8.14 The application site is located within the curtilage of the Grade II listed Braebank farmhouse and as such is curtilage listed. The farmhouse and surrounding agricultural buildings predate 1885 whilst the application site and existing footprint dates from between 1924 and 1950. Therefore, the significance of the heritage asset lies in the relationship between the existing dwelling and the surrounding agricultural buildings and Farmhouse.
- 8.15 The Conservation Officer has advised that due to the proportions, position and form of the proposed extension that it would have a negligible impact on the building itself or on the setting of the wider heritage asset (The Farmhouse and curtilage buildings). It is considered that the proposed extension would provide space within the single storey residential dwelling and that it is acceptable justification to accord with paragraph 199 of the NPPF.
- 8.16 The proposed extension is modest in its scale with a width of approximately 6.5 meters from the existing side extension and a depth of approximately 4.9 meters. As such it is clearly subservient to the existing dwelling and does not detract from its significance. Whilst a portion of the existing side wall of the property is proposed to be removed as previously mentioned this holds little significance as a heritage asset in itself.
- 8.17 The proposed external dark timber cladding matches that found on the existing property and are sympathetic to its context within the curtilage of the Grade II listed Farmhouse. Therefore, the proposed development sustains the character of the heritage asset and is compatible with its location therefore complying with policy NH/14 of the Local Plan.
- 8.18 It is considered that the proposal, by virtue of its scale, massing and design, would not harm the character and appearance the setting of listed buildings. The proposal would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy NH/14.
- 8.19 Flood Risk**
- 8.20 The site is located in Flood Zone 2 and 3 and is an extension to an existing dwelling. The standing advice for minor extensions is that floor levels should be no lower than existing floor levels or 300mm above the estimated flood level.

- 8.21 The applicants have submitted a Flood Risk Assessment that states that the floor levels within the proposed extension are no lower than those of the existing property. Whilst the drawings provided do not clearly display this a condition has been attached that requires this.
- 8.22 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.

8.23 Amenity

- 8.24 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 8.25 3 Braebank barns is located to the south of the site and attached to the application dwelling. Like the application dwelling it is single storey in nature.
- 8.26 Given the siting of the proposed extension it is considered that the existing dwelling provides significant screening between no.3 Braebank Barns. Additionally, the extension is significantly set away from no.3 Braebank Barns.
- 8.27 The extension would be visible from the rear of No. 3 Braebank barns however given the single storey nature of the extension and its shallow pitched roof its impact in terms of overbearing and overshadowing would be minimal.
- 8.28 The extension is single storey and therefore there is no loss of privacy for neighbouring properties.
- 8.29 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010.

8.30 Planning Balance

- 8.31 The proposed development is considered acceptable in design terms, it would not dominate the host dwelling, nor the street scene. The proposal would not result in any significant harm to the amenity of neighbouring properties.
- 8.32 Having taken into account the provisions of the development plan policies H/13, NH/14 & HQ/1, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

8.33 Recommendation

8.34 Approve subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

9.0 Planning Conditions

1. 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).

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 external construction of the development, hereby permitted, shall follow the specifications in accordance with the details specified within the application form; unless otherwise agreed in writing by the Local Planning Authority.

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

4. The finished floor levels of the ground floor extension, hereby permitted, shall be set no lower than existing floor levels.

Reason: To prevent the increased risk of flooding in accordance with Policy CC/9 of the South Cambridgeshire Local Plan 2018.

Background Papers:

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

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

Agenda Item 10



Planning Committee Date	14 September 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/02365/LBC
Site	4 Braebank Barns, Elsworth Road, Conington, Cambridgeshire, CB23 4LW
Ward / Parish	Caxton/ Conington
Proposal	Single Storey Side extension
Applicant	Mr J Hull
Presenting Officer	Dominic Bush
Reason Reported to Committee	Applicant is related to a member of staff
Member Site Visit Date	N/A
Key Issues	1.Design 2.Impact on neighbour amenity 3.Heritage 4.Flood risk
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks householder consent for a “single storey side extension”
- 1.2 The design of the works is considered to be acceptable and would not harm the character of the area or the setting of the listed building, with the use of materials that are reflective of the surrounding area. There would be no significant harm to the amenities of neighbouring properties.
- 1.3 Officers recommend that the planning committee approves the application.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building	X	Flood Zone 2, 3	X
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Outside of Development Framework	X		

- 2.1 The application site is outside of the development framework of Conington and comprises a semi-detached dwelling that is within the curtilage of the Grade II listed Braebank Farmhouse to the South. The property was previously an agricultural barn before being converted to a residential dwelling. The host dwelling is attached to the commercial Unit 1 Braebank Farms to the south. To the east of the site is the main highway of Elsworth Road. To the east of the site is agricultural land. To the west of the site is the residential garden on 3 Braebank barns.
- 2.2 To the front of the dwelling is an area of parking and amenity space, to the north of the property is the garden of the dwelling. The dwelling is one storey in height and clad in black wood with grey windows.
- 2.3 The site is located in flood zones 2 (medium risk) and 3 (High risk)

3.0 The Proposal

- 3.1 The application seeks householder consent for a “single storey side extension”
- 3.2 The single storey side extension is to extend by approximately 4.66 meters to the north elevation of the dwelling and is approximately 5.3 meters wide. The front and rear elevations of the proposed extension are set in from those of the existing dwelling by approximately 0.2 meters at either side. The extension has a single pitch roof with ridge height of approximately

4.4 meters and is to be clad in black horizontal wooden cladding to match the host dwelling.

