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Tuesday 01 November 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, 9 November 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

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

3. **Declarations of Interest**

1. **Disclosable pecuniary interests (“DPI”)**

A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under consideration at the meeting.

2. **Non-disclosable pecuniary interests**

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

3. **Non-pecuniary interests**

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

4. **Minutes of Previous Meeting**

To authorise the Chairman to sign the Minutes of the meeting held on Wednesday 14 September 2022 as a correct record.

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5. **21/00915/REM - Land To The Rear Of 1B Over Road, Willingham**

Reserved matters application for the approval of details of appearance, landscaping, layout and scale following outline planning permission S/2921/15/OL (Erection of 26 Dwellings including 10 Affordable Units & Ancillary Access Arrangements (All matters reserved apart from access). The outline planning application did not seek permission for EIA Development.

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6. **22/00209/S73 - Cambridge City Football Club, West Way, Sawston**

S73 Variation of conditions 2 (Approved plans) and 8 (Cycle store) of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space).

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7. **22/01272/FUL - 33 South Road, Great Abington**

Demolition of existing haystore and erection of a single detached dwelling including all associated external works and re-instatement of granny annexe to stables/ancillary buildings servicing 33 South Road.

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8. **22/02337/FUL - Land At The Rear Of 64 Barton Road, Comberton**

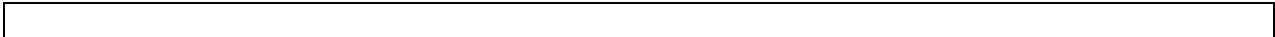
Single storey 3 bedroom dwellinghouse and associated works.

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9. **Greater Cambridge Shared Planning Service Compliance Policy**

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10.	Enforcement Report	167 - 172
11.	Appeals against Planning Decisions and Enforcement Action	173 - 212



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 Registerable 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]

b.

Agenda Item 4

South Cambridgeshire District Council

Minutes of a meeting of the Planning Committee held on
Wednesday, 14 September 2022 at 10.00 a.m.

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

Councillors: Ariel Cahn Dr Martin Cahn
Geoff Harvey Dr Tumi Hawkins
William Jackson-Wood Peter Sandford
Heather Williams Dr Richard Williams

Officers in attendance for all or part of the meeting:

Uzma Ali (Housing Development Officer), Dominic Bush (Planning Officer), Laurence Damary-Homan (Democratic Services Officer), Steve Fraser-Lim (Principal Planner), Michael Hammond (Principal Planner) Phil McIntosh (Interim Delivery Manager), Karen Pell-Coggins (Senior Planner), Richard Pitt (Principal Planning Lawyer), Tom Ruszala (Asset Information Definitive Maps Officer, Cambridgeshire County Council), John Shuttlewood (Principal Planning Enforcement Officer) and Amy Stocks (Senior Planner)

1. Chair's announcements

The Chair made a statement on the passing of Queen Elizabeth II and the Committee observed a two-minute silence. The Chair made several brief housekeeping announcements.

2. Apologies

Councillor Bill Handley sent Apologies for Absence.

3. Declarations of Interest

- With respect to Minute 5, Councillor Henry Batchelor declared that he was a Member of Cambridgeshire County Council
- With respect to Minute 7, Councillor Heather Williams declared that she was a member of the Greater Cambridge Partnership but would be making a decision as part of the Committee with no conflicting interest. Councillor Dr Martin Cahn declared that his wife was a member of the Histon and Impington Land Trust
- With respect to Minutes 9 and 10, Councillor Peter Sandford declared that the property in question was in his ward, but he had held no discussions on the application and would not be speaking as local Member
- With respect to Minutes 11 and 12, Councillor Dr Richard Williams declared that he was unsure if he knew the applicant but would withdraw from the Committee during the discussion of the applications to avoid any potential conflict of interest

4. Minutes of Previous Meeting

Councillor Heather Williams abstained from the vote on the approval of the Minutes as she

was not present at the meeting. By affirmation, the rest of the Committee authorised the Chair to sign the Minutes of the meeting held on Wednesday 10 August 2022 as correct record.

5. S/4085/19/RM- PROW - Proposed Diversion of Public Footpath No. 10, Gamlingay

Cambridgeshire County Council's Asset Information Definitive Maps Officer presented the report. Members asked questions on accessibility (dropped curbs and raised roads) and the status of the footpath on Definitive Maps- it was clarified that sections of the footpath that were part of the highways network would not be part of the Definitive Maps. The Committee was informed that the County Council would retain responsibility for the maintenance of the right of way.

By affirmation, the Committee **approved** the application

6. 21/04524/S73 - Former Barrington Cement Works, Barrington

The Principal Planner, Michael Hammond, presented the report and offered a number of updates regarding changes to conditions laid out in the report. These changes were:

- Condition 1- Approved plans no. 7, 8 and 9 were removed from the condition
- Condition 17- the wording was changed from "...pursuant to application reference S/4820/19/DC" to "S/4820/18/DC"
- Conditions 13, 18 and 19- references to "phasing plan BARR/22/02/001 Rev A" were changed to "BARR/22/02/001/ Rev C"
- Condition 23 was removed
- Two informatives relating to drainage, with one regarding ordinary watercourse consent and the other regarding pollution control, were added

The Committee questioned the wording in paragraph two of condition 19 and the use of prior to the occupation of the "111th dwelling". Members asked questions of clarity on what a "drop-in" application was and the status of other applications on the overall site and where informed that two overlapping permissions can be granted on the same site as long as they are not contradictory.

The Committee was addressed by the agent of the applicant, Liz Fitzgerald, who gave an explanation of why the application had been brought forward and what it set out to achieve, as well as providing context on the "drop-in" nature of the application and how it fit in to the larger site. The Committee noted that Councillor Aidan van de Weyer was supportive of the application as local Member.

In the debate, Members discussed the changes to the proposed development that the application brought. Discussions were held around the historical objections from some statutory consultees. The wording in condition 19 was discussed; the Committee requested, and approved by affirmation, a change of wording in condition 19; "Prior to the 111th dwelling within Phase 3..." was amended to state "Prior to the first occupation of any dwelling within Phase 3...". With the agreed change, Members signalled satisfaction with the application and understanding of the procedural nature of the application.

Councillor Peter Fane was not present for the full duration of the discussion and subsequently abstained from the vote

With one abstention (Councillor Peter Fane), the Committee **approved** the application by affirmation in accordance with the officer's recommendation laid out in the report from the Joint Director of Planning and Economic Development and subject to the changes agreed

by the Committee.

7. 20/04906/OUT- Agricultural Building and Land to the Rear of 38 Histon Road, Cottenham

The Committee agreed, by affirmation, to the removal of condition 26. The Committee requested, and approved by affirmation, an additional condition stating The Principal Planner, Steve Fraser-Lim, presented the report and informed the Committee that officers proposed to remove condition 26 as they felt that condition 25 and the compliance to Building Regulations M4(2) were satisfactory. In response to a question, officers clarified the amount of the development that was in the green belt and outside of the Village Development Framework and offered explanation on how this impacted policy compliance. The Committee raised the Parish Council's statement on affordable housing provision in Cottenham and the Housing Development Officer provided an explanation of the assessed need and how the conclusions had been drawn.

The Committee was addressed by Councillor Tim Jones of Cottenham Parish Council who presented the views of the Parish Council and raised concerns over surface water, the proposed three storey building not being compliant with the Village Design Statement and access to the site. Members asked a number of questions of Councillor Jones regarding the concerns he raised. The Committee noted a written submission for Councillor John Loveluck as local Member.

In the debate, Members debated the balance between the need for affordable housing and the harm to the green belt that the proposed development would bring as required by policy S/8 of the Local Plan. The Committee accepted that the need for affordable housing had been proved, but some Members were concerned that the proposed site was not the most appropriate site in the village and thus the application was not compliant with policy H/11 of the Local Plan. Opinion was divided as to if the balance required to meet the criteria for a Social Housing Rural Exception Site was met. Concerns were also raised by some Members over the proposed housing density and whether the proposal was compliant with policy H/8 of the Local Plan, although it was noted that this consideration, like others, would be dealt with at the Reserved Matters stage. Water drainage, both surface and foul, was a point of concern for the Committee but Members stated that the comments of the Internal Drainage Board on surface water drainage meant that surface water concerns were not a viable reason for refusal and the comments of Anglian Water prevented foul water drainage concerns from being a reason for refusal. The Committee raised concerns over the proposed access road not being up to the adoptable standards required by the Highways authority and felt that, as an unadopted road would lead to management costs being the responsibility of residents, this was unacceptable in a Social Housing Rural Exception site. The Committee requested, and approved by affirmation, an additional condition stating "notwithstanding the details set out in drawing number 22938_08_020_01, details of the access road and pedestrian crossing shall be submitted to and agreed in writing with the local planning authority. The details shall then be implemented in accordance with the agreed details. Reason: In the interest of pedestrian and highway safety in accordance with policies HQ/1 and TI/2 of the Local Plan". The Committee delegated authority to officers to draft the final wording and approve it in conjunction with the Chair and Vice-Chair. The Committee also agreed to the removal of condition 26, as recommended by officers, by affirmation.

Councillor Geoff Harvey was not present for the full duration of the discussion and subsequently abstained from the vote

By 5 votes to 4 (Councillors Ariel Cahn, Peter Sandford, Heather Williams and Dr Richard

Williams), with one abstention, the Committee **approved** the application subject to the conditions laid out in the report from the Joint Director of Planning and Economic Development and the changes to conditions made by the Committee.

8. 22/00116/FUL - Car Park, Walkling Way, Milton

The Senior Planner, Amy Stocks, presented the report and provided an update on a change to the wording of condition 2 which stated:

“The works hereby permitted shall be carried out 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
- N17 BDS Shelter 10 Space Customer Drawing – dated 25/07/2022
- BDS Shelter Swinging Gates – dated 25/07/2022

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

The Senior Planner clarified the orientation of the shelter and that the bin storage that was taking place on site was not in a designated area.

The Committee was addressed by Gabriel Bienzobas, on behalf of Milton Cycle Campaign, who supported the application but raised some concerns on some of the proposed materials and raised concerns around visibility at the cycle store. Councillor Judith Rippeth addressed the Committee in support of the application.

The Committee requested, and approved by affirmation, the inclusion of a requirement for reflective materials to be used into condition 3 and an informative on providing lighting around the cycle store. The changes to the wording of condition 2 were agreed by affirmation

By affirmation, the Committee **approved** the application subject to the changes made by the Committee and the conditions laid out in the report from the Joint Director of Planning and Economic Development.

9. 22/01670/HFUL - 4 Braebank Barns, Elsworth Road, Conington, Caxton

The Planning Officer presented the report. The Committee was informed that the dimensions listed in paragraph 3.2 were correct.

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

10. 22/02365/LBC - 4 Braebank Barns, Elsworth Road, Conington, Caxton

The Planning Officer presented the report and clarified that there were no objections regarding heritage and conservation.

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

11. 22/00931/HFUL - 26 Maris Green, Great Shelford

In line with his Declaration of Interest, Councillor Dr Richard Williams withdrew from the Committee

The Senior Planner, Karen Pell-Coggins, presented the report. The Committee was addressed by Councillor Greg Price of Great Shelford Parish Council who informed the Committee that the Parish Council was supportive of the application but would like to see the tree that was proposed to be removed replanted elsewhere. Councillors Peter Fane and William Jackson-Wood stated that, as local Members, they were supportive of the application.

In the debate, Members questioned if the replacement of the tree could be conditioned and officers advised that, due to the poor quality of the tree, there was no requirement for replacement and such a condition would be inappropriate. In response to a question, officers clarified that there was no overhanging into the neighbouring boundary.

The Committee **approved** the application by affirmation 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 did not vote on the application.

12. 22/00932/LBC - 26 Maris Green, Great Shelford

The Senior Planner, Karen Pell-Coggins, presented the report. In response to a question, officers advised that it would not be appropriate to reuse the heritage materials due to their poor condition.

The Committee **approved** the application by affirmation 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 did not vote on the application.

13. Enforcement Report

Councillor Dr Richard Williams rejoined the Committee

The Principal Planning Enforcement Officer presented the report, offered updates on staffing within the Enforcement team and requested that Members steer the Parish Councils in their ward towards the new Enforcement website. An update on Smithy Fen was provided and Members requested a briefing on developments on the site.

The Committee **noted** the report.

14. Appeals against Planning Decisions and Enforcement Action

The Interim Delivery Manager presented the report and offered explanation on what a "turned away" decision meant.

The Committee **noted** the report.

The Meeting ended at 3.15 p.m.

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Agenda Item 5



Planning Committee Date	9 November 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	21/00915/REM
Site	Land To The Rear Of 1B Over Road, Willingham, Cambridge, Cambridgeshire, CB24 5EU
Ward / Parish	Willingham
Proposal	Reserved matters application for the approval of details of appearance, landscaping, layout and scale following outline planning permission S/2921/15/OL (Erection of 26 Dwellings including 10 Affordable Units & Ancillary Access Arrangements (All matters reserved apart from access)). The outline planning application did not seek permission for EIA Development.
Applicant	Mr Ernest Wynn
Presenting Officer	Alice Young
Reason Reported to Committee	Wider public interest, call in Parish and Cllr
Member Site Visit Date	N/A
Key Issues	1. Drainage 2. Parking / vehicle tracking
Recommendation	APPROVE subject to conditions / S106

1.0 Executive Summary

- 1.1 The application seeks reserved matters consent for the erection of 26 dwellings including 10 affordable units and ancillary access arrangements. The reserved matters consist of layout, landscaping, scale and appearance. Matters that fall outside of the definition of these reserved matters (as defined in the Development Management Procedure) have already been considered and approved by the outline consent (S/2921/15/OL). The application has been referred to Planning Committee as the proposal relates to significant concerns locally and is considered in the public interest for the application to be discussed at Committee. The application was taken to Planning Committee on 29th June 2022 where Members deferred the application for officers to clarify the concerns raised by the LLFA, the vehicle tracking within the site and the design, location of the open space and the impacts on residential amenity.
- 1.2 Members sought clarity regarding the LLFA's stance on the reserved matters application as there have been some drainage concerns raised by third parties and the LLFA. Since the 29th of June Committee, full drainage details have been provided to the LLFA which has provided the LLFA with adequate comfort to remove their objection to the application. Both the LLFA and SCDC Drainage Officer are now satisfied that the drainage strategy would provide appropriate mitigation of surface water on site . Officers consider that the proposal would therefore not pose undue additional demand on the drainage network and the proposal would not increase flood risk.
- 1.3 Members had concerns regarding the layout of the internal roads being too tight for refuse vehicles to adequately turn within the site without oversailing the pavement. The turning head within the southeast of the site has been enlarged and updated vehicle tracking diagrams have been submitted to demonstrate that a South Cambridgeshire standard refuse vehicle can turn adequately within the road layout. Furthermore, the radii of the access entrance to Over Road has been increased to 8m to allow sufficient space for refuse vehicles entering the site. The Highway Authority now do not object to the application and consider that the proposal would not result in any highway safety issues. Officers are therefore satisfied that the road layout is acceptable.
- 1.4 Car parking provision complies with indicative standards outlined in TI/3 aside from provision for plot 8 and 9 where there is one space per dwelling. Paragraph 2 of policy TI/3 states that provision should take into consideration various factors such as car ownership levels, local services, facilities and public transport. Both plot 8 and 9 are one-bedroom properties are therefore least likely to own two vehicles or be inhabited by a family. Given this, alongside local services and public transport within Willingham being within walking distance, officers consider that this is an acceptable level of car parking provision on site.
- 1.5 Members raised concerns regarding the siting of the open space within the site. The open space has been located in the north-eastern corner of the

site due to the unacceptable residential amenity impacts that would arise from locating dwellings in this area. Properties surrounding the site to the north and east of the LAP all have shallow gardens, particularly no. 11 and 12 Aspinalls Yard which have garden depths of 6m and 3m respectively. Given this and the outline planning permission being specifically for 26 dwellings, no more and no less, this has limited the siting of the open space to this north-eastern corner. Notwithstanding this, officers consider that the location of the open space to be acceptable in the overall context of the site layout.

- 1.6 The proposed development has been amended during the application process to address consultee and third-party concerns. As a result of the amendments, officers consider that the proposal creates a well-balanced, less car dominated, more attractive and better functioning development which would be responsive to the surrounding character and layout. The proposal would deliver biodiversity enhancement, incorporate renewable energy and include provision of affordable housing.
- 1.7 Taking all factors into consideration, Officers recommend that the Planning Committee approve the application subject to conditions, the wording of which to be delegated to officers.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	x
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Article 4 Direction	

- 2.1 The site lies outside of the village framework. Part of the application site to the north and east is located within Flood Zones 2 and 3. This includes the access into the site from Over Road. Flood Zone 3 is located to the north and north-east sides, cascading down to Flood Zone 2 towards the centre and extreme south-east side and Flood Zone 1 to the centre and south-west side. There is a 3m electricity easements along parts of the eastern and western boundaries and along the full extent of the southern boundary. The site is not located within a designated Conservation Area and there are no Listed Buildings or Scheduled Ancient Monuments adjacent to the site. Moreover, the site is not ecologically sensitive and does not fall within or adjacent to any international, national or local natural environment designations.

- 2.2 The application site is located on the southwestern edge of Willingham village, to the south of Over Road. The site conforms well to the prevailing pattern of built development, with houses to the north on Over Road, the east on Station Road and the west on Hayden Way. To the south, beyond a boundary of mature hedgerow and trees is open countryside, consisting of paddocks and fields.
- 2.3 The site comprises an area of 0.924 hectares of flat land of rectangular shape situated in a back land position behind residential properties fronting Over Road. The characteristics of the site consist of a large, flat, open paddock which is overgrown in places. There are mature hedges and trees, particularly along the eastern and southern boundaries. The west boundary is more exposed in places.
- 2.4 The Northern boundary is mixed in nature, consisting of the varied boundary treatments to the rear gardens of properties fronting Over Road. The site is accessed from Over Road to the north between two existing residential properties. This access is unmade and is presently relatively overgrown with tall grasses and shrubs.
- 2.5 To the west side of the site there are a number of long, low glasshouses running north to south. These glasshouses are in a dilapidated state and thus the nursery land use which once operated from the site has clearly not done so for many years. The site is located in the open countryside, outside of the defined framework for Willingham village. The site is however contiguous with the village framework boundary, which runs along the northern, eastern and western boundaries of the site.

3.0 The Proposal

- 3.1 This application seeks approval for the reserved matters of appearance, landscaping, layout and scale following outline planning permission S/2921/15/OL for the erection of 26 dwellings including 10 affordable units & ancillary access arrangements. The outline planning application did not seek permission for EIA Development.
- 3.2 The access serving the proposed development (which was approved in the outline consent S/2921/15/OL) would be sited between Dresline and The Lawnings opposite 10 Over Road. The site comprises 26 dwellings ranging from one bed semi-detached to four bedroom detached properties, arranged along a central access road with a turning head located to the south and three subsidiary driveways, one located within the north-western corner, one centrally to the east and the latter one to the south-east of the site. A local area of play is located in the north-eastern corner abutting the boundary with The Lawnings and Salvida which front Over Road. The boundary treatment would be retained on the southern

boundary abutting the open countryside and the remaining boundaries would be enclosed by either existing 1.8m fencing or new 2m close boarded boundary fences with soft landscaping along the western boundary.

- 3.3 All dwellings would be sited back from the proposed accesses allowing space for high quality green landscaped frontages and subservient car parking.
- 3.4 The application has been amended and further information has been submitted to address representations and Members concerns and further consultations have been carried out as appropriate.

4.0 Relevant Site History

Reference	Description	Outcome
S/0209/19/DC	Discharge of condition 12 (Surface water drainage) pursuant to Outline planning permission S/2921/15/OL	Permitted
S/3588/18/DC	Discharge of condition 12 (surface water drainage) of planning consent S/2921/15/OL for outline proposal For erection of 26 Dwellings including 10 affordable units & ancillary access arrangements (all matters reserved apart from access)	Refused
S/2921/15/OL	Outline Proposal For Erection of 26 Dwellings including 10 Affordable Units & Ancillary Access Arrangements (All matters reserved apart from access)	Permitted Approved at Planning Committee 2 nd August 2017 & 7 September 2016
S/0128/82/O	Residential	Permitted
C/0042/67/O	Residential development	Refused

- 4.1 The application was discussed at the 29th of June Planning Committee and subsequently deferred for three reasons: to clarify the concerns raised by the LLFA, the road layout and the vehicle tracking within the site and due to the design, location of the open space and the subsequent impact on residential amenity. The application has been amended to resolve the issues of road layout and there has been further justification of the design and the location of the open space.
- 4.2 S/2921/15/OL was heard at Planning Committee twice as the implications of the Hopkins Homes Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing needed further consideration given the lack of a five-year housing supply. For the decision notice for S/2921/15/OL please see Appendices.

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)

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/9 – Minor 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

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/7 – Outdoor Play Space, Informal Open Space & New Developments
SC/11 – Contaminated Land
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision
TI/10 – Broadband

5.3 **Neighbourhood Plan**

N/A

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
Open Space in New Developments SPD – Adopted January 2009
Trees and Development Sites SPD – Adopted January 2009

5.6 **Other Guidance**

- 5.7 Greater Cambridge Housing Strategy 2019 – 2023

6.0 **Consultations**

6.1 **Parish Council – Objection.**

- 6.2 1st Comment: Objection. There needs to be assurance from SCDC that there is adequate soakaway provision for the site. The recent flooding in the village would indicate that the drainage system appears to be under excessive pressure and as a consequence the Council would not want new developments to add to that system and potentially add to the flooding issues.

- 6.3 2nd Comment: Objection. Although the surface water drainage arrangements and flood mitigations have been approved by the SCDC officer, the Lead Local Flood Authority and Anglian Water have not approved the application due to inadequate/no drainage information being provided by the applicant.

- 6.4 **County Highways Development Management – No objection.**
- 6.5 1st Comment: If the applicant is seeking for the proposed development to be adopted the traditional construction is required to be 5m in width with 1.8m footways either side of the carriageway with 6m radii kerbs. Please request that the applicant submit a drawing showing these dimensions and not within the Key as per submitted drawing number: CH19/LBA/529/RM-1 100.
- 6.6 Car parking is not to standard dimensions which could lead to overhang vehicles into the proposed access, obstructing traffic flows and increasing vulnerability of pedestrians. Intervisibility should be shown as 2.4m x 25m for 20mph roads and should if adopted by the highway authority form adopted public highway. The Highway Authority can confirm that they have severe reservations with regards to connectivity within the site as shown on the indicative master plan, the Highway Authority has a hierarchy which places pedestrian at the top of that hierarchy and this has not been addressed at all within the submitted drawing.
- 6.7 Recommends conditions/ informatives:
- Laid out to Cambridgeshire County Council construction specification
 - Scheme for the future management and maintenance of streets
 - Driveway levels
 - Traffic management plan
 - Highway informative
- 6.8 2nd Comment: Following the inter vehicle visibility splays for all accesses serving more than one dwelling being shown on drawing number: CH19/LBA/529/RM-1 100 Rev A, the land within the splay to the front of Plot number 3 will have to form part of the adopted public highway if the development is brought forward for adoption by the Highway Authority. The swept path analysis as shown on drawing number CH19/LBA/529/RM-1-100 Rev A appears to show the vehicle over running the footway in the vicinity of Plot 19 this is unacceptable and should be designed out at this stage. LHA will not adopt unless a drainage strategy is submitted and approved by LHA.
- 6.9 Additional conditions
- Bound material
 - Visibility splays
- 6.10 3rd Comment: The road layout detailed in 2200-02 Rev G, including the turning head, can accommodate a standard SCDC 11.2m long refuse freighter without over-sailing the pavement. This is acceptable to the Highway Authority. The radii at the junction at 8m on the tracking diagram (2200-02 Rev G) does not align with the site layout plan which details 7.5m.