4.0 Relevant Site History

Reference	Description	Outcome
S/0836/08/F	Conversion and Alterations of Barn and Outbuildings into 4 No. Live/Work Units with Attached Fences and Gates following Demolition of Building	Approved
S/0690/08/LB	Alterations extension and conversion of barn and outbuildings to four live/work units with attached fences and gates. Demolition of central modern Dutch barn	Approved
S/0135/12/DC	Discharge of conditions 2 4 7 8 11 12 13 18 23 25 26 27 29 32 33 and 34 of application S/0836/08/F	Approved
S/0759/14/DC	Discharge of conditions 25 26 and 27 of S/0836/08	Approved

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

5.2 South Cambridgeshire Local Plan 2018

NH/14 – Heritage Assets

5.3 Supplementary Planning Documents

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

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

District Design Guide SPD – Adopted March 2010

Listed Buildings SPD – Adopted 2009

6.0 Consultations

6.1 Parish Council

No comment received

6.2 Conservation Officer

6.3 The heritage statement provided fails to identify and summarise the significance of the building in question or the significance of the wall they propose to remove.

6.4 Historic maps suggest that a building on this footprint dates from between 1924 and 1950 whilst the other farm buildings sit on an arrangement that predates 1885.

6.5 As such the significance of this building is low and lies in its historic relationship with its fellow agricultural buildings and the development of the farm, and not in its fabric.

6.6 Due to the sympathetic proportions, position and form the proposed extension is considered to have a negligible impact on the building itself of on the wider heritage asset.

6.7 The proposal will not adversely affect the character of the listed building and would therefore comply with South Cambridgeshire Local Plan Policy H/14

6.8 A copy of the review letter is attached in full at appendix 1

7.0 Third Party Representations

7.1 None

7.2 Member representations

7.3 None

7.4 Local Groups/ Other organisations

7.5 None

8.0 Assessment

8.1 Heritage Assets

8.2 The application is within the setting of the Grade II listed Braebank Farmhouse.

- 8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings.
- 8.4 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.
- 8.5 Policy NH/14 of the South Cambridgeshire Local Plan (2018) requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets. Policy HQ/1 states that all new development must be compatible with its location in terms of scale, density, mass, form, siting, design, proportion, material, texture and colour in relation to the surrounding area.
- 8.6 The application site is located within the curtilage of the Grade II listed Braebank farmhouse and as such is curtilage listed. The farmhouse and surrounding agricultural buildings predate 1885 whilst the application site and existing footprint dates from between 1924 and 1950. Therefore, the significance of the heritage asset lies in the relationship between the existing dwelling and the surrounding agricultural buildings and Farmhouse.
- 8.7 The Conservation Officer has advised that due to the proportions, position and form of the proposed extension that it would have a negligible impact on the building itself or on the setting of the wider heritage asset (The Farmhouse and curtilage buildings). Whilst it is considered that the increased residential space within the proposed development provides sufficient justification in accordance with paragraph 199 of the NPPF.
- 8.8 The proposed extension is modest in its scale with a width of approximately 6.5 meters from the existing side extension and a depth of approximately 4.9 meters. As such it is clearly subservient to the existing dwelling and does not detract from its significance. Whilst a portion of the existing side wall of the property is proposed to be removed as previously mentioned this holds little significance as a heritage asset in itself.
- 8.9 The proposed external materials match those found on the existing property and are sympathetic to its context within the curtilage of the Grade II listed Farmhouse. Therefore, the proposed development sustains the character and distinctiveness of the heritage asset and that it is compatible with its location in accordance with Policy NH/14 of the Local Plan.
- 8.10 It is therefore considered that the proposal, by virtue of its scale, massing and design, would not harm the setting of listed buildings. The proposal

would not give rise to any harmful impact on the identified heritage assets and is compliant with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy NH/14.

8.11 Planning Balance

8.12 The proposed development is considered acceptable in its impact on the he Listed Building of which it is within the curtilage. It would not result in harm caused to the setting of the listed building.

8.13 Having taken into account the provisions of the development plan policy NH/14, NPPF and NPPG guidance, the statutory requirements of section 66(1) and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development is recommended for approval.

8.14 Recommendation

8.15 **Approve** subject to:

8.16 The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

9.0 Planning Conditions

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The works hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 458/P/02

Reason: In the interests of good planning and for the avoidance of doubt.

Background Papers:

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

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

Agenda Item 11



Planning Committee Date Report to	14 September 2022 South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00931/HFUL
Site	26 Maris Green
Ward / Parish	Great Shelford/ Shelford
Proposal	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building. Resubmission of 21/02390/HFUL
Applicant	Mr T. Hacking
Presenting Officer	Karen Pell-Coggins
Reason Reported to Committee	Demolition of a listed building
Member Site Visit Date	N/A
Key Issues	Character and appearance of area Heritage assets Trees Biodiversity Neighbour amenity
Recommendation	APPROVE

1.0 Executive Summary

- 1.1 The application seeks the demolition and replacement of an outbuilding in the curtilage of a grade II listed building.
- 1.2 The Conservation Officer has no objections to the application and considers that the development would maintain the character and appearance of the listed building and its setting.
- 1.3 The Ecology Officer has no objections subject to conditions.
- 1.4 The Trees Officer has advised that the application is not supported by any tree information. Given the position of the tree in relation to the existing building, its condition which appears poor, and the presence of other trees on the site, its removal is considered satisfactory.
- 1.5 The development would be of approximately the same size and height as the existing building and is not considered to adversely affect the amenities of neighbours.
- 1.6 Officers recommend that the Planning Committee approves the application.

2.0 Site Description and Context

- 2.1 The site is located within the Great Shelford development framework. No. 26 Maris Green is a grade II listed building which is situated outside of the conservation area.
- 2.2 It is a detached, two storey, render and tile farmhouse which is set back from the road behind a parking area. There is a detached, single storey, timber and corrugated tin outbuilding to the front on the western side.
- 2.3 There are a number of trees on the road frontage.