- 6.11 **Sustainable Drainage Officer – No objections.**
- 6.12 1st Comment: Decision notice for S/2921/15/OL shows that conditions are in place for foul and surface water drainage (Conditions 10, 11 and 12), no further conditions for this application are required. Proposed levels drawing submitted with the application states that finished floor level of 6.20m AOD has been agreed with the Environment Agency (EA). We have no objection to the proposal.
- 6.13 2nd Comment: We note that surface water condition (11) for S/2921/15/OL has been discharged under S/0209/19/DC. On the basis of the above we have no objection to the proposed drainage strategy, however we note that site plan CH19/LPA/529/RM-1-100 has different plot area(s) from CH19/LPA/529/RM-1-100 Rev A example Plot 3. Confirmation is required if impermeable area of the site has increased and how that will impact of the drainage strategy with upgrade proposed if required.
- 6.14 **Lead Local Flood Authority – No objection.**
- 6.15 1st Comment: Objection. No surface water drainage information has been submitted. The applicant should submit information to demonstrate that the surface water management for the site can be accommodated within the proposed layout of the site. Suggests infiltration and ordinary watercourse consent informatives.
- 6.16 2nd Comment: Objection. It is understood that drainage condition 11 on planning permission S/2921/15/OL has been discharged. However, the LLFA did not comment on details submitted to discharge condition 11 and therefore the details of drainage design are not currently supported by the LLFA.
- 6.17 3rd Comment: Objection. The proposals are to infiltrate surface water through permeable paving, with additional volume within a cellular soakaway in the northeast of the site. Whilst these proposals are not necessarily opposed to by the LLFA, infiltration testing must be submitted to demonstrate that infiltration is a feasible means of surface water discharge. Testing must be in line with BRE365, with three repeat tests in each pit. The minimum rate should be no less than 1.0×10^{-6} m/s and there must be a 1.2m clearance between the base of any infiltration feature and peak seasonal groundwater levels. Until this has been demonstrated, we are unable to support the application.
- 6.18 4th Comment: No objection – objection resolved. The submitted documents demonstrate that the surface water from the proposed development can be managed through the use of permeable paving over all access and parking areas. Surface water will be conveyed to a cellular soakaways

below the open space. This is acceptable subject to the following informatives:

- OW consent
- Pollution control

6.19 **Environment Agency – No objections.**

6.20 No comment.

6.21 **Anglian Water – No comment.**

6.22 There is no drainage strategy submitted with the application therefore we have no comments to make for this application

6.23 **Urban Design – No objection.**

6.24 1st Comment: Concerns raised. Noting the siting of plot 9 and its blank south-facing side elevation, this façade will be prominent when viewed from the south end of the spine road and would benefit from the addition of fenestration to activate the public realm. Two house types would not be in compliant with the minimum space standards in policy H/12 (residential space standards) of the ‘Local Plan’.

6.25 The side elevation of the dwelling at plot 5, which contains first floor bedroom windows, would only be 13m from the rear elevation (containing first floor bedroom windows) of the dwelling at plot 4 which it faces. This would not be in accordance with paragraph 6.68 of the ‘District Design Guide’ (2010) which states that a minimum distance of 25m should be provided.

6.26 The front of plot parking spaces for plots 5-8, 10-11, 14-15 and 23-24 are only 2 to 2.5 meters from the front elevation of these dwellings which means that these residents will suffer from the disturbance caused by car headlights and engine noise at night. The lengths of the parking spaces for plot 3 (12.5m – should be 10m) and plots 12 and 13 (7.5m – should be 5m) are likely to mean the overhanging of cars over pavements.

6.27 Officers request that details are provided about what will be the play equipment at the proposed Local Area of Play (LAP) and a materials pallet is provided.

6.28 2nd Comments: No objection. Some improvements (see below) have been made to address officers’ previous concerns. A window has been added to the south-facing side elevation of plot 9 to activate the public realm on the spine road. All house types now meet the minimum internal space standard. The first-floor bedroom window of plot 5 has been removed from the side elevation overcoming officers’ concerns as to overlooking, complying with the District Design Guide. The front of plot parking spaces for plots 5-8, 14-15 and 23-24 have been slightly extended to be 2.5m to

- 3m distance from the front elevation of these dwellings and the space for plot 3 has been decreased from 12.5m to 10m.
- 6.29 The amount of formal children's play space (218.4m²), the amount of informal children's play space (218.4m²), and the amount of informal open space (435.2m²) and these amounts would meet the minimum amounts stipulated in policy SC/7 of the Local Plan (2018). Further detail is required for the play equipment provided and the materials pallet.
- 6.30 **County Archaeology – No objections.**
- 6.31 Recommend that the archaeological condition attached to the outline application ref S/2921/15/OL be carried over to this or any other application intended to supersede.
- 6.32 **Senior Sustainability Officer – Insufficient information.**
- 6.33 Not enough information to comment. A full and detailed sustainability strategy needs to be submitted. This document should give details of how the development will be constructed to reduce energy use, carbon emissions and water use, including detailed design stage SAP calculations which demonstrate that each dwelling type achieves a carbon emissions reduction no less than 10% above basic Building Regulations Part L compliance.
- 6.34 **Landscape Officer – No objection.**
- 6.35 1st Comment: Applicant should revisit layout as the turning head to the south encroaches into the landscape buffer and car parking spaces (both garages and ground level) are not to Council standard which may lead to obstruction. Further detail required for planting specifications, cross section of tree pits and the boundary treatments proposed. Applicant should clearly indicate areas of LAP and Onsite Public Open Space (made up of Informal Play Space and/or Onsite informal Open Space) with calculations upon a separate drawing. Conditions already secure details for cycle parking, lighting, bin storage and drainage.
- 6.36 2nd Comment: All concerns / points of clarification have been addressed.
- 6.37 3rd Comment: No objection. Requesting slight amendments to the proposed tree girth and topsoil layer on the shrub beds and hedgerows and amendments to hedgerow cultivation.
- 6.38 **Ecology Officer – No objection.**
- 6.39 1st Comment: Condition 8 (ecological enhancement) has not been discharged. The plans show a mix of introduced shrub, non-native trees, and amenity grassland areas, with some low diversity hedges. There are no landscape areas that appear to be designed to enhance biodiversity

anywhere within the redline boundary. Therefore I am concerned that the proposals will not reach a “no net loss” to biodiversity as stipulated under the 2012 NPPF which the outline application was approved under. No information regarding non-measurable biodiversity enhancements (bat and bird boxes for example) has been submitted. I am also aware that there is a badger set located within 50 of the southern boundaries of the application site, which was identified in the Ecology Report submitted with the outline consent. What provisions are in place to make sure that no harm comes to a badger during construction?

- 6.40 2nd Comment: A Detailed Soft Landscape Proposals (Elwood Landscape design, July 2020) and the Ecological Recommendations (Applied Ecology Ltd., July 2021) have addressed some of the issues raised. The proposal now includes bat boxes, general purpose bird boxes, swift boxes and the hedgehog highway provision which is acceptable. The avoidance and mitigation strategy for Badgers recommended in the Ecological Recommendations (Applied Ecology Ltd., July 2021) is acceptable.
- 6.41 However, no information has been submitted for Biodiversity Net Gain calculations on baseline and post construction habitats
- 6.42 **Natural England– No objections.**
- 6.43 No comment.
- 6.44 **Tree Officer– No objections.**
- 6.45 No trees have statutory protection and despite limited information being submitted, there are no arboricultural or hedgerow objections.
- 6.46 **Environmental Health – No objections.**
- 6.47 Environmental Health conditions, referring to the construction of the site, were attached to the outline consent.
- 6.48 **Contaminated Land Officer – No objections.**
- 6.49 Contaminated land conditions were attached to the outline consent.
- 6.50 **Fire Authority – No objections.**
- 6.51 Adequate provision should be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.
- 6.52 **Affordable Housing Team – No objections.**
- 6.53 The mix and tenure split has been agreed with the developer. The layout and distribution of the affordable housing is in accordance with Annex 10 ‘Clustering & Distribution of Affordable Housing Policy’ of the ‘Greater Cambridge Housing Strategy 2019-2023’. We would request that if a

registered provider has been appointed by the developer that we are notified so that we can communicate with them directly to ensure the delivery of the affordable housing.

Affordable Rented	Shared ownership
2 x 1 Bed Houses	
4 x 2 Bed Houses	2 x 2 Bed Houses
1 x 3 Bed Houses	1 x 3 Bed Houses

6.54 **Sports England – No objections.**

6.55 No comment.

6.56 **Cambridge Constabulary – No objections.**

6.57 Research on the constabularies crime and incident systems for this location and surrounding streets over a 2-year period indicates that the area is of low risk to the vulnerability to crime. Acceptable layout providing reasonable levels of natural surveillance over both the homes and the open spaces.

6.58 Raises some concerns regarding in some instances the poor visibility of personal vehicles, security of the rear access footpaths and cycle sheds, planting being used as climbing aids and whether lighting would be installed. However, Cambridge Constabulary have recommended ways to overcome these concerns and utilising Secured by Design Principles.

6.59 **Design Review Panel Meeting**

6.60 N/A

7.0 Third Party Representations

7.1 16 representations have been received.

7.2 Those in objection have raised the following issues:

- Breach of covenant
- Houses are located too close to Mossfields boundary
- Loss of privacy to Haden Way properties
- Overlooking of Mossfields property
- Overshadowing / loss of light, Mossfields & Savannah (Derestine)
- Overshadowing resulting from the tree / planting proposed and plot 25 and 26 to 10, 11 and 12 Aspinalls Yard. Loss of outlook.
- Loss of light to 1 Station Road and 2 Station Court

- The site experiences flooding therefore surface water drainage must be dealt with correctly. No surface water drainage plans have been submitted. Increased flood risk.
- Increase traffic on local roads
- Access arrangements could lead to traffic accidents due to current on-street car parking. Poor visibility
- Some neighbours haven't been notified – Aspinalls Yard and Station Court
- No trees anymore at the end of Station Court therefore the plans are incorrect
- Impact upon wildlife
- Disruption during construction such as noise, traffic dust etc
- Cumulative impact of this site and Haden Way development
- Overdevelopment
- Layout and design poor
- Local Primary School is full to capacity
- Local GP Surgery is struggling
- Local Facilities can't handle additional residents
- Added pollution (noise and light)
- Empty affordable units in other developments so why need more?
- The reserved matters application was not submitted in time, therefore is invalid
- The developer may want to extend the site to the south
- No notice has been taken of the request for the application to committee
- Outline was granted due to the lack of 5YLS which is no longer applicable
- Consultation was only 2 week with no site notice
- Impact on house insurance resulting from inadequate drainage.
- S.Cambs is ahead of housing targets, Willingham has an oversupply of housing
- Extension to Bayburn Cottage, plan not accurate, difference of 3m.
- Southern boundary hedging has been partially removed as has the trees along the end of Station Court
- No housing demand in Willingham
- Foul drainage issues
- Lack of broadband and mobile network capacity

8.0 Member Representations

- 8.1 Cllr Bill Handley has made a representation objecting to the application on the following grounds given the proximity of this development to Haden Way and the sensitivity of Haden Way residents to planning matters, the application should be considered by Planning Committee.

9.0 Local Groups / Petition

- 9.1 Not applicable

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 The application comprises the submission of the matters for approval that were reserved when outline planning permission for the development of the site was granted. Those matters that were reserved are set out in condition 1 of outline consent S/2876/16/OL and form the:

- Details of the layout of the site.
- Details of the scale of buildings.
- Details of the appearance of buildings.
- Details of landscaping.

10.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides a definition of what each of the above matters means in practice:

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

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

“appearance” means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

“landscaping” means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes; (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.

10.3 Principle of Development

10.4 The principle of residential development on this site for up to 26 dwellings was established through outline consent S/2921/15/OL, granted on 21 August 2017. The outline consent was accompanied by a Section 106 legal agreement securing financial contributions towards waste, sports

contribution, community space and off-site open space, library and lifelong learning and primary school places.

- 10.5 The outline consent required submission of the reserved matters within three years from the date of the outline consent. The 'lifespan' of the application was extended under the Business and Planning Act 2020 which was introduced in 2020 responding to the effects of the covid pandemic on the building sector. This Act resulted in the deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would have expired between 23 March 2020 and 31 December 2020 being extended to 1 May 2021. This reserved matters application was submitted on 23rd February 2021 and within the extended deadline period of 1 May 2021. The application is therefore valid.
- 10.6 The outline consent was granted on the basis that at the time the Council was unable to demonstrate a five-year supply of housing land in accordance with the requirements of paragraph 73 of the National Planning Policy Framework. Development of this site remains included within the Council's required deliverable supply of housing.
- 10.7 While many third-party objectors seek to resist the principle of development on the site through this RM application, this is not an issue that can be resisted at this stage in the planning process as there remains an extant outline consent which considered the principle of development acceptable. The only matters to be considered as part of this application are those that were reserved at outline stage and have been applied for which consists of the layout, scale, appearance and landscaping of the development.
- 10.8 The principle of the development is therefore acceptable and in accordance with the Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004), the Business and Planning Act 2020 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 10.9 **Reserved Matters: Layout, Scale, Appearance and Landscaping**
- 10.10 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.
- 10.11 Layout

- 10.12 This RM application has been subject to extensive consultation with internal urban design specialists. In response to the various concerns raised by the Council's Urban Design Officer and then by the former case officer, the layout has been amended on several occasions, seeking to address those comments. The site is heavily constrained with some new development abutting the south-eastern corner. The last comments received confirm that Urban Design officers generally do not object to the scheme in urban design terms and welcome the changes that had been made. The remaining concerns from the Council's Urban Design officer are noted, however, the concerns raised are not considered sufficient to warrant a refusal of the application. It is noted in the latest comments that many of the outstanding concerns can be addressed, in part, through the detailed soft and hard landscape design process. The outstanding concerns do not substantially affect the overall design concept or infringe on the legibility of the site, rather they are improvements which are advised.
- 10.13 26 dwellings are proposed on this 0.924 site which equates to a density of 28 dwellings per hectare. The density of development proposed would preserve the character of the landscape and the residential amenity of neighbouring properties. The scheme achieves an efficient use of land without an adverse impact on the character of the surrounding landscape. This density is therefore considered to be appropriate for this edge of village location and in accordance with policy H/8 of the Local Plan.
- 10.14 The proposed development consists of detached and semi-detached dwellings. The general layout of the site is considered acceptable and in keeping with the surrounding development. The layout includes a main spine road through the site with curves to the west to ensure views into the site end with properties and are not dominated by parked cars. There is a Local Area of Play (LAP) located in the north-east corner of the site. Officers acknowledge that this could be in a more central location. However, given the number of dwellings approved under the outline, and a number of other competing factors such as the protection of residential amenity of neighboring properties, officers find the siting of this LAP to be acceptable. Properties surrounding the site to the north and east of the LAP all have shallow gardens, particularly no. 11 and 12 Aspinalls Yard which have garden depths of 6m and 3m respectively. If the open space were to be more centrally located then it would naturally displace dwellings into the northeastern corner, given the size of area in question it is likely that 3-4 dwellings would be displaced. The resulting relationship between existing and proposed dwellings would be substantially below the separation distance guidance contained within the Council's Design Guide SPD. Officers are satisfied that the resultant relationship is such that it would give rise to harm to the residential amenity of existing dwellings and to the proposed dwellings in this location. Notwithstanding the above, the proposed location of the open space is judged to be acceptable on its own merits given its size and proximity to all of the proposed dwellings. Those dwellings furthest from the open space would be less than 150m from the space via the proposed footpaths.

- 10.15 Overall, the site layout has been positively amended during the application process to help balance the density across the site to the greatest degree given the land available and working with the site constraints. As outlined above, this has resulted in a better density and parking distribution across the site, minimized the impact upon neighbouring properties, improved vistas into the site, enhanced the soft landscaping and resulted in a less cramped spatial layout.
- 10.16 Officers consider the general layout and arrangements of the site to be acceptable and compatible with its location and surrounding development, and to accord with policy HQ/1 of the Local Plan.
- 10.17 Scale
- 10.18 The scale and character of the existing surrounding residential development represents a mixture of three storey, two storey, one and a half storey and single storey properties of varying designs and footprints, with two storeys being the prevailing scale of development. In general properties are typically good-sized detached dwellings with some examples of semi-detached and terraced arrangements.
- 10.19 The dwellings are all two storey in height with single storey garages serving several plots. Officers consider the height and scale of the proposed dwellings to be in keeping with the surrounding development given the varied heights of neighbouring dwellings.
- 10.20 The overall scale of the development is considered to be appropriate and responsive to the context of the area and to make positive contribution to the local and wider context of the site in accordance with Policy HQ/1 of the Local Plan.
- 10.21 Appearance
- 10.22 The Design and Access Statement outlines that careful attention has been paid to the architectural style proposed, reflecting the predominant pitched roof character of the surrounding area. Brick will be the predominant material with elements of render. These materials should complement the area and be of a colour to reflect the style of architecture proposed. A consistency of detail and materials will be developed to ensure an overall integrity into the scheme. Officers recommend conditions requiring submission and approval of a sample panels ensuring high quality materials are used and a high-quality finish is achieved.

- 10.23 Overall, and subject to the recommended conditions, the appearance of the development is considered to make a positive contribution to the character of the area would accord with Policy HQ/1 of the Local Plan.
- 10.24 Landscape
- 10.25 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.
- 10.26 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.
- 10.27 Policies NH/2, NH/4 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.
- 10.28 As stated earlier, the proposed layout, and thus space available for landscaping, has been amended to create a spread of the density throughout the site, whilst ensuring car parking does not dominate the layout. In doing this rearrangement, it allowed there to be a greater spread also of planting throughout the site, creating the appearance of a more dispersed and greener layout.
- 10.29 The green buffer hedging along the southern boundary is proposed to be trimmed and retained as part of the proposal, alongside localised strengthening by filling of the existing gaps. This hedging is a key feature of the existing landscape. The Landscape Officer is satisfied with this approach and officers considers that this would preserve this feature whilst acting as a visual break between the development and the countryside and creating a green setting. Planting specifications have been altered to the satisfaction of the Landscape Officer, including adequate screening of car parking and a mixed nature planting to the entrance and around the LAP.
- 10.30 Overall, the proposed development, subject to conditions, is a quality design that would be compatible 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.
- 10.31 **Other Matters**
- 10.32 **Housing Provision**
- 10.33 Density

- 10.34 Policy H/8 requires housing density in new settlements and urban extensions to achieve a housing density of 40 dwellings per hectare (dph) and in Rural Centres, Minor Rural Centre villages and Group Villages to achieve a density of 30dph. The policy states that density may vary where justified by the character of the locality, the scale of the development, or other local circumstances.
- 10.35 The site measures approximately 0.924 hectares in area. The provision of 26 dwellings on the site would equate to a density of approximately 28 dwellings per hectare which, as Willingham is a Minor Rural Centre, complies with the 30dph maximum detailed in policy H/8.
- 10.36 The proposed density accords with policy H/8.
- 10.37 Mix
- 10.38 Condition 30 of the outline consent requires the reserved matters application to include details of the mix of housing in accordance with policies H/8 and H/9 of the now adopted Local Plan. 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. For market housing development of 10 or more homes, H/9 provides targets as set out in the table below. H/9 states the mix of affordable homes is to be set by local housing needs evidence.

Policy Requirement (at least...)	Market	Affordable
30% 1 or 2-bedroom homes	6 (23.2%)	8 (30.7%)
30% 3-bedroom homes	7 (26.9%)	2 (7.7%)
30% 4-bedroom homes	3 (11.5%)	0
10% flexibility allowance		

- 10.39 The market housing mix accords with all minimums aside from in the provision of 4-bedroom dwellings. H/9 allows a 10% flexibility allowance and states housing mix should be set by local housing need. Despite this under provision of 4-bedroom properties, noting the surrounding needs, the mix of affordable housing is supported by the Council's Housing Team.
- 10.40 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.
- 10.41 Officers consider that this requirement of part M4(2) compliance for 5% of homes would fall within the definition of layout as defined in the Development Management Procedure Order. As such a condition will secure this provision.

- 10.42 As the development is over 20 dwellings, policy H/9 requires provision for custom build plots. However, custom builds were not considered at outline stage and were not secured through the s106 agreement. Therefore, this is not applicable in this instance.
- 10.43 Affordable Housing
- 10.44 Local Plan Policy H/10 requires 40% affordable homes on development sites of 11 dwellings or more except where it can be demonstrated unviable in light of changing market conditions, individual site circumstances and development costs, in which case a revised mix of affordable house types and tenures and then a lower level of affordable housing provision may be negotiated. The NPPF paras 60 – 67 and Annex 2 Glossary are relevant.
- 10.45 The proposal provides 10 affordable units, which falls below the 40% requirement. However, in the Second Schedule Part I: Affordable Housing Criteria for Affordable Scheme within the S106 dated 18th August 2017 it states that the owner shall only provide 10 affordable dwellings. The proposal is in accordance with the S106 and therefore officers consider this acceptable.
- 10.46 The affordable housing across the site has been split into 3 groups; one group of 6 houses located on the eastern side of the site, a group of 2 houses on the south-western corner of the site and a group of 2 houses abutting the western boundary sited centrally within the site. These groups are integrated and interspersed with the market housing and accord with the Greater Cambridge Housing Strategy 2019-2023 Annex 10: Clustering and Distribution of Affordable Housing Policy.
- 10.47 Officers, in consultation with the Council's Housing Team, are satisfied that the proposed distribution of the affordable units within the site is appropriate and the level of affordable housing is acceptable and accords with Policy H/10 of the Local Plan and the Greater Cambridge Housing Strategy 2019-2023.
- 10.48 **Carbon Reduction and Sustainable Design**
- 10.49 Policy CC/3 'Renewable and Low Carbon Energy', requires that Proposals for new dwellings and new non-residential buildings of 1,000m² or more will be required to reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy and low carbon technologies.
- 10.50 Policy CC/4 'Water Efficiency' requires that all new residential developments must achieve as a minimum water efficiency to 110 litres pp per day and for non-residential buildings to achieve a BREEAM efficiency standard equivalence of 2 credits. Paras 152 – 158 of the NPPF are relevant.

- 10.51 Carbon reduction measures influence the scale and appearance of developments in respect of materiality and built form. Therefore, officers consider it reasonable and necessary to impose a condition requiring a reduction in carbon emissions of a minimum of 10%.
- 10.52 Officers do not consider that the water efficiency of the dwellings to fall under the reserved matters (scale, layout, appearance and landscaping) and therefore, it is unreasonable and unnecessary to impose a condition requiring the standard outlined in policy CC/4. It is noted however that the water efficiency of the dwellings will have to comply with the Building Regulations Standard regardless.
- 10.53 The applicants have suitably addressed the issue of sustainability and renewable energy, noting the application type, and subject to conditions the proposal is compliant with Local Plan policies CC/1 and CC/3.
- 10.54 **Biodiversity**
- 10.55 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.
- 10.56 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal. The Ecology Officer requests that the applicant demonstrates 10% biodiversity net gain can be achieved on site, in accordance with the NPPF para 174d). Since the 29th June Committee, Officers have received an appeal decision (S/3290/19/RM – Land at Teversham Road, Fulbourn) where the Inspector expressly states that biodiversity is not a reserved matter and can only be considered at outline application stage, stating that it cannot be revisited at reserved matters stage. Therefore, officers have taken the view that despite the biodiversity enhancements proposed, a condition cannot be imposed to require biodiversity net gain. Various biodiversity enhancements are proposed such as tree retention and protection, hedgerow protection and gapping-up, new planting including flowering lawns, trees, climbing plants, and shrub and herbaceous plants, alongside hedgehog gaps, bird, bat and swift boxes.
- 10.57 **Water Management and Flood Risk**
- 10.58 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.

- 10.59 Part of the application site to the North and east is located within Flood Zones 2 and 3. This includes the access into the site from Over Road. Flood Zone 3 is located to the North and North East sides, cascading down to Flood Zone 2 towards the centre and extreme South East side and Flood Zone 1 to the centre and South West side.
- 10.60 Flood risk is a matter dealt with at outline stage when establishing the principle of development. The principle of developing the site for 26 dwellings has been established through the grant of outline planning permission. Conditions were also imposed on the outline planning permission which relate to submission of further details of the surface water drainage scheme. Reserved matters applications require supporting details to demonstrate that surface water drainage arrangements could be provided appropriately within the proposed layout of the site, being linked to matters of layout and landscaping and in the context of planning conditions regarding surface water drainage.
- 10.61 Outline consents typically impose a condition requiring a detailed surface water drainage scheme for the site, along with details of its maintenance. A discharge of conditions application then provides the full technical details, calculations, maintenance details etc., as required by the condition, to discharge the relevant requirements and approve an appropriate drainage scheme for a development in full.
- 10.62 In reference to this application, condition 11 of the outline consent required the submission of a surface water drainage scheme, based upon the principles within the agreed Flood Risk Assessment by way of a pre-commencement condition. Condition 12 of the outline consent of the condition requires full details of the maintenance/adoption of the surface water drainage system. Condition 11 was discharged in full on 12th March 2019.
- 10.63 In terms of foul water drainage, condition 10 of the outline consent requires the submission of a scheme for foul water drainage by way of a pre-commencement condition. This is yet to be discharged.
- 10.64 The Council's Sustainable Drainage Engineer has no objections to the proposed drainage strategy which has already been discharged under condition 11 of the outline consent but has requested confirmation that the impermeable area on site has changed and wants clarification of how this impacts the drainage strategy. In a letter from Chiltern Design Limited, it confirms that the impermeable area of the proposed development has decreased slightly from that set out within the approved drainage scheme (by 163m²) and provides confirmation that the site can be drained in accordance with the approved scheme. Officers are satisfied that the drainage arrangements already approved by the Council are compatible with the proposed site layout and therefore the site will be adequately drained.
- 10.65 Members requested clarification regarding the LLFA's position on the drainage details. Previously the LLFA raised objections as the full

drainage details were not supplied as part of the REM application. These details have been submitted and approved by the Council under condition 11 of the outline consent. The LLFA were consulted on this condition discharge and did not raise an objection at the time. These drainage details have now been submitted to the REM application and the LLFA are satisfied with the proposed drainage scheme. It is also noted that third party representations have raised concerns regarding drainage. The applicant has provided evidence from their drainage consultants that the proposed layout is compatible with the drainage strategy already approved which both the SCDC Drainage Officer and the LLFA consider acceptable. Therefore, officers consider that the applicant has provided sufficient comfort to the Council that the site can be adequately drained in accordance with the Flood Risk Assessment submitted as part of the outline consent.

- 10.66 The applicants have suitably addressed the issues of surface 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.
- 10.67 **Highway Safety and Transport Impacts**
- 10.68 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.
- 10.69 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.
- 10.70 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.
- 10.71 The matter of access to the site was dealt with at outline stage with appropriate details secured through conditions 14, 15 and 16 of the outline consent, the approved plans condition 3, which included drawing number CH14/LBA/341/OP101 – 1:1250 Red Line Location Plan only and CH14/LBA/341/OP101 REV D (Visibility splays only).
- 10.72 The layout of the reserved matters application is consistent with the point of access consented at outline stage. The Local Highway Authority has considered the layout of the site and found it acceptable in highway safety terms.

- 10.73 The Local Highway Authority has recommended a condition requiring details of the proposed arrangements for future management and maintenance of the proposed streets. The Local Highway Authority has provided guidance to the developer in their comments of information needed for the Local Highways Authority to consider adopting the development, so the potential for adoption remains. Officers understand that the applicant will not seek adoption of the roads as the road material is proposed to be permeable.
- 10.74 Officers note the concerns raised by local residents in terms of the access onto Over Road and the potential for traffic accidents given the existing on-street parking situation. As stated, access was a matter that was dealt with at the outline stage. The concern regarding the increase of traffic is noted as well. The Local Highway Authority has not raised concern regarding traffic, and given the scale of the development, officers consider this to not be significant.
- 10.75 Members raised concerns regarding the road layout not providing sufficient space for refuse vehicles to safely manoeuvre without oversailing the pavement, specifically the turning head within the south-west of the site. The turning head has been amended to be enlarged to 6m to the south of plot 3 and the pavement has been removed on the south-western edge directly adjacent to the easement along the boundary. The tracking diagrams have been updated to show that the wheels and the body of a standard sized South Cambridgeshire refuse vehicle would not over sail the pavement throughout the site. The Highway Authority are satisfied with this road layout and they have no concerns regarding pedestrian safety in reference to this vehicle tracking. The radii of the Over Road entrance has also been altered to 8m to the satisfaction of the Highway Authority ensuring larger vehicles can enter and exit the site safely without harming the safe functioning of the highway. Taking this into account, officers consider that the road layout allows for safe manoeuvre of larger vehicles while minimising conflict between users and therefore is acceptable.
- 10.76 Subject to conditions, the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.
- 10.77 **Cycle and Car Parking Provision**
- 10.78 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.
- 10.79 Cycle Parking
- 10.80 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.

- 10.81 Condition 19 of the outline consent requires the applicant to submit details of cycle parking for approval. This condition is yet to be discharged and further detail on cycle provision has not been supplied to remove such a condition.
- 10.82 Car Parking
- 10.83 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.
- 10.84 All dwellings aside from plot 8 and 9 have access to two or more off street car parking spaces. Plot 8 and 9 are one bedroom properties which have provision for one parking space each. Whilst this is below that stipulated in policy TI/3, these are indicative standards and do not differentiate between provision for one-bedroom properties and larger 4 bedroom dwellings which are more likely to be occupied by a family. Paragraph 2 of policy TI/3 states that provision should take into consideration various factors such as car ownership levels, local services, facilities and public transport. Both plot 8 and 9 are one-bedroom properties are therefore least likely to own two vehicles or be inhabited by a family. Given the size of the dwellings, the number of potential occupiers and the services within Willingham including shops, services and bus links to the city and the wider south cambs area, officers consider that it is much less likely that occupants of this house type would require two car parking spaces. Officers note that there is on street car parking along Over Road, but this is quite some distance from plot 8 and 9, so even if there were one or two additional cars resulting from the provision, it would not be desirable for these occupants to park their cars on the roadside. Regardless, officers consider that if there were additional cars resulting from more than one car per plot 8 and 9, that this would not result in a significant highway or amenity impact. Officers highlight that these are indicative car parking standards which should be responsive to factors such as car ownership levels and access to services and transport links, and policy promotes the use of sustainable travel. Accordingly, officers consider the proposed level of car parking is acceptable.
- 10.85 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.

- 10.86 Officers consider that EV charging points are incorporated within the layout of a scheme and therefore can be considered under this reserved matters application. As such, a condition will secure EV charging provision for the site to the standard detailed in the Sustainable Design and Construction SPD. This is considered reasonable and necessary.
- 10.87 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.
- 10.88 **Amenity**
- 10.89 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.
- 10.90 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.
- 10.91 Neighbouring Properties
- 10.92 Neighbouring properties to the north of the site (Over Road)
- 10.93 Plot 1 is the property sited furthest north within the site. It has a blank gable which is set circa 14.5m away from the rear elevation of Deresline, Over Road. This complies with the District Design Guide measurement of 12m. The rear elevations of Plots 4 – 7 are over circa 25m away from the rear elevation of 1b Over Road which also complies with the District Design Guide measurement of 25m. Taking these distances, orientations and scale, siting and massing of the proposed dwellings into account, officers are satisfied that the proposal would not have a significant overshadowing, overbearing or overlooking impact upon the residential amenity of the properties to the north.
- 10.94 Neighbouring properties to the west of the site (Haden Way)
- 10.95 25B Haden Way faces at an angle towards plots 8 & 9 at a distance of circa 23m. Officers are satisfied that this relationship is acceptable given the positioning of 25B Haden Way. Plots 12 and 13 are circa 14.9m away from the single storey side elevation of the nearest property on Haden

Way (Brayburn Cottage). This dwelling's single storey side extension comprises a side kitchen door (not the primary outlook or light source) and a store. Noting this, alongside the separation distance, officers consider that no significant overbearing, overshadowing or overlooking would arise to Brayburn Cottage. Taking these distances, orientations and scale, siting and massing of the proposed dwellings into account, officers are satisfied that the proposal would not have a significant overshadowing, overbearing or overlooking impact upon the residential amenity of the properties to the west.

- 10.96 Neighbouring properties to the east of the site (Aspinall Yard and Station Road back- land properties)
- 10.97 Plot 26 has been staggered to minimize the impact upon the nearest properties in Aspinall Yard. Plot 16's side elevation would be sited a minimum of 18m away from the two newly constructed backland properties on Station Road which abut the south-eastern corner of the site. This complies with the District Design Guide measurement of 12m. Plot 16 is also positioned central to the common boundary of the two newly constructed backland dwellings to Station Road to help minimize its impact. Taking these distances, orientations and scale, siting and massing of the proposed dwellings into account, officers are satisfied that the proposal would not have a significant overshadowing, overbearing or overlooking impact upon the residential amenity of the properties to the east.
- 10.98 Future Occupants
- 10.99 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.
- 10.100 The District Design Guide 2010 advises that each one or two-bedroom house should have private garden space of 50m² in rural settings; whilst each house with 3 bedrooms or more should have private garden space of 80m² in rural settings.
- 10.101 Given that the outline planning consent did not require the dwellings to be built to meet the residential space standards by way of a condition and this matter does not fall under the definition of the reserved matters for layout, appearance or scale, the development would not need to accord with national space standards or the District Design Guide specifications for garden sizes.
- 10.102 Regardless, all units exceed the gross internal floor space requirements detailed in Figure 8 of policy H/12.
- 10.103 All properties (affordable or private) would benefit from a private garden area which would meet or exceed the recommendations of the Council's

District Design Guide, apart from plot 3 which falls 4m2 below the 80m2 for a 3bedroom property. This dwelling falls marginally below the recommendation specified in the District Design Guide. Yet, the development would not need to accord with this standard.

10.104 Construction and Environmental Health Impacts

10.105 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.

10.106 The Council's Environmental Health Team have assessed the application and have no objections to the proposal. Condition 18 of the outline consent restricts construction hours to between 0800-1800 Mon-Fri, 0800-1300 Sat and at no time on Sundays or Bank or Public Holidays. Condition 20 and 21 of the outline consent secures a method statement if piling is required and a programme to minimize dust respectively. There are also conditions requiring a construction programme (condition 22) and an artificial lighting scheme (condition 23). Condition 28 requires an air quality impact assessment to be submitted and approved by the Council. Condition 29 also requires the applicant to submit an operational noise minimisation management plan/ scheme to preserve the amenity of surrounding occupiers throughout the duration of construction. Officers consider that with these in place, construction impacts and environmental health impacts would be adequately managed and minimized.

10.107 Regarding noise and disturbance impacts arising from occupation of the site, the number of dwellings (and associated noise and disturbance from occupation) has already been assessed under the outline application and is considered acceptable.

10.108 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.

10.109 **Third Party Representations**

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

Third Party Comment	Officer Response
Residential amenity impacts (loss of privacy, light and	Addressed in paragraph 10.89-109.

outlook, noise and disturbance)	
Consultation	All properties sharing a boundary with the application site or opposite the entrance of the site were consulted on the application. A site and press notice were also put up outside the site and in the local paper respectively.
Overdevelopment	The principle of developing 26 dwellings on site has already been assessed as acceptable and noting this, officers consider that the layout provides an acceptable spread of development across the site.
Tree positions inaccurate (none bordering Station Court)	The Officer has been to site to assess the impacts of the development and therefore understands and has taken into consideration the site context / features when assessing the application.
Impact on wildlife	The impact on wildlife was predominately assessed under the outline application. There are biodiversity enhancements which would enhance the environment for wildlife and is secured via condition.
Impact on local facilities (primary school, GP surgery etc)	The S106 secured contributions to local services to mitigate against a significant pressure on these services as a result of the development. They have been previously assessed as proportionate to the number of dwellings.
Extension to Brayburn Cottage, plan not accurate, difference of 3m.	The extension to Brayburn Cottage has been taken into consideration.
Traffic and highway safety	The Highway Authority have no objections to the proposal and therefore officers consider that the network has capacity to accommodate additional transport movements to and from the site and no significant highway safety impacts would arise.
Housing need in Willingham and Affordable housing need	The need for housing and affordable housing was assessed under the outline consent.
The developer may want to extend the site to the south	Land to the south of the site is not within the site location red line plan and therefore is not for consideration under this application. No application has been submitted on this piece of land.
Cumulative impact of this site and Haden Way development	The principle of 26 dwellings including the cumulative impact of this development on

	Willingham has already been assessed and considered acceptable.
Impact on house insurance resulting from inadequate drainage.	The surface water drainage has already been assessed as acceptable under condition 11 of the outline consent. The foul drainage scheme is secured by condition 10 on the outline consent. These matters, once the latter is agreed, will ensure adequate drainage of the site is carried out. Development also must proceed in accordance with the amended Flood Risk Assessment Ref:33928 Rev: B – Date: February 2016 as required by condition 13 of the outline consent.
Covenants	A planning permission would not override covenants and private rights. These are civil matters between different landowners and not a material planning consideration.

10.111 **Open Space and Recreation**

10.112 The Sixth Schedule of the Section 106 for the development requires the following areas of open space to be delivered on site, based on the number of dwellings of each type (by bedrooms) provided on the site:

No. bedrooms	Scheme Quantum	LAP (S106 requirement)	Informal Play Space (S106 requirement)	Onsite Informal Open Space (S106 requirement)	Total Requirements
One	2	nil	nil	5.4m ²	Informal open space = 10.8
Two	12	7m ²	7m ²	7m ²	Informal open space = 84m ² Informal Play Space = 84m ² LAP = 84m ²
Three	9	9.7m ²	9.7m ²	9.7m ²	Informal open space = 87.3m ² Informal Play Space = 87.3m ² LAP = 87.3m ²
Four	3	13.3m ²	13.3m ²	13.3m ²	Informal open space = 39.9m ² Informal Play Space = 39.9m ²

					LAP = 39.9m2
TOTAL	26				Informal open space = 222m2
					Informal Play Space = 211.2m2
					LAP = 211.2m2
					(TOTAL = 644.4m2)

10.113 The Second Schedule Part II: LAP of the Section 106 for the development requires a Local Area of Play (LAP) to be delivered on site. The S106 also requires this to be maintained etc. This has been provided in the north eastern corner of the site. The LAP comprises of 659m2 and is in excess of this cumulative requirement. The other area of open space is clearly just informal open space, but this takes the total up to 886m2 for the site. Officers are satisfied that the minimum open space requirements of the Section 106 have been met.

10.114 Other Matters

10.115 Policy HQ/1 requires adequate bin storage to be provided for developments. Condition 24 of the outline consent requires a scheme for the provision of bin storage to be submitted and approved by the Council prior to works commencing on site.

10.116 LP policy TI/10 'Broadband' requires new development to contribute towards the provision of infrastructure suitable to enable the delivery of high-speed broadband services across the District. A condition is proposed to ensure this provision. While this is may not strictly fall under the remit of the reserved matters, it is practical for the applicant to provide adequate broadband for the proposed dwellings and therefore, officers advise compliance with TI/10.

10.117 Planning Balance

10.118 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).

10.119 The proposal seeks approval of the reserved matters (layout, landscaping, scale and appearance) in relation to S/2921/15/OL and associated S106. Given the nature of the application, there are less planning considerations as only those which fall under the definition of layout, landscaping, scale and appearance as defined by the Development Management Procedure can be assessed.

10.120 Officers consider that the proposal is responsive to the surrounding pattern of development, scale and character of the area whilst being of an appropriate density and providing sufficient relief from the built form by creating landscaped frontages which create an overall attractive external appearance. Given the site constraints (covenants, surrounding residential occupiers, shape of the site) and the number of dwellings approved by the outline consent, this location of the LAP is considered acceptable. The proposal exceeds the minimum open space requirements, providing an enhanced well vegetated setting to the housing development. Also, given the scale of the development, all dwellings would be within 130m of the LAP with those dwellings sited the furthest away also benefitting from an area of open space within 15m.

10.121 The proposed development delivers an acceptable housing mix and tenure, according with the requirements of the S106, which is spread throughout the site, creating a balanced community. The proposal also will enhance biodiversity, incorporate renewable energy and carbon reduction measures and upon completion contribute to financially to local services.

10.122 Full details of surface water drainage and flood mitigation have now been submitted with the reserved matters application and both the LLFA and SCDC Drainage Officers are satisfied with the proposal. Therefore, officers consider that the site can be adequately drained in accordance with the Flood Risk Assessment, not posing additional undue pressure on the existing drainage network.

10.123 The proposal does not provide a minimum of two car parking spaces within the curtilage of all the dwellings, with two plots having access to only car parking space. However, given the size of these dwellings (one bed) and the surrounding transport links, officers do not consider that any substantial harm would arise here.

10.124 In weighing up the benefits and harm arising from the proposed development, officers consider that the benefits outweigh the harm. 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 subject to conditions.

10.125 **Recommendation**

10.126 **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 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.

- 2 No brickwork above ground level shall be laid until a sample panel of all materials used in the construction of the development hereby permitted has been prepared on site detailing the choice of brick, bond, coursing, special brick patterning;, mortar mix, design and pointing technique. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel is to be retained on site for the duration of the works for comparative purposes, and works will take place only in accordance with approved details.

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.

- 3 No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.

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

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

- 4 Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for one active charge point(s) for each house. The active charge points should have a minimum power rating output of 3.5kW. All other spaces should have passive provision of the necessary infrastructure, including capacity in the connection to the local electricity distribution network and electricity

distribution board, to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required, and this should be demonstrated in the submitted detail.

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, policy TI/3 of the South Cambridgeshire Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2021.

- 5 Prior to the first occupation of the/any dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for that dwelling.

Reason: To contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband across the district, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.

- 6 Notwithstanding the approved plans, 5% of the dwellings, hereby permitted, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).

Reason: To ensure the units are accessible and adaptable in accordance with policy H/9 of the adopted Local Plan 2018.

- 7 Prior to the first occupation of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason: In the interests of highway safety and to achieve a permeable development with ease of movement and access for all users and abilities in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 8 Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

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 6



Planning Committee Date	9 th November 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/00209/S73
Site	Cambridge City Football Club, Sawston
Ward / Parish	Sawston
Proposal	S73 Variation of conditions 2 (Approved plans) and 8 (Cycle store) of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space).
Applicant	Mr K Satchell
Presenting Officer	Tom Chenery
Reason Reported to Committee	S73 to Original Departure Application
Member Site Visit Date	N/A
Key Issues	1. Impact on the Character of the Area 2. Layout and Design 3. Cycle Parking
Recommendation	APPROVE subject to conditions / S106

1.0 Executive Summary

- 1.1 The application seeks to amend the approved plans as well as amend the cycle storage condition on previously approved planning permission S/2239/13/FL which granted planning permission for the erection of a football ground for Cambridge City Football Club and the creation of a new community recreational space.
- 1.2 This application was approved by committee, however, was quashed at the court of appeal in February 2017 as Planning Committee needed to give clear reasons for its decision to approve it within the Green Belt.
- 1.3 The application S/2239/13/FL was subsequently determined at Development Management Committee on the 1st November 2017 and was approved.
- 1.4 The application was then considered by the Secretary of State which determined the application did not require their approval. A decision notice on the scheme was issued on 7th March 2018
- 1.5 The proposal seeks to make a number of amendments which includes:
- Revised design of the main stand
 - Open stand on north and west terrace reduced to 32.2m in length.
 - East terrace reduced to 36.8m.
 - Ticket Office has been removed
 - Relocation of the substation to the west of the main stand
 - Relocation of cycle store
 - Increase scale of the ground store to 10m x 10m.
- 1.6 The proposal is not considered to cause any harm to the character and appearance of the area or result in any undue harm to the amenity or living conditions of any neighbouring occupiers.
- 1.7 The proposal will not result in any highways safety implications or ecological impacts.
- 1.8 Officers recommend that the Planning Committee Approve the proposal.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	X
Building of Local Interest		Green Belt	X
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	
Outside Development Framework	X		

2.1 The application site is a parcel of open countryside to the North of the village of Sawston. The proposal is located outside of the development framework boundary of Sawston and is located within the Green Belt.

2.2 To the north, north east and west, there are agricultural fields and open countryside. To the south east is an industrial estate with a number of commercial and industrial units. To the immediate south of the site is a tree belt which is protected by a Tree Preservation Order and acts as a screen from an established residential development.

3.0 The Proposal

3.1 This application is a S73 for the variation of conditions 2 (Approved plans) and 8 (Cycle store) of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space).

3.2 Planning permission was granted for the erection of a football ground for Cambridge City Football Club and the creation of a new community recreational space on 7th March 2018 under application S/2239/13/FL. This application is to vary conditions 2 and 8 of this permission .

3.3 A site visit has been undertaken which confirms that development has started on the site with the site being cleared, hardstanding laid, the framework of stands being erected and floodlights being erected. A table indicating the pre commencement conditions and other conditions that have been discharged is present in section 10.83. Therefore, there is an extant permission on the site as application S/2239/13/FL has commenced.

3.4 The proposal would result in a number of minor changes to the approved plans (condition 2) and cycle storage (condition 8). These include:

- Revised design of the main stand
- Open stand on north and west terrace reduced to 32.2m in length.
- East terrace reduced to 36.8m.
- Ticket Office has been removed
- Relocation of the substation to the west of the main stand
- Relocation of cycle store
- Increase scale of the ground store to 10m x 10m.

4.0 Relevant Site History

Reference	Description	Outcome
S/2239/13/CONDA	Submission of details required by conditions 13 (Contractors details) and	Discharge Condition in full

	26 (Scheme to treat and remove suspended solids from surface water run-off) of planning permission S/2239/13/FL	
S/2239/13/NMA1	Non Material amendment of planning permission S/2239/13/FL (Erection of football ground for Cambridge City Football Club and creation of new community recreational space) for the removal of the ticket office and relocation of the sub-station.	Refused
S/2239/13/FL	Erection of football ground for Cambridge City Football Club and creation of new community recreational space	Approved
S/2345/15/DC	Discharge of Conditions 6 (Boundary Treatment) 7 (Materials) 14 (Contractors) 22 (Ecological Enhancement) 23 (Bat and Bird Nest Boxes) 25 (Foul Water Drainage) 26 (Surface Water Disposal) 27 (Surface Water Drainage) 28 (Suspended Solids) 29 (Land Contamination) 30 (Fire Hydrants) 31 (Site Waste Management Plan) 32 (Renewable Energy Technology) and 33 (Water Conservation Strategy) of Planning Consent S/2239/13/FL for Erection of Football Ground for Cambridge City Football Club and Creation of New Community Recreational Space.	Approved
S/0581/19/DC	Discharge of conditions 4 (Arboricultural method statement) 9 (Footway) 13 (Contractors details) and 29 (Site waste management plan) pursuant to planning permission S/2239/13/FL	Approved

- 4.1 On 22 September 2014 the Secretary of State for the Department for Communities and Local Government confirmed in writing to the Local Planning Authority that the application S/2239/13/FL was not to be called in for determination and should be determined by the Local Planning Authority.
- 4.2 On 25 February 2017, the Court of Appeal by order quashed the planning decision. Their reasons for doing so related to the need for the Planning Committee to give clear reasons for its decision to approve an application in the Green Belt contrary to the officer recommendation in the Committee Report.

4.3 On November 1st 2017 the application was again considered by the Planning Committee to which the application was Approved (known in this reports as the “consented scheme”) subject to conditions and planning permission was granted for the erection of football ground for Cambridge City Football Club and creation of new community recreational space. Several conditions relating to the proposal have also been discharged and have been detailed above.

4.4 On W/C 26th February 2018, the Secretary of State confirmed that the planning decision can be made without their involvement.

4.5 On the 7th March 2018 planning permission was granted .

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)

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

CC/1 – Mitigation and Adaption to Climate Change

CC/2 – Renewable and Low Carbon Energy Generation
CC/3 – Renewable and Low Carbon Energy in New Development
HQ/1 – Design Principles
NH/4 – Biodiversity
NH/8 – Mitigating the Impact of Development in & adjoining the Green Belt
NH/10 – Green Belt
NH/14 – Heritage Assets
SC/4 – Meeting Community Needs
SC/10 – Noise Pollution
SC/11 – Contaminated Land
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision
TI/8 – Infrastructure and New Developments

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
Village Design Statement SPDs (Sawston) - 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:

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

6.0 Consultations

6.1 Sawston Parish Council – Support

- 6.2 Made comments in support of the application

6.3 County Highways Development Management

- 6.4 No Objection subject to recommended conditions as set out on the previously approved application.

6.5 County Transport Team

- 6.6 The cycle parking should be located near to the turnstiles and the main building rather than at the far end of the car park. This will provide more

overlooking of the cycle parking for security and is more convenient location.

6.7 Lead Local Flood Authority

6.8 1st and 2nd comments – Objection – Further information required

6.9 3rd Comments – No Objection

6.10 Environment Agency

6.11 No Response

6.12 Anglian Water

6.13 No Response

6.14 Urban Design and Conservation Team

6.15 From an urban design perspective, officers raise concerns about the quality of the revised designs proposed, particularly for the main stand and turnstile building (replacing the ticket office) and request further detailed information about the materials and colours of several of the features. Its considered that the proposals would not be fully meeting policy HQ/1 (design principles) (c) and (d) of the District Local Plan (2018).

6.16 Landscape Officer

6.17 1st Comments – Concern – There has been a reduction in quality to the buildings across the scheme.

6.18 Landscape proposals should be reviewed in light of the changes to the layout and landscape. Tree species and locations of fenced areas should be marked on a plan and agreed with the LPA.

6.19 Ecology Officer

6.20 No Objection

6.21 Sport England

6.22 No Objections

6.23 Environmental Health

6.24 No Further Comments

6.25 Police Architectural Liaison Officer

6.26 Concern regarding secure fencing, lighting and CCTV coverage of the cycle store.

6.27 Archaeology

6.28 No Objections

7.0 Third Party Representations

7.1 No representations have been received.

8.0 Member Representations

Not applicable

9.0 Local Groups / Petition

Not applicable

9.1 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 Section 73 of the Town and Country Planning Act provides applications for planning permission to develop land or change the use of land or a building without complying with conditions previously imposed on a planning permission. In determining such an application under S73, the decision maker must take into account any changes in circumstances since the parent permission was issued.

10.3 In this case, there has been no relevant material change in circumstances at the site.

10.4 Advice within the National Planning Practice Guidance states that the original planning permission will continue to exist whatever the outcome of the application under section 73 and to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. In granting permission under section 73 the Local Planning Authority may also impose new conditions - provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

10.5 In deciding an application under section 73, the Local Planning Authority must only consider the disputed condition/s that are the subject of the application - it is not a complete re-consideration of the application, (Paragraph 031). The Local Planning Authority can grant permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved

10.6 Having regard to the established principle of the development, consideration of the application therefore turns to examining the impact of varying the conditions on the character of the area, impact in respect to openness of the Green Belt, any highways safety implications or harmful ecological implications.

10.7 Green Belt Impact

10.8 The original proposal granted planning permission under application reference S/2239/13/FL for the erection of a football ground for Cambridge City Football Club and the creation of a new community recreational space.

10.9 In the previous officers report of the consented scheme, it stated that the proposal would compromise inappropriate development in the Green Belt, which Very Special Circumstances (VSC) are required to justify permitting the application proposal. It also concluded by stating that the structures and associated floodlighting would have an adverse impact within the surrounding landscape.

10.10 Committee Members discussed the scheme at Planning Committee and agreed that the development would amount to inappropriate development in the Green Belt and that the development should not be approved except where VSCs could be demonstrated. Members agreed that the proposal provided VSC's including significant community benefits, ecological enhancements and improvements to the local landscape that outweighed the harm to the Green Belt.