3.0 The Proposal

- 3.1 The proposal seeks the demolition and replacement of the outbuilding in the curtilage of a grade II listed building.
- 3.2 The new outbuilding would be used as a studio and study/workshop. It would measure approximately 10.6 metres in length, 6.2 metres in width and have a height of 1.7 metres to the eaves and 4 metres to the ridge. The materials of construction would be black painted timber weatherboarding above a brick plinth for the walls and black corrugated metal for the roof. The windows and doors would be timber or metal.
- 3.3 The tree immediately adjacent to the outbuilding would be removed.
- 3.4 The application has been amended to address representations and further consultations have been carried out as appropriate.

4.0 Relevant Site History

4.1

Reference	Description	Outcome
22/00932/LBC	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building. Resubmission of 21/02391/LBC	Parallel application
21/02390/HFUL	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building.	Withdrawn
21/02391/LBC	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building.	Withdrawn

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Circular 11/95 (Conditions, Annex A)
EIA Directives and Regulations - European Union legislation with regard to environmental assessment and the UK's planning regime remains unchanged despite it leaving the European Union on 31 January 2020
Conservation of Habitats and Species Regulations 2017
Environment Act 2021
ODPM Circular 06/2005 – Protected Species

5.2 South Cambridgeshire Local Plan 2018

S/7 Development Frameworks
S/8 Rural Centres
HQ/1 Design Principles
NH/4 Biodiversity
NH/14 Heritage Assets
TI/3 Parking Provision

5.3 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020

5.4

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

District Design Guide SPD – Adopted March 2010
Listed Buildings SPD – Adopted 2009
Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 **Great Shelford Parish Council** – Supports the application, as amended.

Previous comments

Recommends support for this application but wish to ensure that there is an ecological survey carried out and that an attempt is made to retain the tree or if not possible, to replant with a mature native replacement.

6.2 **Conservation Officer** – Has no objections.

Comments that No. 26 Maris Green is a grade II listed 17th century farmhouse. The outbuilding in question is a single storey barn dating from the end of the 19th beginning of the 20th century.

Given the condition and lack of intrinsic heritage interest in the building, there are no objections to its demolition and replacement.

The barn itself is not of any great heritage interest however its visual appearance does affect the setting of the listed farmhouse and so any rebuilding would need to replicate the existing as much as possible.

This is a resubmission of a previous scheme for the rebuilding of the outbuilding. My previous concerns about the overly domestic looking front door and canopy have been answered in this latest design which retains the agricultural aesthetic.

Recommended conditions:- None.

6.3 **Ecology Officer** – Has no objections.

Comments that the site consists of a single outbuilding within the wider curtilage of a residential building and private garden with grasslands, introduced shrubs, standing trees, and wooded boundaries.

The report found no evidence that a protected species licence would be required prior to works starting. However, there were residual risks that can be controlled through non-licensable avoidance and mitigation strategies recommended within the report, including a sensitive lighting scheme.

Recommended conditions:-

- Works to be carried out in accordance with the submitted report.
- Lighting design strategy.
- Scheme of ecological enhancement.

6.4 **Trees Officer** – Comments that there is no arboricultural impact assessment or tree protection plan or tree method statement for the tree officer to comment on.

7.0 Third Party Representations

- 7.1 One representation has been received who has requested that the gutters to the outbuilding would not overhang the neighbouring land and wishes the building to be no larger or higher than the existing structure.

8.0 Assessment

Principle

- 8.1 Policy S/7 of the Local Plan permits development and redevelopment of unallocated land and buildings within development frameworks provided that the development is of a scale, density and character appropriate to the location, and is consistent with other policies in the Local Plan and retention of the site in its present state does not form an essential part of the local character, and development would protect and enhance local features of green space, landscape, ecological or historic importance.
- 8.2 The proposed outbuilding is single storey in scale and ancillary to the main dwelling. It would replace an existing outbuilding and is not considered to result in the loss of an essential part of village character.
- 8.3 A condition is recommended to ensure that the outbuilding is used for ancillary purposes to the main dwelling and not a separate unit of accommodation.
- 8.4 The proposal is of an appropriate to the scale, density and character of the area and complies with policy S/7 of the Local Plan.

Character and Appearance of the Area

- 8.5 Policy HQ/1 'of the Local Plan provides a comprehensive list of criteria in relation to design principles which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 8.6 The District Design Guide SPD (2010) provides additional guidance. The NPPF provides advice on achieving well-designed places and conserving and enhancing the natural environment.
- 8.7 The site is within the Great Shelford development framework. No. 26 Maris Green originally fronted High Green is now surrounded by the modern residential development of Maris Green and forms part of this cul-de-sac.
- 8.8 The dwelling is set back from the road with a gable facing the road, has a narrow traditional plan form, and is constructed from render and tile materials. It has an outbuilding to the front with a gable facing the road. The dwelling is an exception to the pattern of development and character of the

locality in Maris Green comprise predominantly modern dwellings which are set back from the road but with ridgelines parallel to the road, have wider plan form, and are constructed from brick and tile materials. Some of the dwellings have garages to the front.

- 8.9 The proposed outbuilding would be sited in the same position as the existing outbuilding and would be approximately the same size and height. The materials of construction would be similar to the existing. Whilst it is noted that a flue has been added and the windows and doors would be in different positions and of a different design to those in the existing outbuilding, the development is considered to respect the original dwelling and outbuilding and enhance the character and appearance of the area.
- 8.10 The proposal is of high-quality design which would make a positive contribution to its surroundings and complies with policy HQ/1 of the Local Plan.

Trees

- 8.11 Policies NH/4 and HQ/1 of the Local Plan seek to preserve, protect and enhance existing trees and hedges. Para. 131 of the NPPF seeks for existing trees to be retained wherever possible.
- 8.12 The application seeks the removal of a Yew tree immediately adjacent to the outbuilding. The tree is not protected by the conservation area or a Tree Preservation Order.
- 8.13 The Council's Tree Officer has advised that there is no arboricultural impact assessment or tree protection plan or tree method statement submitted with the application.
- 8.14 Given the position of the tree in relation to the existing building, its condition which appears poor, and the presence of other trees on the site, its removal is considered satisfactory. It is not considered appropriate to seek a replacement tree in this position in such close proximity to the building.
- 8.15 The proposal is not considered to result in the loss of any trees that make an important contribution to the visual amenity of the area and complies with policies NH/4 and HQ/1 of the Local Plan.

Heritage Assets

- 8.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, Listed Buildings.
- 8.17 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more

important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.

- 8.18 Policy NH/14 of the Local Plan requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets. Policy HQ/1 states that all new development must be compatible with its location in terms of scale, density, mass, form, siting, design, proportion, material, texture and colour in relation to the surrounding area.
- 8.19 No. 26 Maris Green is a grade II listed building. The listing description of the building is as follows: -

TL 4562 GREAT SHELFORD HIGH GREEN

18/75 No 46 (Maris Farmhouse)

II

House, early-mid C17. Timber framed, plastered with steeply pitched roof now with cement tiles. Original red brick ridge stack with grouped shafts set diagonally. Two storeys. Three bay and lobby entry plan. Three flush frame C18 and C19 windows, including a horizontal sliding sash with small panes. C19 gabled porch to lobby entry.

- 8.20 The application is supported by a Heritage Statement. The main significance of the heritage asset is its historic fabric and architectural character and appearance together with its agricultural style outbuilding.
- 8.21 The Conservation Officer has advised that the existing barn is clad in black weatherboard with a corrugated iron roof, timber horizontal windows to the west and east elevations and a large 20th century picture window facing the garden. The road side elevation has high level windows and garage doors which are now boarded up.
- 8.22 Given the condition and lack of intrinsic heritage interest in the building there are no objections to its demolition and replacement. The barn itself is not of any great heritage interest however its visual appearance does affect the setting of the listed farmhouse and so any rebuilding would need to replicate the existing as much as possible.
- 8.23 This proposal does that in terms of its size and height and the use of black weatherboard and black corrugated iron roofing materials. The distinctive horizontal windows will be replicated and a new inset central door with would replace the existing two plank doors. To the north the garage doors would go but the high level windows would remain and the picture window replaced with French doors. The rooflights would be corrugated clear lights.

- 8.24 It is considered that the proposal would not result in a loss of important historic fabric and would maintain the character and appearance of the listed building and its setting.
- 8.25 The proposal would not give rise to any harmful impact to the significance of the heritage assets and complies with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy NH/14.

Biodiversity

- 8.26 The Environment Act 2021 and the Councils' Biodiversity SPD (2022) require development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with policy NH/4 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 8.27 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by a preliminary ecological appraisal which sets out that (set out estimated net gain).
- 8.28 The application is supported by Preliminary Roost Assessment and Bat Emergence and Re-entry Surveys. The original report advised that the building had low potential for roosting bats. No bats were observed using the building during the surveys and therefore it is unlikely that the building is being used as a bat roost. The Ecology Officer has no objections to the proposal and recommends several conditions to ensure the protection of species and biodiversity net gain is delivered.
- 8.29 The proposal would not adversely affect protected species and complies with policy NH/4 of the Local Plan, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

Amenity

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

Impact upon No. 28 Maris Green

- 8.31 The proposed outbuilding would be approximately the same size and height as the existing outbuilding so is not considered to have a greater impact upon the amenities of the neighbour than the existing outbuilding in terms of being unduly overbearing in mass or through a significant loss of light.

- 8.32 The new windows to the west elevation would be at ground level and serve a wc, storage room, and study/workshop. They are not considered to result in a significant loss of privacy as they would serve non-habitable rooms or face towards the garage/ road. The rooflights would be high level and not result in overlooking.
- 8.33 The guttering to the outbuilding would not overhang the boundary as the block plan shows the roof plan rather than the footprint of the building.
- 8.34 The proposal would not adversely affect the amenities of neighbours and complies with policy HQ/1 of the Local Plan.

Planning Balance

- 8.35 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 8.36 The Conservation Officer has no objections to the application and considers that the development would maintain the character and appearance of the listed building and its setting.
- 8.37 The Ecology Officer has no objections subject to conditions.
- 8.38 The Trees Officer has advised that the application is not supported by any tree information. Given the position of the tree in relation to the existing building, its condition which appears poor, and the presence of other trees on the site, its removal is considered satisfactory.
- 8.39 The development would be of approximately the same size and height as the existing building and is not considered to adversely affect the amenities of neighbours.
- 8.40 Officers recommend that the Planning Committee approves the application.
- 8.41 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

9.0 Recommendation

9.1 Approve subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

1. 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).

2. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.
2668-05 Issue A Location and Block Plans
2668-03 Issue A Proposed Plans
2668-04 Issue A Proposed Elevations

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 outbuilding hereby permitted shall only be used for purposes ancillary to the main dwelling known as 26 Maris Green, Great Shelford.

Reason: To protect the setting of the listed in accordance with Policy NH/14 of the South Cambridgeshire Local Plan 2018.