10.11 The proposal seeks to amend the design of the stadium which includes:

- Revised design of the main stand
- Open stand on north and west terrace reduced to 32.2m in length.
- East terrace reduced to 36.8m.
- Ticket Office has been removed
- Relocation of the substation to the west of the main stand
- Relocation of cycle store
- Increase scale of the ground store to 10m x 10m.

- 10.12 The amendments to the stadium which include reduction in scale of the main stadium particularly its height and bulk.
- 10.13 The proposed alterations to the design of the main stand would remove the supporting struts and cables on the roof and would be a more simplified design which would have a pitched roof, hidden by a parapet. The overall height would be reduced to 9.5m, although its width and depth would remain the same.
- 10.14 The reduction in scale of the northern, eastern and western terraces; and the removal of the ticket office would result in a decrease in built form and footprint. As a result, the proposal would have a negligible impact on the openness of the Greenbelt.
- 10.15 The minor increase in scale of the ground store and relocation of the bike stores and substation would also have a negligible impact due to their siting behind the main built form of the stadium and being screened by proposed vegetation.
- 10.16 Therefore, due to the reasons outlined above, the amended design is not considered to cause any undue harm to the openness of the Green Belt over and above that of the approved scheme S/2239/13/FL and is considered to be in conformity with Section 13 of the NPPF, and Local Plan Policies S/4 and NH/8.

10.17 Design, Layout, Scale and Landscaping

- 10.18 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.
- 10.19 The application seeks to make alterations to the design and scale of the main stadium aspect of the proposal, amendments to the scale of the other terraces as well as some other alterations which include removing the ticket office, relocating the substation and relocating the main cycle parking.
- 10.20 Work has commenced on the site including the removal of trees and vegetation, the laying of tarmac and the start of the construction of the main stand.
- 10.21 Paragraph 130 of the NPPF seeks to ensure that the quality of approved schemes is not diminished through amendments and careful consideration has been given in the assessment of the revised proposal.

Main Stand

- 10.22 The approved stadium design included a large main stand measuring some 67m in width, 10.2m in height and 22m in depth. The design benefits from a large canopy and supporting struts and associated cabling that extends across the frontage and seating area of the stands. The approved materials are insulated panels with glass.
- 10.23 As highlighted above, the proposed alterations to the design of the main stand would remove the supporting struts and cables on the roof and would be a more simplified design which would have a pitched roof, hidden by a parapet. The overall height would be reduced to 9.5m, although its width and depth would remain the same.
- 10.24 Furthermore, the proposed design of the front façade would be altered so that instead of insulated panels with glass, the materials would consist of slate grey, black and white Trimapanel and some standard glazing units with aluminium surrounds. Although the proposed design would be simplified from the previously approved materials and design, it would still resemble the football club's colours and would not appear too dissimilar to the originally approved scheme in terms of its colour palette.
- 10.25 The Urban Design Officer has been consulted on this aspect of the scheme and has stated that the loss of the cantilevered roof form and that the materials are not as visually attractive. It is concluded that the Urban Design Officers preferred the appearance of the consented scheme in comparison to the proposed design.
- 10.26 It is agreed that the proposed design is more simplistic in comparison to the consented scheme, however the applicant has advised that the increase in build costs has had a significant impact upon the financial viability of the build. Therefore, the club have had to review the scheme in order to be able to still deliver the project.
- 10.27 Due to the reasons outlined above, the proposed alterations to the main stand, although more simplified in design, would not be too dissimilar to the previously consented scheme and would not cause harm to the character and appearance of the area.

Amendments to Terrace buildings

- 10.28 The application also seeks to make amendments to the northern and western terrace buildings as well as the eastern terrace building.
- 10.29 The tables below shows the proposed alterations in scale to the northern, eastern and western terraces.

Consented Terrace Sizes

Terrace	East	West	North
Original Height	4.77	4.77	4.77
Original Width	68.5m	68.5m	105m

Proposed Terrace Sizes

Terrace	East	West	North
Proposed Height	4.5m	4.5m	4.5m
Proposed Width	36.8m	32.2m	32.2m

- 10.30 The eastern terrace does include space for disabled supporters.
- 10.31 As noted in the applicant's original Design and Access Statement the average attendance for Cambridge City FC's games for the last 5 years has been 338 but on occasions there has been attendance levels of around 1000 people. This document also states that in order for Cambridge City Football Club to be promoted they must have a stadium capacity of at least 3000 people. Although the scale of the stands has been reduced, the ground would still be able to achieve a capacity of 3000 people.
- 10.32 Regarding this aspect, although the scale of the stands is being significantly reduced, the design would be almost identical to the approved scheme and as such would not cause harm to the character and appearance of the area. Materials are to be sought by condition.

Other Design Amendments

- 10.33 The proposal seeks to also make more minor amendments to the consented design through the removal of ticket office building, and replacement with a turnstile building; the increase in size of the ground store and relocation of the substation; and the relocation of some of the cycle parking.
- 10.34 The consented ticket office building was attached to the south western elevation of the Main Stand. It benefitted from a permanent appearance in a prominent location and benefitted from a large glazed frontage.

- 10.35 The proposal seeks to remove the ticket office building and replace it with turnstiles. Similarly to the design amendments above, this aspect of the scheme has been simplified owing to the build cost implications. Whilst not as grand as the original proposal, its appearance would not harm the overall character of the site and wider locality.
- 10.36 The proposal also seeks to relocate the main cycle parking towards the north western end of the site, directly adjacent to the 3G practice pitch where 160 spaces would be provided. Some cycle parking would still be located in the original location at the front of the site (20 spaces would be available).
- 10.37 The applicant has stated the reason behind this is due to the requirement for greater space for emergency vehicles and that they expect the majority of the cyclists would be visiting the 3G pitch, it would also move the cycle storage away from the potentially busy car park. The relocation of the cycle store is considered to have a minor impact on the overall appearance of the site and is not considered to cause harm to the character and appearance of the area.
- 10.38 The urban design Officer has commented on the increase of scale of the ground store and relocation of the substation and has raised no concerns. These aspects of the proposal are not considered to cause harm to the character and appearance of the area.
- 10.39 The Urban Design officer has raised comments and concerns regarding the proposal. As stated, the revised design is required in order for the proposal to be financially viable. In addition to this, the original planning permission was highly aspirational for a football club of its stature.
- 10.40 The proposal in its simplified form will enable the project to proceed through to completion due, in the main, to a revised appearance of the main stand and scaling back of the terraced stands. These amendments would not cause harm to the character and appearance of the area and its wider setting.
- 10.41 Although some conflict is identified with parts of policy HQ/1 of the Local Plan by the urban design officer, this is in the context of an initially more aspirational design. Therefore, taken as a whole, the proposal is considered to provide an appropriate design solution which reflects the size of the football club and its supporters. The proposal is therefore, considered to comply with the NPPF and Local Plan policies HQ/1 and NH/8.

Landscape Impact

- 10.42 Policy NH/2 states that development will only be permitted where it respects and retains, or enhances the local character and distinctiveness of the local landscape.

- 10.43 The proposal seeks to make a number of alterations to the site, the principle of development has been established and it is therefore only necessary to assess the amendments being sought as part of this application.
- 10.44 The Landscape Officer has been consulted on the scheme and has raised several concerns regarding the age of the originally approved landscape details which are more than seven years old. They also have concern regarding the reduction in quality of form and finish of the proposal and that this would now result in larger areas of Bitmac (tarmac) that would be visually prominent.
- 10.45 Although the Landscape Officer has concerns, it is possible for the Local Planning Authority to control and enhance the proposed landscaping around the site by the addition of a suitably worded condition (Condition 2) which would allow for additional planting and the location of specific landscaping area including boundary treatment.
- 10.46 It is also acknowledged that the scheme is being simplified, however as noted above, the reasons for this have been outlined.
- 10.47 Overall, the proposed development is not considered to cause harm to the wider landscape and subject to a further condition, can provide additional landscaping which would contribute positively to its surroundings. The proposal is compliant with South Cambridgeshire Local Plan (2018) policies NH/2, NH/6 and SC/9 and the NPPF.

10.48 Biodiversity

- 10.49 In consultation with the Council's Ecology Officer, subject to appropriate conditions 19, 20 and 21, 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.

10.50 Water Management and Flood Risk

- 10.51 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.
- 10.52 The Local Lead Flood Authority has advised that as a result of additional information that has been submitted that they have no objections to the proposed development
- 10.53 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions 22, 23, 24 and 30 the proposal is

in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.

10.54 Highway Safety and Transport Impacts

- 10.55 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.
- 10.56 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.
- 10.57 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.
- 10.58 The proposal is not seeking to make any amendments to the consented access or any other highways related matters.
- 10.59 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 to conditions and S106 mitigation.
- 10.60 Subject to conditions 5, 6, 7, 8, 9, 10 and 11, the proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.

10.61 Cycle and Car Parking Provision

- 10.62 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.

Cycle Parking

- 10.63 The proposal seeks to relocate cycle parking of which 160 spaces were located at the front/southern portion of the site adjacent to the main car park; and some cycle parking located adjacent to the 3G pitch at the north of the site.
- 10.64 The proposal seeks to move the 160 spaces to the north western section of the site so that it is directly adjacent to the 3G pitch. The applicant has

confirmed that the reason behind the relocation is that the currently approved location was very close to the car park which although made it more visible may have caused a greater risk to cyclists. In addition to this, they have stated that the majority of cyclists would be using the 3G pitch and would be closer to this.

10.65 Through negotiations with the applicant, there would still be 20 covered cycle spaces close to the original location of the proposal. As stated on plan number there would be 162 spaces adjacent to the 3G pitch and 20 spaces to the south of the site. The proposal would not result in a reduction of cycle spaces and would not alter the proposals compliance with Policy TI/3 of the Local Plan.

10.66 The proposal is considered to be acceptable in this regard.

Car Parking

10.67 The proposal does not seek to amend or alter the approved car parking layout and as such the proposal would still be acceptable in this regard.

10.68 Subject to condition 5, 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.

10.69 Amenity

10.70 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.

10.71 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.

10.72 Due to the distance between the proposal and the closest residential property, as well as the nature and scale of the proposed design alterations, the amended proposal is not considered to result in any undue harm over and above that of the previously consented scheme.

10.73 No objections have been received from neighbouring occupiers. A site visit has been undertaken. Given the adjacent context, location, size, and

design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts.

10.74 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.

10.75 Other Matters

10.76 A concern has been raised from the Police Architectural Liaison Officer regarding the cycle parking now being in a most secluded location and whether the proposed cycle parking would be lit and have CCTV. The applicant has confirmed that the location would not be more secluded and although further away from the main stand and less visible, would still be in an area of high pedestrian movements for the site and as such would still benefit from natural surveillance. Moreover, the applicant has confirmed that the cycle parking area would be lit and would have CCTV. Although plans of the cycle parking have been provided a condition has been added so that further details including the CCTV and lighting can be provided.

10.77 Planning Conditions

The table below sets out the current position in relation to the discharge of conditions on the original planning permission.

Original Condition No.	New condition No. (below)	Summary	Discharged Y/N
1	n/a	Time Limit	Compliance Condition no longer required
2	1	Plan Numbers	Compliance Condition – Amended within this application
3	2	Landscaping	Discharged but further information required for this application
4	4	Arboricultural Method Statement	Discharged
5	2	Boundary Treatment	Discharged but further details required
6	3	Materials	Discharged but further information required for this application

7	5	Parking	Compliance Condition
8	6	Cycle Parking	Amended within this S73 application
9	8	Footway	Discharged
10	7	Travel Plan	Not Discharged
11	9	On Road Cycle Lane	Not Discharged
12	10	Traffic Surveys	Not Discharged
13	11	CEMP	Discharged
14	12	Hours of Use	Compliance Condition
15	13	Car Boot Use	Compliance Condition
16	14	Power Driven Equipment Hours	Compliance Condition
17	15	Details of Power Driven Equipment	Not Discharged
18	16	Acoustic Mitigation	Not Discharged
19	17	External Lighting	Not Discharged
20	18	Floodlight Hours	Compliance Condition
21	19	Ecological Enhancement	Discharged
22	20	Bat and Bird Nest Boxes	Discharged
23	21	Ecological Mitigation Measures	Compliance Condition
24	22	Foul water Drainage	Discharged
25	23	Surface Water Drainage	Discharged
26	24	Waste Management For Surface Water Run Off	Discharged
27	25	Land Contamination	Discharged
28	26	Fire Hydrants	Compliance Condition
29	27	Site Waste Management Plan	Discharged
30	28	Renewable Energy	Discharged
31	29	Water Conservation	Discharged
32	30	Long Term Maintenance Arrangements for SUDS Features	Not Discharged

10.78 Planning Balance

- 10.79 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).
- 10.80 Whilst some concerns have been raised by the Urban Design and the Landscape Officers in terms of the appearance of the development compared to the original proposal, there are fundamental reasons for this, most significantly the increase in build costs. This has had a knock-on effect in terms of what the club can afford to deliver. Therefore, whilst a more simplistic design is now proposed, it is considered to be visually appropriate and reflective of the size and scale of the football club. Overall is not too dissimilar to the previously consent scheme S/2239/13/FL.
- 10.81 Taken as a whole, the proposed development would constitute a minor material change to the previously approved scheme, and would have no additional or adverse impact upon the Green Belt or character and appearance of the area and as such there would be no conflict with Paragraph 130 of the NPPF.
- 10.82 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.

10.83 Recommendation

10.84 **Approve** subject to:

- 10.85 The planning conditions set out below, with minor amendments to the conditions as drafted delegated to officers.
- 10.86 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.

11.0 Planning Conditions

Conditions in Full

1. 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.

2. Details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

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

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.

3. Prior to the construction of the main stand and terrace stands, details of the external materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the 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 development shall be carried out in accordance with the approved Arboricultural Method Statement by AGB Environmental Ltd dated 31st May 2017.

Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire District Council Local Plan 2018

5. The use, hereby permitted, shall not commence until parking has been laid out within the site in accordance with the details within drawing number 107 REV T.

Reason: In the interests of highways safety in accordance with Policy HQ/1 of the South Cambridgeshire District Council Local Plan and Section 9 of the NPPF

6. The development, hereby permitted, shall not be occupied or the use commenced, 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.

7. No buildings shall be occupied until an updated Travel Plan and Event Management Plan have been submitted to and approved in writing by the Local Planning Authority. Nine (9) months following first occupation, a further updated Travel Plan and Event Management Plan, to include the Baseline survey results, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be updated and monitored at least annually. The plans shall be implemented in accordance with the approved details and any subsequent revisions.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire District Council Local Plan 2018.

8. The proposed footway shall be carried out in accordance with the approved details on submitted drawing number 792-500 Rev B.

Reason: In the interests of highway and pedestrian safety in accordance with Section 9 of the NPPF and Policy TI/2 of the South Cambridgeshire DC Local Plan 2018

9. The development shall not be brought into use until the on-road cycle lane on Babraham Road has been constructed in accordance with details approved in writing by the Local Planning Authority.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire District Council Local Plan 2018).

- 10.** Before the use commences, additional traffic surveys shall be carried out within a neutral month during school/university term-time (to be agreed beforehand with the Local Planning Authority) at the junctions of the A1307/Babraham High Street and the A505/Pampisford Wych. Repeat surveys shall be undertaken in the same locations and at the same time of year following the opening of the stadium. The results of the repeat surveys shall be submitted for the consideration and approval of the Local Planning Authority and shall be used to improve and tailor the Travel Plan and Event Management Plan (if required) both of which will be monitored on an annual basis.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire Local Plan 2018.

- 11.** The Contractors details as previously approved and detailed on drawing number 792-P22 Rev A (Proposed Site Plan / Contractors Compound) and 'mobile mini' plans) showing an office, canteen, toilet, drying room and storage container shall be carried out in accordance with these details.

Reason: In the interests of residential amenity in accordance with Policies HQ/1 of the South Cambridgeshire District Council Local Plan 2018

- 12.** The stadium and car park hereby permitted shall not be used other than between the hours of 7am-11pm Monday-Saturday and 9am-10pm on Sundays and bank holidays.

(Reason - To protect residents from noise disturbance in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 13.** 13 Car boot sales on Sundays shall only take place between the hours of 10am-2pm, with no set-up prior to 9am.

(Reason - To protect residents from noise disturbance in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 14.** During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To protect residents from noise disturbance in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 15.** Details of the location and type of any power driven plant or equipment, including the tannoy system, shall be submitted to and approved in writing

by the Local Planning Authority before such plant or equipment is installed, the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.

(Reason - To demonstrate compliance with the proposed target noise criteria listed in table 8 of the MLM noise impact assessment report, in order to protect the occupiers of nearby dwellings from the effect of noise in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.)

- 16.** Before the use, hereby permitted, commences details of acoustic mitigation of the building shall be submitted to and approved in writing by the Local Planning Authority and the scheme implemented in accordance with the approved details.

Reason: in order to protect the occupiers of nearby dwellings from the effect of noise in accordance with Policies HQ/1 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.

- 17.** No external lighting, including floodlighting, shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policies HQ/1 and SC/9 of the South Cambridgeshire District Local Plan 2018.)

- 18.** Any floodlighting shall be time-controlled and switched off 30 minutes after the end of each match, and by 22.30 hours at the latest.

Reason: in order to protect the occupiers of nearby dwellings from the effect of noise in accordance with Policies HQ/1, SC/9 and SC/10 of the South Cambridgeshire District Council Local Plan 2018.

- 19.** The ecological enhancement scheme shall be implemented prior to the occupation of the development hereby permitted in accordance with the following drawings and reports:-.792_1000A Ecological Management Plan.792-15/FEMP.

(Reason - To enhance ecological interests in accordance with Section 15 of the NPPF and Policy NH/4 of the South Cambridgeshire DC Local Plan 2018)

- 20.** The bat and bird nest boxes shall be implemented prior to the occupation of the development hereby permitted in accordance with the following drawings and reports:-.792_1000A Ecological Management Plan.792-15/FEMP.

(Reason - To enhance ecological interests in accordance with Section 15 of the NPPF and Policy NH/4 of the South Cambridgeshire DC Local Plan 2018)

- 21.** The mitigation measures shall take place in accordance with (but not restricted to) the mitigation measures set out within the 'Badger Survey and Scheme of Mitigation' and Invertebrate Survey' reports by Aurum Ecology dated November 2014.

(Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Section 15 of the NPPF and Policy NH/4 of the South Cambridgeshire DC Local Plan 2018) and their protection under the Wildlife and Countryside Act 1981.)

- 22.** The foul water drainage scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawings: Proposed Drainage Layout Sheet 1 (665858-DWGSBU-100, P3. Proposed Drainage Layout Sheet 2 (665858-DWG-SBU101, P3. Proposed Drainage Layout Sheet 3 (665858-DWG-SBU-102, P3.

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy CC/8 and CC/9 of the South Cambridgeshire District Council Local Plan 2018.)

- 23.** The surface water drainage scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawings: Proposed Drainage Layout Sheet 1 (665858-DWG-SBU-100, P3. Proposed Drainage Layout Sheet 2 (665858-DWGSBU-101, P3. Proposed Drainage Layout Sheet 3 (665858-DWG-SBU102, P3.

(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses, in accordance with Policy CC/8 of the adopted South Cambridgeshire District Council Local Plan 2018, and to prevent the increased risk of flooding on site and elsewhere by ensuring a satisfactory method of surface water disposal in accordance with Policy CC/9 of the South Cambridgeshire District Council Local Plan 2018).

- 24.** Other than the enabling works which shall take place in accordance with the site waste management plan report SWMP_010315, no development shall take place until a scheme to treat and remove suspended solids from surface-water run-off during for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

(Reason - The proximity of watercourses around the site and, indeed the proposal to realign some of the watercourses, given that they are

tributaries just approximately 500m upstream of a Water Framework Directive waterbody, the River Granta, in accordance with Policies CC/8 and CC/9 of the South Cambridgeshire District Council Local Plan 2018.

- 25.** The land contamination remediation scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawings and reports: .772383-REP-ENV001 Rev 1.772383-DWG-ENV-002.

Reason (a) - 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 South Cambridgeshire District Council Local Plan 2018.

- 26.** The scheme for the provision and location of fire hydrants shall be implemented prior to the occupation of the development hereby permitted in accordance with the following drawings: -.792-103.3265 M001 rev P2 - proposed incoming mains cold water service.

(Reason - To ensure an adequate water supply is available for emergency use.)

- 27.** Other than the enabling works which shall take place in accordance with the site waste management plan report SWMP_010315, no development shall take place until a Site Waste Management Plan for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

(Reason - To ensure that waste arising from the development is minimised and that which produced is handled in such a way that maximises opportunities for re-use or recycling.

- 28.** The renewable energy scheme shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following report: .3265 L2A Report Rev P1.

(Reason - To ensure that the scheme generates at least 10% of its energy from renewable sources in accordance with Policies CC/1 and CC/2 of the South Cambridgeshire Local Plan 2018.)

- 29.** The water conservation strategy shall be fully implemented prior to the occupation of the development hereby permitted in accordance with the following drawing and report: .792-15/WCS.665858-DWG-SBU-101 P3.

(Reason - To ensure that the development incorporates all practicable water conservation measures, in accordance with Policy CC/4 of the South Cambridgeshire Local Plan 2018.).

- 30.** Details for the long term maintenance arrangements for the surface water drainage system (including all SUDs features) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

(Reason: to ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of the NPPF and Policy CC/8 of the South Cambridgeshire District Council 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 7



Planning Committee Date Report to	09 November 2022 South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference Site	22/01272/FUL 33 South Road, Great Abington, Cambridgeshire
Ward / Parish Proposal	Linton/Great Abington Parish Council Demolition of existing hay-store and erection of a single detached dwelling including all associated external works and re-instatement of granny annexe to stables/ancillary buildings servicing 33 South Road.
Applicant Presenting Officer	Mr And Mrs S Wincox Sumaya Nakamya
Reason Reported to Committee	Called-in by Great Abington Parish Council
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Principle of development2. Impact of the development upon the character and appearance of the area3. Highway safety4. Residential amenity5. Ecology
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks permission for the demolition of existing hay-store and erection of a single detached dwelling including all associated external works and re-instatement of granny annexe to stables/ancillary buildings servicing 33 South Road.
- 1.2 The principle of a residential development on the site adjacent to the formal piggery site would not normally considered acceptable outside the development framework. However, Policy GAL/2 of the adopted Neighbourhood Plan of Great Abington allows one additional dwelling on, or adjacent to, the site of each original piggery. The proposal includes a detached garage and dwelling will be positioned adjacent to a former piggery stable, now being used as a hay store.
- 1.3 The siting, scale, massing and elevational treatment of the proposal will be in keeping with the overall character and appearance of the area. The proposed dwelling will be two storeys with having accommodation within the attic space. The design of the dwelling will be simple with a dual pitch roof design with intersecting element into the roof form which is similar to 17 existing dwellings in the area. Furthermore, the proposed material, colour and textures of the proposal would also be appropriate and proportionate in appearance.
- 1.4 Officers recommend that the Planning Committee approve the proposed development subject to conditions outlined in the report.

2.0 Site Description and Context

None relevant	x	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

- 2.1 The site is located outside the Great Abington village framework and in the countryside. No. 33 South Road is a detached dwellinghouse located to the north of the South Road and occupies former piggery stables and outbuildings. There are several outbuildings further towards the rear of the site presumably ancillary to the existing dwellinghouse. These linear outbuildings are used as carports and an annexe located west of the

piggery. The site is accessed off South Road and with its main turning circle at the rear of property.

2.2 South Road is a non-adopted road that provides access to properties along South Road.

2.3 There is a gradual incline of the site where No.33 is sited lower to the application site.

3.0 The Proposal

3.1 The proposal seeks permission for the demolition of existing hay store (former piggery) and the erection of a single detached dwelling including all associated external works and re-instatement of granny annexe to stables/ancillary buildings servicing No.33 South Road.

3.2 The proposed dwelling will have a gable portion intersecting the front section of the pitched roof with two small dormers on the eastern side of the roof slope and, there will be a chimney on the side gable end of the dwelling. The rear elevation will have two gables intersecting the roof positioned below the ridge line of the roof. The proposed fenestrations on the dwelling will be proportionate and appropriately arranged befitting the overall design of the dwelling. Render for the walls with a section of cladding below the front largest dormer is proposed. Brickwork for the plinth and chimney will be used for the external materials with tiles for the roof covering.

3.3 A double garage with cycle store is proposed on the western side of the dwelling. It will be constructed from brickwork with a tiled roof. The garage will be of a scale and design appropriate to its use.

3.4 The application has been amended to address some of the Parish Councils concerns and further consultations have been carried out as appropriate.

4.0 Relevant Site History

4.1 There are no relevant planning history on this site.

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

Environment Act 2021

Equalities Act 2010

5.2 South Cambridgeshire Local Plan 2018

S/3 – Presumption in Favour of Sustainable Development

S/5 – Provision of New Jobs and Homes

S/7 – Development Frameworks

S/10 – Group Villages

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

CC/4 – Water Efficiency

CC/6 – Construction Methods

CC/7 – Water Quality

CC/8 – Sustainable Drainage Systems

CC/9 – Managing Flood Risk

HQ/1 – Design Principles

NH/4 – Biodiversity

H/12 – Residential Space Standards

TI/2 – Planning for Sustainable Travel

TI/3 – Parking Provision

TI/8 – Infrastructure and New Developments

TI/10 – Broadband

5.3 Neighbourhood Plan

Great Abington Former Land Settlement Association (LSA) Estate (made 21 February 2019)

GAL/2 - Additional Dwellings

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:

District Design Guide SPD – Adopted March 2010

6.0 Consultations

- 6.1 Parish Council – Object**, recommended a refusal for the following reasons:
- The Neighbourhood Plan says any new dwelling should be on or adjacent to the old piggery site, not a hay store.
 - Heights of the proposal is contrary to the Neighbourhood Plan.
 - Dwelling is closer to the road than the original dwelling so does not meet the requirements of the Neighbourhood Plan.
 - Having two dwellings so close together could be seen as possible over-development of a small area of the plot.
- 6.2 County Highways Development Management**
- 6.3 As South Road, Great Abington is not adopted public highway, no significant adverse effect upon the Public Highway should result from this proposal.
- 6.4 Internal Drainage Board**
- 6.5 The development proposed is acceptable subject to the imposition of the condition(s) requiring details of surface water and foul water to be submitted for approval.
- 6.6 Ecology Officer**
- 6.7 No objection subject to conditions requiring compliance condition to be attached to the approval and a prior occupation condition requiring a scheme of biodiversity enhancement to be submitted for approval.
- 6.8 Environmental Health**
- 6.9 No objection subject to conditions restricting site operation hours and requiring a Construction Environmental Management Plan together with an informative requiring a demolition notice to be submitted.
- 6.10 National Highways**
- 6.11 No objection.
- 7.0 Third Party Representations**
- 7.1 One representation received in support of the application. The comments are summarised as following:
- 7.2 The application complies with the neighbourhood plan and sits far back from the road behind a well-established hedge. Great design and fitting with the surrounding properties, which are currently being built on each plot.

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

8.0 Assessment

8.1 Principle of Development

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

8.3 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.

8.4 The site is located outside of the Great Abington village framework and on the former Land Settlement Association Estate in the countryside.

8.5 The principle of residential developments is not normally considered acceptable in such locations. However, Great Abington has had a Neighbourhood Plan adopted. Therefore, this forms a material consideration that carries full weight in determining this application.

8.6 Policy GAL/2 of the Neighbourhood Plan states that the development of one additional dwelling on, or adjacent to, the site of each original piggery will be supported provided that the development will not result in more than one additional dwelling for each original house on the Land Settlement Association Estate at the 1983 baseline.

8.7 Furthermore, the policy also states that proposals to replace an existing annex or an existing dwelling that is the additional dwelling associated with an original dwelling as at the 1983 baseline, or that seek to remove any occupancy restrictions on these same existing dwellings or annexes will be considered against the requirement of this policy.

8.8 Also, other residential development proposals requiring planning permission that result in additional dwellings in the Neighbourhood Plan area (including residential conversions and new rural dwellings) shall be resisted.

8.9 The application proposes to demolish the existing haystore which was a former piggery stable and erect a single detached dwelling and garage including all associated external works. The existing annex will be converted back to stables, removing the existing ancillary accommodation. The removal of this existing accommodation will be controlled by condition.

- 8.10 The development is for one additional dwelling on the site which is considered acceptable in policy terms.
- 8.11 The proposal would therefore comply with Policies S/7 of the South Cambridgeshire Local Plan, 2018 and Policy GAL/2 of the Neighbourhood Plan.

8.12 Design, Layout, Scale and Landscaping

- 8.13 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.
- 8.14 The former Land Settlement Association Estate historically comprised of a group of 62 smallholdings along North Road, South Road, Chalky Road and Pampisford Road to the south of the main village of Great Abington. The plots around these areas are fairly uniform in size and originally consisted of the main dwellinghouse and outbuildings in the form of piggery, sheds and greenhouses. The main characteristics in terms of the land settlement has been largely retained and the Neighbourhood Plan seeks to reinforce the distinctiveness of the openness and rural character and appearance of the area in terms of the siting and design of any new dwellings.
- 8.15 Policy GAL/2 of the Neighbourhood Plan states that development of one additional dwelling on, or adjacent to, the site of each original piggery will be supported provided that:
- 1. the development will not result in more than one additional dwelling for each original house on the Land Settlement estate as at the 1983 baseline;*
 - 2. the additional dwelling has a gross internal floor area of no more than 175 square metres;*
 - 3. the additional dwelling is suitable for independent living and built to the accessible and adaptable dwellings (M4(2) standard);*
 - 4. the design of the dwelling, its landscaping and location on site is sensitive to the open and rural character of the Land Settlement; recognising and reinforcing the defining characteristics of the area (as set out in the Character Assessment);*
 - 5. the additional building does not exceed the height of the principal dwelling it is associated with;*
 - 6. the existing uniformity in the layout of buildings along the road, a key characteristic being the regular separations of open land between holdings, is retained;*
 - 7. the additional dwelling is set back from the roads at least as far as the original piggery but will not be placed significantly further back and within the build line identified on Maps 1 and 2;*

- 8. residential amenity of neighbouring properties and future occupiers of the proposed development will not be adversely affected; and*
- 9. there is safe vehicular site access.*

- 8.16 In relation to No.33 South Road, the proposed dwelling would be adjacent to the site of the original piggery as shown on Map 2 of the Neighbourhood Plan. The proposed detached double garage would be sited on the former piggery stable.
- 8.17 The dwelling measures 171 square metres gross internal floor area at ground and first floor level. Although the proposal also includes a basement (office/store) of 40m², the Neighbourhood Plan makes clear that basements are not included as part of the GIA calculations. The same applies to the proposed detached garage therefore, no objections are raised in this regard.
- 8.18 The Neighbourhood Plan Character Assessment states that all housing in 1983 conformed to the same construction of brick to the end of the first storey with a gambrel roof or half hipped roof and wooden cladding on the first floor. The piggery provided within each LSA plots comprised a timber shed for the pigs with passages on either side There was also a work shed/feed room at one or both ends. The piggery had a gable roof and the work shed had a gambrel roof shape.
- 8.19 The design of the dwelling, its landscaping and location on site is considered be in keeping with the character and appearance of the area. It would have a one and a half storey scale building, simple plan form and dual pitched roof design that would be similar to a number of existing dwellings and piggeries found on the former land settlements. The material of construction is also appropriate and in keeping with the character and appearance of properties in the area.
- 8.20 Revised plans have been received that reduce the height of the dwelling. The applicant confirmed that the ground level of the site would be made lower by approximately 400mm. The site plans shows that the ridgeline of the proposed dwelling is 400mm below that of no.33, although the difference in land levels between the dwellings has not been demonstrated. It is therefore, considered reasonable to impose a condition requiring details of existing and proposed land levels are submitted and agreed prior to construction of the dwelling. Subject to such a condition, the new dwelling would be subservient in height to the principal dwelling (No.33 South Road).
- 8.21 The existing uniformity in the layout of buildings along the road being the regular separations of open land between holdings would be retained as the garage and dwelling would be in close proximity to the site of the former piggery. The existing outbuildings would provide some separation between no.33 and the proposed dwelling and there would also be reasonable separation to the boundary with no.34 to the east.

- 8.22 The former piggery building is set back approximately 15m from the road. The proposed dwelling, at its closest point, would be positioned approximately 8.5m from the road (front projection) with the main building line being 12m from the road. The detached garage would also be set back 12m. Map 2 of the The Neighbourhood Plan shows the piggery sited in front of other outbuildings and in line with the existing dwelling at No.33 South Road.
- 8.23 The proposed dwelling and detached garage would be forward of the front building line of the former piggery. This conflicts with point 7 of policy GAL/2. The applicant has confirmed that the piggery included an outshot to the west side of the piggery building. When the outbuilding (carport) was built approximately 15 years ago, the outshot of the piggery was demolished. The remaining piggery building was retained and has since been adopted to form the hay store. The existing outbuilding (cart lodge) is forward of the former piggery and the proposed detached garage and main building line of the dwelling would be in line with this outbuilding. Although the dwelling and garage would be in front of the existing front building line of the piggery, the siting of the buildings has taken its cue from the existing outbuilding. Furthermore, should the dwelling be set any farther back into the site, it would result in a significant reduction of the private amenity space. Therefore, whilst there is some conflict with the building line requirements of policy GAL/2, it is considered that the proposal is still respectful of the overall character of the locality.
- 8.24 As a means of ensuring the proposed dwelling remains of an appropriate scale in the context of its locality, it is considered reasonable to remove permitted development rights for extensions and outbuildings.
- 8.25 Overall, whilst there is some conflict with parts of Neighbourhood Plan policy GAL/2, the general thrust of the policy is to ensure that proposed dwellings which replace piggery buildings are cognisant to the prevailing character of the area. The proposed development is considered to be of an appropriate scale and design which respects the rural character of the former land settlement association estate. The proposal is compliant with South Cambridgeshire Local Plan (2018) policies HQ/1 and H/12, and Policy GAL/2 of the Neighbourhood Plan.

8.26 Biodiversity

- 8.27 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.
- 8.28 In accordance with policy and circular 06/2005 'Biodiversity and Geological Conservation', the application is accompanied by an ecological survey and assessment.

- 8.29 The application has been subject to formal consultation with the Council's Ecology Officer, who raises no objection to the proposal recommends several conditions to ensure the protection of species and the estimated biodiversity net gain is delivered.
- 8.30 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.

8.31 Water Management and Flood Risk

- 8.32 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.
- 8.33 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.
- 8.34 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.

8.35 Highway Safety and Transport Impacts

- 8.36 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.
- 8.37 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.
- 8.38 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.
- 8.39 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal.
- 8.40 South Road is a single width private road with passing bays. It is also a public right of way. The Parish Council requested a condition to be imposed requiring that construction vehicles be parked on site and not on the highway. A condition will be imposed on the approval.

- 8.41 The development is not considered to be detrimental to highway safety as one additional dwelling for each plot was taken into consideration as part of the Neighbourhood Plan.
- 8.42 The position of the access is considered suitable and is not considered increase the risk of danger to vehicles or pedestrians using South Road.
- 8.43 At least two vehicle parking spaces would be provided on site that would accord with the standards.
- 8.44 Secure cycle parking will be provided within the garage, to ensure the provision of spaces in accordance with the standards.
- 8.45 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. The plans do not demonstrate EV charging. However, it is considered that this can be dealt with by way of condition.
- 8.46 A condition would be attached to any permission to ensure that contractors vehicles are parked on the site and not on South Road. The proposal would therefore comply with paragraph 111 of the NPPF.
- 8.47 Subject to conditions, the proposal is considered to accord with policies HQ/1 and TI/3 of the South Cambridgeshire Local Plan (2018) and the Greater Cambridge Sustainable Design and Construction SPD.

8.48 Sustainable Construction

- 8.49 The Councils' Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change as required by policy CC/1.
- 8.50 Policy CC/3 'Renewable and Low Carbon Energy', requires that Proposals for new dwellings and new non-residential buildings of 1,000m² or more will be required to reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy and low carbon technologies. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring a scheme demonstrating this to be agreed by the LPA.
- 8.51 Policy CC/4 'Water Efficiency' requires that all new residential developments must achieve as a minimum water efficiency to 110 litres pp per day and for non-residential buildings to achieve a BREEAM efficiency standard equivalence of 2 credits. Paras 152 – 158 of the NPPF are relevant. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring a scheme demonstrating this to be agreed by the LPA.

8.52 Amenity

- 8.53 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.
- 8.54 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 12m separation is allowed where blank walls are proposed opposite the windows to habitable rooms.

Neighbouring Properties

- 8.55 The properties that would be significantly affected by the proposal is Nos. 33 and 34a South Road.
- 8.56 With respect to overlooking, overbearing, and overshadowing impact, the proposed dwelling is set well away from the neighbouring properties to result in any significant harm to its neighbours. There are no flank windows on the eastern side that would overlook No.34a. The first-floor flank window on the western side would serve a non-habitable window which will be at a distance from No.33, therefore resulting in limited overlooking impact to the principal dwelling (No.33).
- 8.57 All in all, it is considered that the residential amenity of neighbouring dwellings would not be harmed in terms of overlooking, overshadowing or causing an undue sense of enclosure. Therefore, the proposal is considered to be compliant with HQ/1 of the South Cambridgeshire Local Plan, 2018.

8.58 Future Occupants

- 8.59 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.
- 8.60 The proposed dwelling will provide 3 bedrooms, all three rooms are capable of accommodating 2 bed spaces. The dwelling is therefore assessed as a two-storey dwelling of 6 bed spaces, requiring a gross internal area of 106m². The proposed dwelling will have a gross internal area of approximately 171m² square metres. Storage spaces have been provided and would exceed policy requirement. As such, the proposal

would comply with Policy H/12 of the South Cambridgeshire Local Plan (2018).

8.61 External amenity space will be provided at the rear and eastern side of the dwelling. The provision of external amenity space exceeds the requirement set out in the South Cambridgeshire District Design Guide (2010).

8.62 For the reasons outlined above, the proposal is considered to comply with policies H/12 and HQ/1 and the District Design Guide (2010).

8.63 Construction and Environmental Impacts

8.64 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.

8.65 The Council's Environmental Health Team have assessed the application and recommended to grant the application subject to conditions and an informatives. Whilst it is considered that the construction hours condition is reasonable to protect the surrounding properties, due to the limited scale of the development, it is considered that a Construction Environmental Management Plan is not reasonable or necessary for a development of this scale.

8.66 The proposal adequately respects the amenity of its neighbours and of future occupants. 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.

8.67 Third Party Representations

8.68 There are no remaining third-party representations that are not addressed in the preceding paragraphs in the report.

8.69 Other Matters

8.70 Bins have been provided at the rear of the proposed garage and the allocated collection point is proposed south of the proposed access of the site and the distance to the collection point is approximately 14.42m.

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

8.72 Recommendation

8.73 **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. Prior to the commencement of occupation, a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason - To enhance ecological interests in accordance with Policies S/3, HQ/1 and NH/4 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 Ecological Survey and Assessment (Essex Mammal Surveys, March 2022) has already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason - To enhance ecological interests in accordance with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018).

5. Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for one active charge point. The active charge points should have a minimum power rating output of 3.5kW. All other spaces should have passive provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for all remaining car parking spaces to facilitate and enable the future installation and activation

of additional active electric vehicle charge points as required, and this should be demonstrated in the submitted detail.

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, policy TI/3 of the South Cambridgeshire Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2021.

6. No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

7. The development hereby permitted, no construction vehicles shall be parked on the public highway, unless agreed in writing with the Local Planning Authority.

Reason: To minimise disruption and protect amenity for road users, especially for people living and/or working nearby, in accordance with local planning policy.

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

Reason: for the safe and effective operation of the highway.

9. The full width of the access shall be constructed using a bound material, for the first five metres from the boundary of the adopted public highway into the site. These works shall be fully completed prior to the removal of the mass concrete drive other than to install the boundary material required as part of this condition.

Reason: to prevent loose debris from spreading onto the adopted public highway and in the interests of highway safety.

10. The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.

Reason: In the interests of highway safety.

11. No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.

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

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

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

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

13. Prior to the first occupation of the/any dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for that dwelling.

Reason: To contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband across the district, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.

14. Notwithstanding the provisions of Schedule 2, Part 1, Class A and Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the provision of an enlargement to the dwelling or provision within the curtilage of the dwelling house(s) of any building or

enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To ensure that 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.

15. No development shall take place until:
- a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
 - b) The application site has been subject to a detailed 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.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land 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.

16. Prior to the first occupation of the dwellings hereby permitted, the works specified in any remediation method statement detailed in Condition 15 must be completed and a Verification report submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land 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.

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

Reason – To ensure that risks from land contamination to the future users of the land 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.

18. Prior to first occupation of the dwelling hereby approved, the existing annex accommodation as shown on plan no. P 4011-04 shall be permanently removed.

Reason: To appropriately manage growth within the Great Abington Former Land Settlement Association Estate Neighbourhood Plan 2019 area in accordance with Policy GAL/2.

19. The dwelling shall be built to the accessible and adaptable dwellings Building Regulations M4(2) standard.

Reason: To ensure that the dwelling is a lifetime home in accordance with Policy GAL/2 of the Great Abington Former Land Settlement Association Estate Neighbourhood Plan 2019.

20. Notwithstanding the approved plans, prior to construction of the dwelling hereby approved, details of the existing and proposed ground levels as compared with no.33 South Road, shall be submitted to and agreed in writing by the local planning authority. The dwelling shall then be constructed in accordance with the approved details.

Reason: To ensure the proposal dwelling remains lower in height than the principal dwelling (no.33 South Road) in accordance with Policy GAL/2 of the Great Abington Former Land Settlement Association Estate Neighbourhood Plan 2019.

21. There should be no parking of construction vehicles on South Road during the demolition and construction stages of the approved development.

Reason: To ensure the free flow of traffic within South Road in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

Informatives

- 1 Before the existing buildings are demolished, a Demolition Notice will be required from the 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.
- 2 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.

- 3 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 Environment Planning Team.
- 4 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.
- 5 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.

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	09 November 2022
Report to	South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	22/02337/FUL
Site	Land at Rear of 64 Barton Road, Comberton
Ward / Parish	Comberton
Proposal	Single storey 3 bedroom dwellinghouse and associated works.
Applicant	Mr & Mrs Mark and Sally Arnold
Presenting Officer	Charlotte Spencer
Reason Reported to Committee	Called-in by Parish Council Third party representations
Member Site Visit Date	N/A
Key Issues	1. Principle of Development 2. Design, Layout and Scale and Impact on Heritage Assets 3. Amenity 4. Trees 5. Biodiversity 6. Water Management and Flooding 7. Highway Safety and Parking
Recommendation	APPROVE subject to conditions

1.0 Executive Summary

- 1.1 The application seeks planning permission for a single storey 3 bedroom dwellinghouse and associated works.
- 1.2 Officers consider that the proposal would have an acceptable impact on the character and appearance of the Conservation Area and PVAA. It would have an acceptable impact on the residential amenity of neighbouring properties and provide a good standard of living for future occupiers. Subject to conditions, it would have an acceptable impact on trees and biodiversity. Officers consider it would have an acceptable impact on highway safety and would provide sufficient car and cycle parking.
- 1.3 Officers recommend that the Planning Committee approve the application.

2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area	X	Local Nature Reserve	
Listed Building		Flood Zone	1
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	
Protected Village Amenity Area	X	Public Right of Way	X

- 2.1 The application site comprises part of the rear garden of No.64 Barton Road which is a two storey, detached dwelling located to the south of Barton Road. No.64 benefits from a large garden which is set below the main dwelling house.
- 2.2 A Public Right of Way runs alongside the eastern boundary, beyond which lies No.68 Barton Road and the rear garden of No.2 Woottens Close. To the west lies a parcel of undeveloped land beyond which is land forming part of Woottens Farm. To the south of the site lies garden land belonging to No.64 Barton Road which comprises of mature trees, some of which are the subject of Tree Preservation Orders.
- 2.3 The site lies wholly within the Comberton Development Framework and Conservation Area. The southern most part of the site, as it wraps around the land parcel to the west, falls within a Protected Village Amenity Area (PVAA).

3.0 The Proposal

- 3.1 The application is seeking planning permission for the erection of a single storey 3-bedroomed dwellinghouse with associated works.
- 3.2 The proposed dwelling would be located 16 metres from the rear of No.64 Barton Road. It would have a maximum width of 17.1 metres and a maximum depth of 14.3 metres. It would be characterised by a 2.9 metre high flat roof with a 1 metre high chimney stack. It would be constructed in buff brick with timber cladding. The roof would be a sedum roof.
- 3.3 A small detached bin and cycle store would be located to the east of the dwelling house. The existing access to No.64 would be utilised, and the parking for the new dwelling would be sited behind the existing garage.
- 3.4 During the determination process, updated tree information has been submitted and the site plan has been amended to show visibility splays and bound materials to address consultation responses.

4.0 Relevant Site History

Reference	Description	Outcome
S/0654/15/FL	Erection of a dwelling and ancillary access arrangements	Refused 18.02.2016
S/2626/18/FL	Detached dwelling	Refused 20.06.2019

- 4.1 In 2016 an application for a detached, two storey dwelling on this site was refused. It was considered that the proposed development by virtue of its siting, scale and massing would have an adverse impact on the character and appearance of the Conservation Area and would result in harm to the tranquillity of the PVAA; it would result in a detrimental impact on the condition of the oak trees to the south of the site; and the proposal failed to preserve the residential amenity of the occupants of the proposed and existing dwellings.
- 4.2 This application was subsequently dismissed at appeal. The Inspector considered that by reason of the extensive footprint and height that it would erode the open and undeveloped nature of the site. However, no concerns were raised with regard to impact upon existing trees and the amenity of future occupiers.
- 4.3 In 2019 an application for a detached one and a half storey dwelling on this site was refused. It was considered that, by virtue of its siting, scale and massing the dwelling would significantly erode the relatively open and undeveloped nature of the application site and the identified semi-rural

quality which is of significance to the Conservation Area. Subsequently, it failed to preserve or enhance the character and appearance of the Conservation Area and would harm the tranquillity of the PVAA.

- 4.4 The applicant's submitted a request for pre-application advice for the current proposal in 2021. Officers were mostly in support of the proposal subject to further details regarding materials, access, trees and ecology.

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2019

Technical Housing Standards – Nationally Described Space Standard (2015)

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/5 – Provision of New Jobs and Homes

S/7 – Development Frameworks

S/9 – Minor 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

NH/4 – Biodiversity

NH/11 – Protected Village Amenity Areas

NH/14 – Heritage Assets

H/12 – Residential Space Standards

H/16 – Development of Residential Gardens
SC/10 – Noise Pollution
SC/11 – Contaminated Land
TI/2 – Planning for Sustainable Travel
TI/3 – Parking Provision
TI/8 – Infrastructure and New Developments
TI/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:

Development affecting Conservation Areas SPD – Adopted 2009
District Design Guide SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted January 2009

6.0 Consultations

6.1 Parish Council – Object

- 6.2 Does not support and asks for it to be referred to Planning Committee for the following reasons:

- Apparent impact on the adjacent Public Footpath;
- Impact on the PVAA;
- Impact on protected species;
- Vehicle and pedestrian splays on the B1046.

6.3 County Highways Development Management – No Objection

- 6.4 Further Comments 27.10.2022

- 6.5 If a condition regarding the bound material to ensure either bound material or existing concrete drive is in place during construction works then the request by the Highway Authority that the application be refused will be overcome.

- 6.6 Original Comments received 22.07.2022:

- 6.7 The inter-vehicular visibility splays appear to cross third party land that is not under control of the applicant and this is not acceptable. The Highway Authority requests that the application be refused unless the applicants provide a drawing showing inter-vehicle and pedestrian visibility splays.
- 6.8 If the Planning Authority is minded to approve please add conditions regarding:
Falls and Levels of the access;
Bound Materials;
Width of access;
- 6.9 Definitive Maps Officer – No objection**
- 6.10 No objection but the full width of the public footpath must remain open and unobstructed at all times. Please add informatives.
- 6.11 Sustainable Drainage Officer – No objection**
- 6.12 The proposals are not in accordance with Policies CC/7 and CC/8 as they have not demonstrated suitable surface water drainage provision. This can be dealt with by way of condition.
- 6.13 Conservation Officer – No objection**
- 6.14 There will be no impact on the setting of the listed buildings that are closest to the plot.
- 6.15 The proposed scheme is modern in design, but due to the levels in the site and the proposed sedum roof the impact on the surrounding area would be minimal once constructed. It is considered that the proposal would preserve the character and appearance of the Conservation Area.
- 6.16 The single storey house would cover a large footprint, but with appropriate detailing and construction, it could be a light addition. The choice of materials are supported.
- 6.17 The pallet of materials is appropriate to the site and no Conservation Conditions are considered necessary.
- 6.18 Ecology Officer – No objection**
- 6.19 The site sites within the Impact Risk Zone for Eversden and Wimpole Woods SAC and consultation with Natural England may be required.
- 6.20 The badger survey has confirmed that a badger sett is located to the west of the site. However, at a distance that is unlikely to be impacted by the construction of the building as long as there is no percussive piling used.
- 6.21 Sufficient ecological information has been submitted to determine the application. Conditions and informatives required covering:

- Wildlife and Countryside Act
- Nesting birds
- Species protection
- Biodiversity Net Gain

6.22 Tree Officer – No objection

6.23 Further Comments received 26.09.2022 (following receipt of additional information):

6.24 There is now sufficient arboricultural information. There is no negative material impact to trees.

6.25 Original comments received 09.08.2022:

6.26 The Tree and Impact Survey is dated June 2018. It contains limited information in relation to trees to the site and neighbouring land. It also states it is only valid for a year.

6.27 An up to date Arboricultural Impact Assessment, Tree Protection Plan and Tree Method Statement need to be provided in accordance with BS 5837 (2012).