4. All ecological measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence and Re-entry Survey (Arbtech, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

5. Prior to occupation a “lighting design strategy for biodiversity” features or areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:
a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no

circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

6. Prior to the commencement of development above slab level a scheme of ecology enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details of bat and bird box installation, hedgehog connectivity, and other enhancements as applicable and in line with the Greater Cambridge Planning Biodiversity Supplementary Planning Document (2022). The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

Background Papers:

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

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

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Agenda Item 12



Planning Committee Date Report to	14 September 2022 South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00932/LBC
Site	26 Maris Green
Ward / Parish	Great Shelford/ Shelford
Proposal	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building. Resubmission of 21/02391/LBC
Applicant	Mr T. Hacking
Presenting Officer	Karen Pell-Coggins
Reason Reported to Committee	Demolition of a listed building
Member Site Visit Date	N/A
Key Issues	Heritage assets
Recommendation	APPROVE

1.0 Executive Summary

- 1.1 The application seeks the demolition and replacement of an outbuilding in the curtilage of a grade II listed building.
- 1.2 The Conservation Officer has no objections to the application and considers that the development would maintain the character and appearance of the listed building and its setting.
- 1.3 Officers recommend that the Planning Committee approves the application.

2.0 Site Description and Context

- 2.1 The site is located within the Great Shelford development framework. No. 26 Maris Green is a grade II listed building which is situated outside of the conservation area.
- 2.2 It is a detached, two storey, render and tile farmhouse which is set back from the road behind a parking area. There is a detached, single storey, timber and corrugated tin outbuilding to the front on the western side.

3.0 The Proposal

- 3.1 The proposal seeks the demolition and replacement of the outbuilding in the curtilage of a grade II listed building.
- 3.2 The new outbuilding would be used as a studio and study/workshop. It would measure approximately 10.6 metres in length, 6.2 metres in width and have a height of 1.7 metres to the eaves and 4 metres to the ridge. The materials of construction would be black painted timber weatherboarding above a brick plinth for the walls and black corrugated metal for the roof. The windows and doors would be timber or metal.

4.0 Relevant Site History

4.1

Reference	Description	Outcome
22/00931/HFUL	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building. Resubmission of 21/02390/HFUL	Parallel application
21/02390/HFUL	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building.	Withdrawn
21/02391/LBC	Demolition and replacement of an outbuilding in the curtilage of a grade II listed building.	Withdrawn

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Circular 11/95 (Conditions, Annex A)

5.2 South Cambridgeshire Local Plan 2018

NH/14 Heritage Assets

5.3 Supplementary Planning Documents

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

Listed Buildings SPD – Adopted 2009

6.0 Consultations

6.1 **Great Shelford Parish Council** – No reply (out of time).

6.2 **Conservation Officer** – Has no objections.

Comments that No. 26 Maris Green is a grade II listed 17th century farmhouse. The outbuilding in question is a single storey barn dating from the end of the 19th beginning of the 20th century.

Given the condition and lack of intrinsic heritage interest in the building, there are no objections to its demolition and replacement.

The barn itself is not of any great heritage interest however its visual appearance does affect the setting of the listed farmhouse and so any rebuilding would need to replicate the existing as much as possible.

This is a resubmission of a previous scheme for the rebuilding of the outbuilding. My previous concerns about the overly domestic looking front door and canopy have been answered in this latest design which retains the agricultural aesthetic.

Recommended conditions:- None.

7.0 Assessment

Heritage Assets

7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that a local authority shall have regard to the desirability of

preserving features of special architectural or historic interest, and in particular, Listed Buildings.

- 7.2 Para. 199 of the NPPF set out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Any harm to, or loss of, the significant of a heritage asset should require clear and convincing justification.
- 7.3 Policy NH/14 of the Local Plan requires development affecting heritage assets to sustain or enhance the character and distinctiveness of those assets. Policy HQ/1 states that all new development must be compatible with its location in terms of scale, density, mass, form, siting, design, proportion, material, texture and colour in relation to the surrounding area.
- 7.4 No. 26 Maris Green is a grade II listed building. The listing description of the building is as follows: -

TL 4562 GREAT SHELFORD HIGH GREEN

18/75 No 46 (Maris Farmhouse)

II

House, early-mid C17. Timber framed, plastered with steeply pitched roof now with cement tiles. Original red brick ridge stack with grouped shafts set diagonally. Two storeys. Three bay and lobby entry plan. Three flush frame C18 and C19 windows, including a horizontal sliding sash with small panes. C19 gabled porch to lobby entry.

- 7.5 The application is supported by a Heritage Statement. The main significance of the heritage asset is its historic fabric and architectural character and appearance together with its agricultural style outbuilding.
- 7.6 The Conservation Officer has advised that the existing barn is clad in black weatherboard with a corrugated iron roof, timber horizontal windows to the west and east elevations and a large 20th century picture window facing the garden. The road side elevation has high level windows and garage doors which are now boarded up.
- 7.7 Given the condition and lack of intrinsic heritage interest in the building there are no objections to its demolition and replacement. The barn itself is not of any great heritage interest however its visual appearance does affect the setting of the listed farmhouse and so any rebuilding would need to replicate the existing as much as possible.
- 7.8 This proposal does that in terms of its size and height and the use of black weatherboard and black corrugated iron roofing materials. The distinctive horizontal windows will be replicated and a new inset central door with

would replace the existing two plank doors. To the north the garage doors would go but the high level windows would remain and the picture window replaced with French doors. The rooflights would be corrugated clear lights.

- 7.9 It is considered that the proposal would not result in a loss of important historic fabric and would maintain the character and appearance of the listed building and its setting.
- 7.10 The proposal would not give rise to any harmful impact to the significance of the heritage assets and complies with the provisions of the Planning (LBCA) Act 1990, the NPPF and Local Plan policy NH/14.