6.28 Environmental Health – No objection

6.29 No objection subject to conditions and informatives covering:

- Construction times
- Construction Environmental Management Plan
- Air Source Heat Pumps

6.23 The above consultation responses are a summary of the comments that have been received. Full details can be inspected online via the Council's website.

7.0 Third Party Representations

7.1 Nine representations have been received. In addition, a petition comprising 8 signatures from 7 addresses was received.

7.2 Those in objection have raised the following issues:

Character, appearance and scale and impact on heritage assets

- Proposal would not preserve or enhance the Conservation Area;
- Proposal would have a detrimental impact on the PVAA;
- Impact on the Public Footpath;
- Driveway would detract from country footpath feel;
- Proposal would detract from the attractive garden;
- Would be seen from upper windows of neighbours properties.

Highway safety

- Concern about the visibility on the main road.

Ecology

- Concerns regarding the impact on badgers;
- Badger survey is incomplete
- Soakaway to be a disturbance of an active sett
- Impact on wildlife in the wider site

Impact on and loss of trees

- Impact on the mature protected oak trees
- Would result in pressure to prune or remove the trees

Other

- There is an upstairs and downstairs on the plan
- The existing fence is inappropriately tall and cannot be used to justify any approval.

- 7.3 The above representations are a summary of the comments that have been received. Full details can be inspected online via the Council's website.

8.0 Assessment

Principle of Development

- 8.1 Policy S/7 of the Local Plan states that development and redevelopment of unallocated land and buildings within development frameworks will be permitted provided that: development is of a scale, density and character appropriate to the area and is consistent with other policies; that the site does not form an essential part of the local character and; there is the necessary infrastructure capacity. Policy S/9 identifies Comberton as a Minor Rural Centre and states that residential development up to 30 dwellings will be permitted within the development frameworks.
- 8.2 The site lies within the Development Framework and the proposal is for one dwelling. As such, subject to other material considerations which will be discussed in the report below, a new residential dwelling in this location is acceptable in principle.

Design, Layout, Scale and Landscaping and Impact on Heritage Assets

- 8.3 Policy S/7 of the South Cambridgeshire Local Plan (2018) states that development within development frameworks will be permitted provided that development is of a scale, density and character appropriate to the area and that the site does not form an essential part of the local character. Policy HQ/1 sets out detailed criteria to ensure high quality design is delivered as part of new development, seeking to ensure development is appropriate to its context in terms of scale, mass, form, design, siting, landscaping and materials. Policy H/16 adds that the development of land used or last used as residential gardens for new

dwellings will only be permitted where there would be no significant harm to the character of the local area.

- 8.4 Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Para. 200 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...' Policy NH/14 aligns with the statutory provisions and NPPF advice.
- 8.5 Policy NH/11 states that development would not be permitted on or adjacent to Protected Village Amenity Areas (PVAA) if it would have an adverse impact on the character, amenity, tranquillity or function of the village. It is considered that the PVAA positively contributes to the tranquillity of this part of Comberton. Whilst it is noted that the fence has provided a sense of enclosure, the openness of the area is retained due to the established nature of the trees which exceed the height of the fence.
- 8.6 The footprint of the proposed dwelling would be large, but due to the limited height it is considered that it would not overly dominate the existing plot of No.64 Barton Road and it would appear subordinate to the host dwelling.
- 8.7 The proposed dwelling would have a modern appearance. The masonry wall which would form the boundary with No.64 is considered to be an appropriate edge. Timber cladding would be used on the south and east elevations and it is considered that this will reference the mature trees and create a softer edge to these sides. As such, it is considered that despite the large footprint, the dwelling would sit comfortably within the surrounding built form.
- 8.8 Due to its siting it is considered that the proposed dwelling would not be visible from Barton Road. A Public Right of Way runs along the eastern boundary of the site and so it would be visible from the public realm. The garden area of No.64 Barton Road is currently very large and is approximately 1 metre lower than the public footpath that runs along the side of the site. There is an existing tall fence that separates the site from the public footpath and so following development, the dwelling, with exception to the small chimney, would project 0.4 metres above the existing fence. As such, it is considered that the visibility of the dwelling from the public footpath would be very limited.

- 8.9 Part of the site falls within a PVAA, however, it is noted that the dwelling would be wholly built outside of the boundary of this area. Whilst it is noted that the site currently allows for a transition between the existing built forms and the PVAA it is considered that due to limited height and the site's relationship to the public footpath, the public views of this area would not be unduly compromised through the provision of an additional dwelling. It is noted that the dwelling would be visible from the nearby private dwelling houses, however, it is considered that the use of the sedum roof would reduce the visual impact subject to good maintenance. As such, it is considered reasonable to add a condition requesting a maintenance plan for the green roof.
- 8.10 A post and rail fence (1.2m high) will form the rear boundary of the site and separate the dwelling from the land to the south. The fence is not considered to harm the openness of the PVAA, particularly as the dwelling would not encroach into this designated area. The trees which are the most visible aspect of the PVAA and add the sense of openness to the area, would be retained and protected. In addition, to ensure the protection of the openness of the PVAA and to control any further development on the site, it is considered reasonable to remove permitted development rights for extensions, outbuildings and any further boundary treatment to the property.
- 8.11 Subsequently, it is considered that by reason of the design, limited height and use of the materials, the proposal would have a limited impact on the character and appearance of the existing property, street scene and surrounding area. It would preserve the character and appearance of the Comberton Conservation Area and it would have an acceptable impact on the character, amenity and tranquility of the PVAA. As such, the proposal is compliant with Policies S/7, HQ/1, H/16, NH/11 and NH/14 of the South Cambridgeshire Local Plan (2018) and the NPPF.

Amenity

- 8.12 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.
- 8.13 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.

Neighbouring Properties

- 8.14 The proposed dwelling would be set a significant distance from the host dwelling and would not have any windows facing this property. Due to the limited height of the proposed dwelling, the lower ground levels and separation distance, it is considered that the proposal would be unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, or enclosure to the neighbouring properties along Woottens Close. The proposed dwelling will be constructed with a flat roof and therefore, it is considered reasonable to impose a condition to prevent the use of the roof as a sitting out/amenity area to maintain privacy of nearby residents.

Future Occupants

- 8.15 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.
- 8.16 The gross internal floor space measurements for units in this application are shown in the table below:

Unit	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit	Difference in size
1	3	5	1	86	163	+77

Garden Size(s)

- 8.17 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.
- 8.18 The proposed dwelling would benefit from a rear garden area of 377 sqm with a private courtyard. The host dwelling would retain a garden area of 234 sqm. As such, the proposal would exceed the recommendations of the Council's District Design Guide.

Construction and Environmental Health Impacts

- 8.19 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.

- 8.20 The Council's Environmental Health Team have assessed the application and have raised no objections subject to conditions. Whilst it is considered that the construction hours condition is reasonable to protect the surrounding properties, due to the limited scale of the development, it is considered that a Construction Environmental Management Plan is not reasonable or necessary for a development of this scale.

Summary

- 8.21 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with Policy HQ/1 of the South Cambridge Local Plan (2018) 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 South Cambridgeshire Local Plan (2018).

Trees

- 8.22 Policies NH/2, NH/4 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.
- 8.23 Towards the rear of the site lies mature trees which are subject to a TPO. It is considered that they add to the verdant character of the site and enhance the Conservation Area and PVAA. Concerns have been raised regarding the impact of the proposal on these trees.
- 8.24 The application is accompanied by an Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement.
- 8.25 The Council's Tree Officer has advised that, following the receipt of this information, there is sufficient information provided and there is no negative material impact to trees subject to compliance with the documents.
- 8.26 Subject to conditions as appropriate, the proposal would accord with policies NH/2, NH/4 and HQ/1 of the South Cambridgeshire Local Plan (2018).

Biodiversity

- 8.27 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.

- 8.28 Concerns have been raised in relation to a nearby badgers sett. A badger survey has been submitted which has been reviewed by the Council's Ecology Officer who has raised no objections. Several conditions have been recommended to ensure the protection of species and that a biodiversity net gain is delivered. The applicant is advised that Badgers and their setts are protected under the Protection of Badgers Act 1992 and the granting of planning permission does not provide a defence against prosecution under this act.
- 8.29 It is noted that the site lies within the Impact Risk Zone for Eversden and Wimpole Woods Special Area of Conservation (SAC). The Ecology Officer stated that Natural England may need to be consulted if necessary. Natural England were not consulted on either of the previous applications and so it is considered that it was not necessary to consult them in this instance.
- 8.30 In consultation with the Council's Ecology Officer, subject to conditions, 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.

Water Management and Flood Risk

- 8.31 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.
- 8.32 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.
- 8.33 The Council's Sustainable Drainage Engineer has advised that a condition requesting surface and foul water drainage schemes. However, due to the small scale nature of the proposal and that this is covered under building regulations, it is considered unreasonable to add this condition.

Highway Safety and Transport Impacts

- 8.34 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.
- 8.35 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.
- 8.36 The Local Highways Authority raised concerns regarding visibility splays not being within the control of the applicant. Following the comments, the site plan has been amended to demonstrate the vehicle and pedestrian

splays which are within control of the applicant. The site plan has been amended to show the drive being of a bound material up to 5 metres from the edge of the public highway. The Highways Authority have raised concerns that if the concrete drive is removed during construction works then loose debris would be spread onto the highway. However, this can be dealt with by way of a condition.

- 8.37 The Local Highways Authority have recommended conditions should the Local Planning Authority be minded to approve. It is considered that there are reasonable to ensure the safe and effective operation of the highway. Subject to these conditions, it is considered that the proposal would comply with Policy HQ/1 of the South Cambridgeshire Local Plan and the provisions of the NPPF.

Cycle and Car Parking Provision

- 8.38 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.

Cycle Parking

- 8.39 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.
- 8.40 A cycle store has been demonstrated on the plans which demonstrates a secure, covered space to store 3 cycles in compliance with Policy TI/3 of the Local Plan.

Car Parking

- 8.41 TI/3 requires 2 spaces per dwelling – 1 space to be allocated within the curtilage.
- 8.42 The plans demonstrate that two parking spaces can be provided for the proposed dwelling along with sufficient space for turning.
- 8.43 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. The plans do not demonstrate EV charging. However, it is considered that this can be dealt with by way of condition.

- 8.44 Subject to conditions, the proposal is considered to accord with policies HQ/1 and TI/3 of the South Cambridgeshire Local Plan (2018) and the Greater Cambridge Sustainable Design and Construction SPD.

Carbon Reduction and Sustainable Design

- 8.45 The Councils' Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change as required by policy CC/1.
- 8.46 Policy CC/3 'Renewable and Low Carbon Energy', requires that Proposals for new dwellings and new non-residential buildings of 1,000m² or more will be required to reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy and low carbon technologies. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring a scheme demonstrating this to be agreed by the LPA.
- 8.47 Policy CC/4 'Water Efficiency' requires that all new residential developments must achieve as a minimum water efficiency to 110 litres pp per day and for non-residential buildings to achieve a BREEAM efficiency standard equivalence of 2 credits. Paras 152 – 158 of the NPPF are relevant. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring a scheme demonstrating this to be agreed by the LPA.

Other Matters

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

Third Party Representations

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

Third Party Comment	Officer Response
Impact on Conservation and PVAA	This is covered within paragraphs 8.4-8.13
Highway Safety	This is covered in paragraphs 8.45-8.49
Ecology	This is covered in paragraphs 8.36-8.40
Trees	This is covered in paragraphs 8.30-8.35

Other	<p>The plans only show one floor. Officers are happy that the proposal is for a single storey dwelling.</p> <p>The fence is existing and not part of this application. Weight can be given to the fence as it is an existing structure.</p>
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Planning Balance

- 8.50 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).

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

Recommendation

- 8.52 **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 approved plans 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 Policies HQ/1, NH/11 and NH/14 of the South Cambridgeshire Local Plan 2018.

4. Prior to commencement of development, details of the biodiverse (green) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. Details of the green biodiverse roof(s) shall include means of access for maintenance, plans and sections showing the make-up of the sub-base to be used and include the following:
- a) Roofs can/will be biodiverse based with extensive substrate varying in depth from between 80-150mm,
 - b) Planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting indigenous to the local area and shall contain no more than a maximum of 25% sedum,
 - c) The biodiverse (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency,
 - d) Where solar panels are proposed, biosolar roofs should be incorporated under and in between the panels. An array layout will be required incorporating a minimum of 0.75m between rows of panels for access and to ensure establishment of vegetation,
 - e) A management/maintenance plan approved in writing by the Local Planning Authority,

All works shall be carried out and maintained thereafter in accordance with the approved details

Reason: To ensure proposals are in accordance with Policies HQ/,1 NH/4, NH/11 and NH/14 of the South Cambridgeshire Local Plan 2018.

5. Notwithstanding the provisions of Schedule 2, Part 1, Class A, Class D and Class E and Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house; the erection of a porch outside the external door; the provision of any building, enclosure, swimming or other pool within the curtilage of the dwelling house; and fences, gates, walls or other means of enclosure within the curtilage of the dwellinghouse shall not be allowed without the granting of specific planning permission.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area in accordance with Policies HQ/1, NH/11 and NH/14 of the South Cambridgeshire Local Plan 2018.

6. Prior to the installation of any electrical services, an electric vehicle charge point scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall make provision for one active charge point. The active charge points should have a minimum power rating output of 3.5kW. All other spaces should have passive provision of the necessary infrastructure including capacity in the connection to the local electricity distribution network and electricity distribution board, as well as the provision of cabling to parking spaces for all remaining car parking spaces to facilitate and enable the future installation and activation of additional active electric vehicle charge points as required, and this should be demonstrated in the submitted detail.

The approved electric vehicle charge points shall be installed prior to first occupation of the relevant dwelling and retained thereafter.

Reason: In the interests of encouraging more sustainable modes and forms of transport in accordance with the National Planning Policy Framework (NPPF 2021) paragraphs 107, 112, 174 and 186, policy TI/3 of the South Cambridgeshire Local Plan and the Greater Cambridge Sustainable Design and Construction SPD 2021.

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

Reason: For the safe and effective operation of the highway

8. The full width of the access shall be constructed using a bound material, for the first five metres from the boundary of the adopted public highway into the site. These works shall be fully completed prior to the removal of the mass concrete drive other than to install the boundary material required as part of this condition.

Reason: to prevent loose debris from spreading onto the adopted public highway and in the interests of highway safety

9. The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary.

Reason: In the interests of highway safety.

10. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe culverts are submitted to and approved in writing by the local planning authority.

The measures may include:

- a) Creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day.
- b) Open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

The approved measures shall be implemented and retained while the excavations and/or pipe culverts remain.

Reason: To protect badgers in accordance with Policy NH/4 of the South Cambridgeshire Local Plan 2018.

11. 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.

12. The area of grass around the proposed development site should be mown/strimmed as short as possible before and during construction to ensure it remains/becomes unfavourable for great crested newts and reptiles. Stored materials (that might act as temporary resting places) are raised off the ground eg on pallets or batons; and any rubbish is cleared away to minimise the risk of great crested newts or reptiles using the piles for shelter. Trenches or excavations are backfilled before nightfall or a ramp left to allow great crested newts or reptiles to escape.

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

13. Prior to the commencement of development above slab level a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details as to how a measurable net gain in biodiversity has been accomplished. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, South Cambridgeshire Local Plan 2018 policy NH/4 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

14. The works hereby permitted shall be carried out in accordance with the following approved documents:

- Arboricultural Method Statement (arbtech dated 29.08.2022)
- Tree Protection Plan (arbtech dated August 2022)
- Arboricultural Impact Assessment (artech dated August 2022)

Reason: To protect the trees which are sufficient quality and ensure there is limited impact on the tree's health and amenity

15. No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy

16. No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.

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

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

17. No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local

planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day. The development shall be carried out in accordance with the agreed details.

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

18. Prior to the first occupation of the/any dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for the dwelling.

Reason: To contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband across the district, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.

19. The roof of the dwelling hereby approved shall not be used as a sitting out or amenity area.

Reason: To maintain the amenity of nearby residents in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

10.0 Informatives

1. 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. Public Footpath No. 5, Comberton must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
3. The Public Footpath must not be used to access the development site unless the applicant is sure they have lawful authority to do so (it is an offence under S34 of the Road Traffic Act 1988 to drive on a Public Footpath without lawful authority)
4. No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
5. Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights

of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).

6. The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
7. Members of the public on foot have the dominant right of passage along the public footpath; private vehicular users must 'give way' to them
8. The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980 and S66 Wildlife & Countryside Act 1981). If the surface of the footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.
9. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
10. Building work should (ideally) be carried out during April-June, when great crested newts are more likely to be found in ponds and less likely to be found on site;
If great crested newts or reptiles being found, work must stop immediately and ecological advice taken on how to proceed lawfully from Natural England (0300 060 3900) or an ecological consultant.

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.

11. 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.

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Agenda Item 9



**South
Cambridgeshire
District Council**

Report to:	Planning Committee 9 November 2022
Lead Cabinet Member:	Dr Tumi Hawkins
Lead Officer:	Stephen Kelly

Greater Cambridge Shared Planning Service Compliance Policy

Executive Summary

1. Members will be aware that a review of planning enforcement activities of the Greater Cambridge Shared Planning Service (GCSPS) is being undertaken. The aim is to create a unified approach to handling planning enforcement activities under the revised label of compliance. This term relates well to national guidance which advises Councils to enforce planning law in a proportionate manner where it is expedient to do so. The objectives are to create a streamlined and effective planning compliance service which is valued and understood by members and the public, with clear timetables for responses, to contact and resolution of issues.

Key Decision

2. No

The key decision was first published in the September 2022 Forward Plan.

Recommendations

3. It is recommended that South Cambridgeshire District Council Planning Committee endorse the Greater Cambridge Shared Planning Compliance Policy for public consultation.

Reasons for Recommendations

4. To provide an updated plan for planning compliance matters within the Greater Cambridge Shared Planning Service.

Details

5. Members will be aware that a review of planning enforcement activities of the Greater Cambridge Shared Planning Service (GCSPS) is being undertaken. The aim is to create a unified approach to handling planning enforcement activities under the revised label of compliance. This term relates well to national guidance which advises Councils to enforce planning law in a proportionate manner where it is expedient to do so. The objectives are to create a streamlined and effective planning compliance service which is valued and understood by members and the public, with clear timetables for responses to contact and resolution of issues.

Activities

IT

Although the Uniform IT system has been introduced for GCSP, until recently the Module relating to enforcement had not been brought into use. Work has been ongoing in the form of an Audit and training which has enabled the Module to be used. The use of the Uniform Enforcement Module enables improved reporting mechanisms for all parties, including members, and allows the use of automated replies, update reminders and related features. Alongside this piece of work the issue of remote and mobile access to data is being explored.

Website

Improving access to planning compliance information has been an aim alongside the general review of the “customer journey” seeking to ensure the public are more easily able to navigate to find the information they require, so they can interact with the Councils and the Shared Planning Service. The target is to enable 80% of interactions to be self-service. Until August, although a complaint about some planning issue may be submitted online by South Cambridgeshire residents, this was not the case for Cambridge City. Planning Compliance information and advice has now been moved to the GCSPS website, in an updated form which enables complaints to be submitted via an e-form, including the ability to upload multiple documents and photographs. Making the issues clearer may also help other services as well, as it is known that several complaints are initially directed to wrong service, e.g., environmental health and vice versa and relate to issues that are not breaches of planning control. An explanatory video has been included. The e-form used for complaints links directly into back-office systems and prevents matters being lost or misdirected, thereby improving efficiency.

Internal processes and procedures

Accompanying the website and IT improvements there has been a review of internal processes and procedures with the aim of improving efficiency.

Enforcement Register

Councils are obliged to provide a register of Enforcement Action and keep this up to date. Separate registers are currently published on their respective websites by each Council in different formats. In the past this has been a manual process with the potential of missing items but improvements to the IT system safeguard against that and in the future, it is intended to publish this information via the Public Access system, which is automated.

Compliance Plan

Government guidance is also that Councils should consider publishing a local compliance plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and take action where appropriate. Previously each Council had its own compliance plan, but these were written some years ago. This document has been created to update these and cover the two Council areas in a single document.

This new document sets out:

- what is and what is not a breach of planning control,
- the responsibilities of the owner, occupier and users of a development in the event of a breach of control,
- the priorities and response times in dealing with complaints and breaches
- possible outcomes in terms of investigations
- the powers available to the Councils to take action where required.

Attention is drawn to the targets included in the document which are new, and will require the close attention of officers and adequate resources if they are to be met.

The Levelling Up and Regeneration Bill, introduced to Parliament in May 2022 includes several changes to the planning system, including planning enforcement. There will be a need to review this Plan once this Bill is passed and the primary and secondary legislative changes are known. Regular review of our approach should be undertaken in any case.

The draft compliance plan is being reported to the Planning Committee of each Council prior through proceeding through the formal process of approval by the relevant Cabinet/Portfolio Holder.

Options

6. There are three options;

- To have no Planning Compliance Policy
- To remain with the status quo of different enforcement/compliance policies for each Council.
- To update and align the compliance policy for the Greater Cambridge Shared Planning Service

No Compliance Policy

Although planning enforcement is not a statutory service, it is discretionary, this would create a reputational risk to the shared planning service with regard to its planning function. Members of the public expect local planning authorities to operate a robust and transparent compliance service. To have no planning compliance policy would indicate it is considered a low priority for the Council.

Retain Existing Planning Enforcement Manual

The Council could retain and operate under its existing planning enforcement manual. However, this was last published in 2001, over 20 years ago (See Appendix B). Whilst the fundamentals of planning enforcement have remained broadly similar under the Planning Acts, the service has moved on significantly since this time, particularly given it is now operating as a shared service.

New Planning Compliance Policy for the GCSPS

This provides an opportunity to align the compliance service across both Councils. This will enable the service to operate under a consistent set of parameters in terms of investigating breaches of planning control. As a result it will provide clarity for staff, residents and Members across both Councils as to how the shared planning service manages compliance investigations. In terms of public perception, there is also an opportunity to promote a “compliance” approach, with enforcement action often being the last resort to resolve breaches of planning control.

Implications

7. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

There are no significant implications.

Consultation responses

8. No public consultation has currently been undertaken. A public consultation process would begin for a minimum of 4 weeks if the South Cambridgeshire

District Council Planning Committee endorse the GCSP Planning Compliance Policy for public consultation. The consultation period is expected to run in November and December 2022.

Background Papers

n/a

Appendices

Appendix A: Greater Cambridge Shared Planning Compliance Policy V2.1 Final Draft

Appendix B: South Cambridgeshire District Council Planning Enforcement Manual 2001

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GREATER CAMBRIDGE SHARED PLANNING SERVICE

JOINT PLANNING COMPLIANCE POLICY

CAMBRIDGE CITY COUNCIL AND SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

DATE PUBLISHED:

TBC

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1 INTRODUCTION

1.1 Planning plays an important role in managing development to ensure a high-quality environment, facilitating a better pattern of land use, and securing the efficient use of resources. These outcomes support several objectives of both Cambridge City Council and South Cambridgeshire District Council, a partnership forming the Greater Cambridge Shared Planning service (GCSP).

1.2 The planning regime can only achieve these objectives if it operates an effective planning compliance service. As part of our commitment to the delivery of an efficient and effective planning compliance regime, GSCP has drafted this policy.

1.3 This policy has been formulated to allow consistent and effective management of the rising demand for investigations, and to help everyone understand the basis upon which decisions surrounding planning compliance and any subsequent action taken are made.

1.4 This policy also sets out how the service will prioritise and respond to planning breaches, and contains information for all those involved in, or affected by the compliance process. The policy is available for officers and members involved in the decision-making process and will allow resources to be more clearly focused on corporate priorities.

1.5 Government guidance encourages Councils to publish a local planning compliance policy and set out how they are going to manage this proactively, in a way that is appropriate for their area.

2 LEGISLATION AND GUIDANCE

2.1 The Town & Country Planning Act 1990 as amended (parts VII and VIII) and the Planning (Listed Building and Conservation Areas) Act 1990, provide the principal legislative basis for planning compliance.

2.2 The National Planning Policy Framework (NPPF), Planning Practice Guidance and case law is clear that the use of powers to enforce compliance is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. In determining whether to take action, the Local Planning Authority (LPA) would also expect to consider all material planning considerations, including the policies in the adopted local “development” plan for the area, and any associated supplementary planning guidance.

Effective enforcement is important to:

- tackle breaches of planning control which have an unacceptable impact on the amenity of the area or are otherwise seriously contrary to planning policy
- maintain the integrity of the decision-making process
- help ensure that public acceptance of the decision-making process is maintained.

2.3 The powers available to Local Planning Authorities are outlined in **Appendix A**.

3 BREACH OF PLANNING CONTROL

3.1 A breach of planning control is not a criminal offence, except in limited cases such as unauthorised work to a listed building, tree works and advertisements. Any action taken against a breach is at the discretion of the LPA, there is no duty to act.

3.2 When a breach is identified that cannot be resolved informally, councils are required to make a judgement as to whether it is appropriate (expedient) to take formal action. This is done through consideration of Local and National Planning Policies, the level of harm caused by the breach, the “fall-back” position (how the breach compares to what would have been allowed anyway, e.g. under permitted development) or whether the breach would set a precedent for further development.

3.3 Where action is not taken, this decision must be transparent and consistent. It is important to strike a balance between protecting the amenity and other interests and enabling acceptable development to take place, even if initially unauthorised.

3.4 Where action is taken, this must be prompt and effective and commensurate with the breach to which it relates to. The system is designed to mitigate harm rather than to punish contraveners.

3.5 What is considered a breach of planning control:

- Development such as building work or alterations has been carried out without planning permission where it was required – details of all planning permissions, the approved plans and the conditions which apply to them can be found online on the GCSP Public Access database.
- The conditions that were attached to the granting of the planning permission have not been complied with.

- Work or demolition has occurred to a listed building or a building in a conservation area without the necessary permissions and/or consents.
- Unauthorised work has been undertaken to a tree or trees protected by a Tree Preservation Order (TPO).
- Unauthorised works to a tree or trees in a conservation area, or work to any rural agricultural hedgerow has been carried out without consent.
- Engineering operations, such as the significant raising or lowering of ground levels or land, or the formation of earth bunds has been undertaken without permission.
- The use of land or a building has changed without the appropriate permissions, such as short-term visitor accommodation
- Unauthorised display of an advertisement such as a sign.
- The land is in such a condition that it adversely impacting on the wider area.
- Development has occurred in an area which is subject to an Article 4 Direction that restricts permitted development rights. Further details are available on the Planning Portal website.

3.5 What is *not* considered a breach of planning control:

The following lists examples where a breach has either *not* occurred or is outside the timescale for action:

- Building work or extensions that don't require planning permission. National Legislation allows for a range of building works which can be undertaken without formal planning permission – this is known as Permitted Development. More information on whether planning permission is required can be found on the Planning Portal website.
- Changes in the use of land or buildings which are permitted or not so significant that they comprise a material change of use.
- The display of advertisements which do not require consent - the regulations relating to advertisements allow the advertiser to display certain types of advertisements without the need for any consent.
- Where the development has been carried out some time ago and the lapse in time means that the breach of planning is immune

from action.

- Issues relating to waste disposal, burning, including bonfires and tipping which are the responsibility of Environmental Health at either South Cambridgeshire District Council or Cambridge City Council.
- Issues relating to the adopted highway (including advertisements displayed within the Highway or on street furniture, or illegally parked cars) – these should be referred to Cambridgeshire County Council which is the Highways Authority.
- Problems relating to noise and disturbance; smell nuisance and light pollution which are investigated by Environmental Health at either South Cambridgeshire District Council or Cambridge City Council.
- If buildings or extensions have been constructed inadequately or there are concerns regarding potentially dangerous structures, this should be reported to the 3C Shared Services Building Control team.
- Problems relating to covenants or other legal restrictions on a specific piece of land or building are civil and/or legal matters.
- Neighbour disputes concerning antisocial behaviour are a police matter.
- Boundary or land ownership disputes are civil matters.
- Work to trees that are **not** covered by a tree protection order or are not in a conservation area.
- Suspected future breaches (things you believe *might* happen).
- Trade or competition complaints.
- Some works undertaken by Councils and Statutory Undertakers under permitted development. Details are provided in the GPDO.

4 THE ROLE OF THE OWNER, OCCUPIER, USER OF LAND AND/OR BUILDINGS

4.1 GCSP recognise that some breaches of planning control may not be intentional. All those who are responsible and involved in any alleged or identified breach of planning control are nevertheless expected to engage constructively with

the Compliance Team to resolve issues at the earliest opportunity. Failure to engage early with the compliance team on notification of a potential breach of planning is likely to reduce opportunities for agreeing informal resolution of the breach. Where it appears that the breach could be made acceptable and the person responsible for the breach is engaging constructively with the compliance team, a retrospective planning application will be invited with the expectation that this course of action is taken quickly and as soon as practicable. If a planning application has been submitted but is not yet valid (e.g., because of a lack of information) the applicant will be expected to provide this information without delay as this will not normally be used as a reason to delay formal action.

4.2 In cases where it is believed that an alleged breach is lawful for various reasons, including the passage of time, the onus will be on the perpetrator to provide the Compliance Team with sufficient evidence to demonstrate this is the case, the burden of proof if on the perpetrator.

4.3 Owners and occupiers of Listed Buildings will be expected to maintain these in good order and to ensure the necessary consents are obtained before undertaking any works to them.

4.4 Owners and occupiers of land will be expected to check the status of any tree before undertaking any works to it. Ignorance of the existence of a Tree Preservation Order, or the location within a Conservation Area will not be treated as a legitimate excuse for having contravened planning controls.

5 SERVICE STANDARDS AND PRIORITIES

5.1 Officers receive a high number of complaints relating to allegations of breaches of planning control. It is appreciated when a breach of planning control occurs, people may suffer and want the matter dealt with swiftly. It is important that those breaches of planning control considered more serious than others are dealt with more urgently.

5.2 GCSP aim is to carry out an initial site visit, if required and considered urgent, within 5 working days of notification of a potential breach. When an investigation is considered necessary, cases will be dealt with on a priority basis as follows:

- **High priority cases** are for work which is irreversible or irreplaceable and these will be immediately investigated within 5 working days of receipt—examples include damage or loss of Listed Buildings or protected trees
- **Medium priority cases** are for activities have or can cause harm, such as adverse effects on conservation areas or breaches of conditions. Our aim is to instigate the investigation and assess whether a breach of planning control

within 10 working days of the site visit.

- **Low priority cases** are for a development which may cause some harm but could be made acceptable by way of implementing conditions or simple correction action. Our aim is to instigate the investigation and assess whether a breach of planning control within 20 working days of the site visit.

5.3 In every case, GCSP will try to achieve an outcome at the earliest possible stage. However, it must be remembered that officers can only operate within powers of the relevant legislation and will need to prioritise activities

5.4 All live enforcement cases will be reviewed monthly by the team.

5.5 In accordance with national guidance, where it is considered possible to do so, having regard to planning policies and the assessment of potential impacts, the service will provide an opportunity to resolve planning enforcement enquiries through an agreed set of actions, without resorting to further formal action. This will require action by the property owner once an investigation has begun. If there is clear evidence that an unauthorised use or development is causing serious harm and corrective action is considered necessary to address the harm, or to prevent further irreversible harm, the Council will seek to use formal enforcement measures more promptly.

5.6 Reports will be provided monthly to the Planning Committee of each Council setting out all new complaints received and current complaints under investigation in their respective areas and a list of those cases closed and the outcome of the investigation.

6 INVESTIGATING A COMPLAINT

6.1 Anyone who believes that a breach of planning control has occurred can notify the planning compliance team online. To avoid vexatious complaints and allow the Council to engage with the complainant, any complainant must be prepared to identify themselves. Anonymous complaints about a third party will not be investigated. If a member of the public wishes to be anonymous then they may ask either their local Ward Councillor or Parish Council to submit the online form on their behalf.

Before you make a complaint, you are encouraged to check the shared planning service website to consider whether there is planning permission already for the development, or to review the conditions. Planning compliance operates to protect the public interest and it is therefore helpful if you can be clear in your submission why you believe there is a breach of control and what impact the breach has on you and the locality. The decision to act needs to consider the effect on matters of public interest rather than private or personal interests. It is therefore helpful if a

complainant can provide as much information as possible, including photographs, which are easy to upload on the e-form.

6.2 In some cases, it may be necessary to rely on evidence from complainants to take the necessary action. Those persons will need to consider whether they are willing to actively assist GCSP by providing information in the first instance and potentially acting as a witness at an appeal or in Court. The Compliance Team Officers will explain what may be required in these cases.

6.3 When a complaint is received through an e-form on the GCSP website it will be automatically entered into GCSP database records, and an acknowledgement sent. As indicated above the complaint will be prioritised according to its nature. Once recorded, complainants will be provided with the details of the officer assigned to deal with their complaint. The investigation of cases may require repeat site visits, consultation with relevant bodies and negotiation. When these occur, officers will keep original complainants informed of progress and indicate arrangements for this in the initial response letter.

6.4 The Local Planning Authority has legal authority, through the Town and Country Planning Act to enter land and buildings in order to carry out investigation of an alleged breach of planning control. Whilst seeking cooperation of landowners and property owners to carry out an investigation, if required, the Council can seek the authority of the courts to secure access properties and land. Whilst on site visits officers will have regard to the Equalities Act 2010, Human Rights Act 1998 (HRA), the Regulation of Investigatory Powers Act 2000 (RIPA) and the Police and Criminal Evidence Act 1984 (PACE) and any Act/s that amend or revoke this legislation or become relevant.

6.5 An investigating officer may, where they consider an offence has occurred, seek to gather evidence around the alleged breach of planning by way of an interview with an alleged contravener 'under caution' where appropriate.

6.6 Following an investigation, it will be determined whether a breach of planning control has occurred. If no breach of planning control is found to have taken place, then the complainants and any relevant parties will be informed, and the case closed.

6.7 If the investigation finds that a breach of planning control has taken place the complainant and those subject to the complaint will be informed, along with details of the measures that the Council requires to be taken to remedy the breach. The decision to take enforcement action is discretionary. Even where a breach of planning control has taken place, the Council is not automatically required to act. National Planning Practice Guidance is clear that local planning authorities should act proportionately in responding to suspected breaches of planning control.

6.8 The objective of the Councils compliance team is to resolve the harm that arises. Legislation prescribes a range of enforcement options available to a Local Planning Authority (see appendix A). The most expedient mechanism to resolve a breach of planning will not always be through the use of statutory notices – particularly where the property/landowner engages constructively to seek to address

the planning harm identified. This may include seeking retrospective planning permission so that conditions controlling the use can be applied where required to address the unacceptable impacts of the development or seeking to clarify and determine the lawfulness of the development where a range of activity has taken place on land.

6.9 The decision to take formal enforcement action is discretionary and will be made on a case-by-case basis bearing in mind the need to take a proportionate approach as set out in the NPPF. This decision will only be taken after careful consideration of the relevant facts, the planning merits of the case, including reference to the planning policies which apply at local and national level, and Equalities and Human Rights legislation where appropriate and relevant. GCSP must also be able to justify taking formal action and be sure that the steps specified in the notice and the period for compliance with each step is reasonable. Where it is felt that formal action should not be taken the case will be closed and all those involved informed. If formal action is required, the appropriate notice(s) will be served and again those involved will be informed. The various forms of notices which form the toolkit for action by the Councils are set out in Appendix A.

6.10 Dealing with enforcement cases can take be a lengthy and complex process. The different types of enforcement cases vary considerably in complexity, and therefore the process itself can take considerable time. In addition, if a person chooses to appeal against formal enforcement action this will lengthen the time taken to resolve the case.

6.11 If the investigation indicates that a breach of control has occurred that justifies enforcement action, an Enforcement Notice will be served. The Notice takes 28 days to come into effect during which time the person involved can appeal against it to the Secretary of State. An Enforcement Notice may be quashed or revised by the planning inspector appointed by the Secretary of State.

6.12 Where an appeal is lodged the Council can take no further action until the appeal has been decided. It is not unusual for the appeal process to take several months. An Enforcement Notice specifies the time period needed for compliance. This period will take account of the steps required to comply with the Notice and will set a reasonable period for their completion. If a person does not comply with a notice, they may be prosecuted with the possibility of being fined by the Courts.

6.13 Contrary to popular belief a breach of planning control is not automatically a criminal matter (until there is a failure to comply with a formal notice). However, in the following cases a criminal offence is committed once a breach is established:

- Unauthorised works to a Listed Building. This is an offence under Section 9 of the Planning (Listed Building and Conservation Areas) Act 1990. There is no time limit upon the council within which to pursue Listed Building compliance action and/or prosecution.
- Display of an advertisement without the necessary consent: This is an offence under section 224 (3) of the Town and Country Planning Act (1990)
- Fly Posting – the displaying of an advert without the landowners' consent.

Flyposting is an offence under section 224(3) of the Town and Country Planning Act 1990.

- Unauthorised works to a tree the subject of a Tree Preservation Order (TPO). Under section 210 of the Act, it is an offence to cut down, uproot, or willfully destroy a protected tree, or willfully damage, top or lop a protected tree in such a manner as to be likely to destroy it.
- Unauthorised works to trees in Conservation Areas: Most established trees (except fruit trees) in Conservation Areas are protected, under sections 211 and 212 of the Act.
- Unauthorised works to Hedgerows. It may be an offence under section 97 of the Environment Act 1995 and section 5 of the Hedgerows Regulations 1997, to remove hedgerows without the Council's consent.
- Failing to obtain planning permission for demolition of unlisted buildings in conservation areas. This is an offence under section 196D of The Town and Country Planning Act 1990.

6.14 The Councils, as enforcing authorities will use discretion in deciding whether to prosecute offences. Prosecution will be pursued when it is in the public interest and in accordance with the Crown Prosecutor's guide. The principal aim is to remedy the harm caused by the breach. The relevant factors will include:

- the seriousness of the breach,
- the likelihood of securing a conviction,
- whether the works to comply would be straightforward,
- the costs of direct action and the likelihood of the recovering those costs,
- the likelihood of the breach being quickly re-established if direct action is taken.

Where appropriate the Councils could consider seeking a Confiscation Order under the Proceeds of Crime Act 2002. The Act allows the Councils to recover assets that have been accrued through criminal activity this can include breaches of planning control that give rise to a criminal offence, such as non-compliance with an enforcement notice.

6.15 In the case of vexatious complainants, these will be referred to each Partner Council's respective complaints procedures. This is for recurring complaints with excessive related work / costs arising from such.

7 WHAT IF THE COMPLAINT IS AGAINST A PERSON

7.1 If the compliance team contact a person about an alleged breach of planning control, they are entitled to know what the allegation is (but not who made it) so their side of the matter can be explained.

7.2 If the person contacted is not involved, or if the complaint is unfounded, no action will be taken. If the person is involved the compliance team will advise of the details of the breach and how it can be put right.

7.3 Co-operation will be sought to correct the breach, either by removing or modifying the unauthorised development or by ceasing the unauthorised works/use.

A reasonable period of time, usually 28 days will be allowed for this to happen.

7.4 In some circumstances the submission of a retrospective planning application may be invited, if it is considered that permission may be granted.

7.5 If there is a business which is threatened by enforcement action, GCSP will ask the councils to help identify alternative premises to minimise the possible impact on the business. This does not mean formal action will be delayed or stopped.

7.6 If an Enforcement Notice is issued it will give the precise details of the breach, the reasons for the action, the steps required to overcome the problem and the period for compliance. Those receiving a formal notice are advised to respond promptly to any correspondence received and stop the work or activities which are the subject of the notice.

7.7 A notice may be appealed against, and this is dealt with by the Planning Inspectorate (PINS). There is more information about the appeal process and how to submit an online enforcement appeal through the GOV.uk appeals page.

8 ENFORCEMENT REGISTER

8.1 It is a statutory requirement that a district planning authority maintains a register of notices that is open for public inspection. The register will be available via our Public Access service from November 2022.

9 DELEGATED POWERS

9.1 The Council has delegated responsibility for most decisions on whether to take enforcement action, and prosecution for breaches of enforcement cases to the Joint Director of Planning. In turn, and in accordance with a scheme of officer delegation, the Joint Director has delegated decision making on certain types of enforcement decisions, to senior officers in the shared planning service. This allows planning compliance matters to be investigated efficiently, and for formal action to be taken quickly in urgent cases.

10 INFORMATION SHARING

10.1 The planning enforcement service routinely shares information with other services within the Councils to investigate alleged breaches more effectively, and to

assist in fulfilling other council functions. Complainants' identities will not be divulged to staff outside the planning department without consent.

10.2 It is important that members of the public feel confident about reporting breaches of planning control to GCSP. With that in mind, GCSP will not disclose complainant details to third parties without consent. The identity of a person making a complaint will be kept confidential unless the Council is required by law to release the information. If a case proceeds to formal action, evidence from the complainant may be needed as part of the case. In such cases, GCSP will usually ask the complainant to make a statement.

APPENDIX A: POTENTIAL OUTCOMES OF AN INVESTIGATION

Where an investigation identifies that a breach of planning control has occurred, the Town and Country Planning Act provides for a range of measures that can be taken by the Council. Potential outcomes from an enforcement investigation comprise the following.

Planning Contravention Notice

This notice seeks information about the development.

A Planning Contravention Notices (PCN) can be used as part of the investigation where it appears there may have been a breach of planning control, to obtain information about the possible breach and those parties responsible. A PCN may also invite the person responsible to meet an officer to discuss the case. It is a legal requirement to provide the requested information. The Service will usually issue a PCN where cooperation has not been forthcoming from those subjects of a compliance enquiry and where it necessary to obtain relevant information.

Retrospective planning application

An application submitted for works already completed or part completed.

Temporary Stop Notice

These can be used when the local planning authority considers it important for works on a site in breach of planning regulations to cease immediately. TSN are valid for a period of 28 days and are intended to allow for the Council to continue investigation of a breach and where necessary prepare appropriate notices (if assessed to be necessary). They are a temporary measure and may be served before an enforcement notice and again where it is necessary to immediately take action.

Breach of Condition Notice

These are used when conditions attached to a planning permission have not been

complied with. These notices may be used where it is necessary to stop a breach restricted by a condition quickly. This may be, for example, because it is causing serious environmental harm or detriment to amenity or public safety. A Breach of Condition Notice may be served in conjunction with an Enforcement Notice, it should be noted there is no right of appeal to the Secretary of State.

Enforcement Notice

Enforcement Notices are used when the Local Planning Authority is satisfied there has been a breach of planning control that justifies the issuing of such a Notice. A Notice sets out the required steps to rectify the breach.

Notice under Section 215 of the Town and Country Planning Act

This Notice may be issued by the local planning authority where it appears to them the condition of a specified area of land is having an adverse effect upon the amenity of an area. The Notice can require a broad range of remedial works to be undertaken by a fixed deadline. Appeals against this Notice may be made to the Magistrates' Court.

Notice under Section 224 of the Town and Country Planning Act

This allows local planning authorities to remove and dispose of any display structure – such as an advertisement hoarding – which, in their opinion, is used for the display of illegal advertisements. This provision does not apply to a structure in a building to which the public have no right of access.

Planning Enforcement Order

Where it can be shown that there has been a deliberate attempt to conceal an unauthorised development until the relevant time periods have expired, the Councils may apply to the magistrates' court for a Planning Enforcement Order. This must be done within six months of the date the breach was detected.

Stop Notice

These can be used when the local planning authority considers it important for a breach to cease immediately and where it is considered essential to safeguard amenity or public safety in the neighbourhood. They are issued in conjunction with or following the issue of an Enforcement Notice.

Injunction

A local planning authority can, where they consider it expedient, apply to the High Court or County Court for an injunction to restrain a breach of planning control.

Direct or "Default" Action

In exceptional circumstances, the Councils have the power to enter the land,

undertake the steps necessary to remedy a breach of planning control and attempt to recover the costs.

CONSEQUENCES ON FAILURE TO COMPLY

Prosecution

Prosecutions are normally brought in the Magistrates Court against the failure to comply with one of the notices listed above along with the unauthorised display of advertisements, unauthorised works to a protected tree or unauthorised works to a listed building. In some serious matters cases may be brought in or referred to the Crown Court.

POCA

POCA stands for the Proceeds of Crime Act which was first implemented in 2000. This provides for the Local Authority to seek to recover the financial benefit arising from a person or company's criminal activity. The provisions of the Act can therefore be used by Local Planning Authorities in appropriate circumstances where a criminal offence has been committed and significant financial benefit derived from that offence.

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South Cambridgeshire District Council Equality Impact Assessment (EqIA)

Introduction

The Public Sector Equality Duty, introduced under the Equality Act 2010, requires all public bodies, including local authorities, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, and victimisation
- Advance equality of opportunity between those who share a protected characteristic and those who do not
- Foster good relations between those who share a relevant protected characteristic and those who do not

Equality Impact Assessments (EqIAs) allow the Council to:

- Show that we are meeting this legal duty by demonstrating due regard for the provisions of the Public Sector Equality Duty
- Identify possible negative impacts on individuals and groups with protected characteristics, plan mitigating action and seek to maximise opportunities to advance equality within our activities.

EqIAs provide a methodical approach to the assessment of impacts across the [nine protected characteristics](#) and should be completed during the development and review of all Council policies, strategies, procedures, projects or functions. Where there is any doubt, the completion of an EqIA is always recommended.

When the form is completed, please send an electronic copy to equality.schemes@scambs.gov.uk. If you require any additional support completing the form, please email the above address.

Equality Impact Assessment Complete Form

Section 1: Identifying Details

- 1.1** Officer completing EqIA:
Stephen Kelly
- 1.2** Team and Service:
Greater Cambridge Shared Planning Service
- 1.3** Title of proposal:
Update of the GCSP Compliance Policy
- 1.4** EqIA completion date:
31 October 2022
- 1.5** Proposal implementation date:
January 2023
- 1.6** Who will be responsible for implementing this proposal:
Greater Cambridge Shared Planning Service - Compliance

Section 2: Proposal to be Assessed

- 2.1** Type of proposal; Policy minor update: Update of the GCSP Compliance Policy

[Strategy / Policy / Procedure / Project / Service / Function / Other (please specify)]

2.2 Is the proposal

Update to an established policy / procedure

2.3 State the date of any previous equality impact assessment completed in relation to this proposal (if applicable):

N/A

2.4 What are the headline aims of the proposal and the objectives that will help to accomplish these aims?

The government expects Local Authorities to ensure that their approach to regulatory activities is transparent and accountable, and that clear service standards are set which establish what those they regulate should expect from them and how they respond to non-compliance. The response to non-compliance is based on risk, the response is determined on a case-by-case basis.

The Compliance Policy applies to Greater Cambridge Shared Planning.

This is a review of the policy with minor changes, aligning both Cambridge City Council and South Cambridge City Council.

2.6 Which of the council's business plan priorities does this proposal link to?
Putting Customers at the centre of everything we do/supporting businesses.

2.7 Does this proposal contribute to the achievement of any of South Cambridgeshire District Council's (SCDC) equality objectives (as detailed in the council's Equality Scheme)?

No.

2.8 Which groups or individuals will the proposal affect (delete as appropriate):

All groups with and without protected characteristics, will be subject to the Policy, as currently.

2.9 How will these groups or individuals be affected (specific impacts on different protected characteristic groups will be assessed later in the form)?

See below.

2.10 How many people will this proposal affect? (Approximately)

Up to 100 people per annum (estimate).

2.11 If any part of the proposal is being undertaken by external partners, please specify how SCDC will ensure that they will meet equality standards?

None.

Section 3: Evidence and Data

3.1 Describe any research (this could include consultation) and analysis you have undertaken to understand how [protected characteristic groups](#) are likely to be affected? Please list any key sources that you used to obtain this information.

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

3.2 Describe any research (this could include consultation) and analysis you have undertaken to understand any effects on any other groups of people not

mentioned in the nine [protected characteristic groups](#) (for example people who live in rural areas, who live in areas of high growth, or from low income backgrounds)

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

- 3.3** If you have not undertaken any consultation, please detail why not, or when consultation is planned to take place.

See above

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

Section 4: Impact of proposal on those with protected characteristics

4.1 Age:

- 4.1.1** Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

- 4.1.2** Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

Neutral impact. Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.1.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.2 Disability:

4.2.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.2.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above.

4.2.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.3 Gender Reassignment:

4.3.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.3.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.3.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?



--	--	--	--

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.4 Marriage and Civil Partnership:

4.4.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.4.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.4.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.5 Pregnancy and Maternity:

4.5.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.5.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.5.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.6 Race:

4.6.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.6.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.6.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.7 Religion or Belief:

4.7.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.7.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.7.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.8 Sex:

4.8.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.8.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.8.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.9 Sexual Orientation:

4.9.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.9.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.9.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question: N/A

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

4.10 Other:

4.10.1 Has your research identified that the proposal will have an impact on this protected characteristic?

No

[Yes / No]

4.10.2 Describe the impacts of the proposal on this protected characteristic group identified through your research, including

- whether each impact is positive, neutral or negative
- whether it is a high, medium or low impact.

As above

4.10.3 Please complete the table below to detail actions that need to take place to minimise the negative and maximise the positive impacts raised in the previous question:

Action	Responsible Officer	Timescale for completion	How will the actions be monitored?

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

Section 5: Summary

5.1 Briefly summarise the key findings of the EqIA and any significant equality considerations that should be taken into account when deciding whether or

not to proceed with the proposal (this section can be included within the 'equality implications' section of any committee reports).

Consultation will take place following agreement by Planning Committee, and in line with our Statement of Community Involvement. Noted that there is no impact currently and this is a minor update to an existing policy.

It is not expected that any potential adverse effects will be identified during this consultation period, as this is limited to an update of policy.

5.2 Confirm the recommendation of the officer completing the EqIA (delete as appropriate):

- Proceed with the proposal with no actions identified as required within Section 4 of the EqIA: Analysis demonstrates that the policy is robust, the evidence shows no potential for discrimination and we have taken all appropriate opportunities to advance equality and foster good relations between groups.

It is further recommended that this policy is accepted, following consultation.

5.3 Signature of individual completing EqIA:

Stephen Kelly

5.4 Date of completion:

31 October 2022

Section 6: Sign Off

6.1 Approving officer EqIA review outcome: (delete as appropriate):

- Proceed with the proposal with no actions identified as required within Section 4 of the EqIA: Analysis demonstrates that the policy is robust, the evidence

shows no potential for discrimination and we have taken all appropriate opportunities to advance equality and foster good relations between groups.