Planning Balance

- 7.11 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 7.12 The Conservation Officer has no objections to the application and considers that the development would maintain the character and appearance of the listed building and its setting.
- 7.13 Officers recommend that the Planning Committee approves the application.
- 7.14 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the statutory requirements of section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

8.0 Recommendation

8.1 Approve subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Building & Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The works hereby permitted shall be carried out in accordance with the approved plans and specification of works as listed on this decision notice.

2668-05 Issue A	Location and Block Plans
2668-03 Issue A	Proposed Plans
2668-04 Issue A	Proposed Elevations

Reason: In the interests of good planning and for the avoidance of doubt.

Background Papers:

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

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

Agenda Item 13

REPORT TO:

Planning Committee September 2022

LEAD OFFICER:

Joint Director of Planning and Economic Development

Enforcement Report

Executive Summary

1. On 1st September 2022 there were 142 open cases in South Cambridgeshire, compared with 138 cases the previous month.
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 including August 2022 is contained in Appendices 1 and 2 to this report.

Updates to Service Delivery

There is a current vacancy in the Principal Enforcement Officer Lead officer role, which has been out for external advertisement in the past weeks. Enforcement Team management is currently being undertaken by Toby Williams.

Following a recent recruitment process, I am pleased to announced that Tony Wallis has been successful in the recruitment for a Senior Planning Enforcement Officer on a permanent basis.

The Planning Enforcement Team is part of the Development Management service of the Greater Cambridge Shared Planning Service and I have attached below an organisational chart of the team for your information.

Toby Williams
Interim Development Manager (East Team) and Planning Compliance

Vacancy
Principal Planning Compliance Lead Officer

John Shuttlewood
Principal Planning Compliance Officer (2 days a week)

Alistair Funge
Senior Planning Compliance Officer

Nick Smith
Senior Planning Compliance Officer

Tony Wallis
Senior Planning Compliance Officer

Cambridge City only

Neil Langley (3 days a week)
Senior Planning Compliance Officer

Vacancy
Planning Compliance Officer

The Enforcement Team have gone some interim changes since the departure of Will Holloway, Principal Lead Enforcement Officer. Processes have changed whereby the Officers within the Team allocate from the enforcement inboxes and set up cases within their own geographical area.

The past three months has seen dips in total numbers of new complaints received and registered, and cases closed during the months. This has also been replicated within the City.

This month has seen the introduction of new ways of alleged breaches of planning control being reported online, alongside the introduction of a real time updated enforcement register being made available. New online web content explaining the enforcement process has also been launched which enable residents to determine if their enquiry is likely to be determine a breach of planning control.

Updates on significant cases

Should Members wish for specific updates to be added to the Enforcement Report then please request these from the Principal Planning Enforcement Officer and they will be added to the next available Planning Committee.

Updates are as follows:

Smithy Fen, Cottenham, Cambridge, Cambridgeshire, CB24 8PT

An experienced enforcement officer has been allocated to the Smithy Fen site investigation and will be taking aboard the detail of the recent Ivy Legal review.

The Planning Compliance Team has undertaken a site visit and begun engaging with the on site community on issues to do with the lawful use of the site. The site visit has indicated very low levels of occupancy across the site with several empty and vacant lawful pitches. The compliance team are therefore working with Council colleagues to explore and agree the Councils approach to the site and ensuring its appropriate occupation and management.

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:

John Shuttlewood – Principal Planning Enforcement Officer Date: 5/9/22

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Appendix 1

Enforcement Cases Received and Closed.

Month	South Cambridgeshire						LPA Total
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	
August 2022	16	4	0	4	0	4	12
July 2022	8	21	0	5	3	13	42
June 2022	22	0	0	2	0	0	2

Quarterly Totals for Past 5 Years

Quarter	South Cambridgeshire						LPA Total
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	
Qtr 1 2022	85	26	0	19	1	21	67
Qtr 2 2022	24	25	0	9	3	17	54
Qtr 3 2022	0	0	0	0	0	0	0
Qtr 4 2022	0	0	0	0	0	0	0
Qtr 1 2021	93	58	48	22	22	53	203
Qtr 2 2021	132	24	25	12	16	40	117
Qtr 3 2021	91	46	47	14	13	32	152
Qtr 4 2021	113	59	20	15	9	29	132
Qtr 1 2020	100	44	2	5	1	6	58

Appendix 2

Public Enforcement Notices served

August 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00394/21A	Linton	Great Abington CP	16 Chalky Road Great Abington Cambridge Cambridgeshire CB21 6AT	Operational Development Notice

July 2022

Reference	Ward	Parish	Address	Notice Issued
EN/00308/22	Cottenham	Cottenham CP	Land North And East Of Rampthill Farm Rampton Road Cottenham Cambridgeshire	Temporary Stop Notice
EN/00308/22	Cottenham	Cottenham CP	Land North And East Of Rampthill Farm Rampton Road Cottenham Cambridgeshire	Breach of Condition Notice

June 2022

Reference	Ward	Parish	Address	Notice Issued
*** No Notices Issued ***				

Planning Contravention Notices served

These notices are served as part of the investigation process into allegations concerning breaches of planning control and as such, full details are not available to the public.

August 2022 - 0

July 2022 - 2

June 2022 - 0

Agenda Item 14



Report to: Planning Committee

14 September 2022

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 1 September 2022. 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

Appendix 4: Appeals Awaiting Decision from Inspectorate

Appendix 5: Appeals Pending Statement

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
21/03503/FUL	33 Church Street Great Shelford	Single storey extension to main house and conversion and extension of cart shed to residential annexe	Dismissed	3/8/2022	Refused
21/05576/HFUL	12 Haden Way Willingham	Retrospective erection of a single storey shed in the front garden	Turned Away	4/8/2022	Refused
EN/00394/21	16 Chalky Road Great Abington	Barns not built in accordance, use of land as a campsite and breach of landscaping S/2387/17/FL	Withdrawn	5/8/2022	Enforcement
21/04556/FUL	Butts Farm Malton Road Orwell	Erection of a new dwelling	Allowed	15/8/2022	Refused
20/04706/FUL	60 Impington Lane Impington	Demolition of existing garage and erection of a three bedroom, single storey dwelling to rear with detached carport/store	Dismissed	24/8/2022	Refused
21/05445/HFUL	Annexe Woodstock High Road Tadlow	Ground, first floor, and side dormer extensions to existing annex	Dismissed	30/8/2022	Refused

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Appeals Received

Reference	Address	Details	Date Appeal lodged
22/01331/FUL	Land To The South-west Of Grain Stores Valley Farm Road West Wrattling	Change of use of an existing compound area into a self storage facility and the positioning of 90 shipping containers	29/7/2022
21/00968/HFUL	72 West Street Toft	Two storey extension to garage to form home office	1/8/2022
22/01156/FUL	Land Adj 73 High Street Little Shelford	Erection of a single storey bungalow along with associated works	2/8/2022
21/03039/FUL	Bancroft Farm Church Lane Little Abington	Demolition of existing dilapidated agricultural buildings and hardstandings. Erection of five dwellings and the conversion of two redundant barns to form a detached dwelling and an office.	12/8/2022

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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		

- **Informal Hearings**

Reference	Name	Address	Planning decision or Enforcement?	Date confirmed/ proposed
EN/00216/21	Nelson Charles Arthur James O'Conner	Land To The North Of The Old Coal Yard Chesterton Fen Road Milton	Enforcement Notice	TBC
EN/00362/21	Mary Siobhan Howe	Cherry Trees Priest Lane Willingham	Enforcement Notice	TBC
21/03475/FUL	Pedwall Consultancy	Land South Of Coopers Farm Olmstead Green Castle Camps	Planning Decision	8/11/2022 (Online virtual hearing)

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Appeals Awaiting Decision from Inspectorate

Reference	Address	Description	Reason for appeal
EN/00216/21	Land To The North Of The Old Coal Yard Chesterton Fen Road Milton	Mobile homes sited on land without planning permission.	Appeal against enforcement notice
ENF/0214/18	22 Cambridge Road Foxton	Without planning permission: 1. The material change of use of the land hatched in blue on the attached plan to a coach depot including the parking and storage of coaches, and 2. The creation of an area of hardstanding for use as a coach depot on the land hatched in blue on the attached plan.	Appeal against enforcement notice
20/05079/FUL	17 Heydon Road Great And Little Chishill	Erection of one and a half storey dwelling.	Against Refusal of Permission
21/01540/CLUED	Poplar Cottage Nosterfield End Shudy Camps	Certificate of lawfulness under Section 191 for an existing single storey rear extension	Against Refusal of Permission
21/01607/FUL	59 Ermine Way Arrington	Erection of 1 No. eco dwellinghouse	Against Refusal of Permission
21/01485/FUL	2A North Brook End Steeple Morden	Conversion and adaption of an existing building to a Self-Build Dwelling	Against Refusal of Permission
21/04068/FUL	Land North East Of 155 Rampton Road Willingham	Demolition of redundant agricultural building and erection of two dwellings with associated development (amendments to application 21/02578/PRI03Q)	Against Refusal of Permission

Appendix 4

21/01102/FUL	Land Between 2 And 4 High Street Great Eversden	Erection of dwelling	Against Refusal of Permission
20/04431/FUL	The Arches Schole Road Willingham	Removal of existing mobile chalet unit and erection of new single storey dwelling with new 'link' to existing brick and tile 'medical Unit', with temporary provision for the siting of 2 no static caravans for occupation during construction phase.	Against Refusal of Permission
21/01134/FUL	Land Adjacent To 283 St Neots Road Hardwick	Erection of 1no single storey dwelling and associated works	Non-determined within 8 weeks
20/01992/FUL	Bennell Farm West Street Toft	Erection of 41 dwellings, including two self-build plots and associated development	Against Refusal of Permission
21/03864/FUL	2A North Brook End Steeple Morden	Change of use, conversion and adaption of an existing building to a Self-Build Dwelling (Re-submission of 21/01485/FUL)	Against Refusal of Permission
20/03742/FUL	Land Comprising, Kendal Court, Anglia House, Kendal House, Regency House And 1 Cambridge Raod Cambridge Road Impington	Demolition of existing buildings comprising Anglia House, Kendal House inc. flats above, Regency House and Marble Store to rear and 1 Cambridge Road inc. flats above; redevelopment of the site comprising 28 new-build Class C3 residential units, and associated parking, 2no. A1 use class commercial units at ground floor level, inc. 2no. commercial parking parking spaces; proposed new landscaping and public realm improvements to Cambridge Road.	Against Refusal of Permission