- Adjust proposal and proceed: We will take steps to remove barriers or better advance equality as detailed in the action tables in Section 4. Where possible actions should be done before the proposal is implemented. Where this isn't possible, timescales for completion are included in Section 4 action tables.
- Reject the proposal: Analysis demonstrates that the proposal will cause unlawful discrimination and it must be removed or changed.

6.2 Do you give permission to publish this EqIA on SCDC website (delete as appropriate)? If no, please state reason

Yes / No (reason if no) YES

6.3 When will this proposal next be reviewed and who will this be?

October 2025

6.4 Approving officer signature:
[Input here]

6.5 Date of approval:
[Input here]

Please send a copy to Equality.Schemes@scamb.gov.uk
EqIA can be translated into different languages (if requested).

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South Cambridgeshire District Council



Planning Enforcement Manual **Summary of Policy and Procedures**

July 2001

ENFORCEMENT POLICY - EXECUTIVE SUMMARY

1. This summary sets out our enforcement policy and the circumstances leading to enforcement action. It explains:
 - how and why action will be taken; and
 - how Members will be kept informed.
2. This is an outline of our policy and is based on the detailed Enforcement Manual which has been produced. The Manual provides definitive guidance on procedures and is the point of reference for decisions on enforcement matters. The Manual will be reviewed regularly and reflects the continual improvement to our enforcement service.
3. The process of enforcement action is complex and is outlined in appendix 1. We need an enforcement policy so that decisions to take, or not take, enforcement action are well-founded. This helps both members and the general public understand what we can and cannot achieve and the difficulties this may entail. Similarly, it helps officers provide an efficient and cost-effective service to the public and reflects the quality and customer care embodied in the Enforcement Manual.
4. The need for, and degree of, enforcement action will vary and should be guided by the following principles:
 - The Council has a general discretion which allows it to take enforcement action only when it considers it is "expedient" to do so. "Expedient" means only when it is appropriate given the nature and extent of the breach of control. This is explained more fully in the following points.

- We have to consider whether the breach of planning control would unacceptably affect public amenity or the use of land and buildings which merit protection in the public interest.
 - The degree of enforcement action should always be in proportion to the breach of control to which it relates. For instance, it is usually inappropriate to take action against an insignificant breach of control if it does not cause any harm. On the other hand, it may be necessary to take strong and immediate action where the breach is causing, or likely to cause significant harm.
 - Regard must be had to the Development Plan and any other material planning considerations. This will include consultations with interested parties. Only relevant *planning* considerations should be considered.
 - Enforcement action is subject to specified time limits. Any negotiations to cease an unacceptable breach of control which become protracted should not be allowed to hamper or delay formal action from being taken. There must be regard to government advice, including the framework set up to improve standards of all enforcement, and referred to as the Enforcement Concordat. We should not, however, be unduly hasty in taking action. We should ensure that a contravenor understands what he must do and by when and has the opportunity to resolve any differences.
 - There may be maladministration if the authority fails to take effective enforcement action when it is plainly necessary.
5. In light of these constraints, controls and principles, our policy on enforcement is

- 1. The Council takes breaches of planning control seriously and undertakes to investigate all complaints.**
- 2. The Council will aim to remedy the undesirable effects of all unauthorised development.**
- 3. The Council's approach to enforcement will be thorough, fair, consistent, courteous and efficient. Due regard will be taken of issues affecting human rights.**
- 4. The Council will keep all complainants and Parish Councils informed. They will be advised of intended action and the outcome of that action.**
- 5. The Council will ensure a complainant's details remain confidential unless agreed otherwise.**
- 6. The Council will negotiate with a contravenor where possible or appropriate.**
- 7. The Council will deal with cases on a priority basis.**
- 8. The Council will deal with breaches of planning control in a manner which reflects the degree of harm which is, or is likely to be, caused.**
- 9. The Council will set realistic targets for implementing the process to resolve breaches of control but may have to adopt a flexible approach.**
- 10. The Council will consider deferring enforcement action whilst an application which has been invited to remedy a breach of planning control is being considered and determined.**

11. **The Council will take action if the breach of planning control is considered to be causing serious harm to public amenity in the neighbourhood of the site.**
6. Complaints in respect of an alleged contravention will normally be referred to the enforcement team (see appendix 2). The exceptions to this rule are matters relating to listed buildings, demolition of unlisted buildings in a conservation area and trees/landscaping matters. These are dealt with by the Conservation and Trees Officers respectively. Letters are acknowledged in writing within two working days. Investigations are undertaken by the relevant investigating officer.
7. Action on all complaints will be dealt with as quickly as possible. Complaints will, nonetheless, be prioritised in line with the criteria set out below.

Priorities for dealing with complaints or breaches of planning control

1. An initial site visit is normally undertaken within three working days of the receipt or referral of a complaint. The urgency of a visit within this time will depend on the perceived harm.
2. Where a full investigation is necessary, cases will then be dealt with on a priority basis. This is to ensure more serious breaches of control are dealt with effectively.
3. Cases will be prioritised by the investigating officer (and following consultation with the area team where there is any doubt) in line with the table overleaf.
4. In the event that it is unclear what priority should be given to a case, the Deputy Planning Director or the Principal Development Control Officer shall decide.

5. In cases where there is any dispute, the matter should be referred to the Chair of the Planning Committee (or in his or her absence the Vice-Chair) for their decision.

Priorities for dealing with complaints or breaches of planning control

Priority	Type of Breach	Examples	Investigation and preliminary assessment following initial site visit	Decision on need for specific procedures following initial site visit	How action is taken
HIGH	Works which are irreversible or irreplaceable	<ul style="list-style-type: none"> • damage to, or loss of, listed buildings • demolition of non-listed buildings in conservation areas • damage to, or loss of, protected trees (i.e. TPO or conservation area trees) • where highway dangers could endanger life 	Immediate, i.e. normally the same day	Immediate, i.e. normally the same day	Full evaluation of the facts and information after which any action will be taken through delegated powers
MEDIUM (Delegated authority granted)	Works, uses or activities which cause serious harm	<ul style="list-style-type: none"> • use of land and/or buildings • use of land for deposit of waste • siting of residential caravans on land • building operations where the person responsible knows permission is required but will not submit an application 	Within 10 working days	Within 28 working days	Full evaluation of the facts and information after which any formal action will be taken through delegated powers
MEDIUM (Committee authority required)	Works, uses or activities which cause harm	<ul style="list-style-type: none"> • development (other than that above) which has an adverse effect on amenity • development (other than that above) affecting the character or appearance of a conservation area • time limited permissions 	Within 10 working days	Within 28 working days	Full evaluation of the facts and information after which the item will be referred to the next possible Planning Committee meeting
LOW	Works, uses or activities, the effects of which are reversible and could be made acceptable	<ul style="list-style-type: none"> • any development which could be made acceptable by way of conditions (e.g. restrictions on hours of use, parking provision, landscaping) 	Within 15 working days	Within 28 working days	Invite an application to regularise the use before any decision on enforcement action is taken

8. The investigating officer will keep the planning teams informed of alleged breaches and seek the necessary confirmation to proceed with a recommendation to take formal action.
9. In the absence of any special factors, the instructing officer will aim to instruct, and to provide all the necessary information to, the Legal Office within five working days following the resolution or delegated decision to instigate enforcement proceedings.
10. In the absence of any special factors, the Legal Office will normally issue enforcement notices within five working days following the date when instructions are received. All notices will be expedited based on the complexity and importance of the matter. The exceptions to the usual target time are:
 - Real danger of prejudice to amenity - where this is considered likely, or there is a risk of unacceptable escalation, notices will usually be issued the same day.
 - Compassionate Cases - where there is no professional reason for expeditious action (e.g. in cases where the compliance period is lengthy (say 12 months), or where there is a real health problem which demands a more extended period before the notice takes effect. In such cases, the notice is usually issued within ten working days.
 - Landscape Planting Breach of Condition Notices (BCN's) - where the planting season is some months away, all BCN's are "batched" for service two to three months prior to the normal planting season (usually November - March) unless otherwise instructed. This achieves economy of scale and is more effective in compliance.

11. An enforcement notice cannot legally take effect until four weeks after its date of service. This allows for any appeal to be made. Its effect is further suspended while an appeal is being determined. In practice, the Legal Office normally specifies six weeks to allow for any difficulties in serving the notice. The notice will also specify a compliance period. This must be a reasonable period of time which only begins when the notice takes effect. Even if the notice is upheld on appeal, the Inspector may decide to extend the compliance period, or alter the steps required to comply with the notice.
12. We may take action if the notice is not complied with. This is normally by way of a prosecution for breach of the notice. Further action could include an injunction where we would go to Court for an Order for compliance or direct action where the Council does the work itself (e.g. demolition). The cost of this action can be charged to the owner. These methods need separate authority from Committee when the merits of such action can be discussed.
13. Where prosecutions are necessary, the Code of Public Prosecutors applies to all public authority prosecutors. Not only must there be a real prospect of securing a conviction but there must also be a clear public interest in the process of prosecution and its outcome before proceedings are commenced and continued. These are matters entirely within the discretion of the Head of Legal Services. However, in general terms, the decision to prosecute will be treated in the same way as all other enforcement action. All material considerations will be taken into account by members in committee or, if delegated, by the Planning Director after Member and Chairman consultation. Committee will be advised of the outcome.
14. Members and Parish Councils will be kept informed throughout the enforcement process. This will be achieved by:
 - Consultation with local Members, at the earliest opportunity, of those cases likely to proceed to enforcement, with reasons for those that will not.

- Where it is proposed to remedy an alleged breach of planning control by the issue of an enforcement notice, authority will be requested from the relevant committee when necessary. In cases where delay is unacceptable, delegated powers will be used following consultation with the Chairman and local members.
- In either case, any representations made by Members or Parish Councils will be reported and considered. The time for compliance should be reasonable to allow either a use to cease or be relocated or for remedial works to be completed. Where appropriate, this will involve consultation with members and local residents.
- In order to keep members aware of the progress of all enforcement cases, a quarterly update will be provided to the Planning Committee by the enforcement officers.
- Local Members and Parish Councils will be consulted on all enforcement appeals in accordance with statutory timetables.

APPENDIX 1

THE COMPLEXITY OF ENFORCEMENT ACTION

Enforcement of planning control is very complex. There is a large amount of government legislation, advice and guidance. The courts have often been required to provide judicial authority on the validity of enforcement action. An enforcement notice is a legal document and, as such, its requirements can have far-reaching consequences. In some cases, its terms may lead to homelessness, unemployment and financial hardship.

It is proper for the Council to want to remedy all unauthorised development as quickly as possible. South Cambridgeshire is an attractive area and it should remain so. But the very essence of enforcement procedures is to strike a balance between the need to protect the environment and the need to allow individuals and businesses the freedom to develop as they wish.

The legislative framework often makes for slow and cautious enforcement. There are various rules and regulations covering a range of different breaches of control. The current General Development Order for instance, is but one piece of legislation, yet it automatically confirms over 80 classes of permitted development. The Council cannot proceed with enforcement action unless it has sufficient evidence. Obtaining information on land ownership or the history of a site, for example, may involve considerable time and investigation.

In every case where there is an alleged breach of planning control, the Council must carefully consider whether the breach has actually occurred, and if so, what action is most appropriate. The degree of enforcement action must reflect the seriousness of the breach of control and all the necessary legal steps must be adhered to before a successful remedy of the breach is possible.

In a few cases, this may be achieved quickly. But in the majority of cases, this will involve both time and manpower to ensure that action when it is taken, is both effective and conclusive.

The proposed Enforcement Manual recognises the many constraints imposed by

government legislation. It establishes the necessary framework to allow appropriate action to be taken as quickly as possible.

APPENDIX 2

ADDRESSES AND CONTACTS

If you wish to report a breach of planning control or would like further help or advice about planning enforcement, please contact:

The Enforcement Team
Planning Department
South Cambridgeshire District Council
9- 11 Hills Road
CB2 1PB

Telephone: 01223 443170 or 443257

Fax: 01223 443152

e-mail: david.bacon@scambs.gov.uk or
tony.marks@scambs.gov.uk

APPENDIX 3

GLOSSARY OF TERMS

Breach of Condition Notice (BCN)

A notice served by the Local Planning Authority (LPA) when there has been a failure to comply with any condition or limitation imposed on a grant of planning permission (e.g. failure to carry out landscaping, not keeping to agreed opening hours).

Breach of Planning Control

Where development which requires planning permission has taken place, yet this permission has not been obtained.

Development

Essentially the carrying out of building and other operational works or a material change in the use of land.

Development Plan

In South Cambridgeshire this is the Cambridgeshire Structure Plan 1995, the South Cambridgeshire Local Plan 1993 and the Cambridge Green Belt Local Plan 1992.

Enforcement Notice

A notice served by the LPA to remedy an alleged breach of planning control by requiring a use to stop or building works to be removed.

General Permitted Development Order (GPDO)

Sets out various categories of development which do not require planning permission (e.g. many alterations and extensions to dwellings, certain agricultural buildings).

Injunction

Sought in the County Court or High Court to restrain any actual, or expected breach of planning control.

Material (or Relevant) Planning Considerations

Considerations which can be taken into account when deciding whether enforcement action is justified. They will include central government policy and advice (e.g. Circulars, PPGs), the development Plan (e.g. Structure and Local Plans), supplementary planning guidance (e.g. conservation area

appraisals, car parking standards) and replies to consultations with neighbours and Parish Councils.

Most objections which relate to the use of land can be a planning consideration, though they must be relevant to the breach of control being considered (e.g. the identity of the person contravening or the knowledge that they have deliberately flouted the law is not relevant).

Other issues which cannot be taken into account include breach of covenants, loss of a private view, devaluation of property, matters controlled by other legislation (e.g. fire prevention) and religious or moral issues.

Permitted Development

Development which is expressly allowed by virtue of a Government Order, the most common of which are the General Permitted Development Order and Use Classes Order.

Planning Contravention Notice (PCN)

A notice served by the LPA when it suspects there has been a breach of planning control and information is required about activities on the land or the nature of the occupiers interests in the land.

Relevant Planning Considerations

See Material Planning Considerations.

Stop Notice

A notice served in conjunction with an enforcement notice to require unauthorised activities to cease with almost immediate effect.

Use Classes Order

Lists certain changes of use which do not usually require planning permission (e.g. change of use from a restaurant to a shop, or from light industrial to offices).

Agenda Item 10

REPORT TO:

Planning Committee October 2022

LEAD OFFICER:

Joint Director of Planning and Economic Development

Enforcement Report

Executive Summary

1. On 1st October 2022 there were 139 open cases in South Cambridgeshire, compared with 142 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 September 2022 is contained in Appendices 1 and 2 to this report.

Updates to Service Delivery

Following a recruitment process being undertaken, a candidate has been offered the role of Principal Enforcement Officer Lead officer, 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, Tony Wallis has been successful in the recruitment for a Senior Planning Enforcement Officer on a permanent basis.

The second vacant Senior Planning Enforcement role had been advertised for recruitment with a closing date of 3rd October.

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

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

Vacancy
Senior Planning Compliance Officer

The Enforcement Team have gone through 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.

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: 3/10/22

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Appendix 1

Enforcement Cases Received and Closed.

Month	South Cambridgeshire						
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	LPA Total
September 2022	9	8	0	3	0	1	12
August 2022	16	4	0	4	0	4	12
July 2022	8	21	0	5	3	13	42

Quarterly Totals for Past 5 Years

Quarter	South Cambridgeshire						
	Received	No Breach	Resolved	Not Expedient	Application Approved	Other	LPA Total
Qtr 1 2022	85	26	0	19	1	21	67
Qtr 2 2022	33	33	0	12	3	18	66
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

September 2022

Reference	Ward	Parish	Address	Notice Issued
EN/01503/20	Fen Ditton & Fulbourn	Great Wilbraham CP	31 Frog End Great Wilbraham Cambridgeshire CB21 5JB	Operational Development Notice

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

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.

September 2022 – 0

August 2022 - 0

July 2022 - 2

Agenda Item 11



**South
Cambridgeshire**
District Council

Report to: Planning Committee

12 October 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 28 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
NIL	NIL	NIL	NIL	NIL	NIL

This page is left blank intentionally.

Appeals Received

Reference	Address	Details	Date Appeal lodged
22/01507/HFUL	215 Wimpole Road Barton	Demolition of conservatory and shed. Erection of two storey side extension, single storey rear extension, first floor rear extension, freestanding private gym and interconnecting undercover areas	6/9/2022
22/00664/FUL	25 Station Road Over	Subdivision of existing garden plot and the erection of a detached dwellinghouse including the stopping up of the existing driveway access and creation of new vehicular access to station road	8/9/2022
21/04742/HFUL	2 Duck End Girton	Demolition of existing garage and store, erection of single storey side and rear extension, and rear dormer and 3 front dormers (Retrospective)	19/9/2022
22/01470/FUL	135 Hereward Close Impington	Erection of 1no 1bed single storey 1-bed dwelling	19/9/2022
EN/00394/21A	16 Chalky Road Great Abington	Appeal against the erection of a building (edged in black on attached plan for identification purposes only).	20/9/2022

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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

Appendix 4

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.	Against Refusal of Permission
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.	Appeal against enforcement notice
21/03211/FUL	Land West Of Casa D Foseta St Neots Road	Erection of 2 No. dwellings and associated garages	Against Refusal of Permission
21/05101/HFUL	3 Ravensdale Landbeach	Erection of glazed porch	Against Refusal of Permission
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	Against Refusal of Permission

Appeals Pending Statement

Reference	Address	Details	Date Statement due
21/03475/FUL	Land South Of Coopers Farm Olmstead Green Castle Camps	Erection of a single dwelling	28/9/2022
21/02743/FUL	Land Rear Of 11 Bury Road Stapleford	Erection of a single storey dwelling on land to the rear of 11 Bury Road, Stapleford	28/10/2022
22/00964/PRIOR	Land And Buildings To The East Of Gage Farm Branch Road Comberton	Change of use of agricultural building to 1 No. dwellinghouse (use class C3) and associated operational development	28/10/2022
21/05251/FUL & 21/05252/LBC	46 High Street Balsham	Conversion of existing annexe into 2no 2bed flats and associated works	31/10/2022
22/01210/PRIOR	Flittons Farm 78-80 Station Road Steeple Morden	Notification for prior approval for the conversion of two agricultural buildings to 2 no. residential dwellings (Class C3)	1/11/2022

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Report to: Planning Committee

9 November 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 27 October 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)

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Appendix 1

Decisions Notified By The Secretary of State

Reference	Address	Details	Decision	Date	Planning Decision
21/05276/FUL	2 Station Road Great Shelford	Redevelopm ent to form 39 retirement living apartments for older persons including communal facilities, car parking and associated landscaping.	Allowed	4/10/2022	Non- Determination
21/02289/FUL	5 Papworths Close Over	Construction of 1 No. three bedroom Chalet Bungalow.	Dismissed	4/10/2022	Refused
21/05528/FUL	32 Fowlmere Road Foxton	Demolition of existing dwelling and erection of 4no. dwellings with associated infrastructure works	Dismissed	6/10/2022	Refused
21/02445/FUL	48 The Grip Linton	Single storey dwelling	Dismissed	6/10/2022	Refused

Appendix 1

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; redevelopme nt 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 improvement s to Cambridge Road.	Dismissed	10/10/2022	Refused
21/01339/FUL	Land To The Rear Of 53 Church Street Gamlingay	Demolition of barn and erection of dwelling with associated parking	Dismissed with costs	13/10/2022	Refused
EN/00309/22	Land To The East Of Chear Fen Boat Club Twentypence Road Cottenham	Material change of use of the land to residential use as 9 caravan pitches	Withdrawn	20/10/2022	Enforcement Notice

Appendix 1

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.	Dismissed	26/10/2022	Refused
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Appeals Received

Reference	Address	Details	Date Appeal lodged
21/00953/FUL	Former Hotel Felix Whitehouse Lane Cambridge Cambridgeshire CB3 0LX	Demolition of existing buildings and erection of a care home (Use Class C2) with external amenity space, access, parking, landscaping and other associated works	29/9/2022
22/01574/CL2PD	Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham	Certificate of lawfulness under S192 for the stationing of 2 mobile homes for residential purposes.	6/10/2022
22/01703/FUL	Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham	Change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use.	6/10/2022
EN/00309/22	Land To The East Of Chear Fen Boat Club Twentypence Road Cottenham	Material change of use of the land to residential use as 9 caravan pitches	6/10/2022
22/02960/FUL	16 Dowding Avenue Waterbeach	Erection of a 3 bedroom detached dwelling and parking on side garden of existing dwelling.	20/10/2022
21/03616/FUL	Land Rear Of 90 High Street Melbourn	Construction of a new dwelling & associated alterations to the existing site entrance	26/10/2022

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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)
21/00629/S73	Abbey Developments Ltd	Land To The North And South Of Bartlow Road Linton	Planning Decision	10/1/2023

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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
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
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
21/00629/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

Appendix 4

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
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
21/03534/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

Appendix 4

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
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

Appendix 4

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.	Against Refusal of Permission
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.	Appeal against enforcement notice
21/03211/FUL	Land West Of Casa D Foseta St Neots Road	Erection of 2 No. dwellings and associated garages	Against Refusal of Permission
21/05101/HFUL	3 Ravensdale Landbeach	Erection of glazed porch	Against Refusal of Permission
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	Against Refusal of Permission

Appendix 4

21/03475/FUL	Land South Of Coopers Farm Olmstead Green Castle Camps	Erection of a single dwelling	Against Refusal of Permission
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.	Against Refusal of Permission
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).	Against Refusal of Permission
22/00082/PRIOR	Enterprise Nurseries Ely Road Landbeach	Conversion of existing glasshouse/barn to a 6 bedroom motel	Against Refusal of Permission

Appendix 4

22/00484/FUL	Enterprise Nurseries Ely Road Landbeach	Erection of 1 No. bungalow.	Against Refusal of Permission
22/00199/PRIOR	Land At Station Road Longstanton	Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Against Refusal of Permission

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Appeals Pending Statement

Reference	Address	Details	Date Statement due
22/00964/PRIOR	Land And Buildings To The East Of Gage Farm Branch Road Comberton	Change of use of agricultural building to 1 No. dwellinghouse (use class C3) and associated operational development.	28/10/2022
21/02743/FUL	Land Rear Of 11 Bury Road Stapleford	Erection of a single storey dwelling on land to the rear of 11 Bury Road, Stapleford	28/10/2022
21/05251/FUL & 21/05252/LBC	46 High Street Balsham	Conversion of existing annexe into 2no 2bed flats and associated works.	31/10/2022
22/01210/PRIOR	Flittons Farm 78-80 Station Road Steeple Morden	Notification for prior approval for the conversion of two agricultural buildings to 2 no. residential dwellings (Class C3)	1/11/2022
21/04473/FUL	Warren Lodge Fowlmere Road Fowlmere	Erection of a machinery and store building.	7/11/2022
21/04745/FUL	41 Back Road Linton	Erection of replacement dwelling and associated garage	8/11/2022

Appendix 5

21/05689/OUT	Land To The South Of Banworth Ely Road Landbeach	Outline application for 3 dwellings with some matters reserved except for access.	15/11/2022
22/01156/FUL	Land Adj 73 High Street Little Shelford	Erection of a single storey bungalow along with associated works	15/11/2022
22/01878/PRIOR	Land At London Road Sawston	Installation of a 15.0m Phase 9 super slimline Monopole and associated ancillary works.	15/11/2022
21/04955/FUL	Land Adjacent To 55 Hillside Orwell	Erection of a detached dwelling house	15/11/2022

Appendix 5

21/02795/S73	Land East Of Highfields Road Highfields Caldecote Caldecote	Variation of condition 18 (scheme for a shared use footway/cycleway along the western side of Highfields Road) and 20 (scheme for the design and materials to be used for access and public rights of way) of planning permission S/3777/19/VC (Variation of condition 23 (water drainage scheme) of planning permission S/2510/15/OL for Outline planning permission for up to 140 residential dwellings (including up to 40% affordable housing) removal of existing temporary agricultural structures and debris introduction of structural planting and landscaping informal public open space and children's play area community orchard and allotments surface water flood mitigation and attenuation vehicular access points from Highfields Road and associated ancillary works. All matters to be reserved with the exception of the main site access)	16/11/2022
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Appendix 5

21/04971/PRIOR	Mill Lane Histon	Installation of a 16.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works	16/11/2022
20/01564/FUL	Land To The South East Of Burton End West Wickham	Mixed use of agricultural and solar farm	23/11/2022
EN/00394/21A	Land adjoining 16 Chalky Road Great Abington	Without planning permission, the erection of a building (edged in black on attached plan for identification purposes only).	24/11/2022
22/01574/CL2PD	Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham	Certificate of lawfulness under S192 for the stationing of 2 mobile homes for residential purposes.	25/11/2022

Appendix 5

22/01703/FUL	Land To The South Of Chear Fen Boat Club Twentypence Road Cottenham	Change of use of land through intensification to the stationing of caravans for residential purposes, nine dayrooms and the formation of hardstanding ancillary to that use.	25/11/2022
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