Appendix 4

EN/00615/21	Byeways Station Road Harston	Breach of condition 2- 21/02100/HFUL (extension being built bigger than approved) (erection of outbuilding in rear garden exceeding PD)	Appeal against enforcement notice
21/01339/FUL	Land To The Rear Of 53 Church Street Gamlingay Sandy	Demolition of barn and erection of dwelling with associated parking	Against Refusal of Permission
21/00629/S73	Land To The North And South Of Bartlow Road Linton	S73 Variation of condition 11 (Foul water drainage) of outline planning permission S/1963/15/OL (Residential development for up to 55 dwellings with landscape buffer and new vehicular accesses from Bartlow Road) for revised wording to refer to the foul drainage design.	Against Refusal of Permission
21/00743/FUL	20-24 Pierce Lane Fulbourn	Change of use and associated works to revert from current use as shop unit and ancillary stores/ workshops to a terrace of 3 no dwelling houses	Against Refusal of Permission
21/03457/FUL	20-24 Pierce Lane Fulbourn	Change of use and associated works to revert from current use as shop unit and ancillary stores/ workshops to a terrace of 3 No. dwellinghouses	Against Refusal of Permission
22/00455/CLUED	Blackberry Barn 4 Over Mereway Willingham	Certificate of lawfulness under S191 for the continued use of land as domestic garden.	Against Refusal of Permission

Appendix 4

21/05276/FUL	2 Station Road Great Shelford	Redevelopment to form 39 retirement living apartments for older persons including communal facilities, car parking and associated landscaping.	Non-determined within 8 weeks
21/01085/FUL	Land Adjacent To 74 Station Road Willingham	Erection of 2 detached passive 4 bedroom dwellings on land on the west side of Station Road, Willingham	Against Refusal of Permission
21/02445/FUL	48 The Grip Linton	Single storey dwelling	Against Refusal of Permission
21/03534/FUL	Hoffers Brook Farm Cambridge Road Foxton	Creation of a new vehicular access to the A10 and associated landscape works.	Against Refusal of Permission
20/01779/FUL	Land East And West Of 110 Cinqes Road Gamlingay	Erection of 5 dwellings	Against Refusal of Permission
21/00298/FUL	Green Fox Farm Fowlmere Road Melbourn	Farmland diversification, ecological enhancements and erection of 1no. residential dwelling with an associated change of use in land from agricultural to residential.	Non-determined within 8 weeks
21/02289/FUL	5 Papworths Close Over	Construction of 1 No. three bedroom Chalet Bungalow.	Against Refusal of Permission
EN/00362/21	Cherry Trees Priest Lane Willingham	Without planning permission, the change of use of the land from agricultural use to the use of the land for the running of a dog rescue organisation and the erection of associated kennels	Appeal against enforcement notice

Appendix 4

21/03731/PRI16A	Land Opposite 35 New Road Impington	Installation of a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Against Refusal of Permission
21/05528/FUL	32 Fowlmere Road Foxton	Demolition of existing dwelling and erection of 4no. dwellings with associated infrastructure works	Against Refusal of Permission
EN/00063/22	The Land And Property Situated And Comprising Willow Grange Farm Ely Road Chittering	Without planning permission: a) The undertaking of works to facilitate a weddings and events venue business at Willow Grange Farm including the erection of a marquee, bell tents, shepherd huts, toilet facilities and safari tents together with hard standings, decking and pathways; b) A Material Change of Use of the land from Agriculture to a weddings and events venue.	Appeal against enforcement notice
EN/00208/22	10 Shirley Close Milton	Without planning permission, the creation of a new dwelling	Appeal against enforcement notice
21/04135/PRIOR	Dottrell Hall Farm Newmarket Road Fowlmere	Prior approval for change of use of an agricultural building to 5 dwellings (2no 4bed and 3no 2bed) (Class C3)	Against Refusal of Permission
22/00489/FUL	Heathfield House Hurdles Way Thriplow	Retrospective application for the erection of five air conditioning units within plant compounds for a/c units providing noise mitigation and painting of flues matt black	Against Refusal of Permission

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Appeals Pending Statement

Reference	Address	Details	Date Statement due
21/01058/LBC	1 May Street Great And Little Chishill	Listed building permission to rebuild the flint boundary wall (EN/00111/21 & 20/02001/LBC).	24/8/2022
22/00524/FUL	1 And 2 Symonds Lane Grantchester	Consolidation of existing dwellings, Nos. 1 and 2 Symonds Lane, into one single dwelling, including a 2 storey rear extension to No.1 Symonds Lane, single storey rear extension to No. 2 Symonds Lane and a front Porch extension with covered way to No. 2 Symonds lane.	2/9/2022
21/00772/OUT	Technology Park Fulbourn Road Cambridge	A hybrid planning application for a total of 56,473sqm of commercial floorspace for Use Classes E(g) i (offices), ii (research and development), ii (light industrial) and B8 (storage and distribution - limited to data centres) uses. Comprising a) an Outline Application with all matters reserved (except for access) for the development of up to 44,671 sqm of floorspace, with associated access, structural landscaping, car and cycle parking and associated infrastructure works; b) a Full Application for the first Phase comprising the main access, one commercial building, a multi-decked car and cycle park and associated landscaping and infrastructure works; and c) a Full Application for the details of initial enabling works comprising site wide earth works and drainage.	6/9/2022

Appendix 5

EN/01566/20	Whines Lane Farm Track Over	Without planning permission, the change of use of the land from agricultural to a mixed use of open-air storage and residential use. To include the siting of a caravan used for residential purposes, the storage of motor vehicles and associated paraphernalia, storage of building materials and the construction of a wooden structure.	15/9/2022
21/05101/HFUL	3 Ravensdale Landbeach	Erection of glazed porch	23/9/2022
21/02117/FUL	The Jolly Millers 73 High Street Cottenham	Change of use of public house (SG) with flat to dwelling (C3), demolition of existing annex/outbuildings, erection of detached dwelling and creation of amenity space, bin storage and parking and manoeuvring for 2 dwellings	27/9/2022
21/03475/FUL	Land South Of Coopers Farm Olmstead Green Castle Camps	Erection of a single dwelling	28/9/2022